



County of Los Angeles
Chief Executive Office

COMMUNITY SERVICES CLUSTER AGENDA REVIEW MEETING

FESIA A. DAVENPORT
Chief Executive Officer

DATE: Wednesday, March 16, 2022
TIME: 3:30 p.m.

**THIS MEETING WILL BE CONDUCTED VIRTUALLY TO ENSURE THE SAFETY OF MEMBERS OF THE
PUBLIC AND EMPLOYEES AS PERMITTED UNDER STATE LAW.
TO PARTICIPATE IN THE MEETING CALL TELECONFERENCE NUMBER: (323) 776-6996 ID: 994 112 379#**

[Click here to join the meeting](#)

AGENDA

Members of the Public may address the Community Services Cluster on any agenda item by submitting a written request prior to the meeting. Two (2) minutes are allowed per person in total for each item.

1. **CALL TO ORDER**
2. **INFORMATIONAL ITEM(S):** [Any Information Item is subject to discussion and/or presentation at the request of two or more Board offices with advance notification]:
 - A. Board Letter (Animal Care and Control):
DELEGATE AUTHORITY TO ENTER INTO
LICENSE AGREEMENT FOR PROVISION OF TRAINING MATERIALS
 - B. Board Letter (Beaches and Harbors):
ACQUISITION OF OFF-HIGHWAY CAPITAL EQUIPMENT
 - C. Board Letter (Los Angeles County Development Authority):
APPROVE THE ANNUAL PLAN FOR THE LOS ANGELES COUNTY DEVELOPMENT
AUTHORITY
 - D. Board Letter (Los Angeles County Development Authority):
ASSIGNMENT OF MANAGEMENT AGREEMENT TO THE LOS ANGELES COUNTY
DEVELOPMENT AUTHORITY FOR ITS HEADQUARTERS BUILDING
 - E. Board Letter (LA County Library):
AWARD A SPECIAL TAX ADMINISTRATION SERVICES CONTRACT FOR
LA COUNTY LIBRARY SPECIAL TAX PROGRAM
 - F. Board Letter (Parks and Recreation):
AGREEMENT BETWEEN
THE COUNTY OF LOS ANGELES DEPARTMENT OF PARKS AND RECREATION
AND THE LOS ANGELES COUNTY PARKS FOUNDATION
 - G. Board Letter (Public Works):
CONSTRUCTION CONTRACT
CONSTRUCTION MANAGEMENT CORE SERVICE AREA
APPROVE PROJECT REVISIONS
APPROVE USE OF JOB ORDER CONTRACT
BALLONA CREEK TRASH INTERCEPTOR PILOT PROJECT
PROJECT NO. FCC0001350
IN THE CITY OF LOS ANGELES

- H. Board Letter (Public Works):
CONSTRUCTION CONTRACT
TRANSPORTATION CORE SERVICE AREA
ADOPT, ADVERTISE, AND AWARD CONSTRUCTION CONTRACT
ON-CALL TRAFFIC SIGNAL CONSTRUCTION
PROJECT ID NO. TDS0001782
IN VARIOUS UNINCORPORATED COMMUNITIES AND
SPLIT JURISDICTION INTERSECTIONS
IN THE LOS ANGELES BASIN AND SANTA CLARITA VALLEY
- I. Board Letter (Public Works):
CONSTRUCTION CONTRACT
TRANSPORTATION CORE SERVICE AREA
ADOPT, ADVERTISE, AND AWARD
JOB ORDER CONTRACT NOS. 6727 THROUGH 6739
PARKWAY CONCRETE MAINTENANCE AND GUARDRAIL REPLACEMENT
IN VARIOUS CITIES, UNINCORPORATED COMMUNITIES,
AND FACILITIES COUNTYWIDE
- J. Board Letter (Public Works):
CONSTRUCTION CONTRACT
WATER RESOURCES CORE SERVICE AREA
ADOPT, ADVERTISE, AND AWARD
BIG DALTON AND SAN DIMAS DAMS ACCESS IMPROVEMENTS PROJECT
PROJECT ID NO. FCC0001277
IN THE CITY OF GLENDORA
- K. Board Letter (Public Works):
CONSTRUCTION CONTRACT
WATER RESOURCES CORE SERVICE AREA
APPROVE AVENUE K TRANSMISSION WATER MAIN PHASES IIIA, IIIB, AND IIIC
ADOPT, ADVERTISE, AND AWARD
AVENUE K TRANSMISSION WATER MAIN PHASE IIIA
PROJECT ID NO. WWD4004012
IN THE CITY OF LANCASTER
- L. Board Letter (Public Works):
CONSTRUCTION-RELATED CONTRACT
PUBLIC CONTRACTING AND ASSET MANAGEMENT CORE SERVICE AREA
AWARD CONSULTANT SERVICES AGREEMENT
ON-CALL REAL ESTATE, TITLE, ACQUISITION, AND
RELOCATION ASSISTANCE SERVICES FOR FEDERAL
AND NON-FEDERAL FUNDED PROJECTS
- M. Board Letter (Public Works):
TRANSPORTATION CORE SERVICE AREA
STATE ROUTE 91/INTERSTATE 605/INTERSTATE 405
MAJOR CORRIDOR STUDY
AMENDMENT 4 TO COUNTY – GATEWAY CITIES
COUNCIL OF GOVERNMENTS AGREEMENT 76954
LOS ANGELES COUNTY – GATEWAY CITIES COUNCIL OF GOVERNMENTS
UNINCORPORATED COMMUNITIES OF WHITTIER

- N.** Board Letter (Public Works):
WATER RESOURCES CORE SERVICE AREA
LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 36, VAL VERDE
LETTER OF AGREEMENT WITH THE LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION AUTHORITY FOR THE
INTERSTATE 5 NORTH COUNTY ENHANCEMENTS PROJECT
- O.** Board Letter (Public Works):
WATER RESOURCES CORE SERVICE AREA
MEMORANDUM OF AGREEMENT
TO CONSTRUCT WELLHEAD TREATMENT FACILITY
AT SATIVA WATER SYSTEM WELL NO. 5
- P.** Board Letter (Public Works-Capital Projects) for April 5, 2022 Board agenda:
CONSTRUCTION-RELATED CONTRACT
CONSTRUCTION MANAGEMENT CORE SERVICE AREA RANCHO LOS AMIGOS SOUTH
CAMPUS SPORTS CENTER APPROVE REVISED TOTAL PROJECT BUDGET
AUTHORIZE FUNDING AGREEMENT AMENDMENT AUTHORIZE LEASE AGREEMENT
APPROVE APPROPRIATION ADJUSTMENT
SPECS. 7434; CAPITAL PROJECT NO. 69798
- Q.** Board Letter (Regional Park and Open Space District):
ALLOCATE EXCESS FUNDS AVAILABLE TO THE FIFTH SUPERVISORIAL DISTRICT
AND AUTHORIZE AWARD AND ADMINISTRATION OF AN EXCESS FUNDS GRANT TO
LOS ANGELES ARBORETUM FOUNDATION
FOR THE VISITOR PLAZA PROJECT
- R.** Board Letter (Regional Planning) for April 19, 2022 Board agenda:
HEARING ON THE DISASTER RECOVERY ORDINANCE
PROJECT NUMBER PRJ2021-002912-(1-5)
ADVANCE PLANNING CASE NUMBER RPPL2021007888
- S.** Board Letter (Regional Planning) for April 19, 2022 Board agenda:
HEARING ON THE SANTA MONICA MOUNTAINS LOCAL COASTAL PROGRAM
AMENDMENT - RAMIREZ CANYON
PROJECT NO. 2019-000224-(3)
ADVANCE PLANNING PROJECT NO. RPPL2019000396
SANTA MONICA MOUNTAINS PLANNING AREA

3. PRESENTATION/DISCUSSION ITEM(S):

- A.** Board Briefing (Regional Planning):
BUDGET PRIORITIES
Speaker: Amy Bodek
- B.** Board Briefing (Animal Care and Control):
BUDGET PRIORITIES
Speaker: Marcia Mayeda

4. PUBLIC COMMENTS (2 minutes each speaker)

5. ADJOURNMENT

BOARD LETTER/MEMO CLUSTER FACT SHEET

☒ Board Letter

☐ Board Memo

☐ Other

CLUSTER AGENDA REVIEW DATE	3/16/2022	
BOARD MEETING DATE	4/5/2022	
SUPERVISORIAL DISTRICT AFFECTED	<input checked="" type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input type="checkbox"/> 5 th	
DEPARTMENT(S)	Animal Care and Control	
SUBJECT	DELEGATE AUTHORITY TO ENTER INTO LICENSE AGREEMENT FOR PROVISION OF TRAINING MATERIALS (ALL SUPERVISORIAL DISTRICTS) (3 VOTES)	
PROGRAM	Staff training and development, Certified Animal Control Officers	
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain why:	
DEADLINES/ TIME CONSTRAINTS	The provision of training materials will commence upon the completion of the Board authorized license agreement.	
COST & FUNDING	Total cost: None	Funding source: n/a
	TERMS (if applicable): This agreement may be terminated by any party for any reason after ten (10) days written notice thereof.	
	Explanation: This is a mutually cooperative agreement and there is no exchange of funds.	
PURPOSE OF REQUEST	Approval of a license agreement to provide training materials created by DACC and the California Animal Welfare Association to elevate the knowledge of animal control officers in California and within the Department.	
BACKGROUND (include internal/external issues that may exist including any related motions)	<p>Approval of the recommended action will provide the Department's asynchronous learning curricula to the California Animal Welfare Association (CalAnimals) to assist in the training of animal control and humane officers in the State of California. Sharing these training materials will elevate the knowledge, skills, and abilities of officers in this profession and strengthen public safety and animal welfare by providing for better trained officers. It will also recognize the Department's leadership role as a best practice animal care and control agency in the State of California. Approval of the above recommendation will benefit the County by increasing the pool of Certified Animal Control Officers and by increasing the Department's currently employed officers' opportunities to meet their continuing education requirements.</p> <p>CalAnimals will also provide training modules within their library for the Department to use to teach topics not covered in the Department animal control officer academy. These modules will complete the requirements for training for Department officers to become Certified Animal Control Officers.</p>	
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how:	
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please state which one(s) and explain how:	
DEPARTMENTAL CONTACTS	Marcia Mayeda, Director, (562) 728-4610, mmayeda@animalcare.lacounty.gov . Dorothy Phillips, Staff Development Specialist, (562) 256-2408, dphillips@animalcare.lacounty.gov	



LOS ANGELES COUNTY

ANIMAL CARE & CONTROL | **redefining CARE**



Marcia Mayeda, Director

April 5, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**DELEGATE AUTHORITY TO ENTER INTO
LICENSE AGREEMENT FOR PROVISION OF TRAINING MATERIALS
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

Approval of the recommended action will provide the Department of Animal Care and Control's (Department) asynchronous learning curricula to the California Animal Welfare Association (CalAnimals) to assist in the training of animal control and humane officers in the State of California. Sharing these training materials will elevate the knowledge, skills, and abilities of officers in this profession and strengthen public safety and animal welfare by providing for better trained officers. It will also recognize the Department's leadership role as a best practice animal care and control agency in the State of California.

IT IS RECOMMENDED THAT THE BOARD:

Delegate authority to the Director of the Department of Animal Care and Control (Department) to execute a license agreement, substantially similar to Attachment A, to allow the California Animal Welfare Association (CalAnimals) to use animal control training resources created by the Department to train and certify animal control officers.

Agoura ACC
29525 Agoura Road
Agoura Hills, CA 91301
(818) 991-0071

Baldwin Park ACC
4275 N. Elton Street
Baldwin Park, CA 91706
(626) 962-3577

Carson/Gardena ACC
216 W. Victoria Street
Gardena, CA 90248
(310) 523-9566

Castaic ACC
31044 N. Charlie Canyon Rd.
Castaic, CA 91384
(661) 257-3191

Downey ACC
11258 S. Garfield Ave.
Downey, CA 90242
(562) 940-6898

Lancaster ACC
5210 W. Avenue I
Lancaster, CA 93536
(661) 940-4191

Palmdale ACC
38550 Sierra Highway
Palmdale, CA 93550
(661) 575-2888

Administrative Office
5898 Cherry Avenue
Long Beach, CA 90805
(800) 253-3555

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Department has developed a comprehensive animal control officer training academy to instruct Department officers on their roles and responsibilities. This academy consists of 21 classes totaling approximately 50 hours of instruction. This asynchronous learning was designed by internal subject matter experts who developed the content around skill gaps, industry best practices, State and local laws, and existing departmental policies and procedures. Each class was then reviewed by a designated content manager to ensure alignment with departmental standards and goals.

Each class was developed using a variety of multi-media tools (lecture, video, PDF's, quizzes) to ensure that all learning styles are supported and to create higher levels of engagement from the learner. The training will be presented to the target audience (animal control officers and humane officers) on demand online. The academy serves as a tool to certify animal control officers and humane officers, but each class also acts as standalone content that can be used to fill specific skill gaps.

CalAnimals is a nonprofit organization formed in 2018 through a merger between California's two statewide animal welfare associations: the State Humane Association of California (originally formed in 1909) and the California Animal Control Directors Association (originally formed in 1976). CalAnimal's mission is to support the success of animal welfare and sheltering organizations in meeting the needs of animals and people in their communities. CalAnimals provides support and guidance to 500 incorporated cities and all 58 counties in California, provides year-round training opportunities for animal welfare and veterinary professionals from throughout the State, and administers California's Certified Animal Control Officer program.

Through the Certified Animal Control Officer program, CalAnimals provides the required 60 hours of training needed for each officer to be certified and provides certified officers with opportunities to meet their continuing education requirement of 40 hours every three years. The Department currently employs 60 Certified Animal Control Officers.

Approval of the recommendation will benefit the County by increasing the pool of Certified Animal Control Officers and by increasing the Department's currently employed officers' opportunities to meet their continuing education requirements.

CalAnimals will also provide training modules within their library for the Department to use to teach topics not covered in the Department animal control officer academy. These modules will complete the requirements for training for Department officers to become Certified Animal Control Officers.

Implementation of Strategic Plan Goals

Approval of this agreement supports Board Strategic Plan Goal II – Foster Vibrant and Resilient Communities by supporting a public-private partnership to support the wellness of our communities with trained officers who qualify to be Certified Animal Control Officers. Approval also supports Board Strategic Plan Goal III – Realize Tomorrow's Government Today by pursuing development of our workforce and operational effectiveness.

FISCAL IMPACT/FINANCING

There is no fiscal impact to the Department. There is no fee associated with providing or receiving training materials between the Department and CalAnimals.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Animal control officers are authorized under CA Penal Code Section 830.9 to make arrests and serve search warrants within the scope of their employment if they have completed a training course prescribed by the Commission on Peace Officer Standards and Training relating to the laws of arrest and search and seizure. Department animal control officers are also authorized under Los Angeles County Code Section 10.04.055 to issue notices to appear in court under CA Penal Code Section 853.5, et seq. Department animal control officers are not authorized to take people into custody.

Animal control officers in California may also achieve the designation of Certified Animal Control Officer pursuant to CA Health and Safety Code Section 26222. Certification requires the officers to meet standards for education and training. Certified Animal Control Officer certification training includes a minimum of 20 hours of a course of training in animal care, the focus of which is the identification of disease, injury, and neglect in domestic animals and livestock.

Department Director Marcia Mayeda also currently serves as President of CalAnimals. The term limit of her presidency will expire on June 30, 2022. Her term limit on the Board of Directors will expire on June 30, 2023.

The Honorable Board of Supervisors
April 5, 2022
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IMPACT ON CURRENT SERVICES

Ensuring a well-trained animal control officer workforce is essential for public safety and animal welfare. Providing training to develop the knowledge, skills, and abilities of animal control officers is essential to maintaining a professional officer workforce. Los Angeles County's Department of Animal Care and Control is a recognized leader in the field of animal care and control and sharing the Department's training materials with CalAnimals provides the opportunity to elevate the training and professionalism of animal control officers throughout California.

CONCLUSION

Upon Board approval, the Executive Officer, Board of Supervisors, is requested to return one adopted stamped Board letter to the Department of Animal Care and Control.

Respectfully submitted,

MARCIA MAYEDA
Director

MM:rm

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Enclosures

c: Chief Executive Office
County Counsel
Executive Office, Board of Supervisors

LICENSE AGREEMENT

This License Agreement (the "Agreement") is made by and between the CALIFORNIA ANIMAL WELFARE ASSOCIATION (CalAnimals) ("Licensor"), a non-profit organization with its principal place of business at P.O. Box 249, Penn Valley, CA 95946; and the COUNTY OF LOS ANGELES ("Licensee") through the Los Angeles County Department of Animal Care and Control, with its principal place of business at 5898 Cherry Avenue, Long Beach, CA 90805.

RECITALS

A. Licensor owns all intellectual property and proprietary rights, including copyright, in and to the video, audio works titled "CalAnimals Basic Officer Academy" ("Training Material"). Training Material covers the topics of animal care, and laws and duties for animal control officers and humane officers in order to meet the training requirements as set forth in California Health and Safety Code 26222 and California Corporations Code Section 14502.

B. Licensor is a government agency that employs animal control officers pursuant to California Penal Code 830.9 and Los Angeles County Code Section Title 10.

C. Licensor desires to obtain the right to use, display, reproduce, and incorporate in whole, or in part, CalAnimals Basic Laws Academy in its in-house animal control officer academy.

D. CalAnimals is agreeable to granting a license to Licensee for use of the CalAnimals Basic Laws Academy in order to promote the parties' common goal of improving animal welfare and public safety in California.

NOW, THEREFORE, in consideration of the promises, conditions, covenants, and warranties herein contained, the parties agree as follows:

TERMS

1. The Recitals contained herein are contractual in nature and are not merely recitals.
2. Licensor hereby grants Licensee a royalty-free, non-exclusive right, license, and privilege to use, reproduce, and copy the CalAnimals Basic Laws Academy footage, in whole or in part ("License"). Licensee's use of CalAnimals Basic Laws Academy is strictly limited to those uses which are non-commercial or not-for-profit in nature. Any other uses outside of this License scope is strictly prohibited and shall require Licensor's prior written approval. In addition, Licensee shall not allow any third party to use of the CalAnimals Basic Laws Academy footage without prior written approval from Licensor.
3. Licensee shall use CalAnimals Basic Laws Academy in a manner that is not illegal, derogatory, offensive, or in a manner which disparages, harms, or negatively impacts Licensor's reputation or image.
4. Licensee shall not remove any copyright notices, County names and logos, credits, or acknowledgements from the CalAnimals Basic Laws Academy footage.
5. Should Licensee use only portions of the CalAnimals Basic Laws Academy footage, Licensee shall either provide notice to Licensor of which portions of the footage is being used or provide Licensor the right to review, approve, and reject all proposed uses of the footage at least five (5) business days before materials containing the footage is aired on broadcast television, distributed, displayed, or placed in the stream of commerce in any manner including online social media. Licensor may reject any use of the CalAnimals Basic Laws Academy footage that does not meet its approval, provided that such approval may not be unreasonably withheld.

6. All intellectual property rights, ownership, title, and interest in the CalAnimals Basic Laws Academy footage, including without limitation, any copyright, shall remain with Licensors.

7. This Agreement may be terminated by any party for any reason after ten (10) days written notice thereof. After the expiration of the 10 days notice, Licensee will no longer use the CalAnimals Basic Laws Academy footage.

8. Licensee shall defend, indemnify, and hold harmless, Licensors and its officers, agents, and employees ("Licensors Indemnitees") from and against any and all claims, demands, losses, or liabilities of any kind or nature which Licensors Indemnitees may sustain or incur as a result of or arising out of, the actions and/or inactions of Licensee, its employees, officers and agents, in connection with this Agreement and Licensee's use of the CalAnimals Basic Laws Academy footage, and will pay any costs, damages and attorney's fees incurred by Licensors. Licensee will notify Licensors promptly and in writing of any such action or claim and will permit Licensors to fully participate in the defense thereof. This paragraph shall survive termination of this Agreement.

9. Any notice required or permitted to be given by either party to the other shall be in writing and shall be deemed to have been duly given when delivered personally or sent by certified mail, return receipt requested, in a postage-paid envelope addressed to the party at the address set out below:

CALIFORNIA ANIMAL WELFARE ASSOCIATION
Jill Tucker, CAWA
Chief Executive Officer
P.O. Box 249, Penn Valley, CA 95946
(510) 525-2744

COUNTY OF LOS ANGELES
Dorothy Phillips
Staff Development Specialist
Department of Animal Care and Control
5898 Cherry Ave.
Long Beach, CA 90805

10. This Agreement constitutes the entire and only Agreement between the parties and all other prior negotiations, agreements, representations, and understandings are superseded hereby.

11. This Agreement may not be assigned by Licensee either voluntarily or by operation of law, without the prior written consent of Licensee. Consent by Licensors shall not be deemed to relieve Licensee of its obligations to comply fully with all terms and conditions of this Agreement.

12. The validity of this Agreement and of any of its terms or provisions, as well as the rights and duties of the parties hereunder, shall be governed by the laws of the State of California. By entering into this Agreement, the Licensee consents and submits to the jurisdiction of the courts of the State of California located in Los Angeles County over any action at law, suit in equity, and/or other proceeding that may arise out of this Agreement.

13. All rights not specifically granted in this Agreement are expressly reserved by each party.

14. This Agreement may be modified or waived only by a separate writing signed by both parties. No consent or waiver, express or implied, by either party of any term or condition of this Agreement, or any breach thereof, shall be construed as a consent to or waiver of such term or condition or any other term or breach thereof; nor shall any waiver of any default under this Agreement be construed as a waiver of any subsequent such default or other default.

15. The invalidity or unenforceability of any provision or portion of this Agreement shall, as far as possible, not affect the validity or enforceability of the other provisions or portions of this Agreement.

16. This Agreement may be executed in two or more counterparts or by facsimile signature (or both), each of which will be deemed to be an original, but all of which will constitute one and the same Agreement.

17. This Agreement shall become effective as of the date that the last party executes this Agreement (the "Effective Date").

18. Licensee represents and warrants that the person executing this Agreement is an authorized agent of Licensee who has actual authority to execute this Agreement on behalf of Licensors.

IN WITNESS WHEREOF, the parties hereto have caused its duly authorized representatives to execute this Agreement.

**LICENSOR,
CALIFORNIA ANIMAL WELFARE ASSOCIATION**

Signed: _____
Jill Tucker, CAWA
Chief Executive Officer

Date _____

**LICENSEE,
DEPARTMENT OF ANIMAL CARE AND CONTROL**

Signed: _____
Marcia Mayeda, CAWA
Director

Date _____

APPROVED AS TO FORM:

Office of the County Counsel
RODRIGO A. CASTRO-SILVA

Deputy

BOARD LETTER/MEMO CLUSTER FACT SHEET

☒ Board Letter

☐ Board Memo

☐ Other

CLUSTER AGENDA REVIEW DATE	3/16/2022		
BOARD MEETING DATE	4/5/2022		
SUPERVISORIAL DISTRICT AFFECTED	<input type="checkbox"/> All <input type="checkbox"/> 1 st <input checked="" type="checkbox"/> 2 nd <input checked="" type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input type="checkbox"/> 5 th		
DEPARTMENT(S)	Department of Beaches and Harbors (DBH)		
SUBJECT	Acquisition of Off-Highway Capital Equipment		
PROGRAM			
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain why:		
DEADLINES/ TIME CONSTRAINTS			
COST & FUNDING	Total cost:	Funding source:	
	\$550,000	DBH's Fiscal Year 2021-22 Final Adopted Budget	
	TERMS (if applicable):		
	Explanation:		
PURPOSE OF REQUEST	DBH is seeking Board approval to allow the Director of the Internal Services Department, as the County's Purchasing Agent, to proceed with the acquisition of an off-highway refuse truck at an estimated cost of \$550,000.		
BACKGROUND (include internal/external issues that may exist including any related motions)	DBH currently has six refuse trucks within its fleet, but the harsh marine environment and daily use causes an increased need for maintenance and repair, often leaving the Department without its full fleet. For this reason, adding an additional refuse truck to the existing fleet will allow DBH to continue full daily trash removal operations of approximately 3,500 tons of trash and debris while other refuse trucks are being repaired.		
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how:		
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please state which one(s) and explain how: This recommend action supports Board Priority No. 7, Sustainability, by ensuring DBH can continue to provide clean, safe and sanitary conditions for the public's enjoyment at County operated beaches.		
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Kenneth Foreman, Division Chief, KForeman@bh.lacounty.gov John Giles, Assistant Division Chief, JGiles@bh.lacounty.gov		



Caring for Our Coast

♦ ♦ ♦
Gary Jones
Director

Kerry Silverstrom
Chief Deputy

Amy M. Caves
Deputy Director

Carol Baker
Deputy Director

April 5, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**ACQUISITION OF OFF-HIGHWAY CAPITAL EQUIPMENT
(SUPERVISORIAL DISTRICTS 2 AND 3)
(3 VOTES)**

SUBJECT

The Department of Beaches and Harbors is seeking Board approval to allow the Director of the Internal Services Department, as the County's Purchasing Agent, to proceed with the acquisition of an off-highway refuse truck at an estimated cost of \$550,000.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the proposed action is not subject to the California Environmental Quality Act for the reasons stated in this Board Letter.
2. Authorize the Director of the Internal Services Department, as the County's Purchasing Agent, to proceed with the acquisition of an off-highway refuse truck for the Department of Beaches and Harbors, at an estimated cost of \$550,000.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Department of Beaches and Harbors (Department) manages 20 beaches spread over 61 miles of coastline. Inherent in the management of the beaches is the annual removal and disposal of approximately 3,500 tons of trash and debris. The Department has found that a refuse truck is the most efficient way of performing these functions.



The Department currently has six refuse trucks within its fleet, but the harsh marine environment and daily use causes an increased need for maintenance and repair, often leaving the Department without its full fleet. For this reason, adding an additional refuse truck to the existing fleet will allow the Department to continue full daily trash removal operations while other refuse trucks are being repaired.

Pursuant to County Policy, Board approval is required for capital equipment purchases where the unit cost is \$250,000 or greater.

Implementation of Strategic Plan Goals

Approval of the recommended action will promote and further the Board-approved Strategic Plan Goal II, Foster Vibrant and Resilient Communities, Strategy II.1.3, Make Environmental Sustainability Our Daily Reality, by ensuring the Department can continue to provide clean, safe and sanitary conditions for the public's enjoyment at County operated beaches.

FISCAL IMPACT/FINANCING

The estimated cost for the purchase of the refuse truck is \$550,000. There is sufficient funding in the Department's Fiscal Year 2021-22 Final Adopted Budget to fund the cost of the equipment. No additional net County cost is required for this acquisition.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

This request complies with the County Equipment Policy approved by your Board on October 16, 2001. This policy requires that departments obtain Board approval to purchase or finance equipment with a unit cost of \$250,000 or greater.

ENVIRONMENTAL DOCUMENTATION

The proposed action is not subject to the California Environmental Quality Act (CEQA), as it does not meet the definition of a "Project" under Section 15378 of the CEQA Guidelines.

CONTRACTING PROCESS

The acquisition of this equipment is under the statutory authority of the County Purchasing Agent. The acquisition will be competitively solicited in accordance with the standard County Purchasing policies and procedures.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Your approval will ensure that the Department of Beaches and Harbors continues to provide clean and sanitary County-owned, controlled or managed beaches for the public's enjoyment.

The Honorable Board of Supervisors

April 5, 2022

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CONCLUSION

Upon Board approval, please authorize the Executive Officer of the Board to send an adopted copy of the Board letter to the Department of Beaches and Harbors.

Respectfully submitted,

GARY JONES

Director

GJ:kf:er:nt

c: Chief Executive Office
County Counsel
Executive Officer, Board of Supervisors
Internal Services Department

BOARD LETTER/MEMO CLUSTER FACT SHEET

☒ Board Letter

☐ Board Memo

☐ Other

CLUSTER AGENDA REVIEW DATE	3/16/2022							
BOARD MEETING DATE	4/5/2022							
SUPERVISORIAL DISTRICT AFFECTED	<input checked="" type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input type="checkbox"/> 5 th							
DEPARTMENT(S)	Los Angeles County Development Authority							
SUBJECT	APPROVE THE ANNUAL PLAN FOR THE LOS ANGELES COUNTY DEVELOPMENT AUTHORITY							
PROGRAM	Public Housing and Housing Choice Voucher (HCV) Programs							
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No							
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain why:							
DEADLINES/ TIME CONSTRAINTS	NA							
COST & FUNDING	<table border="1"> <tr> <td>Total cost: NA</td><td>Funding source:</td></tr> <tr> <td colspan="2">TERMS (if applicable):</td></tr> <tr> <td colspan="2"> Explanation: Upon approval of the Annual Plan, the LACDA will receive approximately \$7,200,000 in Capital Funds Program funds from the U.S. Department of Housing and Urban Development (HUD) for management improvements, administrative costs and housing rehabilitation for the Public Housing Program. Operating funds for the Public Housing Program and administrative fees for the HCV Program will be approved through the annual budget process. </td></tr> </table>		Total cost: NA	Funding source:	TERMS (if applicable):		Explanation: Upon approval of the Annual Plan, the LACDA will receive approximately \$7,200,000 in Capital Funds Program funds from the U.S. Department of Housing and Urban Development (HUD) for management improvements, administrative costs and housing rehabilitation for the Public Housing Program. Operating funds for the Public Housing Program and administrative fees for the HCV Program will be approved through the annual budget process.	
Total cost: NA	Funding source:							
TERMS (if applicable):								
Explanation: Upon approval of the Annual Plan, the LACDA will receive approximately \$7,200,000 in Capital Funds Program funds from the U.S. Department of Housing and Urban Development (HUD) for management improvements, administrative costs and housing rehabilitation for the Public Housing Program. Operating funds for the Public Housing Program and administrative fees for the HCV Program will be approved through the annual budget process.								
PURPOSE OF REQUEST	The Annual Plan identifies major program policies and financial resources. It updates information on housing needs, waiting lists, housing strategies, program policy changes and other program and management data. The Annual Plan must be updated each year and was last approved by your Board on March 23, 2021.							
BACKGROUND (include internal/external issues that may exist including any related motions)	<p>On October 21, 1998, the Quality Housing and Work Responsibility Act mandated Public Housing Agencies to submit an Annual Plan every year and a Five Year Plan every five years to HUD.</p> <p>The Five-Year Plan is a strategic planning document that identifies the LACDA's goals for the next five years. On June 23, 2020, your Board approved the current Five-Year Plan for Fiscal Years 2020-2024.</p>							
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how:							
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please state which one(s) and explain how:							

DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Tracie Mann, Chief of Operations (626) 586-1553 tracie.mann@lacda.org Emilio Salas, Executive Director (626) 586-1500 emilio.salas@lacda.org
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April 5, 2022

Honorable Board of Commissioners
Los Angeles County Development Authority
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Commissioners:

**APPROVE THE ANNUAL PLAN FOR THE LOS ANGELES COUNTY
DEVELOPMENT AUTHORITY
(ALL DISTRICTS) (3 VOTE)**

SUBJECT

This letter recommends approval of the Los Angeles County Development Authority's (LACDA) Annual Plan for Fiscal Year 2022-2023 (Annual Plan). The Annual Plan updates the LACDA's program goals, major policies, and financial resources. Submission of the Annual Plan is required by the U.S. Department of Housing and Urban Development for receipt of Capital Fund Program funds, operating funds for the Public Housing Program, and administrative fees for the Housing Choice Voucher (HCV) Program.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the activities in the attached Annual Plan, as described herein, are not subject to the provisions of the California Environmental Quality Act (CEQA), because they will not have the potential for causing a significant effect on the environment.
2. Approve the attached Annual Plan, as required by the U.S. Department of Housing and Urban Development (HUD), to update the LACDA's program goals, major policies and financial resources, including the Capital Fund Program (CFP) Annual Statement information, the Admissions and Continued Occupancy Policy for the Public Housing Program (ACOP), and the HCV Administrative Plan.

3. Adopt and instruct the Chair to sign the attached Resolution approving the Annual Plan for submission to HUD and authorize the Executive Director or his designee to take all actions required for implementation of the Annual Plan.
4. Authorize the Executive Director or his designee to execute all documents required to receive HUD allocated CFP funds which are estimated to be approximately \$7,200,000.
5. Authorize the Executive Director or his designee to incorporate into the Annual Plan all public comments received and approved for inclusion by your Board; and authorize the Executive Director or his designee to submit the Annual Plan to HUD by April 17, 2022.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On October 21, 1998, the Quality Housing and Work Responsibility Act (QHWRA) mandated Public Housing Agencies to submit an Annual Plan every year and a Five Year Plan every five years to HUD.

The Five-Year Plan is a strategic planning document that identifies the LACDA's goals for the next five years. On June 23, 2020, your Board approved the current Five-Year Plan for Fiscal Years 2020-2024.

The Annual Plan identifies major program policies and financial resources. It updates information on housing needs, waiting lists, housing strategies, program policy changes and other program and management data. The Annual Plan must be updated each year and was last approved by your Board on March 23, 2021.

FISCAL IMPACT/FINANCING

There is no impact on the County general fund. Upon approval of the Annual Plan, the LACDA will receive approximately \$7,200,000 in CFP funds from HUD for management improvements, administrative costs and housing rehabilitation for the Public Housing Program. Operating funds for the Public Housing Program and administrative fees for the HCV Program will be approved through the annual budget process.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Included as part of the Annual Plan are the updated CFP Annual Statement, ACOP, and the HCV Program Administrative Plan. Significant changes to these documents are discussed below.

Capital Fund Annual Statement

The Fiscal Year 2022-2023 Capital Fund Annual Statement summarizes the LACDA's plan to use modernization funds for management improvements, administrative costs and to rehabilitate 1,870 housing units at 15 Public Housing Program developments. Included are proposed work items, estimated costs, and an implementation schedule for the work to be completed.

As authorized by HUD, the Executive Director may amend the CFP Annual Statement as necessary to respond to needs such as housing emergencies, to safeguard property or protect health and safety, or to implement other changes that are in the interests of the LACDA and Public Housing residents. The Executive Director may also implement changes to the CFP Annual Statement in response to changes in federal funding.

Admissions and Continued Occupancy Policy and Lease Agreement for the Public Housing Program

The purpose of the ACOP for the Public Housing Program is to set guidelines to determine eligibility for admission and continued occupancy. The revised Public Housing ACOP reflects the following changes:

1. Expansion of Waiting List Jurisdiction

Currently, In-Jurisdiction applicants only include applicants that live and/or work in unincorporated Los Angeles County, with one exception. Long Beach residents are considered In-Jurisdiction for the Carmelitos Public Housing development, under the current Memorandum of Understanding (MOU) with the Housing Authority of the City of Long Beach. All other applicants that live and/or work in other Housing Authority jurisdictions in the County of Los Angeles with active traditional and non-Public Housing rental assistance programs are considered Out-Of-Jurisdiction and generally will not be served.

Now, "families/elderly families who live and/or work in unincorporated Los Angeles County" will change to "families/elderly families who live and/or work in unincorporated Los Angeles County - or who live in Los Angeles County and not covered by another PHA Public Housing program". This will expand LACDA's preference to incorporate applicants who live in the County that do not currently have a reasonable chance of accessing Public Housing. This would require establishing MOU's with 15 other Los Angeles County PHAs, and an updated MOU with Long Beach so that Long Beach residents would be considered In-Jurisdiction for Public Housing outside of Carmelitos.

2. Conducting Annual Reexaminations Online Only

Currently, the LACDA, at its own discretion conducts family annual re-examination interviews by mail or in person.

As of July 1, 2022, the LACDA will require that families conduct their annual reexamination online via the LACDA's online portal, referred to as the Yardi Rent Café Portal.

For families who have language barriers and/or need assistance in accessing the online system, the LACDA will provide accommodations as necessary to ensure that the family can submit the required information and documents through the online system. For people limited by a disability, the LACDA will engage in any necessary discourse to identify other reasonable alternatives to address the needs of the person that is limited by the disability to ensure that the annual reexamination requirement is fulfilled.

3. Transitional Aged Youth (TAY) Preference

Currently, the LACDA does not have a TAY preference, but did have one in the past to support a limited number of TAY households.

Now, the policy will establish a maximum of five households per development at the Carmelitos, Harbor Hills, Nueva Maravilla, and South County (20 max) housing developments. Because on-site services are reduced, we would work with the Department of Children and Family Services (DCFS) to ensure services are available beyond TAY program participation. Applicants would be referred to LACDA by a Joint Powers Authority, County Agency, or Community Based Organization with a contract or MOU with the LACDA (e.g. DCFS).

4. Additions to the Lease

Currently, the LACDA allows the following persons to be added to the lease (same as Administrative Plan):

- Spouse/marital-type partner and the minor children of that person
- Minor child of the head of household, co-head, spouse/marital-type partner who has been living elsewhere
- Adult child due to recent discharge from the military
- A disabled adult parent or child of the head of household/co-head who requires disability-required care.

Now, the LACDA will add the following:

- Former household members may be considered for reinstatement within 120 days after their move out. Former household members must have left in good standing and are subject to criminal background screening and suitability requirements.
- Former household members that were removed from the household while attending an educational institution may be reinstated upon completion of their education program, with verification. Written verification from the registrar's office will be required. Verification must include ongoing and consecutive enrollment status or an approved and/or authorized leave per the educational institution, or evidence of completion. Former member must have left in good standing and are subject to criminal background screening and suitability requirements.

Housing Choice Voucher (Section 8) Program Administrative Plan

The purpose of the HCV (Section 8) Program Administrative Plan is to set forth the policies and procedures that govern the LACDA's administration of its rental assistance programs. The revised Section 8 Program Administrative Plan reflects the following changes:

1. Setting and Applying Payment Standards

Currently, the Administrative Plan is limited to only the administrative requirements for reviewing and setting the required payment standard schedule.

Given the LACDA's adoption of exception payment standard schedules for multiple programs and under reasonable accommodation, the Administrative Plan will now include HUD's permissible Payment Standard exceptions and each exception's regulatory requirements.

As required by HUD, the Administrative Plan will now include the LACDA's policies and procedures for when there are changes in the payment standard. When the LACDA revises the payment standard during the term of the Housing Assistance Payments (HAP) contract for a family's rental unit, the LACDA will apply the payment standard in accordance with HUD requirements.

As directed by HUD under the implementation of the HCV Mobility Demonstration Program for Fiscal Year 2022-2023, the LACDA may adopt the use of Small Area Fair Market Rents (SAFMR) in select opportunity areas. Discretionary policies governing the SAFMR will be made in consultation and under the approval of HUD.

2. Rent Reasonableness Determinations

Currently, as part of the rent reasonableness determination process, Section 8 program regulation requires the LACDA to have owners certify that the rent charged to the family is not more than the rent charged for other unassisted comparable rental units. To do so, the LACDA requires an owner to submit an entire rent ledger, also referred to as a rent roll, when the subject rental unit is in a building with two or more rental units.

To streamline the process, the LACDA will no longer require an owner to submit an entire rent ledger when the subject rental unit is in a building with two or more rental units. Instead, if the rental unit is located in a multifamily property (defined by HUD as consisting of five or more units on the premises), the owner will be required to provide information on their three most recently leased unassisted rental units of like or similar characteristics to the subject rental unit. This streamlined process is consistent with HUD's request for information via the Request for Tenancy Approval form.

To facilitate the collection of the information, the LACDA will require that owners submit the necessary information via the LACDA's Request for Tenancy Approval and Rent Increase forms. In the case of a HUD or LACDA required action, the LACDA reserves the right to request more information from the owner anytime a determination or re-determination of rent reasonableness is necessary at the commencement, or during the term of the HAP Contract.

3. Conducting Annual Reexaminations Online Only

Currently, the LACDA, at its own discretion conducts family annual re-examination interviews by mail or in person.

The LACDA will now require that families conduct their annual reexamination online via the LACDA's online portal, referred to as the Yardi Rent Café Portal.

For families who have language barriers and/or need assistance in accessing the online system, the LACDA will provide accommodations as necessary to ensure that the family can submit the required information and documents through the online system. For people limited by a disability, the LACDA will engage in any necessary discourse to identify other reasonable alternatives to address the needs of the person that is limited by the disability to ensure that the annual reexamination requirement is fulfilled.

4. Family Unification Program

Currently, the LACDA administers the Family Unification Program (FUP) in partnership through an MOU with DCFS, who are responsible for referring FUP families and youths to the LACDA for rental assistance. As of March 1, 2022, the

LACDA, in partnership with DCFS, will administer Foster Youth to Independence (FYI) vouchers.

To bring transparency to the FUP program administration and include the administration of the FYI vouchers, the LACDA has now included the following clarifications and policies in its FUP Chapter 18:

- **Waiting List Administration:** Included the referral process and applicant placement and selection from the waiting list.
- **Eligibility:** Clarified that DCFS certifies eligibility of selected families and youths and refers them to the LACDA for rental assistance eligibility determination under the Section 8 HCV program's requirements.
- **Denial of Participation:** Clarified that the family must remain FUP-eligible from the referral phases through lease-up.
- **Voucher Issuance:** Clarified that the bedroom size voucher to be issued to the FUP household will be based upon the number of family members, including the minor children who are to be reunified with the family.
- **Termination of Assistance and Tenancy:** Clarified that FUP rental assistance issued to an emancipated youth is limited to a maximum of 36 months. And clarified that, if the case plan has been changed, and re-unification of the family may not occur within a reasonable time period, as per verification received from the DCFS, the family may be terminated from the FUP.

5. Implementation of the Housing Choice Voucher Mobility Demonstration Program

In April of 2021, HUD announced that the LACDA in partnership with the Housing Authority of the City of Los Angeles (the PHAs) were selected to participate in the national HCV Mobility Demonstration Program. The LACDA was awarded 37 vouchers and has committed to use 19 turn-over HCVs for families under the program. In addition, 594 currently participating HCV program families with at least one child aged 17 and under will be selected at random and invited to participate. The program HCV Mobility Demonstration duration is five years.

The HCV Mobility Demonstration builds upon recent research that shows growing up in neighborhoods with lower levels of poverty improves children's academic achievement and long-term chances of success and reduces intergenerational poverty. The HCV Mobility Demonstration will support the PHAs in addressing barriers to accessing housing choices by offering mobility-related services to increase the number of voucher families with children living in opportunity areas.

In addition to offering mobility-related services, participating PHAs will work together in their regions to adopt administrative policies that further enable housing

mobility, increase landlord participation, and reduce barriers for families to move across PHA jurisdictions through portability.

Administrative policies will include, but are not limited to the following:

- Adopt the required waiting list preference and update the PHA Plan and Administrative Plan to incorporate the preference.
- Work together with HUD to finalize mobility-related services, opportunity areas, and other components of the demonstration.
- Work with HUD to adopt adequate payment standards in opportunity areas; and
- Sign an MOU and a performance standards agreement with HUD to indicate agreement with the finalized program design, services, opportunity areas, and other components of the demonstration.

In anticipation of HUD's tentative August 2022 program implementation date, and for public transparency, the LACDA has reserved and made the appropriate HCV Program Mobility Demonstration notations in the following sections of its Administrative Plan:

- Section 4.3.2 Targeted Funding: The inclusion of the administration of the Mobility Demonstration Voucher Program as a targeted category.
- Section 4.4. Local Preference: Mobility Demonstration Voucher Program will be listed as local preference #3. The admissions preference will be limited to families with at least one child aged 17 and under that live in census tracts with a family poverty rate of 30 percent or higher.
- Section 4.4.1 Other Preferences and Section 1.3 Addition of Programs: New sections to disclose HUD required LACDA actions and approvals when the LACDA must provide certain preferences or target certain populations as a condition of receiving funding, or if specific preferences or targeting is required to meet the conditions of a particular Annual Contributions Contract (ACC) or HUD grant.
- Chapter 23: New chapter that will include the Mobility Demonstration Program's administrative policies and mobility related services.

Given HUD's tentative implementation date, and as provided by the HCV Program Administrative Plan regulations and new section 1.3 Addition of Programs, the LACDA will implement the applicable policies and procedures as required by HUD's HCV Mobility Demonstration for participation in the program (and as may hereby be approved by your Board) into this plan as if they were originally set forth herein. Specifics on the program will be added to the HCV Program Administrative Plan by no later than the next scheduled revision.

The Administrative Plan, ACOP and Public Housing Lease Agreement include language changes that are statutory, regulatory, and/or clarify existing policy.

Section 24 of the Code of Federal Regulations, Part §903.17, requires a public hearing to approve the Annual Plan. Copies of the Annual Plan were made available for review and comment during a public review and comment period from December 21, 2021 to February 04, 2022 at seven housing developments, LACDA administrative offices, and the LACDA website. Notices of the availability of the documents and the Board meeting date were also published in newspapers of general circulation during the public comment period. On March 16, 2022, the Housing Advisory Committee recommended approval of the Annual Plan.

The Summary of Public Outreach regarding the Annual Plan, a list of the seven Public Housing Program developments and the Annual Plan, are provided as Attachments, A, B, and C, respectively.

The Resolution approving the Annual Plan for submission to HUD, provided as Attachment D, has been approved as to form by County Counsel. At the conclusion of the Public Review and Comment period, the LACDA will provide to your Board all public comments pertaining to the Annual Plan. Public comments approved by your Board will be incorporated into the Annual Plan and submitted to HUD.

ENVIRONMENTAL DOCUMENTATION

These activities are exempt from the provisions of the National Environmental Policy Act (NEPA) pursuant to 24 Code of Federal Regulations, Part 58, Section 58.34 (a)(1), because they involve planning activities that will not have a physical impact on or result in any physical changes to the environment. The activities are also not subject to the provisions of CEQA pursuant to State CEQA Guidelines 15060(c)(3) and 15378, because they are not defined as a project under CEQA and do not have the potential for causing a significant effect on the environment.

Prior to implementation of any particular project, an Environmental Service Request will be submitted to the LACDA's Environmental Services Unit for review. Each project will receive an environmental clearance in accordance with CEQA Guidelines and NEPA regulations before proceeding with the project.

IMPACT ON CURRENT PROGRAMS

Submission of the Annual Plan is required by HUD for the receipt of CFP funds and for the continuation of the Public Housing and HCV Programs.

Respectfully submitted,

Honorable Board of Commissioners
April 5, 2022
Page 10

EMILIO SALAS
Executive Director

Enclosures

Attachment A

Summary of Public Outreach

Section 511 of the QHWRA instructs every Public Housing Agency to convene one or more Resident Advisory Boards (RABs) to assist and make recommendations on the development of the Annual Plan, as well as on any significant amendments or modifications. Public Housing Program residents and HCV Program participants were invited to participate on the RAB to learn about programs included in the Annual Plan and to provide input.

Summary of RAB Activities

Public Housing Program

- On November 19, 2021, the LACDA mailed out an invitation to all Resident Council members to attend the December 2021, RAB meeting.
- Phone calls to each RAB member were done informing and inviting them to the RAB meeting.
- Transportation was provided to RAB members to attend the RAB meeting.
- Translation services in Russian were provided to one RAB member.
- 10 Resident Council members volunteered to participate in the development of the Annual Plan.
- Because of office closures and restrictions on gathering in Los Angeles County due to Covid-19, the LACDA's regular annual RAB meetings were held with restrictions to ensure compliance with COVID-19 safety protocols. In addition to limited in-person meetings, individual telephone calls were made, and conversations held with as many RAB members as possible.

Section 8

- An ongoing RAB recruitment is published on the LACDA website.
- The July 2021 and October 2021 issue of Tenant Talk Newsletter advertised the RAB to all Section 8 program participants.
- 12 RAB members volunteered to participate in the development of the Annual Plan.
- Because of office closures and restrictions on gathering in Los Angeles County due to the Covid-19 pandemic, the LACDA's regular annual RAB meetings were not held in person. In lieu of the in-person meetings, and to accommodate the LACDA's the RAB members, the LACDA held its annual RAB meeting via a ZOOM conference call. Calls were made in advance to the LACDA's RAB to ensure RAB members would be able to attend the RAB meeting remotely.

Other Outreach Activities

- In September 2021 and email to stakeholders was sent requesting policy or program changes.

- A summary of the RAB comments and LACDA responses are included in Attachment A of the Annual Plan.
- As needed, translators are made available during the Public Housing and Section 8 RAB meetings.
- In December 2021, a public notice was posted to all Public Housing residents notifying them of the Public Review and Comment Period.
- In December 2021, an email to stakeholders and participating cities was sent announcing the commencement of the Public Review period and inviting them to comment.
- In December 2021, a public notice announcing the Public Review and Comment Period was published in the Los Angeles Times, La Opinion, the Daily News, Los Angeles Sentinel, the Daily Breeze, and the Long Beach Press Telegram.
- In February 2022, a revised public notice announcing the rescheduling of the LACDA's Public Hearing for its FY 2022-2023 Annual Plan was published in the Los Angeles Times, La Opinion, the Daily News, Los Angeles Sentinel, the Daily Breeze, and the Long Beach Press Telegram.
- In February 2022, an email to the LACDA's RAB was sent announcing the rescheduling of the LACDA's Public Hearing for its FY 2022-2023 Annual Plan.
- During the Public Review and Comment Period, the Annual Plan was made available at 7 housing developments, the LACDA Administrative Office in Alhambra, the Section 8 Palmdale office and the LACDA website.
- Summaries of the Annual Plan were available during the Public Review and Comment Period in Russian, Spanish and Chinese at the above locations and on the LACDA's website.
- Information regarding the RAB and the Annual Plan is published annually in the Section 8 Tenant Talk newsletter.

Attachment B

<u>Housing Development</u>	<u>Address</u>	<u>District</u>
1. Nueva Maravilla	4919 E. Cesar Chavez Los Angeles, CA 90022	1
2. South Scattered Sites Management office	12721 Central Avenue Los Angeles, CA 90059	2
3. Orchard Arms	23520 Wiley Canyon Rd Valencia, CA 91355	5
4. Francisquito Villa	14622 Francisquito Ave La Puente, CA 91746	1
5. Marina Manor	3405 Via Dolce Marina Del Rey, CA 90292	3
6. Carmelitos Family	700 Via Wanda Long Beach, CA 90805	4
7. Harbor Hills	26607 S. Western Avenue Lomita, CA 90717	4

BOARD LETTER/MEMO CLUSTER FACT SHEET

☒ Board Letter

☐ Board Memo

☐ Other

CLUSTER AGENDA REVIEW DATE	3/16/2022	
BOARD MEETING DATE	4/5/2022	
SUPERVISORIAL DISTRICT AFFECTED	<input checked="" type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input type="checkbox"/> 5 th	
DEPARTMENT(S)	Los Angeles County Development Authority	
SUBJECT	ASSIGNMENT OF MANAGEMENT AGREEMENT TO THE LOS ANGELES COUNTY DEVELOPMENT AUTHORITY FOR ITS HEADQUARTERS BUILDING	
PROGRAM	Administration	
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	If Yes, please explain why:	
DEADLINES/ TIME CONSTRAINTS	Assignment required before termination of lease on April 7, 2022.	
COST & FUNDING	Total cost: \$500,000	Funding source: Program funds included in the LACDA's approved Fiscal Year 2021-2022 budget and proposed 2022-2023 budget
	TERMS (if applicable): Up to \$400,000 to fund Management Agreement through 7/31/2022, and up to \$100,000 to extend an additional month to 8/31/2022 if needed.	
	Explanation:	
PURPOSE OF REQUEST	With the refinancing expected to be approved by the Board on 3/15/2022, the LACDA will take ownership of its headquarters building. The Management Agreement with Cushman & Wakefield U.S., Inc. (Cushman) for property management services must be assigned from Community Development Properties Los Angeles County, Inc. (CDPLAC), the current owner of the building, to the LACDA.	
BACKGROUND (include internal/external issues that may exist including any related motions)	CPDLAC and Cushman have agreed to assign the Agreement from CDPLAC to the LACDA until the LACDA issues a formal solicitation for ongoing property management services of its headquarters. The assignment will take effect on April 7, 2022, which is the anticipated date for the LACDA to terminate its lease with CDPLAC through July 31, 2022. The LACDA will return to the Board for approval of a contract upon completion of the procurement process.	
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how:	
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please state which one(s) and explain how:	
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Matthew Fortini, Director, (626) 586-1890 Matthew.Fortini@lacda.org	

April 5, 2022

Honorable Board of Commissioners
Los Angeles County Development Authority
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Commissioners:

**AMENDMENT TO MANAGEMENT AGREEMENT FOR THE LOS ANGELES COUNTY
DEVELOPMENT AUTHORITY HEADQUARTERS BUILDING
(ALL DISTRICTS) (3 VOTE)**

SUBJECT

This letter recommends approval of the Fourth Amendment (Amendment) to the Management Agreement (Agreement) with Cushman & Wakefield U.S., Inc. (Cushman) for the management of the Los Angeles County Development Authority's (LACDA) headquarters at 700 West Main Street in Alhambra. The Amendment will assign the Agreement from Community Development Properties Los Angeles County, Inc. (CDPLAC) to the LACDA.

IT IS RECOMMENDED THAT THE BOARD:

1. Approve and authorize the Executive Director or his designee to execute the Amendment to the Agreement with Cushman, and to fund the Agreement through July 31, 2022 with up to \$330,000 included in the LACDA's approved Fiscal Year 2021-2022 budget and proposed Fiscal Year 2022-2023 budget.
2. Authorize the Executive Director to extend the Agreement on a month-to-month basis as needed, using up to \$XX,XXX per month to be included for this purpose in the LACDA's proposed Fiscal Year 2022-2023 budget.

3. Find that approval of the Amendment, as described herein, is not subject to the provisions of the California Environmental Quality Act (CEQA), because it will not have the potential for causing a significant effect on the environment.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

In 2012, the LACDA moved its headquarters to a newly constructed office building at 700 West Main Street in Alhambra. The LACDA rents the building from CDPLAC, a non-profit entity created in 2011 to issue bonds for the development and construction of the building. CDPLAC contracts with Cushman for property management services.

On March 15, 2022, the Board authorized the issuance and sale of LACDA General Revenue Refunding Bonds, 2022 Series on a tax-exempt basis with a not to exceed par amount of \$33 million to refinance the bonds issued by CDPLAC in 2011. This refinancing will allow the LACDA to take ownership of the headquarters building, perform upgrades and renovations, and reduce ongoing costs.

The proposed Amendment to the Agreement with Cushman will assign the Agreement from CDPLAC to the LACDA. The assignment will take effect on April 7, 2022, which is the anticipated date for the LACDA to terminate its lease with CDPLAC. The term of the amended Agreement with Cushman will be through July 31, 2022, during which time the LACDA intends to conduct a competitive procurement for ongoing property management services. The LACDA will return to the Board for approval of a contract upon completion of the procurement process.

FISCAL IMPACT/FINANCING

There is no impact on the County general fund. The cost of the remaining term of the Agreement through July 31, 2022 will not exceed \$330,000, to be paid using funds included in the LACDA's approved Fiscal Year 2021-2022 budget and proposed Fiscal Year 2022-2023 budget. If necessary, the Agreement may be extended on a month-to-month basis at a monthly cost not to exceed \$XX,XXX.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The original Agreement between CDPLAC and Cushman was entered in 2012 and subsequently amended in 2016, 2018, and 2021. This proposed Fourth Amendment will assign the Agreement from CDPLAC to the LACDA, as permitted under the terms of the Agreement.

The Amendment is attached in substantially final form. It has been approved as to form by County Counsel, and will take effect on April 7, 2022, concurrently with the LACDA's termination of its lease with CDPLAC.

The Honorable Board of Commissioners

April 5, 2022

Page 3

During the remaining term of the Agreement, Cushman will continue to provide property management services for the LACDA's headquarters, including building and landscape maintenance, janitorial, security, and rubbish removal.

ENVIRONMENTAL DOCUMENTATION

This Amendment to the Management Agreement for the LACDA headquarters building is exempt from the provisions of the National Environmental Policy Act pursuant to 24 Code of Federal Regulations, Part 58, Section 58.34(a)(3) because it involves administrative activities that will not have a physical impact or result in any physical changes to the environment. The action is not subject to the provisions of CEQA pursuant to State CEQA Guidelines 15060(c)(3) and 15378(b) because it is not defined as a project under CEQA and does not have the potential for causing a significant effect on the environment.

IMPACT ON CURRENT PROGRAMS

The amended Agreement will allow for the continued operation and maintenance of the LACDA's headquarters building.

Respectfully submitted,

EMILIO SALAS
Executive Director

Enclosures

**FOURTH AMENDMENT
TO MANAGEMENT AGREEMENT**

This FOURTH AMENDMENT TO MANAGEMENT AGREEMENT (“**Amendment**”) is made as of March _____, 2022, by COMMUNITY DEVELOPMENT PROPERTIES LOS ANGELES COUNTY, INC., a California nonprofit corporation (“**Owner**”), CUSHMAN & WAKEFIELD U.S., INC., a Missouri corporation (“**Manager**”) and LOS ANGELES COUNTY DEVELOPMENT AUTHORITY (LACDC) (“**Assignee**”). (Assignee together with Owner and Manager, collectively the “**Parties**” and each a “**Party**”).

RECITALS

A. Manager’s predecessor-in-interest and Owner entered into a certain Management Agreement dated June 29, 2012 (“**Original Agreement**”), as amended by that certain First Amendment to Management Agreement dated August, 2016 (“**First Amendment**”), and by that certain Second Amendment to Management Agreement dated February 6, 2018 (“**Second Amendment**”), and by that certain Third Amendment to Management Agreement dated January 1, 2021 (“**Third Amendment**”), with respect to real property commonly known as Alhambra Headquarters and located at 700 West Main Street, Alhambra, California (the “**Property**”). The Original Agreement, First Amendment, Second Amendment and Third Amendment shall be collectively referred to herein as the “**Agreement**”.

B. Owner will be transferring ownership of the Property to Assignee, the closing of which is estimated to occur on April 7, 2022.

C. Owner desires to assign the Agreement to Assignee as of the date that Assignee becomes the owner of the Property, which is estimated to occur on April 7, 2022. Assignee desires to assume all of Owner’s interest in the Agreement, subject to the terms and conditions set forth herein. Manager consents to such assignment, acceptance and assumption.

D. The parties desire to (i) extend the term of the Agreement and (ii) reflect the assignment of the Agreement from Owner to Assignee.

E. All capitalized terms used herein but not defined shall have the meanings given to such terms in the Agreement.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and conditions contained in this Amendment, the parties agree as follows:

1. Assignment and Consent. The parties agree that Owner hereby assigns, transfers and sets over unto Assignee all of Owner’s right, title and interest in the Agreement from and after the date that Assignee has closed on the acquisition of the Property from Owner (“**Closing Date**”), which is estimated to occur on April 7, 2022 (“**Effective Date**”). Notwithstanding the foregoing, this Amendment shall become null and void if the Closing Date has not occurred by May 15, 2022. Assignee hereby accepts the foregoing assignment of all of Owner’s right, title and interest in, to and under the Agreement and agrees to pay, perform and discharge, as and when due, all of the duties and obligations of Owner under the Agreement which arise from and after the Effective Date, subject to the terms and conditions hereof. Owner represents and warrants to Assignee and to Manager that the Agreement is in full force and effect, and that Owner is not in default thereunder. Manager hereby consents to such assignment and assumption of the Agreement. Neither this assignment, nor the consent of Manager, shall release Owner from any liability or from any of Owner’s obligations or duties under the Agreement arising on or before the Effective Date.

2. Continued Term. The parties agree that the term of the Agreement shall be extended up through and including July 31, 2022 (“**New Expiration Date**”). At the end of the New Expiration Date, this Agreement shall automatically be renewed and extended on a month-to-month basis without further written agreement unless either party provides written notice to the other that the Agreement shall terminate at the expiration of thirty (30) days; provided, however, in no event shall the Agreement be automatically renewed or extended beyond August 31, 2022 without a written amendment executed by all parties.

3. Notices. Manager’s address for notices shall be updated as follows:

If to Manager: Cushman & Wakefield U.S., Inc.
900 Wilshire Boulevard, Suite 2400
Los Angeles, CA 90017
Attention: Asset Services, City Lead

With a copy to: Cushman & Wakefield U.S., Inc.
575 Maryville Centre Drive, Suite 500
St. Louis, MO 63141
Attention: Marla Maloney

And to: Cushman & Wakefield U.S., Inc.
225 W. Wacker Drive, Suite 3000
Chicago, IL 60606
Attention: Legal Department

4. Construction. Except as modified in this Amendment, the terms and provisions of the Agreement are hereby ratified and confirmed and shall remain in full force and effect. Should any inconsistency arise between this Amendment and the Agreement as to the specific matter(s) which is/are the subject of this Amendment, the terms and conditions of this Amendment shall control. This Amendment shall be construed to be a part of the Agreement and shall be deemed incorporated in the Agreement by this reference.

5. Miscellaneous. This Amendment may be signed and delivered (including by facsimile, "pdf" or other electronic transmission) in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Amendment. The individuals signing this Amendment represent that they are authorized signatories.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first written above.

"OWNER"

COMMUNITY DEVELOPMENT PROPERTIES
LOS ANGELES COUNTY, INC.,
a California nonprofit corporation

By: _____

Name: _____

Title: _____

"ASSIGNEE"

LOS ANGELES COUNTY DEVELOPMENT
AUTHORITY

By: _____

Name: Emilio Salas

Title: Executive Director

"MANAGER"

CUSHMAN & WAKEFIELD U.S., INC.,
a Missouri corporation

By: _____

Name: _____

Title: _____

BOARD LETTER/MEMO CLUSTER FACT SHEET

☒ Board Letter

☐ Board Memo

☐ Other

CLUSTER AGENDA REVIEW DATE	3/16/2022	
BOARD MEETING DATE	4/5/2022	
SUPERVISORIAL DISTRICT AFFECTED	<input checked="" type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input type="checkbox"/> 5 th	
DEPARTMENT(S)	LA County Library	
SUBJECT	Award a Contract for Special Tax Administration Services for LA County Library's Special Tax Program	
PROGRAM	County Library	
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain why:	
DEADLINES/ TIME CONSTRAINTS	To meet County Assessor deadlines for assessment of property tax roll, the contract must be executed by April 5, 2022.	
COST & FUNDING	Total cost: \$129,124	Funding source: Special Tax revenue
	TERMS (if applicable): (4) years, with one (1) one-year renewal options, and month-to-month extensions not to exceed a total of six (6) months	
	Explanation:	
PURPOSE OF REQUEST	Approve and instruct the Chair to sign the proposed contract with Harris & Associates, Inc. to provide special tax program administration services to LA County Library (Library) at a total contract cost not to exceed \$129,124 for a four-year term, with one one-year renewal and six month-to-month extension options, effective upon board approval.	
BACKGROUND (include internal/external issues that may exist including any related motions)	In June 1997, voters approved a special tax (Prop L) to provide funding for library services in 10 cities (Cudahy, Culver City, Duarte, El Monte, La Cañada-Flintridge, Lakewood, Lomita, Lynwood, Maywood, and West Hollywood) and unincorporated areas serviced by LA County Library excluding the unincorporated areas within the boundaries of the Altadena Library District and the Palos Verdes Library District. Harris & Associates, Inc. has performed tax administration services for Library's Special Tax Program since 2015. In Fiscal Year 2020-21 the Special Tax Rate levied approximately 400,000 parcels generating over \$12,500,000 in revenue.	
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how:	
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please state which one(s) and explain how: Board Priority #7: Sustainability: Approval of the contract supports the vision of making the County more livable, economically stronger, more equitable, and more resilient. The revenue generated by the special tax will offset increases in the operating costs allowing LA County Library to maintain library services.	
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Grace Reyes, Library Administrative Deputy, (562) 940-8406, greyes@library.lacounty.gov	

April 5, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**AWARD A CONTRACT FOR SPECIAL TAX ADMINISTRATION SERVICES
FOR LA COUNTY LIBRARY'S SPECIAL TAX PROGRAM
(ALL SUPERVISORIAL DISTRICTS) (3 VOTES)**

SUBJECT

Approve the proposed contract with Harris & Associates, Inc. (Contractor) to provide special tax administration services for LA County Library's Special Tax Program as a result of a Request for Proposal (RFP) released on November 22, 2021.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that the proposed actions are not a project under the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, Section 15378.
2. Approve the award of a contract to Harris & Associates, Inc. to provide special tax administration services to LA County Library and instruct the Chair to sign a contract with Harris & Associates for a period of four (4) years, with one (1) one-year renewal options, and month-to-month extensions not to exceed a total of six (6) months, at a total contract sum not to exceed \$129,124 for the five (5) years under the Proposed Contract, The contract will become effective upon your Board's approval.
3. Approve and delegate authority to the County Librarian, or designee, to approve unanticipated work within the scope of the contract.
4. Approve and delegate authority to the County Librarian, or designee, to execute amendments to exercise one (1) one-year renewal option and month-to-month extensions not to exceed six (6) months under the terms of the contract.

7400 E Imperial Highway, Downey, CA 90242 | 562.940.8400 | LACountyLibrary.org



COUNTY OF LOS ANGELES SUPERVISORS

HILDA L. SOLIS
1st District

HOLLY J. MITCHELL
2nd District

SHEILA KUEHL
3rd District

JANICE HAHN
4th District

KATHRYN BARGER
5th District

5. Approve and delegate authority to the County Librarian, or designee, to execute amendments to modify the terms of the Statement of Work that do not materially alter the Contract, and/or add/change certain terms and conditions in the Contract, as may be required by the Board or Chief Executive Office and to adjust the Contractor's annual fee included in the annual contract sum due to such changes, if any.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

In June 1997, voters approved a special tax (Prop L) to provide funding for library services in 10 cities (Cudahy, Culver City, Duarte, El Monte, La Cañada-Flintridge, Lakewood, Lomita, Lynwood, Maywood, and West Hollywood) and unincorporated areas serviced by LA County Library excluding the unincorporated areas within the boundaries of the Altadena Library District and the Palos Verdes Library District.

In Fiscal Year 2020-21 the Special Tax Rate levied approximately 400,000 parcels within these 10 cities and the designated unincorporated area of the County generating over \$12,500,000 in revenue to partially offset increases in the operating costs allowing LA County Library to maintain library services at the highest supportable levels at each of the libraries serving these communities.

On November 22, 2021, LA County Library released a Request for Proposals for special tax administration services. On December 20, 2021, LA County Library received a total of two proposals. The proposal submitted by Harris & Associates, Inc., was the highest ranked, lowest cost, and most responsive and responsible of the proposals evaluated.

The current contract for specialized tax administration services, which include identifying and reporting the special tax levies, has been performed with Harris & Associates, Inc. since 2015 and expired on February 28, 2022. The lapse between the previous contract and the recommended contract does not affect the special tax levy process.

Approval of the recommended actions will ensure the continued administration and support of LA County Library's Special Tax Program. The recommended contract will become effective upon your Board's approval.

The total contract amount will not exceed \$129,124, which is comprised of the Contractor's fee of \$112,840 over the five (5) years of this Contract and an estimate for unanticipated work of \$11,284; and an additional amount of \$5,000 for an audit of the special tax parcel database as requested by LA County Library.

Implementation of Strategic Plan Goals

The County Strategic Plan directs the provisions of Strategy III.2 - Realize Tomorrow's Government Today, Objective III.2.2, Enhance Information Technology Platforms to Securely Share and Exchange Data, Objective III.2.3, Prioritize and Implement Technology Initiatives That Enhance Service Delivery and Increase Efficiency; and Objective III.3.1 – Maximize Revenue. The recommended actions support the Strategic Plan by providing ongoing contractual Special Tax consulting services which supports mandated and voter-approved operations of LA County Library.

FISCAL IMPACT/FINANCING

LA County Library anticipates a maximum expenditure of \$129,124 over the five (5) years under the Proposed Contract which includes \$112,840 for routine work required to process the levy for the tax bills, an additional \$11,284 for as-needed unanticipated work, paid on a scheduled fee-for-service basis, and \$5,000 for a possible audit to assure the accuracy of the parcel information used to levy the special tax. If no such need arises, the funding for unanticipated work and audit will not be expended.

The revenue generated by LA County Library's special tax is used to fund service levels in 68 libraries serving the areas subject to the special tax. The special tax is levied as a flat-rate-per-parcel, currently at \$32.55, and generates approximately \$12,500,000 each year to support library services in the communities subject to the special tax. Approval of the recommended action is necessary to process the levy for the tax bills and collection of this revenue.

The administrative costs of this Special Tax Program, including the cost of providing this recommended service Contract, are financed by the special tax revenue. There is no net County cost for this contracted service. Funding has been included in LA County Library's operating budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The current contract for specialized tax administration services, which include identifying and reporting the special tax levies, has been performed with Harris & Associates, Inc. since September 1, 2015 and expired on February 28, 2022. The lapse between the previous contract and the recommended contract does not affect the special tax levy process.

The Board is authorized to approve this Contract pursuant to Government Code Section 31000. This RFP was exempt from Proposition A because the services are part-time and intermittent.

Under the provisions of Section 2.121.250 through Section 2.121.420 of the Los Angeles County Code, proposals were solicited for the provision of special tax administration services. All requirements of County Code Section 2.121.380 have been met and there is no conflict of interest.

On final analysis and consideration of the awards, the recommended contractor was selected without regard to gender, race, color, creed, or national origin.

The proposed contract contains a provision, (which the recommended contractor agrees), that requires the contractor to give first consideration for any employment openings to qualified permanent County employees who are targeted for layoffs or on the County's re-employment list during the life of the contract. The recommended contractor further agrees to comply with all County standard terms and conditions, including indemnification and insurance requirements, Child Support Compliance Program, Defaulted Property Tax Reduction Program, Jury Service Program and the Safely Surrendered Baby Law.

The recommended Contract with Harris & Associates, Inc. shall commence upon the Board's approval, for a four (4) year term, with one (1) one-year and six (6) month-to-month extensions at the option of LA County Library in accordance with the Term of the Contract, for a maximum term of five (5) years and six (6) months. The Contractor is in compliance with all Board, CEO, and Counsel's requirements. Additionally, the Contract contains performance standards, including liquidated damages for substandard and/or non-performance.

The attached Contract with Harris & Associates, Inc. (Attachment C) has been reviewed and approved as to form by Counsel.

CONTRACTING PROCESS

On November 22, 2021, LA County Library released a Request for Proposals for special tax administration services. The solicitation was posted on the County's "Doing Business with Us" web site (Attachment A) and from vendors listed in the County Office of Affirmative Action Compliance's Community Business Enterprise (CBE) Database (Attachment B).

Advertisements were placed in the *Los Angeles Daily News*, *Los Angeles Times*, *Long Beach Press Telegram*, and *San Gabriel Valley Tribune*.

On December 20, 2021, LA County Library received a total of two proposals. The proposals from DTA, Inc. and Harris & Associates, Inc. were evaluated utilizing the informed averaging scoring method and rated on the following criteria: proposer's qualifications; proposer's approach to providing required services; and cost. All related evaluation materials and scoring documents were retained. LA County Library also reviewed available resources to assess the recommended contractors' past performance. The proposal submitted by Harris & Associates, Inc., was the highest ranked, lowest cost, and most responsive and responsible of the proposals evaluated. Harris & Associates, Inc. met all of the minimum RFP requirements and its proposal was complete and detailed. The proposal clearly demonstrated that Harris & Associates, Inc. has a good understanding of the scope of work to be performed and the complexity of LA County Library's service requirements. Harris & Associates, Inc. has verifiable experience providing Special Tax Consulting Services as required by LA County Library.

ENVIRONMENTAL DOCUMENTATION

The recommended actions are not subject to the California Environmental Quality Act (CEQA) because they do not constitute a project according to Section 15378 of CEQA.

IMPACT ON CURRENT SERVICES

Award of this service Contract will allow LA County Library to continue the ongoing successful administration of LA County Library's Special Tax Program.

CONCLUSION

Please return to LA County Library two fully conformed copies of the contract with original signatures.

If there are any questions or there is a need for additional information, please contact me at (562) 940-8400.

Respectfully submitted,

SKYE PATRICK
County Librarian

SP:YDR:GR:EM

Honorable Board of Supervisors
April 5, 2022
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Enclosures

c: Chief Executive Office
County Counsel
Executive Office, Board of Supervisors
Auditor-Controller


lacounty.gov
[Home \(/LACoBids/\)](#)

[+ Solicitation Information](#)

Solicitation Number:	461-21-01		
Title:	Special Tax Administration Services		
Department:	Public Library		
Bid Type:	Service	Bid Amount:	N/A
Commodity:	CONSULTING SERVICES - ENGINEERING		
Description:	Request for Proposals (RFP) for the solicitation of proposals from qualified organizations interested in providing Special Tax Admi... More		
Open Day:	11/22/2021	Closed Date:	12/20/2021 10:00:00 AM
Contact Name:	Sevak Khatchadorian	Contact Phone:	(562) 459-6783
Contact Email:	skhatchadorian@library.lacounty.gov		
Notice of Intent to Award (0) :	+ Click here to view notice intent to award list.		
Solicitation Award (0) :	+ Click here to view award list.		
Last Changed On:	12/3/2021 6:43:14 PM		
Attachment File (3) :	+ Click here to download attachment files.		

Vendor Number	Name
148320	111 CORP
202489	1ST HOME FOR YOU, LLC
170375	21TECH
188551	3531 TRUCKING INC
193859	4 KAY'S SWEEPING INC.
117909	A CAL PEST CONTROL SERVICES INC
194533	A CLEAR PATH, LLC
000076	A TO Z GLASS & MIRROR INC
178166	A UNIFORM COMPANY, INC.
149435	A.G. ENGINEERING, INC.
194737	A1 MANAGEMENT & INSPECTION, INC.
197855	A22 NATIONWIDE SECURITY, INC
171983	AAA ATTORNEY SERVICES II, INC
197467	ABBRACCI GROUP, LLC
151120	ABSOLUTE SECURITY INTERNATIONAL INC
194135	ACADEMY SECURITIES, INC.
194052	ACCU CONSTRUCTION INC.
508744	ACE ENGINEERING INC.
187621	ACOSTA & SONS SEWER CONTRACTORS
198814	ACQUISITION PROCUREMENT SOURCING LLC
203297	ACROSTIC
056872	ADAPT CONSULTING INC
162424	ADKISON ENGINEERS, INC.
178811	ADOLFO MOTA
193300	ADS CONCEPTS, INC.
173225	ADVANCED TECHNOLOGY LABORATORIES INC
184897	ADVETAGE SOLUTIONS LLC
165161	AE3 PARTNERS
197071	AERIALZEUS, LLC
158627	AESA, INC
192461	AFS INVESTMENTS LLC
175620	AGILE GLOBAL SOLUTIONS INC
198713	AGUILAR & CALDERON CORPORATION
155573	AIM CONSULTING SERVICES
177345	AIRX UTILITY SURVEYORS, INC.
190134	AKIMA CONSULTING, LLC
513895	AL/KATHLEEN PUSKAS
179797	ALAS MEDIA
166990	ALBERT HOLGUIN
193419	ALCOA TRAFFIC CONTROL INC
193822	ALISA TIMSUREN
186577	ALL AIR CONDITIONING COMPANY INC,
171895	ALL MIGHTY GREEN
048032	ALL STATE POLICE EQUIPMENT CO INC
169784	ALLCITY DEPUTY INSPECTIONS, INC.
197599	ALLEN SONG
138028	ALLIED NETWORK SOLUTIONS
194885	ALLISON PIETER
105607	ALOHA ISLAND CABLE
513610	ALONDRA GOLF COURSE INC

198393	AMANDA B PALASIK
197678	AMARA QOM PRODUCTS LLC
185155	AMB MANAGEMENT LLC
171126	AMERICAN EAGLE PROTECTIVE SERVICES, INC
145125	AMERICAN ENGINEERING LABORATORIES, INC.
183938	AMERICAN EXECUTIVE PRIVATE SECURITY
102458	AMERICAN INTEGRATED SERVICES INC
202382	AMERICAN PROFESSIONAL MANUFACTURING, INC.
520115	AMERICAN SCIENTIFIC LABORATORIES LLC
198627	AMERICAN TRAFFIC BARRICADE & SAFETY COMPANY, INC.
203029	AMERICAN VETERAN LIGHTING, INC.
195446	AMHEART SOLUTIONS
199868	AMPARO OSTOJIC
198614	AMY C COX
190737	ANDREW DESIGN GROUP, INC.
170513	ANDROMACH CORPORATION
134974	ANGELES CONTRACTOR, INC
187524	ANGELICA URQUIJO
200138	ANTHEM COMMUNICATION
188601	ANTHEM PROTECTIVE SERVICES, LLC
181004	ANTONIO ACOUSTICS
157929	AP ENGINEERING AND TESTING, INC.
191034	APEX INTEGRATED DISTRIBUTION LLC
195540	APRIL M BARNES
111511	APSI CONSTRUCTION MANAGEMENT
197988	APTOS LOGISTICS
201532	ARAGON GEOTECHNICAL, INC.
133167	ARCHAEOPALEO RESOURCE MGMT
179761	ARCHITECTURAL RESOURCE CENTER, INC
192238	ARCHITECTURAL UNLIMITED BUILDING COMPANY
179049	ARELLANO ASSOCIATES
193635	ARROYOWEST LLC
109202	ART DECK, INC.
201858	ASH INTEGRATED ENTERPRISES INC
193231	ASHLEY LONG
199908	ASIAN STAR CONTRACTING SERVICES, LLC
191594	ASTRODONICS LLC
101336	ATHENA ENGINEERING INC.
189883	ATLAS PROJECT SUPPORT LLC
192409	AUBREY V ABUANA
100189	AURORA INDUSTRIAL HYGIENE INC
195621	AVENUE HOME CARE, INC
199864	AVERCOM VIRTUAL SOLUTIONS
186084	AVIATE ENTERPRISES, INC.
192068	AYCE CONSULTING ENGINEERS, INC.
157940	AZ CONSTRUCTION, INC.
189462	B2 SALES INC
198080	B2B GLOBAL HUB LLC
173212	BAE URBAN ECONOMICS, INC.
056594	BAINBRIDGE ENVIRONMENTAL CONSULTANT INC
194774	BALANCE PUBLIC RELATIONS & STRATEGIC SOLUTIONS INC

158780	BARAZANI STONE INC
151748	BARBARA L. HALL, PE, INC.
121724	BARBERIO ENTERPRISES INC
194504	BARK POTTY
201492	BARNETT QUALITY CONTROL SERVICES, INC.
174588	BARRAGAN & SATZMAN LLP
196029	BAYSIDE ENGINEERING CONSTRUCTION INC.
186443	BE SOCIAL PRODUCTIONS
202803	BE SUPPLIED LLC
200450	BEACON OF HOPE MEDICAL TRANSPORTATION
193676	BEL AIR BRANDING
134169	BELSHIRE ENVIRONMENTAL
166518	BERLOC SIGN CO.
170056	BESS TESTLAB, INC.
193742	BETIS GROUP, INC
196209	BETTER WORLD GROUP ADVISORS
201124	BEUSE INC
062865	BEYAZ & PATEL INC
193843	BEYREP, INC.
173436	BHC CRANE, LLC
062568	BIOSYS LABORATORIES, INC.
201502	BITAR ENTERPRISES, LLC
149443	BITECH CONSTRUCTION CO., INC.
188956	BLACK BOX SAFETY INC
175782	BLACKHAWK ENVIRONMENTAL, INC.
149053	BLACKSTONE CONSULTING, INC.
201629	BLOKK MOVEMENT TRUCKING INC
196952	BLOOM TRANSPORTATION INC
188675	BLUE CYPRESS CONSULTING, LLC
155423	BLUE LINE INC.
192699	BLUE MEADOW LLC
199879	BLUE ROOM EVENTS, INC.
199523	BONNIES COMMERCIAL CLEANING
176420	BORBON INC.
194832	BOX IT PLUS, LLC
198697	BRAMBLE OPPORTUNITIES, LLC
142476	BRIAN C CHUNG
118117	BRONNER GROUP, LLC
193699	BROOKLYN PR LLC
106207	BROOKS & SCARPA ARCHITECTS INC
188695	BRYMAX CONSTRUCTION SERVICES, INC.
197789	BRYTE SAVINGS, LLC
201603	BT TRUCKING
199949	BUBEL CONSULTING, LLC
159340	BUDLONG & ASSOCIATES, INC.
130307	BUILDING ELECTRONIC CONTROL
176203	BUILDING NETWORKS, INC.
198145	BURTON ENGINEERING CONSULTING GROUP, INC.
189426	C V S B CONSTRUCTION INC.
133264	C. R. & A CUSTOM APPAREL, INC.
056356	CABRINHA, HEARN & ASSOCIATES

199914	CADENCE INDUSTRIES INC
170117	CADENCE LEASING INC.
176015	CALIFORNIA BARRICADE, INC.
103291	CALIFORNIA INTEGRATED SOLUTIONS INC
160386	CALIFORNIA TECHNOLOGY SERVICES, INC.
147945	CALIFORNIA TESTING & INSPECTIONS
131930	CALVADA SURVEYING, INC.
193093	CAMP NEW JOURNEY
142873	CANO ARCHITECTURE CONCRETE REPAIR
171974	CAPITAL FLOW
197166	CAPITAL INTEGRATED ARTS LLC
163766	CARRARA MARBLE CO. OF AMERICA, INC.
198136	CARRIE A SUTKIN
198710	CAS MED CONSULTANTS
156418	CASAMAR GROUP, LLC
101739	CASCADIA CONSULTING GROUP
202746	CASEY UTILITY SERVICES INC
200313	CASSIA PARTNERS LLC
192376	CELESTIAL FREIGHT SOLUTIONS, INC.
043984	CENTURY PAVING INC
192877	CERVUS INC.
179766	CHAKRABARTI MANAGEMENT CONSULTANCY, INC.
193478	CHATEAU VALLON
179225	CHEN RYAN ASSOCIATES, INC.
200942	CHILLBELLA, LLC
105454	CHOICE TECHNICAL SERVICES
188145	CHRISPIN CLARKE
199887	CHRISTI JENNINGS
196980	CHRISTINA LE WELLNESS
174769	CHRISTINA R SILVA
151736	CHRISTINE HARDIN
192905	CHRISTOPHER RASHAD GLOBAL HOLDINGS INC
153244	CIBOLA SYSTEMS CORPORATION
177994	CINDY TRUMP INC
187143	CITIZEN COMMUNICATIONS LLC
164271	CITY DESIGN STUDIO LLC
111804	CIVIL ENVIRONMENTAL SURVEY GROUP INC (CES)
134190	CIVIL WORKS ENGINEERS
198637	CJ PROPERTY SOLUTIONS LLC
172236	CLARIS STRATEGY INC.
189557	CLARKE EXECUTIVE SERVICES GROUP LLC
170720	CLC PUBLICIDAD
185472	CLEMTECH LLC
193086	CLERIAN, INC.
196714	CLSOLUTIONS
192839	CM SIMPLE JANITORIAL LLC
164311	CMTS LLC
510480	COAST SURVEYING, INC.
061778	CODEBUSTERS, INC.
112188	COGSTONE RESOURCE MANGT. INC.
186099	COLBERT ENVIRONMENTAL GROUP

189554	COLEMAN EQUIPMENT RENTALS LLC
199815	COMMERCIAL CONNECTION, INC
116388	COMMODORE PRINTING CO
056294	COMPLIANCE DESIGN CONSULTANTS
171862	CONDOR, INC.
196785	CONECT2 INC
187852	CONNECTED ENTERPRISE GROUP, INC.
177572	CONNIXT, INC.
136260	CONSTANT AND ASSOCIATES, INC.
203487	CONSTRUCTION AND COMPLIANCE JOINT VENTURE
060682	CONVERSE PROFESSIONAL GROUP
192515	CORESIVITY INC.
101039	CORNERSTONE STUDIOS, INC.
182149	CORONADO DISTRIBUTION COMPANY, INC.
119437	CORPORATE SPACES INC
193679	COSTLESS TRANSPORTATION SERVICES, LLC
197887	COVID CONSULTING LLC
185908	CRANDALL GROUP, INC.
143535	CREATIVE MAD SYSTEMS
172586	CREELMAN INC.
159921	CROSBY GROUP
174432	CROWN PROMOTIONS GROUP INC /DBA PASADENA PROMOS
187445	CRUZ M URIBE
199980	CRYSTAL CLEAR LEARNING CENTER
183977	CRYSTALOGY CONSULTING INC
203175	CW FINANCIAL & MANAGEMENT GROUP LLC
150403	CWE
175167	CYBERCOPY INC
168604	CYNTHIA BROOKS DISTINCTIVE CATERING
194412	CYNTHIA D JACKSON
183906	D & W TRUCKING
123424	D R CONSULTANTS & DESIGNERS INC
197966	D&G EQUIPMENT, LLC
157537	D. WOOLLEY & ASSOCIATES
059852	D.E.V. INDUSTRIES, INC.
529513	D.R. MCNATTY & ASSOCIATES
192108	D.V.M. SUPPLY
117654	DABRI, INC.
196208	DAJ LLC
527656	DAKOTA COMMUNICATIONS
188680	DANIEL RODRIGUEZ ELECTRIC
185075	DARNELL W GROOM
160840	DAVID TONICK ENTERPRISES INC
155750	DAVINA DOUTHARD, INC.
506525	DAVIS BLUE PRINT CO INC
199514	DAYE ENTERPRISES
180604	DEAN VISOSKY CONTRACTORS, INC.
195784	DEIDRE S. LIND
104240	DEL RICHARDSON & ASSOCIATES
200286	DELTA 4 ENVIRONMENTAL INC.
188928	DESANTI

192185	DESIGN KNIT INC
196932	DESTINATION CONCEPTS, INC
164906	DESTINATION ENTERPRISES, INC.
187669	DGR CONSTRUCTION COMPANY, INC.
194560	DH GREEN ENERGY
196263	DHE CORPORATION
196701	DIAMOND POINTE DINING SERVICES LLC
100469	DIAZ YOURMAN & ASSOCIATES
202276	DIGITAL ARCHIVING SYSTEMS, LLC
062060	DIGITAL MAPPING, INC.
196832	DIONNE MARIE SIGNATURE COMMUNICATIONS LLC
179485	DISTINCTIVETECH LLC
175474	DIVERSIFIED LEASING
196235	DMAGOO, LLC
202286	DOICE ENTERPRISES
201337	DOM DINIS CELLARS, LLC
177552	DON H. MAHAFFEY DRILLING CO.
198575	DOWN UNDER INC
177241	DREWELOW REMEDIATION EQUIPMENT, INC.
181441	DRP ENGINEERING , INC
111082	DSH
175395	DVBE SUPPLIERS
177143	DVBE TECHNOLOGY GROUP
513983	E.W. MOON, INC.
193461	E2 CONTRACTING, INC.
158435	E2020 TECHNOLOGY, INC.
187285	EARTHCHEM INDUSTRIAL SUPPLY, LLC
179460	EAST WEST BUILDING SOLUTIONS INC.
195717	ECE SERVICES INC
120465	ECOLINE INDUSTRIAL SUPPLY, INC
196509	EDATA SERVICES
185736	EDUCATION WORKS CONSULTING FIRM, INC.
194043	EDWARDS CONSULTING LLC
156683	EG MONTANEZ CONSTRUCTION, INC
111494	ELEMENT CONSULTING GROUP
170427	ELEVATING SALES CORP.
191425	ELEVATORS ETC GS INC
116355	ELIZABETH M KESSEL, INC.
195012	ELIZABETH P ANDREWS
197850	ENLIGHTENED RESOURCE SERVICES INC
200156	ENTREPRENEURIAL STUDIES GROUP, LLC
199334	ENVIRONMENTAL ASSESSMENT SERVICES AND EDUCATION OF CALIFORNI
184484	EQS CONSULTANTS, INC.
200296	EQUIPMENT CONNECTION INC
104206	ERGONOMIC COMFORT DESIGN, INC.
183776	ERIC SERRANO
194115	ERICA KRAMER
197009	ERICK AMIRKHANIAN
186069	ERNAN HERNANDEZ
199261	ESSENTIAL BUSINESS & WORKFORCE SERVICES
201753	ESSENTIAL HEALTH,LLC

194007	ESYM LLC
198332	ETR CONSULTANTS, LLC
188801	EUGENIE LEWIS
203498	EVA ELLIOT INC.
192105	EVANGELINA RODRIGUEZ CATHCART
166597	EVERFIELD CONSULTING, LLC
170008	EW CONSULTING, INC.
142527	EWASTE DISPOSAL INC
163178	EXARO TECHNOLOGIES CORPORATION
202866	EXCEL TALENTS LLC
191122	FACILITY FORCE CORPORATION
154336	FALCON ENGINEERING SERVICES
051881	FAR EAST LANDSCAPE & MAINTENANCE INC
181312	FAYZA LLC
202316	FEEL THE SMOOTH LLC
185695	FERNANDEZ PROJECT SERVICES, INC.
194854	FIBEROPTIQ, LLC
189440	FIRE STARTER STUDIOS
135586	FIRST FUEL, INC.
514590	FLOOR TECH AMERICA INC
197953	FLORENCE SALEH
181896	FMF PANDION
183012	FORCE 77 ENGINEERING AND CONSULTING
179108	FOSTER TECHNOLOGY APPLICATIONS LLC
200468	FOUNDATION FOR CHANGE LLC
135880	FPL AND ASSOCIATES, INC.
202625	FRAC TAL STRATEGIES
113361	FRASER COMMUNICATIONS
167879	FREEMAN'S MOBILE NOTARY AND SIGNING SERVICES
193535	FREEMAN-THOMAS EARLY EDUCATION CONSULTING LLC
192890	FRESH COAST CAPITAL, LLC
182766	FRESH CUT CATERING
528654	FREY ENVIRONMENTAL INC
179344	FS CONTRACTORS, INC.
168276	FS3 HODGES
178867	FUELTEC
198161	FUNDRAISERS AND PROMOTIONS R US LLC
193398	FUTURE FORM LLC
198209	FWD CONSULTING LLC
031658	G & C EQUIPMENT CORP
160033	G.Y.M. ASSOCIATES
198348	GABRIELLA AZZAM
134795	GALVIN PRESERVATION ASSOCIATES INC
151072	GAMA CONTRACTING SERVICES INC
198044	GARMON ENVIRONMENTAL SOLUTIONS INC
195009	GARRISON WALKER GROUP, INC.
100595	GATEWAY SCIENCE & ENGINEERING, INC.
201239	GAVINA PLUMBING INC.
169691	GC GREEN INCORPORATED
528876	GCAP SERVICES, INC.
185955	GECTWO INC

192644	GENERAL CONSTRUCTION DESIGNS LLC
183442	GENESIS GLOBAL RECRUITING
197841	GEODE ENVIRONMENTAL
193786	GEOSI
170357	GGG DEMOLITION, INC.
184937	GIDEONFLY ENTERTAINMENT LLC
181781	GIS SURVEYORS, INC.
199062	GLADEO LABS, INC.
197808	GLOBAL ASR CONSULTING INC.
147323	GLOBAL ENVIRONMENTAL TRAINING & CONSULTING INC
056168	GLOBAL INSTALLATION AND MAINTENANCE, INC.
190102	GLOBAL URBAN STRATEGIES, INC.
173859	GLORY TO THE LORD INVESTMENTS INC
052729	GOLDEN STAR TECHNOLOGY
189591	GOLDVARG CONSULTING GROUP, INC
200488	GOODZEN CONSULTING SERVICES
181058	GORDON INDUSTRIAL SUPPLY
195386	GRANDMAISON CONSTRUCTION, INC
201236	GRAYMARK, LLC
169786	GREEN BUILDING CORPORATION
192679	GREEN SPACES PRESERVATION
156188	GREEN TRANSLATIONS
189899	GREENWEALTH ENERGY SOLUTIONS, INC.
164061	GREGORY EVERETT
161362	GROWTH, DEVELOPMENT MARKETING, INC. - GDM
142522	GUIDA SURVEYING, INC.
164733	GWG CONSTRUCTION INC.
201034	GXC INC
529479	HARRY H. JOH CONSTRUCTION INC
168462	HAWK IMPORTERS INC
196856	HAYEJIN, INC.
195123	HD STRUCTURAL CO.
197464	HEAL HER & HIM 2 LLC
148659	HEALTHCARE STAFFING PROFESSIONALS INC
197150	HEART FOR EDUCATION LLC
196757	HEDGE OF PROTECTION SECURITY SERVICES
112018	HELINET AVIATION SERVICES
183426	HELPGOOD, LLC
199035	HERITAGE PAPER CO. INC.
523563	HERNANDEZ, KROONE & ASSOCIATES
201529	HERRERA BROS TRUCKING, CORP.
201973	HERSTORY LLC
166433	HHR INC
177846	HIGH - LIGHT ELECTRIC, INC.
194066	HOME HERITAGE OF AMERICA
165571	HONGJOO KIM LANDSCAPE ARCHITECTS, INC.
120804	HOOVER ENTERPRISES, INC.
191894	HORATIUS GROUP, LLC
198934	HORIZON ENTERPRISES
120105	HORTON LEES BROGDEN LIGHTING
192579	HRLOGIQ

180826	HUBCITY TRUCKING, LLC
118419	HULS ENVIRONMENTAL MANAGEMENT,LLC
145113	HUNSAKER & ASSOCIATES L.A.
193613	HYPERTEXTED, LLC
200628	IBILOLA TAYBRON
181815	ILANCO ENVIRONMENTAL, LLC
047964	IMAGING PRODUCTS INTERNATIONAL INC
131921	IMBER COURT REPORTERS, INC.
109274	IMPACT SCIENCES, INC
166248	INDPSOLUTIONS, INC
196393	INDUSTRY DRYWALL & FRAMING, INC.
166365	INFRASTRUCTURE FACTOR CONSULTING, INC.
201486	INNOVATIVE CONSULTING PARTNERS LLC
175383	INSYNC CONSULTING SERVICES LLC
181403	INTEGRATED DEMOLITION AND REMEDIATION INC.
118972	INTEGRATED ENGINEERING MANAGEMENT
171038	INTELLIGENT FIRE SYSTEMS & SOLUTIONS, INC.
183404	INTERNATIONAL CONSULTING UNLTD
055596	INTERNATIONAL ENVIRONMENTAL
118968	INTERNATIONAL WORD PROCESSING SERVICES INC
167238	INTUEOR CONSULTING INC.
156840	IO ENVIRONMENTAL & INFRASTRUCTURE
149209	IPI CONSTRUCTION
174733	IQON ENGINEERS, INC.
194866	ISELL DISTRIBUTION LLC
193695	ISHI MEDICAL EQUIPMENT AND LAB SUPPLIES
166140	ISI INSPECTION SERVICES INC
102317	J D SALES CO INC
188603	J PEREZ ASSOCIATES INC
141168	J. COLAVIN & SON INC
196399	J.A. URBAN INC.
134793	J.P. COOKE CO
196641	JABERSCONSULTING
190652	JACKLYN AGOR
187269	JACOB JOSEPH AND JABEZ FAMILY COUNSELING AND PROFESSIONAL SE
187706	JAMES BUSH
062659	JANCO & WINNEX INC.
202859	JASARA CONSTRUCTION SOURCE COMPANY
194518	JAY HELEKAR
107413	JCE STRUCTURAL ENGINEERING GROUP INC
193683	JCLE ENTERPRISES
189267	JEFFERSON SOUTH SOLUTIONS LLC
186692	JEN DESIGN
153230	JENKINS GALES & MARTINEZ INC
043115	JENN INTERNATIONAL
201728	JENNIFER RIDER STUDIO, LLC
175983	JENNIFER S PAYNE
135378	JET DRILLING, INC.
515534	JHN INC D.B.A COUSTIC-GLO
181218	JJH SOLUTIONS GROUP, LLC
502072	JJJ FLOOR COVERING, INC.

183453	JKH CONSULTING
193817	JLE PAINTING
198516	JM CONSTRUCTION SERVICES, INC.
130805	JMDIAZ INC
199916	JOBPLUG LLC
522532	JOHNSON PELTIER ELECTRIC
196638	JOSE E GONZALEZ
199711	JOSE FUENTES
188805	JOSELYN WILKINSON
196992	JOSEPH MANAGEMENT INC
193500	JU HAN S SONG
193800	JUAN VIKTOR LIBUNAO
196470	JULIAN RAMIREZ
196764	JUN TANG
193670	JUPITER UNMANNED, LLC
184952	JUVIV, INCORPORATED
169227	JWL SUPPLIES
196370	K&A TEXTILE LLC
124955	KAL KRISHNAN CONSULTING
061652	KAMRAN & CO., INC
178103	KANA SUBSURFACE ENGINEERING
193842	KANTARA LLC
522916	KAREN S. GUNN PH D
202671	KATE HOLDING INC
178349	KATHERINE PADILLA & ASSOCIATES
175482	KATIN ENGINEERING CONSULTING
190483	KEARNS & WEST
109909	KEEFE BUSINESS SERVICES INC
163990	KELLY SUTHERLIN MCLEOD ARCHITECTURE, INC.
117642	KENNARD DEVELOPMENT GROUP
514491	KENNARD DESIGN GROUP
197340	KENYA'S HAIR CREATIONS LLC
200424	KENYATTA CONSTRUCTION
115841	KERR ENGINEERING & SALES, INC.
114936	KETTLE CREEK CORPORATION
192595	KEYION GROUP INC
052547	KH CONSULTING GROUP
193729	KIANA SHAW ENTERPRISES LLC
168714	KIM FLUM CONSULTING DBA CRAFT COMMUNICATIONS
199895	KIRK KUNIHRO
185711	KNC STRATEGIC SERVICES
166532	KNIGHTSBRIDGE INDUSTRIES INC.
156476	KNOWLAND CONSTRUCTION SERVICES
197797	KORU STRATEGIES, INC.
172451	KPJ CONSULTING
168973	KRHAMPTON CONSULTING
165682	KRITZINGER+RAO
200359	KTRES, INC.
191878	KW COUPLES THERAPY
005779	L & D APPLIANCE CORP
162905	L. D. KING ENGINEERING, INC.

196560	LA PPE SUPPLY INC.
184153	LA STEEL SERVICES INC.
169495	LAGOS CABINETS INC.
157627	LAND DESIGN SERVICES, INC
198120	LANDRYS ELITE LIMITED LIABILITY COMPANY
161832	LANDSCAPE SUPPORT SERVICES
188564	LAW OFFICE OF ROBERTA M. YANG, P.C.
193681	LC ELECTRICAL AND LIGHTING CORP
109817	LEE ANDREW'S GROUP, INC
201144	LEGACY REINFORCING STEEL
184044	LELA C THOMPSON
156583	LELAND SAYLOR ASSOCIATES
120064	LENAX CONSTRUCTION SERVICES
190424	LENKEY CONSULTING GROUP, INC.
175742	LESLIE K SCOTT
181887	LETICIA LEON YU
199137	LEVEL UP VETERANS LLC
506619	LEVIN AND ASSOCIATES
104381	LEWIS SCHOEPLEIN ARCHITECTS
132410	LIFELUNG INC
107361	LIN CONSULTING, INC
200418	LION MEDICAL WASTE, LLC.
200244	LISTEN WITHIN TO WIN LLC
194041	LITLIFE, INC.
189587	LITTLE SCHOLARS ACADEMY LLC
118955	LKG-CMC, INC.
170262	LOC, INC.
183040	LOCATOR SERVICES, INC.
052342	LOFTON MASON
159004	LOGIXSERVICE INC
195412	LOISUN INC
199971	LOTUS DESIGNS LLC
188661	LOUISE BERNARD LLC
144300	LOWERS WELDING & FABRICATION
157740	LUNA'S PLUMBING INC.
104195	LUSTER NATIONAL, INC.
100975	LYNN CAPOUYA, INC.
128677	M3 OFFICE INC
124946	M3 SERVICES, INC.
520487	MACKONE DEVELOPMENT INC.
192914	MADLINE, LLC.
196373	MAGEE LEADERSHIP SOLUTIONS
197615	MAGNOVA CONSULTANT
190058	MAKERS ARCHITECTURE AND URBAN DESIGN LLP
202412	MAMMOTH ASSOCIATES, LLC
195034	MANA MOVEMENT
201464	MANLEAD, INC.
191334	MARGARET MANNING
200516	MARIA CRISTINA ORTIZ
203027	MARIE URQUIDI
503129	MARIPOSA LANDSCAPES, INC.

200145	MARITESS C DULCE
150970	MAROON SOCIETY INC
194756	MARUSON TECHNOLOGY CORPORATION
201527	MARVELLA STEEL PLACERS
151627	MARY-LYNN CAMPBELL
130398	MASBUILD INC
181397	MAVEN INNOVATIVE CONSULTANCY, LLC
180155	MAXWELLS BACKHOE INC
156336	MB PROFESSIONAL SERVICE, INC
176427	MBJ CONSULTANTS, INC.
184047	MCALISTER LAW, A PROFESSIONAL LAW CORPORATION
176428	MCCASLIN & ASSOCIATES ARCHITECTS, INC.
115946	MCCORMICK-BUSSE, INC.
125343	MCKISSACK & MCKISSACK MIDWEST
120808	MDG ASSOCIATES, INC.
137963	MEDIA IMAGE PUBLIC RELATIONS
198290	MEDMOVE CONSULTING, LLC
199682	MEET ME IN THE CLOUD, INC.
193568	MEGA FIXTURES INSTALLERS, INC.
161367	MEGA HZ ELECTRIC INC
202572	MEHTRIX SOLUTIONS LLC
196919	MELENDEZ CONSULTING, INC.
200302	MERA GROUP, LLC
196956	MERAKI FITNESS, LLC
200248	MERGENT SYSTEMS, INC.
158512	MERRIWETHER & WILLIAMS INSURANCE SERVICES, INC.
182136	METIER GROUP INC.
190159	METRIS ARTS LLC
043189	METRO VIDEO SYSTEMS INC
194494	MICHAEL W. FOLONIS ARCHITECTS, A PROFESSIONAL CORPORATION
169056	MICHEL A KOZAK
198594	MICHELLE EHRLICH, MD INC.
199432	MICHELLE YANEZ WORKFORCE SOLUTIONS
183245	MIN J KIM
192408	MINDFUL INTEGRATION OF SERVICES
182260	MIRANDA LOGISTICS ENTERPRISE, INC.
179668	MIRROR DIGITAL INC.
194342	MISSIONQUEST INC
108008	MITCH WARD
194081	MITECH COMMUNICATIONS, LLC
117150	MIYAMOTO INTERNATIONAL INC
149114	MK PARTNERS INC
156574	MLA GREEN INC
202848	MODERN GLOBAL ENTERPRISES
192028	MODERN TIMES, INC
185484	MOISES LOPEZ
170515	MONACO MECHANICAL, INC.
185149	MONZON AND SON ENTERPRISES, INC.
170704	MORAN CONSULTING CORPORATION
131692	MORGNER TECHNOLOGY MANAGEMENT
158439	MORROW-MEADOWS CORPORATION

192542	MPACT STRATEGIC CONSULTING LLC
512642	MTGL, INC.
062747	MTM CONSTRUCTION, INC.
176774	MUGENKIOKU CORPORATION
192066	MURAKAWA COMMUNICATIONS, INC.
181113	MURRICO CONSTRUCTION INC.
182405	MURTI LLC
189044	MW ENTERPRISES LLC
193908	MY LEGAL TEAM, INC.
193976	MYERS CONSULTING SERVICES, INC
200099	NAIL & HAMMER CONSTRUCTION CORO
193748	NAOMI IWASAKI CONSULTING INC
166267	NATIX INC
104344	NATURES IMAGE, INC.
198862	NCA STUDIO INC.
183566	NETCERNO
055888	NETWORK MAGIC UNLIMITED
108476	NEUTRAL POSTURE INC
193018	NEW BEGINNINGS CONSULTING & TRAINING, LLC.
159611	NEXXSOL CORPORATION
182417	NH ENVIRONMENTAL, INC.
195910	NIDO PLUMBING AND MECHANICAL INC
513583	NINYO & MOORE GEOTECHNICAL & ENVIRONMENTAL SCIENCES CONSULTA
161846	NLESYSTEMS INC
149529	NMS MANAGEMENT, INC.
186019	NOHO CONSTRUCTORS
193895	NORTH HILLS HEALTH, LLC
184832	NORTH STAR ALLIANCES, LLC
200051	NOVUS DESIGN STUDIO INC.
182119	NOVUS ORIGO
197008	NOYON INC
107574	NTH GENERATION COMPUTING, INC.
185599	NTS COMMUNICATIONS
187797	NUMA NETWORKS, LLC
181653	O2EPCM, INC.
512583	OCEAN BLUE ENVIRONMENTAL SER.
123762	OCEAN SIDE HOME HEALTH SERVICES INC
194581	OCMI
190255	OFFICE OF THE DESIGNED LANDSCAPE INC.
169673	OFFICE SOLUTIONS BUSINESS PRODUCTS & SERVICES LLC
192142	OHANAVETS, INC.
101509	OMAR SCAIFE
189340	OMGIVNING, INC.
185453	OMNI EQUIPMENT SOLUTIONS, INC
193264	OMS ENGINEERING, INC
171911	ON TARGET ELECTRIC, INC.
197874	ON THE ROAD VENTURES
194571	ONCALL LED
201952	ONTHEMARQ, LLC
176424	ONYX BUILDING GROUP INC
175846	OPTIMUM TECHNOLOGY

199928	ORANGE WILLIAMS REALTY
184887	ORR INDUSTRIES INC
200135	OVERWATCH CONSTRUCTION MANAGEMENT
199135	OVERWATCH GLOBAL STRATEGIES, LLC
127122	P.A. ARCA ENGINEERING, INC.
191170	P5 LLC
197840	PACIFIC BLUE RESTORATION INC.
160284	PACIFIC ENGINEERS GROUP
142895	PACIFIC STAIR CORPORATION
143770	PACRIM ENGINEERING
147303	PALEO SOLUTIONS INC
196933	PALMERA BUILDING SERVICES LLC
153164	PAMELA BURTON & COMPANY
189033	PANGIS, INC.
016808	PARADISE PRINTING, INC.
030742	PARAMOUNT MATTRESS INC
178882	PARAMOUNT SAFETY SUPPLY, INC.
202769	PARCPS LLC
186688	PARKING DESIGN ASSOCIATES, INC.
111181	PARTNERS IN DIVERSITY INC
202725	PATRICIA ROSS
046786	PATTEN ENERGY ENTERPRISES, INC
175433	PAX ENVIRONMENTAL, INC.
179070	PBF&E LLC
192665	PCW 123 COMMUNICATIONS INC
163837	PENN AIR CONTROL
183409	PEREZ CONSTRUCTION GROUP, INC.
153362	PERFORMANCE EXCELLENCEPARTNERS LLC
199312	PERFORMANCE SMP LLC
173807	PERIMETER SECURITY GROUP
199507	PERSONAL SPACE TESTING
193236	PETAIRAPY LLC
182164	PG CUTTING SERVICES
184386	PHILATRON INTERNATIONAL INC
197131	PHYSICIAN ANESTHESIOLOGY CONSULTANTS, INC.
150461	PIANA CONSTRUCTION AND PAINTING
192099	PICKETT & ASSOCIATES, LLC
136573	PIGNX INC
202943	PINKPWR LOGISTICS LLC
132460	PINNACLE PETROLEUM, INC.
042545	PJ HILTON & ASSOCIATES
188787	PLATINUM RIGS & SOLUTIONS, INC
175572	PMA CONSULTANTS LLC
164470	PMCS GROUP INC.
197573	PNK MOON PRODUCTIONS CORP
118077	POLARIS ELECTRIC CO., INC.
189845	POLOMA PUBLIC AFFAIRS, INC.
192440	POLY TEK
194599	POLYTECHNIQUE ENVIRONMENTAL, INC.
198285	PORTLIGHT TECHNOLOGY & CONSULTING SERVICES, LLC
193818	POWELL STRATEGIES LLC

197501	POWERED BY PRO SE, LLC
194460	POWERMIND SOLUTIONS INC
123400	POWER-TECH ENGINEERS, INC.
177411	PPM GROUP, INC.
197900	PRECEDO MANAGEMENT INC
122546	PRECISION AIR BALANCE
514268	PRE-CON PRODUCTS
201465	PREMIER CONSULTANT SERVICES
186054	PRODUCT SOLUTION SERVICES, LLC
189017	PROED CONSULTING AND STAFFING
198279	PROED CONSULTING AND STAFFING
197518	PRO-TECH POWER GROUP, INC
182805	PRO-TECH SERVICES
135561	PRWT SERVICES, INC.
186113	PUBLIC MATTERS LLC
200651	PUNCH CREATIONS LLC
200226	PURPLE PONY LOGISTICS
143533	PURPLE REIGN LIFE SKILLS CENTER LLC
200183	PUZZLE SOLVERS TRANSPORTAION
138199	QUALITY ENVIRONMENTAL, INC.
132859	QUALITY PRODUCTION SERVICES, I
197401	QUANTUM SIGNS & GRAPHICS, INC.
171211	QUEST PROJECT CONTROLS INC
165378	R&K MEDICAL, INC
176124	R&L QUALITY PAINTING
158589	R.J.&J. CONSTRUCTION, INC.
111854	R.L. KLEIN & ASSOCIATES
151687	R.T. CLOWN, INC.
140533	RADIOWAVE MARKETING & PROMOTIONS
155669	RAMOS CONSULTING SERVICES, INC
514870	RBB ARCHITECTS INC.
168455	REBOOTTWICE LLC
190379	REGEN CONSULTING
194525	REID GROUP SOLUTIONS
506335	RELIABLE COMPANY
195482	RELIABLE HOUSEKEEPER
193072	RELIABLE LOGISTICS, INC.
170927	RELIABLE MONITORING SERVICES
183516	REM SUPPLY INC
115604	RESOURCE DEVELOPMENT ASSOCIATE
526781	RESPONSIVE OFFICE MACHINE CO
173213	RETROLOCK INC.
196452	REVEL INDUSTRIES
202352	REVIVE CABINET CLOSET PRO
197256	REXFORD C AJALAMBA
182245	REYNAGA TRANSPORTATION INC.
199110	RIGOBERTO SANCHEZ
201998	RIMPAC SUPPLIES LLC
129184	RISK MANAGEMENT SOLUTIONS OF
159390	rites of passage industries
190792	RKG TECHNOLOGIES INC

173097	ROBIN O'CONNELL
191562	ROBIN SWEET-RANSOM
187560	ROEBBELEN CONTRACTING, INC.
161409	ROOFERS MART OF SOUTHERN CALIFORNIA, INC.
174954	ROSE-FIELD INC.
200309	ROTH EVENT-FULL DESIGN COMPANY, INC.
184924	ROW TRAFFIC SAFETY INC
151393	RT CONTRACTOR CORP
197614	RW SEVEN CONSTRUCT LLC
122972	S & T ENGINEERING INC.
200663	S3DVBE
109025	SAALEX SOLUTIONS INC.
203038	SAF-T-CO SUPPLY, INC.
202019	SAH INDUSTRIAL SERVICES INC
200201	SAIF HUSSAIN
527015	SAIFULBOUQUET
145263	SAM SCULLY STAFFING
201553	SAN DIEGUITO ENGINEERING, INC.
200318	SANCHEZ MEDIA LLC
108971	SANJAY PANDYA
136556	SANTIAGO SOLUTIONS GROUP, INC.
506816	SAPPHOS ENVIRONMENTAL INC
153978	SARK CUSTOM AWNINGS & WINDOW COVERINGS INC
189316	SAWANO ARCHITECTS, INC
193272	SAY CARGO EXPRESS, INC
156585	SCHWAB ENGINEERING & MANAGEMENT INC
199413	SCREAMIN EAGLE SERVICES INC.
199247	SCS LIGHTS, INC.
191572	SDVOSB MATERIALS TECHNOLOGY & SUPPLY LLC
132435	SEA PAC ENGINEERING, INC.
198841	SECURE MANAGED INSTRUCTIONAL SYSTEMS
185258	SECURITY OPERATIONS GROUP INTERNATIONAL LLC
115404	SELBERT PERKINS DESIGN
172186	SERVEXO
184822	SERVICE CONNECTED INC
180979	SHARMA GENERAL ENGINEERING CONTRACTORS, INC.
181599	SHARPLINE SOLUTIONS, INC
056801	SHIRLEY R. FORSYTH AGENCY
189367	SIERRA CIS INC
186090	SIGTEL,INC.
505518	SIKAND ENGINEERING PLANNING
196153	SILVER ROSE ENTERTAINMENT, INC
178768	SILVIA CRUZ
128768	SIMPLEX CONSTRUCTION MGMT.
503346	SIMPSON & SIMPSON LLP
120288	SIMPSON & SIMPSON MANAGEMENT CONSULTING, INC
133220	SINHA & KEYFAUVER ENGINEERING INC, S & K ENGINEERS
047397	SIRACUSA ENTERPRISES INC
170136	SKYLINE SAFETY AND SUPPLY
198518	SLA MEDICAL SUPPLY PPE & DS SERVICES
178819	SLT ENTERPRISES

183624	SMALL BEGINNINGS, INC.
187781	SMALLBOARD.COM
195917	SMART INNOVATIVE INC
191271	SMART IT PROS INC
178433	SO CAL COMMUNICATIONS GROUP, INC
136624	SO CAL SANITATION, LLC
158949	SO TECH SPECIAL OPERATIONS TECHNOLOGIES
059165	SOFFA ELECTRIC INC.
194391	SOLARA SYSTEMS INC.
180622	SOONER TRUCKING LLC
195107	SOUTH ENVIRONMENTAL
154002	SOUTHWEST TRUCKING GROUP, LLC
167419	SPECIALTY FILM & PACKAGING INC
168809	SPECS CIVIL SOLUTIONS INC
169087	SPERIDIAN TECHNOLOGIES LLC
136861	SPURLOCK LANDSCAPE ARCHITECTS
105737	STAFF TECH, INC.
165225	STAY SAFE SOLUTIONS INC
182445	STEELMAN BUILD & CONSTRUCTION, INC.
177694	STEP ONE INC
200592	STEPHANIE DUPONT
189101	STERILE SERVICES CO.
176886	STERN BROTHERS & CO.
179432	STILLWATER SCIENCES
175399	STRATO COMMUNICATIONS, INC
188291	STRATUM GROUP INTERNATIONAL
121891	STRONGHOLD ENGINEERING, INC.
117040	SUMMIT CONSULTING AND ENGINEERING INC
186809	SUNSET PRIVATE SECURITY
194640	SUPER BY DESIGN LLC
129343	SUPER DELIVERY SERVICE
060752	SUPERBTECH INC
166043	SUPPLY PATRIOT INC
203453	SURF TO SNOW ENVIRONMENTAL RESOURCE MANAGEMENT, INC.
169016	SUTHERLAND CONSULTING GROUP
120193	SUZANNE PATRICK LAWRENCE
529724	SWA ARCHITECTS
182163	SYNERGOS, INC.
156189	SYNERGY TRAFFIC CONTROL INC
196433	SYRENITY CONSULTING
202408	SYSTEMATIC LLC
185366	T & D JETER LLC
109365	T & M PROJECTS, INC.
201587	TAAR MOVING & MANAGEMENT SERVICES, INC.
189289	TAHLEQUAH REBAR INC.
190183	TAKAKO PROFIT
188711	TANO LOGISTICS LLC
103205	TAPIA BROTHERS CO.
193384	TAWANNA WELLS
202189	TB&SH HOMETECHSERVICES
	Team Contracting, Inc.

153409	TEC MANAGEMENT CONSULTANTS, INC.
193860	TEN DOWNING ROYALE MEDIA LLC
199744	TENDER TOUCH NURSING GROUP PC (CORP)
200195	TERI & YAKI ASIAN COMFORT FOOD #3, INC.
160799	TERRY A. HAYES ASSOCIATES INC.
116650	TGR GEOTECHNICAL INC
165342	THANG H LE
194434	THE ALCOA AGENCY INC
173402	THE AMERICAN ENGINEERS
197702	THE ARCHITECTS COLLECTIVE INC
167670	THE ARROYO GROUP
190040	THE AUTOMATED PARKING SOLUTION LLC
199574	THE CLOVER COLLECTIVE LLC
196974	THE COMPLIANCE FIRM
150810	THE CREIGHTON GROUP
190480	THE FORREST GROUP
062337	THE G CREW
192202	THE GIFT MINT, LLC
202140	THE JERDE PARTNERSHIP, INC.
515310	THE LAGRANT GROUP
141067	THE NICKERSON COMPANY
202733	THE PURPLE SQUIRREL GROUP LLC
511191	THE R.E.M. ENGINEERING CO INC
054094	THE SHERIDAN GROUP
157123	THE STERGION GROUP INC
189173	THE VETERAN GROUP LLC
179582	THELESE CONSULTING GROUP, LLC
201043	THINKLOGIC INC
181592	THOMASINA LAWRENCE
192795	THOMP STEEL
190698	THUNDERCAT TECHNOLOGY, LLC
199287	TIANY GALASKAS
190979	TIGER TREE SERVICES INC
194630	TIMOTHY LEWIS
197296	TIST K ONE
198980	TITAN DISPOSAL CO., INC
191638	TJD TRUCKING
177609	TL VETERANS CONSTRUCTION INC
195472	TM HAIR PRODUCTS INC
187318	TOAST 2 ARTISTRY
179950	TORRENT LABORATORY, INC.
202392	TOTAL GLOW ENTERPRISES
100446	TRANSLATING SERVICES INC
197745	TRANSLUTIONS, INC.
199310	TRANSMAT INC.
190388	TREATMENT IMPLEMENTATION COLLABORATIVE, LLC
165172	TRIAD CONSULTING & SYSTEM DESIGN GROUP
198132	TRICELLUSA
147879	TRI-COUNTY DRILLING INC
202701	TRIDENT CPM CONSULTING, INC.
180894	TRIFILETTI CONSULTING, INC.

201760	TRIFORM DRYWALL INC.
198634	TRIGO NETWORKS LLC
167484	TRILEK ELECTRIC INC
147015	TRILLAMED LLC
182870	TRIMS INC.
182773	TRINITY EQUIPMENT INC
129877	TRI-STAR SAFETY SERVICES INC.
128620	TRIUMPH GEO-SYNTHETICS, INC.
179079	TRIUNITY ENGINEERING & MANAGEMENT INC
149561	TSG ENTERPRISES INC
198007	TURPIN LANDSCAPING & CONSTRUCTION
196745	TYRONE D. WASHINGTON
197712	TZUNU
197044	U.S. BUILDING MATERIALS, CORP
194976	UGS PRIVATE SECURITY, INC.
516402	ULTRASYSTEMS ENVIRONMENTAL INC
105066	UNISERVE FACILITIES SERVICES CORP
003654	UNITED PUMPING SERVICE, INC.
132961	UNITED WATERWORKS INC
507514	UNIVERSAL REPROGRAPHICS INC
181035	UNOVEX, INC.
198848	UPLA STUDIO
520107	URBAN GRAFFITI ENTERPRISES INC
194104	URBAN LINK CONSTRUCTION
051166	US METRO GROUP, INC.
174723	US ROCK CORPORATION
192662	USA VETS INC
167316	V W & ASSOCIATES, INC.
161683	V&A CONSULTING ENGINEERS, INC.
190008	V3GATE LLC
152631	VALLEY CITIES GONZALES FENCE INC
505642	VALVERDE CONSTRUCTION, INC.
195152	VANDELAY INDUSTRIES LLC
180945	VANESSA M QUEZADA
196234	VANESSA RIVERA
512403	VANIR CONSTRUCTION MGMT. INC
172952	VASKE COMPUTER INC, DBA COLLIER IT
141057	VCA ENGINEERS, INC.
180068	VECTOR ENERGY GROUP
194217	VECTOR STRATEGIES
201593	VENDORHUB, LLC
197216	VERNITA MICKENS
190384	VESPA GROUP, LLC
175859	VET NATIONAL INC
196513	VETERAN BUILDING MAINTENANCE & SUPPLY INC.
199654	VETERANS ENGINEERING SERVICES, INC.
186048	VETERANS FIRST SUPPLY INC
187354	VETUP, LLC
194914	VIC THOMPSON COMPANY
184225	VICTORIOUS R.E.D
156332	VINEGRA & VINIEGRAARCHITECTURE, LLP

192656	VIRGIL W DENNARD
193261	VIRTUS BUILDING CORPORATION
142169	VISION ELECTRIC WHOLESALE, INC
177054	VMA COMMUNICATIONS, INC
141385	VOBECKY ENTERPRISES INC
191182	VOX POP BRANDING
157384	VRPA TECHNOLOGIES, INC.
180050	V-SOLUTIONS CONSULTING, LLC
115594	WAGNER ENGINEERING & SURVEY INC
126724	WAKING STATE DESIGN
161716	WATEARTH
191847	WEBB FOODSERVICE DESIGN CONSULTANTS, INC.
162318	WEI INDUSTRIES
144754	WENDELL STEMLEY
188498	WEST COAST TELECOM INC.
201072	WESTERN CONSULTING SERVICE
512729	WESTERN PAVING CONTRACTORS
110426	WESTGROUP DESIGNS, INC.
056701	WESTRIDGE ASSOCIATES
195894	WHY ARCHITECTURE WORKSHOP, INC
144343	WILDSCAPE RESTORATION, INC.
182974	WILLIAM S CURRY
161256	WILMA FREEMAN
164534	WILTEC
199981	WORKINGWELL DAILY, LLC
162077	WORLD WIDE TECHNOLOGY LLC
165220	WORLDWISE PRODUCTIONS LLC
161981	WRECO
194047	XAHIVE INC
200143	XCLUSIVE DOOR & GLAZING
193341	XYPLES LLC
146786	YCE, INC.
199662	YML PORTABLE RESTROOMS LLC
119020	YORKE ENGINEERING, LLC
108577	Z VENTURE CAPITAL FRONTIERS
158193	Z&K CONSULTANTS INC.
193650	ZAMBEZI, LLC
196973	ZEE TECHS
196419	ZENCAP
195022	ZERO1 AGENCY LLC
187652	ZODIAQUE FOR RONDA BARTEE
168704	ZSM CORP.



CONTRACT BY AND BETWEEN
COUNTY OF LOS ANGELES
AND
HARRIS AND ASSOCIATES INC.
FOR
SPECIAL TAX ADMINISTRATION SERVICES

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**CONTRACT BETWEEN
COUNTY OF LOS ANGELES
AND
HARRIS AND ASSOCIATES INC.
FOR
SPECIAL TAX ADMINISTRATION SERVICES**

This Contract ("Contract") made and entered into this ____ day of _____, 2022 by and between the County of Los Angeles, hereinafter referred to as County and Harris and Associates Inc., hereinafter referred to as "Contractor". Harris and Associates Inc is located at 300 S. Grand Avenue, Suite 3830, Los Angeles, CA 90071.

RECITALS

WHEREAS, the County may contract with private businesses for Special Tax Administration Services when certain requirements are met; and

WHEREAS, the Contractor is a private firm specializing in providing Special Tax Administration Services; and

WHEREAS, the County has determined that it is legal, feasible, and cost-effective to contract Special Tax Administration Services; and

WHEREAS, this Contract is therefore authorized under Section 44.7 of the Los Angeles County Charter and Los Angeles County Codes Section 2.121.250; and

NOW THEREFORE, in consideration of the mutual covenants contained herein, and for good and valuable consideration, the parties agree to the following:

NOW THEREFORE, in consideration of the mutual covenants contained herein, and for good and valuable consideration, the parties agree to the following:

1 APPLICABLE DOCUMENTS

- 1.1 Exhibits A, B, C, D, E, F, G, H, and I are attached to and form a part of this Contract. In the event of any conflict or inconsistency in the definition or interpretation of any word, responsibility, schedule, or the contents or description of any task, deliverable, goods, service, or other work, or otherwise between the base Contract and the Exhibits, or between Exhibits, such conflict or inconsistency shall be

resolved by giving precedence first to the terms and conditions of the Contract and then to the Exhibits according to the following priority.

Standard Exhibits:

- 1.1 Exhibit A - Statement of Work
- 1.2 Exhibit B - Pricing Schedule
- 1.3 Exhibit C - Intentionally Omitted
- 1.4 Exhibit D - Contractor's EEO Certification
- 1.5 Exhibit E - County's Administration
- 1.6 Exhibit F - Contractor's Administration
- 1.7 Exhibit G - Forms Required at the Time of Contract Execution
- 1.8 Exhibit H - Jury Service Ordinance
- 1.9 Exhibit I - Safely Surrendered Baby Law

This Contract constitutes the complete and exclusive statement of understanding between the parties, and supersedes all previous contracts, written and oral, and all communications between the parties relating to the subject matter of this Contract. No change to this Contract shall be valid unless prepared pursuant to Paragraph 8.1 (Amendments) and signed by both parties.

2 DEFINITIONS

2.1 Standard Definitions:

2.1.1 The headings herein contained are for convenience and reference only and are not intended to define the scope of any provision thereof. The following words as used herein shall be construed to have the following meaning, unless otherwise apparent from the context in which they are used.

2.1.1.1 Contract: This agreement executed between County and Contractor. Included are all supplemental agreements amending or extending the service to be performed. The Contract sets forth the terms and conditions for the issuance and performance of all tasks, deliverables, services and other work

- 2.1.1.2 **Contractor:** The person or persons, sole proprietor, partnership, joint venture, corporation or other legal entity who has entered into an agreement with the County to perform or execute the work covered by this contract.
- 2.1.1.3 **Statement of Work:** The directions, provisions, and requirements provided herein and special provisions pertaining to the method, frequency, manner and place of performing the contract services.
- 2.1.1.4 **Subcontract:** An agreement by the contractor to employ a subcontractor to provide services to fulfill this contract.
- 2.1.1.5 **Subcontractor:** Any individual, person or persons, sole proprietor, firm, partnership, joint venture, corporation, or other legal entity furnishing supplies, services of any nature, equipment, and/or materials to contractor in furtherance of contractor's performance of this contract, at any tier, under oral or written agreement.
- 2.1.1.6 **Board of Supervisors (Board):** The Board of Supervisors of the County of Los Angeles acting as governing body.
- 2.1.1.7 **County Project Manager:** Person designated by County's Project Director to manage the operations under this contract.
- 2.1.1.8 **County Contract Project Monitor:** Person with responsibility to oversee the day to day activities of this contract. Responsibility for inspections of any and all tasks, deliverables, goods, services and other work provided by the contractor.
- 2.1.1.9 **County Project Director:** Person designated by County with authority for County on contractual or administrative matters relating to this contract that cannot be resolved by the County's Project Manager.
- 2.1.1.10 **Day(s):** Calendar day(s) unless otherwise specified.
- 2.1.1.11 **Contractor Project Manager:** The person designated by the Contractor to administer the Contract operations under this Contract

2.1.1.12 **Fiscal Year:** The twelve (12) month period beginning July 1st and ending the following June 30th.

2.1.1.13 **County Library:** LA County Library.

2.1.1.14 **Unanticipated Work:** Additional as-needed services performed under the Contract when the need arises and requested by the County.

3 WORK

- 3.1 Pursuant to the provisions of this Contract, the Contractor shall fully perform, complete and deliver on time, all tasks, deliverables, services and other work as set forth in herein.
- 3.2 If the Contractor provides any tasks, deliverables, goods, services, or other work, other than as specified in this contract, the same shall be deemed to be a gratuitous effort on the part of the contractor, and the contractor shall have no claim whatsoever against the County.

4 TERM OF CONTRACT

- 4.1 The term of this Contract shall be **four (4)** years commencing after execution by County's Board of Supervisors (Board), unless sooner terminated or extended, in whole or in part, as provided in this Contract.
- 4.2 The County shall have the sole option to extend this Contract term for up to **one (1)** additional one-year periods and six (6) month-to-month extensions, for a maximum total Contract term of **five (5)** years and **six (6)** months. Each such extension option may be exercised at the sole discretion of the County Librarian, or his/her designee as authorized by the Board.

The County maintains a database that track/monitor contractor performance history. Information entered into the database may be used for a variety of purposes, including determining whether the County will exercise a contract term extension option.

- 4.3 Contractor shall notify County Library when this Contract is within six (6) months of the expiration of the term as provided for hereinabove. Upon occurrence of this event, the Contractor shall send written notification to County Library at the address herein provided in Exhibit E - County's Administration.

5 CONTRACT SUM

5.1 Total Contract Sum

- 5.1.1 The maximum Contract Sum under the terms of this Contract will be the total monetary amount payable by the County to the Contractor for provision of the Services specified herein in accordance with Exhibit B - Contractor's Proposed Pricing Schedule, and will not **exceed the following**:

Year	Annual Fee	Unanticipated Work	Contract Sum
1	\$ 22,165.00	\$ 2,216.50	\$ 24,381.50
2	\$ 22,165.00	\$ 2,216.50	\$ 24,381.50
3	\$ 22,165.00	\$ 2,216.50	\$ 24,381.50
4	\$ 22,830.00	\$ 2,283.00	\$ 25,113.00
5	\$ 23,515.00	\$ 2,351.50	\$ 25,866.50
Special Tax Program Audit			\$ 5,000.00
\$ 112,840.00		\$ 11,284.00	\$ 129,124.00

The Contract Sum includes unanticipated work for as-needed Special Tax Administration Services as authorized in Section 10.0, Unanticipated Work, of Exhibit A, Statement of Work. In total, the maximum Contract sum, which includes the onetime \$5,000.00 possible audit to assure the accuracy of the parcel information, shall not exceed \$129,124.00.

5.2 Written Approval for Reimbursement

- 5.2.1 The Contractor shall not be entitled to payment or reimbursement for any tasks or services performed, nor for any incidental or administrative expenses whatsoever incurred in or incidental to performance hereunder, except as specified herein. Assumption or takeover of any of the Contractor's duties, responsibilities, or obligations, or performance of same by any person or entity other than the Contractor, whether through assignment, subcontract, delegation, merger, buyout, or any other mechanism, with or without consideration for any reason whatsoever, shall not occur except with the County's express prior written approval.

5.3 Notification of 75% of Total Contract Sum

- 5.3.1 The Contractor shall maintain a system of record keeping that will allow the Contractor to determine when it has incurred seventy-five percent (75%) of the total contract sum under this Contract. Upon occurrence of this event, the Contractor shall

send written notification to the Library at the address herein provided in Exhibit E, County's Administration.

5.4 No Payment for Services Provided Following Expiration-Termination of Contract

5.4.1 The Contractor shall have no claim against County for payment of any money or reimbursement, of any kind whatsoever, for any service provided by the Contractor after the expiration or other termination of this Contract. Should the Contractor receive any such payment it shall immediately notify County and shall immediately repay all such funds to County. Payment by County for services rendered after expiration-termination of this Contract shall not constitute a waiver of County's right to recover such payment from the Contractor. This provision shall survive the expiration or other termination of this Contract.

5.5 Invoices and Payments

5.5.1 The Contractor shall invoice the County only for providing the tasks, deliverables, goods, services, and other work specified in Exhibit A – Statement of Work and elsewhere hereunder. The Contractor shall prepare invoices, which shall include the charges owed to the Contractor by the County under the terms of this Contract. The Contractor's payments shall be as provided in Exhibit B (Pricing Schedule) and the Contractor shall be paid only for the tasks, deliverables, goods, services, and other work approved in writing by the County. If the County does not approve work in writing no payment shall be due to the Contractor for that work.

5.5.2 The Contractor's invoices shall be priced in accordance with Exhibit B (Pricing Schedule).

5.5.3 The Contractor's invoices shall contain the information set forth in Exhibit A (Statement of Work) describing the tasks, deliverables, goods, services, work hours, and facility and/or other work for which payment is claimed.

5.5.4 The Contractor shall submit the monthly invoices to the County by the 15th calendar day of the month following the month of service.

5.5.5 County Approval of Invoices

All invoices submitted by the Contractor for payment must have the written approval of the County's Project Manager prior to any payment thereof. In no event shall the County be liable or responsible for any payment prior to such written approval. Approval for payment will not be unreasonably withheld.

5.5.6 Local Small Business Enterprises – Prompt Payment Program

Certified Local Small Business Enterprises (LSBEs) will receive prompt payment for services they provide to County departments. Prompt payment is defined as fifteen (15) calendar days after receipt of an undisputed invoice.

5.6 Default Method of Payment: Direct Deposit or Electronic Funds Transfer

5.6.1 The County, at its sole discretion, has determined that the most efficient and secure default form of payment for goods and/or services provided under an agreement/ contract with the County shall be Electronic Funds Transfer (EFT) or direct deposit, unless an alternative method of payment is deemed appropriate by the Auditor-Controller (A-C).

5.6.2 The Contractor shall submit a direct deposit authorization request via the website <https://directdeposit.lacounty.gov> with banking and vendor information, and any other information that the A-C determines is reasonably necessary to process the payment and comply with all accounting, record keeping, and tax reporting requirements.

5.6.3 Any provision of law, grant, or funding agreement requiring a specific form or method of payment other than EFT or direct deposit shall supersede this requirement with respect to those payments.

5.6.4 At any time during the duration of the agreement/contract, a Contractor may submit a written request for an exemption to this requirement. Such request must be based on specific legal, business or operational needs and explain why the payment method designated by the A-C is not feasible and an alternative is necessary. The A-C, in consultation with the

contracting department(s), shall decide whether to approve exemption requests.

6 ADMINISTRATION OF CONTRACT - COUNTY

6.1 County Administration

6.1.1 A listing of all County Administration referenced in the following subparagraphs are designated in Exhibit E - County's Administration. The County will notify the Contractor in writing of any change in the names or addresses shown.

6.2 County's Project Director

6.2.1 The role of the County's Project Director may include:

6.2.1.1 Coordinating with Contractor and ensuring Contractor's performance of the Contract; however, in no event shall Contractor's obligation to fully satisfy all of the requirements of this Contract be relieved, excused or limited thereby; and

6.2.1.2 Upon request of the Contractor, providing direction to the Contractor, as appropriate in areas relating to County policy, information requirements, and procedural requirements; however, in no event, shall Contractor's obligation to fully satisfy all of the requirements of this Contract be relieved, excused or limited thereby.

6.3 County's Project Manager

6.3.1 The role of the County's Project Manager is authorized to include:

6.3.1.1 Meeting with the Contractor's Project Manager on a regular basis; and

6.3.1.2 Inspecting any and all tasks, deliverables, goods, services, or other work provided by or on behalf of the Contractor; however, in no event shall Contractor's obligation to fully satisfy all of the requirements of this Contract be relieved, excused or limited thereby.

The County's Project Manager is not authorized to make any changes in any of the terms and conditions of this Contract

and is not authorized to further obligate County in any respect whatsoever.

6.4 County's Contract Project Monitor

6.4.1 The role of the County's Project Monitor is to oversee the day-to-day administration of this Contract; however, in no event shall Contractor's obligation to fully satisfy all of the requirements of this Contract be relieved, excused or limited thereby. The Project Monitor reports to the County's Project Manager.

7 ADMINISTRATION OF CONTRACT - CONTRACTOR

7.1 Contractor Administration

A listing of all of Contractor's Administration referenced in the following paragraphs is designated in Exhibit F (Contractor's Administration). The Contractor will notify the County in writing of any change in the names or addresses shown.

7.2 Project Manager

7.2.1 The Contractor's Project Manager is designated in Exhibit F (Contractor's Administration). The Contractor shall notify the County in writing of any change in the name or address of the Contractor's Project Manager.

7.2.2 The Contractor's Project Manager shall be responsible for the Contractor's day-to-day activities as related to this Contract and shall meet and coordinate with County's Project Manager and County's Contract Project Monitor on a regular basis.

7.3 Approval of Contractor's Staff

7.3.1 County has the absolute right to approve or disapprove all of the Contractor's staff performing work hereunder and any proposed changes in the Contractor's staff, including, but not limited to, the Contractor's Project Manager.

7.4 Contractor's Staff Identification

Contract shall provide, at Contractor's expense, all staff providing services under this Contract with a photo identification badge.

7.5 Background and Security Investigations

- 7.5.1 Each of Contractor's staff performing services under this Contract, who is in a designated sensitive position, as determined by County in County's sole discretion, shall undergo and pass a background investigation to the satisfaction of County as a condition of beginning and continuing to perform services under this Contract. Such background investigation must be obtained through fingerprints submitted to the California Department of Justice to include State, local, and federal-level review, which may include, but shall not be limited to, criminal conviction information. The fees associated with the background investigation shall be at the expense of the Contractor, regardless of whether the member of Contractor's staff passes or fails the background investigation.

If a member of Contractor's staff does not pass the background investigation, County may request that the member of Contractor's staff be removed immediately from performing services under the Contract. Contractor shall comply with County's request at any time during the term of the Contract. County will not provide to Contractor or to Contractor's staff any information obtained through the County's background investigation.

- 7.5.2 County, in its sole discretion, may immediately deny or terminate facility access to any member of Contractor's staff that does not pass such investigation to the satisfaction of the County or whose background or conduct is incompatible with County facility access.
- 7.5.3 Disqualification of any member of Contractor's staff pursuant to this Paragraph 7.5 shall not relieve Contractor of its obligation to complete all work in accordance with the terms and conditions of this Contract.

7.6 Confidentiality

- 7.6.1 Contractor shall maintain the confidentiality of all records and information in accordance with all applicable Federal, State and local laws, rules, regulations, ordinances, directives, guidelines, policies and procedures relating to confidentiality, including, without limitation, County policies concerning information technology security and the protection of confidential records and information.

- 7.6.2 Contractor shall indemnify, defend, and hold harmless County, its officers, employees, and agents, from and against any and all claims, demands, damages, liabilities, losses, costs and expenses, including, without limitation, defense costs and legal, accounting and other expert, consulting, or professional fees, arising from, connected with, or related to any failure by Contractor, its officers, employees, agents, or subcontractors, to comply with this Paragraph 7.6, as determined by County in its sole judgment. Any legal defense pursuant to contractor's indemnification obligations under this Paragraph 7.6 shall be conducted by contractor and performed by counsel selected by Contractor and approved by County. Notwithstanding the preceding sentence, County shall have the right to participate in any such defense at its sole cost and expense, except that in the event Contractor fails to provide County with a full and adequate defense, as determined by County in its sole judgment, County shall be entitled to retain its own counsel, including, without limitation, County Counsel, and to reimbursement from Contractor for all such costs and expenses incurred by County in doing so. Contractor shall not have the right to enter into any settlement, agree to any injunction, or make any admission, in each case, on behalf of County without County's prior written approval.
- 7.6.3 Contractor shall inform all of its officers, employees, agents and subcontractors providing services hereunder of the confidentiality provisions of this Contract.
- 7.6.4 Contractor shall sign and adhere to the provisions of the "Contractor Acknowledgement and Confidentiality Agreement", Exhibit G.

8 STANDARD TERMS AND CONDITIONS

8.1 Amendments

- 8.1.1 For any change which affects the scope of work, term, contract sum, payments, or any term or condition included under this Contract, an amendment to the Contract will be prepared and executed by the Contractor and by the Board, with the exception that the County Librarian is expressly authorized to increase or decrease the Contract Sum set forth in Paragraph 5, Contract Sum, not to exceed ten percent (10%) of the annual Contract Sum as originally approved by

the Board and to increase the Contract Sum to modify the annual estimate for unanticipated work included in the annual Contract sum, not to exceed ten percent (10%) of the annual contractor's fee, based on future approved changes to the annual contractor's fee. Any such changes will be in writing and signed by the Contractor and by the County Librarian or her designee.

8.1.2 The County's Board of Supervisors or Chief Executive Officer or designee may require the addition and/or change of certain terms and conditions in the Contract during the term of this Contract. The County reserves the right to add and/or change such provisions as required by the County's Board of Supervisors or Chief Executive Officer. To implement such changes, an Amendment to the Contract shall be prepared and executed by the contractor and by County Librarian or his/her designee.

8.1.3 The County Librarian or his/her designee, or the Board may at his/her sole discretion, authorize extensions of time as defined in Paragraph 4 - Term of Contract. The contractor agrees that such extensions of time shall not change any other term or condition of this Contract during the period of such extensions. To implement an extension of time, an Amendment to the Contract shall be prepared and executed by the contractor and by the Board.

8.2 Assignment and Delegation/Mergers or Acquisitions

8.2.1 The contractor shall notify the County of any pending acquisitions/mergers of its company unless otherwise legally prohibited from doing so. If the contractor is restricted from legally notifying the County of pending acquisitions/mergers, then it should notify the County of the actual acquisitions/mergers as soon as the law allows and provide to the County the legal framework that restricted it from notifying the County prior to the actual acquisitions/mergers.

8.2.2 The contractor shall not assign, exchange, transfer, or delegate its rights or duties under this Contract, whether in whole or in part, without the prior written consent of County, in its discretion, and any attempted assignment, delegation, or otherwise transfer of its rights or duties, without such consent shall be null and void. For purposes of this paragraph, County consent shall require a written Amendment to the Contract, which is formally approved and

executed by the parties. Any payments by the County to any approved delegate or assignee on any claim under this Contract shall be deductible, at County's sole discretion, against the claims, which the contractor may have against the County.

- 8.2.3 Any assumption, assignment, delegation, or takeover of any of the contractor's duties, responsibilities, obligations, or performance of same by any person or entity other than the contractor, whether through assignment, subcontract, delegation, merger, buyout, or any other mechanism, with or without consideration for any reason whatsoever without County's express prior written approval, shall be a material breach of the Contract which may result in the termination of this Contract. In the event of such termination, County shall be entitled to pursue the same remedies against contractor as it could pursue in the event of default by contractor.

8.3 Authorization Warranty

- 8.3.1 The contractor represents and warrants that the person executing this Contract for the contractor is an authorized agent who has actual authority to bind the contractor to each and every term, condition, and obligation of this Contract and that all requirements of the contractor have been fulfilled to provide such actual authority.

8.4 Budget Reductions

- 8.4.1 In the event that the County's Board adopts, in any fiscal year, a County Budget which provides for reductions in the salaries and benefits paid to the majority of County employees and imposes similar reductions with respect to County contracts, the County reserves the right to reduce its payment obligation under this Contract correspondingly for that fiscal year and any subsequent fiscal year during the term of this Contract (including any extensions), and the services to be provided by the contractor under this Contract shall also be reduced correspondingly. The County's notice to the contractor regarding said reduction in payment obligation shall be provided within thirty (30) calendar days of the Board's approval of such actions. Except as set forth in the preceding sentence, the contractor shall continue to provide all of the services set forth in this Contract.

8.5 Complaints

- 8.5.1 The contractor shall develop, maintain and operate procedures for receiving, investigating and responding to complaints.
- 8.5.2 Complaint Procedures
 - 8.5.2.1 Within ten (10) business days after the Contract effective date, the contractor shall provide the County with the contractor's policy for receiving, investigating and responding to user complaints.
 - 8.5.2.2 The County will review the contractor's policy and provide the contractor with approval of said plan or with requested changes.
 - 8.5.2.3 If the County requests changes in the contractor's policy, the contractor shall make such changes and resubmit the plan within five (5) business days for County approval.
 - 8.5.2.4 If, at any time, the contractor wishes to change the contractor's policy, the contractor shall submit proposed changes to the County for approval before implementation.
 - 8.5.2.5 The contractor shall preliminarily investigate all complaints and notify the County's Project Manager of the status of the investigation within five (5) business days of receiving the complaint.
 - 8.5.2.6 When complaints cannot be resolved informally, a system of follow-through shall be instituted which adheres to formal plans for specific actions and strict time deadlines.
 - 8.5.2.7 Copies of all written responses shall be sent to the County's Project Manager within three (3) business days of mailing to the complainant.

8.6 Compliance with Applicable Law

- 8.6.1 In the performance of this Contract, contractor shall comply with all applicable Federal, State and local laws, rules,

regulations, ordinances, directives, guidelines, policies and procedures, and all provisions required thereby to be included in this Contract are hereby incorporated herein by reference.

- 8.6.2 Contractor shall indemnify, defend, and hold harmless County, its officers, employees, and agents, from and against any and all claims, demands, damages, liabilities, losses, costs, and expenses, including, without limitation, defense costs and legal, accounting and other expert, consulting or professional fees, arising from, connected with, or related to any failure by contractor, its officers, employees, agents, or subcontractors, to comply with any such laws, rules, regulations, ordinances, directives, guidelines, policies, or procedures, as determined by County in its sole judgment. Any legal defense pursuant to contractor's indemnification obligations under Paragraph 8.6 (Compliance with Applicable Law) shall be conducted by contractor and performed by counsel selected by contractor and approved by County. Notwithstanding the preceding sentence, County shall have the right to participate in any such defense at its sole cost and expense, except that in the event contractor fails to provide County with a full and adequate defense, as determined by County in its sole judgment, County shall be entitled to retain its own counsel, including, without limitation, County Counsel, and to reimbursement from contractor for all such costs and expenses incurred by County in doing so. Contractor shall not have the right to enter into any settlement, agree to any injunction or other equitable relief, or make any admission, in each case, on behalf of County without County's prior written approval.

8.7 Compliance with Civil Rights Laws

- 8.7.1 The contractor hereby assures that it will comply with Subchapter VI of the Civil Rights Act of 1964, 42 USC Sections 2000 (e) (1) through 2000 (e) (17), to the end that no person shall, on the grounds of race, creed, color, sex, religion, ancestry, age, condition of physical handicap, marital status, political affiliation, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this Contract or under any project, program, or activity supported by this Contract. The contractor shall comply with Exhibit D - Contractor's EEO Certification.

8.8 Compliance with the County's Jury Service Program

8.8.1 Jury Service Program:

This Contract is subject to the provisions of the County's ordinance entitled Contractor Employee Jury Service ("Jury Service Program") as codified in Sections 2.203.010 through 2.203.090 of the Los Angeles County Code, a copy of which is attached as Exhibit H and incorporated by reference into and made a part of this Contract.

8.8.2 Written Employee Jury Service Policy.

1. Unless the contractor has demonstrated to the County's satisfaction either that the contractor is not a "contractor" as defined under the Jury Service Program (Section 2.203.020 of the County Code) or that the contractor qualifies for an exception to the Jury Service Program (Section 2.203.070 of the County Code), the contractor shall have and adhere to a written policy that provides that its Employees shall receive from the contractor, on an annual basis, no less than five days of regular pay for actual jury service. The policy may provide that Employees deposit any fees received for such jury service with the contractor or that the contractor deduct from the Employee's regular pay the fees received for jury service.
2. For purposes of this paragraph, "contractor" means a person, partnership, corporation or other entity which has a contract with the County or a subcontract with a County contractor and has received or will receive an aggregate sum of fifty thousand dollars (\$50,000) or more in any twelve (12) month period under one or more County contracts or subcontracts. "Employee" means any California resident who is a full-time employee of the contractor. "Full-time" means forty (40) hours or more worked per week, or a lesser number of hours if: 1) the lesser number is a recognized industry standard as determined by the County, or 2) contractor has a long-standing practice that defines the lesser number of hours as full-time. Full-time employees providing short-term, temporary services of ninety (90) days or less within a twelve (12) month period are not considered full-time for purposes of the Jury Service Program. If the contractor uses any subcontractor to perform services for the County under

the Contract, the subcontractor shall also be subject to the provisions of this paragraph. The provisions of this paragraph shall be inserted into any such subcontract agreement and a copy of the Jury Service Program shall be attached to the agreement.

3. If the contractor is not required to comply with the Jury Service Program when the Contract commences, the contractor shall have a continuing obligation to review the applicability of its “exception status” from the Jury Service Program, and the contractor shall immediately notify the County if the contractor at any time either comes within the Jury Service Program’s definition of “contractor” or if the contractor no longer qualifies for an exception to the Jury Service Program. In either event, the contractor shall immediately implement a written policy consistent with the Jury Service Program. The County may also require, at any time during the Contract and at its sole discretion, that the contractor demonstrate, to the County’s satisfaction that the contractor either continues to remain outside of the Jury Service Program’s definition of “contractor” and/or that the contractor continues to qualify for an exception to the Program.
4. Contractor’s violation of this paragraph of the Contract may constitute a material breach of the Contract. In the event of such material breach, County may, in its sole discretion, terminate the Contract and/or bar the contractor from the award of future County contracts for a period of time consistent with the seriousness of the breach.

8.9 Conflict of Interest

- 8.9.1 No County employee whose position with the County enables such employee to influence the award of this Contract or any competing Contract, and no spouse or economic dependent of such employee, shall be employed in any capacity by the contractor or have any other direct or indirect financial interest in this Contract. No officer or employee of the contractor who may financially benefit from the performance of work hereunder shall in any way participate in the County’s approval, or ongoing evaluation, of such work, or in any way attempt to unlawfully influence the County’s approval or ongoing evaluation of such work.

8.9.2 The contractor shall comply with all conflict of interest laws, ordinances, and regulations now in effect or hereafter to be enacted during the term of this Contract. The contractor warrants that it is not now aware of any facts that create a conflict of interest. If the contractor hereafter becomes aware of any facts that might reasonably be expected to create a conflict of interest, it shall immediately make full written disclosure of such facts to the County. Full written disclosure shall include, but is not limited to, identification of all persons implicated and a complete description of all relevant circumstances. Failure to comply with the provisions of this paragraph shall be a material breach of this Contract.

8.10 Consideration of Hiring County Employees Targeted for Layoffs or are on a County Re-Employment List

8.10.1 Should the contractor require additional or replacement personnel after the effective date of this Contract to perform the services set forth herein, the contractor shall give first consideration for such employment openings to qualified, permanent County employees who are targeted for layoff or qualified, former County employees who are on a re-employment list during the life of this Contract.

8.11 Consideration of Hiring GAIN-GROW Participants

8.11.1 Should the contractor require additional or replacement personnel after the effective date of this Contract, the contractor shall give consideration for any such employment openings to participants in the County's Department of Public Social Services Greater Avenues for Independence (GAIN) Program or General Relief Opportunity for Work (GROW) Program who meet the contractor's minimum qualifications for the open position. For this purpose, consideration shall mean that the contractor will interview qualified candidates. The County will refer GAIN-GROW participants by job category to the contractor. Contractors shall report all job openings with job requirements to: GAINGROW@DPSS.LACOUNTY.GOV and BSERVICES@WDACS.LACOUNTY.GOV and DPSS will refer qualified GAIN/GROW job candidates.

8.11.2 In the event that both laid-off County employees and GAIN/GROW participants are available for hiring, County employees shall be given first priority.

8.12 Contractor Responsibility and Debarment

8.12.1 Responsible Contractor

A responsible contractor is a contractor who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity and experience to satisfactorily perform the contract. It is the County's policy to conduct business only with responsible contractors.

8.12.2 Chapter 2.202 of the County Code

The contractor is hereby notified that, in accordance with Chapter 2.202 of the County Code, if the County acquires information concerning the performance of the contractor on this or other contracts which indicates that the contractor is not responsible, the County may, in addition to other remedies provided in the Contract, debar the contractor from bidding or proposing on, or being awarded, and/or performing work on County contracts for a specified period of time, which generally will not exceed five (5) years but may exceed five (5) years or be permanent if warranted by the circumstances, and terminate any or all existing contracts the contractor may have with the County.

8.12.3 Non-responsible contractor

The County may debar a contractor if the Board of Supervisors finds, in its discretion, that the contractor has done any of the following: 1) violated a term of a contract with the County or a nonprofit corporation created by the County, 2) committed an act or omission which negatively reflects on the contractor's quality, fitness or capacity to perform a contract with the County, any other public entity, or a nonprofit corporation created by the County, or engaged in a pattern or practice which negatively reflects on same, 3) committed an act or offense which indicates a lack of business integrity or business honesty, or 4) made or submitted a false claim against the County or any other public entity.

8.12.4 Contractor Hearing Board

8.12.4.1 If there is evidence that the contractor may be subject to debarment, the Department will notify the contractor in writing of the evidence which is the basis for the proposed debarment and will

advise the contractor of the scheduled date for a debarment hearing before the Contractor Hearing Board.

- 8.12.4.2 The Contractor Hearing Board will conduct a hearing where evidence on the proposed debarment is presented. The contractor and/or the contractor's representative shall be given an opportunity to submit evidence at that hearing. After the hearing, the Contractor Hearing Board shall prepare a tentative proposed decision, which shall contain a recommendation regarding whether the contractor should be debarred, and, if so, the appropriate length of time of the debarment. The contractor and the Department shall be provided an opportunity to object to the tentative proposed decision prior to its presentation to the Board of Supervisors.
- 8.12.4.3 After consideration of any objections, or if no objections are submitted, a record of the hearing, the proposed decision, and any other recommendation of the Contractor Hearing Board shall be presented to the Board of Supervisors. The Board of Supervisors shall have the right to modify, deny, or adopt the proposed decision and recommendation of the Contractor Hearing Board.
- 8.12.4.4 If a contractor has been debarred for a period longer than five (5) years, that contractor may after the debarment has been in effect for at least five (5) years, submit a written request for review of the debarment determination to reduce the period of debarment or terminate the debarment. The County may, in its discretion, reduce the period of debarment or terminate the debarment if it finds that the contractor has adequately demonstrated one or more of the following: 1) elimination of the grounds for which the debarment was imposed; 2) a bona fide change in ownership or management; 3) material evidence discovered after debarment was imposed; or 4) any other reason that is in the best interests of the County.

8.12.4.5 The Contractor Hearing Board will consider a request for review of a debarment determination only where 1) the contractor has been debarred for a period longer than five (5) years; 2) the debarment has been in effect for at least five (5) years; and 3) the request is in writing, states one or more of the grounds for reduction of the debarment period or termination of the debarment, and includes supporting documentation. Upon receiving an appropriate request, the Contractor Hearing Board will provide notice of the hearing on the request. At the hearing, the Contractor Hearing Board shall conduct a hearing where evidence on the proposed reduction of debarment period or termination of debarment is presented. This hearing shall be conducted and the request for review decided by the Contractor Hearing Board pursuant to the same procedures as for a debarment hearing.

8.12.4.6 The Contractor Hearing Board's proposed decision shall contain a recommendation on the request to reduce the period of debarment or terminate the debarment. The Contractor Hearing Board shall present its proposed decision and recommendation to the Board of Supervisors. The Board of Supervisors shall have the right to modify, deny, or adopt the proposed decision and recommendation of the Contractor Hearing Board.

8.12.5 Subcontractors of Contractor

These terms shall also apply to subcontractors of County contractors.

8.13 Contractor's Acknowledgement of County's Commitment to Safely Surrendered Baby Law

8.13.1 The contractor acknowledges that the County places a high priority on the implementation of the Safely Surrendered Baby Law. The contractor understands that it is the County's policy to encourage all County contractors to voluntarily post the County's "Safely Surrendered Baby Law" poster, in Exhibit I, in a prominent position at the contractor's place of business. The contractor will also encourage its

subcontractors, if any, to post this poster in a prominent position in the subcontractor's place of business. Information and posters for printing are available at www.babysafela.org.

8.14 Contractor's Warranty of Adherence to County's Child Support Compliance Program

8.14.1 The contractor acknowledges that the County has established a goal of ensuring that all individuals who benefit financially from the County through contracts are in compliance with their court-ordered child, family and spousal support obligations in order to mitigate the economic burden otherwise imposed upon the County and its taxpayers.

8.14.2 As required by the County's Child Support Compliance Program (County Code Chapter 2.200) and without limiting the contractor's duty under this Contract to comply with all applicable provisions of law, the contractor warrants that it is now in compliance and shall during the term of this Contract maintain in compliance with employment and wage reporting requirements as required by the Federal Social Security Act (42 USC Section 653a) and California Unemployment Insurance Code Section 1088.5, and shall implement all lawfully served Wage and Earnings Withholding Orders or Child Support Services Department Notices of Wage and Earnings Assignment for Child, Family or Spousal Support, pursuant to Code of Civil Procedure Section 706.031 and Family Code Section 5246(b).

8.15 County's Quality Assurance Plan

The County or its agent(s) will monitor the contractor's performance under this Contract on not less than an annual basis. Such monitoring will include assessing the contractor's compliance with all Contract terms and conditions and performance standards. Contractor deficiencies which the County determines are significant or continuing and that may place performance of the Contract in jeopardy if not corrected will be reported to the Board of Supervisors and listed in the appropriate contractor performance database. The report to the Board will include improvement/corrective action measures taken by the County and the contractor. If improvement does not occur consistent with the corrective action measures, the County may terminate this Contract or impose other penalties as specified in this Contract.

8.16 Damage to County Facilities, Buildings or Grounds

- 8.16.1 The contractor shall repair, or cause to be repaired, at its own cost, any and all damage to County facilities, buildings, or grounds caused by the contractor or employees or agents of the contractor. Such repairs shall be made immediately after the contractor has become aware of such damage, but in no event later than thirty (30) days after the occurrence.
- 8.16.2 If the contractor fails to make timely repairs, County may make any necessary repairs. All costs incurred by County, as determined by County, for such repairs shall be repaid by the contractor by cash payment upon demand.

8.17 Employment Eligibility Verification

- 8.17.1 The contractor warrants that it fully complies with all Federal and State statutes and regulations regarding the employment of aliens and others and that all its employees performing work under this Contract meet the citizenship or alien status requirements set forth in Federal and State statutes and regulations. The contractor shall obtain, from all employees performing work hereunder, all verification and other documentation of employment eligibility status required by Federal and State statutes and regulations including, but not limited to, the Immigration Reform and Control Act of 1986, (P.L. 99-603), or as they currently exist and as they may be hereafter amended. The contractor shall retain all such documentation for all covered employees for the period prescribed by law.
- 8.17.2 The contractor shall indemnify, defend, and hold harmless, the County, its agents, officers, and employees from employer sanctions and any other liability which may be assessed against the contractor or the County or both in connection with any alleged violation of any Federal or State statutes or regulations pertaining to the eligibility for employment of any persons performing work under this Contract.

8.18 Counterparts and Electronic Signatures and Representations

This Contract may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same Contract. The facsimile, email or electronic signature of the Parties shall be deemed to constitute original signatures, and facsimile or electronic copies hereof shall be deemed to constitute duplicate originals.

The County and the Contractor hereby agree to regard electronic representations of original signatures of authorized officers of each party, when appearing in appropriate places on the Amendments prepared pursuant to Paragraph 8.1 (Amendments) and received via communications facilities (facsimile, email or electronic signature), as legally sufficient evidence that such legally binding signatures have been affixed to Amendments to this Contract.

8.19 Fair Labor Standards

8.19.1 The contractor shall comply with all applicable provisions of the Federal Fair Labor Standards Act and shall indemnify, defend, and hold harmless the County and its agents, officers, and employees from any and all liability, including, but not limited to, wages, overtime pay, liquidated damages, penalties, court costs, and attorneys' fees arising under any wage and hour law, including, but not limited to, the Federal Fair Labor Standards Act, for work performed by the contractor's employees for which the County may be found jointly or solely liable.

8.20 Force Majeure

8.20.1 Neither party shall be liable for such party's failure to perform its obligations under and in accordance with this Contract, if such failure arises out of fires, floods, epidemics, quarantine restrictions, other natural occurrences, strikes, lockouts (other than a lockout by such party or any of such party's subcontractors), freight embargoes, or other similar events to those described above, but in every such case the failure to perform must be totally beyond the control and without any fault or negligence of such party (such events are referred to in this paragraph as "force majeure events").

8.20.2 Notwithstanding the foregoing, a default by a subcontractor of contractor shall not constitute a force majeure event, unless such default arises out of causes beyond the control of both contractor and such subcontractor, and without any fault or negligence of either of them. In such case, contractor shall not be liable for failure to perform, unless the goods or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit contractor to meet the required performance schedule. As used in this subparagraph, the term

“subcontractor” and “subcontractors” mean subcontractors at any tier.

- 8.20.3 In the event contractor's failure to perform arises out of a force majeure event, contractor agrees to use commercially reasonable best efforts to obtain goods or services from other sources, if applicable, and to otherwise mitigate the damages and reduce the delay caused by such force majeure event.

8.21 Governing Law, Jurisdiction, and Venue

This Contract shall be governed by, and construed in accordance with, the laws of the State of California. The contractor agrees and consents to the exclusive jurisdiction of the courts of the State of California for all purposes regarding this Contract and further agrees and consents that venue of any action brought hereunder shall be exclusively in the County of Los Angeles.

8.22 Independent Contractor Status

- 8.22.1 This Contract is by and between the County and the contractor and is not intended, and shall not be construed, to create the relationship of agent, servant, employee, partnership, joint venture, or association, as between the County and the contractor. The employees and agents of one party shall not be, or be construed to be, the employees or agents of the other party for any purpose whatsoever.
- 8.22.2 The contractor shall be solely liable and responsible for providing to, or on behalf of, all persons performing work pursuant to this Contract all compensation and benefits. The County shall have no liability or responsibility for the payment of any salaries, wages, unemployment benefits, disability benefits, Federal, State, or local taxes, or other compensation, benefits, or taxes for any personnel provided by or on behalf of the contractor.
- 8.22.3 The contractor understands and agrees that all persons performing work pursuant to this Contract are, for purposes of Workers' Compensation liability, solely employees of the contractor and not employees of the County. The contractor shall be solely liable and responsible for furnishing any and all Workers' Compensation benefits to any person as a result of any injuries arising from or connected with any work performed by or on behalf of the contractor pursuant to this Contract.

- 8.22.4 The contractor shall adhere to the provisions stated in Paragraph 7.6 (Confidentiality).

8.23 Indemnification

- 8.23.1 The contractor shall indemnify, defend and hold harmless the County, its Special Districts, elected and appointed officers, employees, agents and volunteers (County Indemnitees) from and against any and all liability, including but not limited to demands, claims, actions, fees, costs and expenses (including attorney and expert witness fees), arising from and/or relating to this Contract, except for such loss or damage arising from the sole negligence or willful misconduct of the County indemnitees.

8.24 General Provisions for all Insurance Coverage

- 8.24.1 Without limiting Contractor's indemnification of County, and in the performance of this Contract and until all of its obligations pursuant to this Contract have been met, Contractor shall provide and maintain at its own expense insurance coverage satisfying the requirements specified in Paragraphs 8.24 and 8.25 of this Contract. These minimum insurance coverage terms, types and limits (the "Required Insurance") also are in addition to and separate from any other contractual obligation imposed upon Contractor pursuant to this Contract. The County in no way warrants that the Required Insurance is sufficient to protect the Contractor for liabilities which may arise from or relate to this Contract.

8.24.2 Evidence of Coverage and Notice to County

- 8.24.2.1** Certificate(s) of insurance coverage (Certificate) satisfactory to County, and a copy of an Additional Insured endorsement confirming County and its Agents (defined below) has been given Insured status under the Contractor's General Liability policy, shall be delivered to County at the address shown below and provided prior to commencing services under this Contract.
- 8.24.2.2** Renewal Certificates shall be provided to County not less than ten (10) days prior to contractor's policy expiration dates. The County reserves the right to obtain complete, certified copies of any

required contractor and/or sub-contractor insurance policies at any time.

- 8.24.2.3** Certificates shall identify all Required Insurance coverage types and limits specified herein, reference this Contract by name or number, and be signed by an authorized representative of the insurer(s). The Insured party named on the Certificate shall match the name of the contractor identified as the contracting party in this Contract. Certificates shall provide the full name of each insurer providing coverage, its NAIC (National Association of Insurance Commissioners) identification number, its financial rating, the amounts of any policy deductibles or self-insured retentions exceeding fifty thousand dollars (\$50,000), and list any County required endorsement forms.
- 8.24.2.4** Neither the County's failure to obtain, nor the County's receipt of, or failure to object to a non-complying insurance certificate or endorsement, or any other insurance documentation or information provided by the contractor, its insurance broker(s) and/or insurer(s), shall be construed as a waiver of any of the Required Insurance provisions.
- 8.24.2.5** Certificates and copies of any required endorsements shall be sent to the County's Project Director at the physical or electronic address herein provided in Exhibit E – County's Administration.
- 8.24.2.6** Contractor also shall promptly report to County any injury or property damage accident or incident, including any injury to a contractor employee occurring on County property, and any loss, disappearance, destruction, misuse, or theft of County property, monies or securities entrusted to contractor. Contractor also shall promptly notify County of any third party claim or suit filed against contractor or any of its subcontractors which arises from or relates to this Contract and could result in the filing of a claim or lawsuit against contractor and/or County.

8.24.3 Additional Insured Status and Scope of Coverage

The County of Los Angeles, its Special Districts, Elected Officials, Officers, Agents, employees and volunteers (collectively County and its Agents) shall be provided additional insured status under contractor's General Liability policy with respect to liability arising out of contractor's ongoing and completed operations performed on behalf of the County. County and its Agents additional insured status shall apply with respect to liability and defense of suits arising out of the contractor's acts or omissions, whether such liability is attributable to the contractor or to the County. The full policy limits and scope of protection also shall apply to the County and its Agents as an additional insured, even if they exceed the County's minimum Required Insurance specifications herein. Use of an automatic additional insured endorsement form is acceptable providing it satisfies the Required Insurance provisions herein.

8.24.4 Cancellation of or Changes in Insurance

Contractor shall provide County with, or contractor's insurance policies shall contain a provision that County shall receive, written notice of cancellation or any change in Required Insurance, including insurer, limits of coverage, term of coverage or policy period. The written notice shall be provided to County at least ten (10) days in advance of cancellation for non-payment of premium and thirty (30) days in advance for any other cancellation or policy change. Failure to provide written notice of cancellation or any change in Required Insurance may constitute a material breach of the Contract, in the sole discretion of the County, upon which the County may suspend or terminate this Contract.

8.24.5 Failure to Maintain Insurance

Contractor's failure to maintain or to provide acceptable evidence that it maintains the Required Insurance shall constitute a material breach of the Contract, upon which County immediately may withhold payments due to contractor, and/or suspend or terminate this Contract. County, at its sole discretion, may obtain damages from contractor resulting from said breach. Alternatively, the County may purchase the Required Insurance, and without

further notice to contractor, deduct the premium cost from sums due to contractor or pursue contractor reimbursement.

8.24.6 Insurer Financial Ratings

Coverage shall be placed with insurers acceptable to the County with A.M. Best ratings of not less than A:VII unless otherwise approved by County.

8.24.7 Contractor's Insurance Shall Be Primary

Contractor's insurance policies, with respect to any claims related to this Contract, shall be primary with respect to all other sources of coverage available to contractor. Any County maintained insurance or self-insurance coverage shall be in excess of and not contribute to any contractor coverage.

8.24.8 Waivers of Subrogation

To the fullest extent permitted by law, the contractor hereby waives its rights and its insurer(s)' rights of recovery against County under all the Required Insurance for any loss arising from or relating to this Contract. The contractor shall require its insurers to execute any waiver of subrogation endorsements which may be necessary to effect such waiver.

8.24.9 Subcontractor Insurance Coverage Requirements

Contractor shall include all subcontractors as insureds under contractor's own policies, or shall provide County with each subcontractor's separate evidence of insurance coverage. Contractor shall be responsible for verifying each subcontractor complies with the Required Insurance provisions herein, and shall require that each subcontractor name the County and contractor as additional insureds on the subcontractor's General Liability policy. Contractor shall obtain County's prior review and approval of any subcontractor request for modification of the Required Insurance.

8.24.10 Deductibles and Self-Insured Retentions (SIRs)

Contractor's policies shall not obligate the County to pay any portion of any contractor deductible or SIR. The County retains the right to require contractor to reduce or eliminate

policy deductibles and SIRs as respects the County, or to provide a bond guaranteeing contractor's payment of all deductibles and SIRs, including all related claims investigation, administration and defense expenses. Such bond shall be executed by a corporate surety licensed to transact business in the State of California.

8.24.11 Claims Made Coverage

If any part of the Required Insurance is written on a claims made basis, any policy retroactive date shall precede the effective date of this Contract. Contractor understands and agrees it shall maintain such coverage for a period of not less than three (3) years following Contract expiration, termination or cancellation.

8.24.12 Application of Excess Liability Coverage

Contractors may use a combination of primary, and excess insurance policies which provide coverage as broad as ("follow form" over) the underlying primary policies, to satisfy the Required Insurance provisions.

8.24.13 Separation of Insureds

All liability policies shall provide cross-liability coverage as would be afforded by the standard ISO (Insurance Services Office, Inc.) separation of insureds provision with no insured versus insured exclusions or limitations.

8.24.14 Alternative Risk Financing Programs

The County reserves the right to review, and then approve, Contractor use of self-insurance, risk retention groups, risk purchasing groups, pooling arrangements and captive insurance to satisfy the Required Insurance provisions. The County and its Agents shall be designated as an Additional Covered Party under any approved program.

8.24.15 County Review and Approval of Insurance Requirements

The County reserves the right to review and adjust the Required Insurance provisions, conditioned upon County's determination of changes in risk exposures.

8.25 Insurance Coverage

- 8.25.1 **Commercial General Liability** insurance (providing scope of coverage equivalent to ISO policy form CG 00 01), naming County and its Agents as an additional insured, with limits of not less than:

General Aggregate: \$2 million

Products/Completed Operations Aggregate: \$1 million

Personal and Advertising Injury: \$1 million

Each Occurrence: \$1 million

- 8.25.2 **Automobile Liability** insurance (providing scope of coverage equivalent to ISO policy form CA 00 01) with limits of not less than \$1 million for bodily injury and property damage, in combined or equivalent split limits, for each single accident. Insurance shall cover liability arising out of contractor's use of autos pursuant to this Contract, including owned, leased, hired, and/or non-owned autos, as each may be applicable.

- 8.25.3 **Workers Compensation and Employers' Liability** insurance or qualified self- insurance satisfying statutory requirements, which includes Employers' Liability coverage with limits of not less than \$1 million per accident. If Contractor will provide leased employees, or, is an employee leasing or temporary staffing firm or a professional employer organization (PEO), coverage also shall include an Alternate Employer Endorsement (providing scope of coverage equivalent to ISO policy form WC 00 03 01 A) naming the County as the Alternate Employer. The written notice shall be provided to County at least ten (10) days in advance of cancellation for non-payment of premium and thirty (30) days in advance for any other cancellation or policy change. If applicable to Contractor's operations, coverage also shall be arranged to satisfy the requirements of any federal workers or workmen's compensation law or any federal occupational disease law.

8.25.4 **Unique Insurance Coverage**

8.25.4.2 Professional Liability-Errors and Omissions

Insurance covering Contractor's liability arising from or related to this Contract, with limits of not less than \$1 million per claim and \$3 million aggregate. Further, Contractor understands and agrees it shall maintain such coverage for a period of not less than three (3) years following this Agreement's expiration, termination or cancellation.

8.26 Liquidated Damages

8.26.1 If, in the judgment of the Department Head, or his/her designee, the contractor is deemed to be non-compliant with the terms and obligations assumed hereby, the Department Head, or his/her designee, at his/her option, in addition to, or in lieu of, other remedies provided herein, may withhold the entire monthly payment or deduct pro rata from the contractor's invoice for work not performed. A description of the work not performed and the amount to be withheld or deducted from payments to the contractor from the County, will be forwarded to the contractor by the Department Head, or his/her designee, in a written notice describing the reasons for said action.

8.26.2 If the Department Head, or his/her designee, determines that there are deficiencies in the performance of this Contract that the Department Head, or his/her designee, deems are correctable by the contractor over a certain time span, the Department Head, or his/her designee, will provide a written notice to the contractor to correct the deficiency within specified time frames. Should the contractor fail to correct deficiencies within said time frame, the Department Head, or his/her designee, may: (a) Deduct from the contractor's payment, pro rata, those applicable portions of the Monthly Contract Sum; and/or (b) Deduct liquidated damages. The parties agree that it will be impracticable or extremely difficult to fix the extent of actual damages resulting from the failure of the contractor to correct a deficiency within the specified time frame. The parties hereby agree that under the current circumstances a reasonable estimate of such damages is one hundred dollars (\$100) per day per infraction, or as specified in the Exhibit 2 (Performance Requirements Summary (PRS)) Chart Appendix B(Statement of Work Exhibits) hereunder, and that the contractor shall be liable to the County for

liquidated damages in said amount. Said amount shall be deducted from the County's payment to the contractor; and/or (c) Upon giving five (5) days notice to the contractor for failure to correct the deficiencies, the County may correct any and all deficiencies and the total costs incurred by the County for completion of the work by an alternate source, whether it be County forces or separate private contractor, will be deducted and forfeited from the payment to the contractor from the County, as determined by the County.

8.26.3 The action noted in Paragraph 8.26.2 shall not be construed as a penalty, but as adjustment of payment to the contractor to recover the County cost due to the failure of the contractor to complete or comply with the provisions of this Contract.

8.26.4 This Paragraph shall not, in any manner, restrict or limit the County's right to damages for any breach of this Contract provided by law or as specified in the PRS or Paragraph 8.26.2, and shall not, in any manner, restrict or limit the County's right to terminate this Contract as agreed to herein.

8.27 Most Favored Public Entity

8.27.1 If the contractor's prices decline, or should the contractor at any time during the term of this Contract provide the same goods or services under similar quantity and delivery conditions to the State of California or any county, municipality, or district of the State at prices below those set forth in this Contract, then such lower prices shall be immediately extended to the County.

8.28 Nondiscrimination and Affirmative Action

8.28.1 The contractor certifies and agrees that all persons employed by it, its affiliates, subsidiaries, or holding companies are and shall be treated equally without regard to or because of race, color, religion, ancestry, national origin, sex, age, physical or mental disability, marital status, or political affiliation, in compliance with all applicable Federal and State anti-discrimination laws and regulations.

8.28.2 The contractor shall certify to, and comply with, the provisions of Exhibit D (Contractor's EEO Certification).

8.28.3 The contractor shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, color, religion,

ancestry, national origin, sex, age, physical or mental disability, marital status, or political affiliation, in compliance with all applicable Federal and State anti-discrimination laws and regulations. Such action shall include, but is not limited to: employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

- 8.28.4 The contractor certifies and agrees that it will deal with its subcontractors, bidders, or vendors without regard to or because of race, color, religion, ancestry, national origin, sex, age, physical or mental disability, marital status, or political affiliation.
- 8.28.5 The contractor certifies and agrees that it, its affiliates, subsidiaries, or holding companies shall comply with all applicable Federal and State laws and regulations to the end that no person shall, on the grounds of race, color, religion, ancestry, national origin, sex, age, physical or mental disability, marital status, or political affiliation, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this Contract or under any project, program, or activity supported by this Contract.
- 8.28.6 The contractor shall allow County representatives access to the contractor's employment records during regular business hours to verify compliance with the provisions of this Paragraph 8.28 (Nondiscrimination and Affirmative Action) when so requested by the County.
- 8.28.7 If the County finds that any provisions of this Paragraph 8.28 (Nondiscrimination and Affirmative Action) have been violated, such violation shall constitute a material breach of this Contract upon which the County may terminate or suspend this Contract. While the County reserves the right to determine independently that the anti-discrimination provisions of this Contract have been violated, in addition, a determination by the California Fair Employment and Housing Commission or the Federal Equal Employment Opportunity Commission that the contractor has violated Federal or State anti-discrimination laws or regulations shall constitute a finding by the County that the contractor has violated the anti-discrimination provisions of this Contract.

- 8.28.8 The parties agree that in the event the contractor violates any of the anti-discrimination provisions of this Contract, the County shall, at its sole option, be entitled to the sum of five hundred dollars (\$500) for each such violation pursuant to California Civil Code Section 1671 as liquidated damages in lieu of terminating or suspending this Contract.

8.29 Non Exclusivity

- 8.29.1 Nothing herein is intended nor shall be construed as creating any exclusive arrangement with the contractor. This Contract shall not restrict County from acquiring similar, equal or like goods and/or services from other entities or sources.

8.30 Notice of Delays

- 8.30.1 Except as otherwise provided under this Contract, when either party has knowledge that any actual or potential situation is delaying or threatens to delay the timely performance of this Contract, that party shall, within one (1) business day, give notice thereof, including all relevant information with respect thereto, to the other party.

8.31 Notice of Disputes

- 8.31.1 The contractor shall bring to the attention of the County's Project Manager and/or County's Project Director any dispute between the County and the contractor regarding the performance of services as stated in this Contract. If the County's Project Manager or County's Project Director is not able to resolve the dispute, the County Librarian or his/her designee shall resolve it.

8.32 Notice to Employees Regarding the Federal Earned Income Credit

- 8.32.1 The contractor shall notify its employees, and shall require each subcontractor to notify its employees, that they may be eligible for the Federal Earned Income Credit under the federal income tax laws. Such notice shall be provided in accordance with the requirements set forth in Internal Revenue Service Notice No. 1015.

8.33 Notice to Employees Regarding the Safely Surrendered Baby Law

- 8.33.1 The contractor shall notify and provide to its employees, and shall require each subcontractor to notify and provide to its employees, information regarding the Safely Surrendered Baby Law, its implementation in Los Angeles County, and where and how to safely surrender a baby. The information is set forth in Exhibit I, Safely Surrendered Baby Law of this Contract. Additional information is available at www.babysafela.org.

8.34 Notices

- 8.34.1 All notices or demands required or permitted to be given or made under this Contract shall be in writing and shall be hand delivered with signed receipt or mailed by first-class registered or certified mail, postage prepaid, addressed to the parties as identified in Exhibits E - County's Administration and F - Contractor's Administration. Addresses may be changed by either party giving ten (10) days prior written notice thereof to the other party. The County Librarian or his/her designee shall have the authority to issue all notices or demands required or permitted by the County under this Contract.

8.35 Prohibition Against Inducement or Persuasion

- 8.35.1 Notwithstanding the above, the contractor and the County agree that, during the term of this Contract and for a period of one year thereafter, neither party shall in any way intentionally induce or persuade any employee of one party to become an employee or agent of the other party. No bar exists against any hiring action initiated through a public announcement.

8.36 Public Records Act

- 8.36.1 Any documents submitted by the contractor; all information obtained in connection with the County's right to audit and inspect the contractor's documents, books, and accounting records pursuant to Paragraph 8.38 (Record Retention and Inspection-Audit Settlement) of this Contract; as well as those documents which were required to be submitted in response to the Request for Proposals (RFP) used in the solicitation process for this Contract, become the exclusive property of the County. All such documents become a matter of public record and shall be regarded as public records. Exceptions will be those elements in the California Government Code Section 6250 et seq. (Public Records Act) and which are

marked “trade secret”, “confidential”, or “proprietary”. The County shall not in any way be liable or responsible for the disclosure of any such records including, without limitation, those so marked, if disclosure is required by law, or by an order issued by a court of competent jurisdiction.

- 8.36.2 In the event the County is required to defend an action on a Public Records Act request for any of the aforementioned documents, information, books, records, and/or contents of a proposal marked “trade secret”, “confidential”, or “proprietary”, the contractor agrees to defend and indemnify the County from all costs and expenses, including reasonable attorney’s fees, in action or liability arising under the Public Records Act.

8.37 Publicity

- 8.37.1 The contractor shall not disclose any details in connection with this Contract to any person or entity except as may be otherwise provided hereunder or required by law. However, in recognizing the contractor’s need to identify its services and related clients to sustain itself, the County shall not inhibit the contractor from publishing its role under this Contract within the following conditions:

- 8.37.1.1 The contractor shall develop all publicity material in a professional manner; and

- 8.37.1.2 During the term of this Contract, the contractor shall not, and shall not authorize another to, publish or disseminate any commercial advertisements, press releases, feature articles, or other materials using the name of the County without the prior written consent of the County’s Project Director. The County shall not unreasonably withhold written consent.

- 8.37.2 The contractor may, without the prior written consent of County, indicate in its proposals and sales materials that it has been awarded this Contract with the County of Los Angeles, provided that the requirements of this Paragraph 8.37 (Publicity) shall apply.

8.38 Record Retention and Inspection-Audit Settlement

- 8.38.1 The contractor shall maintain accurate and complete financial records of its activities and operations relating to this Contract in accordance with generally accepted accounting principles. The contractor shall also maintain accurate and complete employment and other records relating to its performance of this Contract. The contractor agrees that the County, or its authorized representatives, shall have access to and the right to examine, audit, excerpt, copy, or transcribe any pertinent transaction, activity, or record relating to this Contract. All such material, including, but not limited to, all financial records, bank statements, cancelled checks or other proof of payment, timecards, sign-in/sign-out sheets and other time and employment records, and proprietary data and information, shall be kept and maintained by the contractor and shall be made available to the County during the term of this Contract and for a period of five (5) years thereafter unless the County's written permission is given to dispose of any such material prior to such time. All such material shall be maintained by the contractor at a location in Los Angeles County, provided that if any such material is located outside Los Angeles County, then, at the County's option, the contractor shall pay the County for travel, per diem, and other costs incurred by the County to examine, audit, excerpt, copy, or transcribe such material at such other location.
- 8.38.2 In the event that an audit of the contractor is conducted specifically regarding this Contract by any Federal or State auditor, or by any auditor or accountant employed by the contractor or otherwise, then the contractor shall file a copy of such audit report with the County's Auditor-Controller within thirty (30) days of the contractor's receipt thereof, unless otherwise provided by applicable Federal or State law or under this Contract. Subject to applicable law, the County shall make a reasonable effort to maintain the confidentiality of such audit report(s).
- 8.38.3 Failure on the part of the contractor to comply with any of the provisions of this subparagraph 8.38 shall constitute a material breach of this Contract upon which the County may terminate or suspend this Contract.
- 8.38.3 If, at any time during the term of this Contract or within five (5) years after the expiration or termination of this Contract, representatives of the County conduct an audit of the contractor regarding the work performed under this Contract, and if such audit finds that the County's dollar liability for any such work is less than payments made by the County to the

contractor, then the difference shall be either: a) repaid by the contractor to the County by cash payment upon demand or b) at the sole option of the County's Auditor-Controller, deducted from any amounts due to the contractor from the County, whether under this Contract or otherwise. If such audit finds that the County's dollar liability for such work is more than the payments made by the County to the contractor, then the difference shall be paid to the contractor by the County by cash payment, provided that in no event shall the County's maximum obligation for this Contract exceed the funds appropriated by the County for the purpose of this Contract.

8.39 Recycled Bond Paper

- 8.39.1 Consistent with the Board of Supervisors' policy to reduce the amount of solid waste deposited at the County landfills, the contractor agrees to use recycled-content paper to the maximum extent possible on this Contract.

8.40 Subcontracting

- 8.40.1 The requirements of this Contract may not be subcontracted by the contractor **without the advance approval of the County**. Any attempt by the contractor to subcontract without the prior consent of the County may be deemed a material breach of this Contract.
- 8.40.2 If the contractor desires to subcontract, the contractor shall provide the following information promptly at the County's request:
- 8.40.2.1 A description of the work to be performed by the subcontractor;
 - 8.40.2.2 A draft copy of the proposed subcontract; and
 - 8.40.2.3 Other pertinent information and/or certifications requested by the County.
- 8.40.3 The contractor shall indemnify, defend, and hold the County harmless with respect to the activities of each and every subcontractor in the same manner and to the same degree as if such subcontractor(s) were the contractor employees.
- 8.40.4 The contractor shall remain fully responsible for all performances required of it under this Contract, including

those that the contractor has determined to subcontract, notwithstanding the County's approval of the contractor's proposed subcontract.

- 8.40.5 The County's consent to subcontract shall not waive the County's right to prior and continuing approval of any and all personnel, including subcontractor employees, providing services under this Contract. The contractor is responsible to notify its subcontractors of this County right.
- 8.40.6 The County's Project Director is authorized to act for and on behalf of the County with respect to approval of any subcontract and subcontractor employees. After approval of the subcontract by the County, contractor shall forward a fully executed subcontract to the County for their files.
- 8.40.7 The contractor shall be solely liable and responsible for all payments or other compensation to all subcontractors and their officers, employees, agents, and successors in interest arising through services performed hereunder, notwithstanding the County's consent to subcontract.
- 8.40.8 The contractor shall obtain certificates of insurance, which establish that the subcontractor maintains all the programs of insurance required by the County from each approved subcontractor. Before any subcontractor employee may perform any work hereunder, contractor shall ensure delivery of all such documents to County's Project Director at the physical or electronic address herein provided in Exhibit E – County's Administration.

8.41 Termination for Breach of Warranty to Maintain Compliance with County's Child Support Compliance Program

- 8.41.1 Failure of the contractor to maintain compliance with the requirements set forth in Paragraph 8.14 (Contractor's Warranty of Adherence to County's Child Support Compliance Program) shall constitute default under this Contract. Without limiting the rights and remedies available to the County under any other provision of this Contract, failure of the contractor to cure such default within ninety (90) calendar days of written notice shall be grounds upon which the County may terminate this Contract pursuant to Paragraph 8.43 (Termination for Default) and pursue debarment of the contractor, pursuant to County Code Chapter 2.202.

8.42 Termination for Convenience

- 8.42.1 This Contract may be terminated, in whole or in part, from time to time, when such action is deemed by the County, in its sole discretion, to be in its best interest. Termination of work hereunder shall be effected by notice of termination to the contractor specifying the extent to which performance of work is terminated and the date upon which such termination becomes effective. The date upon which such termination becomes effective shall be no less than ten (10) days after the notice is sent.
- 8.42.2 After receipt of a notice of termination and except as otherwise directed by the County, the contractor shall:
 - 8.42.2.1 Stop work under this Contract on the date and to the extent specified in such notice, and
 - 8.42.2.2 Complete performance of such part of the work as shall not have been terminated by such notice.
- 8.42.3 All material including books, records, documents, or other evidence bearing on the costs and expenses of the contractor under this Contract shall be maintained by the contractor in accordance with Paragraph 8.38 (Record Retention and Inspection-Audit Settlement).

8.43 Termination for Default

- 8.43.1 The County may, by written notice to the contractor, terminate the whole or any part of this Contract, if, in the judgment of County's Project Director:
 - 8.43.1.1 Contractor has materially breached this Contract; or
 - 8.43.1.2 Contractor fails to timely provide and/or satisfactorily perform any task, deliverable, service, or other work required either under this Contract; or
 - 8.43.1.3 Contractor fails to demonstrate a high probability of timely fulfillment of performance requirements under this Contract, or of any obligations of this Contract and in either case, fails to demonstrate convincing progress toward a cure within five (5) working days (or such longer period as the County may authorize in writing) after receipt of written notice from the County specifying such failure.

- 8.43.2 In the event that the County terminates this Contract in whole or in part as provided in Paragraph 8.43.1, the County may procure, upon such terms and in such manner as the County may deem appropriate, goods and services similar to those so terminated. The contractor shall be liable to the County for any and all excess costs incurred by the County, as determined by the County, for such similar goods and services. The contractor shall continue the performance of this Contract to the extent not terminated under the provisions of this paragraph.
- 8.43.3 Except with respect to defaults of any subcontractor, the contractor shall not be liable for any such excess costs of the type identified in Paragraph 8.43.2 if its failure to perform this Contract arises out of causes beyond the control and without the fault or negligence of the contractor. Such causes may include, but are not limited to: acts of God or of the public enemy, acts of the County in either its sovereign or contractual capacity, acts of Federal or State governments in their sovereign capacities, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case, the failure to perform must be beyond the control and without the fault or negligence of the contractor. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the contractor and subcontractor, and without the fault or negligence of either of them, the contractor shall not be liable for any such excess costs for failure to perform, unless the goods or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the contractor to meet the required performance schedule. As used in this paragraph, the term "subcontractor(s)" means subcontractor(s) at any tier.
- 8.43.4 If, after the County has given notice of termination under the provisions of Paragraph 8.43 (Termination for Default) it is determined by the County that the contractor was not in default under the provisions of Paragraph 8.43 (Termination for Default) or that the default was excusable under the provisions of subparagraph 8.43.3, the rights and obligations of the parties shall be the same as if the notice of termination had been issued pursuant to Paragraph 8.42 (Termination for Convenience).

- 8.43.5 The rights and remedies of the County provided in this Paragraph 8.43 (Termination for Default) shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Contract.

8.44 Termination for Improper Consideration

- 8.44.1 The County may, by written notice to the contractor, immediately terminate the right of the contractor to proceed under this Contract if it is found that consideration, in any form, was offered or given by the contractor, either directly or through an intermediary, to any County officer, employee, or agent with the intent of securing this Contract or securing favorable treatment with respect to the award, amendment, or extension of this Contract or the making of any determinations with respect to the contractor's performance pursuant to this Contract. In the event of such termination, the County shall be entitled to pursue the same remedies against the contractor as it could pursue in the event of default by the contractor.
- 8.44.2 The contractor shall immediately report any attempt by a County officer or employee to solicit such improper consideration. The report shall be made either to the County manager charged with the supervision of the employee or to the County Auditor-Controller's Employee Fraud Hotline at (800) 544-6861.
- 8.44.3 Among other items, such improper consideration may take the form of cash, discounts, services, the provision of travel or entertainment, or tangible gifts.

8.45 Termination for Insolvency

- 8.45.1 The County may terminate this Contract forthwith in the event of the occurrence of any of the following:
- 8.45.1.1 Insolvency of the contractor. The contractor shall be deemed to be insolvent if it has ceased to pay its debts for at least sixty (60) days in the ordinary course of business or cannot pay its debts as they become due, whether or not a petition has been filed under the Federal Bankruptcy Code and whether or not the contractor is insolvent within the meaning of the Federal Bankruptcy Code;
- 8.45.1.2 The filing of a voluntary or involuntary petition

regarding the contractor under the Federal Bankruptcy Code;

8.45.1.3 The appointment of a Receiver or Trustee for the contractor; or

8.45.1.4 The execution by the contractor of a general assignment for the benefit of creditors.

8.45.2 The rights and remedies of the County provided in this Paragraph 8.45 (Termination for Insolvency) shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Contract.

8.46 Termination for Non-Adherence of County Lobbyist Ordinance

8.46.1 The contractor, and each County Lobbyist or County Lobbying firm as defined in County Code Section 2.160.010 retained by the contractor, shall fully comply with the County's Lobbyist Ordinance, County Code Chapter 2.160. Failure on the part of the contractor or any County Lobbyist or County Lobbying firm retained by the contractor to fully comply with the County's Lobbyist Ordinance shall constitute a material breach of this Contract, upon which the County may in its sole discretion, immediately terminate or suspend this Contract.

8.47 Termination for Non-Appropriation of Funds

8.47.1 Notwithstanding any other provision of this Contract, the County shall not be obligated for the contractor's performance hereunder or by any provision of this Contract during any of the County's future fiscal years unless and until the County's Board of Supervisors appropriates funds for this Contract in the County's Budget for each such future fiscal year. In the event that funds are not appropriated for this Contract, then this Contract shall terminate as of June 30 of the last fiscal year for which funds were appropriated. The County shall notify the contractor in writing of any such non-allocation of funds at the earliest possible date.

8.48 Validity

8.48.1 If any provision of this Contract or the application thereof to any person or circumstance is held invalid, the remainder of this Contract and the application of such provision to other persons or circumstances shall not be affected thereby.

8.49 Waiver

- 8.49.1 No waiver by the County of any breach of any provision of this Contract shall constitute a waiver of any other breach or of such provision. Failure of the County to enforce at any time, or from time to time, any provision of this Contract shall not be construed as a waiver thereof. The rights and remedies set forth in this paragraph 8.49 shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Contract.

8.50 Warranty Against Contingent Fees

- 8.50.1 The contractor warrants that no person or selling agency has been employed or retained to solicit or secure this Contract upon any Contract or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business.
- 8.50.2 For breach of this warranty, the County shall have the right to terminate this Contract and, at its sole discretion, deduct from the Contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

8.51 Warranty of Compliance with County's Defaulted Property Tax Reduction Program

- 8.51.1 Contractor acknowledges that County has established a goal of ensuring that all individuals and businesses that benefit financially from County through contract are current in paying their property tax obligations (secured and unsecured roll) in order to mitigate the economic burden otherwise imposed upon County and its taxpayers.

Unless contractor qualifies for an exemption or exclusion, contractor warrants and certifies that to the best of its knowledge it is now in compliance, and during the term of this contract will maintain compliance, with Los Angeles County Code Chapter 2.206.

8.52 Termination for Breach of Warranty to Maintain Compliance with County's Defaulted Property Tax Reduction Program

8.52.1 Failure of contractor to maintain compliance with the requirements set forth in Paragraph 8.51 "Warranty of Compliance with County's Defaulted Property Tax Reduction Program" shall constitute default under this contract. Without limiting the rights and remedies available to County under any other provision of this contract, failure of contractor to cure such default within ten (10) days of notice shall be grounds upon which County may terminate this contract and/or pursue debarment of contractor, pursuant to County Code Chapter 2.206.

8.53 Time Off for Voting

8.53.1 The contractor shall notify its employees, and shall require each subcontractor to notify and provide to its employees, information regarding the time off for voting law (Elections Code Section 14000). Not less than ten (10) days before every statewide election, every contractor and subcontractors shall keep posted conspicuously at the place of work, if practicable, or elsewhere where it can be seen as employees come or go to their place of work, a notice setting forth the provisions of Section 14000.

8.54 Compliance with County's Zero Tolerance Policy on Human Trafficking

Contractor acknowledges that the County has established a Zero Tolerance Policy on Human Trafficking prohibiting contractors from engaging in human trafficking.

If a Contractor or member of Contractor's staff is convicted of a human trafficking offense, the County shall require that the Contractor or member of Contractor's staff be removed immediately from performing services under the Contract. County will not be under any obligation to disclose confidential information regarding the offenses other than those required by law.

Disqualification of any member of Contractor's staff pursuant to this paragraph shall not relieve Contractor of its obligation to complete all work in accordance with the terms and conditions of this Contract.

8.55 Compliance with Fair Chance Employment Practices

Contractor shall comply with fair chance employment hiring practices set forth in California Government Code Section 12952, Employment Discrimination: Conviction History. Contractor's violation of this paragraph of the Contract may constitute a material breach of the Contract. In the event of such material breach, County may, in its sole discretion, terminate the Contract.

8.56 Compliance with the County Policy of Equity

The contractor acknowledges that the County takes its commitment to preserving the dignity and professionalism of the workplace very seriously, as set forth in the County Policy of Equity (CPOE) (<https://ceop.lacounty.gov/>). The contractor further acknowledges that the County strives to provide a workplace free from discrimination, harassment, retaliation and inappropriate conduct based on a protected characteristic, and which may violate the CPOE. The contractor, its employees and subcontractors acknowledge and certify receipt and understanding of the CPOE. Failure of the contractor, its employees or its subcontractors to uphold the County's expectations of a workplace free from harassment and discrimination, including inappropriate conduct based on a protected characteristic, may subject the contractor to termination of contractual agreements as well as civil liability.

8.57 Prohibition from Participation in Future Solicitation(s)

A Proposer, or a Contractor or its subsidiary or Subcontractor ("Proposer/Contractor"), is prohibited from submitting a bid or proposal in a County solicitation if the Proposer/Contractor has provided advice or consultation for the solicitation. A Proposer/Contractor is also prohibited from submitting a bid or proposal in a County solicitation if the Proposer/Contractor has developed or prepared any of the solicitation materials on behalf of the County. A violation of this provision shall result in the disqualification of the Contractor/Proposer from participation in the County solicitation or the termination or cancellation of any resultant County contract. This provision shall survive the expiration, or other termination of this Agreement.

8.58 COVID-19 Vaccinations of County Contractor Personnel

1. At Contractor's sole cost, Contractor shall comply with Chapter 2.212 (COVID-19 Vaccinations of County Contractor Personnel) of County Code Title 2 - Administration, Division 4.
4. All employees of Contractor and persons working on its

behalf, including but not limited to, Subcontractors of any tier (collectively, "Contractor Personnel"), must be fully vaccinated against the novel coronavirus 2019 ("COVID-19") prior to (1) interacting in person with County employees, interns, volunteers, and commissioners ("County workforce members"), (2) working on County owned or controlled property while performing services under this Contract, and/or (3) coming into contact with the public while performing services under this Contract (collectively, "In-Person Services").

2. Contractor Personnel are considered "fully vaccinated" against COVID-19 two (2) weeks or more after they have received (1) the second dose in a 2-dose COVID-19 vaccine series (e.g. Pfizer-BioNTech or Moderna), (2) a single-dose COVID-19 vaccine (e.g. Johnson and Johnson [J&J]/Janssen), or (3) the final dose of any COVID-19 vaccine authorized by the World Health Organization ("WHO").
3. Prior to assigning Contractor Personnel to perform In-Person Services, Contractor shall obtain proof that such Contractor Personnel have been fully vaccinated by confirming Contractor Personnel is vaccinated through any of the following documentation: (1) official COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services, CDC or WHO Yellow Card), which includes the name of the person vaccinated, type of vaccine provided, and date of the last dose administered ("Vaccination Record Card"); (2) copy (including a photographic copy) of a Vaccination Record Card; (3) Documentation of vaccination from a licensed medical provider; (4) a digital record that includes a quick response ("QR") code that when scanned by a SMART HealthCard reader displays to the reader client name, date of birth, vaccine dates, and vaccine type, and the QR code confirms the vaccine record as an official record of the State of California; or (5) documentation of vaccination from Contractors who follow the CDPH vaccination records guidelines and standards. Contractor shall also provide written notice to County before the start of work under this Contract that its Contractor Personnel are in compliance with

the requirements of this section. Contractor shall retain such proof of vaccination for the document retention period set forth in this Contract, and must provide such records to the County for audit purposes, when required by County.

4. Contractor shall evaluate any medical or sincerely held religious exemption request of its Contractor Personnel, as required by law. If Contractor has determined that Contractor Personnel is exempt pursuant to a medical or sincerely held religious reason, the Contractor must also maintain records of the Contractor Personnel's testing results. The Contractor must provide such records to the County for audit purposes, when required by County. The unvaccinated exempt Contractor Personnel must meet the following requirements prior to (1) interacting in person with County workforce members, (2) working on County owned or controlled property while performing services under this Contract, and/or (3) coming into contact with the public while performing services under this Contract:
 - a. Test for COVID-19 with either a polymerase chain reaction (PCR) or antigen test has an Emergency Use Authorization (EUA) by the FDA or is operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services. Testing must occur at least weekly, or more frequently as required by County or other applicable law, regulation or order.
 - b. Wear a mask that is consistent with CDC recommendations at all times while on County controlled or owned property, and while engaging with members of the public and County workforce members.
 - c. Engage in proper physical distancing, as determined by the applicable County department that the Contract is with.

In addition to complying with the requirements of this section, Contractor shall also comply with all other applicable local,

departmental, State, and federal laws, regulations and requirements for COVID-19. A completed Exhibit G (COVID-19 Vaccination Certification of Compliance) is a required part of any agreement with the County.

9 UNIQUE TERMS AND CONDITIONS

9.1 Ownership of Materials, Software and Copyright

- 9.1.1 County shall be the sole owner of all right, title and interest, including copyright, in and to all software, plans, diagrams, facilities, and tools (hereafter "materials") which are originated or created through the Contractor's work pursuant to this Contract. The Contractor, for valuable consideration herein provided, shall execute all documents necessary to assign and transfer to, and vest in the County all of the Contractor's right, title and interest in and to such original materials, including any copyright, patent and trade secret rights which arise pursuant to the Contractor's work under this Contract.
- 9.1.2 During the term of this Contract and for five (5) years thereafter, the Contractor shall maintain and provide security for all of the Contractor's working papers prepared under this Contract. County shall have the right to inspect, copy and use at any time during and subsequent to the term of this Contract, any and all such working papers and all information contained therein.
- 9.1.3 Any and all materials, software and tools which are developed or were originally acquired by the Contractor outside the scope of this Contract, which the Contractor desires to use hereunder, and which the Contractor considers to be proprietary or confidential, must be specifically identified by the Contractor to the County's Project Manager as proprietary or confidential, and shall be plainly and prominently marked by the Contractor as "Proprietary" or "Confidential" on each appropriate page of any document containing such material.
- 9.1.4 The County will use reasonable means to ensure that the Contractor's proprietary and/or confidential items are safeguarded and held in confidence. The County agrees not to reproduce, distribute or disclose to non-County entities any such proprietary and/or confidential items without the prior written consent of the Contractor.

- 9.1.5 Notwithstanding any other provision of this Contract, the County will not be obligated to the Contractor in any way under subparagraph 9.3.4 for any of the Contractor's proprietary and/or confidential items which are not plainly and prominently marked with restrictive legends as required by subparagraph 9.3.3 or for any disclosure which the County is required to make under any state or federal law or order of court.
- 9.1.6 All the rights and obligations of this Paragraph 9.3 shall survive the expiration or termination of this Contract.

9.2 Patent, Copyright and Trade Secret Indemnification

- 9.2.1 The Contractor shall indemnify, hold harmless and defend County from and against any and all liability, damages, costs, and expenses, including, but not limited to, defense costs and attorneys' fees, for or by reason of any actual or alleged infringement of any third party's patent or copyright, or any actual or alleged unauthorized trade secret disclosure, arising from or related to the operation and utilization of the Contractor's work under this Contract. County shall inform the Contractor as soon as practicable of any claim or action alleging such infringement or unauthorized disclosure, and shall support the Contractor's defense and settlement thereof.
- 9.2.2 In the event any equipment, part thereof, or software product becomes the subject of any complaint, claim, or proceeding alleging infringement or unauthorized disclosure, such that County's continued use of such item is formally restrained, enjoined, or subjected to a risk of damages, the Contractor, at its sole expense, and providing that County's continued use of the system is not materially impeded, shall either:
- Procure for County all rights to continued use of the questioned equipment, part, or software product; or
 - Replace the questioned equipment, part, or software product with a non-questioned item; or
 - Modify the questioned equipment, part, or software so that it is free of claims.
- 9.2.3 The Contractor shall have no liability if the alleged infringement or unauthorized disclosure is based upon a use of the questioned product, either alone or in combination

with other items not supplied by the Contractor, in a manner for which the questioned product was not designed nor intended.

9.3 Data Destruction

Contractor(s) and Vendor(s) that have maintained, processed, or stored the County of Los Angeles' ("County") data and/or information, implied or expressed, have the sole responsibility to certify that the data and information have been appropriately destroyed consistent with the National Institute of Standards and Technology (NIST) Special Publication SP 800-88 titled *Guidelines for Media Sanitization*. Available at:

<http://csrc.nist.gov/publications/PubsDrafts.html#SP-800-88 Rev.%201>

The data and/or information may be stored on purchased, leased, or rented electronic storage equipment (e.g., printers, hard drives) and electronic devices (e.g., servers, workstations) that are geographically located within the County, or external to the County's boundaries. The County must receive within ten (10) business days, a signed document from Contractor(s) and Vendor(s) that certifies and validates the data and information were placed in one or more of the following stored states: unusable, unreadable, and indecipherable.

Vendor shall certify that any County data stored on purchased, leased, or rented electronic storage equipment and electronic devices, including, but not limited to printers, hard drives, servers, and/or workstations are destroyed consistent with the current National Institute of Standard and Technology (NIST) Special Publication SP-800-88, *Guidelines for Media Sanitization*. Vendor shall provide County with written certification, within ten (10) business days of removal of any electronic storage equipment and devices that validates that any and all County data was destroyed and is unusable, unreadable, and/or undecipherable.

9.4 Local Small Business Enterprise (LSBE) Preference Program

9.4.1 This Contract is subject to the provisions of the County's ordinance entitled LSBE Preference Program, as codified in Chapter 2.204 of the Los Angeles County Code.

9.4.2 The Contractor shall not knowingly and with the intent to defraud, fraudulently obtain, retain, attempt to obtain or

retain, or aid another in fraudulently obtaining or retaining or attempting to obtain or retain certification as a LSBE.

9.4.3 The Contractor shall not willfully and knowingly make a false statement with the intent to defraud, whether by affidavit, report, or other representation, to a County official or employee for the purpose of influencing the certification or denial of certification of any entity as a LSBE.

9.4.4 If the Contractor has obtained certification as a LSBE by reason of having furnished incorrect supporting information or by reason of having withheld information, and which knew, or should have known, the information furnished was incorrect or the information withheld was relevant to its request for certification, and which by reason of such certification has been awarded this contract to which it would not otherwise have been entitled, shall:

1. Pay to the County any difference between the contract amount and what the County's costs would have been if the contract had been properly awarded;
2. In addition to the amount described in subdivision (1), be assessed a penalty in an amount of not more than ten (10) percent of the amount of the contract; and
3. Be subject to the provisions of Chapter 2.202 of the Los Angeles County Code (Determinations of Contractor Non-responsibility and Contractor Debarment).

The above penalties shall also apply to any business that has previously obtained proper certification, however, as a result of a change in their status would no longer be eligible for certification, and fails to notify the State and the Department of Consumer and Business Affairs of this information prior to responding to a solicitation or accepting a contract award.

9.5 Social Enterprise (SE) Preference Program

9.5.1 This Contract is subject to the provisions of the County's ordinance entitled SE Preference Program, as codified in Chapter 2.205 of the Los Angeles County Code.

9.5.2 Contractor shall not knowingly and with the intent to defraud, fraudulently obtain, retain, attempt to obtain or retain, or aid

another in fraudulently obtaining or retaining or attempting to obtain or retain certification as a SE.

9.5.3 Contractor shall not willfully and knowingly make a false statement with the intent to defraud, whether by affidavit, report, or other representation, to a County official or employee for the purpose of influencing the certification or denial of certification of any entity as a SE.

9.5.4 If Contractor has obtained County certification as a SE by reason of having furnished incorrect supporting information or by reason of having withheld information, and which knew, or should have known, the information furnished was incorrect or the information withheld was relevant to its request for certification, and which by reason of such certification has been awarded this contract to which it would not otherwise have been entitled, Contractor shall:

1. Pay to the County any difference between the contract amount and what the County's costs would have been if the contract had been properly awarded;
2. In addition to the amount described in subdivision (1) above, the Contractor will be assessed a penalty in an amount of not more than ten percent (10%) of the amount of the contract; and
3. Be subject to the provisions of Chapter 2.202 of the Los Angeles County Code (Determinations of Contractor Non-responsibility and Contractor Debarment).

The above penalties shall also apply to any entity that has previously obtained proper certification, however, as a result of a change in their status would no longer be eligible for certification, and fails to notify the Department of Consumer and Business Affairs of this information prior to responding to a solicitation or accepting a contract award.

9.6 Disabled Veteran Business Enterprise (DVBE) Preference Program

9.6.1 This Contract is subject to the provisions of the County's ordinance entitled DVBE Preference Program, as codified in Chapter 2.211 of the Los Angeles County Code.

9.6.2 Contractor shall not knowingly and with the intent to defraud, fraudulently obtain, retain, attempt to obtain or retain, or aid

another in fraudulently obtaining or retaining or attempting to obtain or retain certification as a DVBE.

9.6.3 Contractor shall not willfully and knowingly make a false statement with the intent to defraud, whether by affidavit, report, or other representation, to a County official or employee for the purpose of influencing the certification or denial of certification of any entity as a DVBE.

9.6.4 If Contractor has obtained certification as a DVBE by reason of having furnished incorrect supporting information or by reason of having withheld information, and which knew, or should have known, the information furnished was incorrect or the information withheld was relevant to its request for certification, and which by reason of such certification has been awarded this contract to which it would not otherwise have been entitled, Contractor shall:

1. Pay to the County any difference between the contract amount and what the County's costs would have been if the contract had been properly awarded;
2. In addition to the amount described in subdivision (1) above, the Contractor will be assessed a penalty in an amount of not more than 10 percent of the amount of the contract; and
4. Be subject to the provisions of Chapter 2.202 of the Los Angeles County Code (Determinations of Contractor Non-responsibility and Contractor Debarment).

Notwithstanding any other remedies in this contract, the above penalties shall also apply to any business that has previously obtained proper certification, however, as a result of a change in their status would no longer be eligible for certification, and fails to notify the State and the Department of Consumer and Business Affairs of this information prior to responding to a solicitation or accepting a contract award.

IN WITNESS WHEREOF, contractor has executed this Contract, or caused it to be duly executed and the County of Los Angeles, by order of its Board of Supervisors has caused this Contract to be executed on its behalf by the Chair of said Board and attested by the Executive Officer-Clerk of the Board of Supervisors thereof, the day and year first above written.

CONTRACTOR: Harris and Associates Inc.

By Alison Bailey Name
Name
Vice President
Title

COUNTY OF LOS ANGELES

By _____
Chair, Board of Supervisors

ATTEST:

Celia Zavala, Executive Officer
of the Board of Supervisors

By _____

APPROVED AS TO FORM:

RODRIGO A. CASTRO-SILVA
County Counsel

By _____
Principal Deputy County Counsel

**CONTRACT FOR
SPECIAL TAX ADMINISTRATION SERVICES**

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EXHIBIT A

STATEMENT OF WORK (SOW)

SPECIAL TAX ADMINISTRATION SERVICES

**STATEMENT OF WORK (SOW)
SPECIAL TAX ADMINISTRATION SERVICES**

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**STATEMENT OF WORK (SOW)
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STATEMENT OF WORK EXHIBITS

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STATEMENT OF WORK

1.0 BACKGROUND

With the passing of Proposition 218 in November 1996, LA County Library (Library) was prohibited from continuing the Community Facilities District (CFD) property assessments. On June 3, 1997, the County of Los Angeles (County) presented a ballot measure, (Proposition L), to establish a Special Tax to provide funding for Library. Voters approved the measure, thereby allowing Library to replace the revenues that were lost from the passage of Prop 218. The revenues generated for the 2019-2020 fiscal year total \$12.5 million dollars.

The ballot measure specified that the revenues generated from the Special Tax levy are to be dedicated exclusively to support library services in the communities subject to the Special Tax and initially authorized a Special Tax of \$22.00 per year on all taxable parcels, regardless of size or type of property. The current Special Tax rate per parcel is \$32.55. The revenue generated by the Special Tax is used to increase service levels in sixty-eight (68) libraries serving the areas subject to the Special Tax. These include fifty-six (56) libraries located in unincorporated areas, and twelve (12) libraries in the ten (10) cities listed below. The Special Tax is levied on approximately 400,000 parcels per year in the unincorporated areas of the County served by Library and the cities of: Cudahy, Culver City, Duarte, El Monte, La Canada-Flintridge, Lakewood, Lomita, Lynwood, Maywood, and West Hollywood and is subject to an annual Consumer Price Index (CPI) adjustment effective on July 1 adjusted for inflation in the same manner as the general *ad valorem* property tax and cannot exceed two percent (2%) per year.

2.0 SCOPE OF WORK

The Contractor will provide specialized tax administration services for Library's Special Tax Program and will submit Library's Special Tax Direct Assessments to the County Auditor-Controller's Office (A-C) for inclusion on annual property tax bills. Upon request, the Contractor will perform one (1) audit of the Special Tax Program to assure the accuracy of the information used to levy the Special Tax. The Contractor will also perform additional as-needed services (Unanticipated Work) as described in Section 10.0 – Unanticipated Work upon request of the County.

3.0 DEFINITIONS

The headings herein contained are for convenience and reference only and are not intended to define the scope of any provision thereof. The following words as used herein will be construed to have the following meaning, unless otherwise apparent from the context in which they are used.

3.1 **Day(s):** Business day(s) unless otherwise specified.

- 3.2 **Fiscal Year:** The twelve (12) month period beginning July 1 and ending the following June 30.
- 3.3 **Library Service Area (LSA):** The geographic area that an individual library services.
- 3.4 **LSA Data File:** A database with all parcels serviced by Library.
- 3.5 **LSA Map Shapefile:** Geospatial vector data or the LSA for Geographic Information System (GIS) software.
- 3.6 **Special Tax Rate:** A flat rate amount per parcel, approved by the Board, and imposed on parcels within those cities and unincorporated areas which are subject to the Special Tax.

4.0 MEETINGS

The Contractor is required to attend all scheduled meetings (as needed). Advanced notification will be given at least one (1) day prior; however, depending on the importance of the issue, a meeting may be scheduled during the same day.

The Contractor will be required to provide Special Tax Administration Services Monday through Friday. The Contractor is not required to provide services on the following holidays:

- | | |
|-------------------------------|------------------------|
| - New Year's Day | - Labor Day |
| - Martin Luther King, Jr. Day | - Columbus Day |
| - President's Day | - Veteran's Day |
| - Memorial Day | - Thanksgiving Day and |
| - Independence Day | following Friday |
| - Christmas Day | |

The Contractor acknowledges that services are to be provided on all other holidays to include but not limited to holidays on which the Library is closed.

5.0 CONTRACT DISCREPANCY

Notification of a Contract discrepancy will be made to the Contractor, as soon as possible, whenever a Contract discrepancy is identified. The problem will be resolved within a time period as determined by the County. Failure to resolve the problem within the time specified will result in issuing a formal Contract Discrepancy Report (Statement of Work Exhibits – Exhibit 1).

Upon receipt of a Contract Discrepancy Report, the Contractor is required to respond, in writing, to the County within two (2) days, acknowledging the reported discrepancy. Within ten (10) days, the Contractor is required to submit, in writing, a response identify the cause of the problem and providing a corrective action or presenting contrary evidence.

6.0 COUNTY RESPONSIBILITIES

The County is responsible to provide the following:

- 6.1 Annually provide the Special Tax Rate and Taxable Properties (Attachment I) identifying the most current Special Tax Rate, the list of Cities and Unincorporated Areas subject to the Special Tax, and the Special Tax Budget.
- 6.2 Provide all pertinent parcel data, annexations and detachments of parcels, Assessor's parcel maps, County base-maps, LSA Data File, LSA Map Shapefiles, past annexation maps and parcel corrections, and any other parcel data as needed or requested.
- 6.3 Provide the most current equalized County Assessor's Tax Roll (Local Roll), County Cross-Reference Tax Roll, the County Tax Rate Area (TRA) Agency Listing, the County Agency TRA Cross-Reference and any other information as needed or requested.
- 6.4 Provide training, upon request, to facilitate meeting the requirements within the Auditor-Controller Direct Assessment Submission Procedure Manual (Direct Assessment Manual) (Attachment II).

7.0 CONTRACTOR RESPONSIBILITIES

- 7.1 Contractor must comply with all requirements, instructions, terms and conditions of the Direct Assessment Manual (Attachment II).
 - 7.1.1 The Contractor is responsible for obtaining the most current Direct Assessment Manual (Attachment II).
- 7.2 Annually, the Contractor must complete the following forms and submit them to Library:
 - (a) Data Sales Order Form and Agreement (Attachment III)
Utilized to request Local Roll, County Cross-Reference Tax Roll, the County TRA Agency Listing, and County Agency TRA Cross-Reference;
 - (b) Agreement for Billing of Direct Assessments (Attachment IV)
Utilized to provide the service of placement of direct assessments on the Secured Tax Roll and distribution of collections;
 - (c) Agency Information Sheet (Attachment V)
Serves as the intent to submit a Direct Assessment Input and authority to levy assessments;
 - (d) Direct Assessment File (Attachment VI)
Certification of total assessment amount and total parcel count.

- 7.3 The Contractor is responsible for obtaining the County GIS Parcel and City Boundary Shapefiles.
- 7.4 The Contractor will provide a full-time Contractor Project Manager and designated alternate, including contact information, who will act as a central point of contact with the County and will have full authority to act for Contractor on all matters relating to the daily operations of the Contract. The Contractor Project Manager and alternate will be able to effectively communicate in English.
- 7.5 The purchase of all materials and equipment to provide the needed services is the responsibility of the Contractor. The Contractor will use materials and equipment that are safe for the environment and safe for use by the employee(s).
- 7.6 The Contractor will provide training programs for all employees assigned to this Contract on the duties and responsibilities of this Statement of Work (SOW).
- 7.7 The Contractor will maintain an office with a telephone in the company's name where the Contractor conducts business. At least one employee, who speaks and understands English, must be available to respond to inquiries and complaints about the Contractor's performance Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m. PST.
- 7.8 The Contractor will be responsible for the repair of all damages incurred by the contractor's employees.
- 7.9 The Contractor must be able to create 'web-access' to their database to allow Library access to search parcel information as well as additional information that may be needed. The Library will provide the appropriate IP addresses in order to allow the contractor to open their firewall and ports to allow connectivity to allow, but not limited to, the following:
- (a) Ability to browse data
 - (b) Ability to search data against the contractor's database
 - (c) Ability to download data, if needed

8.0 SPECIFIC WORK REQUIREMENTS – ANNUAL

8.1 Special Tax Database

Create and maintain a Special Tax Database based on the information provided by the County as described in Sub-sections 6.1 through 6.3 of this SOW. The database must be compatible with existing County software programs (Microsoft Access 2010 or higher) and all changes must be traceable.

8.2 Preliminary Special Tax Summary Data Report

By April 30, provide a Preliminary Special Tax Summary Data Report (Attachment VII) identifying the number of projected taxable parcels and potential revenue by City/Unincorporated Area as well as a comparison between this projected data and the previous year's data.

8.3 Direct Assessment Input

Annually, utilizing the current Special Tax Rate and the Special Tax Database, prepare the Direct Assessment Input identifying the parcels to be assessed the Special Tax and, in turn, submit this Direct Assessment Input to the Auditor-Controller in accordance with the procedures established in the Direct Assessment Manual (Attachment II).

8.3.1. When necessary process corrections to the Direct Assessment Input in accordance with the Direct Assessment Manual (Attachment II).

8.4 Final Special Tax Summary Data Report

By October 1, provide a Final Special Tax Summary Data Report (Attachment VIII) identifying the number of taxable parcels and revenue by City/Unincorporated Area as well as a comparison between this final submitted data and the preliminary summary data. In addition, the contractor must provide a summary which identifies the number of unincorporated parcels per map book and the corresponding revenues.

8.5 Library Service Area/Parcel Corrections

Utilize the Direct Assessment Input and the LSA Data File to identify parcels not assigned to a LSA or assigned to an incorrect LSA. Utilize the LSA Map Shapefiles to assign a recommended LSA. Submit these recommendations as the Parcel Recommendation Report (Attachment IX) to Library for review and approval within thirty (30) days from the receipt of the LSA Map Shapefiles and confirmation of Direct Assessment Input. Upon approval of the recommendations, update the LSA Data File within fifteen (15) days.

8.6 Library Service Area Report

By October 1, submit an updated LSA Report (Attachment X) utilizing the current Direct Assessment Input and the updated LSA Data File and Special Tax Rate and Taxable Properties (Attachment I) to create this report which groups the parcel numbers by LSA and identifies the LSA, Parcel Count, Tax Levy, Allocation Percentage and the Budget.

8.7 Special Tax Library Service Area Data File

Utilizing the Direct Assessment Input and LSA Data File create a specialized Special Tax LSA Data File which only includes those parcels levied a Special Tax. This file should display the Parcelnum, Assessor's Parcel Number (APN),

TRA, Parcel Count, Tax Amount Special Tax Rate, City, and LSA Name and LSA Number.

8.8 Interface Program Update

8.8.1 The Contractor must be able to maintain the existing program (Microsoft Access 2010 or higher) allowing Library to interface with the Special Tax Database by Parcel Number, Owner Name and Site Address as shown on the Special Tax Interface (Attachment XI). Searchable fields must be specific to Unincorporated Areas and Cities that are assessed a Special Tax.

8.8.2 The County reserves the right to modify fields as required.

9.0 SPECIAL TAX PROGRAM AUDIT

An audit of the Special Tax Program may be conducted during the contract term, or as requested by Library, to confirm that all appropriate parcels included in the Direct Assessment Input have been successfully incorporated into the Auditor-Controller tax roll.

9.1 Audit Report

The Contractor will examine all provided information as indicated in Section 6.0, County Responsibilities, to determine if parcels within the Special Tax district boundaries have been assessed the Special Tax. The Contractor will provide a Special Tax Program Audit Report to Library summarizing the findings resulting from the audit.

10.0 UNANTICIPATED WORK

10.1 The County may authorize, in writing, the Contractor to perform additional services as Unanticipated Work. The County will provide a description of the requested service and the Contractor will provide an estimate (within five (5) days) for labor and materials, where applicable, prior to performing any Unanticipated Work. Price quotes will be based on Exhibit B – Pricing Schedule, of the Contract.

10.2 The Contractor will commence all Unanticipated Work on the established specified date and complete said work within the time allotted.

10.3 The County reserves the right to perform Unanticipated Work itself or assign the work to another Contractor.

11.0 GREEN INITIATIVES

11.1 Contractor will use reasonable efforts to initiate “green” practices for environmental and energy conservation benefits.

11.2 Contractor will notify County of Contractor's new green initiatives prior to the Contract commencement.

12.0 PERFORMANCE REQUIREMENTS SUMMARY

The Performance Requirements Summary (PRS) is a listing of services that are intended to be completely consistent with the Contract and the SOW and are not meant in any case to create, extend, revise, or expand any obligation of the Contractor beyond that defined in the Contract and the SOW. Refer to Performance Requirements Summary (Statement of Work Exhibits – Exhibit 2). In any case of apparent inconsistency between services as stated in the Contract, the SOW and the PRS, the meaning apparent in the Contract or the SOW will prevail. If any service seems to be created in the PRS, which is not clearly and forthrightly set forth in the Contract and the SOW, that apparent service will be null and void and place no requirement on the Contractor. When the Contractor's performance does not conform to the requirements of the Contract, the County will have the option to apply the following non-performance remedies:

- Require the Contractor to implement a formal corrective action plan, subject to approval by the County. In the plan, the Contractor must include reasons for the unacceptable performance, specific steps to return performance to an acceptable level, and monitoring methods to prevent recurrence.
- Reduce payment to the Contractor by a computed amount based on the performance assessment fee(s) in the PRS.
- Reduce, suspend or cancel the Contract for systematic, deliberate misrepresentations or unacceptable levels of performance.
- Failure of the Contractor to comply with or satisfy the request(s) for improvement of performance or to perform the neglected work specified within ten (10) days will constitute authorization for the County to have the service(s) performed by others. The entire cost of such work performed by others as a consequence of the Contractor's failure to perform said service(s), as determined by the County, will be credited to the County on the Contractor's future invoice.

This section does not preclude the County's right to terminate the Contract upon ten (10) days' written notice with or without cause, as provided for in the Contract, Section 8.0 - Standard Terms and Conditions, Sub-section 8.42 - Termination for Convenience.

SPECIAL TAX RATE AND TAXABLE PROPERTIES

Effective Date: 07/01/19

1.0 SPECIAL TAX RATE

Special Tax Rate: \$32.22

2.0 TAXABLE PROPERTIES WITHIN:

(A) Cities

- (1) Cudahy
- (2) Culver City
- (3) Duarte
- (4) El Monte
- (5) La Cañada-Flintridge
- (6) Lakewood
- (7) Lomita
- (8) Lynwood
- (9) Maywood
- (10) West Hollywood

(B) Unincorporated Areas of Los Angeles County excluding the Unincorporated Areas within the boundaries of the Altadena Library District and the Palos Verdes Library District.

3.0 SPECIAL TAX BUDGET

Special Tax Budget: \$14,000,000

County of Los Angeles
Department of Auditor-Controller



Direct Assessment Submission
Procedure Manual

FY 2020-21
Processing

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DIRECT ASSESSMENT (DA) INTRODUCTION

This is the fiscal year 2020-21 version of the Los Angeles County Auditor-Controller Direct Assessment Submission Procedure Manual. This manual has been created for use by taxing agencies that submit their direct assessments to the Los Angeles County Auditor-Controller for processing.

The following is a summary of important items to keep in mind during this year's Direct Assessment (DA) process:

- **Document Submission**

All DA agencies are **required** to submit the new revised Agency Information Sheet (AIS). The form must be completed and saved before uploading documents or data file.

The following required documents, **AIS, Billing Agreement, and Data Transmittal** should not be modified unless approved by the Auditor-Controller management.

The Auditor-Controller requires that each agency provide a current copy of their Resolution/Ordinance and Billing Agreement annually, even if no changes have taken place.

- **Requesting for New DA Account**

If your agency would like to request **new DA account(s)**, please send an e-mail to **Evelyn Ramirez** or **Aquilla Ivery-Simmons** at dagroup@auditor.lacounty.gov and see **REQUESTING FOR NEW DA ACCOUNT(S) (see page vi)**. Also, please refer to the **DA CYCLE AND SUBMISSION DUE DATES (see page iv)** to ensure you submit your new account request before the deadline.

- **Notification Letter of Authorization**

For those consulting agencies that are authorized to sign any/all required documents and forms on your behalf of the levying agency, we require you to send us a notification letter of authorization (**see page viii**).

- **State Parcel Tax Reporting - Assembly Bill 2109**

The Auditor-Controller has identified direct assessment agencies that are considered a parcel tax and are required to report on their Financial Transactions Reports (FTR) to the State Controller's Office (SCO). The Auditor-Controller will be reporting on behalf of all County direct assessment agencies that are levying parcel taxes and will be in contact with them while the non-County direct assessment agencies will be responsible for reporting their information on their FTR to the SCO. To see if your agencies are required to report, please click the link below:

[Direct Assessment Parcel Tax List by Account Name and Number](#)

- **Notice of New Parcel Tax - Assembly Bill 2476**

Effective January 1, 2017, all local agencies are required to provide notice of new parcel tax to the affected property owners who reside outside of the district boundaries. For more information and the entirety of AB 2476, please click the link below:

[AB 2476 State Legislature Website](#)

Questions regarding any portion of these important items should be directed to the Auditor-Controller Property Tax Services Division, **Evelyn Ramirez**, supervisor of the **Direct Assessment Processing Unit** at **(213) 893-2344**.

DA CYCLE AND SUBMISSION DUE DATES

May 1st - July 15th	Request for the New DA Accounts (see page vi) and Bill Description Modification (see page 27) will be processed if received by our office as early as May 1st and no later than July 15th .
May 1st - August 10th	Submit the Notification Letter of Authorization to our office as early as May 1st and no later than August 10th (see page viii).
July - August	<p>Agencies submit original input direct assessments for new tax year beginning July 1st.</p> <p>The Auditor-Controller prepares new tax roll with direct assessments that have been provided by taxing agencies. We provide exception reports, parcel change reports and comparison letters for agencies with a significant change in data (> 20% of transaction count and/or dollar amount) from previous year to current year.</p>
September	Secured tax bills are printed.
October	Special Tax Levied/Paid Report Original Charge will be available for viewing (see page 22) or for downloading via our website at http://auditor.lacounty.gov .

DA DATA SUBMISSION DUE DATES

To ensure agency direct assessments are included on tax roll, please submit direct assessment input as soon as possible beginning **July 1st**. Cut-off dates are as follows:

July 15th	Upload test data via DAWeb at http://daweb.auditor.lacounty.gov . Agencies submitting data for the first time are recommended to submit test files with sample production data for review.
August 10th	Upload original input data via DAWeb.
September 15th	Final day to accept DA corrections for new tax year.

NOTE: Direct assessment data cannot be submitted to Auditor-Controller via DAWeb without first uploading the AIS, Resolution/Ordinance, Billing Agreement and Data Transmittal.

We cannot guarantee any agency placement of all direct assessments on tax roll when input is received after established due date of **August 10th**.

DA SCHEDULE OF SERVICE CHARGES

1. DA Annual Charges

Original Input:	\$0.25 per assessment per parcel/yr sequence
Processing Fee:	\$50.00 per account
Set Up Fee:	\$250.00 per account for New DA accounts only

2. DA Quarterly Charge

Corrections:	\$13.00 per assessment per parcel/yr sequence after tax roll extension on September 26, 2020 .
--------------	---

3. DA Confirmation Charges

The Auditor-Controller will provide an email confirmation that the assessments on specific parcels have been removed/adjusted if the agency makes a request. There will be an additional charge per assessment, per parcel/yr sequence plus processing fee.

NOTE: Additional services requested outside of the processes listed above will be charged based on FY 2020-21 Auditor-Controller Duplication Rates available in September 2020.

REQUESTING FOR NEW DA ACCOUNT(S)

For requesting new DA account(s), please provide the following:

- Letter requesting for new DA Account(s) should be on agency's letterhead (**see page vii**).
- Copy of approved resolution or ordinance authorizing the Auditor-Controller to place the DA charges on the tax bills.

Send request via:

- Mail: **County of Los Angeles
Auditor-Controller, Property Tax Services Division
Direct Assessment Processing Unit
500 W. Temple Street, Room 153
Los Angeles, CA 90012
Attn: Evelyn Ramirez**

OR

- E-mail: **Evelyn Ramirez at dagroup@auditor.lacounty.gov.**

Should you have any questions regarding the status of your request, please contact **Evelyn Ramirez** at **(213) 893-2344** or **Aquilla Ivery-Simmons** at **(213) 974-8573** or send an email to dagroup@auditor.lacounty.gov.

SAMPLE NEW DA ACCOUNT LETTER

Insert agency letterhead here

Date

County of Los Angeles
Auditor-Controller, Property Tax Services Division
Direct Assessment Processing Unit
500 West Temple Street, Room 153
Los Angeles, CA 90012
Attn: Evelyn Ramirez

Dear Ms. Ramirez,

Please establish a new Direct Assessment account for Fiscal Year #####-## for *[insert agency description here (e.g. Landscaping/Lighting District #1)]*. Our agency would like our Bill Description to read as follows:

[insert 16 character bill description here (e.g. LA LAND LIGHT #1)]

I have enclosed a copy of the Resolution authorizing the levy of special taxes.

Please contact me if you have any questions.

Thank you,

John Smith
Finance Manager

enclosure

SUBMISSION OF NOTIFICATION LETTER OF AUTHORIZATION

When creating the notification letter of authorization, please include the following (see page ix):

- Agency's Letterhead
- Consulting Agency Name
- List of required documents and forms that you have authorization for (e.g. Billing Agreement, Agency Information Sheet, Data Transmittal (all types)*, etc.)
- Duration of Authorization
- Account Number(s) and Bill Description(s) for which you have authorization for
- Agency Contact Name, Phone No. and E-mail
- Signature of Authorization from Levying Agency
- Printed Name and Title of the Authorized Signee

***Original, Correction, Public Utility and Exemptions (if applicable)**

Send notification letter via:

- Mail: **County of Los Angeles
Auditor-Controller, Property Tax Services Division
Direct Assessment Processing Unit
500 W. Temple Street, Room 153
Los Angeles, CA 90012
Attn: Evelyn Ramirez**

OR

- E-mail: **Evelyn Ramirez at dagroup@auditor.lacounty.gov.**

Should you have any questions regarding this letter, please contact **Evelyn Ramirez** at **(213) 893-2344** or **Aquilla Ivery-Simmons** at **(213) 974-8573** or send an email to **dagroup@auditor.lacounty.gov**.

SAMPLE NOTIFICATION LETTER OF AUTHORIZATION

Insert agency letterhead here

Date

County of Los Angeles
Auditor-Controller, Property Tax Services Division
Direct Assessment Processing Unit
Attn: Evelyn Ramirez

RE: NOTIFICATION LETTER OF AUTHORIZATION

Dear Ms. Ramirez,

Please let this letter serve as notification that our agency is authorizing *Consultant Agency Name* to sign on our behalf for the following Direct Assessment account(s) for Fiscal Year #####-## and future years until you are notified otherwise:

Account #	Bill Description

Consultant Agency is authorized to sign the following documents/forms on our behalf:

Billing Agreement
Agency Information Sheet (AIS)
Data Transmittal Form(s) (all types)
DAWeb User Identification Form
Bill Description Modification Form

If you have any questions about this authorization, please contact me at (###) ###-#### or via e-mail at *e-mail address*.

Thank you,

John Smith
Finance Manager

1.0 SUBMISSION OF DATA

1.1

Submission of Data via DAWeb

The Auditor-Controller requires that all original input submission be made via DAWeb.

To have access granted to the DAWeb, please fill out and submit the **User Identification Form (see page 25)** immediately to **Evelyn Ramirez** by e-mail at dagroup@auditor.lacounty.gov.

Please see the revised DAWeb Agency Manual and/or virtual tutorial on the DAWeb (<http://daweb.auditor.lacounty.gov>) for instructions on how to use the DAWeb Application website.

2.0 SUBMISSION OF CORRECTIONS

2.1 Corrections Made Before the Original Input Deadline

Please see the revised DAWeb Agency manual and/or virtual tutorial on the DAWeb (<http://daweb.auditor.lacounty.gov>) for instructions on how to submit corrections using the DAWeb Application website.

2.2 Corrections Made After the Original Input Deadline

Direct assessments that were processed to the Secured Tax Roll system and resulted in an incorrect assessment for a parcel **MAY** be corrected after the original input deadline. ***Roll Corrections for the Current Year that are received after SEPTEMBER 26th WILL BE SUBJECT to a \$13 SERVICE CHARGE for each roll correction processed.***

The Auditor-Controller will accept corrections for current and prior year assessments to decrease or delete an incorrect assessment.

The Auditor-Controller will make corrections only upon receipt of a completed and properly signed Direct Assessment Correction Form (**see page 4 for the Current Year Correction Form Sample and page 5 for the Prior Year Correction Form Sample**). Please submit the Direct Assessment Correction Form immediately by e-mail to **Evelyn Ramirez** at eramirez@auditor.lacounty.gov.

The Auditor-Controller will provide confirmation that the assessments on specific parcels have been removed/adjusted if the agency makes a request. There will be an additional charge per assessment, per parcel/yr sequence plus processing fee.

NOTE: Additional charges will be based on FY 2020-21 Auditor-Controller Duplication Rates available in September 2020.

A. Current Year Corrections

Prepare the Current Year Direct Assessment Correction Form (**see page 3**). Current year corrections that are unpaid or partially paid will result in an adjusted tax bill. Adjusted tax bills are sent to the assessee of record. The Auditor-Controller does not issue refunds resulting from the cancellation and/or reduction of direct assessment charges. Any corrections to an assessment that would generate a refund will be returned to the agency with payment information to assist the agency in processing refunds accordingly.

B. Prior Year Corrections

Prepare the Prior Year Direct Assessment Correction Form (**see page 3**). Prior year corrections that are unpaid will result in an adjusted delinquent tax bill. Adjusted tax bills will be sent to the assessee of record. The Auditor-Controller does not issue refunds resulting from the cancellation and/or reduction of direct assessment charges. Any corrections to an assessment that would generate a refund will be returned to the agency with payment information to assist the agency in processing refunds accordingly.

Correction Form Instructions

Letterhead - No Longer Required.

- 1 **Agency Name**
Enter the Agency Description.
- 2 **Account Number**
Enter the Agency Account Number.
- 3 **Authorization Number and Confirmation Date**
Leave blank. Auditor-Controller use only.
- 4 **Fiscal Year or Rate Year**
Enter the 4 digits of the roll year (e.g. if the DA is for the tax year 2020-21, enter "2020").
- 5 **Parcel Number**
Enter parcel number that will be corrected or billed on Secured Tax Roll. If Public Utility, please refer to **Section 3.1 Public Utility Parcel Conversion Procedure** on **page 7**.
- 6 **Year and Sequence No.**
Enter the Rate Year and "000" (e.g. if rate year is 2020, enter "2020000").
- 7 **Check Digit**
Refer to **Section 3.2 Check Digit Algorithm Calculation Procedure** on **page 9**.
- 8 **Original Amount**
Enter the prior amount posted.
- 9 **Corrected Amount**
Enter the new direct assessment amount to be posted to the Secured Tax Roll.
If deleting an assessment, enter "0".
- 10 **Prepared By**
Type or print the name of the person preparing the correction form.
- 11 **Telephone No.**
Enter the phone number of the person to be contacted if any problems occur.
- 12 **Authorized Name and Signature**
Type or print the name of the person authorizing the change and sign.
- 13 **Date**
The date the request was signed.
- 14 **Telephone No.**
Enter the phone number of person authorizing the change.

2.0 SUBMISSION OF CORRECTIONS**Current Year Correction Form Sample**

**COUNTY OF LOS ANGELES
AUDITOR-CONTROLLER, PROPERTY TAX SERVICES DIVISION
DIRECT ASSESSMENT
CURRENT YEAR CORRECTION FORM**

<div style="display: flex; justify-content: space-between;"><div>AGENCY NAME: 1</div><div style="text-align: right;">FISCAL YEAR 4</div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>ACCOUNT No.: 2</div><div>FISCAL YEAR 2020</div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>AUTHORIZATION No.: 3 <small>(AUDITOR USE ONLY)</small></div></div>						
	PARCEL NUMBER	YR & SEQ	CD	ORIGINAL AMOUNT	CORRECTED AMOUNT	CONFIRMATION DATE <small>(AUDITOR USE ONLY)</small>
1	0000-000-000	2020-000	7	8	9	3
2	5	6				
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
<div style="display: flex; justify-content: space-between;"><div>PREPARED BY: 10 <small>PRINT NAME</small></div><div>PHONE No.: 11</div></div> <p style="text-align: center; margin-top: 10px;">I hereby authorize the above Direct Assessment Roll Corrections.</p> <div style="display: flex; justify-content: space-between;"><div>AUTHORIZED SIGNATURE: 12</div><div>DATE: 13</div></div> <div style="display: flex; justify-content: space-between;"><div>AUTHORIZED NAME: 12 <small>PRINT NAME & TITLE</small></div><div>PHONE No.: 14</div></div>						

Please fill out and submit the form immediately by e-mail to **Evelyn Ramirez** at eramirez@auditor.lacounty.gov.

2.0 SUBMISSION OF CORRECTIONS**Prior Year Correction Form Sample**

**COUNTY OF LOS ANGELES
AUDITOR-CONTROLLER, PROPERTY TAX SERVICES DIVISION
DIRECT ASSESSMENT
CURRENT YEAR CORRECTION FORM**

<div style="display: flex; justify-content: space-between;"><div>AGENCY NAME: 1 _____</div><div style="text-align: right;">FISCAL YEAR 2019 4</div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>ACCOUNT No.: 2 _____</div><div></div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>AUTHORIZATION No.: 3 _____ <small>(AUDITOR USE ONLY)</small></div><div></div></div>						
	PARCEL NUMBER	YR & SEQ	CD	ORIGINAL AMOUNT	CORRECTED AMOUNT	CONFIRMATION DATE <small>(AUDITOR USE ONLY)</small>
1	0000-000-000	2019-000	7	8	9	3
2	5	6				
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
<div style="display: flex; justify-content: space-between;"><div>PREPARED BY: 10 _____ <small>PRINT NAME</small></div><div>PHONE No.: 11 _____</div></div> <p style="margin-top: 10px;">I hereby authorize the above Direct Assessment Roll Corrections.</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>AUTHORIZED SIGNATURE: 12 _____</div><div>DATE: 13 _____</div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>AUTHORIZED NAME: 12 _____ <small>PRINT NAME & TITLE</small></div><div>PHONE No.: 14 _____</div></div>						

Please fill out and submit the form immediately by e-mail to **Evelyn Ramirez** at eramirez@auditor.lacounty.gov.

2.0 SUBMISSION OF CORRECTIONS

C. Corrections Due to Foreclosure

When submitting corrections due to foreclosure, the agency should follow the procedures on **page 2, Section 2.2 Corrections Made After the Original Input Deadline**. Indicate "**FOR FORECLOSURE**" on the form to the left of the account number.

D. Corrections Due to Property Acquired by a Public Agency

All direct assessments placed on property that is subsequently acquired by a public agency will be pro-rated from the date of acquisition forward.

E. Corrections Processing Cut-Off Dates

To ensure corrections are processed during the current fiscal year, Direct Assessment Correction Forms must be received no later than **May 1st**. Correction processing resumes in **September** of the following tax year.

F. Corrections for 16 or more Parcels

When submitting a Current/Prior Year Direct Assessment Correction Form with 16 or more parcels, your agency is **required** to send the Excel spreadsheet file along with your signed Current/Prior Year Direct Assessment Correction Form by e-mail to **Evelyn Ramirez** at eramirez@auditor.lacounty.gov.

3.0 DA PUBLIC UTILITY AND CHECK DIGIT PROCEDURES

3.1

Public Utility Parcel Conversion Procedure

The conversion of State Board Equalization (SBE) parcel to the LA County parcel is based on the identification of property type as Unitary and Nonunitary properties (Nonunitary Railway Transportation, Operating Nonunitary and Nonoperating Nonunitary). The LA County parcel consists of 10-digit numbers. Please follow the instructions and refer to the link below for reference:

[State Board of Equalization Property and Special Taxes Department](#)

1. If the public utility property is other than a railroad company and the property type is identified as **UNITARY** and **OPERATING NONUNITARY**, then convert to LA County parcel number as follows:

Example:	Public Utility Name:	Southern California Gas Company
	Company Number:	0149
	SBE TRA:	000001
	LA County TRA:	00001

<u>Digits</u>	<u>Total digits (10)</u>	<u>Content</u>
1	1	9 (First prefix of the map book)
2-5	4	Utility Company Number
6-10	5	00001 (Convert SBE TRA to LA County TRA)

<u>Prefix of Map Book</u>	<u>Utility Company Number</u>	<u>LA County Tax Rate Area</u>
9	0149	00001

County Parcel Number: 901-490-0001

2. If the public utility property is a railroad company and the property type is identified as **UNITARY**, then convert to LA County parcel number as follows:

Example:	Public Utility Name:	Union Pacific Railroad Company
	Company Number:	0843
	SBE TRA:	000002
	LA County TRA:	00003

<u>Digits</u>	<u>Total digits (10)</u>	<u>Content</u>
1	1	9 (First prefix of the map book)
2-5	4	Utility Company Number
6-10	5	(Convert SBE TRA to LA County TRA)

<u>Prefix of Map Book</u>	<u>Utility Company Number</u>	<u>LA County Tax Rate Area</u>
9	0843	00003

County Parcel Number: 908-430-0003

3.0 DA PUBLIC UTILITY AND CHECK DIGIT PROCEDURES

3. If the public utility property is identified as **NONOPERATING NONUNITARY** and **NONUNITARY RAIL TRANSPORTATION CO.**, then convert to LA County parcel number as follows:

Example:

Public Utility Name:	AT & T California
Company Number:	0279
SBE TRA:	Various SBE TRAs
LA County TRA:	Various LA County TRAs

<u>Digits</u>	<u>Total digits (10)</u>	<u>Content</u>
1	1	9 (First prefix of the map book)
2-5	4	Utility Company Number
6-10	5	(Convert SBE TRA to LA County TRA)

<u>Prefix of Map Book</u>	<u>Utility Company Number</u>	<u>LA County Tax Rate Area</u>
9	0279	03801

County Parcel Number: 902-790-3801

4. If the public utility is an electric company and the property type is identified under Qualified Section 100.95 (see link below), then convert to LA County parcel number as follows:

[Qualified Section 100.95 - Electric Property](#)

Example:

Public Utility Name:	Southern California Edison
Company Number:	0148
SBE TRA:	000095
LA County TRA:	90000

<u>Digits</u>	<u>Total digits (10)</u>	<u>Content</u>
1	1	9 (First prefix of the map book)
2-5	4	Utility Company Number
6-10	5	(Convert SBE TRA to LA County TRA)

<u>Prefix of Map Book</u>	<u>Utility Company Number</u>	<u>LA County Tax Rate Area</u>
9	0148	90000

County Parcel Number: 901-489-0000

3.2

Check Digit Algorithm Calculation Procedure

The Check Digit is a form of parcel number validation. The calculated check digit number is arrived at by using the following algorithm:

- a. List your parcel number. **2 0 2 0 4 1 8 0 3 7**
- b. Start with the first digit of the parcel number step a and multiply every other digit by 2.

2	2	4	8	3
4	4	8	16	6

- c. Sum the resulting totals from step b. If the answer in step b contains two digits, add the number individually to get one number (e.g. 16 would be 1+6)

$$4 + 4 + 8 + 1 + 6 + 6 = 29$$

- d. Go back to parcel number starting with step a and add every other number starting with the second digit from parcel number.

$$0 + 0 + 1 + 0 + 7 = 8$$

- e. Add the total result from step c to the total result from step d.

$$\begin{array}{r} \text{Total} = \quad 29 \\ \quad + 8 \\ \hline \quad 37 \end{array}$$

NOTE: If the last digit calculated in step e is zero, check digit is zero.

- f. Subtract the last digit of the total in step e from 10.

$$10 - 7 = 3$$

The end result is the check digit = 3.

4.1**DA Exception Report: Description and Sample**

The Direct Assessment Exception Report is a control report provided to the taxing agency by the Auditor-Controller after each update during DA Roll Build-Up. It lists the direct assessment transactions rejected during Secured Tax Roll processing. This report is to be used by the agency as a source document when making corrections. **See the link on the sign-in page on the DAWeb Application website under Help Menu Options to access the exception reports on the Auditor-Controller website.**

Description:

- 1 **Report Heading**
The report heading consists of: (1) the page number; (2) the report name; (3) the agency account number; and (4) the report preparation date.
- 2 **Agency Number**
Agency's assigned account number.
- 3 **Batch Number**
The batch number assigned to the agency's direct assessment transactions.
- 4 **Parcel Number**
The Assessor's identification number.
- 5 **Check Digit**
A calculated number used internally by the Auditor-Controller.
- 6 **Year**
Secured Tax Roll year to which the direct assessments tried to post.
- 7 **Sequence Number**
The number that identifies what segment of a parcel is to be processed.
- 8 **Recycle Line Number**
The number used to locate an error transaction during the correction process used internally by the Auditor-Controller.
- 9 **Authorization Number**
Assigned by the Auditor-Controller, used internally.
- 10 **Reason & Origin**
Codes assigned/used internally by the Auditor-Controller.
- 11 **Direct Assessment Amount**
The direct assessment levy amount charge.
- 12 **Hash Amount**
Total amount of direct assessments in the transaction.
- 13 **Error Codes**
The code that indicates the reason a transaction has been rejected.

4.0 DA EXCEPTION REPORT

14 Total Parcel Count

The total number of direct assessment transactions listed.

15 Description of Common Error Codes

A key used to explain the most common error codes.

DIRECT ASSESSMENT EXCEPTION REPORT SAMPLE

1

PAGE 1

DIRECT ASSESSMENT EXCEPTION REPORT FOR ACCOUNT NUMBER - 00418
PREPARED DATE: 08/15/99

2	3	4	5	6	7	8	9	10	11	12	13
ACCT NUM	BATCH NUMBER	PARCEL NUM	C D	YR	SEQ	LINE NUMBER	AUTH #	REAS ORIG	DA AMOUNT	HASH TOTAL	ERROR CODES
00418	I00418	3010037032	7	2000	000	083007352 10	000153	LC	0000000102090	00000000102090	A30
		3022011002	3	2000	000	055002988 15	000153	LC	000000014717D	0000000007375H	L30 L80
		3027021044	7	2000	000	083007427 60	000153	LC	000000010209D	0000000010209D	240 L30 L80
		3027021060	6	2000	000	055003083 20	000153	C	0000000030781	00000000030781	A50
		3040004029	5	2000	000	055003083 20	000153	LC	0000000102090	00000000102090	220
		3040004030	2	2000	000	055003083 20	000153	LC	0000000073750	00000000073750	240

TOTAL PARCEL COUNT = 6

14

DESCRIPTION OF COMMON ERROR CODES

- (1) A30 - INCORRECT CHECK DIGIT
(2) L20 - ACCOUNT NUMBER IS NOT NUMERIC
(3) L30 - DIRECT ASSESSMENT AMOUNT IS NOT NUMERIC
(4) L80 - DIRECT ASSESSMENT HASH AMOUNT IS NOT NUMERIC
(5) L82 - DIRECT ASSESSMENT AMOUNT DOES NOT EQUAL TO THE HASH AMOUNT
(6) 220 AND 240 - PARCEL DOES NOT EXIST ON THE SECURED TAX ROLL
(7) 320 - TRANSACTION IS ATTEMPTING TO POST A NEW DIRECT ASSESSMENT WITH ZERO DIRECT ASSESSMENT AMOUNT
*** FOR ALL OTHER ERROR CODES REFER TO THE APPENDIX OF THE DIRECT ASSESSMENT SUBMISSION PROCEDURES MANUAL ***

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4.0 DA EXCEPTION REPORT

STR Error Codes for DA Transactions

A10	Parcel number is not numeric or is equal to zeros
A20	Sequence number is not numeric
A22	Year is not a valid roll year
A30	Check digit is not valid
A40	Authorization number must not equal blanks
A50	Reason key is not equal to "L"
A60	Origin key is not equal to "C"
A70	Transaction code is not equal to "580"
L20	Account number is not numeric
L30	Direct Assessment amount must be numeric
L80	Direct Assessment amount is not equal to the hash amount
220	Parcel is not active on the database
240	Parcel for particular year and sequence is not active on the database
430	Transaction is attempting to post a new direct assessment with an invalid direct assessment account number
460	Transaction is attempting to update a roll year greater than the current roll year

NOTE: The error codes “220” and “240” often occur because agencies submit direct assessments on parcels that have undergone a parcel change or on non-billable parcels. A primary example of a non-billable parcel would be a Common Area parcel. Common Area generally occurs within condominium projects and planned neighborhood projects. The assessed value on Common Area parcels are deliberately set low (\$9) so that a tax bill will not be issued. To minimize these errors, it is suggested that each agency identify and omit assessments for non-billable parcels. It is recommended that the charges be allocated to parcels adjoining the Common Area parcels.

The error code “320” has been removed from the list above since the DAWeb now has an upfront validation which will no longer allow you to submit a zero amount within your correction file that was not part of your original submission.

5.0 DA ON PARCELS UNDERGOING PARCEL CHANGE

5.1 Parcel Change Current Year Processing

If the Parcel Change occurs during the current Roll Year, there are two options available:

- OPTION 1** Allocate existing direct assessment amounts to new billable parcel(s). This option will automatically divide amount of direct assessment levied on old parcel (parcel undergoing change) equally to new billable parcel(s) being created and placed equally divided amount(s) on new parcel(s).
- OPTION 2** Drop the assessments from the roll. When new parcel(s) replace old parcel direct assessment will be deleted. It will be the sole responsibility of the taxing agency to directly bill the party liable for any direct assessments dropped from the roll.

Indicate on the AIS (see page 18) the option you select for each direct assessment account.

The Auditor-Controller may refund paid direct assessments for properties undergoing Parcel Change for the current Roll Year during the current Roll Year.

E.g. Parcel Change in the 2020-21 fiscal year affects the tax bill for that same year (fiscal year 2020-2021).

The Los Angeles County Assessor has developed an automated methodology for managing direct assessments for properties undergoing a "Parcel Change." "Parcel Change" is the term that describes the process which takes place when a change in the legal description of a parcel results in it changing into one or more new parcels, or many parcels into one parcel.

The Auditor-Controller will process increases after extension of tax roll by request to direct assessments on parcels that have undergone a parcel change. All such requests will be subject to the **\$13.00** service charge per assessment per parcel and year/sequence being adjusted. New parcels must be billed on the Secured Tax Roll before taxing agencies submit requests. Taxing agencies choosing **Option 1** may submit Current Year Correction Forms increasing and decreasing amounts for direct assessments that were divided equally on the new parcels or dropped due to a multiple parcel change.

Under both Option 1 and Option 2, Direct Assessments for parcels undergoing a parcel change will be dropped from the tax roll under the following conditions:

- After pro-rata, any unpaid portion of Direct Assessments levied on parcels undergoing a parcel change due to an acquisition of the property by a public entity.
- Direct Assessments for parcels undergoing a multiple parcel change. Multiple parcel change is defined as a parcel being divided into more than 4 parcels.
- When a parcel undergoes a parcel change, if the new parcel is billed on the Unsecured tax roll due to a change in ownership, the DA amounts are dropped. The Auditor-Controller will provide agencies a report of DA amounts that are dropped in this situation.

AGENCY REPORTS

The following hard copy reports identify direct assessments on parcels that have undergone a Parcel Change:

1. **Report of Direct Assessment Activity (see page 16, FIG. 5.1)**

This non-accumulated report is available after each parcel change update. The parcel change system updates approximately once per week from September to June.

- a. If **Option 1** has been selected by the agency, the report will indicate by direct assessment account number the old and new parcel numbers, the direct assessment amount on the old parcel at the time of parcel change, and the amount allocated to the new parcels.
- b. If **Option 2** has been selected by the agency, the report will indicate by agency account number the old parcel number, the direct assessment amount on the old parcel at the time of parcel change, and the amount dropped from the roll.

2. **Agency Summary Report - Hard Copy (see page 17, FIG. 5.2)**

This non-accumulated report is available after each parcel change update. The parcel change system updates approximately once per week from September to June.

- a. If **Option 1** has been selected by the agency, the report will provide the total direct assessment amount on the old parcels at the time of parcel change, and the total amount allocated to the new parcels for each parcel change update.
- b. If **Option 2** has been selected by agency, the report will indicate total direct assessment amount on old parcel at time of parcel change, and amount dropped from the roll for each parcel change update.

NOTE: Any mapping questions regarding parcel changes should be directed to the Office of the Assessor, Mapping and GIS Services at (213) 974-7352.

5.2**Parcel Change Prior Year Processing**

If the Parcel Change occurs for a prior Roll Year (e.g. Parcel Change for 2019 Roll Year made during 2020 Fiscal Year), the direct assessments will be handled as follows:

1. If the direct assessment was fully paid on the old parcel when the Parcel Change occurred, regardless of whether the parcel was current or delinquent, the full amount of the direct assessments will remain on the old parcel and will not be dropped from the Tax Roll.
2. If any portion of the direct assessment remained unpaid when the parcel change occurred, the unpaid amount of the direct assessment will be dropped from the Tax Roll. Collection will be the responsibility of the taxing agency.

AGENCY REPORTS**Report of Delinquent Parcel Activity - Hard Copy (see page 17, FIG 5.3)**

This report is available by direct assessment account number and includes a list of the old parcels for which taxes were not paid timely and were subject to being dropped from the Tax Roll. In addition, the report provides a list of the old parcels.

NOTE: Hard Copy Agency Report(s) such as:

Report of Direct Assessment Activity (see page 16, FIG. 5.1), Agency Summary Report (see page 17, FIG. 5.2) and Report of Delinquent Parcel Activity (see page 17, FIG 5.3) are only available upon request on an annual basis.

All requests for hard copy reports must be sent by e-mail to **Evelyn Ramirez** at dagroup@auditor.lacounty.gov.

NOTE: Any mapping questions regarding parcel changes should be directed to the Office of the Assessor, Mapping and GIS Services at (213) 974-7352.

5.0 DA ON PARCELS UNDERGOING PARCEL CHANGE

5.3

Parcel Change Agency Reports Samples

FIG. 5.1 – REPORT OF DIRECT ASSESSMENT ACTIVITY – HARD COPY

ASEPO815 DATE 05/16/00

REPORT OF DIRECT ASSESSMENT ACTIVITY FOR AGENCY: LA CO FIRE DEPT ACCT NO: 007.44

THIS SECTION OF THE REPORT LISTS PARCELS UNDERGOING A PARCEL CHANGE FOR WHICH DIRECT ASSESSMENTS HAVE BEEN REAPPLIED TO THE NEW PARCELS) (OPTION 1) OR DROPPED FROM THE TAX ROLL (OPTION 2).

AN "*" TO THE LEFT OF A NEW PARCEL INDICATES THAT A MULTIPLE PARCEL CHANGE OCCURRED. DIRECT ASSESSMENTS CANNOT BE REAPPLIED TO THE NEW PARCELS. THESE DIRECT ASSESSMENTS HAVE BEEN DROPPED FROM THE TAX ROLL.

FOR FISCAL YEAR 1999-00

<u>LEGEND</u>	<u>PARCEL</u>	<u>YR</u>	<u>SEQ</u>	<u>D.A. AMT</u>	<u>LEGEND</u>	<u>PARCEL</u>	<u>YR</u>	<u>SEQ</u>	<u>D.A. AMT</u>
OLD	5868-019-025	1	99 000	10.66	NEW	* 5868-019-027	9	99 000	.00
NEW	* 5868-019-028	8	99	.00		-			
PACKAGE TOTAL D.A. AMT: OLD PCL 1				10.66	NEW PCL 2				.00
OLD	8719-004-008	9	99 000	51.64	NEW	8719-004-914	2	99 000	.00
PACKAGE TOTAL D.A. AMT: OLD PCL 1				51.64	NEW PCL 1				.00
OLD	8719-004-009	8	99 000	51.64	NEW	8719-004-915 1	99	000	.00
PACKAGE TOTAL D.A. AMT: OLD PCL 1				51.64	NEW PCL 1				.00
OLD	8719-004-010	5	99 000	51.64	NEW	8719-004-916	0	99 000	.00
PACKAGE TOTAL D.A. AMT: OLD PCL 1				51.64	NEW PCL 1				.00
AGENCY TOTAL D.A. AMT: OLD				165.58	NEW				.00

5.0 DA ON PARCELS UNDERGOING PARCEL CHANGE

FIG. 5.2 – AGENCY SUMMARY REPORT – HARD COPY

ASEP0850 DATE 05/16/00 RUN NO: 89

AGENCY SUMMARY REPORT OF DIRECT ASSESSMENT ACTIVITY FOR FISCAL YEAR 1999-00

AGENCY NAME	ACCT. NO	OLD PARCEL D.A. TOTAL	NEW PARCEL D.A. TOTAL
LA COUNTY HAZARD ABATEMENT	001.96	580.84	.00
COUNTY LIBRARY ASSESSMENT	003.11	22.86	.00
L A CO FIRE DEPT	007.44	165.58	.00
FLOOD CONTROL	030.71	306.67	.00
LA CO PARK DIST	036.92	27.41	.00
L A CO. WEST MOSQUITO AB	061.11	4.82	.00
SAN GABRIEL VY MOSQ ABMT	061.32	21.39	.00
SOUTHEAST MOSQUITO ABATE	061.81	4.11	.00
LA CITY LANDSCAP&LIGHT D	188.50	18.40	.00
LOS ANGELES CITY STREET	188.51	35.02	.00
STORMWATER POLLUTION ABM	188.69	11.48	.00
CITY 911 FUND	188.71	2.87	.00
MWD WATER STANDBY CHARGE	330.11	36.63	.00
MWD WATER STANDBY CHARGE	335.06	10.28	.00
WEST BASIN MWD STANDBY C	375.81	120.00	.00
 GRAND TOTAL	 1,368.36	 .00	

FIG 5.3 – REPORT OF DELINQUENT PARCEL ACTIVITY FOR AGENCY – HARD COPY

ASEP0810 DATE 02/27/02

PAGE 1

REPORT OF DELINQUENT PARCEL ACTIVITY FOR AGENCY: LA CITY LANDSCAP&LIGHT DIST 96-1 ACCT NO: 188.50

THIS REPORT LISTS PARCELS UNDERGOING A PARCEL CHANGE WHICH WERE NOT PAID TIMELY (IN THE TAX YEAR ENROLLED) AND WERE SUBSEQUENTLY PLACED ON THE DELINQUENT TAX ROLL. IF ANY PORTION OF THE TAXES REMAINED UNPAID WHEN THE PARCEL CHANGE OCCURRED, THE FULL AMOUNT OF THE DIRECT ASSESSMENT, BOTH PAID AND UNPAID, HAVE BEEN DROPPED FROM THE TAX ROLL. COLLECTION OF THE DIRECT ASSESSMENT IS THE RESPONSIBILITY OF THE TAXING AGENCY.

FOR FISCAL YEAR 2002-2003

OLD PARCEL (S)	YEAR (S) ON REDEMPTION	NEW PARCEL (S)
-----	-----	-----
2350-012-032	99 000	2350-012-919
	98 000	
	00 000	

PACKAGE TOTAL: OLD PARCELS 1 NEW PARCELS 1

6.0 APPENDICES

6.1

Agency Information Sheet (Revised)

Please see the revised DAWeb Agency Manual on the DAWeb (<http://daweb.auditor.lacounty.gov>) for instructions on how to submit the **AIS** using the DAWeb Application website.

6.2**Billing Agreement**

(NOTE: Must be submitted on agency letterhead.)

DA Account #:

AGREEMENT FOR BILLING OF DIRECT ASSESSMENTS

This agreement is made and entered into between the *Los Angeles County Auditor-Controller* and **[Name of your Agency]** to provide the service of placement of direct assessments on the Secured Tax Roll and distribution of collections to **[Name of your Agency]**.

I. PROPERTY TAX SERVICES

Los Angeles County will place direct assessments on the Secured Tax Roll and distribute collections to **[Name of your Agency]** at the same time and in the same manner as Los Angeles County property taxes are collected and distributed. **[Name of your Agency]** will adhere to the policies and procedures established by the Los Angeles County Auditor-Controller as outlined in the Direct Assessment Submission Procedure Manual.

Fee for Billing Services

For billing of direct assessments, the Los Angeles County Auditor-Controller shall collect the following charge:

DA Original Submission - \$0.25 per assessment per parcel

For correction of direct assessments requested by **[Name of your Agency]** after extension of the tax roll, the Los Angeles County Auditor-Controller will collect \$13.00 per correction.

The Los Angeles County Auditor-Controller will charge an additional fee for extended services provided to **[Name of your Agency]** that are outlined in the Auditor-Controller Direct Assessment Submission Procedure Manual.

II. COLLECTION OF AUDITOR-CONTROLLER FEES

Direct Assessment billing charges are collected once a year, on the December 20th advance distribution. Any additional charges are deducted on the next available distribution of monies.

III. ACCOUNTING SERVICES

The Los Angeles County Auditor-Controller has available a report of direct assessments levied for the tax year by parcel and will be provided to *[Name of your Agency]*. Accounting Services beyond this will be considered extended services and will be subject to additional charges and fees.

IV. MODIFICATION OF COLLECTION FEES AND CHARGES

The Los Angeles County Auditor-Controller reserves the right to increase or decrease any charges herein provided, in proportion to any changes in costs incurred by the Auditor-Controller in providing the services described herein, provided that written notice of any increase or decrease in charges is given to *[Name of your Agency]*.

V. AUTHORITY FOR LEVY AND COMPLIANCE WITH LAW

The authority for such levy, (i.e. resolution, ordinance or election), shall accompany requests for the levy of direct assessments. *[Name of your Agency]* warrants that the taxes, fees, or assessments imposed by *[Name of your Agency]* and collected pursuant to this Agreement comply with all requirements of state law, including but not limited to Articles XIIC and XIID of the California Constitution (Proposition 218).

[Name of your Agency] hereby releases and forever discharges Los Angeles County and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of *[Name of your Agency]* responsibility under this agreement or other action taken by *[Name of your Agency]* in establishing a special tax, fee, or assessment and implementing collection of special taxes, fees, or assessments as contemplated in this agreement.

[Name of your Agency] agrees to and shall defend, indemnify and hold harmless Los Angeles County and its officers, agents and employees ("indemnified parties") from any and all claims, demands, liabilities, costs and expenses, damages, causes of action and judgments, in any manner arising out of any of *[Name of your Agency]* responsibility under this agreement, or other action taken by *[Name of your Agency]* in establishing a special tax, fee, or assessment and implementing collection of special taxes, fees, or assessments as contemplated in this agreement.

If any judgment is entered against any indemnified party as a result of action taken to implement this Agreement, *[Name of your Agency]* agrees that Los Angeles County may offset the amount of any judgment paid by Los Angeles County or by any indemnified party from any monies collected by Los Angeles County on *[Name of your Agency]* behalf, including property taxes, special taxes, fees, or assessments. Los Angeles County may, but is not required to, notify *[Name of your Agency]* of its intent to implement any offset authorized by this paragraph.

VI. TERMS OF AGREEMENT

All existing agreements between Los Angeles County Auditor-Controller and *[Name of your Agency]* pertaining to the collection of direct assessments shall be terminated upon the execution of this agreement. This agreement shall continue from year to year and shall be subject to cancellation by either party by giving a thirty-day written notice to the other party of cancellation.

AUTHORIZED SIGNED:

- ☐ Director of Finance ☐ Manager ☐ Authorized Consulting Agent
☐ Other (please specify Title): _____

Authorized Signature: _____ Date: _____

Authorized Name: _____
PRINT NAME

For Auditor-Controller Use Only

Approved Signature: _____ Date: _____
SECTION MANAGER

Approved Name: _____
PRINT NAME

6.0 APPENDICES

6.3 Special Tax Levied/Paid Report - Original Charge Instructions and Sample

To view the **Secured Master – Original levied and/or paid by DA account**, please go to the **Secured Master Tab** at the website below:

<http://auditor.lacounty.gov>

NOTE: Only the current and one prior fiscal years' reports are available on the website. For any other fiscal years, please send request via e-mail to Evelyn Ramirez at daqroup@auditor.lacounty.gov. There will be an additional charge.

1. Click **Property Tax** (near top of page).
2. Go to **Direct Assessment** (click link).
3. Select **DA Payment – Secured Master** tab.
4. Select Fiscal Year **Current** or **Prior Year**.
5. Select the Paid Run **Original Charge**, **1st Paid**, **2nd Paid**, **3rd Paid** or **Final Paid**.
6. Type **DA account number** with any leading zeros but with no decimal point.
7. Click **Submit**.
8. When search is complete, click **Download**.
9. Choose **Open or Save**.
10. Open file.

FIG. 6.1 - SPECIAL TAX LEVIED/PAID REPORT ORIGINAL CHARGE – HARD COPY

8291040006		10.00	.00	8291040007	10.00	.00
AUDITOR	DAPYMT			SPECIAL TAX LEVIED/PAID	PREPARED	01/20/2011
AGENCY 35071				BY ACCOUNT NUMBER		
PARCEL		TAX LEVIED	TAX PAID	PARCEL	TAX LEVIED	TAX PAID
8291040009		10.00	.00	8291040010	23.10	.00
8291040012		10.00	.00	8291040013	10.00	.00
8291040014		10.00	.00	8291040015	12.40	.00
8291040016		17.70	.00	8291040017	17.40	.00
8291040018		10.00	.00	8291040019	10.00	.00
8291040020		10.00	.00	8291040021	10.00	.00
8291041001		14.90	.00	8291041002	10.00	.00
8291041003		10.00	.00	8291041004	10.00	.00
8291041005		10.00	.00	8291041006	10.00	.00
8291041007		10.00	.00	8291041008	10.00	.00
8291041009		10.00	.00	8291041010	10.00	.00
8291041011		10.00	.00	8291041012	10.00	.00
8291041013		10.00	.00	8291041014	10.00	.00
8291041015		10.00	.00	8291041016	10.00	.00
8291041017		10.00	.00	8291041018	10.00	.00
8291041019		10.00	.00	8291041020	10.00	.00
8291041021		10.00	.00	8291041022	10.00	.00
8291041023		10.00	.00	8291042001	10.00	.00
8291042002		10.00	.00	8291042003	10.00	.00

FIG. 6.2 - SPECIAL TAX LEVIED/PAID REPORT – 1ST PAID

8291040006		10.00	.00	8291040007	10.00	.00
AUDITOR	DAPYMT			SPECIAL TAX LEVIED/PAID	PREPARED	02/14/2011
AGENCY 35071				BY ACCOUNT NUMBER		PAGE
PARCEL		TAX LEVIED	TAX PAID	PARCEL	TAX LEVIED	TAX PAID
8291042022		10.00	5.00	8291042023	10.00	5.00
8291043001		10.00	5.00	8291043002	10.00	.00
8291043003		10.00	5.00	8291043004	10.00	5.00
8291043005		10.00	5.00	8291043006	10.00	5.00
8291043007		10.00	5.00	8291043008	10.00	10.00
8291043009		10.00	5.00	8291043010	10.00	10.00
8291043011		10.00	10.00	8291043012	10.00	5.00
8291043013		10.00	5.00	8291043014	10.00	5.00
8291043015		10.00	5.00	9010100001	571.70	285.85
9014800001		13,014.30	6,507.15	9014900001	2,051.30	1,025.65
9020100001		461.50	230.75	9027900001	309.90	154.95
9080400003		11,622.20	5,811.10	9084300003	13,038.30	6,519.15
9110012143		10.00	5.00	9227400001	27.50	13.75
9253200001		40.00	20.00	9260600001	40.10	20.05
9272000001		30.40	30.40	9274800001	50.00	25.00
9775700001		20.00	10.00			
				AGENCY TOTAL	3,273,070.13	1,793,774.58
				AGENCY PARCEL COUNT	308,279	

6.0 APPENDICES

6.4 Special Tax Levied/Paid Report Instructions and Sample

To view the status of **Direct Assessment payments/defaults by DA accounts**, please go to the **Secured Defaulted** tab at the website below:

<http://auditor.lacounty.gov>

NOTE: Only the current and one prior fiscal years' reports are available on the website. For any other fiscal years, please send request via e-mail to Evelyn Ramirez at daqroup@auditor.lacounty.gov. There will be an additional charge.

1. Click **Property Tax** (near top of page).
2. Go to **Direct Assessment** (click link).
3. Select **DA Payment –Secured Defaulted** tab.
4. Select Fiscal Year **Current** or **Prior Year**.
5. Select the Paid Run **Original Charge, 1st Paid, 2nd Paid, 3rd Paid** or **Final Paid**. **This is a cumulative report.**
6. Type **DA account number** with any leading zeros but with no decimal point.
7. Click **Submit**.
8. When search is complete, click **Download**.
9. Choose **Open or Save**.
10. Open file.

FIG. 6.3 - SPECIAL DEFAULTED TAX LEVIED/PAID REPORT – 1ST QTR REDEMPTION

PAGE 45063			SPECIAL DEFAULTED TAX LEVIED/PAID BY ACCOUNT NUMBER 2010-2011 1ST QUARTER REDEMPTION				RUN DATE: 11/15/2010 PROGM ID: DA100000		
AGENCY 35071									
PARCEL NO	ROLLYR	SEQNO	TAX DUE	TAX PAID	SECPDUE	SECPPD	REDPDUE	REDPENPD	
8291016016	2009	000	.01	.01	.00	.00	.00	.00	
8291017012	2009	000	5.00	5.00	.50	.50	.08	.08	
8291020014	2009	000	10.00	.00	1.00	.00	.00	.00	
8291022006	2006	000	4.99	4.99	.50	.50	1.49	1.49	
8291022010	2007	000	10.00	9.78	1.00	1.00	1.20	1.20	
8291026019	2008	000	4.99	.00	.50	.00	.00	.00	
8291026028	2009	000	4.99	4.99	.50	.50	.30	.30	
8291026036	2008	000	5.49	5.49	.50	.50	.33	.33	
8291028008	2008	000	10.00	.00	1.00	.00	.00	.00	
8291028012	2009	000	10.00	.00	.50	.00	.00	.00	
8291031019	2009	000	4.99	.00	.50	.00	.00	.00	
8291032008	2009	000	10.00	10.00	1.00	1.00	.13	.13	
8291038004	2003	000	4.99	.00	.50	.00	.00	.00	
8291038004	2004	000	10.00	5.88	1.00	1.00	10.51	10.51	
8291038004	2005	000	10.00	.00	.99	.99	8.70	8.70	
8291038004	2006	000	10.00	.00	1.01	1.01	6.85	6.85	
8291038004	2007	000	10.00	.00	.99	.99	5.14	5.14	
8291043002	2009	000	10.00	.00	1.00	.00	3.27	3.27	
8291043004	2009	000	4.99	.00	.50	.00	.00	.00	
8291043015	2009	000	4.99	.00	.50	.00	.00	.00	
9084300818	2003	000	209.72	.00	20.98	.00	.00	.00	
9084301048	2000	000	382.43	307.10	.00	.00	.00	.00	
9084303507	1997	000	1.89	.00	.19	.00	.00	.00	
9084307294	1994	000	15.76	.00	1.58	.00	.00	.00	
9084307349	1997	000	80.28	79.86	.00	.00	.00	.00	
9084307947	1997	000	2.27	.00	.23	.00	.00	.00	
*TOTAL AGENCY NO 35071			303,831.58	79,666.12	29,750.88	11,216.49	25,441.50	22,110.85	

6.5**Property Data Sales Information**

For detailed information and/or to purchase Assessor's Data such as Local Roll, Tax Parcel Base Map, etc. please go to the Office of the Assessor's website at <http://assessor.lacounty.gov> (under Business Owners, Data for Sale, General Information) or contact the following:

Los Angeles County Assessor

Information Technology Division

Property Data Sales

500 West Temple Street, Room #291

Los Angeles, CA 90012-2770

Phone #: (213) 974-3363**Days:** Monday through Friday (except Holidays)**Hours:** 7:30 am to 5:00 pm PST**E-mail:** datasales@assessor.lacounty.gov

7.1

User Identification Form

**COUNTY OF LOS ANGELES
AUDITOR-CONTROLLER, PROPERTY TAX SERVICES DIVISION
DIRECT ASSESSMENT (DA) WEB ACCESS
USER IDENTIFICATION FORM**

1. USER REQUEST INDICATOR:

<input type="checkbox"/> NEW USER (1)	<input type="checkbox"/> ACCOUNT MODIFICATION(S) (2) <input type="checkbox"/> ADD <input type="checkbox"/> DEACTIVATE	<input type="checkbox"/> CANCELLATION (3)
Complete parts 2 thru 4	Add Acct(s) - Complete parts 2 thru 4 Deactivate Acct(s) - Complete parts 2, 3A and 4	Complete parts 2 thru 4

2. USER INFORMATION:

FIRST NAME	LAST NAME
USER NAME (4) <small>(25 CHARACTERS OR LESS - MAY BE ALPHA AND/OR NUMERIC)</small>	E-MAIL ADDRESS

3. DA AGENCY INFORMATION (5):

CITY NAME

A. Agency #	B. Agency Description	C. Bill Description <small>(16 CHARACTERS OR LESS)</small>

4. AUTHORIZED SIGNEE:

- ☐ Director of Finance ☐ Manager ☐ Authorized Consulting Agent
☐ Other (please specify Title): _____

Authorized Signature: _____ Date: _____

Authorized Name: _____ Phone No: _____
PRINT NAME**NOTE:**

- (1) **'NEW USER'** - For brand new user who has never had DAWeb access. Also, you will be able to choose a password the first time you log onto the DAWeb.
(2) **'MODIFICATIONS'** - for users who already have DAWeb access and would like to either add or de-activate their DA Account(s).
(3) **'CANCELLATION'** - for users who would like to completely cancel their DAWeb access.
(4) You will only need one User Name for all accounts. If your agency has more than one user, please submit an additional form for each user.
(5) If you have more than one account, please list them all in numerical order and use the additional form if necessary.

Please fill out and submit the form immediately by e-mail to **Evelyn Ramirez** at dagroup@auditor.lacounty.gov.

7.0 FORMS

ADDITIONAL FORM FOR DIRECT ASSESSMENT INFORMATION

[illegible]

Please fill out and submit the form immediately by e-mail to **Evelyn Ramirez** at dagroup@auditor.lacounty.gov.

Bill Description Modification Form

**COUNTY OF LOS ANGELES
CONTROLLER, PROPERTY TAX SERVICES DIVISION
DIRECT ASSESSMENT (DA)
BILL DESCRIPTION MODIFICATION FORM**

Request form should be submitted by **July 15th**. After this date, the Auditor-Controller will not change the Bill Description until the following Fiscal Year.

1. SIXTEEN CHARACTER BILL DESCRIPTION:

[illegible]

2. AUTHORIZED SIGNEE:

- ☐ Director of Finance ☐ Manager ☐ Authorized Consulting Agent
- ☐ Other (please specify Title): _____

Authorized Signature: _____

Authorized Name: _____
PRINT NAME

Phone Number: _____

Date: _____

Please fill out and submit the form immediately by e-mail to **Evelyn Ramirez** at dagroup@auditor.lacounty.gov.



COUNTY OF LOS ANGELES
JEFFREY PRANG, ASSESSOR
500 WEST TEMPLE STREET, Room 291
LOS ANGELES, CALIFORNIA 90012-2770
assessor.lacounty.gov
(213) 974-3363



DATA SALES ORDER FORM AND AGREEMENT

NOTICE: *SIGNIFICANT CHANGES HAVE BEEN MADE TO THIS ORDER FORM AND AGREEMENT. UPON ACCEPTANCE BY THE OFFICE OF THE ASSESSOR, THIS ORDER CONSTITUTES A BINDING AGREEMENT BETWEEN THE PURCHASER AND THE COUNTY OF LOS ANGELES, OFFICE OF THE ASSESSOR, FOR THE SALE OF THE WITHIN DESCRIBED PERSONAL PROPERTY OF THE COUNTY. BEFORE SUBMITTING YOUR ORDER, PLEASE READ THE ENTIRE DOCUMENT. YOUR SIGNATURE SIGNIFIES THAT YOU UNDERSTAND AND ACCEPT ALL OF THE TERMS:*

PURCHASER INFORMATION:

Name: _____

Company Name: _____

Department: _____

Address: _____

City: _____ State: _____ ZIP: _____

Telephone: _____

e-mail: _____

SHIP TO: *Complete below if different from above.*

Name: _____

Company Name: _____

Department: _____

Address: _____

City: _____ State: _____ ZIP: _____

Telephone: _____

e-mail: _____

MEDIUM	ITEM NAME	FORMAT (MS Access, ASCII Text, etc.)	COPIES REQUIRED

DELIVERY INSTRUCTIONS: Pick-up _____ U.S. Mail _____ Other _____

**Please note that if you'd like the shipment to be via Fed-Ex or UPS or DHL, you need to provide your account number, so that we can charge it to your account. Do not add any shipping cost to your order if you will be using your own account number.*

PURCHASED MATERIALS WILL BE USED AS FOLLOWS:

(All uses must be listed.)

AGREEMENT/ACKNOWLEDGEMENT OF ASSESSOR RECORDS RESTRICTIONS

I/we, the Purchaser, acknowledge, understand, and agree to the following terms and conditions:

1. Authorizing Legislation: The County of Los Angeles ("County") Office of the Assessor ("Assessor") property records are being provided under this Agreement pursuant to various provisions of the California Public Records Act and the Revenue and Taxation Code, including but not limited to Government Code Sections 6253, 6254.21, 6254.24 and Revenue and Taxation Code Sections 408, 408.1, 408.2, 408.3, 451, 481, 601 and 602.

2. General Conditions: The Purchaser shall at all times observe and comply with all applicable laws, ordinances, regulations, and orders of public agencies that relate to the Agreement or any agreement entered hereunder, including but not limited to California Government Code Sections 6254.21 and 6254.24. The Purchaser more specifically understands that Government Code Section 6254.21 requires that no person, business, or association shall publicly post or publicly display on the Internet the home address or telephone number of any elected or appointed official if that official has made a written demand of that person, business, or association to not disclose his or her name, address, or telephone number. The person, business, or association that receives the written demand of an elected or appointed official shall remove the official's home address or telephone number from public display on the Internet within 48 hours of delivery of the written demand, and shall continue to ensure that this information is not reposted on the same Internet Web site, subsidiary site, or any other Internet Web site maintained by the recipient of the written demand. Purchaser acknowledges that they will be provided a complete copy of Government Code Sections 6254.21 and 6254.24 as Exhibit A of this Agreement. It is Purchaser's responsibility to ensure that they remain apprised of any changes in these sections as well as any other laws concerning the protection of privacy of individuals and the dissemination of public information.

3. Duplication and Resale of Assessor Property Records: The Assessor property records provided to the Purchaser are for the exclusive use of the Purchaser only. The Purchaser is prohibited from distributing the Assessor property records in the same or similar format and quantity in which the Assessor provided them to the Purchaser. The Purchaser is prohibited from relinquishing possession of the Assessor's property records received from the Assessor to any other person or persons, or legal entity, nor may the Purchaser, or its agent or employees, rent, lease, sublease, loan, copy, or otherwise distribute the Assessor property records or allow others to use the Assessor property records in the format in which they were provided by the Assessor.

4. Disclaimers: Pursuant to Revenue and Taxation Code Section 408.3, information concerning property characteristics is maintained solely for assessment purposes and is not continuously updated. Moreover, the Assessor may show a tentative assessed value for the roll being prepared which is subject to change prior to actual delivery of the roll and no reliance on it shall be made. Therefore, neither the County nor the Assessor makes representation nor grants any implied or express warranty that the information provided under this Agreement is accurate or complete or without errors or omissions. In accordance with Revenue and Taxation Code Section 408.3 subdivision d, neither the County nor the Assessor shall be liable to the Purchaser for any damages incurred directly or indirectly from errors, omissions, or discrepancies in the information provided. Neither the County nor the Assessor or its officers assume any liability for damages incurred directly or indirectly from errors, omissions, or discrepancies in such information, or from the dissemination of the public documents provided in general. The Purchaser, therefore, agrees to forego the pursuit of any and all available legal and equitable remedies arising from any damages incurred due to using the information provided by the Assessor.

5. Indemnification: The Purchaser shall indemnify and hold harmless the County and the Assessor, and its officers and employees, from any and all loss, cost, damage, expense or liability that may arise directly or indirectly as a result of any and all claims, losses, damages and/or injuries arising out of this Agreement, including, but not limited to, those alleged to have occurred as a result of: (1) the conduct of the Purchaser, the Purchaser's agents, employees, officers, contractors, subcontractors, bailees, subscribers or customers or any of them, whether on behalf of the Purchaser or on behalf of the Assessor; and/or (2) the release, dissemination, publication, broadcast, distribution, or other use of data or information that is the subject of this Agreement.

6. Payment: Payment of the standard charges, as determined by reference to the Assessor's Property Data Sales Price List, is to be made by the Purchaser upon picking up the product or prior to obtaining the product (if it is to be sent by mail, e-mail, or FTP), or within 30 days of billing (if a trust account has been set up with our office). The exact price of the materials ordered may not be determined until the order is finalized as the price is determined by the amount of media and data required, and as such, the price is subject to change based on the final data produced. Purchaser agrees to pay the price based on the final data produced in the order. Prices for customized orders will be reviewed on a case by case basis. If the Assessor is able to provide the customized records, the costs of producing the records may include, but are not limited to, compilation, extraction, and programming costs. Once the product has been delivered, no refunds will be made unless the order has been incorrectly processed.

I, _____, hereby declare that I have read and understand this order and agreement, and that I am duly authorized to place this order on behalf of the agency, firm or individual identified above as "Purchaser", and to bind Purchaser to the above terms and conditions. I further agree to abide by provisions 1 through 6 as set forth above in the "Agreement/Acknowledgement of Assessor Records Restrictions".

_____ Signature	_____ Date
_____ Title or Position	

SPECIAL INSTRUCTIONS:

Please make the check or money order payable to **Los Angeles County Assessor** and send it along with the original Order Form to:

**LOS ANGELES COUNTY ASSESSOR
500 W. TEMPLE STREET, ROOM 304
LOS ANGELES, CA 90012
Attn: Accounting Department**

FAX NO.: (213) 633-1923

Mailing lists/labels are exempt from sales tax. A 9.50% state sales tax will be applied to all other orders purchased at our office or shipped within Los Angeles County (with the exception of those cities which have a higher rate). California orders outside L.A. County will have a 7.25% tax rate applied. No tax applied on orders sent via e-mail or FTP, or out-of-state orders. Sales tax also applies to shipping/handling charge.

Sales tax also applies to shipping/handling charge.

Files are also available via e-mail, except for Local Roll (entire L.A. County), SBF Abstract (entire L.A. County), and GIS parcel boundary shapefile map.

Mail orders generally require a \$2 charge for postage and handling.

If you have any questions, feel free to call our office at (213) 974-3363.

Or you may come in person to our office (Room 291) to discuss and order the data.

EXHIBIT A

Cal Gov Code § 6254.21 (2010)

§ 6254.21. Posting home address or phone number of official on Internet without permission; Violation; Relief; Definitions

(a) No state or local agency shall post the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual.

(b) No person shall knowingly post the home address or telephone number of any elected or appointed official, or of the official's residing spouse or child, on the Internet knowing that person is an elected or appointed official and intending to cause imminent great bodily harm that is likely to occur or threatening to cause imminent great bodily harm to that individual. A violation of this subdivision is a misdemeanor. A violation of this subdivision that leads to the bodily injury of the official, or his or her residing spouse or child, is a misdemeanor or a felony.

(c) (1)

(A) No person, business, or association shall publicly post or publicly display on the Internet the home address or telephone number of any elected or appointed official if that official has made a written demand of that person, business, or association to not disclose his or her home address or telephone number.

(B) A written demand made under this paragraph by a state constitutional officer, a mayor, or a Member of the Legislature, a city council, or a board of supervisors shall include a statement describing a threat or fear for the safety of that official or of any person residing at the official's home address.

(C) A written demand made under this paragraph by an elected official shall be effective for four years, regardless of whether or not the official's term has expired prior to the end of the four-year period.

(D)

(i) A person, business, or association that receives the written demand of an elected or appointed official pursuant to this paragraph shall remove the official's home address or telephone number from public display on the Internet within 48 hours of delivery of the written demand, and shall continue to ensure that this information is not reposted on the same Internet Web site, subsidiary site, or any other Internet Web site maintained by the recipient of the written demand.

(ii) After receiving the elected or appointed official's written demand, the person, business, or association shall not transfer the appointed or elected official's home address or telephone number to any other person, business, or association through any other medium.

(iii) Clause (ii) shall not be deemed to prohibit a telephone corporation, as defined in Section 234 of the Public Utilities Code, or its affiliate, from transferring the elected or appointed official's home address or telephone number to any person, business, or association, if the transfer is authorized by federal or state law, regulation, order, or tariff, or necessary in the event of an emergency, or to collect a debt owed by the elected or appointed official to the telephone corporation or its affiliate.

(E) For purposes of this paragraph, "publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.

(2) An official whose home address or telephone number is made public as a result of a violation of paragraph (1) may bring an action seeking injunctive or declarative relief in any court of

competent jurisdiction. If a court finds that a violation has occurred, it may grant injunctive or declarative relief and shall award the official court costs and reasonable attorney's fees. A fine not exceeding one thousand dollars (\$1,000) may be imposed for a violation of the court's order for an injunction or declarative relief obtained pursuant to this paragraph.

(3) An elected or appointed official may designate in writing the official's employer, a related governmental entity, or any voluntary professional association of similar officials to act, on behalf of that official, as that official's agent with regard to making a written demand pursuant to this section. A written demand made by an agent pursuant to this paragraph shall include a statement describing a threat or fear for the safety of that official or of any person residing at the official's home address.

(d)

(1) No person, business, or association shall solicit, sell, or trade on the Internet the home address or telephone number of an elected or appointed official with the intent to cause imminent great bodily harm to the official or to any person residing at the official's home address.

(2) Notwithstanding any other law, an official whose home address or telephone number is solicited, sold, or traded in violation of paragraph (1) may bring an action in any court of competent jurisdiction. If a jury or court finds that a violation has occurred, it shall award damages to that official in an amount up to a maximum of three times the actual damages but in no case less than four thousand dollars (\$4,000).

(e) An interactive computer service or access software provider, as defined in Section 230(f) of Title 47 of the United States Code, shall not be liable under this section unless the service or provider intends to abet or cause imminent great bodily harm that is likely to occur or threatens to cause imminent great bodily harm to an elected or appointed official.

(f) For purposes of this section, "elected or appointed official" includes, but is not limited to, all of the following:

- | | |
|--|---|
| (1) State constitutional officers | (9) Appointees of the Legislature |
| (2) Members of the Legislature | (10) Mayors |
| (3) Judges and court commissioners | (11) City attorneys |
| (4) District attorneys | (12) Police chiefs and sheriffs |
| (5) Public defenders | (13) A public safety official, as defined in Section 6254.24 |
| (6) Members of a city council | (14) State administrative law judges |
| (7) Members of a board of supervisors | (15) Federal judges and federal defenders |
| (8) Appointees of the Governor | (16) Members of the United States Congress and appointees of the President |

(g) Nothing in this section is intended to preclude punishment instead under Sections 69, 76, or 422 of the Penal Code, or any other provision of law.

Cal Gov Code § 6254.24 (2010)

§ 6254.24. "Public Safety Official" defined

As used in this chapter, "public safety official" means the following:

- (a)** An active or retired peace officer as defined in Sections 830 and 830.1 of the Penal Code.
- (b)** An active or retired public officer or other person listed in Sections 1808.2 and 1808.6 of the Vehicle Code.
- (c)** An "elected or appointed official" as defined in subdivision (f) of Section **6254.21**.
- (d)** An attorney employed by the Department of Justice, the State Public Defender, or a county office of the district attorney or public defender, the United States Attorney, or the Federal Public Defender.
- (e)** A city attorney and an attorney who represent cities in criminal matters.
- (f)** A specified employee of the Department of Corrections and Rehabilitation who supervises inmates or is required to have a prisoner in his or her care or custody.
- (g)** A sworn or nonsworn employee who supervises inmates in a city police department, a county sheriff's office, the Department of the California Highway Patrol, federal, state, or a local detention facility, and a local juvenile hall, camp, ranch, or home, and a probation officer as defined in Section 830.5 of the Penal Code.
- (h)** A federal prosecutor, a federal criminal investigator, and a National Park Service Ranger working in California.
- (i)** The surviving spouse or child of a peace officer defined in Section 830 of the Penal Code, if the peace officer died in the line of duty.
- (j)** State and federal judges and court commissioners.
- (k)** An employee of the Attorney General, a district attorney, or a public defender who submits verification from the Attorney General, district attorney, or public defender that the employee represents the Attorney General, district attorney, or public defender in matters that routinely place that employee in personal contact with persons under investigation for, charged with, or convicted of, committing criminal acts.
- (l)** A nonsworn employee of the Department of Justice or a police department or sheriff's office that, in the course of his or her employment, is responsible for collecting, documenting, and preserving physical evidence at crime scenes, testifying in court as an expert witness, and other technical duties, and a nonsworn employee that, in the course of his or her employment, performs a variety of standardized and advanced laboratory procedures in the examination of physical crime evidence, determines their results, and provides expert testimony in court.

INITIALS

(Note: Must be submitted on agency letterhead.)

DA Account #:

AGREEMENT FOR BILLING OF DIRECT ASSESSMENTS

This agreement is made and entered into between the *Los Angeles County Auditor-Controller* and *[Name of your Agency]* to provide the service of placement of direct assessments on the Secured Tax Roll and distribution of collections to *[Name of your Agency]*.

I. PROPERTY TAX SERVICES

Los Angeles County will place direct assessments on the Secured Tax Roll and distribute collections to *[Name of your Agency]* at the same time and in the same manner as Los Angeles County property taxes are collected and distributed. *[Name of your Agency]* will adhere to the policies and procedures established by the Los Angeles County Auditor-Controller as outlined in the Direct Assessment Submission Procedure Manual.

Fee for Billing Services

For billing of direct assessments, the Los Angeles County Auditor-Controller shall collect the following charge:

DA Original Submission - \$0.25 per assessment per parcel

For correction of direct assessments requested by *[Name of your Agency]* after extension of the tax roll, the Los Angeles County Auditor-Controller will collect \$13.00 per correction.

The Los Angeles County Auditor-Controller will charge an additional fee for extended services provided to *[Name of your Agency]* that are outlined in the Auditor-Controller Direct Assessment Submission Procedure Manual.

II. COLLECTION OF AUDITOR-CONTROLLER FEES

Direct Assessment billing charges are collected once a year, on the December 20th advance distribution. Any additional charges are deducted on the next available distribution of monies.

III. ACCOUNTING SERVICES

The Los Angeles County Auditor-Controller has available a report of direct assessments levied for the tax year by parcel and will be provided to *[Name of your Agency]*. Accounting Services beyond this will be considered extended services and will be subject to additional charges and fees.

IV. MODIFICATION OF COLLECTION FEES AND CHARGES

The Los Angeles County Auditor-Controller reserves the right to increase or decrease any charges herein provided, in proportion to any changes in costs incurred by the Auditor-Controller in providing the services described herein, provided that written notice of any increase or decrease in charges is given to *[Name of your Agency]*.

V. AUTHORITY FOR LEVY AND COMPLIANCE WITH LAW

The authority for such levy, (i.e. resolution, ordinance or election), shall accompany requests for the levy of direct assessments. *[Name of your Agency]* warrants that the taxes, fees, or assessments imposed by *[Name of your Agency]* and collected pursuant to this Agreement comply with all requirements of state law, including but not limited to Articles XIIC and XIID of the California Constitution (Proposition 218).

[Name of your Agency] hereby releases and forever discharges Los Angeles County and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of *[Name of your Agency]* responsibility under this agreement or other action taken by *[Name of your Agency]* in establishing a special tax, fee, or assessment and implementing collection of special taxes, fees, or assessments as contemplated in this agreement.

[Name of your Agency] agrees to and shall defend, indemnify and hold harmless Los Angeles County and its officers, agents and employees ("indemnified parties") from any and all claims, demands, liabilities, costs and expenses, damages, causes of action and judgments, in any manner arising out of any of *[Name of your Agency]* responsibility under this agreement, or other action taken by *[Name of your Agency]* in establishing a special tax, fee, or assessment and implementing collection of special taxes, fees, or assessments as contemplated in this agreement.

If any judgment is entered against any indemnified party as a result of action taken to implement this Agreement, *[Name of your Agency]* agrees that Los Angeles County may offset the amount of any judgment paid by Los Angeles County or by any indemnified party from any monies collected by Los Angeles County on *[Name of your Agency]* behalf, including property taxes, special taxes, fees, or assessments. Los Angeles County may, but is not required to, notify *[Name of your Agency]* of its intent to implement any offset authorized by this paragraph.

VI. TERMS OF AGREEMENT

All existing agreements between Los Angeles County Auditor-Controller and ***[Name of your Agency]*** pertaining to the collection of direct assessments shall be terminated upon the execution of this agreement. This agreement shall continue from year to year and shall be subject to cancellation by either party by giving a thirty-day written notice to the other party of cancellation.

AUTHORIZED SIGNED:

- ☐ Director of Finance ☐ Manager ☐ Authorized Consulting Agent
☐ Other (please specify Title): _____

Authorized Signature: _____ Date: _____

Authorized Name: _____
PRINT NAME

For Auditor-Controller Use Only

Approved Signature: _____ Date: _____
SECTION MANAGER

Approved Name: _____
PRINT NAME

**COUNTY OF LOS ANGELES PUBLIC LIBRARY
PARCEL RECOMMENDATION REPORT
FISCAL YEAR 2019-20**

PARCEL NUMBER (AIN)	LSA NUMBER	RECOMMENDED LIBRARY SERVICE AREA	AREA TYPE
XXXX-XXX-XXX	1	A C Bilbrew	Unincorporated
XXXX-XXX-XXX	3	Angelo M. Iacoboni	Lakewood
XXXX-XXX-XXX	4	Antelope Valley Bookmobile	Unincorporated
XXXX-XXX-XXX	22	Duarte	Duarte
XXXX-XXX-XXX	22	Duarte	Unincorporated
XXXX-XXX-XXX	26	El Monte	El Monte
XXXX-XXX-XXX	27	Florence	Unincorporated
XXXX-XXX-XXX	29	George Nye Jr.	Lakewood
XXXX-XXX-XXX	30	Graham	Unincorporated
XXXX-XXX-XXX	31	Hacienda Heights	Unincorporated
MULTIPLE PAGE DOCUMENT			
XXXX-XXX-XXX	89	Castaic	Unincorporated
XXXX-XXX-XXX	90	East Lancaster (Future)	Unincorporated
XXXX-XXX-XXX	94	Stevenson Ranch	Unincorporated
XXXX-XXX-XXX	95	Topanga	Unincorporated
XXXX-XXX-XXX	99	Placerita Canyon (Future)	Unincorporated

AGENCY INFORMATION SHEET

(Account Number and 16 Character Bill Description)

(Agency Description)

Please be advised that for Fiscal Year (FY) 2019-2020 **(check appropriate box)**:

- ☐ 1. We will **not** submit Direct Assessment (DA) Input for the above referenced account **(check appropriate box)**:
☐ Current Year **(FY stated above)** ☐ Future Years **(No Longer Active)**
- ☐ 2. We will submit DA Input for the above referenced direct assessment account on or before **August 10th**.
- ☐ 3. We have a written authority to levy assessments (i.e. resolution, ordinance, certified election results) until:
☐ Expiration Date _____ ☐ No Expiration Date **(Ongoing Resolution)**
- ☐ 4. We have received, read and understood the 2019 DA Submission Procedure Manual.
- ☐ 5. We have chosen **(check appropriate box) Option 1** ☐ or **Option 2** ☐ for the DA Processing Undergoing Parcel Changes **(see page 13 of DA Manual)**

The following are the Agency contacts for taxpayer inquiries and processing questions regarding direct assessment charges for the above referenced account number:

Bill Information

Contact Name: _____

Website: _____

Phone No. To Be Listed On Tax Bill: _____ ext. _____

Contact's Address 1: _____

Address 2: _____ City: _____ State: _____ Zip Code: _____

Processing Information

☐ Consultant Agency Name or ☐ Levying Agency (City/Department Name)

Contact Name _____ Phone No.: _____ ext. _____

Consultant/Levying Agency E-mail Address: _____

The Auditor-Controller will forward all direct assessment correspondence to the attention of the Director of Finance/Manager/Authorized Consulting Agency. Signature indicates that all above information is correct.

Authorized Signee

☐ Director of Finance ☐ Manager ☐ Authorized Consulting Agent ☐ Other (Title): _____

Name: I _____
(PRINT NAME)

Signature: _____ Date: _____

Note: All changes must be updated and saved on the online fillable form only. Do not modify the PDF or Hardcopy.

DATE: August 06, 2019

TO: Department of Auditor-Controller
Property Tax Services Division
Direct Assessment Unit
ATTN: Evelyn Ramirez

FILE TYPE: Direct Assessment File

AGENCY ACCOUNT NUMBER: 003.11

BILL DESCRIPTION: COUNTY LIBRARY

TOTAL ASSESSMENT AMOUNT:

TOTAL PARCEL COUNT:

This is to certify that the Total Assessment Amount and Total Parcel Count for our Agency Account Number listed above is correct and that we are authorized to add this Direct Assessment amount onto the Fiscal Year 2019-2020 Secured Tax Roll (STR).

Authorized By:

Signature

Date Signed

Name and Title:

If there are any problems relating to the data provided, please call:

Primary Contact:

Name and Title:

Phone Number:

Email Address:

Secondary Contact (if applicable):

Name and Title:

Phone Number:

Email Address:

Reminder: Please check for exceptions by clicking "DA Exception Report" under Help menu options.

**COUNTY OF LOS ANGELES PUBLIC LIBRARY
PRELIMINARY SPECIAL TAX SUMMARY DATA REPORT
FISCAL YEAR 2019-20**

	FY 2018-19 Final Total		FY 2019-20 Preliminary Total		Increase/(Decrease)	
	Special Tax Rate: \$31.59		Special Tax Rate: \$31.59		Special Tax Rate Change: \$0	
City	Parcels	Anticipated Tax Revenues	Parcels	Anticipated Tax Revenues	Expected Parcel Change	Expected Tax Revenue Change
Cudahy	1,708	\$ 53,955.72	1,708	\$ 53,955.72	0	\$ -
Culver City	13,296	420,020.64	13,296	420,020.64	0	-
Duarte	5,955	188,118.45	5,954	188,086.86	-1	(31.59)
El Monte	17,598	555,920.82	17,598	555,920.82	0	-
La Canada Flintridge	7,515	237,398.85	7,515	237,398.85	0	-
Lakewood	24,035	759,265.65	24,035	759,265.65	0	-
Lomita	5,022	158,644.98	5,022	158,644.98	0	-
Lynwood	10,089	318,711.51	10,089	318,711.51	0	-
Maywood	3,244	102,477.96	3,244	102,477.96	0	-
West Hollywood	9,807	309,803.13	9,807	309,803.13	0	-
Subtotal	98,269	\$ 3,104,317.71	98,268	\$ 3,104,286.12	-1	\$ (31.59)
Unincorporated	299,887	9,473,430.33	300,413	9,490,046.67	526	16,616.34
Total	398,156	\$ 12,577,748.04	398,681	\$ 12,594,332.79	525	\$ 16,584.75

Report Section 1

**COUNTY OF LOS ANGELES PUBLIC LIBRARY
FINAL SPECIAL TAX SUMMARY DATA REPORT
FISCAL YEAR 2019-20**

	FY 2019-20 Preliminary Total		FY 2019-20 Final Total		Increase/(Decrease)	
	Special Tax Rate: \$31.59		Special Tax Rate: \$32.22		Special Tax Rate Change: \$0.63	
City	Parcels	Anticipated Tax Revenues	Parcels	Anticipated Tax Revenues	Expected Parcel Change	Expected Tax Revenue Change
Cudahy	1,708	\$ 53,955.72	1,715	\$ 55,257.30	7	\$ 1,301.58
Culver City	13,296	420,020.64	13,317	429,073.74	21	9,053.10
Duarte	5,954	188,086.86	5,972	192,417.84	18	4,330.98
El Monte	17,598	555,920.82	17,725	571,099.50	127	15,178.68
La Canada Flintridge	7,515	237,398.85	7,514	242,101.08	-1	4,702.23
Lakewood	24,035	759,265.65	24,044	774,697.68	9	15,432.03
Lomita	5,022	158,644.98	5,020	161,744.40	-2	3,099.42
Lynwood	10,089	318,711.51	10,082	324,842.04	-7	6,130.53
Maywood	3,244	102,477.96	3,242	104,457.24	-2	1,979.28
West Hollywood	9,807	309,803.13	9,786	315,304.92	-21	5,501.79
Subtotal	98,268	\$ 3,104,286.12	98,417	\$ 3,170,995.74	149	\$ 66,709.62
Unincorporated	300,413	9,490,046.67	297,948	9,599,884.56	(2,465)	109,837.89
Total	398,681	\$ 12,594,332.79	396,365	\$ 12,770,880.30	(2,316)	\$ 176,547.51

Report Section 2

REPORT OF UNINCORPORATED PARCELS BY PARCEL MAP BOOK

Map Book	Parcels	Special Tax Revenues
2006	466	\$15,014.52
2007	371	\$11,953.62
Multiple Page Document		
8940	1,107	\$35,667.54
8950	16	\$515.52
TOTALS:	297,948	\$9,599,884.56

**COUNTY OF LOS ANGELES PUBLIC LIBRARY
LIBRARY SERVICE AREA REPORT
FISCAL YEAR 2019-20**

LIBRARY SERVICE AREA Parcel Type	PARCEL COUNT	TAX LEVY¹ (\$32.22/Parcel)	ALLOCATION²	BUDGET³
A C Bilbrew				
Unincorporated	5,215	\$168,027.30	1.32%	\$168,575
	5,215	\$168,027.30	1.32%	\$168,575
Acton/Agua Dulce				
Unincorporated	8,424	\$271,421.28	2.13%	\$272,019
	8,424	\$271,421.28	2.13%	\$272,019
Alondra				
Unincorporated	167	\$5,380.74	0.04%	\$5,108
	167	\$5,380.74	0.04%	\$5,108
Angelo M. Iacoboni				
Lakewood	16,591	\$534,562.02	4.19%	\$535,099
Unincorporated	544	\$17,527.68	0.14%	\$17,879
	17,135	\$552,089.70	4.33%	\$552,979
Antelope Valley Bookmobile				
Unincorporated	8,346	\$268,908.12	2.11%	\$269,465
	8,346	\$268,908.12	2.11%	\$269,465
MULTIPLE PAGE DOCUMENT				
Woodcrest				
Unincorporated	7,152	\$230,437.44	1.80%	\$229,875
	7,152	\$230,437.44	1.80%	\$229,875
Total:	396,367⁴	\$12,770,880.30	100.00%	\$12,770,880

NOTE:

¹ Tax Levy = Parcel Count multiplied by Special Tax Rate, per Special Tax Rate and Taxable Properties

² Allocation % = Parcel Count divided by Parcel Count Total (see Note 4)

³ Budget = Allocation % multiplied by Special Tax Budget, Special Tax Rate and Taxable Properties

⁴ Parcel Count Total



Special Tax Lookup



Number of Records

396,365

Land Value

\$91,613,815,652

Total Value

\$162,529,930,602

\$12.77M

Total Tax

Fiscal year	Parcel Number	Site Address	Owner
2019	<input type="text" value="Search"/>	<input type="text" value="Search"/>	<input type="text" value="Search"/>

Parcel No	Owner	Co Owner	Site Address	Mail Address	Mail City	Mail Zip
2006001005	CHATSWORTH LAKE COMMUNITY CHURCH		00000 000000000	23449 LAKE MANOR DR	CHATSWORTH CA	913110000
2006001006	AZULAY,TJ HANAN AND MELINDA L		23500 LAKE MANOR DR LOS ANGELES CA 913110000	23500 LAKE MANOR DR	CHATSWORTH CA	913110000
2006001007	LEBENS,KAREN A TR	ELLSWORTH INVESTMENT TRUST	09321 VENTURA WAY CHATSWORTH CA 913110000	00000 PO BOX 445	LAKE ARROWHEAD CA	923520000
2006003001	G AND D CHASWORTH LLC		00000 000000000	12541 CHANDLER BLVD	VALLEY VILLAGE CA	916070000
2006003002	G AND D CHASWORTH LLC		00000 000000000	12541 CHANDLER BLVD	VALLEY VILLAGE CA	916070000
2006003003	G AND D CHASWORTH LLC		00000 000000000	12541 CHANDLER BLVD	VALLEY VILLAGE CA	916070000
2006003004	G AND D CHASWORTH LLC		00000 000000000	12541 CHANDLER BLVD	VALLEY VILLAGE CA	916070000

Additional Parcel Data

Tax Rate Area	Land Use Code	Use code	Dwelling Unit	Total Tax
00636	MSC		0	\$32.22
00656	MSC		0	\$96.66
00932	MSC		0	\$96.66
00940	MSC		0	\$32.22
00984	MSC		0	\$64.44
01010	MSC		0	\$32.22
01040	MSC		0	\$32.22
01084	MSC		0	\$32.22
01173	MSC		0	\$32.22
01208	MSC		0	\$32.22
01225	MSC		0	\$32.22
Total			407703	\$12,770,880.30

Parcel Location



PRICING SHEET

Task		TOTAL DOLLARS
8.0	SECTION 8.0 - Annual Specific Work Requirements	
	Annual Total (Years 1-3):	\$22,165
8.1	Special Tax Database	
8.2	Preliminary Special Tax Summary Data Report	
8.3	Direct Assessment Input (Submittal)	
8.4	Final Special Tax Summary Data Report	
8.5	Library Service Area/Parcel Corrections	
8.6	Library Service Area Report	
8.7	Special Tax Library Service Area Data File	
8.8	Interface Program Update	
	3-year Total:	\$66,495
	5-year Total (Escalated 3% per year)	\$112,840
9.0	SECTION 9.0 - Special Tax Program Audit (Optional):	\$5,000
	3-year Total with Audit:	\$71,495
	5-year Total with Audit	\$117,840

The above pricing is for Fiscal Years 2022-23 through 2024-25. Any authorized extension after 2024-25 will be escalated 3%.

POSITION	HOURLY RATE
Director	\$270
Project Manager	\$205
Senior Professional Engineer	\$185 - \$200
Professional Engineer	\$155 - \$185
Senior Analyst	\$150 - \$175
Analyst	\$125 - \$150
Clerical	\$100

Rates are subject to increase by the consumer price index (CPI) each year starting on January 1, 2023.

INTENTIONALLY OMITTED

REQUIRED FORMS - EXHIBIT 8
PROPOSER'S EEO CERTIFICATION

Harris & Associates, Inc.

Company Name

One California Plaza, 300 S Grand Avenue, Suite 3830, Los Angeles, CA 90071

Address

94-2385238

Internal Revenue Service Employer Identification Number

GENERAL

In accordance with provisions of the County Code of the County of Los Angeles, the Proposer certifies and agrees that all persons employed by such firm, its affiliates, subsidiaries, or holding companies are and will be treated equally by the firm without regard to or because of race, religion, ancestry, national origin, or sex and in compliance with all anti-discrimination laws of the United States of America and the State of California.

CERTIFICATION	YES	NO
1. Proposer has written policy statement prohibiting discrimination in all phases of employment.	(X)	()
2. Proposer periodically conducts a self-analysis or utilization analysis of its work force.	(X)	()
3. Proposer has a system for determining if its employment practices are discriminatory against protected groups.	(X)	()
4. When problem areas are identified in employment practices, Proposer has a system for taking reasonable corrective action to include establishment of goal and/or timetables.	(X)	()


 Signature

12/20/2021

Date

Alison Bouley, PE, VP, Municipal & District Finance Consulting

Name and Title of Signer (please print)

COUNTY'S ADMINISTRATION

CONTRACT NO. _____

COUNTY PROJECT DIRECTOR:

Name: Elsa Munoz
Title: Head, Support Services
Address: 7400 E. Imperial Hwy., Room 206
Downey, CA 90242
Telephone: 562.940.8450 Facsimile: _____
E-Mail Address: emunoz@library.lacounty.gov

COUNTY PROJECT MANAGER:

Name: Gilbert A. Garcia
Title: Contract Services Coordinator
Address: 7400 E. Imperial Hwy., Room 206
Downey, CA 90242
Telephone: 562.459.6780 Facsimile: _____
E-Mail Address: ggarcia@library.lacounty.gov

COUNTY CONTRACT PROJECT MONITORS:

Address: 7400 E. Imperial Hwy., Room 206
Downey, CA 90242

Sevak Khatchadorian 562.459.6783 skhatchadorian@library.lacounty.gov

Liticia Isunza 562.459.6770 lisunza@library.lacounty.gov

Yoon Y. Kim 562.459.6781 yykim@library.lacounty.gov

CONTRACTOR'S ADMINISTRATION**CONTRACTOR'S NAME:** Harris & Associates Inc.**CONTRACT NO:** _____**CONTRACTOR'S PROJECT MANAGER:**

Name: Tami Eaton
Title: Project Manager
Address: 22 Executive Park, Suite 200
Irvine, CA 92614
Telephone: 619-481-5032
Facsimile: 866-785-0180
E-Mail Address: Tami.Eaton@WeAreHarris.com

CONTRACTOR'S AUTHORIZED OFFICIAL(S):

Name: Alison Bouley
Title: Vice President, Municipal & District Finance
Address: 22 Executive Park, Suite 200
Irvine, CA 92614
Telephone: 949-536-2513
Facsimile: 866-785-0180
E-Mail Address: Alison.Bouley@WeAreHarris.com

Name: Michelle White
Title: COO, Consulting Division
Address: 22 Executive Park, Suite 200
Irvine, CA 92614
Telephone: 916-501-4498
Facsimile: 866-785-0180
E-Mail Address: Michelle.White@WeAreHarris.com

Notices to Contractor shall be sent to the following:

Name: Alison Bouley
Title: Vice President, Municipal & District Finance
Address: 22 Executive Park, Suite 200
Irvine, CA 92614
Telephone: 949-536-2513
Facsimile: 866-785-0180
E-Mail Address: Alison.Bouley@WeAreHarris.com

G3-IT CONTRACTOR NON-EMPLOYEE ACKNOWLEDGEMENT, CONFIDENTIALITY, AND
COPYRIGHT ASSIGNMENT AGREEMENT

COVID-19 Vaccination Certification of Compliance
Urgency Ordinance, County Code Title 2 – Administration, Division 4 – Miscellaneous –
Chapter 2.212 (COVID-19 Vaccinations of County Contractor Personnel)

The requirements of the contract will not involve direct contact
with any County staff and therefore this form does not apply.

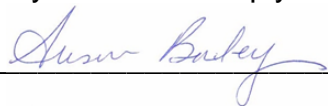
I, _____, on behalf of _____, (the
“Contractor”), certify that on County Contract _____ [ENTER
CONTRACT NUMBER AND NAME]:

N/A All Contractor Personnel* on this Contract are fully vaccinated as required by the
Ordinance.

N/A Most Contractor Personnel* on this Contract are fully vaccinated as required by the
Ordinance. The Contractor or its employer of record, has granted a valid medical or religious
exemption to the below identified Contractor Personnel. Contractor will certify weekly that the
following unvaccinated Contractor Personnel have tested negative within 72 hours of starting their
work week under the County Contract, unless the contracting County department requires
otherwise. The Contractor Personnel who have been granted a valid medical or religious
exemption are [LIST ALL CONTRACTOR PERSONNEL]:

*Contractor Personnel includes subcontractors.

I have authority to bind the Contractor, and have reviewed the requirements above and
further certify that I will comply with said requirements.



Signature

3/1/2022

Date

Vice President, Municipal & District Finance

Title

Harris & Associates Inc.

Company/Contractor Name

Title 2 ADMINISTRATION
Chapter 2.203.010 through 2.203.090
CONTRACTOR EMPLOYEE JURY SERVICE

2.203.010 Findings.

The board of supervisors makes the following findings. The county of Los Angeles allows its permanent, full-time employees unlimited jury service at their regular pay. Unfortunately, many businesses do not offer or are reducing or even eliminating compensation to employees who serve on juries. This creates a potential financial hardship for employees who do not receive their pay when called to jury service, and those employees often seek to be excused from having to serve. Although changes in the court rules make it more difficult to excuse a potential juror on grounds of financial hardship, potential jurors continue to be excused on this basis, especially from longer trials. This reduces the number of potential jurors and increases the burden on those employers, such as the county of Los Angeles, who pay their permanent, full-time employees while on juror duty. For these reasons, the county of Los Angeles has determined that it is appropriate to require that the businesses with which the county contracts possess reasonable jury service policies. (Ord. 2002-0015 § 1 (part), 2002)

2.203.020 Definitions.

The following definitions shall be applicable to this chapter:

- A. "Contractor" means a person, partnership, corporation or other entity which has a contract with the county or a subcontract with a county contractor and has received or will receive an aggregate sum of \$50,000 or more in any 12-month period under one or more such contracts or subcontracts.
- B. "Employee" means any California resident who is a full-time employee of a contractor under the laws of California.
- C. "Contract" means any agreement to provide goods to, or perform services for or on behalf of, the county but does not include:
 - 1. A contract where the board finds that special circumstances exist that justify a waiver of the requirements of this chapter; or
 - 2. A contract where federal or state law or a condition of a federal or state program mandates the use of a particular contractor; or
 - 3. A purchase made through a state or federal contract; or
 - 4. A monopoly purchase that is exclusive and proprietary to a specific manufacturer, distributor, or reseller, and must match and inter-member with existing supplies, equipment or systems maintained by the county pursuant to the Los Angeles County Purchasing Policy and Procedures Manual, Section P-3700 or a successor provision; or
 - 5. A revolving fund (petty cash) purchase pursuant to the Los Angeles County Fiscal Manual, Section 4.4.0 or a successor provision; or
 - 6. A purchase card purchase pursuant to the Los Angeles County Purchasing Policy and Procedures Manual, Section P-2810 or a successor provision; or
 - 7. A non-agreement purchase with a value of less than \$5,000 pursuant to the Los Angeles County Purchasing Policy and Procedures Manual, Section A-0300 or a successor provision; or
 - 8. A bona fide emergency purchase pursuant to the Los Angeles County Purchasing Policy and Procedures Manual, Section PP-1100 or a successor provision.

Title 2 ADMINISTRATION
Chapter 2.203.010 through 2.203.090
CONTRACTOR EMPLOYEE JURY SERVICE

- D. "Full time" means 40 hours or more worked per week, or a lesser number of hours if:
1. The lesser number is a recognized industry standard as determined by the chief administrative officer, or
 2. The contractor has a long-standing practice that defines the lesser number of hours as full time.
- E. "County" means the county of Los Angeles or any public entities for which the board of supervisors is the governing body. (Ord. 2002-0040 § 1, 2002: Ord. 2002-0015 § 1 (part), 2002)

2.203.030 Applicability.

This chapter shall apply to contractors who enter into contracts that commence after July 11, 2002. This chapter shall also apply to contractors with existing contracts which are extended into option years that commence after July 11, 2002. Contracts that commence after May 28, 2002, but before July 11, 2002, shall be subject to the provisions of this chapter only if the solicitations for such contracts stated that the chapter would be applicable. (Ord. 2002-0040 § 2, 2002: Ord. 2002-0015 § 1 (part), 2002)

2.203.040 Contractor Jury Service Policy.

A contractor shall have and adhere to a written policy that provides that its employees shall receive from the contractor, on an annual basis, no less than five days of regular pay for actual jury service. The policy may provide that employees deposit any fees received for such jury service with the contractor or that the contractor deduct from the employees' regular pay the fees received for jury service. (Ord. 2002-0015 § 1 (part), 2002)

2.203.050 Other Provisions.

- A. Administration. The chief administrative officer shall be responsible for the administration of this chapter. The chief administrative officer may, with the advice of county counsel, issue interpretations of the provisions of this chapter and shall issue written instructions on the implementation and ongoing administration of this chapter. Such instructions may provide for the delegation of functions to other county departments.
- B. Compliance Certification. At the time of seeking a contract, a contractor shall certify to the county that it has and adheres to a policy consistent with this chapter or will have and adhere to such a policy prior to award of the contract. (Ord. 2002-0015 § 1 (part), 2002)

2.203.060 Enforcement and Remedies.

For a contractor's violation of any provision of this chapter, the county department head responsible for administering the contract may do one or more of the following:

1. Recommend to the board of supervisors the termination of the contract; and/or,
 2. Pursuant to chapter 2.202, seek the debarment of the contractor. (Ord. 2002-0015 § 1 (part), 2002)
-

Title 2 ADMINISTRATION
Chapter 2.203.010 through 2.203.090
CONTRACTOR EMPLOYEE JURY SERVICE

2.203.070. Exceptions.

- A. Other Laws. This chapter shall not be interpreted or applied to any contractor or to any employee in a manner inconsistent with the laws of the United States or California.
- B. Collective Bargaining Agreements. This chapter shall be superseded by a collective bargaining agreement that expressly so provides.
- C. Small Business. This chapter shall not be applied to any contractor that meets all of the following:
 - 1. Has ten or fewer employees during the contract period; and,
 - 2. Has annual gross revenues in the preceding twelve months which, if added to the annual amount of the contract awarded, are less than \$500,000; and,
 - 3. Is not an affiliate or subsidiary of a business dominant in its field of operation.

“Dominant in its field of operation” means having more than ten employees and annual gross revenues in the preceding twelve months which, if added to the annual amount of the contract awarded, exceed \$500,000.

“Affiliate or subsidiary of a business dominant in its field of operation” means a business which is at least 20 percent owned by a business dominant in its field of operation, or by partners, officers, directors, majority stockholders, or their equivalent, of a business dominant in that field of operation. (Ord. 2002-0015 § 1 (part), 2002)

2.203.090. Severability.

If any provision of this chapter is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. (Ord. 2002-0015 § 1 (part), 2002)

SAFELY SURRENDERED BABY LAW

Safely Surrendered



No shame. No blame. No names.

In Los Angeles County: 1-877-BABY SAFE • 1-877-222-9723

www.babysafela.org



In Los Angeles County: 1-877-BABY SAFE • 1-877-222-9723

www.babysafela.org

Safely Surrendered Baby Law

What is the Safely Surrendered Baby Law?

California's Safely Surrendered Baby Law allows parents or other persons, with lawful custody, which means anyone to whom the parent has given permission to confidentially surrender a baby. As long as the baby is three days (72 hours) of age or younger and has not been abused or neglected, the baby may be surrendered without fear of arrest or prosecution.

Every baby deserves a chance for a healthy life. If someone you know is considering abandoning a baby, let her know there are other options. For three days (72 hours) after birth, a baby can be surrendered to staff at any hospital or fire station in Los Angeles County.

How does it work?

A distressed parent who is unable or unwilling to care for a baby can legally, confidentially, and safely surrender a baby within three days (72 hours) of birth. The baby must be handed to an employee at a hospital or fire station in Los Angeles County. As long as the baby shows no sign of abuse or neglect, no name or other information is required. In case the parent changes his or her mind at a later date and wants the baby back, staff will use bracelets to help connect them to each other. One bracelet will be placed on the baby, and a matching bracelet will be given to the parent or other surrendering adult.

What if a parent wants the baby back?

Parents who change their minds can begin the process of reclaiming their baby within 14 days. These parents should call the Los Angeles County Department of Children and Family Services at 1-800-540-4000.

Can only a parent bring in the baby?

No. While in most cases a parent will bring in the baby, the Law allows other people to bring in the baby if they have lawful custody.

Does the parent or surrendering adult have to call before bringing in the baby?

No. A parent or surrendering adult can bring in a baby anytime, 24 hours a day, 7 days a week, as long as the parent or surrendering adult surrenders the baby to someone who works at the hospital or fire station.

Does the parent or surrendering adult have to tell anything to the people taking the baby?

No. However, hospital or fire station personnel will ask the surrendering party to fill out a questionnaire designed to gather important medical history information, which is very useful in caring for the baby. The questionnaire includes a stamped return envelope and can be sent in at a later time.

What happens to the baby?

The baby will be examined and given medical treatment. Upon release from the hospital, social workers immediately place the baby in a safe and loving home and begin the adoption process.

What happens to the parent or surrendering adult?

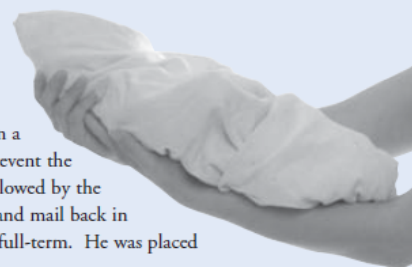
Once the parent or surrendering adult surrenders the baby to hospital or fire station personnel, they may leave at any time.

Why is California doing this?

The purpose of the Safely Surrendered Baby Law is to protect babies from being abandoned, hurt or killed by their parents. You may have heard tragic stories of babies left in dumpsters or public bathrooms. Their parents may have been under severe emotional distress. The mothers may have hidden their pregnancies, fearful of what would happen if their families found out. Because they were afraid and had no one or nowhere to turn for help, they abandoned their babies. Abandoning a baby is illegal and places the baby in extreme danger. Too often, it results in the baby's death. The Safely Surrendered Baby Law prevents this tragedy from ever happening again in California.

A baby's story

Early in the morning on April 9, 2005, a healthy baby boy was safely surrendered to nurses at Harbor-UCLA Medical Center. The woman who brought the baby to the hospital identified herself as the baby's aunt and stated the baby's mother had asked her to bring the baby to the hospital on her behalf. The aunt was given a bracelet with a number matching the anklet placed on the baby; this would provide some identification in the event the mother changed her mind about surrendering the baby and wished to reclaim the baby in the 14-day period allowed by the Law. The aunt was also provided with a medical questionnaire and said she would have the mother complete and mail back in the stamped return envelope provided. The baby was examined by medical staff and pronounced healthy and full-term. He was placed with a loving family that had been approved to adopt him by the Department of Children and Family Services.



Ley de Entrega de Bebés *Sin Peligro*



Los recién nacidos pueden ser entregados en forma segura al personal de cualquier hospital o cuartel de bomberos del Condado de Los Ángeles

Sin pena. Sin culpa. Sin nombres.

En el Condado de Los Ángeles: 1-877-BABY SAFE • 1-877-222-9723

www.babysafela.org



**CONTRACT FOR
SPECIAL TAX ADMINISTRATION SERVICES**

TABLE OF CONTENTS OF EXHIBITS

STANDARD EXHIBITS

A	STATEMENT OF WORK
B	PRICING SCHEDULE
C	INTENTIONALLY OMITTED
D	CONTRACTOR'S EEO CERTIFICATION
E	COUNTY'S ADMINISTRATION
F	CONTRACTOR'S ADMINISTRATION
G	COVID-19 VACCINATION CERTIFICATION OF COMPLIANCE
H	JURY SERVICE ORDINANCE
I	SAFELY SURRENDERED BABY LAW

EXHIBIT A

STATEMENT OF WORK (SOW)

SPECIAL TAX ADMINISTRATION SERVICES

**STATEMENT OF WORK (SOW)
SPECIAL TAX ADMINISTRATION SERVICES**

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STATEMENT OF WORK ATTACHMENTS

I	SPECIAL TAX RATE AND TAXABLE PROPERTIES (SAMPLE)
II	AUDITOR-CONTROLLER DIRECT ASSESSMENT SUBMISSION PROCEDURE MANUAL
III	DATA SALES ORDER FORM AND AGREEMENT (SAMPLE)
IV	AGREEMENT FOR BILLING OF DIRECT ASSESSMENTS (SAMPLE)
V	AGENCY INFORMATION SHEET (SAMPLE)
VI	DIRECT ASSESSMENT FILE (SAMPLE)
VII	PRELIMINARY SPECIAL TAX SUMMARY DATA REPORT (SAMPLE)
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IX	PARCEL RECOMMENDATION REPORT (SAMPLE)
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XI	SPECIAL TAX INTERFACE (SAMPLE)

**STATEMENT OF WORK (SOW)
SPECIAL TAX ADMINISTRATION SERVICES**

TABLE OF CONTENTS

STATEMENT OF WORK EXHIBITS

- 1 CONTRACT DISCREPANCY REPORT (SAMPLE)

STATEMENT OF WORK

1.0 BACKGROUND

With the passing of Proposition 218 in November 1996, LA County Library (Library) was prohibited from continuing the Community Facilities District (CFD) property assessments. On June 3, 1997, the County of Los Angeles (County) presented a ballot measure, (Proposition L), to establish a Special Tax to provide funding for Library. Voters approved the measure, thereby allowing Library to replace the revenues that were lost from the passage of Prop 218. The revenues generated for the 2019-2020 fiscal year total \$12.5 million dollars.

The ballot measure specified that the revenues generated from the Special Tax levy are to be dedicated exclusively to support library services in the communities subject to the Special Tax and initially authorized a Special Tax of \$22.00 per year on all taxable parcels, regardless of size or type of property. The current Special Tax rate per parcel is \$32.55. The revenue generated by the Special Tax is used to increase service levels in sixty-eight (68) libraries serving the areas subject to the Special Tax. These include fifty-six (56) libraries located in unincorporated areas, and twelve (12) libraries in the ten (10) cities listed below. The Special Tax is levied on approximately 400,000 parcels per year in the unincorporated areas of the County served by Library and the cities of: Cudahy, Culver City, Duarte, El Monte, La Canada-Flintridge, Lakewood, Lomita, Lynwood, Maywood, and West Hollywood and is subject to an annual Consumer Price Index (CPI) adjustment effective on July 1 adjusted for inflation in the same manner as the general *ad valorem* property tax and cannot exceed two percent (2%) per year.

2.0 SCOPE OF WORK

The Contractor will provide specialized tax administration services for Library's Special Tax Program and will submit Library's Special Tax Direct Assessments to the County Auditor-Controller's Office (A-C) for inclusion on annual property tax bills. Upon request, the Contractor will perform one (1) audit of the Special Tax Program to assure the accuracy of the information used to levy the Special Tax. The Contractor will also perform additional as-needed services (Unanticipated Work) as described in Section 10.0 – Unanticipated Work upon request of the County.

3.0 DEFINITIONS

The headings herein contained are for convenience and reference only and are not intended to define the scope of any provision thereof. The following words as used herein will be construed to have the following meaning, unless otherwise apparent from the context in which they are used.

3.1 **Day(s):** Business day(s) unless otherwise specified.

- 3.2 **Fiscal Year:** The twelve (12) month period beginning July 1 and ending the following June 30.
- 3.3 **Library Service Area (LSA):** The geographic area that an individual library services.
- 3.4 **LSA Data File:** A database with all parcels serviced by Library.
- 3.5 **LSA Map Shapefile:** Geospatial vector data or the LSA for Geographic Information System (GIS) software.
- 3.6 **Special Tax Rate:** A flat rate amount per parcel, approved by the Board, and imposed on parcels within those cities and unincorporated areas which are subject to the Special Tax.

4.0 MEETINGS

The Contractor is required to attend all scheduled meetings (as needed). Advanced notification will be given at least one (1) day prior; however, depending on the importance of the issue, a meeting may be scheduled during the same day.

The Contractor will be required to provide Special Tax Administration Services Monday through Friday. The Contractor is not required to provide services on the following holidays:

- | | |
|-------------------------------|------------------------|
| - New Year's Day | - Labor Day |
| - Martin Luther King, Jr. Day | - Columbus Day |
| - President's Day | - Veteran's Day |
| - Memorial Day | - Thanksgiving Day and |
| - Independence Day | following Friday |
| - Christmas Day | |

The Contractor acknowledges that services are to be provided on all other holidays to include but not limited to holidays on which the Library is closed.

5.0 CONTRACT DISCREPANCY

Notification of a Contract discrepancy will be made to the Contractor, as soon as possible, whenever a Contract discrepancy is identified. The problem will be resolved within a time period as determined by the County. Failure to resolve the problem within the time specified will result in issuing a formal Contract Discrepancy Report (Statement of Work Exhibits – Exhibit 1).

Upon receipt of a Contract Discrepancy Report, the Contractor is required to respond, in writing, to the County within two (2) days, acknowledging the reported discrepancy. Within ten (10) days, the Contractor is required to submit, in writing, a response identify the cause of the problem and providing a corrective action or presenting contrary evidence.

6.0 COUNTY RESPONSIBILITIES

The County is responsible to provide the following:

- 6.1 Annually provide the Special Tax Rate and Taxable Properties (Attachment I) identifying the most current Special Tax Rate, the list of Cities and Unincorporated Areas subject to the Special Tax, and the Special Tax Budget.
- 6.2 Provide all pertinent parcel data, annexations and detachments of parcels, Assessor's parcel maps, County base-maps, LSA Data File, LSA Map Shapefiles, past annexation maps and parcel corrections, and any other parcel data as needed or requested.
- 6.3 Provide the most current equalized County Assessor's Tax Roll (Local Roll), County Cross-Reference Tax Roll, the County Tax Rate Area (TRA) Agency Listing, the County Agency TRA Cross-Reference and any other information as needed or requested.
- 6.4 Provide training, upon request, to facilitate meeting the requirements within the Auditor-Controller Direct Assessment Submission Procedure Manual (Direct Assessment Manual) (Attachment II).

7.0 CONTRACTOR RESPONSIBILITIES

- 7.1 Contractor must comply with all requirements, instructions, terms and conditions of the Direct Assessment Manual (Attachment II).
 - 7.1.1 The Contractor is responsible for obtaining the most current Direct Assessment Manual (Attachment II).
- 7.2 Annually, the Contractor must complete the following forms and submit them to Library:
 - (a) Data Sales Order Form and Agreement (Attachment III)
Utilized to request Local Roll, County Cross-Reference Tax Roll, the County TRA Agency Listing, and County Agency TRA Cross-Reference;
 - (b) Agreement for Billing of Direct Assessments (Attachment IV)
Utilized to provide the service of placement of direct assessments on the Secured Tax Roll and distribution of collections;
 - (c) Agency Information Sheet (Attachment V)
Serves as the intent to submit a Direct Assessment Input and authority to levy assessments;
 - (d) Direct Assessment File (Attachment VI)
Certification of total assessment amount and total parcel count.

- 7.3 The Contractor is responsible for obtaining the County GIS Parcel and City Boundary Shapefiles.
- 7.4 The Contractor will provide a full-time Contractor Project Manager and designated alternate, including contact information, who will act as a central point of contact with the County and will have full authority to act for Contractor on all matters relating to the daily operations of the Contract. The Contractor Project Manager and alternate will be able to effectively communicate in English.
- 7.5 The purchase of all materials and equipment to provide the needed services is the responsibility of the Contractor. The Contractor will use materials and equipment that are safe for the environment and safe for use by the employee(s).
- 7.6 The Contractor will provide training programs for all employees assigned to this Contract on the duties and responsibilities of this Statement of Work (SOW).
- 7.7 The Contractor will maintain an office with a telephone in the company's name where the Contractor conducts business. At least one employee, who speaks and understands English, must be available to respond to inquiries and complaints about the Contractor's performance Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m. PST.
- 7.8 The Contractor will be responsible for the repair of all damages incurred by the contractor's employees.
- 7.9 The Contractor must be able to create 'web-access' to their database to allow Library access to search parcel information as well as additional information that may be needed. The Library will provide the appropriate IP addresses in order to allow the contractor to open their firewall and ports to allow connectivity to allow, but not limited to, the following:
 - (a) Ability to browse data
 - (b) Ability to search data against the contractor's database
 - (c) Ability to download data, if needed

8.0 SPECIFIC WORK REQUIREMENTS – ANNUAL

8.1 Special Tax Database

Create and maintain a Special Tax Database based on the information provided by the County as described in Sub-sections 6.1 through 6.3 of this SOW. The database must be compatible with existing County software programs (Microsoft Access 2010 or higher) and all changes must be traceable.

8.2 Preliminary Special Tax Summary Data Report

By April 30, provide a Preliminary Special Tax Summary Data Report (Attachment VII) identifying the number of projected taxable parcels and potential revenue by City/Unincorporated Area as well as a comparison between this projected data and the previous year's data.

8.3 Direct Assessment Input

Annually, utilizing the current Special Tax Rate and the Special Tax Database, prepare the Direct Assessment Input identifying the parcels to be assessed the Special Tax and, in turn, submit this Direct Assessment Input to the Auditor-Controller in accordance with the procedures established in the Direct Assessment Manual (Attachment II).

8.3.1. When necessary process corrections to the Direct Assessment Input in accordance with the Direct Assessment Manual (Attachment II).

8.4 Final Special Tax Summary Data Report

By October 1, provide a Final Special Tax Summary Data Report (Attachment VIII) identifying the number of taxable parcels and revenue by City/Unincorporated Area as well as a comparison between this final submitted data and the preliminary summary data. In addition, the contractor must provide a summary which identifies the number of unincorporated parcels per map book and the corresponding revenues.

8.5 Library Service Area/Parcel Corrections

Utilize the Direct Assessment Input and the LSA Data File to identify parcels not assigned to a LSA or assigned to an incorrect LSA. Utilize the LSA Map Shapefiles to assign a recommended LSA. Submit these recommendations as the Parcel Recommendation Report (Attachment IX) to Library for review and approval within thirty (30) days from the receipt of the LSA Map Shapefiles and confirmation of Direct Assessment Input. Upon approval of the recommendations, update the LSA Data File within fifteen (15) days.

8.6 Library Service Area Report

By October 1, submit an updated LSA Report (Attachment X) utilizing the current Direct Assessment Input and the updated LSA Data File and Special Tax Rate and Taxable Properties (Attachment I) to create this report which groups the parcel numbers by LSA and identifies the LSA, Parcel Count, Tax Levy, Allocation Percentage and the Budget.

8.7 Special Tax Library Service Area Data File

Utilizing the Direct Assessment Input and LSA Data File create a specialized Special Tax LSA Data File which only includes those parcels levied a Special Tax. This file should display the Parcelnum, Assessor's Parcel Number (APN),

TRA, Parcel Count, Tax Amount Special Tax Rate, City, and LSA Name and LSA Number.

8.8 Interface Program Update

8.8.1 The Contractor must be able to maintain the existing program (Microsoft Access 2010 or higher) allowing Library to interface with the Special Tax Database by Parcel Number, Owner Name and Site Address as shown on the Special Tax Interface (Attachment XI). Searchable fields must be specific to Unincorporated Areas and Cities that are assessed a Special Tax.

8.8.2 The County reserves the right to modify fields as required.

9.0 SPECIAL TAX PROGRAM AUDIT

An audit of the Special Tax Program may be conducted during the contract term, or as requested by Library, to confirm that all appropriate parcels included in the Direct Assessment Input have been successfully incorporated into the Auditor-Controller tax roll.

9.1 Audit Report

The Contractor will examine all provided information as indicated in Section 6.0, County Responsibilities, to determine if parcels within the Special Tax district boundaries have been assessed the Special Tax. The Contractor will provide a Special Tax Program Audit Report to Library summarizing the findings resulting from the audit.

10.0 UNANTICIPATED WORK

10.1 The County may authorize, in writing, the Contractor to perform additional services as Unanticipated Work. The County will provide a description of the requested service and the Contractor will provide an estimate (within five (5) days) for labor and materials, where applicable, prior to performing any Unanticipated Work. Price quotes will be based on Exhibit B – Pricing Schedule, of the Contract.

10.2 The Contractor will commence all Unanticipated Work on the established specified date and complete said work within the time allotted.

10.3 The County reserves the right to perform Unanticipated Work itself or assign the work to another Contractor.

11.0 GREEN INITIATIVES

11.1 Contractor will use reasonable efforts to initiate “green” practices for environmental and energy conservation benefits.

11.2 Contractor will notify County of Contractor's new green initiatives prior to the Contract commencement.

12.0 PERFORMANCE REQUIREMENTS SUMMARY

The Performance Requirements Summary (PRS) is a listing of services that are intended to be completely consistent with the Contract and the SOW and are not meant in any case to create, extend, revise, or expand any obligation of the Contractor beyond that defined in the Contract and the SOW. Refer to Performance Requirements Summary (Statement of Work Exhibits – Exhibit 2). In any case of apparent inconsistency between services as stated in the Contract, the SOW and the PRS, the meaning apparent in the Contract or the SOW will prevail. If any service seems to be created in the PRS, which is not clearly and forthrightly set forth in the Contract and the SOW, that apparent service will be null and void and place no requirement on the Contractor. When the Contractor's performance does not conform to the requirements of the Contract, the County will have the option to apply the following non-performance remedies:

- Require the Contractor to implement a formal corrective action plan, subject to approval by the County. In the plan, the Contractor must include reasons for the unacceptable performance, specific steps to return performance to an acceptable level, and monitoring methods to prevent recurrence.
- Reduce payment to the Contractor by a computed amount based on the performance assessment fee(s) in the PRS.
- Reduce, suspend or cancel the Contract for systematic, deliberate misrepresentations or unacceptable levels of performance.
- Failure of the Contractor to comply with or satisfy the request(s) for improvement of performance or to perform the neglected work specified within ten (10) days will constitute authorization for the County to have the service(s) performed by others. The entire cost of such work performed by others as a consequence of the Contractor's failure to perform said service(s), as determined by the County, will be credited to the County on the Contractor's future invoice.

This section does not preclude the County's right to terminate the Contract upon ten (10) days' written notice with or without cause, as provided for in the Contract, Section 8.0 - Standard Terms and Conditions, Sub-section 8.42 - Termination for Convenience.

SPECIAL TAX RATE AND TAXABLE PROPERTIES

Effective Date: 07/01/19

1.0 SPECIAL TAX RATE

Special Tax Rate: \$32.22

2.0 TAXABLE PROPERTIES WITHIN:

(A) Cities

- (1) Cudahy
- (2) Culver City
- (3) Duarte
- (4) El Monte
- (5) La Cañada-Flintridge
- (6) Lakewood
- (7) Lomita
- (8) Lynwood
- (9) Maywood
- (10) West Hollywood

(B) Unincorporated Areas of Los Angeles County excluding the Unincorporated Areas within the boundaries of the Altadena Library District and the Palos Verdes Library District.

3.0 SPECIAL TAX BUDGET

Special Tax Budget: \$14,000,000

County of Los Angeles
Department of Auditor-Controller



Direct Assessment Submission
Procedure Manual

FY 2020-21
Processing

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DIRECT ASSESSMENT (DA) INTRODUCTION

This is the fiscal year 2020-21 version of the Los Angeles County Auditor-Controller Direct Assessment Submission Procedure Manual. This manual has been created for use by taxing agencies that submit their direct assessments to the Los Angeles County Auditor-Controller for processing.

The following is a summary of important items to keep in mind during this year's Direct Assessment (DA) process:

- **Document Submission**

All DA agencies are **required** to submit the new revised Agency Information Sheet (AIS). The form must be completed and saved before uploading documents or data file.

The following required documents, **AIS, Billing Agreement, and Data Transmittal** should not be modified unless approved by the Auditor-Controller management.

The Auditor-Controller requires that each agency provide a current copy of their Resolution/Ordinance and Billing Agreement annually, even if no changes have taken place.

- **Requesting for New DA Account**

If your agency would like to request **new DA account(s)**, please send an e-mail to **Evelyn Ramirez** or **Aquilla Ivery-Simmons** at dagroup@auditor.lacounty.gov and see **REQUESTING FOR NEW DA ACCOUNT(S) (see page vi)**. Also, please refer to the **DA CYCLE AND SUBMISSION DUE DATES (see page iv)** to ensure you submit your new account request before the deadline.

- **Notification Letter of Authorization**

For those consulting agencies that are authorized to sign any/all required documents and forms on your behalf of the levying agency, we require you to send us a notification letter of authorization (**see page viii**).

- **State Parcel Tax Reporting - Assembly Bill 2109**

The Auditor-Controller has identified direct assessment agencies that are considered a parcel tax and are required to report on their Financial Transactions Reports (FTR) to the State Controller's Office (SCO). The Auditor-Controller will be reporting on behalf of all County direct assessment agencies that are levying parcel taxes and will be in contact with them while the non-County direct assessment agencies will be responsible for reporting their information on their FTR to the SCO. To see if your agencies are required to report, please click the link below:

[Direct Assessment Parcel Tax List by Account Name and Number](#)

- **Notice of New Parcel Tax - Assembly Bill 2476**

Effective January 1, 2017, all local agencies are required to provide notice of new parcel tax to the affected property owners who reside outside of the district boundaries. For more information and the entirety of AB 2476, please click the link below:

[**AB 2476 State Legislature Website**](#)

Questions regarding any portion of these important items should be directed to the Auditor-Controller Property Tax Services Division, **Evelyn Ramirez**, supervisor of the **Direct Assessment Processing Unit** at **(213) 893-2344**.

DA CYCLE AND SUBMISSION DUE DATES

May 1st - July 15th	Request for the New DA Accounts (see page vi) and Bill Description Modification (see page 27) will be processed if received by our office as early as May 1st and no later than July 15th .
May 1st - August 10th	Submit the Notification Letter of Authorization to our office as early as May 1st and no later than August 10th (see page viii).
July - August	<p>Agencies submit original input direct assessments for new tax year beginning July 1st.</p> <p>The Auditor-Controller prepares new tax roll with direct assessments that have been provided by taxing agencies. We provide exception reports, parcel change reports and comparison letters for agencies with a significant change in data (> 20% of transaction count and/or dollar amount) from previous year to current year.</p>
September	Secured tax bills are printed.
October	Special Tax Levied/Paid Report Original Charge will be available for viewing (see page 22) or for downloading via our website at http://auditor.lacounty.gov .

DA DATA SUBMISSION DUE DATES

To ensure agency direct assessments are included on tax roll, please submit direct assessment input as soon as possible beginning **July 1st**. Cut-off dates are as follows:

July 15th	Upload test data via DAWeb at http://daweb.auditor.lacounty.gov . Agencies submitting data for the first time are recommended to submit test files with sample production data for review.
August 10th	Upload original input data via DAWeb.
September 15th	Final day to accept DA corrections for new tax year.

NOTE: Direct assessment data cannot be submitted to Auditor-Controller via DAWeb without first uploading the AIS, Resolution/Ordinance, Billing Agreement and Data Transmittal.

We cannot guarantee any agency placement of all direct assessments on tax roll when input is received after established due date of **August 10th**.

DA SCHEDULE OF SERVICE CHARGES

1. DA Annual Charges

Original Input:	\$0.25 per assessment per parcel/yr sequence
Processing Fee:	\$50.00 per account
Set Up Fee:	\$250.00 per account for New DA accounts only

2. DA Quarterly Charge

Corrections:	\$13.00 per assessment per parcel/yr sequence after tax roll extension on September 26, 2020 .
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3. DA Confirmation Charges

The Auditor-Controller will provide an email confirmation that the assessments on specific parcels have been removed/adjusted if the agency makes a request. There will be an additional charge per assessment, per parcel/yr sequence plus processing fee.

NOTE: Additional services requested outside of the processes listed above will be charged based on FY 2020-21 Auditor-Controller Duplication Rates available in September 2020.

REQUESTING FOR NEW DA ACCOUNT(S)

For requesting new DA account(s), please provide the following:

- Letter requesting for new DA Account(s) should be on agency's letterhead (**see page vii**).
- Copy of approved resolution or ordinance authorizing the Auditor-Controller to place the DA charges on the tax bills.

Send request via:

- Mail: **County of Los Angeles
Auditor-Controller, Property Tax Services Division
Direct Assessment Processing Unit
500 W. Temple Street, Room 153
Los Angeles, CA 90012
Attn: Evelyn Ramirez**

OR

- E-mail: **Evelyn Ramirez at dagroup@auditor.lacounty.gov.**

Should you have any questions regarding the status of your request, please contact **Evelyn Ramirez** at **(213) 893-2344** or **Aquilla Ivery-Simmons** at **(213) 974-8573** or send an email to dagroup@auditor.lacounty.gov.

SAMPLE NEW DA ACCOUNT LETTER

Insert agency letterhead here

Date

County of Los Angeles
Auditor-Controller, Property Tax Services Division
Direct Assessment Processing Unit
500 West Temple Street, Room 153
Los Angeles, CA 90012
Attn: Evelyn Ramirez

Dear Ms. Ramirez,

Please establish a new Direct Assessment account for Fiscal Year #####-## for *[insert agency description here (e.g. Landscaping/Lighting District #1)]*. Our agency would like our Bill Description to read as follows:

[insert 16 character bill description here (e.g. LA LAND LIGHT #1)]

I have enclosed a copy of the Resolution authorizing the levy of special taxes.

Please contact me if you have any questions.

Thank you,

John Smith
Finance Manager

enclosure

SUBMISSION OF NOTIFICATION LETTER OF AUTHORIZATION

When creating the notification letter of authorization, please include the following (see page ix):

- Agency's Letterhead
- Consulting Agency Name
- List of required documents and forms that you have authorization for (e.g. Billing Agreement, Agency Information Sheet, Data Transmittal (all types)*, etc.)
- Duration of Authorization
- Account Number(s) and Bill Description(s) for which you have authorization for
- Agency Contact Name, Phone No. and E-mail
- Signature of Authorization from Levying Agency
- Printed Name and Title of the Authorized Signee

***Original, Correction, Public Utility and Exemptions (if applicable)**

Send notification letter via:

- Mail: **County of Los Angeles
Auditor-Controller, Property Tax Services Division
Direct Assessment Processing Unit
500 W. Temple Street, Room 153
Los Angeles, CA 90012
Attn: Evelyn Ramirez**

OR

- E-mail: **Evelyn Ramirez at dagroup@auditor.lacounty.gov.**

Should you have any questions regarding this letter, please contact **Evelyn Ramirez** at **(213) 893-2344** or **Aquilla Ivery-Simmons** at **(213) 974-8573** or send an email to **dagroup@auditor.lacounty.gov**.

SAMPLE NOTIFICATION LETTER OF AUTHORIZATION

Insert agency letterhead here

Date

County of Los Angeles
Auditor-Controller, Property Tax Services Division
Direct Assessment Processing Unit
Attn: Evelyn Ramirez

RE: NOTIFICATION LETTER OF AUTHORIZATION

Dear Ms. Ramirez,

Please let this letter serve as notification that our agency is authorizing *Consultant Agency Name* to sign on our behalf for the following Direct Assessment account(s) for Fiscal Year #####-## and future years until you are notified otherwise:

Account #	Bill Description

Consultant Agency is authorized to sign the following documents/forms on our behalf:

Billing Agreement
Agency Information Sheet (AIS)
Data Transmittal Form(s) (all types)
DAWeb User Identification Form
Bill Description Modification Form

If you have any questions about this authorization, please contact me at (###) ###-#### or via e-mail at *e-mail address*.

Thank you,

John Smith
Finance Manager

1.0 SUBMISSION OF DATA

1.1

Submission of Data via DAWeb

The Auditor-Controller requires that all original input submission be made via DAWeb.

To have access granted to the DAWeb, please fill out and submit the **User Identification Form (see page 25)** immediately to **Evelyn Ramirez** by e-mail at dagroup@auditor.lacounty.gov.

Please see the revised DAWeb Agency Manual and/or virtual tutorial on the DAWeb (<http://daweb.auditor.lacounty.gov>) for instructions on how to use the DAWeb Application website.

2.0 SUBMISSION OF CORRECTIONS

2.1 Corrections Made Before the Original Input Deadline

Please see the revised DAWeb Agency manual and/or virtual tutorial on the DAWeb (<http://daweb.auditor.lacounty.gov>) for instructions on how to submit corrections using the DAWeb Application website.

2.2 Corrections Made After the Original Input Deadline

Direct assessments that were processed to the Secured Tax Roll system and resulted in an incorrect assessment for a parcel **MAY** be corrected after the original input deadline. ***Roll Corrections for the Current Year that are received after SEPTEMBER 26th WILL BE SUBJECT to a \$13 SERVICE CHARGE for each roll correction processed.***

The Auditor-Controller will accept corrections for current and prior year assessments to decrease or delete an incorrect assessment.

The Auditor-Controller will make corrections only upon receipt of a completed and properly signed Direct Assessment Correction Form (**see page 4 for the Current Year Correction Form Sample and page 5 for the Prior Year Correction Form Sample**). Please submit the Direct Assessment Correction Form immediately by e-mail to **Evelyn Ramirez** at eramirez@auditor.lacounty.gov.

The Auditor-Controller will provide confirmation that the assessments on specific parcels have been removed/adjusted if the agency makes a request. There will be an additional charge per assessment, per parcel/yr sequence plus processing fee.

NOTE: Additional charges will be based on FY 2020-21 Auditor-Controller Duplication Rates available in September 2020.

A. Current Year Corrections

Prepare the Current Year Direct Assessment Correction Form (**see page 3**). Current year corrections that are unpaid or partially paid will result in an adjusted tax bill. Adjusted tax bills are sent to the assessee of record. The Auditor-Controller does not issue refunds resulting from the cancellation and/or reduction of direct assessment charges. Any corrections to an assessment that would generate a refund will be returned to the agency with payment information to assist the agency in processing refunds accordingly.

B. Prior Year Corrections

Prepare the Prior Year Direct Assessment Correction Form (**see page 3**). Prior year corrections that are unpaid will result in an adjusted delinquent tax bill. Adjusted tax bills will be sent to the assessee of record. The Auditor-Controller does not issue refunds resulting from the cancellation and/or reduction of direct assessment charges. Any corrections to an assessment that would generate a refund will be returned to the agency with payment information to assist the agency in processing refunds accordingly.

Correction Form Instructions

Letterhead - No Longer Required.

- 1 **Agency Name**
Enter the Agency Description.
- 2 **Account Number**
Enter the Agency Account Number.
- 3 **Authorization Number and Confirmation Date**
Leave blank. Auditor-Controller use only.
- 4 **Fiscal Year or Rate Year**
Enter the 4 digits of the roll year (e.g. if the DA is for the tax year 2020-21, enter "2020").
- 5 **Parcel Number**
Enter parcel number that will be corrected or billed on Secured Tax Roll. If Public Utility, please refer to **Section 3.1 Public Utility Parcel Conversion Procedure** on **page 7**.
- 6 **Year and Sequence No.**
Enter the Rate Year and "000" (e.g. if rate year is 2020, enter "2020000").
- 7 **Check Digit**
Refer to **Section 3.2 Check Digit Algorithm Calculation Procedure** on **page 9**.
- 8 **Original Amount**
Enter the prior amount posted.
- 9 **Corrected Amount**
Enter the new direct assessment amount to be posted to the Secured Tax Roll.
If deleting an assessment, enter "0".
- 10 **Prepared By**
Type or print the name of the person preparing the correction form.
- 11 **Telephone No.**
Enter the phone number of the person to be contacted if any problems occur.
- 12 **Authorized Name and Signature**
Type or print the name of the person authorizing the change and sign.
- 13 **Date**
The date the request was signed.
- 14 **Telephone No.**
Enter the phone number of person authorizing the change.

2.0 SUBMISSION OF CORRECTIONS**Current Year Correction Form Sample**

**COUNTY OF LOS ANGELES
AUDITOR-CONTROLLER, PROPERTY TAX SERVICES DIVISION
DIRECT ASSESSMENT
CURRENT YEAR CORRECTION FORM**

<div style="display: flex; justify-content: space-between;"><div>AGENCY NAME: 1</div><div style="text-align: right;">FISCAL YEAR 4</div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>ACCOUNT No.: 2</div><div>FISCAL YEAR 2020</div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>AUTHORIZATION No.: 3 <small>(AUDITOR USE ONLY)</small></div></div>						
	PARCEL NUMBER	YR & SEQ	CD	ORIGINAL AMOUNT	CORRECTED AMOUNT	CONFIRMATION DATE <small>(AUDITOR USE ONLY)</small>
1	0000-000-000	2020-000	7	8	9	3
2	5	6				
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
<div style="display: flex; justify-content: space-between;"><div>PREPARED BY: 10 <small>PRINT NAME</small></div><div>PHONE No.: 11</div></div> <p style="text-align: center; margin-top: 10px;">I hereby authorize the above Direct Assessment Roll Corrections.</p> <div style="display: flex; justify-content: space-between;"><div>AUTHORIZED SIGNATURE: 12</div><div>DATE: 13</div></div> <div style="display: flex; justify-content: space-between;"><div>AUTHORIZED NAME: 12 <small>PRINT NAME & TITLE</small></div><div>PHONE No.: 14</div></div>						

Please fill out and submit the form immediately by e-mail to **Evelyn Ramirez** at eramirez@auditor.lacounty.gov.

2.0 SUBMISSION OF CORRECTIONS**Prior Year Correction Form Sample**

**COUNTY OF LOS ANGELES
AUDITOR-CONTROLLER, PROPERTY TAX SERVICES DIVISION
DIRECT ASSESSMENT
CURRENT YEAR CORRECTION FORM**

<div style="display: flex; justify-content: space-between;"><div>AGENCY NAME: 1 _____</div><div style="text-align: right;">FISCAL YEAR 2019 4</div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>ACCOUNT No.: 2 _____</div><div></div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>AUTHORIZATION No.: 3 _____ <small>(AUDITOR USE ONLY)</small></div><div></div></div>						
	PARCEL NUMBER	YR & SEQ	CD	ORIGINAL AMOUNT	CORRECTED AMOUNT	CONFIRMATION DATE <small>(AUDITOR USE ONLY)</small>
1	0000-000-000	2019-000	7	8	9	3
2	5	6				
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
<div style="display: flex; justify-content: space-between;"><div>PREPARED BY: 10 _____ <small>PRINT NAME</small></div><div>PHONE No.: 11 _____</div></div> <p style="margin-top: 10px;">I hereby authorize the above Direct Assessment Roll Corrections.</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>AUTHORIZED SIGNATURE: 12 _____</div><div>DATE: 13 _____</div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>AUTHORIZED NAME: 12 _____ <small>PRINT NAME & TITLE</small></div><div>PHONE No.: 14 _____</div></div>						

Please fill out and submit the form immediately by e-mail to **Evelyn Ramirez** at eramirez@auditor.lacounty.gov.

2.0 SUBMISSION OF CORRECTIONS

C. Corrections Due to Foreclosure

When submitting corrections due to foreclosure, the agency should follow the procedures on **page 2, Section 2.2 Corrections Made After the Original Input Deadline**. Indicate "**FOR FORECLOSURE**" on the form to the left of the account number.

D. Corrections Due to Property Acquired by a Public Agency

All direct assessments placed on property that is subsequently acquired by a public agency will be pro-rated from the date of acquisition forward.

E. Corrections Processing Cut-Off Dates

To ensure corrections are processed during the current fiscal year, Direct Assessment Correction Forms must be received no later than **May 1st**. Correction processing resumes in **September** of the following tax year.

F. Corrections for 16 or more Parcels

When submitting a Current/Prior Year Direct Assessment Correction Form with 16 or more parcels, your agency is **required** to send the Excel spreadsheet file along with your signed Current/Prior Year Direct Assessment Correction Form by e-mail to **Evelyn Ramirez** at eramirez@auditor.lacounty.gov.

3.0 DA PUBLIC UTILITY AND CHECK DIGIT PROCEDURES

3.1 Public Utility Parcel Conversion Procedure

The conversion of State Board Equalization (SBE) parcel to the LA County parcel is based on the identification of property type as Unitary and Nonunitary properties (Nonunitary Railway Transportation, Operating Nonunitary and Nonoperating Nonunitary). The LA County parcel consists of 10-digit numbers. Please follow the instructions and refer to the link below for reference:

[State Board of Equalization Property and Special Taxes Department](#)

1. If the public utility property is other than a railroad company and the property type is identified as **UNITARY** and **OPERATING NONUNITARY**, then convert to LA County parcel number as follows:

Example:	Public Utility Name:	Southern California Gas Company
	Company Number:	0149
	SBE TRA:	000001
	LA County TRA:	00001

<u>Digits</u>	<u>Total digits (10)</u>	<u>Content</u>
1	1	9 (First prefix of the map book)
2-5	4	Utility Company Number
6-10	5	00001 (Convert SBE TRA to LA County TRA)

<u>Prefix of Map Book</u>	<u>Utility Company Number</u>	<u>LA County Tax Rate Area</u>
9	0149	00001

County Parcel Number: 901-490-0001

2. If the public utility property is a railroad company and the property type is identified as **UNITARY**, then convert to LA County parcel number as follows:

Example:	Public Utility Name:	Union Pacific Railroad Company
	Company Number:	0843
	SBE TRA:	000002
	LA County TRA:	00003

<u>Digits</u>	<u>Total digits (10)</u>	<u>Content</u>
1	1	9 (First prefix of the map book)
2-5	4	Utility Company Number
6-10	5	(Convert SBE TRA to LA County TRA)

<u>Prefix of Map Book</u>	<u>Utility Company Number</u>	<u>LA County Tax Rate Area</u>
9	0843	00003

County Parcel Number: 908-430-0003

3.0 DA PUBLIC UTILITY AND CHECK DIGIT PROCEDURES

3. If the public utility property is identified as **NONOPERATING NONUNITARY** and **NONUNITARY RAIL TRANSPORTATION CO.**, then convert to LA County parcel number as follows:

Example:

Public Utility Name:	AT & T California
Company Number:	0279
SBE TRA:	Various SBE TRAs
LA County TRA:	Various LA County TRAs

<u>Digits</u>	<u>Total digits (10)</u>	<u>Content</u>
1	1	9 (First prefix of the map book)
2-5	4	Utility Company Number
6-10	5	(Convert SBE TRA to LA County TRA)

<u>Prefix of Map Book</u>	<u>Utility Company Number</u>	<u>LA County Tax Rate Area</u>
9	0279	03801

County Parcel Number: 902-790-3801

4. If the public utility is an electric company and the property type is identified under Qualified Section 100.95 (see link below), then convert to LA County parcel number as follows:

[**Qualified Section 100.95 - Electric Property**](#)

Example:

Public Utility Name:	Southern California Edison
Company Number:	0148
SBE TRA:	000095
LA County TRA:	90000

<u>Digits</u>	<u>Total digits (10)</u>	<u>Content</u>
1	1	9 (First prefix of the map book)
2-5	4	Utility Company Number
6-10	5	(Convert SBE TRA to LA County TRA)

<u>Prefix of Map Book</u>	<u>Utility Company Number</u>	<u>LA County Tax Rate Area</u>
9	0148	90000

County Parcel Number: 901-489-0000

3.2

Check Digit Algorithm Calculation Procedure

The Check Digit is a form of parcel number validation. The calculated check digit number is arrived at by using the following algorithm:

- a. List your parcel number. **2 0 2 0 4 1 8 0 3 7**
- b. Start with the first digit of the parcel number step a and multiply every other digit by 2.

2	2	4	8	3
4	4	8	16	6

- c. Sum the resulting totals from step b. If the answer in step b contains two digits, add the number individually to get one number (e.g. 16 would be 1+6)

$$4 + 4 + 8 + 1 + 6 + 6 = 29$$

- d. Go back to parcel number starting with step a and add every other number starting with the second digit from parcel number.

$$0 + 0 + 1 + 0 + 7 = 8$$

- e. Add the total result from step c to the total result from step d.

$$\begin{array}{r} \text{Total} = \quad 29 \\ \quad + 8 \\ \hline \quad 37 \end{array}$$

NOTE: If the last digit calculated in step e is zero, check digit is zero.

- f. Subtract the last digit of the total in step e from 10.

$$10 - 7 = 3$$

The end result is the check digit = 3.

4.1

DA Exception Report: Description and Sample

The Direct Assessment Exception Report is a control report provided to the taxing agency by the Auditor-Controller after each update during DA Roll Build-Up. It lists the direct assessment transactions rejected during Secured Tax Roll processing. This report is to be used by the agency as a source document when making corrections. **See the link on the sign-in page on the DAWeb Application website under Help Menu Options to access the exception reports on the Auditor-Controller website.**

Description:

- 1 **Report Heading**
The report heading consists of: (1) the page number; (2) the report name; (3) the agency account number; and (4) the report preparation date.
- 2 **Agency Number**
Agency's assigned account number.
- 3 **Batch Number**
The batch number assigned to the agency's direct assessment transactions.
- 4 **Parcel Number**
The Assessor's identification number.
- 5 **Check Digit**
A calculated number used internally by the Auditor-Controller.
- 6 **Year**
Secured Tax Roll year to which the direct assessments tried to post.
- 7 **Sequence Number**
The number that identifies what segment of a parcel is to be processed.
- 8 **Recycle Line Number**
The number used to locate an error transaction during the correction process used internally by the Auditor-Controller.
- 9 **Authorization Number**
Assigned by the Auditor-Controller, used internally.
- 10 **Reason & Origin**
Codes assigned/used internally by the Auditor-Controller.
- 11 **Direct Assessment Amount**
The direct assessment levy amount charge.
- 12 **Hash Amount**
Total amount of direct assessments in the transaction.
- 13 **Error Codes**
The code that indicates the reason a transaction has been rejected.

4.0 DA EXCEPTION REPORT

14 Total Parcel Count

The total number of direct assessment transactions listed.

15 Description of Common Error Codes

A key used to explain the most common error codes.

DIRECT ASSESSMENT EXCEPTION REPORT SAMPLE

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PAGE 1

DIRECT ASSESSMENT EXCEPTION REPORT FOR ACCOUNT NUMBER - 00418
PREPARED DATE: 08/15/99

2	3	4	5	6	7	8	9	10	11	12	13
ACCT NUM	BATCH NUMBER	PARCEL NUM	C D	YR	SEQ	LINE NUMBER	AUTH #	REAS ORIG	DA AMOUNT	HASH TOTAL	ERROR CODES
00418	I00418	3010037032	7	2000	000	083007352 10	000153	LC	0000000102090	00000000102090	A30
		3022011002	3	2000	000	055002988 15	000153	LC	000000014717D	0000000007375H	L30 L80
		3027021044	7	2000	000	083007427 60	000153	LC	000000010209D	0000000010209D	240 L30 L80
		3027021060	6	2000	000	055003083 20	000153	C	0000000030781	00000000030781	A50
		3040004029	5	2000	000	055003083 20	000153	LC	0000000102090	00000000102090	220
		3040004030	2	2000	000	055003083 20	000153	LC	0000000073750	00000000073750	240

TOTAL PARCEL COUNT = 6

14

DESCRIPTION OF COMMON ERROR CODES

- (1) A30 - INCORRECT CHECK DIGIT
(2) L20 - ACCOUNT NUMBER IS NOT NUMERIC
(3) L30 - DIRECT ASSESSMENT AMOUNT IS NOT NUMERIC
(4) L80 - DIRECT ASSESSMENT HASH AMOUNT IS NOT NUMERIC
(5) L82 - DIRECT ASSESSMENT AMOUNT DOES NOT EQUAL TO THE HASH AMOUNT
(6) 220 AND 240 - PARCEL DOES NOT EXIST ON THE SECURED TAX ROLL
(7) 320 - TRANSACTION IS ATTEMPTING TO POST A NEW DIRECT ASSESSMENT WITH ZERO DIRECT ASSESSMENT AMOUNT
*** FOR ALL OTHER ERROR CODES REFER TO THE APPENDIX OF THE DIRECT ASSESSMENT SUBMISSION PROCEDURES MANUAL ***

15

4.0 DA EXCEPTION REPORT

STR Error Codes for DA Transactions

A10	Parcel number is not numeric or is equal to zeros
A20	Sequence number is not numeric
A22	Year is not a valid roll year
A30	Check digit is not valid
A40	Authorization number must not equal blanks
A50	Reason key is not equal to "L"
A60	Origin key is not equal to "C"
A70	Transaction code is not equal to "580"
L20	Account number is not numeric
L30	Direct Assessment amount must be numeric
L80	Direct Assessment amount is not equal to the hash amount
220	Parcel is not active on the database
240	Parcel for particular year and sequence is not active on the database
430	Transaction is attempting to post a new direct assessment with an invalid direct assessment account number
460	Transaction is attempting to update a roll year greater than the current roll year

NOTE: The error codes “**220**” and “**240**” often occur because agencies submit direct assessments on parcels that have undergone a parcel change or on non-billable parcels. A primary example of a non-billable parcel would be a Common Area parcel. Common Area generally occurs within condominium projects and planned neighborhood projects. The assessed value on Common Area parcels are deliberately set low (\$9) so that a tax bill will not be issued. To minimize these errors, it is suggested that each agency identify and omit assessments for non-billable parcels. It is recommended that the charges be allocated to parcels adjoining the Common Area parcels.

The error code “**320**” has been removed from the list above since the DAWeb now has an upfront validation which will no longer allow you to submit a zero amount within your correction file that was not part of your original submission.

5.0 DA ON PARCELS UNDERGOING PARCEL CHANGE

5.1 Parcel Change Current Year Processing

If the Parcel Change occurs during the current Roll Year, there are two options available:

- OPTION 1** Allocate existing direct assessment amounts to new billable parcel(s). This option will automatically divide amount of direct assessment levied on old parcel (parcel undergoing change) equally to new billable parcel(s) being created and placed equally divided amount(s) on new parcel(s).
- OPTION 2** Drop the assessments from the roll. When new parcel(s) replace old parcel direct assessment will be deleted. It will be the sole responsibility of the taxing agency to directly bill the party liable for any direct assessments dropped from the roll.

Indicate on the AIS (see page 18) the option you select for each direct assessment account.

The Auditor-Controller may refund paid direct assessments for properties undergoing Parcel Change for the current Roll Year during the current Roll Year.

E.g. Parcel Change in the 2020-21 fiscal year affects the tax bill for that same year (fiscal year 2020-2021).

The Los Angeles County Assessor has developed an automated methodology for managing direct assessments for properties undergoing a "Parcel Change." "Parcel Change" is the term that describes the process which takes place when a change in the legal description of a parcel results in it changing into one or more new parcels, or many parcels into one parcel.

The Auditor-Controller will process increases after extension of tax roll by request to direct assessments on parcels that have undergone a parcel change. All such requests will be subject to the **\$13.00** service charge per assessment per parcel and year/sequence being adjusted. New parcels must be billed on the Secured Tax Roll before taxing agencies submit requests. Taxing agencies choosing **Option 1** may submit Current Year Correction Forms increasing and decreasing amounts for direct assessments that were divided equally on the new parcels or dropped due to a multiple parcel change.

Under both Option 1 and Option 2, Direct Assessments for parcels undergoing a parcel change will be dropped from the tax roll under the following conditions:

- After pro-ratio, any unpaid portion of Direct Assessments levied on parcels undergoing a parcel change due to an acquisition of the property by a public entity.
- Direct Assessments for parcels undergoing a multiple parcel change. Multiple parcel change is defined as a parcel being divided into more than 4 parcels.
- When a parcel undergoes a parcel change, if the new parcel is billed on the Unsecured tax roll due to a change in ownership, the DA amounts are dropped. The Auditor-Controller will provide agencies a report of DA amounts that are dropped in this situation.

AGENCY REPORTS

The following hard copy reports identify direct assessments on parcels that have undergone a Parcel Change:

1. **Report of Direct Assessment Activity (see page 16, FIG. 5.1)**

This non-accumulated report is available after each parcel change update. The parcel change system updates approximately once per week from September to June.

- a. If **Option 1** has been selected by the agency, the report will indicate by direct assessment account number the old and new parcel numbers, the direct assessment amount on the old parcel at the time of parcel change, and the amount allocated to the new parcels.
- b. If **Option 2** has been selected by the agency, the report will indicate by agency account number the old parcel number, the direct assessment amount on the old parcel at the time of parcel change, and the amount dropped from the roll.

2. **Agency Summary Report - Hard Copy (see page 17, FIG. 5.2)**

This non-accumulated report is available after each parcel change update. The parcel change system updates approximately once per week from September to June.

- a. If **Option 1** has been selected by the agency, the report will provide the total direct assessment amount on the old parcels at the time of parcel change, and the total amount allocated to the new parcels for each parcel change update.
- b. If **Option 2** has been selected by agency, the report will indicate total direct assessment amount on old parcel at time of parcel change, and amount dropped from the roll for each parcel change update.

NOTE: Any mapping questions regarding parcel changes should be directed to the Office of the Assessor, Mapping and GIS Services at (213) 974-7352.

5.2**Parcel Change Prior Year Processing**

If the Parcel Change occurs for a prior Roll Year (e.g. Parcel Change for 2019 Roll Year made during 2020 Fiscal Year), the direct assessments will be handled as follows:

1. If the direct assessment was fully paid on the old parcel when the Parcel Change occurred, regardless of whether the parcel was current or delinquent, the full amount of the direct assessments will remain on the old parcel and will not be dropped from the Tax Roll.
2. If any portion of the direct assessment remained unpaid when the parcel change occurred, the unpaid amount of the direct assessment will be dropped from the Tax Roll. Collection will be the responsibility of the taxing agency.

AGENCY REPORTS**Report of Delinquent Parcel Activity - Hard Copy (see page 17, FIG 5.3)**

This report is available by direct assessment account number and includes a list of the old parcels for which taxes were not paid timely and were subject to being dropped from the Tax Roll. In addition, the report provides a list of the old parcels.

NOTE: Hard Copy Agency Report(s) such as:

Report of Direct Assessment Activity (see page 16, FIG. 5.1), Agency Summary Report (see page 17, FIG. 5.2) and Report of Delinquent Parcel Activity (see page 17, FIG 5.3) are only available upon request on an annual basis.

All requests for hard copy reports must be sent by e-mail to **Evelyn Ramirez** at dagroup@auditor.lacounty.gov.

NOTE: Any mapping questions regarding parcel changes should be directed to the Office of the Assessor, Mapping and GIS Services at (213) 974-7352.

5.0 DA ON PARCELS UNDERGOING PARCEL CHANGE

5.3

Parcel Change Agency Reports Samples

FIG. 5.1 – REPORT OF DIRECT ASSESSMENT ACTIVITY – HARD COPY

ASEPO815 DATE 05/16/00

REPORT OF DIRECT ASSESSMENT ACTIVITY FOR AGENCY: LA CO FIRE DEPT ACCT NO: 007.44

THIS SECTION OF THE REPORT LISTS PARCELS UNDERGOING A PARCEL CHANGE FOR WHICH DIRECT ASSESSMENTS HAVE BEEN REAPPLIED TO THE NEW PARCELS) (OPTION 1) OR DROPPED FROM THE TAX ROLL (OPTION 2).

AN "*" TO THE LEFT OF A NEW PARCEL INDICATES THAT A MULTIPLE PARCEL CHANGE OCCURRED. DIRECT ASSESSMENTS CANNOT BE REAPPLIED TO THE NEW PARCELS. THESE DIRECT ASSESSMENTS HAVE BEEN DROPPED FROM THE TAX ROLL.

FOR FISCAL YEAR 1999-00

<u>LEGEND</u>	<u>PARCEL</u>	<u>YR</u>	<u>SEQ</u>	<u>D.A. AMT</u>	<u>LEGEND</u>	<u>PARCEL</u>	<u>YR</u>	<u>SEQ</u>	<u>D.A. AMT</u>
OLD	5868-019-025	1	99 000	10.66	NEW	* 5868-019-027	9	99 000	.00
NEW	* 5868-019-028	8	99	.00		-			
PACKAGE TOTAL D.A. AMT: OLD PCL 1				10.66	NEW PCL 2				.00
OLD	8719-004-008	9	99 000	51.64	NEW	8719-004-914	2	99 000	.00
PACKAGE TOTAL D.A. AMT: OLD PCL 1				51.64	NEW PCL 1				.00
OLD	8719-004-009	8	99 000	51.64	NEW	8719-004-915 1	99	000	.00
PACKAGE TOTAL D.A. AMT: OLD PCL 1				51.64	NEW PCL 1				.00
OLD	8719-004-010	5	99 000	51.64	NEW	8719-004-916	0	99 000	.00
PACKAGE TOTAL D.A. AMT: OLD PCL 1				51.64	NEW PCL 1				.00
AGENCY TOTAL D.A. AMT: OLD				165.58	NEW				.00

5.0 DA ON PARCELS UNDERGOING PARCEL CHANGE

FIG. 5.2 – AGENCY SUMMARY REPORT – HARD COPY

ASEP0850 DATE 05/16/00 RUN NO: 89

AGENCY SUMMARY REPORT OF DIRECT ASSESSMENT ACTIVITY FOR FISCAL YEAR 1999-00

AGENCY NAME	ACCT. NO	OLD PARCEL D.A. TOTAL	NEW PARCEL D.A. TOTAL
LA COUNTY HAZARD ABATEMENT	001.96	580.84	.00
COUNTY LIBRARY ASSESSMENT	003.11	22.86	.00
L A CO FIRE DEPT	007.44	165.58	.00
FLOOD CONTROL	030.71	306.67	.00
LA CO PARK DIST	036.92	27.41	.00
L A CO. WEST MOSQUITO AB	061.11	4.82	.00
SAN GABRIEL VY MOSQ ABMT	061.32	21.39	.00
SOUTHEAST MOSQUITO ABATE	061.81	4.11	.00
LA CITY LANDSCAP&LIGHT D	188.50	18.40	.00
LOS ANGELES CITY STREET	188.51	35.02	.00
STORMWATER POLLUTION ABM	188.69	11.48	.00
CITY 911 FUND	188.71	2.87	.00
MWD WATER STANDBY CHARGE	330.11	36.63	.00
MWD WATER STANDBY CHARGE	335.06	10.28	.00
WEST BASIN MWD STANDBY C	375.81	120.00	.00
 GRAND TOTAL	 1,368.36	 .00	

FIG 5.3 – REPORT OF DELINQUENT PARCEL ACTIVITY FOR AGENCY – HARD COPY

ASEP0810 DATE 02/27/02

PAGE 1

REPORT OF DELINQUENT PARCEL ACTIVITY FOR AGENCY: LA CITY LANDSCAP&LIGHT DIST 96-1 ACCT NO: 188.50

THIS REPORT LISTS PARCELS UNDERGOING A PARCEL CHANGE WHICH WERE NOT PAID TIMELY (IN THE TAX YEAR ENROLLED) AND WERE SUBSEQUENTLY PLACED ON THE DELINQUENT TAX ROLL. IF ANY PORTION OF THE TAXES REMAINED UNPAID WHEN THE PARCEL CHANGE OCCURRED, THE FULL AMOUNT OF THE DIRECT ASSESSMENT, BOTH PAID AND UNPAID, HAVE BEEN DROPPED FROM THE TAX ROLL. COLLECTION OF THE DIRECT ASSESSMENT IS THE RESPONSIBILITY OF THE TAXING AGENCY.

FOR FISCAL YEAR 2002-2003

OLD PARCEL (S) -----	YEAR (S) ON REDEMPTION -----	NEW PARCEL (S) -----
2350-012-032	99 000	2350-012-919
	98 000	
	00 000	

PACKAGE TOTAL: OLD PARCELS 1 NEW PARCELS 1

6.1**Agency Information Sheet (Revised)**

Please see the revised DAWeb Agency Manual on the DAWeb (<http://daweb.auditor.lacounty.gov>) for instructions on how to submit the **AIS** using the DAWeb Application website.

6.2**Billing Agreement**

(NOTE: Must be submitted on agency letterhead.)

DA Account #:

AGREEMENT FOR BILLING OF DIRECT ASSESSMENTS

This agreement is made and entered into between the *Los Angeles County Auditor-Controller* and **[Name of your Agency]** to provide the service of placement of direct assessments on the Secured Tax Roll and distribution of collections to **[Name of your Agency]**.

I. PROPERTY TAX SERVICES

Los Angeles County will place direct assessments on the Secured Tax Roll and distribute collections to **[Name of your Agency]** at the same time and in the same manner as Los Angeles County property taxes are collected and distributed. **[Name of your Agency]** will adhere to the policies and procedures established by the Los Angeles County Auditor-Controller as outlined in the Direct Assessment Submission Procedure Manual.

Fee for Billing Services

For billing of direct assessments, the Los Angeles County Auditor-Controller shall collect the following charge:

DA Original Submission - \$0.25 per assessment per parcel

For correction of direct assessments requested by **[Name of your Agency]** after extension of the tax roll, the Los Angeles County Auditor-Controller will collect \$13.00 per correction.

The Los Angeles County Auditor-Controller will charge an additional fee for extended services provided to **[Name of your Agency]** that are outlined in the Auditor-Controller Direct Assessment Submission Procedure Manual.

II. COLLECTION OF AUDITOR-CONTROLLER FEES

Direct Assessment billing charges are collected once a year, on the December 20th advance distribution. Any additional charges are deducted on the next available distribution of monies.

III. ACCOUNTING SERVICES

The Los Angeles County Auditor-Controller has available a report of direct assessments levied for the tax year by parcel and will be provided to *[Name of your Agency]*. Accounting Services beyond this will be considered extended services and will be subject to additional charges and fees.

IV. MODIFICATION OF COLLECTION FEES AND CHARGES

The Los Angeles County Auditor-Controller reserves the right to increase or decrease any charges herein provided, in proportion to any changes in costs incurred by the Auditor-Controller in providing the services described herein, provided that written notice of any increase or decrease in charges is given to *[Name of your Agency]*.

V. AUTHORITY FOR LEVY AND COMPLIANCE WITH LAW

The authority for such levy, (i.e. resolution, ordinance or election), shall accompany requests for the levy of direct assessments. *[Name of your Agency]* warrants that the taxes, fees, or assessments imposed by *[Name of your Agency]* and collected pursuant to this Agreement comply with all requirements of state law, including but not limited to Articles XIIC and XIID of the California Constitution (Proposition 218).

[Name of your Agency] hereby releases and forever discharges Los Angeles County and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of *[Name of your Agency]* responsibility under this agreement or other action taken by *[Name of your Agency]* in establishing a special tax, fee, or assessment and implementing collection of special taxes, fees, or assessments as contemplated in this agreement.

[Name of your Agency] agrees to and shall defend, indemnify and hold harmless Los Angeles County and its officers, agents and employees ("indemnified parties") from any and all claims, demands, liabilities, costs and expenses, damages, causes of action and judgments, in any manner arising out of any of *[Name of your Agency]* responsibility under this agreement, or other action taken by *[Name of your Agency]* in establishing a special tax, fee, or assessment and implementing collection of special taxes, fees, or assessments as contemplated in this agreement.

If any judgment is entered against any indemnified party as a result of action taken to implement this Agreement, *[Name of your Agency]* agrees that Los Angeles County may offset the amount of any judgment paid by Los Angeles County or by any indemnified party from any monies collected by Los Angeles County on *[Name of your Agency]* behalf, including property taxes, special taxes, fees, or assessments. Los Angeles County may, but is not required to, notify *[Name of your Agency]* of its intent to implement any offset authorized by this paragraph.

VI. TERMS OF AGREEMENT

All existing agreements between Los Angeles County Auditor-Controller and *[Name of your Agency]* pertaining to the collection of direct assessments shall be terminated upon the execution of this agreement. This agreement shall continue from year to year and shall be subject to cancellation by either party by giving a thirty-day written notice to the other party of cancellation.

AUTHORIZED SIGNED:

- ☐ Director of Finance ☐ Manager ☐ Authorized Consulting Agent
☐ Other (please specify Title): _____

Authorized Signature: _____ Date: _____

Authorized Name: _____
PRINT NAME

For Auditor-Controller Use Only

Approved Signature: _____ Date: _____
SECTION MANAGER

Approved Name: _____
PRINT NAME

6.0 APPENDICES

6.3 Special Tax Levied/Paid Report - Original Charge Instructions and Sample

To view the **Secured Master – Original levied and/or paid by DA account**, please go to the **Secured Master Tab** at the website below:

<http://auditor.lacounty.gov>

NOTE: Only the current and one prior fiscal years' reports are available on the website. For any other fiscal years, please send request via e-mail to Evelyn Ramirez at daqroup@auditor.lacounty.gov. There will be an additional charge.

1. Click **Property Tax** (near top of page).
2. Go to **Direct Assessment** (click link).
3. Select **DA Payment – Secured Master** tab.
4. Select Fiscal Year **Current** or **Prior Year**.
5. Select the Paid Run **Original Charge**, **1st Paid**, **2nd Paid**, **3rd Paid** or **Final Paid**.
6. Type **DA account number** with any leading zeros but with no decimal point.
7. Click **Submit**.
8. When search is complete, click **Download**.
9. Choose **Open or Save**.
10. Open file.

FIG. 6.1 - SPECIAL TAX LEVIED/PAID REPORT ORIGINAL CHARGE – HARD COPY

8291040006		10.00	.00	8291040007	10.00	.00
AUDITOR	DAPYMT			SPECIAL TAX LEVIED/PAID	PREPARED	01/20/2011
AGENCY 35071				BY ACCOUNT NUMBER		
PARCEL		TAX LEVIED	TAX PAID	PARCEL	TAX LEVIED	TAX PAID
8291040009		10.00	.00	8291040010	23.10	.00
8291040012		10.00	.00	8291040013	10.00	.00
8291040014		10.00	.00	8291040015	12.40	.00
8291040016		17.70	.00	8291040017	17.40	.00
8291040018		10.00	.00	8291040019	10.00	.00
8291040020		10.00	.00	8291040021	10.00	.00
8291041001		14.90	.00	8291041002	10.00	.00
8291041003		10.00	.00	8291041004	10.00	.00
8291041005		10.00	.00	8291041006	10.00	.00
8291041007		10.00	.00	8291041008	10.00	.00
8291041009		10.00	.00	8291041010	10.00	.00
8291041011		10.00	.00	8291041012	10.00	.00
8291041013		10.00	.00	8291041014	10.00	.00
8291041015		10.00	.00	8291041016	10.00	.00
8291041017		10.00	.00	8291041018	10.00	.00
8291041019		10.00	.00	8291041020	10.00	.00
8291041021		10.00	.00	8291041022	10.00	.00
8291041023		10.00	.00	8291042001	10.00	.00
8291042002		10.00	.00	8291042003	10.00	.00

FIG. 6.2 - SPECIAL TAX LEVIED/PAID REPORT – 1ST PAID

8291040006		10.00	.00	8291040007	10.00	.00
AUDITOR	DAPYMT			SPECIAL TAX LEVIED/PAID	PREPARED	02/14/2011
AGENCY 35071				BY ACCOUNT NUMBER		PAGE
PARCEL		TAX LEVIED	TAX PAID	PARCEL	TAX LEVIED	TAX PAID
8291042022		10.00	5.00	8291042023	10.00	5.00
8291043001		10.00	5.00	8291043002	10.00	.00
8291043003		10.00	5.00	8291043004	10.00	5.00
8291043005		10.00	5.00	8291043006	10.00	5.00
8291043007		10.00	5.00	8291043008	10.00	10.00
8291043009		10.00	5.00	8291043010	10.00	10.00
8291043011		10.00	10.00	8291043012	10.00	5.00
8291043013		10.00	5.00	8291043014	10.00	5.00
8291043015		10.00	5.00	9010100001	571.70	285.85
9014800001		13,014.30	6,507.15	9014900001	2,051.30	1,025.65
9020100001		461.50	230.75	9027900001	309.90	154.95
9080400003		11,622.20	5,811.10	9084300003	13,038.30	6,519.15
9110012143		10.00	5.00	9227400001	27.50	13.75
9253200001		40.00	20.00	9260600001	40.10	20.05
9272000001		30.40	30.40	9274800001	50.00	25.00
9775700001		20.00	10.00			
		AGENCY TOTAL		3,273,070.13		1,793,774.58
		AGENCY PARCEL COUNT		308,279		

6.0 APPENDICES

6.4 Special Tax Levied/Paid Report Instructions and Sample

To view the status of **Direct Assessment payments/defaults by DA accounts**, please go to the **Secured Defaulted** tab at the website below:

<http://auditor.lacounty.gov>

NOTE: Only the current and one prior fiscal years' reports are available on the website. For any other fiscal years, please send request via e-mail to Evelyn Ramirez at daqroup@auditor.lacounty.gov. There will be an additional charge.

1. Click **Property Tax** (near top of page).
2. Go to **Direct Assessment** (click link).
3. Select **DA Payment –Secured Defaulted** tab.
4. Select Fiscal Year **Current** or **Prior Year**.
5. Select the Paid Run **Original Charge, 1st Paid, 2nd Paid, 3rd Paid** or **Final Paid**. **This is a cumulative report.**
6. Type **DA account number** with any leading zeros but with no decimal point.
7. Click **Submit**.
8. When search is complete, click **Download**.
9. Choose **Open or Save**.
10. Open file.

FIG. 6.3 - SPECIAL DEFAULTED TAX LEVIED/PAID REPORT – 1ST QTR REDEMPTION

PAGE 45063			SPECIAL DEFAULTED TAX LEVIED/PAID BY ACCOUNT NUMBER 2010-2011 1ST QUARTER REDEMPTION				RUN DATE: 11/15/2010 PROGM ID: DA100000		
AGENCY 35071									
PARCEL NO	ROLLYR	SEQNO	TAX DUE	TAX PAID	SECPDUE	SECPPD	REDPDUE	REDPENPD	
8291016016	2009	000	.01	.01	.00	.00	.00	.00	
8291017012	2009	000	5.00	5.00	.50	.50	.08	.08	
8291020014	2009	000	10.00	.00	1.00	.00	.00	.00	
8291022006	2006	000	4.99	4.99	.50	.50	1.49	1.49	
8291022010	2007	000	10.00	9.78	1.00	1.00	1.20	1.20	
8291026019	2008	000	4.99	.00	.50	.00	.00	.00	
8291026028	2009	000	4.99	4.99	.50	.50	.30	.30	
8291026036	2008	000	5.49	5.49	.50	.50	.33	.33	
8291028008	2008	000	10.00	.00	1.00	.00	.00	.00	
8291028012	2009	000	10.00	.00	.50	.00	.00	.00	
8291031019	2009	000	4.99	.00	.50	.00	.00	.00	
8291032008	2009	000	10.00	10.00	1.00	1.00	.13	.13	
8291038004	2003	000	4.99	.00	.50	.00	.00	.00	
8291038004	2004	000	10.00	5.88	1.00	1.00	10.51	10.51	
8291038004	2005	000	10.00	.00	1.00	.99	8.70	8.70	
8291038004	2006	000	10.00	.00	1.01	1.01	6.85	6.85	
8291038004	2007	000	10.00	.00	.99	.99	5.14	5.14	
8291043002	2009	000	10.00	.00	1.00	.00	3.27	3.27	
8291043004	2009	000	4.99	.00	.50	.00	.00	.00	
8291043015	2009	000	4.99	.39	.50	.00	.00	.00	
9084300818	2003	000	209.72	.00	20.98	.00	.00	.00	
9084301048	2000	000	382.43	307.10	.00	.00	.00	.00	
9084303507	1997	000	1.89	.00	.19	.00	.00	.00	
9084307294	1994	000	15.76	.00	1.58	.00	.00	.00	
9084307349	1997	000	80.28	79.86	.00	.00	.00	.00	
9084307947	1997	000	2.27	.00	.23	.00	.00	.00	
*TOTAL AGENCY NO 35071			303,831.58	79,666.12	29,750.88	11,216.49	25,441.50	22,110.85	

6.5**Property Data Sales Information**

For detailed information and/or to purchase Assessor's Data such as Local Roll, Tax Parcel Base Map, etc. please go to the Office of the Assessor's website at <http://assessor.lacounty.gov> (under Business Owners, Data for Sale, General Information) or contact the following:

Los Angeles County Assessor

Information Technology Division

Property Data Sales

500 West Temple Street, Room #291

Los Angeles, CA 90012-2770

Phone #: (213) 974-3363**Days:** Monday through Friday (except Holidays)**Hours:** 7:30 am to 5:00 pm PST**E-mail:** datasales@assessor.lacounty.gov

7.1

User Identification Form

**COUNTY OF LOS ANGELES
AUDITOR-CONTROLLER, PROPERTY TAX SERVICES DIVISION
DIRECT ASSESSMENT (DA) WEB ACCESS
USER IDENTIFICATION FORM**

1. USER REQUEST INDICATOR:

<input type="checkbox"/> NEW USER (1)	<input type="checkbox"/> ACCOUNT MODIFICATION(S) (2) <input type="checkbox"/> ADD <input type="checkbox"/> DEACTIVATE	<input type="checkbox"/> CANCELLATION (3)
Complete parts 2 thru 4	Add Acct(s) - Complete parts 2 thru 4 Deactivate Acct(s) - Complete parts 2, 3A and 4	Complete parts 2 thru 4

2. USER INFORMATION:

FIRST NAME	LAST NAME
USER NAME (4) <small>(25 CHARACTERS OR LESS - MAY BE ALPHA AND/OR NUMERIC)</small>	E-MAIL ADDRESS

3. DA AGENCY INFORMATION (5):

CITY NAME

A. Agency #	B. Agency Description	C. Bill Description <small>(16 CHARACTERS OR LESS)</small>

4. AUTHORIZED SIGNEE:

- ☐ Director of Finance ☐ Manager ☐ Authorized Consulting Agent
☐ Other (please specify Title): _____

Authorized Signature: _____ Date: _____

Authorized Name: _____ Phone No: _____
PRINT NAME**NOTE:**

- (1) **'NEW USER'** - For brand new user who has never had DAWeb access. Also, you will be able to choose a password the first time you log onto the DAWeb.
- (2) **'MODIFICATIONS'** - for users who already have DAWeb access and would like to either add or de-activate their DA Account(s).
- (3) **'CANCELLATION'** - for users who would like to completely cancel their DAWeb access.
- (4) You will only need one User Name for all accounts. If your agency has more than one user, please submit an additional form for each user.
- (5) If you have more than one account, please list them all in numerical order and use the additional form if necessary.

Please fill out and submit the form immediately by e-mail to **Evelyn Ramirez** at dagroup@auditor.lacounty.gov.

7.0 FORMS

ADDITIONAL FORM FOR DIRECT ASSESSMENT INFORMATION

[illegible]

Please fill out and submit the form immediately by e-mail to **Evelyn Ramirez** at dagroup@auditor.lacounty.gov.

Bill Description Modification Form

**COUNTY OF LOS ANGELES
CONTROLLER, PROPERTY TAX SERVICES DIVISION
DIRECT ASSESSMENT (DA)
BILL DESCRIPTION MODIFICATION FORM**

Request form should be submitted by **July 15th**. After this date, the Auditor-Controller will not change the Bill Description until the following Fiscal Year.

1. SIXTEEN CHARACTER BILL DESCRIPTION:

[illegible]

2. AUTHORIZED SIGNEE:

- ☐ Director of Finance ☐ Manager ☐ Authorized Consulting Agent
- ☐ Other (please specify Title): _____

Authorized Signature: _____

Authorized Name: _____
PRINT NAME

Phone Number: _____

Date: _____

Please fill out and submit the form immediately by e-mail to **Evelyn Ramirez** at dagroup@auditor.lacounty.gov.



COUNTY OF LOS ANGELES
JEFFREY PRANG, ASSESSOR
500 WEST TEMPLE STREET, Room 291
LOS ANGELES, CALIFORNIA 90012-2770
assessor.lacounty.gov
(213) 974-3363



DATA SALES ORDER FORM AND AGREEMENT

NOTICE: *SIGNIFICANT CHANGES HAVE BEEN MADE TO THIS ORDER FORM AND AGREEMENT. UPON ACCEPTANCE BY THE OFFICE OF THE ASSESSOR, THIS ORDER CONSTITUTES A BINDING AGREEMENT BETWEEN THE PURCHASER AND THE COUNTY OF LOS ANGELES, OFFICE OF THE ASSESSOR, FOR THE SALE OF THE WITHIN DESCRIBED PERSONAL PROPERTY OF THE COUNTY. BEFORE SUBMITTING YOUR ORDER, PLEASE READ THE ENTIRE DOCUMENT. YOUR SIGNATURE SIGNIFIES THAT YOU UNDERSTAND AND ACCEPT ALL OF THE TERMS:*

PURCHASER INFORMATION:

Name: _____

Company Name: _____

Department: _____

Address: _____

City: _____ State: _____ ZIP: _____

Telephone: _____

e-mail: _____

SHIP TO: *Complete below if different from above.*

Name: _____

Company Name: _____

Department: _____

Address: _____

City: _____ State: _____ ZIP: _____

Telephone: _____

e-mail: _____

MEDIUM	ITEM NAME	FORMAT (MS Access, ASCII Text, etc.)	COPIES REQUIRED

DELIVERY INSTRUCTIONS: Pick-up _____ U.S. Mail _____ Other _____

**Please note that if you'd like the shipment to be via Fed-Ex or UPS or DHL, you need to provide your account number, so that we can charge it to your account. Do not add any shipping cost to your order if you will be using your own account number.*

PURCHASED MATERIALS WILL BE USED AS FOLLOWS:

(All uses must be listed.)

AGREEMENT/ACKNOWLEDGEMENT OF ASSESSOR RECORDS RESTRICTIONS

I/we, the Purchaser, acknowledge, understand, and agree to the following terms and conditions:

1. Authorizing Legislation: The County of Los Angeles ("County") Office of the Assessor ("Assessor") property records are being provided under this Agreement pursuant to various provisions of the California Public Records Act and the Revenue and Taxation Code, including but not limited to Government Code Sections 6253, 6254.21, 6254.24 and Revenue and Taxation Code Sections 408, 408.1, 408.2, 408.3, 451, 481, 601 and 602.

2. General Conditions: The Purchaser shall at all times observe and comply with all applicable laws, ordinances, regulations, and orders of public agencies that relate to the Agreement or any agreement entered hereunder, including but not limited to California Government Code Sections 6254.21 and 6254.24. The Purchaser more specifically understands that Government Code Section 6254.21 requires that no person, business, or association shall publicly post or publicly display on the Internet the home address or telephone number of any elected or appointed official if that official has made a written demand of that person, business, or association to not disclose his or her name, address, or telephone number. The person, business, or association that receives the written demand of an elected or appointed official shall remove the official's home address or telephone number from public display on the Internet within 48 hours of delivery of the written demand, and shall continue to ensure that this information is not reposted on the same Internet Web site, subsidiary site, or any other Internet Web site maintained by the recipient of the written demand. Purchaser acknowledges that they will be provided a complete copy of Government Code Sections 6254.21 and 6254.24 as Exhibit A of this Agreement. It is Purchaser's responsibility to ensure that they remain apprised of any changes in these sections as well as any other laws concerning the protection of privacy of individuals and the dissemination of public information.

3. Duplication and Resale of Assessor Property Records: The Assessor property records provided to the Purchaser are for the exclusive use of the Purchaser only. The Purchaser is prohibited from distributing the Assessor property records in the same or similar format and quantity in which the Assessor provided them to the Purchaser. The Purchaser is prohibited from relinquishing possession of the Assessor's property records received from the Assessor to any other person or persons, or legal entity, nor may the Purchaser, or its agent or employees, rent, lease, sublease, loan, copy, or otherwise distribute the Assessor property records or allow others to use the Assessor property records in the format in which they were provided by the Assessor.

4. Disclaimers: Pursuant to Revenue and Taxation Code Section 408.3, information concerning property characteristics is maintained solely for assessment purposes and is not continuously updated. Moreover, the Assessor may show a tentative assessed value for the roll being prepared which is subject to change prior to actual delivery of the roll and no reliance on it shall be made. Therefore, neither the County nor the Assessor makes representation nor grants any implied or express warranty that the information provided under this Agreement is accurate or complete or without errors or omissions. In accordance with Revenue and Taxation Code Section 408.3 subdivision d, neither the County nor the Assessor shall be liable to the Purchaser for any damages incurred directly or indirectly from errors, omissions, or discrepancies in the information provided. Neither the County nor the Assessor or its officers assume any liability for damages incurred directly or indirectly from errors, omissions, or discrepancies in such information, or from the dissemination of the public documents provided in general. The Purchaser, therefore, agrees to forego the pursuit of any and all available legal and equitable remedies arising from any damages incurred due to using the information provided by the Assessor.

5. Indemnification: The Purchaser shall indemnify and hold harmless the County and the Assessor, and its officers and employees, from any and all loss, cost, damage, expense or liability that may arise directly or indirectly as a result of any and all claims, losses, damages and/or injuries arising out of this Agreement, including, but not limited to, those alleged to have occurred as a result of: (1) the conduct of the Purchaser, the Purchaser's agents, employees, officers, contractors, subcontractors, bailees, subscribers or customers or any of them, whether on behalf of the Purchaser or on behalf of the Assessor; and/or (2) the release, dissemination, publication, broadcast, distribution, or other use of data or information that is the subject of this Agreement.

6. Payment: Payment of the standard charges, as determined by reference to the Assessor's Property Data Sales Price List, is to be made by the Purchaser upon picking up the product or prior to obtaining the product (if it is to be sent by mail, e-mail, or FTP), or within 30 days of billing (if a trust account has been set up with our office). The exact price of the materials ordered may not be determined until the order is finalized as the price is determined by the amount of media and data required, and as such, the price is subject to change based on the final data produced. Purchaser agrees to pay the price based on the final data produced in the order. Prices for customized orders will be reviewed on a case by case basis. If the Assessor is able to provide the customized records, the costs of producing the records may include, but are not limited to, compilation, extraction, and programming costs. Once the product has been delivered, no refunds will be made unless the order has been incorrectly processed.

I, _____, hereby declare that I have read and understand this order and agreement, and that I am duly authorized to place this order on behalf of the agency, firm or individual identified above as "Purchaser", and to bind Purchaser to the above terms and conditions. I further agree to abide by provisions 1 through 6 as set forth above in the "Agreement/Acknowledgement of Assessor Records Restrictions".

_____ Signature	_____ Date
_____ Title or Position	

SPECIAL INSTRUCTIONS:

Please make the check or money order payable to **Los Angeles County Assessor** and send it along with the original Order Form to:

**LOS ANGELES COUNTY ASSESSOR
500 W. TEMPLE STREET, ROOM 304
LOS ANGELES, CA 90012
Attn: Accounting Department**

FAX NO.: (213) 633-1923

Mailing lists/labels are exempt from sales tax. A 9.50% state sales tax will be applied to all other orders purchased at our office or shipped within Los Angeles County (with the exception of those cities which have a higher rate). California orders outside L.A. County will have a 7.25% tax rate applied. No tax applied on orders sent via e-mail or FTP, or out-of-state orders. Sales tax also applies to shipping/handling charge.

Sales tax also applies to shipping/handling charge.

Files are also available via e-mail, except for Local Roll (entire L.A. County), SBF Abstract (entire L.A. County), and GIS parcel boundary shapefile map.

Mail orders generally require a \$2 charge for postage and handling.

If you have any questions, feel free to call our office at (213) 974-3363.

Or you may come in person to our office (Room 291) to discuss and order the data.

EXHIBIT A

Cal Gov Code § 6254.21 (2010)

§ 6254.21. Posting home address or phone number of official on Internet without permission; Violation; Relief; Definitions

(a) No state or local agency shall post the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual.

(b) No person shall knowingly post the home address or telephone number of any elected or appointed official, or of the official's residing spouse or child, on the Internet knowing that person is an elected or appointed official and intending to cause imminent great bodily harm that is likely to occur or threatening to cause imminent great bodily harm to that individual. A violation of this subdivision is a misdemeanor. A violation of this subdivision that leads to the bodily injury of the official, or his or her residing spouse or child, is a misdemeanor or a felony.

(c) (1)

(A) No person, business, or association shall publicly post or publicly display on the Internet the home address or telephone number of any elected or appointed official if that official has made a written demand of that person, business, or association to not disclose his or her home address or telephone number.

(B) A written demand made under this paragraph by a state constitutional officer, a mayor, or a Member of the Legislature, a city council, or a board of supervisors shall include a statement describing a threat or fear for the safety of that official or of any person residing at the official's home address.

(C) A written demand made under this paragraph by an elected official shall be effective for four years, regardless of whether or not the official's term has expired prior to the end of the four-year period.

(D)

(i) A person, business, or association that receives the written demand of an elected or appointed official pursuant to this paragraph shall remove the official's home address or telephone number from public display on the Internet within 48 hours of delivery of the written demand, and shall continue to ensure that this information is not reposted on the same Internet Web site, subsidiary site, or any other Internet Web site maintained by the recipient of the written demand.

(ii) After receiving the elected or appointed official's written demand, the person, business, or association shall not transfer the appointed or elected official's home address or telephone number to any other person, business, or association through any other medium.

(iii) Clause (ii) shall not be deemed to prohibit a telephone corporation, as defined in Section 234 of the Public Utilities Code, or its affiliate, from transferring the elected or appointed official's home address or telephone number to any person, business, or association, if the transfer is authorized by federal or state law, regulation, order, or tariff, or necessary in the event of an emergency, or to collect a debt owed by the elected or appointed official to the telephone corporation or its affiliate.

(E) For purposes of this paragraph, "publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.

(2) An official whose home address or telephone number is made public as a result of a violation of paragraph (1) may bring an action seeking injunctive or declarative relief in any court of

competent jurisdiction. If a court finds that a violation has occurred, it may grant injunctive or declarative relief and shall award the official court costs and reasonable attorney's fees. A fine not exceeding one thousand dollars (\$1,000) may be imposed for a violation of the court's order for an injunction or declarative relief obtained pursuant to this paragraph.

(3) An elected or appointed official may designate in writing the official's employer, a related governmental entity, or any voluntary professional association of similar officials to act, on behalf of that official, as that official's agent with regard to making a written demand pursuant to this section. A written demand made by an agent pursuant to this paragraph shall include a statement describing a threat or fear for the safety of that official or of any person residing at the official's home address.

(d)

(1) No person, business, or association shall solicit, sell, or trade on the Internet the home address or telephone number of an elected or appointed official with the intent to cause imminent great bodily harm to the official or to any person residing at the official's home address.

(2) Notwithstanding any other law, an official whose home address or telephone number is solicited, sold, or traded in violation of paragraph (1) may bring an action in any court of competent jurisdiction. If a jury or court finds that a violation has occurred, it shall award damages to that official in an amount up to a maximum of three times the actual damages but in no case less than four thousand dollars (\$4,000).

(e) An interactive computer service or access software provider, as defined in Section 230(f) of Title 47 of the United States Code, shall not be liable under this section unless the service or provider intends to abet or cause imminent great bodily harm that is likely to occur or threatens to cause imminent great bodily harm to an elected or appointed official.

(f) For purposes of this section, "elected or appointed official" includes, but is not limited to, all of the following:

- | | |
|--|---|
| (1) State constitutional officers | (9) Appointees of the Legislature |
| (2) Members of the Legislature | (10) Mayors |
| (3) Judges and court commissioners | (11) City attorneys |
| (4) District attorneys | (12) Police chiefs and sheriffs |
| (5) Public defenders | (13) A public safety official, as defined in Section 6254.24 |
| (6) Members of a city council | (14) State administrative law judges |
| (7) Members of a board of supervisors | (15) Federal judges and federal defenders |
| (8) Appointees of the Governor | (16) Members of the United States Congress and appointees of the President |

(g) Nothing in this section is intended to preclude punishment instead under Sections 69, 76, or 422 of the Penal Code, or any other provision of law.

Cal Gov Code § 6254.24 (2010)

§ 6254.24. "Public Safety Official" defined

As used in this chapter, "public safety official" means the following:

- (a)** An active or retired peace officer as defined in Sections 830 and 830.1 of the Penal Code.
- (b)** An active or retired public officer or other person listed in Sections 1808.2 and 1808.6 of the Vehicle Code.
- (c)** An "elected or appointed official" as defined in subdivision (f) of Section **6254.21**.
- (d)** An attorney employed by the Department of Justice, the State Public Defender, or a county office of the district attorney or public defender, the United States Attorney, or the Federal Public Defender.
- (e)** A city attorney and an attorney who represent cities in criminal matters.
- (f)** A specified employee of the Department of Corrections and Rehabilitation who supervises inmates or is required to have a prisoner in his or her care or custody.
- (g)** A sworn or nonsworn employee who supervises inmates in a city police department, a county sheriff's office, the Department of the California Highway Patrol, federal, state, or a local detention facility, and a local juvenile hall, camp, ranch, or home, and a probation officer as defined in Section 830.5 of the Penal Code.
- (h)** A federal prosecutor, a federal criminal investigator, and a National Park Service Ranger working in California.
- (i)** The surviving spouse or child of a peace officer defined in Section 830 of the Penal Code, if the peace officer died in the line of duty.
- (j)** State and federal judges and court commissioners.
- (k)** An employee of the Attorney General, a district attorney, or a public defender who submits verification from the Attorney General, district attorney, or public defender that the employee represents the Attorney General, district attorney, or public defender in matters that routinely place that employee in personal contact with persons under investigation for, charged with, or convicted of, committing criminal acts.
- (l)** A nonsworn employee of the Department of Justice or a police department or sheriff's office that, in the course of his or her employment, is responsible for collecting, documenting, and preserving physical evidence at crime scenes, testifying in court as an expert witness, and other technical duties, and a nonsworn employee that, in the course of his or her employment, performs a variety of standardized and advanced laboratory procedures in the examination of physical crime evidence, determines their results, and provides expert testimony in court.

INITIALS

(Note: Must be submitted on agency letterhead.)

DA Account #:

AGREEMENT FOR BILLING OF DIRECT ASSESSMENTS

This agreement is made and entered into between the *Los Angeles County Auditor-Controller* and *[Name of your Agency]* to provide the service of placement of direct assessments on the Secured Tax Roll and distribution of collections to *[Name of your Agency]*.

I. PROPERTY TAX SERVICES

Los Angeles County will place direct assessments on the Secured Tax Roll and distribute collections to *[Name of your Agency]* at the same time and in the same manner as Los Angeles County property taxes are collected and distributed. *[Name of your Agency]* will adhere to the policies and procedures established by the Los Angeles County Auditor-Controller as outlined in the Direct Assessment Submission Procedure Manual.

Fee for Billing Services

For billing of direct assessments, the Los Angeles County Auditor-Controller shall collect the following charge:

DA Original Submission - \$0.25 per assessment per parcel

For correction of direct assessments requested by *[Name of your Agency]* after extension of the tax roll, the Los Angeles County Auditor-Controller will collect \$13.00 per correction.

The Los Angeles County Auditor-Controller will charge an additional fee for extended services provided to *[Name of your Agency]* that are outlined in the Auditor-Controller Direct Assessment Submission Procedure Manual.

II. COLLECTION OF AUDITOR-CONTROLLER FEES

Direct Assessment billing charges are collected once a year, on the December 20th advance distribution. Any additional charges are deducted on the next available distribution of monies.

III. ACCOUNTING SERVICES

The Los Angeles County Auditor-Controller has available a report of direct assessments levied for the tax year by parcel and will be provided to *[Name of your Agency]*. Accounting Services beyond this will be considered extended services and will be subject to additional charges and fees.

IV. MODIFICATION OF COLLECTION FEES AND CHARGES

The Los Angeles County Auditor-Controller reserves the right to increase or decrease any charges herein provided, in proportion to any changes in costs incurred by the Auditor-Controller in providing the services described herein, provided that written notice of any increase or decrease in charges is given to *[Name of your Agency]*.

V. AUTHORITY FOR LEVY AND COMPLIANCE WITH LAW

The authority for such levy, (i.e. resolution, ordinance or election), shall accompany requests for the levy of direct assessments. *[Name of your Agency]* warrants that the taxes, fees, or assessments imposed by *[Name of your Agency]* and collected pursuant to this Agreement comply with all requirements of state law, including but not limited to Articles XIIC and XIID of the California Constitution (Proposition 218).

[Name of your Agency] hereby releases and forever discharges Los Angeles County and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of *[Name of your Agency]* responsibility under this agreement or other action taken by *[Name of your Agency]* in establishing a special tax, fee, or assessment and implementing collection of special taxes, fees, or assessments as contemplated in this agreement.

[Name of your Agency] agrees to and shall defend, indemnify and hold harmless Los Angeles County and its officers, agents and employees ("indemnified parties") from any and all claims, demands, liabilities, costs and expenses, damages, causes of action and judgments, in any manner arising out of any of *[Name of your Agency]* responsibility under this agreement, or other action taken by *[Name of your Agency]* in establishing a special tax, fee, or assessment and implementing collection of special taxes, fees, or assessments as contemplated in this agreement.

If any judgment is entered against any indemnified party as a result of action taken to implement this Agreement, *[Name of your Agency]* agrees that Los Angeles County may offset the amount of any judgment paid by Los Angeles County or by any indemnified party from any monies collected by Los Angeles County on *[Name of your Agency]* behalf, including property taxes, special taxes, fees, or assessments. Los Angeles County may, but is not required to, notify *[Name of your Agency]* of its intent to implement any offset authorized by this paragraph.

VI. TERMS OF AGREEMENT

All existing agreements between Los Angeles County Auditor-Controller and ***[Name of your Agency]*** pertaining to the collection of direct assessments shall be terminated upon the execution of this agreement. This agreement shall continue from year to year and shall be subject to cancellation by either party by giving a thirty-day written notice to the other party of cancellation.

AUTHORIZED SIGNED:

- ☐ Director of Finance ☐ Manager ☐ Authorized Consulting Agent
☐ Other (please specify Title): _____

Authorized Signature: _____ Date: _____

Authorized Name: _____
PRINT NAME

For Auditor-Controller Use Only

Approved Signature: _____ Date: _____
SECTION MANAGER

Approved Name: _____
PRINT NAME

**COUNTY OF LOS ANGELES PUBLIC LIBRARY
PARCEL RECOMMENDATION REPORT
FISCAL YEAR 2019-20**

PARCEL NUMBER (AIN)	LSA NUMBER	RECOMMENDED LIBRARY SERVICE AREA	AREA TYPE
XXXX-XXX-XXX	1	A C Bilbrew	Unincorporated
XXXX-XXX-XXX	3	Angelo M. Iacoboni	Lakewood
XXXX-XXX-XXX	4	Antelope Valley Bookmobile	Unincorporated
XXXX-XXX-XXX	22	Duarte	Duarte
XXXX-XXX-XXX	22	Duarte	Unincorporated
XXXX-XXX-XXX	26	El Monte	El Monte
XXXX-XXX-XXX	27	Florence	Unincorporated
XXXX-XXX-XXX	29	George Nye Jr.	Lakewood
XXXX-XXX-XXX	30	Graham	Unincorporated
XXXX-XXX-XXX	31	Hacienda Heights	Unincorporated
MULTIPLE PAGE DOCUMENT			
XXXX-XXX-XXX	89	Castaic	Unincorporated
XXXX-XXX-XXX	90	East Lancaster (Future)	Unincorporated
XXXX-XXX-XXX	94	Stevenson Ranch	Unincorporated
XXXX-XXX-XXX	95	Topanga	Unincorporated
XXXX-XXX-XXX	99	Placerita Canyon (Future)	Unincorporated

AGENCY INFORMATION SHEET

(Account Number and 16 Character Bill Description)

(Agency Description)

Please be advised that for Fiscal Year (FY) 2019-2020 **(check appropriate box)**:

- ☐ 1. We will **not** submit Direct Assessment (DA) Input for the above referenced account **(check appropriate box)**:
☐ Current Year **(FY stated above)** ☐ Future Years **(No Longer Active)**
- ☐ 2. We will submit DA Input for the above referenced direct assessment account on or before **August 10th**.
- ☐ 3. We have a written authority to levy assessments (i.e. resolution, ordinance, certified election results) until:
☐ Expiration Date _____ ☐ No Expiration Date **(Ongoing Resolution)**
- ☐ 4. We have received, read and understood the 2019 DA Submission Procedure Manual.
- ☐ 5. We have chosen **(check appropriate box) Option 1** ☐ or **Option 2** ☐ for the DA Processing Undergoing Parcel Changes **(see page 13 of DA Manual)**

The following are the Agency contacts for taxpayer inquiries and processing questions regarding direct assessment charges for the above referenced account number:

Bill Information

Contact Name: _____

Website: _____

Phone No. To Be Listed On Tax Bill: _____ ext. _____

Contact's Address 1: _____

Address 2: _____ City: _____ State: _____ Zip Code: _____

Processing Information

☐ Consultant Agency Name or ☐ Levying Agency (City/Department Name)

Contact Name _____ Phone No.: _____ ext. _____

Consultant/Levying Agency E-mail Address: _____

The Auditor-Controller will forward all direct assessment correspondence to the attention of the Director of Finance/Manager/Authorized Consulting Agency. Signature indicates that all above information is correct.

Authorized Signee

☐ Director of Finance ☐ Manager ☐ Authorized Consulting Agent ☐ Other (Title): _____

Name: I _____
(PRINT NAME)

Signature: _____ Date: _____

Note: All changes must be updated and saved on the online fillable form only. Do not modify the PDF or Hardcopy.

DATE: August 06, 2019

TO: Department of Auditor-Controller
Property Tax Services Division
Direct Assessment Unit
ATTN: Evelyn Ramirez

FILE TYPE: Direct Assessment File

AGENCY ACCOUNT NUMBER: 003.11

BILL DESCRIPTION: COUNTY LIBRARY

TOTAL ASSESSMENT AMOUNT:

TOTAL PARCEL COUNT:

This is to certify that the Total Assessment Amount and Total Parcel Count for our Agency Account Number listed above is correct and that we are authorized to add this Direct Assessment amount onto the Fiscal Year 2019-2020 Secured Tax Roll (STR).

Authorized By:

Signature

Date Signed

Name and Title:

If there are any problems relating to the data provided, please call:

Primary Contact:

Name and Title:

Phone Number:

Email Address:

Secondary Contact (if applicable):

Name and Title:

Phone Number:

Email Address:

Reminder: Please check for exceptions by clicking "DA Exception Report" under Help menu options.

**COUNTY OF LOS ANGELES PUBLIC LIBRARY
PRELIMINARY SPECIAL TAX SUMMARY DATA REPORT
FISCAL YEAR 2019-20**

	FY 2018-19 Final Total		FY 2019-20 Preliminary Total		Increase/(Decrease)	
	Special Tax Rate: \$31.59		Special Tax Rate: \$31.59		Special Tax Rate Change: \$0	
City	Parcels	Anticipated Tax Revenues	Parcels	Anticipated Tax Revenues	Expected Parcel Change	Expected Tax Revenue Change
Cudahy	1,708	\$ 53,955.72	1,708	\$ 53,955.72	0	\$ -
Culver City	13,296	420,020.64	13,296	420,020.64	0	-
Duarte	5,955	188,118.45	5,954	188,086.86	-1	(31.59)
El Monte	17,598	555,920.82	17,598	555,920.82	0	-
La Canada Flintridge	7,515	237,398.85	7,515	237,398.85	0	-
Lakewood	24,035	759,265.65	24,035	759,265.65	0	-
Lomita	5,022	158,644.98	5,022	158,644.98	0	-
Lynwood	10,089	318,711.51	10,089	318,711.51	0	-
Maywood	3,244	102,477.96	3,244	102,477.96	0	-
West Hollywood	9,807	309,803.13	9,807	309,803.13	0	-
Subtotal	98,269	\$ 3,104,317.71	98,268	\$ 3,104,286.12	-1	\$ (31.59)
Unincorporated	299,887	9,473,430.33	300,413	9,490,046.67	526	16,616.34
Total	398,156	\$ 12,577,748.04	398,681	\$ 12,594,332.79	525	\$ 16,584.75

Report Section 1

**COUNTY OF LOS ANGELES PUBLIC LIBRARY
FINAL SPECIAL TAX SUMMARY DATA REPORT
FISCAL YEAR 2019-20**

	FY 2019-20 Preliminary Total		FY 2019-20 Final Total		Increase/(Decrease)	
	Special Tax Rate: \$31.59		Special Tax Rate: \$32.22		Special Tax Rate Change: \$0.63	
City	Parcels	Anticipated Tax Revenues	Parcels	Anticipated Tax Revenues	Expected Parcel Change	Expected Tax Revenue Change
Cudahy	1,708	\$ 53,955.72	1,715	\$ 55,257.30	7	\$ 1,301.58
Culver City	13,296	420,020.64	13,317	429,073.74	21	9,053.10
Duarte	5,954	188,086.86	5,972	192,417.84	18	4,330.98
El Monte	17,598	555,920.82	17,725	571,099.50	127	15,178.68
La Canada Flintridge	7,515	237,398.85	7,514	242,101.08	-1	4,702.23
Lakewood	24,035	759,265.65	24,044	774,697.68	9	15,432.03
Lomita	5,022	158,644.98	5,020	161,744.40	-2	3,099.42
Lynwood	10,089	318,711.51	10,082	324,842.04	-7	6,130.53
Maywood	3,244	102,477.96	3,242	104,457.24	-2	1,979.28
West Hollywood	9,807	309,803.13	9,786	315,304.92	-21	5,501.79
Subtotal	98,268	\$ 3,104,286.12	98,417	\$ 3,170,995.74	149	\$ 66,709.62
Unincorporated	300,413	9,490,046.67	297,948	9,599,884.56	(2,465)	109,837.89
Total	398,681	\$ 12,594,332.79	396,365	\$ 12,770,880.30	(2,316)	\$ 176,547.51

Report Section 2

REPORT OF UNINCORPORATED PARCELS BY PARCEL MAP BOOK

Map Book	Parcels	Special Tax Revenues
2006	466	\$15,014.52
2007	371	\$11,953.62
Multiple Page Document		
8940	1,107	\$35,667.54
8950	16	\$515.52
TOTALS:	297,948	\$9,599,884.56

**COUNTY OF LOS ANGELES PUBLIC LIBRARY
LIBRARY SERVICE AREA REPORT
FISCAL YEAR 2019-20**

LIBRARY SERVICE AREA Parcel Type	PARCEL COUNT	TAX LEVY¹ (\$32.22/Parcel)	ALLOCATION²	BUDGET³
A C Bilbrew				
Unincorporated	5,215	\$168,027.30	1.32%	\$168,575
	5,215	\$168,027.30	1.32%	\$168,575
Acton/Agua Dulce				
Unincorporated	8,424	\$271,421.28	2.13%	\$272,019
	8,424	\$271,421.28	2.13%	\$272,019
Alondra				
Unincorporated	167	\$5,380.74	0.04%	\$5,108
	167	\$5,380.74	0.04%	\$5,108
Angelo M. Iacoboni				
Lakewood	16,591	\$534,562.02	4.19%	\$535,099
Unincorporated	544	\$17,527.68	0.14%	\$17,879
	17,135	\$552,089.70	4.33%	\$552,979
Antelope Valley Bookmobile				
Unincorporated	8,346	\$268,908.12	2.11%	\$269,465
	8,346	\$268,908.12	2.11%	\$269,465
MULTIPLE PAGE DOCUMENT				
Woodcrest				
Unincorporated	7,152	\$230,437.44	1.80%	\$229,875
	7,152	\$230,437.44	1.80%	\$229,875
Total:	396,367⁴	\$12,770,880.30	100.00%	\$12,770,880

NOTE:

¹ Tax Levy = Parcel Count multiplied by Special Tax Rate, per Special Tax Rate and Taxable Properties

² Allocation % = Parcel Count divided by Parcel Count Total (see Note 4)

³ Budget = Allocation % multiplied by Special Tax Budget, Special Tax Rate and Taxable Properties

⁴ Parcel Count Total



Special Tax Lookup



Number of Records

396,365

Land Value

\$91,613,815,652

Total Value

\$162,529,930,602

\$12.77M

Total Tax

Fiscal year	Parcel Number	Site Address	Owner
2019	<input type="text" value="Search"/>	<input type="text" value="Search"/>	<input type="text" value="Search"/>

Parcel No	Owner	Co Owner	Site Address	Mail Address	Mail City	Mail Zip
2006001005	CHATSWORTH LAKE COMMUNITY CHURCH		00000 000000000	23449 LAKE MANOR DR	CHATSWORTH CA	913110000
2006001006	AZULAY,TJ HANAN AND MELINDA L		23500 LAKE MANOR DR LOS ANGELES CA 913110000	23500 LAKE MANOR DR	CHATSWORTH CA	913110000
2006001007	LEBENS,KAREN A TR	ELLSWORTH INVESTMENT TRUST	09321 VENTURA WAY CHATSWORTH CA 913110000	00000 PO BOX 445	LAKE ARROWHEAD CA	923520000
2006003001	G AND D CHASWORTH LLC		00000 000000000	12541 CHANDLER BLVD	VALLEY VILLAGE CA	916070000
2006003002	G AND D CHASWORTH LLC		00000 000000000	12541 CHANDLER BLVD	VALLEY VILLAGE CA	916070000
2006003003	G AND D CHASWORTH LLC		00000 000000000	12541 CHANDLER BLVD	VALLEY VILLAGE CA	916070000
2006003004	G AND D CHASWORTH LLC		00000 000000000	12541 CHANDLER BLVD	VALLEY VILLAGE CA	916070000

Additional Parcel Data

Tax Rate Area	Land Use Code	Use code	Dwelling Unit	Total Tax
00636	MSC		0	\$32.22
00656	MSC		0	\$96.66
00932	MSC		0	\$96.66
00940	MSC		0	\$32.22
00984	MSC		0	\$64.44
01010	MSC		0	\$32.22
01040	MSC		0	\$32.22
01084	MSC		0	\$32.22
01173	MSC		0	\$32.22
01208	MSC		0	\$32.22
01225	MSC		0	\$32.22
Total			407703	\$12,770,880.30

Parcel Location



PRICING SHEET

Task		TOTAL DOLLARS
8.0	SECTION 8.0 - Annual Specific Work Requirements	
	Annual Total (Years 1-3):	\$22,165
8.1	Special Tax Database	
8.2	Preliminary Special Tax Summary Data Report	
8.3	Direct Assessment Input (Submittal)	
8.4	Final Special Tax Summary Data Report	
8.5	Library Service Area/Parcel Corrections	
8.6	Library Service Area Report	
8.7	Special Tax Library Service Area Data File	
8.8	Interface Program Update	
	3-year Total:	\$66,495
	5-year Total (Escalated 3% per year)	\$112,840
9.0	SECTION 9.0 - Special Tax Program Audit (Optional):	\$5,000
	3-year Total with Audit:	\$71,495
	5-year Total with Audit	\$117,840

The above pricing is for Fiscal Years 2022-23 through 2024-25. Any authorized extension after 2024-25 will be escalated 3%.

POSITION	HOURLY RATE
Director	\$270
Project Manager	\$205
Senior Professional Engineer	\$185 - \$200
Professional Engineer	\$155 - \$185
Senior Analyst	\$150 - \$175
Analyst	\$125 - \$150
Clerical	\$100

Rates are subject to increase by the consumer price index (CPI) each year starting on January 1, 2023.

INTENTIONALLY OMITTED

REQUIRED FORMS - EXHIBIT 8
PROPOSER'S EEO CERTIFICATION

Harris & Associates, Inc.

Company Name

One California Plaza, 300 S Grand Avenue, Suite 3830, Los Angeles, CA 90071

Address

94-2385238

Internal Revenue Service Employer Identification Number

GENERAL

In accordance with provisions of the County Code of the County of Los Angeles, the Proposer certifies and agrees that all persons employed by such firm, its affiliates, subsidiaries, or holding companies are and will be treated equally by the firm without regard to or because of race, religion, ancestry, national origin, or sex and in compliance with all anti-discrimination laws of the United States of America and the State of California.

CERTIFICATION	YES	NO
1. Proposer has written policy statement prohibiting discrimination in all phases of employment.	(X)	()
2. Proposer periodically conducts a self-analysis or utilization analysis of its work force.	(X)	()
3. Proposer has a system for determining if its employment practices are discriminatory against protected groups.	(X)	()
4. When problem areas are identified in employment practices, Proposer has a system for taking reasonable corrective action to include establishment of goal and/or timetables.	(X)	()


 Signature

12/20/2021

Date

Alison Bouley, PE, VP, Municipal & District Finance Consulting

Name and Title of Signer (please print)

COUNTY'S ADMINISTRATION

CONTRACT NO. _____

COUNTY PROJECT DIRECTOR:

Name: Elsa Munoz
Title: Head, Support Services
Address: 7400 E. Imperial Hwy., Room 206
Downey, CA 90242
Telephone: 562.940.8450 Facsimile: _____
E-Mail Address: emunoz@library.lacounty.gov

COUNTY PROJECT MANAGER:

Name: Gilbert A. Garcia
Title: Contract Services Coordinator
Address: 7400 E. Imperial Hwy., Room 206
Downey, CA 90242
Telephone: 562.459.6780 Facsimile: _____
E-Mail Address: ggarcia@library.lacounty.gov

COUNTY CONTRACT PROJECT MONITORS:

Address: 7400 E. Imperial Hwy., Room 206
Downey, CA 90242

Sevak Khatchadorian 562.459.6783 skhatchadorian@library.lacounty.gov

Liticia Isunza 562.459.6770 lisunza@library.lacounty.gov

Yoon Y. Kim 562.459.6781 yykim@library.lacounty.gov

CONTRACTOR'S ADMINISTRATION**CONTRACTOR'S NAME:** _____**CONTRACT NO:** _____**CONTRACTOR'S PROJECT MANAGER:** _____

Name: _____

Title: _____

Address: _____

Telephone: _____

Facsimile: _____

E-Mail Address: _____

CONTRACTOR'S AUTHORIZED OFFICIAL(S)

Name: _____

Title: _____

Address: _____

Telephone: _____

Facsimile: _____

E-Mail Address: _____

Name: _____

Title: _____

Address: _____

Telephone: _____

Facsimile: _____

E-Mail Address: _____

Notices to Contractor shall be sent to the following:

Name: _____

Title: _____

Address: _____

Telephone: _____

Facsimile: _____

E-Mail Address: _____

G3-IT CONTRACTOR NON-EMPLOYEE ACKNOWLEDGEMENT, CONFIDENTIALITY, AND
COPYRIGHT ASSIGNMENT AGREEMENT

COVID-19 Vaccination Certification of Compliance
Urgency Ordinance, County Code Title 2 – Administration, Division 4 – Miscellaneous –
Chapter 2.212 (COVID-19 Vaccinations of County Contractor Personnel)

I, _____, on behalf of _____, (the
“Contractor”), certify that on County Contract _____[ENTER
CONTRACT NUMBER AND NAME]:

_____ All Contractor Personnel* on this Contract are fully vaccinated as required by the
Ordinance.

_____ Most Contractor Personnel* on this Contract are fully vaccinated as required by the
Ordinance. The Contractor or its employer of record, has granted a valid medical or religious
exemption to the below identified Contractor Personnel. Contractor will certify weekly that the
following unvaccinated Contractor Personnel have tested negative within 72 hours of starting their
work week under the County Contract, unless the contracting County department requires
otherwise. The Contractor Personnel who have been granted a valid medical or religious
exemption are [LIST ALL CONTRACTOR PERSONNEL]:

*Contractor Personnel includes subcontractors.

_____ I have authority to bind the Contractor, and have reviewed the requirements above and
further certify that I will comply with said requirements.

Signature

Date

Title

Company/Contractor Name

Title 2 ADMINISTRATION
Chapter 2.203.010 through 2.203.090
CONTRACTOR EMPLOYEE JURY SERVICE

2.203.010 Findings.

The board of supervisors makes the following findings. The county of Los Angeles allows its permanent, full-time employees unlimited jury service at their regular pay. Unfortunately, many businesses do not offer or are reducing or even eliminating compensation to employees who serve on juries. This creates a potential financial hardship for employees who do not receive their pay when called to jury service, and those employees often seek to be excused from having to serve. Although changes in the court rules make it more difficult to excuse a potential juror on grounds of financial hardship, potential jurors continue to be excused on this basis, especially from longer trials. This reduces the number of potential jurors and increases the burden on those employers, such as the county of Los Angeles, who pay their permanent, full-time employees while on juror duty. For these reasons, the county of Los Angeles has determined that it is appropriate to require that the businesses with which the county contracts possess reasonable jury service policies. (Ord. 2002-0015 § 1 (part), 2002)

2.203.020 Definitions.

The following definitions shall be applicable to this chapter:

- A. "Contractor" means a person, partnership, corporation or other entity which has a contract with the county or a subcontract with a county contractor and has received or will receive an aggregate sum of \$50,000 or more in any 12-month period under one or more such contracts or subcontracts.
- B. "Employee" means any California resident who is a full-time employee of a contractor under the laws of California.
- C. "Contract" means any agreement to provide goods to, or perform services for or on behalf of, the county but does not include:
 - 1. A contract where the board finds that special circumstances exist that justify a waiver of the requirements of this chapter; or
 - 2. A contract where federal or state law or a condition of a federal or state program mandates the use of a particular contractor; or
 - 3. A purchase made through a state or federal contract; or
 - 4. A monopoly purchase that is exclusive and proprietary to a specific manufacturer, distributor, or reseller, and must match and inter-member with existing supplies, equipment or systems maintained by the county pursuant to the Los Angeles County Purchasing Policy and Procedures Manual, Section P-3700 or a successor provision; or
 - 5. A revolving fund (petty cash) purchase pursuant to the Los Angeles County Fiscal Manual, Section 4.4.0 or a successor provision; or
 - 6. A purchase card purchase pursuant to the Los Angeles County Purchasing Policy and Procedures Manual, Section P-2810 or a successor provision; or
 - 7. A non-agreement purchase with a value of less than \$5,000 pursuant to the Los Angeles County Purchasing Policy and Procedures Manual, Section A-0300 or a successor provision; or
 - 8. A bona fide emergency purchase pursuant to the Los Angeles County Purchasing Policy and Procedures Manual, Section PP-1100 or a successor provision.

Title 2 ADMINISTRATION
Chapter 2.203.010 through 2.203.090
CONTRACTOR EMPLOYEE JURY SERVICE

- D. "Full time" means 40 hours or more worked per week, or a lesser number of hours if:
1. The lesser number is a recognized industry standard as determined by the chief administrative officer, or
 2. The contractor has a long-standing practice that defines the lesser number of hours as full time.
- E. "County" means the county of Los Angeles or any public entities for which the board of supervisors is the governing body. (Ord. 2002-0040 § 1, 2002: Ord. 2002-0015 § 1 (part), 2002)

2.203.030 Applicability.

This chapter shall apply to contractors who enter into contracts that commence after July 11, 2002. This chapter shall also apply to contractors with existing contracts which are extended into option years that commence after July 11, 2002. Contracts that commence after May 28, 2002, but before July 11, 2002, shall be subject to the provisions of this chapter only if the solicitations for such contracts stated that the chapter would be applicable. (Ord. 2002-0040 § 2, 2002: Ord. 2002-0015 § 1 (part), 2002)

2.203.040 Contractor Jury Service Policy.

A contractor shall have and adhere to a written policy that provides that its employees shall receive from the contractor, on an annual basis, no less than five days of regular pay for actual jury service. The policy may provide that employees deposit any fees received for such jury service with the contractor or that the contractor deduct from the employees' regular pay the fees received for jury service. (Ord. 2002-0015 § 1 (part), 2002)

2.203.050 Other Provisions.

- A. Administration. The chief administrative officer shall be responsible for the administration of this chapter. The chief administrative officer may, with the advice of county counsel, issue interpretations of the provisions of this chapter and shall issue written instructions on the implementation and ongoing administration of this chapter. Such instructions may provide for the delegation of functions to other county departments.
- B. Compliance Certification. At the time of seeking a contract, a contractor shall certify to the county that it has and adheres to a policy consistent with this chapter or will have and adhere to such a policy prior to award of the contract. (Ord. 2002-0015 § 1 (part), 2002)

2.203.060 Enforcement and Remedies.

For a contractor's violation of any provision of this chapter, the county department head responsible for administering the contract may do one or more of the following:

1. Recommend to the board of supervisors the termination of the contract; and/or,
 2. Pursuant to chapter 2.202, seek the debarment of the contractor. (Ord. 2002-0015 § 1 (part), 2002)
-

Title 2 ADMINISTRATION
Chapter 2.203.010 through 2.203.090
CONTRACTOR EMPLOYEE JURY SERVICE

2.203.070. Exceptions.

- A. Other Laws. This chapter shall not be interpreted or applied to any contractor or to any employee in a manner inconsistent with the laws of the United States or California.
- B. Collective Bargaining Agreements. This chapter shall be superseded by a collective bargaining agreement that expressly so provides.
- C. Small Business. This chapter shall not be applied to any contractor that meets all of the following:
 - 1. Has ten or fewer employees during the contract period; and,
 - 2. Has annual gross revenues in the preceding twelve months which, if added to the annual amount of the contract awarded, are less than \$500,000; and,
 - 3. Is not an affiliate or subsidiary of a business dominant in its field of operation.

“Dominant in its field of operation” means having more than ten employees and annual gross revenues in the preceding twelve months which, if added to the annual amount of the contract awarded, exceed \$500,000.

“Affiliate or subsidiary of a business dominant in its field of operation” means a business which is at least 20 percent owned by a business dominant in its field of operation, or by partners, officers, directors, majority stockholders, or their equivalent, of a business dominant in that field of operation. (Ord. 2002-0015 § 1 (part), 2002)

2.203.090. Severability.

If any provision of this chapter is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. (Ord. 2002-0015 § 1 (part), 2002)

SAFELY SURRENDERED BABY LAW

Safely Surrendered



No shame. No blame. No names.

In Los Angeles County: 1-877-BABY SAFE • 1-877-222-9723

www.babysafela.org



In Los Angeles County: 1-877-BABY SAFE • 1-877-222-9723

www.babysafela.org

Safely Surrendered Baby Law

What is the Safely Surrendered Baby Law?

California's Safely Surrendered Baby Law allows parents or other persons, with lawful custody, which means anyone to whom the parent has given permission to confidentially surrender a baby. As long as the baby is three days (72 hours) of age or younger and has not been abused or neglected, the baby may be surrendered without fear of arrest or prosecution.

Every baby deserves a chance for a healthy life. If someone you know is considering abandoning a baby, let her know there are other options. For three days (72 hours) after birth, a baby can be surrendered to staff at any hospital or fire station in Los Angeles County.

How does it work?

A distressed parent who is unable or unwilling to care for a baby can legally, confidentially, and safely surrender a baby within three days (72 hours) of birth. The baby must be handed to an employee at a hospital or fire station in Los Angeles County. As long as the baby shows no sign of abuse or neglect, no name or other information is required. In case the parent changes his or her mind at a later date and wants the baby back, staff will use bracelets to help connect them to each other. One bracelet will be placed on the baby, and a matching bracelet will be given to the parent or other surrendering adult.

What if a parent wants the baby back?

Parents who change their minds can begin the process of reclaiming their baby within 14 days. These parents should call the Los Angeles County Department of Children and Family Services at 1-800-540-4000.

Can only a parent bring in the baby?

No. While in most cases a parent will bring in the baby, the Law allows other people to bring in the baby if they have lawful custody.

Does the parent or surrendering adult have to call before bringing in the baby?

No. A parent or surrendering adult can bring in a baby anytime, 24 hours a day, 7 days a week, as long as the parent or surrendering adult surrenders the baby to someone who works at the hospital or fire station.

Does the parent or surrendering adult have to tell anything to the people taking the baby?

No. However, hospital or fire station personnel will ask the surrendering party to fill out a questionnaire designed to gather important medical history information, which is very useful in caring for the baby. The questionnaire includes a stamped return envelope and can be sent in at a later time.

What happens to the baby?

The baby will be examined and given medical treatment. Upon release from the hospital, social workers immediately place the baby in a safe and loving home and begin the adoption process.

What happens to the parent or surrendering adult?

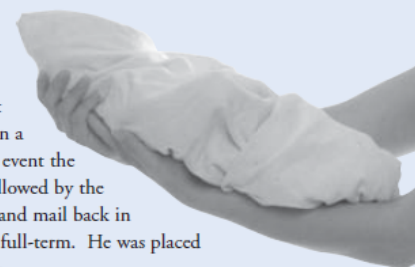
Once the parent or surrendering adult surrenders the baby to hospital or fire station personnel, they may leave at any time.

Why is California doing this?

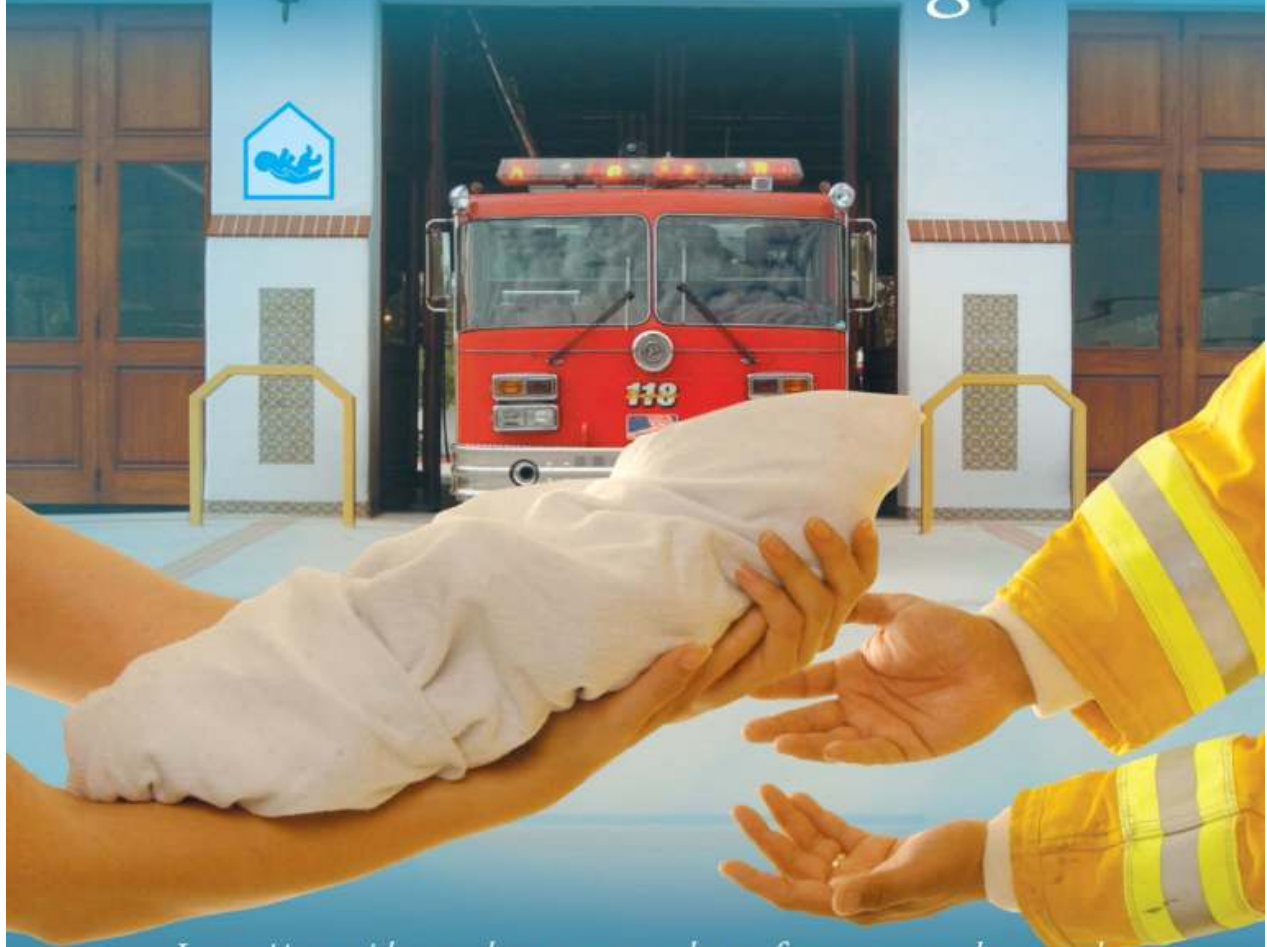
The purpose of the Safely Surrendered Baby Law is to protect babies from being abandoned, hurt or killed by their parents. You may have heard tragic stories of babies left in dumpsters or public bathrooms. Their parents may have been under severe emotional distress. The mothers may have hidden their pregnancies, fearful of what would happen if their families found out. Because they were afraid and had no one or nowhere to turn for help, they abandoned their babies. Abandoning a baby is illegal and places the baby in extreme danger. Too often, it results in the baby's death. The Safely Surrendered Baby Law prevents this tragedy from ever happening again in California.

A baby's story

Early in the morning on April 9, 2005, a healthy baby boy was safely surrendered to nurses at Harbor-UCLA Medical Center. The woman who brought the baby to the hospital identified herself as the baby's aunt and stated the baby's mother had asked her to bring the baby to the hospital on her behalf. The aunt was given a bracelet with a number matching the anklet placed on the baby; this would provide some identification in the event the mother changed her mind about surrendering the baby and wished to reclaim the baby in the 14-day period allowed by the Law. The aunt was also provided with a medical questionnaire and said she would have the mother complete and mail back in the stamped return envelope provided. The baby was examined by medical staff and pronounced healthy and full-term. He was placed with a loving family that had been approved to adopt him by the Department of Children and Family Services.



Ley de Entrega de Bebés *Sin Peligro*



Los recién nacidos pueden ser entregados en forma segura al personal de cualquier hospital o cuartel de bomberos del Condado de Los Ángeles

Sin pena. Sin culpa. Sin nombres.

En el Condado de Los Ángeles: 1-877-BABY SAFE • 1-877-222-9723

www.babysafela.org



BOARD LETTER/MEMO CLUSTER FACT SHEET

☒ Board Letter

☐ Board Memo

☐ Other

CLUSTER AGENDA REVIEW DATE	3/16/2022	
BOARD MEETING DATE	4/5/2022	
SUPERVISORIAL DISTRICT AFFECTED	<input checked="" type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input type="checkbox"/> 5 th	
DEPARTMENT(S)	Parks and Recreation	
SUBJECT	Approval of the recommended actions will allow the County of Los Angeles Department of Parks and Recreation (Department) to enter into an affiliation agreement (Agreement) with the Los Angeles County Parks Foundation (Foundation), a California 501(c)(3) nonprofit corporation, for the provision of services contemplated in this Agreement by the Foundation to the Department.	
PROGRAM	Approval of the recommended actions would allow the Foundation to support numerous Department programs that further the mission and values of the Department and County.	
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	If Yes, please explain why: Not applicable	
DEADLINES/ TIME CONSTRAINTS	The Department and Foundation wish to launch an awareness and fundraising campaign in April 2022.	
COST & FUNDING	Total cost: \$0	Funding source: N/A
	TERMS (if applicable):	
	Explanation: No impact on net County Cost	
PURPOSE OF REQUEST	The purpose of the request: to approve and instruct the Chair to sign an Agreement between the Department and Foundation; delegate authority to the Department Director, or her designee, to enter into the Agreement to execute all future amendments, modifications, extensions, augmentations, and termination relative to the Agreement; approve the Department Director, or her designee, to serve on the Foundation's Board of Directors; approve other County employees to serve the Foundation in non-leadership administrative roles; will allow the Foundation to work collaboratively with the Department to provide funding resources to the Department that aide, promote, advance and assist public parks and recreation programs that will further the Department's and County's missions and values.	
BACKGROUND (include internal/external issues that may exist including any related motions)	The Foundation, incorporated in 1980, amended and restated its articles of incorporation and bylaws in 2020 to operate as a Nonprofit Public Benefit Corporation in order to relaunch the organization and re-engage its charitable purpose to receive and distribute funds, property, and other resources within Los Angeles County for the aiding, sponsoring, promoting, advancing and assisting of public parks and recreation in Los Angeles County. The Department and Foundation wish to enter into an agreement for these purposes. No known internal or external issues or concerns exist. There are no related motions.	

EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Not applicable If Yes, please explain how:
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please state which one(s) and explain how: 3-Care First, Jails Last: An approved Agreement will allow the Foundation to help support Department afterschool programs, which are shown to reduce juvenile crime in the U.S. 7-Sustainability: An approved Agreement, will allow the Foundation to help support Department projects and programs that support sustainability, such as tree planting projects that improve urban ecosystems, control storm water, conserve energy, and provide wildlife habitats and shade in high-need areas. 8-Anti-Racism, Diversity and Inclusion: An approved Agreement will allow the Foundation to help support Department programs, like Sports for All, that are geared toward serving youth in underserved communities of color and living in households with low income.
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Andrea Vona, Grants/Legislative Section Head, 626-588-5249 avona@parks.lacounty.gov



COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION

"Parks Make Life Better!"

Norma E. García-González, Director

Alina Bokde, Chief Deputy Director

April 5, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**AGREEMENT BETWEEN
THE COUNTY OF LOS ANGELES DEPARTMENT OF PARKS AND RECREATION
AND THE LOS ANGELES COUNTY PARKS FOUNDATION
(ALL SUPERVISORIAL DISTRICTS) (3-VOTES)**

SUBJECT

Approval of the recommended actions will allow the County of Los Angeles Department of Parks and Recreation to enter into an affiliation agreement with the Los Angeles County Parks Foundation, a California 501(c)(3) nonprofit corporation, for the provision of services contemplated in this affiliation agreement by the the Los Angeles County Parks Foundation to the Department of Parks and Recreation.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the proposed actions are not a project under the California Environmental Quality Act for the reasons stated in this Board letter and the record.
2. Approve and instruct the Chair of the Board to sign the attached affiliation agreement between the Department of Parks and Recreation and the Los Angeles County Parks Foundation.
3. Delegate authority to the Director of the Department of Parks and Recreation, or her designee, to enter into the affiliation agreement and to execute all future amendments, modifications, extensions, augmentations, and termination relative to the affiliation agreement, as necessary.

4. Approve the Director of the Department of Parks and Recreation, or her designee, to serve on the Los Angeles County Parks Foundation's Board of Directors and approve assignment of other County employees to serve the Los Angeles County Parks Foundation in non-leadership administrative roles.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The recommended actions will provide authority to establish an agreement between the Department of Parks and Recreation (Department) and the Los Angeles County Parks Foundation (Foundation) to allow the Foundation to work collaboratively with the Department to create partnerships that provide funding resources to the Department that aide, sponsor, promote, advance, and assist public parks and recreation programs that will further the Department's mission and values. These essential programs will also help accomplish the County of Los Angeles' (County) mission to measurably improve the quality of life for the people and communities of Los Angeles County.

The Foundation was incorporated in 1980 and the articles of incorporation were amended and restated in 2020 under the Nonprofit Public Benefit Corporation Law to operate as a Nonprofit Public Benefit Corporation for charitable and educational purposes. The Foundation is not organized for the private gain of any person.

The term of the affiliation agreement (Agreement) is open and will remain in effect unless and until terminated. The Department or the Foundation may terminate this Agreement without cause upon a 30-day written notice to the other.

The Foundation agrees to the following:

- Provide gifts, in the form of funds, property, and other resources to the Department as deemed necessary by the Director or her designee.
- Make provision for the use of its programs and any technologies developed in collaboration with the Department.
- May solicit donations, including but not limited to, equipment, monetary, advertising, and other related resources, from private entities and apply for grants to support the obligations within this Foundation Agreement, in consultation with the Department.
- Represent the Department and/or Director at professional associations as mutually agreed upon as resources are available.

- Will not use County time, materials, or resources to engage in social media activities, unless authorized by the Director or her designee.
- Provide financial information and/or reports upon request.

The Department agrees to the following:

- Assist the Foundation in providing the following services (as legally permissible): technology support, personnel releases, administrative and program staff support, temporary and occasional use of space, utilities, supplies, travel/transportation, or other resources on an as-needed basis to the extent that these resources are available and are in the best interest of the Department and County.
- Account for all costs incurred to support and monitor the Foundation and ensure such costs are accounted for or tracked separately from Department costs (i.e., costs attributable to salaries, employee benefits, office space, office supplies, utilities, etc.).
- Ensure costs incurred on behalf of the Foundation are commensurate with the volume and significance of the benefit received. The Department will notify the Foundation concerning any cost benefit concerns related to this Agreement.
- Ensure Foundation activities are in the best interest of the Department and the public.
- Have no duty of payment, obligation, or liability to the Foundation, its employees, officers, agents, or vendors or subcontractors.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Approval of the Agreement is consistent with Los Angeles County Strategic Plan Goal No.1, Operational Effectiveness/Fiscal Sustainability, to maximize the effectiveness of processes, structure, operations, and strong fiscal management to support timely delivery of customer-oriented and efficient public services; and Goal No.2, Community Support and Responsiveness, by enriching the lives of Los Angeles County residents by providing enhanced services, and effectively planning and responding to economic, social, and environmental challenges.

FISCAL IMPACT/FINANCING

Approval of recommended actions will not have an impact on net County cost.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

This Agreement will be administered by the Department and is being entered into pursuant to the County Fiscal Manual (CFM), in order to set forth the respective duties and obligations of the Department and Foundation with respect to the continued relationship and activities of each, including financial and conflict of interest reporting, and the use of Department resources.

The CFM, Chapter 16, Departmental Foundations/Support Groups, requires the Department to obtain Board approval if Foundation boards and other key Foundation positions are filled by Department employees.

The Foundation is a duly incorporated nonprofit public benefit corporation registered with the State of California and is authorized by law to provide the services contemplated by this Agreement.

County Counsel has reviewed and approved the attached Agreement as to form.

ENVIRONMENTAL DOCUMENTATION

The proposed actions are not subject to the California Environmental Quality Act (CEQA) because they are activities that are excluded from the definition of a project by section 21065 of the Public Resources Code and section 15378(b) of the State CEQA Guidelines. The proposed actions to execute an agreement between the Department and Foundation are organizational or administrative activities of government, which will not result in direct or indirect physical changes to the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of this Agreement with the Foundation will provide an avenue for accepting and soliciting donations to fund programs that are essential in helping the Department accomplish its mission to serve as stewards of parklands, build healthy and resilient communities, and advance social equity and cohesion.

The Department will collaborate with each Supervisorial District to actively promote the Foundation's work on these essential programs.

The Honorable Board of Supervisors
April 5, 2022
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CONCLUSION

Please instruct the Executive Officer-Clerk of the Board to forward one adopted copy of this letter to the Chief Executive Office and three adopted copies to the Department of Parks and Recreation.

Should you have any questions, please contact Andrea Vona at (626) 588-5249 or avona@parks.lacounty.gov or Kimberly Rios at (626) 588-5368 or krios@parks.lacounty.gov.

Respectfully submitted,

Norma E. García-González
Director

NEGG:AV:ab

Attachment

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors

**AGREEMENT BY AND BETWEEN
COUNTY OF LOS ANGELES DEPARTMENT OF PARKS AND RECREATION AND
LOS ANGELES PARKS FOUNDATION**

This AGREEMENT is made and entered into this 5th day of April, 2022, by the **COUNTY OF LOS ANGELES DEPARTMENT OF PARKS AND RECREATION**, referred to as "**DEPARTMENT**" and the **LOS ANGELES COUNTY PARKS FOUNDATION**, referred to as "**FOUNDATION**", a California nonprofit corporation.

WHEREAS, DEPARTMENT and FOUNDATION enter into this Agreement pursuant to the County Fiscal Policy, Chapter 16, Departmental Foundations/Support Groups, in order to set forth their respective duties and obligations with respect to the continued relationship and activities of each, the receipt and use of donated funds and equipment, and the use of DEPARTMENT resources.

WHEREAS, FOUNDATION was originally incorporated in 1980 and the articles of incorporation were recently amended and restated in 2020 under the Nonprofit Public Benefit Corporation Law to operate as a Nonprofit Public Benefit Corporation for charitable purposes (i.e. to distribute funds, property, and other resources for the aiding, sponsoring, promoting, advancing and assisting of public parks and recreation in Los Angeles County); and the FOUNDATION is not organized for the private gain of any person.

WHEREAS, FOUNDATION is a duly incorporated domestic non-profit corporation registered with the State of California and is authorized by law to provide the services contemplated by this Agreement;

WHEREAS, FOUNDATION is qualified by reason of experience and organization to provide the services contemplated by this Agreement.

NOW THEREFORE, in consideration of the foregoing conditions herein contained, DEPARTMENT and FOUNDATION do hereby agree to the following:

THE REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK

1. TERM OF AGREEMENT

The term of this Agreement is open, remaining in effect unless and until terminated pursuant to the applicable terms hereof, during which time FOUNDATION may perform the services provided for herein.

2. FOUNDATION OBLIGATIONS

FOUNDATION agrees to provide the following services to the DEPARTMENT:

- a. FOUNDATION will provide funds, property, and other resources to the DEPARTMENT for the aiding, sponsoring, promoting, advancing and assisting of public parks and recreation and encourage, develop and conduct original research in the field of public parks and recreation for the residents of Los Angeles County and other services as deemed necessary by the DEPARTMENT Director, or her designee.
- b. FOUNDATION will make provision for the use of its programs and any technologies developed in collaboration with the DEPARTMENT.
- c. FOUNDATION may solicit donations, including but not limited to, equipment, monetary, advertising, and other related resources, from private entities and apply for grants to support the obligations within this foundation agreement, in consultation with the DEPARTMENT.
- d. FOUNDATION will represent the DEPARTMENT and/or DEPARTMENT Director, or her designee, at professional associations as mutually agreed upon as resources are available.
- e. FOUNDATION will provide goodwill to the DEPARTMENT.
- f. FOUNDATION will not use County time, materials, or resources to engage in social media activities, unless otherwise authorized by the DEPARTMENT Director, or her designee.
- g. FOUNDATION shall satisfactorily provide the following information and/or reports to the DEPARTMENT:
 - i. Upon DEPARTMENT'S request, submit annually to DEPARTMENT the Annual Reporting Form for Foundation Activities.
 - ii. Upon written request not less than 30 days' notice, FOUNDATION will make available to DEPARTMENT and the

Los Angeles County Auditor-Controller their compiled financial statements.

- iii. FOUNDATION will provide an account of the tangible/intangible benefits provided to DEPARTMENT in a narrative form that describes the programs/services provided.
- iv. Upon request, FOUNDATION shall cooperate with the DEPARTMENT to provide records of expenses incurred by the DEPARTMENT on behalf of the FOUNDATION when and to the extent FOUNDATION has access to such records and the DEPARTMENT does not.
- v. Upon written request no less than 30 days, the FOUNDATION will disclose to potential donors the types of items, activities, and programs for which contributions or donations will be used.
- vi. FOUNDATION will maintain secure tax-exempt status and any required business license(s) if it solicits monetary donations from the public.

3. DEPARTMENT OBLIGATIONS

- a. DEPARTMENT will assist FOUNDATION in providing the aforementioned services by providing, as legally permissible, the following: technology support, personnel releases, administrative and program staff support, temporary and occasional use of space, utilities, supplies, travel/transportation or other resources on an as needed basis to the extent that these resources are available and are in the best interest of the DEPARTMENT and County.
- b. DEPARTMENT will account for all costs incurred to support and monitor the FOUNDATION and ensure such costs are accounted for or tracked separately from DEPARTMENT costs (i.e., costs attributable to salaries, employee benefits, office space, office supplies, utilities, etc.).
- c. DEPARTMENT costs incurred on behalf of the FOUNDATION should be commensurate with the volume and significance of the benefit received (i.e., FOUNDATION's benefit to DEPARTMENT should outweigh the costs incurred by the DEPARTMENT in maintaining the relationship). The DEPARTMENT will notify FOUNDATION concerning any cost-benefit concerns related to this Agreement.

- d. DEPARTMENT will monitor to ensure FOUNDATION activities are in the best interest of the DEPARTMENT and the public and discontinue the relationship if benefits received do not outweigh the costs incurred.
- e. DEPARTMENT shall have no duty of payment, obligation or liability to FOUNDATION, its employees, officers, agents, or vendors or subcontractors.
- f. All DEPARTMENT employees engaging in FOUNDATION activities will do so in an off-duty capacity, unless such activities are within the scope of this Agreement or are otherwise authorized by the DEPARTMENT Director, or her designee.

4. FOUNDATION EMPLOYEES AND EQUIPMENT

FOUNDATION agrees that FOUNDATION has secured or will secure at FOUNDATION's own expense all persons, employees and equipment required beyond the aforementioned DEPARTMENT services to perform the services required under this Agreement and that all such services will be performed under FOUNDATION supervision, by persons authorized by law to perform such services. This is not intended to limit "In-Kind Donations" from the DEPARTMENT.

5. CONFLICT OF INTEREST

- a. FOUNDATION and its subsidiaries and its agents and employees shall comply with all conflict of interest laws, ordinances, and regulations now in effect or hereafter to be enacted during the term of this Agreement. FOUNDATION warrants that it is not now aware of any fact which creates a conflict of interest. If the FOUNDATION hereafter becomes aware of any facts which might reasonably be expected to create a conflict of interest it shall immediately make full written disclosure of such fact to DEPARTMENT. Full written disclosure shall include, with limitation, identification of all persons implicated, and a complete description of all relevant circumstances.
- b. The DIRECTOR of the DEPARTMENT, or her designee, may serve on the FOUNDATION's Board of Directors. Otherwise, County employees may not serve on the FOUNDATION's Board or in other key positions without prior approval of the Board of Supervisors. However, County Employees may fill non-leadership roles within the Foundation and provide administrative and operational support consistent with the terms of this Agreement.

6. TERMINATION

DEPARTMENT or FOUNDATION may terminate this Agreement without cause upon 30 days' written notice. All operations under this Agreement shall cease

effective the 30th day after receipt of notice of termination and both Parties' obligations under this Agreement shall cease on that date.

7. USE OF SERVICES

This Agreement is founded on the premise that the program contemplated is for furthering the objectives recited herein and that the services provided under this Agreement are within the power of DEPARTMENT to provide. In the event that program monitoring discloses that said services are not being used for that purpose or that FOUNDATION has adopted or amended its Bylaws or amended its Articles of Incorporation with the result that, as determined by the DEPARTMENT Director or her designee, FOUNDATION policies or programs conflict with the purpose originally declared in FOUNDATION Articles of Incorporation or with the purpose of this Agreement, DEPARTMENT shall notify FOUNDATION immediately concerning any such conflict or potential conflict and shall provide FOUNDATION with 30 days to amend its Bylaws or Articles of Incorporation so as to resolve any such conflict or potential conflict. If, after 30 days' notice the conflict or potential conflict has not been resolved, the DEPARTMENT Director, or her designee, may terminate this Agreement forthwith, and FOUNDATION shall be entitled to no further services from the DEPARTMENT.

8. PROGRAM ADMINISTRATION

This Agreement will be administered by the DEPARTMENT.

9. CONFIDENTIALITY

FOUNDATION shall maintain the confidentiality of all records, including but not limited to DEPARTMENT records, in accordance with all applicable federal, state, and local laws, regulations, ordinances, and directives as to confidentiality and privileges.

DEPARTMENT shall maintain the confidentiality of all records, including but not limited to FOUNDATION records, in accordance with all applicable federal, state, and local laws, regulations, ordinances, and directives as to confidentiality and privileges.

10. INDEMNIFICATION

- a. Except as otherwise provided in Section 10(b), FOUNDATION agrees to indemnify, defend and save harmless DEPARTMENT, its agents, officers and employees from and against any and all liability, expense, including reasonable defense costs and legal fees, claims for damages of any nature

whatsoever, including but not limited to bodily injury, death, personal injury, or property damage arising from or connected with FOUNDATION operations, or its services hereunder including but not limited to demands, claims, actions, fees, costs and expenses (including attorney and expert witness fees), arising from and/or relating to this Agreement, except for such loss or damage arising from the sole negligence or willful misconduct of the County Indemnities. However, FOUNDATION shall not be liable to pay additional sums on account of judgments rendered against any director, for acts or omissions constituting bad faith, willful misfeasance or reckless disregard of duties.

- b. DEPARTMENT agrees to indemnify, defend and save harmless any member of the Board of Directors of FOUNDATION from and against any and all liability, expense, including defense costs and legal fees, and claims for damages of any nature whatsoever arising out of an action or omission to act provided such actions or omissions to act arose directly from the performance of duties within the scope of work to be performed under this Agreement. However, DEPARTMENT shall not be liable to pay additional sums on account of judgments rendered against any director, for acts or omissions constituting bad faith, willful misfeasance or reckless disregard of duties.

11. INDEPENDENT CONTRACTOR

Both parties hereto, in the performance of this Agreement, will be acting in an individual capacity and not as agent, employees, or agents of the other party. DEPARTMENT employees shall remain employees of DEPARTMENT notwithstanding the fact they are assisting the FOUNDATION.

12. ASSIGNMENT

This Agreement, or any provision hereof or any right or obligation arising hereunder, is not assignable by either party in whole or in part, without the express written consent of the other party.

13. BINDING EFFECT

All of the provisions of this Agreement and any amendment thereto shall extend to and be binding upon and inure to the benefits of the successors of the respective parties.

14. RETENTION OF RECORDS

FOUNDATION agrees that DEPARTMENT or any duly authorized representative shall have access to and the right to examine, audit, copy, excerpt, or transcribe

any transaction, activity, timecards, or other records relating to this Agreement. Such material shall be kept and maintained by FOUNDATION at a location in Los Angeles County for a period of four (4) years after completion of this relationship, unless the DEPARTMENT provides written permission to dispose of such material prior to the end of such period.

15. COMPLIANCE WITH LAWS

- a. FOUNDATION shall comply in all respects with the anti-discrimination requirements of the Los Angeles County Code and all applicable federal, state, and local laws.
- b. The parties agree to comply with all applicable federal, state and local laws, rules, regulations, ordinances and directives insofar as they pertain to the performance of this Agreement.

16. NON-DISCRIMINATION AND CIVIL RIGHTS COMPLIANCE

- a. FOUNDATION hereby certifies and agrees that it will comply with Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title 1X of the Education Amendments of 1972, where applicable, and Title 43, part 17 of the Code of Federal Regulations Subparts A and B, to the end that no persons shall, on the grounds of race, creed, color, national origin, political affiliation, religion, marital status, sex, sexual orientation, age or handicap, be subjected to discrimination under the privileges and use granted by this Agreement or under any project, program or activity supported by this Agreement.
- b. FOUNDATION agrees and certifies that the regulation provided in 16(a) of this Agreement shall apply to social media activities and materials posted on social media sites, such as Facebook, Twitter and the alike. FOUNDATION agrees and certifies that it will regularly monitor its social media sites to ensure compliance with stated regulations.
- c. FOUNDATION certifies and agrees that all persons employed thereby, are and shall be treated equally without regard to or because of race, creed, color, national origin, political affiliation, religion, marital status, sex, sexual orientation, age or handicap and in compliance with all federal and state laws prohibiting discrimination in employment, including but not limited to, the Federal Civil Rights Act of 1964; the Unruh Civil Rights Act; and the State Fair Employment Practices Acts.
- d. FOUNDATION certifies and agrees that subcontractors, bidders and vendors thereof are and shall be selected without regard to or because of race, creed,

color, national origin, political affiliation, religion, marital status, sex, sexual orientation, age or handicap.

- e. All employment records shall be open for inspection and re-inspection at any reasonable time during the term of this Agreement for the purpose of verifying the practice of non-discrimination by FOUNDATION in the areas heretofore described.
- f. If DEPARTMENT finds that any of the above provisions have been violated, the same shall constitute a material breach of contract upon which DEPARTMENT may determine to cancel, terminate, or suspend this Agreement. While DEPARTMENT reserves the right to determine independently that the nondiscrimination provisions of this Agreement have been violated, in addition, a determination by California Fair Employment and Housing Commission and Equal Employment Opportunity Commission that FOUNDATION has violated state or federal non-discrimination laws or regulations shall constitute a finding by DEPARTMENT that FOUNDATION has violated the non-discrimination provisions of this Agreement.

17. RELIGIOUS PROSELYTIZING AND POLITICAL PROPAGANDIZING

FOUNDATION agrees that it will not perform or permit any religious proselytizing or political propagandizing in connection with the performance of this Agreement. Services under this Agreement will be used exclusively for performance of the work required under this Agreement and no services made available under this Agreement shall be used to promote any religious or political activities.

18. GOVERNING LAW

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

19. SEVERABILITY

The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision.

20. NOTICE

- a. Any notice or notices required or permitted to be given pursuant to this Guideline may be personally served on the other party by the party giving such notice, or may be served by certified mail, postage prepaid, return receipt requested.

- b. All notices to the DEPARTMENT shall be sent addressed to the following:

Director
County of Los Angeles Department of Parks and Recreation
1000 S. Fremont Ave
Alhambra, CA 91803

- c. All notices to the FOUNDATION and its subsidiaries shall be sent addressed to the following:

Los Angeles County Parks Foundation
PO Box 5158
Cerritos, CA 90703

21. COORDINATORS

The DEPARTMENT's agreement coordinator, or another person designated by the DEPARTMENT Director, shall be the DEPARTMENT Director of Program and shall have the authority to administer the Agreement on behalf of DEPARTMENT. Said coordinator or designee shall be mutually acceptable to both DEPARTMENT and FOUNDATION. FOUNDATION shall provide a representative to be available to DEPARTMENT for consultation and assistance during the performance of this Agreement.

22. COVID-19 VACCINATIONS

- a. At FOUNDATION's sole cost, FOUNDATION shall comply with Chapter 2.212 (COVID-19 Vaccinations of County Contactor Personnel) of County Code Title 2 - Administration, Division 4. All employees of FOUNDATION and persons working on its behalf, including but not limited to, Subcontractors of any tier (collectively, "Contractor Personnel"), must be fully vaccinated against the novel coronavirus 2019 ("COVID-19") prior to (1) interacting in person with County employees, interns, volunteers, and commissioners ("County workforce members"), (2) working on County owned or controlled property while performing services under this Contract, and/or (3) coming into contact with the public while performing services under this Contract (collectively, "In-Person Services").
- b. Contractor Personnel are considered "fully vaccinated" against COVID-19 two (2) weeks or more after they have received (1) the second dose in a 2-dose COVID-19 vaccine series (e.g. Pfizer-BioNTech or Moderna), (2) a single-dose COVID-19 vaccine (e.g. Johnson and Johnson [J&J]/Janssen), or (3) the final dose of any COVID-19 vaccine authorized by the World Health Organization ("WHO").

- c. Prior to assigning Contractor Personnel to perform In-Person Services, FOUNDATION shall obtain proof that such Contractor Personnel have been fully vaccinated by confirming Contractor Personnel is vaccinated through any of the following documentation: (1) official COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services, CDC or WHO Yellow Card), which includes the name of the person vaccinated, type of vaccine provided, and date of the last dose administered ("Vaccination Record Card"); (2) copy (including a photographic copy) of a Vaccination Record Card; (3) Documentation of vaccination from a licensed medical provider; (4) a digital record that includes a quick response ("QR") code that when scanned by a SMART HealthCard reader displays to the reader client name, date of birth, vaccine dates, and vaccine type, and the QR code confirms the vaccine record as an official record of the State of California; or (5) documentation of vaccination from Contractors who follow the CDPH vaccination records guidelines and standards. FOUNDATION shall also provide written notice to County before the start of work under this Contract that its Contractor Personnel are in compliance with the requirements of this section. FOUNDATION shall retain such proof of vaccination for the document retention period set forth in this Contract, and must provide such records to the County for audit purposes, when required by County.
- d. FOUNDATION shall evaluate any medical or sincerely held religious exemption request of its Contractor Personnel, as required by law. If FOUNDATION has determined that Contractor Personnel is exempt pursuant to a medical or sincerely held religious reason, the FOUNDATION must also maintain records of the Contractor Personnel's testing results. The FOUNDATION must provide such records to the County for audit purposes, when required by County. The unvaccinated exempt Contractor Personnel must meet the following requirements prior to (1) interacting in person with County workforce members, (2) working on County owned or controlled property while performing services under this Contract, and/or (3) coming into contact with the public while performing services under this Contract:
 - i. Test for COVID-19 with either a polymerase chain reaction (PCR) or antigen test has an Emergency Use Authorization (EUA) by the FDA or is operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services. Testing must occur at least weekly, or more frequently as required by County or other applicable law, regulation or order.
 - ii. Wear a mask that is consistent with CDC recommendations at all times while on County controlled or owned property, and

while engaging with members of the public and County workforce members.

- iii. Engage in proper physical distancing, as determined by the applicable County department that the Contract is with.
- e. In addition to complying with the requirements of this section, FOUNDATION shall also comply with all other applicable local, departmental, State, and federal laws, regulations and requirements for COVID-19.

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IN WITNESS WHEREOF, FOUNDATION has executed this Agreement, or caused it to be duly executed and DEPARTMENT, by order of its Board of Supervisors has caused this Contract to be executed on its behalf by the Chair of said Board and attested by the Executive Officer-Clerk of the Board of Supervisors thereof, the day and year first above written.

LOS ANGELES PARKS FOUNDATION

By Joe Mendoza
Name
Board President
Title

COUNTY OF LOS ANGELES DEPARTMENT
OF PARKS AND RECREATION

By _____
Chair, Board of Supervisors

ATTEST:

CELIA ZAVALA,
Executive Officer-Clerk
of the Board of Supervisors

By _____
Deputy

APPROVED AS TO FORM:

RODRIGO A. CASTRO-SILVA
County Counsel

By _____
Rory LoAllen
Deputy County Counsel

BOARD LETTER/MEMO CLUSTER FACT SHEET

☒ Board Letter

☐ Board Memo

☐ Other

CLUSTER AGENDA REVIEW DATE	3/16/2022		
BOARD MEETING DATE	4/5/2022		
SUPERVISORIAL DISTRICT AFFECTED	<input type="checkbox"/> All <input type="checkbox"/> 1 st <input checked="" type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input type="checkbox"/> 5 th		
DEPARTMENT(S)	Public Works		
SUBJECT	Ballona Creek Trash Interceptor Pilot Project		
PROGRAM	Public Works Water Resources		
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain why:		
DEADLINES/ TIME CONSTRAINTS	Public Works is seeking to complete the Pilot Project by September 2022 for the next rainy season.		
COST & FUNDING	Total cost: \$4,700,000	Funding source: Flood Control District	
	TERMS (if applicable):		
	Explanation:		
PURPOSE OF REQUEST	Approve the revisions to the Pilot Project and authorize Public Works to remodel and reinforce Ballona Creek with a mooring system for the Pilot Project using a Board-approved Job Order Contract.		
BACKGROUND (include internal/external issues that may exist including any related motions)	<p>On November 5, 2019, the Board authorized the Flood Control District to enter into an agreement with The Ocean Cleanup (TOC) to implement the Pilot Project. The Pilot Project will test the efficiency of TOC's Interceptor System in capturing floating plastics and other trash in Ballona Creek.</p> <p>The location of the Pilot Project is being revised from immediately upstream of the Pacific Avenue Bridge to approximately 500 feet downstream of the bridge to allow for deployment, operation, and maintenance of the interceptor. Also, TOC will now deliver the interceptor fully assembled to the County for deployment instead of delivering it in component parts for assembly at a location near the site.</p> <p>The District is responsible for construction of a mooring system on the banks of Ballona Creek to serve as anchor points for the floating interceptor. The Pilot Project will include remodeling and reinforcing the banks of Ballona Creek with six moorings to support the interceptor, and Public Works is seeking approval from the Board to complete the remodeling and reinforcement work on Ballona Creek using a Board approved Job Order Contract.</p>		
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how:		

SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please state which one(s) and explain how: Board Priority #7 – Sustainability. The Pilot Project will improve the collection of trash and debris in Ballona Creek from the surrounding urban watershed.
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Luis Ramirez, Assistant Deputy Director, (626) 300-2300, cell (626) 614-6545, <u>luramire@pw.lacounty.gov</u>

Proposed Project Location





COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

MARK PESTRELLA, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE:

April 5, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**CONSTRUCTION CONTRACT
CONSTRUCTION MANAGEMENT CORE SERVICE AREA
APPROVE PROJECT REVISIONS
APPROVE USE OF JOB ORDER CONTRACT
BALLONA CREEK TRASH INTERCEPTOR PILOT PROJECT
PROJECT NO. FCC0001350
IN THE CITY OF LOS ANGELES
(SUPERVISORIAL DISTRICT 2)
(3 VOTES)**

SUBJECT

Public Works is seeking Board approval of the proposed revisions to the Ballona Creek Trash Interceptor Pilot Project and authorization to remodel Ballona Creek with a mooring system for the project using a Board-approved Job Order Contract.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the previously approved project and the use of a Job Order Contract for the Ballona Creek mooring system are within the previous finding of exemption under the California Environmental Quality Act; and that the proposed revisions to the Ballona Creek Trash Interceptor Pilot Project are also exempt for the reasons stated in this letter and in the record of the project.
2. Approve the project revisions to the Ballona Creek Trash Interceptor Pilot Project.

3. Authorize the Director of Public Works or his designee to remodel and reinforce Ballona Creek with the mooring system for the Ballona Creek Trash Interceptor Pilot Project using a Board-approved Job Order Contract.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will find that the previously approved project and use of Job Order Contract (JOC) are within the scope of the previous finding of exemption under the California Environmental Quality Act (CEQA) and the project revisions to the Ballona Creek Trash Interceptor Pilot Project also exempt from CEQA; and authorize Public Works to remodel Ballona Creek with a mooring system for the Pilot Project using a Board-approved JOC.

Pilot Project Background

The purpose of the Pilot Project is to test the efficiency of The Ocean Cleanup (TOC) Interceptor System in capturing floating plastics and other trash in Ballona Creek located in the City of Los Angeles. The interceptor is a single floating vessel-like device to be moored in Ballona Creek. The placement of floating trash boom barriers and the downstream current will cause drifting trash to be funneled into the interceptor.

On November 5, 2019, the Board approved a motion to establish a partnership with TOC to implement the Pilot Project, found it exempt from CEQA, and authorized Public Works to negotiate and enter into an agreement with TOC. On November 15, 2019, the Los Angeles County Flood Control District entered into the agreement with TOC to implement the Pilot Project (Agreement).

Pilot Project Revisions

The location for the Pilot Project was initially proposed to be immediately upstream of the Pacific Avenue Bridge. However, after determining that the limited height clearance below the bridge would inhibit the deployment, operation, and maintenance of the interceptor, the location of the Pilot Project was moved approximately 500 feet downstream of the Pacific Avenue Bridge as depicted in the enclosed diagram (Enclosure A).

Under the Agreement, TOC is responsible for manufacturing, delivery, and assembly of the interceptor. TOC had originally planned to deliver the interceptor in component parts for assembly at a location near the Pilot Project site but will now deliver it fully assembled to the County for deployment.

Pilot Project Refinements

The Agreement requires TOC to provide cameras to monitor the performance of the interceptor and to quantify the trash and debris in Ballona Creek. Public Works and TOC have completed the design for the camera placement, which consists of four cameras mounted with brackets. The cameras will be placed on the side of the Pacific Avenue Bridge below the bridge deck on the downstream side to monitor the Pilot Project.

The Agreement specifies that the District is responsible for construction of a mooring system on the banks of Ballona Creek, which will serve as anchor points for the floating interceptor. The District utilized Public Works' in-house licensed engineering staff to design the mooring system that includes remodeling and reinforcing the banks of Ballona Creek with six moorings to support the interceptor. Public Works is seeking approval from the Board to complete the remodeling and reinforcement work on the Ballona Creek using a Board-approved JOC.

Construction is anticipated to begin in April 2022 and be completed in September 2022.

Implementation of Strategic Plan Goals

These recommendations support the County Strategic Plan: Strategy III.3, Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability, and Objective III.3.2, Manage and Maximize County Assets. The recommended action supports ongoing efforts to manage and improve the operational effectiveness of public infrastructure assets.

FISCAL IMPACT/FINANCING

The proposed revisions to the Pilot Project will not increase the District's financial obligations under the Agreement. The total project cost, including plans and specifications, plan check, consultant services, construction, change order contingency, and Public Works services, is currently estimated at \$4,700,000. The JOC construction cost, which is included in the total project cost, is estimated to be \$1,950,000.

Funding for this Pilot Project is included in the District's Fund (B07- Services and Supplies) Fiscal Year 2021-22 Budget. Funding for operation and maintenance of the interceptor for the pilot period estimated at \$350,000 annually will be included in the District Fund budget starting with the Fiscal Year 2022-23 Budget during the annual budget process.

There will be no impact to the net County costs.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

In accordance with Board Policy 5.270, Countywide Local and Targeted Worker Hiring for projects with a total budget over \$2,500,000, the Pilot Project will require that at least 30 percent of the total California craft worker hours for construction of the project be performed by Local Residents and at least 10 percent be performed by Targeted Workers facing employment barriers.

The Pilot Project is being implemented by the District. The 1984 Operating Agreement between the County and the District authorizes the County to provide labor and services, including County contractors for District projects.

Public Works anticipates additional contracts with vendors will be necessary for deployment, operation, and maintenance of the interceptor.

ENVIRONMENTAL DOCUMENTATION

On November 5, 2019, the Board found the Pilot Project to be statutorily exempt from CEQA pursuant to Section 21102 of the California Public Resources Code and Section 15262 of the State CEQA Guidelines that applies to feasibility and planning studies for possible future actions where environmental factors have been considered; and categorically exempt under Section 15306 of the State CEQA Guidelines that applies to data collection, research, experimental management, and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource. A Notice of Exemption was filed with the Registrar-Recorder/County Clerk for the Pilot Project on November 5, 2019.

Pursuant to the Environmental Evaluation (Enclosure B) completed by Public Works, the previously approved Pilot Project, with the proposed project refinements, continues to be within the scope of the previous finding of exemption.

The Pilot Project revisions, which include revising the location of the interceptor from upstream to downstream of the Pacific Avenue Bridge and delivering the interceptor fully assembled rather than in parts, are also exempt from CEQA under the same provisions included in the previous finding of exemption, Section 21102 of the Public Resources Code and Sections 15262 and 15306 of the State CEQA Guidelines. The Environmental Evaluation demonstrates that environmental factors have been considered for the Pilot Project.

Additionally, as supported in the Environmental Evaluation, the Pilot Project will continue to comply with all applicable regulations, is not located in a sensitive environment, and there are no cumulative impacts, unusual circumstances, damage to scenic highways, listing on hazardous waste sites compiled pursuant to Government Code Section 65962.5, or indications that the project may cause a substantial adverse change in the significance of a historical resource that would make the exemption inapplicable based on the records of the project.

Upon the Board's approval of the recommended actions, Public Works will file a Notice of Exemption with the Registrar-Recorder/County Clerk in accordance with Section 21152 of the California Public Resources Code and will post the notice to its website pursuant to Section 21092.2.

CONTRACTING PROCESS

Public Works completed the project design with licensed in-house staff and is recommending the use of a Board-approved JOC to complete construction of the mooring system.

The project scope includes remodeling and alteration work to the banks of Ballona Creek and Public Works has made the determination that the use of a JOC is the most appropriate contracting method to complete the work.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the recommended actions will have no impact on current services or projects. Ballona Creek will remain operational for flood control during construction, and the contractor will be required to coordinate construction activities with Public Works to minimize disruption of flood control operations and public access. Upon completion, the Pilot Project will provide an additional means for collecting the influx of trash from the surrounding urban watershed and upstream municipalities after heavy storms.

The Honorable Board of Supervisors
April 5, 2022
Page 6

CONCLUSION

Please return one adopted copy of this Board letter to Public Works, Project Management Division I.

Respectfully submitted,

MARK PESTRELLA, PE
Director of Public Works

MP:LR:rp

Enclosures

c: Chief Executive Office (Chia-Ann Yen)
County Counsel
Executive Office
Internal Services Department (Countywide Contract Compliance)

ENCLOSURES A AND B

April 5, 2022

**CONSTRUCTION CONTRACT
CONSTRUCTION MANAGEMENT CORE SERVICE AREA
APPROVE PROJECT REVISIONS
APPROVE USE OF JOB ORDER CONTRACT
BALLONA CREEK TRASH INTERCEPTOR PILOT PROJECT
PROJECT NO. FCC0001350
IN THE CITY OF LOS ANGELES
(SUPERVISORIAL DISTRICT 2)
(3 VOTES)**

LARGE ENCLOSURES WILL BE PROVIDED VIA LINK


Proposed Project Location



February 1, 2022

TO: Luis Ramirez
Project Management Division I

Carolina T Hernandez
Stormwater Planning Division

FROM: Mark A. Lombos, PE 
Stormwater Quality Division

**ENVIRONMENTAL EVALUATION
BALLONA CREEK TRASH INTERCEPTOR PILOT PROJECT
PROJECT ID SWQD.EE.2022.00013**

Provided herein is an environmental evaluation and finding for compliance with the California Environmental Quality Act (CEQA) associated with project revisions and refinements for the Ballona Creek Trash Interceptor Pilot Project (Pilot Project).

I. Background

The purpose of the Pilot Project is to test the efficiency of The Ocean Cleanup (TOC) Interceptor in capturing floating plastics and other trash in Ballona Creek, located in the City of Los Angeles, during the pilot period covering two storm seasons (October 1 to April 30). The Interceptor is a single floating vessel-like device to be moored in Ballona Creek. The placement of floating trash boom barriers and the downstream current will cause drifting trash to be funneled into the Interceptor.

Stormwater Quality Division prepared an environmental evaluation of the Pilot Project, dated November 5, 2019, which concluded that the Pilot Project is exempt from CEQA per Section 15262 because it involves a feasibility study of the Interceptor as a trash removal option within Ballona Creek for possible future action, which the Los Angeles County Board of Supervisors has not approved, adopted, or funded after having considered environmental factors. The 2019 environmental evaluation concluded that the Pilot Project is exempt per Section 15306 of the State CEQA Guidelines and Class 6 of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G, because it consists of basic data collection and research regarding Interceptor's effectiveness to abate trash in Los Angeles County watersheds and prevent it from reaching the ocean.

On November 5, 2019, the Board approved a motion that found the Pilot Project exempt from CEQA and authorized Public Works to negotiate and enter into an agreement with TOC or one of its affiliate companies to establish a partnership to

implement the Pilot Project. A Notice of Exemption was filed on November 5, 2019, which found the Pilot Project exempt per Section 15262 and 15306 of the State CEQA Guidelines and Class 6 of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G. On November 15, 2019, the Los Angeles County Flood Control District entered into the agreement with TOC to implement the Pilot Project (Agreement).

Public Works is seeking Board approval of certain revisions to the Pilot Project and authorization for the Director of Public Works or his designee to construct a mooring system for the project using a Board-approved Job Order Contract (JOC). In addition, certain refinements to the Pilot Project have been made since filing of the Notice of Exemption (NOE) in 2019.

II. Pilot Project Revisions and Refinements

Pilot Project Revisions

The Pilot Project was initially proposed to be located approximately 650 feet upstream of the Pacific Avenue Bridge. However, after determining that the limited height clearance below the bridge would inhibit the deployment, operation, and maintenance of the Interceptor, the District and TOC have subsequently determined that the best location for the Pilot Project is approximately 500 feet downstream of the Pacific Avenue Bridge, as shown in Figure 1.

Furthermore, TOC had originally planned to ship and deliver the Interceptor in component parts for assembly at a location near the Pilot Project site, but has since determined to ship and deliver the Interceptor fully assembled to the County for deployment.

Pilot Project Refinements

Since executing the Agreement and filing the NOE in November 2019 additional details for the Pilot Project have been developed. The Interceptor is 78 feet in length, 26 feet wide, and 19 feet in height and would be moored in Ballona Creek via 6 moorings. Four moorings anchor the vessel itself and two moorings each anchor in-water floating trash booms that would be installed above the ordinary high-water mark of Ballona Creek along the two existing jetties. The mooring system includes remodeling the banks of Ballona Creek for the construction of the six moorings. Figure 1 shows how the Interceptor will be moored and Figure 2 shows a conceptual rendering of the Interceptor.

The Agreement also requires TOC to provide cameras to monitor the performance of the Interceptor and to quantify the trash and debris in Ballona Creek as part of the Pilot Project. Public Works, in conjunction with TOC, has completed the design for the camera placement (referred to herein as "monitoring system"), which consists of four cameras mounted with brackets on the side of the Pacific Avenue Bridge structure (below the bridge deck on the downstream side), to monitor the Pilot Project. This monitoring system will be used to detect plastic at the water surface and measure water levels and surface velocities. By image detection, the image sensors identify and count plastics. The light and detection ranging (LIDAR) sensor measures water level and derives surface flow velocities. The devices are self-sustained, powered by solar energy and use a cellular network to send raw data to a cloud service. The water level, flow velocities, and plastic counts will determine the throughput of plastic debris passing under the devices. No additional lighting is needed to assist in image detection for the monitoring system. Figure 3 shows an image of the monitoring system and concept overview.

Performance of the Interceptor will also be evaluated through plastic counting and debris composition analysis. For plastic counting, surveyors count plastic by observing the trash from the bridge for up to 5 days a week for approximately 4 weeks to estimate the plastic flux. Debris composition analysis involves direct sampling of floating macroplastics from the creek to determine the dimensions, weight, and plastic category of the sampled items. Debris composition analysis will require 2 people to sample debris from the bridge for at least 20 minutes per day, for at least 5 days during the Pilot Project study period. Both of these methods will be used to calibrate and validate the monitoring system.

III. California Environmental Quality Act

An NOE was filed with the Los Angeles County Clerk on November 5, 2019 (County Clerk File No. 2019292308). The project Revisions and Refinements as outlined above were developed after filing of the NOE. In October 2020 a Cultural Resources Report, a Biological Assessment, Biological Resources Technical Report (BRTR) which included a Marine Biological Study, an Essential Fish Habitat Assessment (EFHA), and Jurisdictional Delineation were prepared to understand the biological resources in the proposed Pilot Project location. In addition, in September 2021 odor, noise, lighting, and vector assessments were conducted to understand the impacts of the Interceptor to these factors at the proposed Pilot Project location. These studies are included in Attachments A through I.

The Pilot Project, including the project Revisions and Refinements, remains statutorily exempt pursuant to Section 15262 and categorically exempt pursuant to Section 15306 and 15311 of the State CEQA Guidelines and Class 6 and 11 of the

County's Environmental Document Reporting Procedures and Guidelines,
Appendix G.

A. Article 18. Statutory Exemptions. Section 15262 - Planning and Feasibility
Studies

The revisions and refinements for the Pilot Project do not change the prior conclusion that the Pilot Project is statutorily exempt pursuant to Section 15262.

State CEQA Guidelines Section 15262, Feasibility and Planning Studies

A project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR or negative declaration but does require consideration of environmental factors. This section does not apply to the adoption of a plan that will have a legally binding effect on later activities.

The purpose of the Pilot Project to test the performance and feasibility of the Interceptor in Ballona Creek over two storm seasons has not changed; thus, the exemption under Section 15262, Feasibility and Planning Studies still applies.

As in the 2019 Environmental Evaluation and NOE, the list of the environmental factors from Appendix G of the State CEQA Guidelines was used in the consideration of environmental resources in this environmental evaluation. In light of the Revisions and Refinements, the discussion below considers the proposed Pilot Project's impacts to Aesthetics, Air Quality, Biological Resources, and Cultural Resources, and Noise. The Revisions and Refinements do not affect the conclusion of previous consideration of the following environmental factors: Agriculture and Forestry Resources; Energy; Geology and Soils; Greenhouse Gas Emissions; Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Mineral Resources; Population and Housing; Public Services; Recreation; Transportation; Tribal Cultural Resources; Utilities and Service Systems; Wildfire; and Mandatory Findings of Significance.

- Aesthetics

Impacts to aesthetics could include degrading existing character or quality of the site or its surroundings or adverse effects on a scenic vista. It could also include the creation of a new source of substantial light or glare, which would adversely affect day or nighttime views in the area. Several studies and assessments conducted by Stantec in August 2020 and September 2021

provide information for the consideration of the Revisions and Refinements to aesthetics.

The cultural resources investigation identifies that the Pacific Avenue Bridge is considered an historic property for the purposes of Section 106 of the National Historic Preservation Act (NHPA), adding to the existing character or quality of the area. With the new project revisions and refinements, the Interceptor would still be visible from several vantage points at and near the Pacific Avenue Bridge; however, the placement of the feature would be several hundred feet away and the distance would reduce any visual effects to a level that would not diminish the integrity of the bridge. Furthermore, the cultural resources investigation also determined that the monitoring system would be visible from below the bridge. The monitoring system would not require any major structural alterations to the bridge, but rather small points of attachments at select locations that, if removed, could be repaired in-kind to match existing conditions. The cultural resources investigation confirmed that installation of the Interceptor would not result in visual impacts of the Pacific Avenue Bridge (*Stantec, 2020*). Therefore, the Pilot Project is not anticipated to degrade existing character or quality of the site and its surroundings.

Renderings of the Interceptor are shown in Figure 4 and demonstrate that the Interceptor is visible from the surrounding area, but does not block the view of the ocean or other scenic vista. Additionally, a vector assessment was conducted to address concerns for the Interceptor capturing trash that would attract birds and other vectors, which could affect the existing quality of the area. This study analyzed potential vector nuisances to adjacent residential and public sensitive receptors as a result of the Interceptor. With the implementation of the operations and maintenance activities and preventative controls outlined in the Pilot Project's Operations, Maintenance, Repair, Rehabilitation, and Replacement Plan (OMRRR Plan), the likelihood of vector presence/nuisance is minimal (*Stantec, 2021*). Therefore, the Pilot Project is not anticipated to result in adverse effects on scenic vista.

The lighting assessment confirmed that the land uses surrounding the Pilot Project site are the main source of daytime glare and nighttime lighting. There is moderate glare and nighttime lighting from these land uses, typical of an urban area. Daytime glare is primarily generated from parked cars and passing vehicles, glass windows and reflective building materials, and from the reflection of the sun on the water's surface. Sources of nighttime lighting consist of street lighting along 62nd Avenue and Pacific Avenue, residential exterior and interior lighting, headlights from vehicles travelling on the adjacent

residential streets, and lighting on recreational and commercial boats within the Marina del Rey Harbor and Pacific Ocean.

The Interceptor would have lights on the roof and the trash booms for safety and navigational purposes and would operate from sunset to sunrise. The lighting assessment determined that these potential visual effects would be similar to existing sources of nighttime lighting from recreational and commercial boats (*Stantec, 2021*). Therefore, the Pilot Project is not anticipated to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Furthermore, the 2019 environmental evaluation discussed that the assembly of the Interceptor would be conducted during the day; however, assembly of the Interceptor will be complete prior to delivery; thus, this activity will not contribute to potential impacts.

Therefore, the project Revisions and Refinements are not anticipated to impact aesthetics.

- Air Quality

The project Revisions and Refinements do not change the previous consideration of air quality from the environmental evaluation conducted in November 2019.

The monitoring system consists of data collection, which would not have any emissions that would impact air quality. The plastic collection and debris composition analysis was not previously considered in the evaluation and will require surveying up to 5 days a week for approximately 4 weeks during the Pilot Project period. However, vehicle emissions from driving to the Pilot Project site is not anticipated to impact air quality and will be limited to the duration of the study.

In addition to the previous evaluation, an odor assessment was conducted by Stantec, which confirmed that the Interceptor is not anticipated to generate nuisance odor that will impact existing residential receptors. The odor analysis described that any odor would dissipate with distance, but odor emissions have the potential to be carried by wind. Any odor would travel east or northeast, away from the residences located to the southeast of Pilot Project site. The assessment also identified that routine operation and maintenance activities outlined in the OMRRR Plan would further reduce odor (*Stantec, 2021*). The

Pilot Project is not anticipated to result in other emissions that would adversely affect a substantial number of people.

Therefore, the Revisions and Refinements are not anticipated to impact air quality.

- Biological Resources

Studies conducted by Stantec in August 2020 provide information for the consideration of the project Revisions and Refinements to biological resources.

Results from the Biological Assessment, BRTR, and EFHA confirmed that the Pilot Project will not have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species, and will not have substantial adverse effect on any riparian habitat or other sensitive natural community, in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (USFWS).

The Jurisdictional Delineation confirmed that no portion of the Pilot Project would be considered Federal wetlands or meet jurisdictional wetland parameters. Therefore, the Pilot Project is not anticipated to have a substantial adverse effect on State or Federally protected wetlands.

Furthermore, since the last evaluation, the assembly of the Interceptor will be complete prior to delivery; thus, this activity will have no biological resources impacts. The assembly was not anticipated to have biological resources impacts, and the delivery of the assembled Interceptor further ensures that this activity will have no biological impacts. The monitoring system includes installation of cameras on the Pacific Avenue Bridge and is not anticipated to have an adverse effect on any species identified as a candidate, sensitive, or special status species, and will not have substantial adverse effect on any riparian habitat or other sensitive natural community, in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or USFWS. The Pilot Project is not located within a Significant Ecological Area as it is downstream of the Ballona Wetlands (*Los Angeles County, 2020*). It is also not located within an Environmentally Sensitive Area (*Los Angeles County, 2020*). Therefore, the Pilot Project is not anticipated to create any potential impacts to any species identified as a candidate, sensitive, or special-status species.

The project Revisions and Refinements are not anticipated to impact biological resources.

- Cultural Resources

The cultural resources investigation included a detailed field survey of the project area and extensive background research to identify and evaluate the potential for any historic properties in proximity to the Pilot Project. This included a records search conducted by the South Central Coast Information Center (SCCIC) of the California Historical Resources Information System (CHRIS) located at California State University, Fullerton. The study provides additional information for the consideration of environmental factors related to the project Revisions and Refinements.

The investigation identified that Ballona Creek and associated features are not considered historic for the purposes of Section 106 of the NHPA. The cultural resources investigation confirms that there is little to no likelihood that the Pilot Project would impact archaeological or tribal cultural resources to Ballona Creek, and a change in location does not affect the conclusion of the previous consideration of the Pilot Project's impacts to cultural resources and is not anticipated to cause an adverse change of historical resource as defined in the CEQA Guidelines Section 15064.5 (*Stantec, 2020*). In addition, the mooring will be constructed on existing levees that have been previously disturbed; thus, paleontological or geologic features are not anticipated to be disturbed.

The cultural resources investigation identified that the Pacific Avenue Bridge qualified as an historic property for the purposes of Section 106 of the NHPA. However, the investigation confirmed that the Pilot Project would have minimal impact to the bridge. The investigation also noted that the monitoring system will be attached to the Pacific Avenue Bridge and could be visible from below the bridge. The installation would not require any major structural alterations to the components of the bridge, but rather small points of attachments at select locations that would be repaired in-kind to match the existing conditions. The investigation confirmed that the bridge would be retained in its existing condition following the Pilot Project, with minimal impacts to the physical features that characterize the bridge.

Therefore, the Revisions and Refinements to the Pilot Project are not anticipated to disturb, damage, or degrade unique archaeological sites, paleontological resources or unique geologic features and is consistent with any existing regulation or protection of historic resources.

- Noise

A noise assessment was conducted by Stantec in September 2021 which provided information for the consideration of operational noise related to the project Revisions and Refinements.

The previous evaluation anticipated that the increase to ambient noise and groundborne vibrations would be limited to the construction period, and that during operations, the Interceptor was not anticipated to increase based on information provided on the design of the Interceptor and that the solar-powered technology would not require noise-generating equipment to run the Interceptor. The noise assessment looked at the potential for increase of noise from the Pilot Project to residential and recreational receptors, and confirmed that the Interceptor would not cause a substantial increase at the nearest residential and recreational receptors (*Stantec, 2021*).

Furthermore, since the Interceptor will be delivered fully assembled, assembly activities will no longer create any potential noise impacts.

Therefore, the project Revisions and Refinements are not anticipated to impact noise.

B. Article 19. Categorical Exemptions.

State CEQA Guidelines Section 15306 – Information Collection, identifies Class 6 exemption as follows:

Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.

County Environmental Guidelines, Appendix G, Categorically Exempt Projects under Class 6 mirrors the State CEQA guidelines, with a few minor changes:

Class 6 consists of basic data collection, research, and experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be for strictly information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted or funded.

The purpose of the Pilot Project to test the performance and feasibility of the Interceptor in Ballona Creek over two storm seasons has not changed; thus, the exemption under CEQA Guidelines Section 15306, Information Collection, and Class 6 of the County Environmental Guidelines, Appendix G still apply.

State CEQA Guidelines Section 15311 – Accessory Structures, identifies Class 11 exemption as follows:

Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

(c) Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.

County Environmental Guidelines, Appendix G, Categorically Exempt Projects under Class 11 mirrors the State CEQA guidelines, with a few minor changes:

Class 11 consists of construction of replacement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including, but not limited to:

(h) Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.

The Pilot Project will be adding the monitoring system to the Pacific Avenue Bridge (see Figure 3), which is designed for public use, for the purpose of testing the performance of the Interceptor to capture trash; therefore, CEQA Guidelines Section 15311, Accessory Structure, and Class 11 of the County Environmental Guidelines, Appendix G apply.

Pursuant to Section 15300.2 of the CEQA Guidelines, location, cumulative impacts, significant effects, scenic highways, hazardous waste sites, and historical resources are exceptions to the exemptions.

Exception Description	Discussion
<p>(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.</p>	<p>Based on the biological resources studies, and the lighting, noise, odor, and vector assessments, the Pilot Project is not anticipated to be located in a particularly sensitive environment or impact environmental resources of hazardous or critical concern. The original location was downstream of the Ballona Wetlands, which is a Significant Ecological Area. The new location is further downstream of the Ballona Wetlands, which further ensures that Pilot Project would not impact the Ballona Wetlands. The Revisions and Refinements do not change the conclusion that the Location exception is inapplicable to the Pilot Project.</p> <p>The project Revisions and Refinements do not preclude the application of this exemption to the Pilot Project.</p>
<p>(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.</p>	<p>Cumulative impacts refer to other past, present, and reasonably foreseeable future projects. The Pilot Project is located downstream of other existing and future trash removal projects in Ballona Creek. The Pilot Project is anticipated to remove residual trash not captured by the trash capture projects upstream of the Pilot Project location. As discussed in the consideration of environmental factors, the Pilot Project is not anticipated to adversely affect the environment. Therefore, the Pilot Project is not anticipated to exacerbate environmental impacts from existing and future trash removal projects given the limited terms of the Pilot Project and its ultimate objective to improve water quality through trash removal. The Pilot Project is not anticipated to result in an adverse cumulative impact when included with successive projects in the same place over time. The project Revisions and Refinements do not change the conclusion that the Cumulative impacts exception is inapplicable to the Pilot Project.</p> <p>No cumulative impacts would preclude the application of this exemption to the Pilot Project.</p>

Exception Description	Discussion
<p>(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.</p>	<p>The Pilot Project will still consist of operating the Interceptor to collect information on the system's performance and feasibility for use in Ballona Creek, constructing the moorings and transporting the Interceptor to the project site. Construction activities will be done in compliance with all applicable regulations and best management practices. As previously discussed in the consideration of environmental factors, the Pilot Project is not anticipated to adversely affect the environment. The project Revisions and Refinements do not change the conclusion that the Significant Effect exception is inapplicable to the Pilot Project.</p> <p>No significant effects or unusual circumstances would preclude the application of this exemption to the Pilot Project.</p>
<p>(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.</p>	<p>The new Pilot Project location is located further downstream and would not be visible from the Pacific Coast Highway, which is designated as a state scenic highway and located approximately 1.5 miles northeast of the Pilot Project location. Additionally, the Revisions and Refinements to the Pilot Project will not include construction or other activities on this highway. Furthermore, the cultural resources investigation identified Pacific Avenue Bridge as an historic property for purposes of Section 106 of the NHPA; however, the investigation also found that the Pilot Project would not diminish the identified qualities of significance of the Pacific Avenue Bridge (<i>Stantec, 2020</i>). Therefore, the Pilot Project is not anticipated to result in damage to scenic resources within a highway officially designated as a state scenic highway (<i>DOT, 2019</i>) when located downstream of the Pacific Ave. Bridge. The project Revisions and Refinements do not change the conclusion that the Significant Effects exception is inapplicable to the Pilot Project.</p> <p>No scenic resources would preclude the application of this exemption to the Pilot Project.</p>

Exception Description	Discussion
<p>(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.</p>	<p>A search was conducted using a 1,000-foot radius from the northern jetty near the Pilot Project location was used to search the Hazardous Waste databases pursuant to Section 65962.5 of the Government Code and the Pilot Project location is not on any of these lists and there were no hazardous waste facilities located within 1,000 feet of the proposed project site (<i>CalEPA, 2022</i>). The project Revisions and Refinements do not change the conclusion that the Hazardous Waste Sites exception is inapplicable to the Pilot Project.</p> <p>No hazardous waste sites would preclude the application of this exemption to the Pilot Project.</p>
<p>(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.</p>	<p>A cultural resources investigation was conducted and indicated that there is little to no likelihood that the Pilot Project would impact archaeological or tribal cultural resources (<i>Stantec, 2020</i>). While the Pilot Project is located approximately 500 feet downstream of the Pacific Avenue Bridge, which was constructed in 1928 and is identified as historic for the purposes of Section 106 of the NHPA, the cultural resources investigation conducted for the Pilot Project concluded that the Interceptor would not diminish the identified qualities of significance of the Pacific Avenue Bridge (<i>Stantec, 2020</i>). The Pilot Project is not anticipated to cause a substantial adverse change in the significance of an historical resource. The Interceptor will not be located on a listed or designated historical landmark within Los Angeles County (<i>City of Los Angeles Department of City Planning, Office of Historic Resources, County of Los Angeles Historical Landmarks & Records Commission, National Park Service, 2019</i>). The project Revisions and Refinements do not change the conclusion that the Historical Resources exception is inapplicable to the Pilot Project.</p> <p>No historical resources would preclude the application of this exemption to the Pilot Project.</p>

IV. Attachments

- A. Biological Assessment, October 2020
- B. Biological Resources Technical Report, October 2020
- C. Essential Fish Habitat Assessment Report, October 2020
- D. Cultural Resources Report, October 2020
- E. Jurisdictional Delineation Report, October 2020
- F. Lighting Assessment for the Ballona Creek Trash Interceptor™ Pilot Project, January 2022
- G. Operational Noise Assessment for the Ballona Creek Trash Interceptor™ Pilot Project, January 2022
- H. Odor Assessment for the Ballona Creek Trash Interceptor™ Pilot Project, January 2022
- I. Vector Assessment for the Ballona Creek Trash Interceptor™ Pilot Project, January 2022

V. References

- CalEPA. (2021). Cortese List Data Resources. Retrieved on January 10, 2022 from: <https://calepa.ca.gov/SiteCleanup/CorteseList/>
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If you have any questions, please contact me at Extension 7173.

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Attach.

Figure 1 – Proposed Project Location

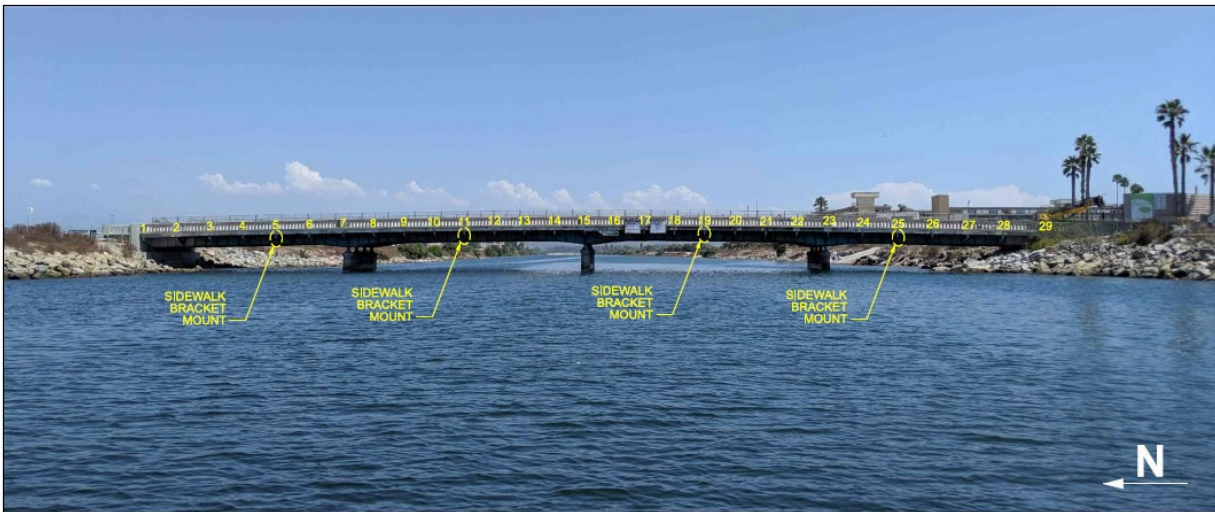
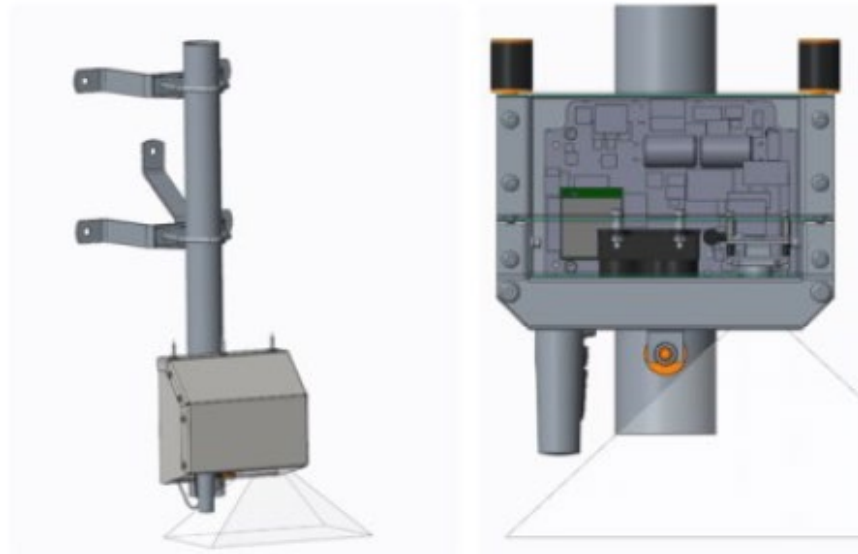


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Page 18

Figure 2 – Conceptual Rendering of Interceptor



Figure 3 – Monitoring System Concept Overview

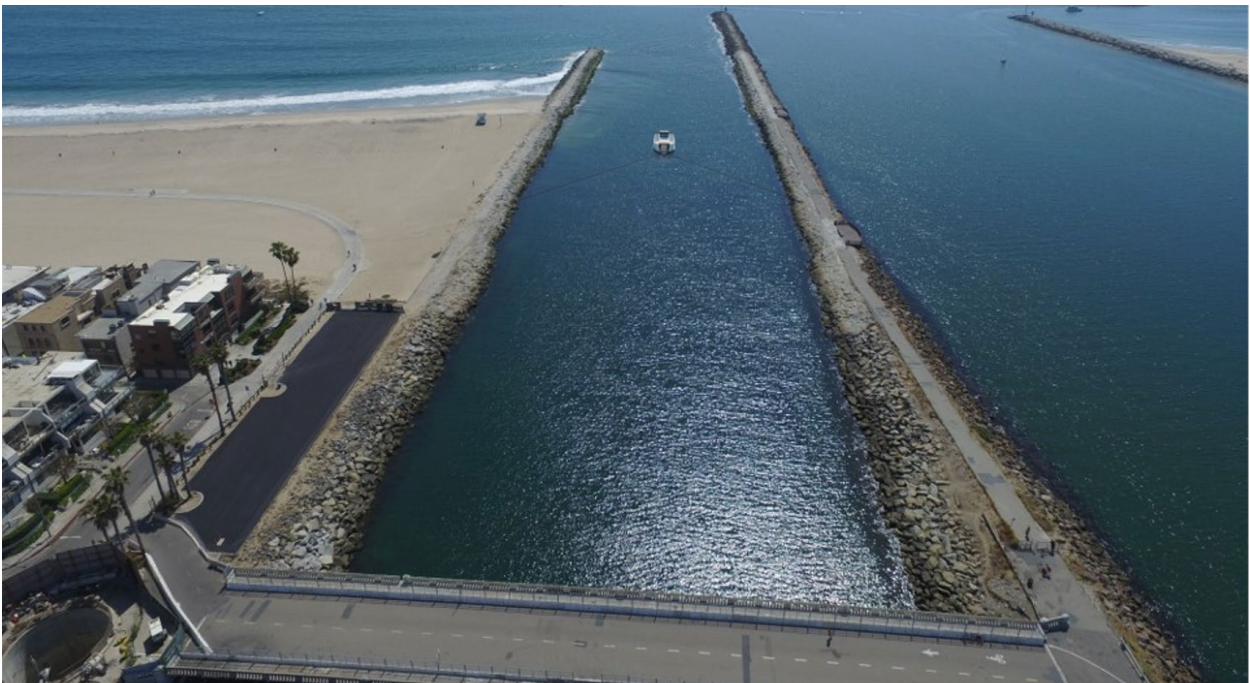


Proposed Location of Cameras on Pacific Avenue Bridge

Figure 4 – Renderings of the Interceptor at Ballona Creek



Rendering of a view of the Interceptor from nearby residence



Rendering of a view of the Interceptor from above Pacific Avenue Bridge



**Ballona Creek Trash Interceptor™
Pilot Project**

Biological Assessment

October 19, 2020

Prepared for:

Los Angeles County Public Works
900 South Fremont Ave.,
Alhambra, CA 91803-1331

Prepared by:

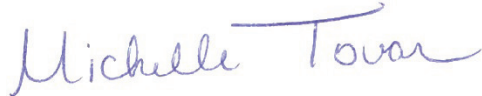
Stantec Consulting Services Inc.
290 Conejo Ridge Avenue
Thousand Oaks, California 91361

BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Biological Assessment

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Prepared by 
(signature)

Chariss Femino, Project Biologist

Reviewed by 
(signature)

Michelle Tovar, Principal Biologist

Approved by 
(signature)

Lindsay McDonough, Environmental Planner



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Biological Assessment

Executive Summary

The purpose of this biological assessment (BA) is to provide technical information and to review the Ballona Creek Trash Interceptor™ Pilot Project (project or proposed action) in sufficient detail to determine to what extent the proposed action may affect threatened, endangered, or proposed species. This BA has been prepared for Los Angeles County Public Works (Public Works) in accordance with 50 Code of Federal Regulations Section 402, pursuant to legal requirements found in Section 7 (a)(2) of the Endangered Species Act (16 U.S.C. § 1536(c)). This document presents technical information upon which later United States Fish and Wildlife Service (USFWS) decisions regarding project effects on federally listed species are developed.

On behalf of the Los Angeles County Flood Control District (Flood Control District), Public Works is collaborating with The Ocean Cleanup, a Dutch non-profit organization, on this pilot project to deploy a floating, automated trash Interceptor™ system (Interceptor™) near the mouth of Ballona Creek where it enters the Pacific Ocean. The project would entail installation of the Interceptor™ in Ballona Creek, directly south and east of the Marina Del Rey harbor entrance and breakwater along the Pacific Ocean shoreline. The project would capture and collect trash coming down the creek to prevent it from entering and polluting the ocean and protect the environment. Construction and installation of the project would occur over approximately a six-month period.

The “action area” encompasses approximately 102 acres and includes the proposed location of the Interceptor™ and its components, staging area, and construction-related access routes. Although the habitat within the action area is not suitable habitat for federally listed species, such species may forage and migrate through and immediately adjacent to the action area. Two butterfly species, the El Segundo blue butterfly (*Euphilotes battoides allyni*) (federally endangered (FE)), and the Palos Verdes blue butterfly (*Glaucopsyche lygdamus palosverdesensis*) (FE), have a potential to be present within the action area. Five bird species have a potential to be present within the action area: the western snowy plover (*Charadrius alexandrinus nivosus*) (federally threatened (FT)), southwestern willow flycatcher (*Empidonax traillii extimus*) (FE), coastal California gnatcatcher (*Poliophtila californica californica*) (FT), California least tern (*Sternula antillarum browni*) (FE), and least Bell’s vireo (*Vireo bellii pusillus*) (FE). The project is not likely to result in direct or indirect temporary or permanent effects on any of these species, or their associated habitats. The action area is not located within or adjacent to proposed or designated critical habitat for any of the potential species. Therefore, the project would have no effect on designated critical habitat for these seven species.

Avoidance and minimization measures (AMMs) have been incorporated into the project to protect water quality, minimize fugitive dust emissions, prevent the introduction of invasive plant species and protect special-status wildlife. In addition, species-specific AMMs have been identified to avoid adverse effects on the El Segundo blue butterfly, Palos Verdes blue butterfly, western snowy plover, southwestern willow flycatcher, coastal California gnatcatcher, California least tern, and least Bell’s vireo. With implementation of the AMMs, the project would have the following determinations:

- may affect, but is not likely to adversely affect the El Segundo blue butterfly;



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT

Biological Assessment

- may affect, but is not likely to adversely affect the Palos Verdes blue butterfly;
- may affect, but is not likely to adversely affect the western snowy plover;
- may affect, but is not likely to adversely affect the southwestern willow flycatcher;
- may affect, but is not likely to adversely affect the coastal California gnatcatcher;
- may affect, but is not likely to adversely affect the California least tern; and
- may affect, but is not likely to adversely affect the least Bell's vireo.

Although the action area overlaps suitable habitat for the following special-status plant species: marsh sandwort (*Arenaria paludicola*) (FE), Ventura Marsh milk-vetch (*Astragalus pycnostachyus* var. *lanosissimus*) (FE), salt marsh bird's-beak (*Chloropyron maritimum* ssp. *maritimum*) (FE), San Fernando Valley spineflower (*Chorizanthe parryi* var. *fernandina*) (FC), San Diego button-celery (*Eryngium aristulatum* var. *parishii*) (FE), and Gambel's water-cress (*Nasturtium gambelii*) (FE), the project would not result in disturbance to any habitat for these plant species. In addition, none of these plant species were observed during field surveys performed by Stantec in 2020 that were conducted during their blooming periods. Therefore, the project will have no effect on Marsh sandwort, Ventura Marsh milk-vetch, salt marsh bird's-beak, San Fernando Valley spineflower, San Diego button-celery, and Gambel's water-cress. These plant species will not be discussed further in this BA.



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Biological Assessment

1.0 Introduction

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BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT

Biological Assessment

1.0 Introduction

Abbreviations

AMM	Avoidance and Minimization Measure
BA	Biological Assessment
BMP	best management practices
BWER	Ballona Wetlands Ecological Reserve
CDFW	California Department of Fish and Wildlife
CFR	Code of Federal Regulations
CNDDDB	California Natural Diversity Database
ESA	Federal Endangered Species Act
FE	federally endangered
Flood Control District	Los Angeles County Flood Control District
FR	Federal Register
FT	federally threatened
ft	feet
Interceptor™	Automated trash Interceptor™ system
LARWQCB	Los Angeles Regional Water Quality Control Board
project	Ballona Creek Trash Interceptor™ Pilot Project
proposed action	Ballona Creek Trash Interceptor™ Pilot Project
Public Works	Los Angeles County Public Works
Stantec	Stantec Consulting Services Inc.
USFWS	U.S. Fish and Wildlife Service



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT

Biological Assessment

1.0 Introduction

1.0 INTRODUCTION

This Biological Assessment (BA) was prepared by Stantec Consulting Services Inc. (Stantec) in accordance with legal requirements set forth under Section 7 of the Federal Endangered Species Act (ESA) (16 U.S.C. § 1536(c)). The purpose of this BA is to evaluate the potential effects on federally listed species as a result of implementing the proposed action. Federally listed anadromous fish species are discussed in a separate Essential Fish Habitat Assessment (EFHA), to facilitate ESA Section 7 consultation with the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS or NOAA Fisheries).

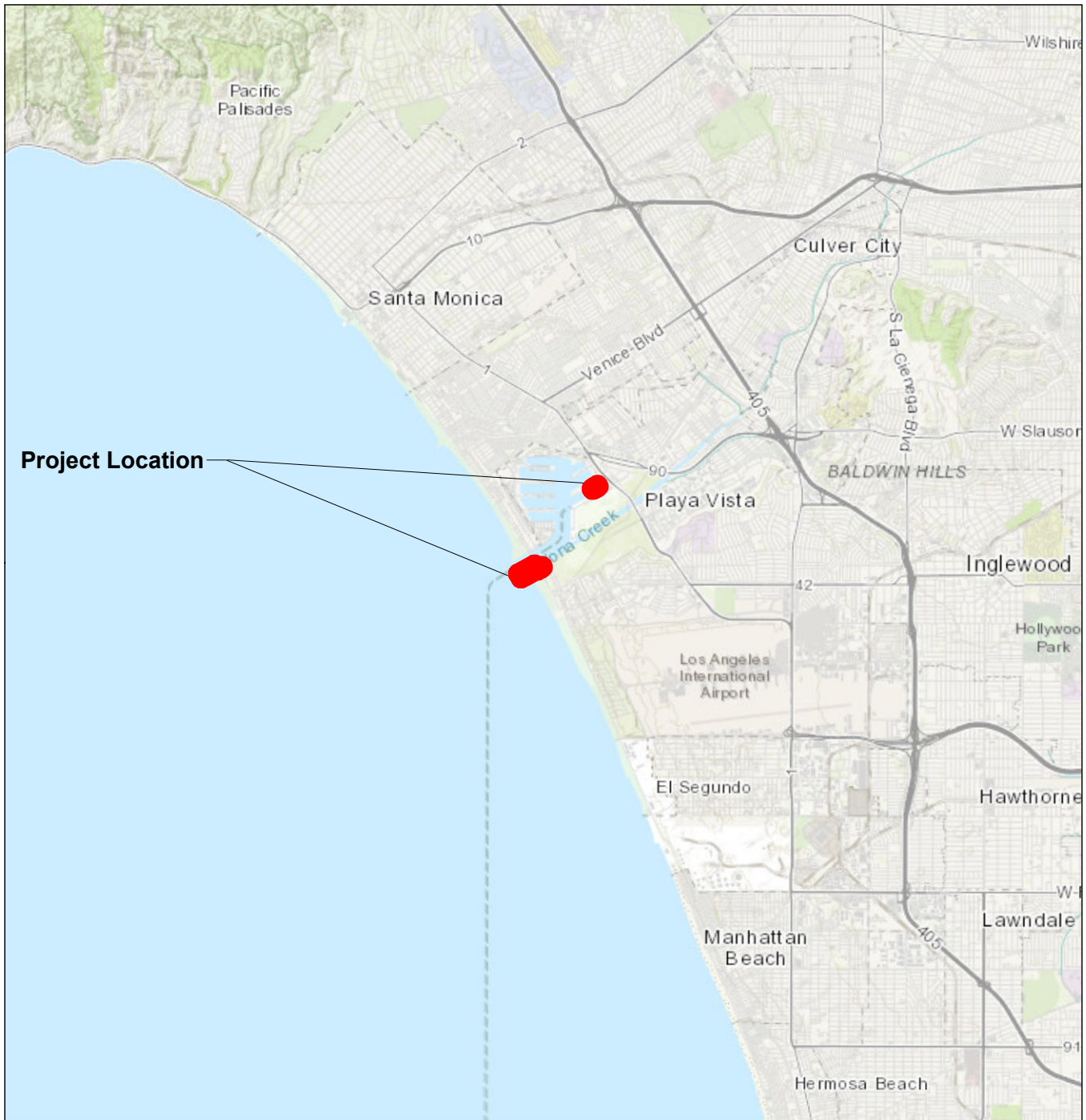
1.1 PROPOSED ACTION AND PURPOSE

On behalf of the Los Angeles County Flood Control District (Flood Control District), Los Angeles County Public Works (Public Works) is collaborating with The Ocean Cleanup, a Dutch non-profit organization, on this pilot Project to deploy a floating, automated trash Interceptor™ system (the Interceptor™) near the mouth of Ballona Creek where it enters the Pacific Ocean. The Project would entail installation of the Interceptor™ in Ballona Creek, directly south and east of the Marina Del Rey harbor entrance and breakwater along the Pacific Ocean shoreline. Construction and installation of the Project would occur over approximately a six-month period.

The purpose of the Project is to test the efficiency of The Ocean Cleanup's Interceptor™ in capturing and collecting floating trash and debris in Ballona Creek. The Project's goal is to capture and collect trash coming down the creek to prevent it from entering and polluting the ocean and thus, protect the environment.

The floating Interceptor™ would be a single vessel moored in Ballona Creek through attachment to six moorings—four of which anchor the vessel itself and two of which anchor two in-water floating trash booms—that would be installed above the ordinary high-water mark of Ballona Creek along two existing adjacent jetties. The placement of floating trash booms (also called “barriers”) and the downstream current will cause trash drifting down Ballona Creek to be funneled into the Interceptor™. The floating debris will converge on the Interceptor's™ mechanical conveyor belt, which automatically feeds the trash into a floating receptacle, thus preventing the refuse from reaching the Pacific Ocean. The Interceptor™ is expected to be deployed and in operation for up to 24 months, to encompass two storm seasons (October 15 to April 15). Figure 1 shows the Project Location.





 Project Location

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Project Location
Ballona Creek
Los Angeles County, California

Prepared by DL on 2020-09-23
TR by ST on 2020-09-23
IR by CF on 2020-09-23

Client/Project
Los Angeles County Public Works
Ballona Creek Trash Interceptor Pilot Project
Biological Assessment Report

Figure No.

1

Title

Project Location Map

Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
2. Data Sources: Stantec 2020.
3. Background: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic form, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.

BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT Biological Assessment

2.0 Study Methods

2.0 STUDY METHODS

2.1 SUMMARY

A list of federally listed species and designated and proposed critical habitat with the potential to occur in the action area was obtained from the USFWS (Appendix A). A site survey and literature review, which included a review of the California Department of Fish and Wildlife California Natural Diversity Database (CNDDB) (CDFW 2020), was also performed to further refine the list of federally listed species that may occur in the action area. Each federally listed species was evaluated, and a determination was made as to whether suitable habitat for the species was present or absent in the action area. For the purpose of this BA, which has been prepared to facilitate consultation with the USFWS under Section 7 of the ESA, seven species (El Segundo blue butterfly, Palos Verdes blue butterfly, western snowy plover, southwestern willow flycatcher, coastal California gnatcatcher, California least tern, and least Bell's vireo) were determined to have the potential to be affected by the proposed action, which is discussed in further detail in Chapter 5.

Information on the biology, distribution, taxonomy, legal status, and other aspects of these species was obtained from the following:

- *Recovery Plan Amendment for El Segundo Blue Butterfly* (USFWS 2019a)
- *Recovery Plan Amendment for Palos Verdes Blue Butterfly* (USFWS 2019b)
- *Recovery Plan for the Pacific Coast Population of the Western Snowy Plover* (USFWS 2007)
- *Western Snowy Plover [Pacific Coast Distinct Population Segment] 5-Year Review* (USFWS 2019c)
- *Final Recovery Plan for Southwestern Willow Flycatcher (Empidonax traillii extimus)* (USFWS 2002)
- *2017 Southwestern Willow Flycatcher 5-Year Review: Summary and Evaluation* (USFWS 2017)
- *Coastal California Gnatcatcher (Polioptila californica californica) 5-Year Review* (USFWS 2020a)
- *Revised California Least Tern Recovery Plan* (USFWS 1985)
- *California Least Tern (Sternula antillarum browni) 5-Year Review: Summary and Evaluation* (USFWS 2020b)
- *Draft Recovery Plan for the Least Bell's Vireo (Vireo bellii pusillus)* (USFWS 1998)
- *Least Bell's Vireo (Vireo bellii pusillus) 5-Year Review: Summary and Evaluation* (USFWS 2006)
- other available resources

2.2 PERSONNEL AND SURVEY DATES

- Priya Pratap, Biologist, Stantec.
Biological and botanical survey, February 25, 2020 and March 2, 2020.



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Biological Assessment**2.0 Study Methods**

- Rocky Brown, Biologist, Stantec.
Biological and botanical survey, February 25, 2020 and March 2, 2020.

2.3 RESOURCE AGENCY COORDINATION AND PROFESSIONAL CONTACTS

Stantec obtained a list of federally listed species and species that are proposed, or are candidates for federal listing with the potential to occur in the vicinity of the action area, using the Information for Planning and Consultation tool on September 24, 2020 (Consultation Code: 08ECAR00-2020-SLI-1614). (Appendix A).

2.4 LIMITATIONS AND ASSUMPTIONS THAT MAY INFLUENCE RESULTS

No protocol-level surveys were conducted in the action area. However, the potential presence of species was inferred based on the presence of suitable habitat located within the action area and nearby documented past occurrences of the species in similar habitats.



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT Biological Assessment

3.0 Project Description

3.0 PROJECT DESCRIPTION

3.1 LOCATION

The Project is located in the City of Los Angeles, California, between the communities of Marina del Rey and Playa del Rey, approximately 1.5 miles west of CA-1 and 0.5 mile east of the Santa Monica Bay. Figure 1, Project Location Map, shows the general location of the Project. Specifically, the Project is located within an approximately 4.96-acre channelized portion of Ballona Creek, immediately southwest of the Ballona Creek-Pacific Avenue Bridge. There are two levee systems, Ballona Creek 1 Levee System (hereafter referred to as the Ballona Creek North Jetty) and Ballona Creek 3 Levee System (hereafter referred to as the Ballona Creek South Jetty) that will be used for this Project. These features are depicted along with the defined action area and project design on Figure 2.

3.2 PROJECT ACTIVITIES

The proposed Project would involve the following primary activities:

- Constructing four Interceptor™ moorings, two trash boom moorings, and handrails on top of the adjacent jetties.
- Assembling the main Interceptor™ components in the parking lot adjacent to the public boat launch in the Marina del Rey harbor.
- Floating the Interceptor™ into position using a support vessel.
- Connecting the Interceptor™ and trash booms to the moorings.
- Attaching and detaching the second trash boom from its mooring as needed.
- Operating the Interceptor™ to collect floating trash from Ballona Creek and containerizing it in dumpsters inside the Interceptor™.
- Transferring the Interceptor™'s full dumpsters to Marina del Rey harbor for off-site disposal of trash at an appropriate solid waste facility.
- Transferring empty trash dumpsters from Marina del Rey harbor to the Interceptor™ in support of continued trash collection.
- Monitoring the effectiveness of the Interceptor™ at removing trash from Ballona Creek.
- Installing educational signage communicating the Project's purpose/objectives to the public.

3.2.1 Construction of Moorings

The Interceptor™ would be moored to the existing Ballona Creek North and South Jetties above the high-water mark and above the mean high tide line of Ballona Creek using four mooring lines to maintain its position. These mooring lines would sag below the water surface using weights to allow boats to travel over them. The two smooth trash booms would be tethered via connection points on the Interceptor™ and two additional mooring points atop the jetties (for a total of six moorings). Each mooring would have a





 Action Area (102.00 Acres)

Existing Bikeways

Project Footprint

Interceptor/ Mooring Chains/ Trash Boom Footprint [0.023 Acres]

Mooring Footprint [0.113 Acres]

Interceptor Assembly Area [0.62 Acres]

Mooring Construction Staging Areas [0.37 Acres]

Trash Boom

Mooring Line

Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet

2. Interceptor Centroid Coordinates: 33.962071, -118.455715

3. Data Sources: Stantec 2020.

4. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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(At original document size of 8.5x11)
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Project Location Prepared by DL on 2020-09-23
Ballona Creek TR by ST on 2020-09-23
Los Angeles County, California IR by CF on 2020-09-23

Client/Project 184031268
Los Angeles County Public Works

Ballona Creek Trash Interceptor Pilot Project
Biological Assessment

Figure No.

2

Title

Action Area and Project Design

BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT

Biological Assessment

3.0 Project Description

concrete pad which would be installed largely above-grade; minimal excavation to expose clean stone would be required for the moorings to be keyed into the top of the jetties at each location. Ramps with railings would be installed in connection with each mooring. During construction of the moorings on the Ballona Creek North Jetty, the sidewalk on the Ballona Creek North Jetty, between the Pacific Avenue Bridge and the end of the jetty, may need to be closed for public safety. While the Ballona Creek South Jetty does not have a dedicated concrete walkway, it is accessible to the public. Public access to portions of the Ballona Creek South Jetty may need to be blocked during construction of the moorings on the Ballona Creek South Jetty for public safety.

3.2.2 Interceptor™ Assembly

The Interceptor™ would be constructed off-site in the parking lot adjacent to the public boat launch in the Marina del Rey marina harbor.

3.2.3 Trash Boom Operations

The Interceptor™ would use two booms during anticipated high-trash flow events, and one boom in the dry season and when rowers will be expected to need an unrestricted path through the Pilot Project site. The southern boom would stay in place and the northern boom would be clipped and unclipped to the Ballona Creek North Jetty as needed. When not in use, the northern boom would be attached to the north-facing side of the Interceptor™ and “folded” in on itself. This allows the boom to float along the north-facing side of the Interceptor™ without interfering with any components or the operation of the Interceptor™.

3.2.4 Trash Dumpster Removal and Disposal Process

When the Interceptor™ is almost full, it will automatically send a message to the local operators to collect the waste. Operators will then slide the dumpster barge out from the Interceptor™, take it to the Marina del Rey boat harbor, lift and empty the dumpsters, send off the debris to an appropriate solid waste facility, and return the dumpster barge to the Interceptor™.

3.2.5 Installation of Monitoring Equipment and Data Validation

The monitoring system would be attached to the existing Pacific Avenue Bridge which crosses the Ballona Creek channel, approximately one-half-mile upstream from the mouth of Ballona Creek. Manually executed trawling experiments would be executed to calibrate and validate the monitoring system's measurements.

3.2.6 Construction Characteristics

Construction of the Interceptor™ and trash boom moorings would require a small crew size. No excavation activities within Ballona Creek channel is planned for the proposed Project; however, some excavation would be required on top of the existing jetties to expose clean stone to install the moorings.



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT

Biological Assessment

3.0 Project Description

The moorings would be 12 feet wide by 18 feet 4 inches long by 2 to 3 feet deep, with 1 foot of the depth being notched into the jetty. Approximately 0.113 acres of developed land would be disturbed as part of the Project. Some stockpiles would be placed onsite temporarily during excavation and they would be covered with tarps and/or watered to prevent dust, as required. Some equipment (e.g., saws, generators, air compressors, pump, cement mixer) would be required to install the moorings.

The Project would involve minimal vehicle trips including material import/export as well as haul trucks required for construction.

3.3 AVOIDANCE AND MINIMIZATION MEASURES

3.3.1 General Avoidance and Minimization Measures

Construction associated with the Project will be limited to upland construction in an urbanized area, with no in-water construction proposed. The following avoidance and minimization measures will be incorporated into the proposed action to minimize the potential for adverse effects on federally listed species and other sensitive biological resources. With implementation of these measures, there will be no direct or indirect effects on federally listed species.

AMM #1 – Prevention of Accidental Spills

The Los Angeles County Public Works Construction Best Management Practice¹ for spill prevention and control (“WM-4”) will be implemented to minimize the potential for adverse effects resulting from accidental spills of pollutants (e.g., fuel, oil, grease). Refer to Appendix B.

AMM #2 - Air Quality/Dust Control

The Los Angeles County Public Works Construction Best Management Practice for wind erosion control (“WE-1”) will be implemented to minimize the potential for adverse effects from air quality/ dust control. Refer to Appendix B.

AMM #3 – Prevention of Spread of Invasive Species

Public Works will implement the following general measures to prevent the spread of invasive species:

- All equipment used for off-road construction activities shall be weed free prior to entering or leaving the action area.

¹ The proposed action’s Construction Plans can be found in Appendix B. The Los Angeles County Public Works Construction Best Management Practices are detailed in the Los Angeles County Public Works Construction Site Best Management Practices Manual, which can be accessed at <https://dpw.lacounty.gov/CONS/SPECS/BMPMANUAL.PDF>.



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AMM #4 – General Measures for Protection of Special-Status Wildlife Species

Public Works will implement the following general conservation measures to avoid or minimize the potential for adverse effects on special-status wildlife species:

- Construction access and equipment will be located on existing roads or previously disturbed parking areas.
- Disturbance of soil, vegetation, naturally occurring debris piles (including fallen trees or dead tree snags), rocky outcrops, and wildlife burrows will be avoided or minimized to the extent possible.
- To the extent practicable, all holes or trenches will be covered at the end of each workday to prevent wildlife from becoming trapped. All holes and trenches will be inspected before each workday to facilitate the release of any trapped wildlife. A qualified biologist will be consulted if work crews are unable to safely assist in the release of trapped wildlife.
- To minimize attractants to wildlife, trash will be stored in containers that can be closed and latched or locked to prevent access by wildlife. All loose trash will be cleaned up daily.

3.3.2 Species-Specific Measures

Public Works will implement the AMMs described below to avoid construction impacts on El Segundo blue butterfly, Palos Verdes blue butterfly, western snowy plover, southwestern willow flycatcher, California gnatcatcher, California least tern, and Least Bell's vireo. With implementation of these measures, and given the short duration of construction related activities, there will be no direct or indirect effects on these federally listed species; operation of the project is not expected to have direct or indirect impacts on these species.

- A qualified biologist knowledgeable of El Segundo blue butterfly, Palos Verdes blue butterfly, western snowy plover, southwestern willow flycatcher, California gnatcatcher, California least tern, and least Bell's vireo will provide a discussion of the species during the worker environmental awareness training which will take place prior to the start of construction. All construction personnel shall attend the worker environmental awareness training either in person or by watching a pre-recorded video prior to working on the project. The discussion will include how to identify the species, relevant life history and taxonomic information, where the species would be likely to occur in and around the action area, what to do if the species is observed, and the state and federal laws pertaining to the species.
- If feasible, construction activities will be scheduled to avoid the breeding season for special-status birds (breeding season is March 15 through September 30). If construction occurs outside of the breeding season, no further measures are necessary. If the nesting bird breeding season (breeding season is March 15 through September 30) cannot be completely avoided, then a qualified biologist will conduct a minimum of one pre-construction survey for nesting migratory birds within a 300-foot buffer around the location of construction activities for migratory birds. The



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survey will be conducted no more than 15 days before the initiation of construction. If an active nest is found, appropriate conservation measures (as determined by a qualified biologist) will be implemented. These measures may include, but are not limited to, establishing a construction-free buffer zone around the active nest site, biological monitoring of the active nest site, and delaying construction activities in the vicinity of the active nest site until the young have fledged.

- If special-status animals are observed in the action area during construction activities, a qualified biologist will be immediately notified. As warranted, the qualified biologist may notify the USFWS about the species observed. All construction activities having the potential to effect special-status wildlife will be immediately stopped. The qualified biologist will evaluate the situation and will have authority to halt any construction activities until appropriate corrective measures have been implemented or it is determined that special-status species will not be harmed. The qualified biologist will remain in the area for the remainder of the workday to make sure that the species are not harmed. Any special-status wildlife encountered during construction activities will be allowed to move away from construction activities on their own. Capture and relocation is not permitted unless specifically approved in advance by the USFWS. Any dead or injured special-status wildlife will be immediately reported to the qualified biologist and the USFWS.



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4.0 Action Area

4.0 ACTION AREA

The action area for the proposed action encompasses approximately 102-acres and includes all areas proposed for disturbance and developments and all areas within approximately 500 feet (ft) where indirect impacts to federally listed species could occur (Figure 2). The boundary of the action area was determined from an understanding of the proposed action activities, site geography, topography, and hydrology and an understanding of the distribution, habitat requirements, and vulnerability of federal special-status species potentially occurring in the action area. The action area includes those areas of land, water, and air to be affected directly or indirectly by the Federal action and not only the immediate area involved in the action (50 C.F.R. §402.02).

4.1 ENVIRONMENTAL BASELINE

4.1.1 Physical Conditions

The action area is located in Ballona Creek in southwestern Los Angeles County. The action area is characterized by Ballona Creek, which is a trapezoidal concrete channel confined by levees on both sides. Downstream of the confluence with Centinela Creek, the trapezoidal channel has a sediment, or “soft,” bottom with concrete side slopes until it reaches near Culver Boulevard. Downstream of Culver Boulevard, the trapezoidal channel continues to have a sediment bottom with embankments that are made of riprap with a grouted cap. The mouth of Ballona Creek empties into the Santa Monica Bay south of Marina del Rey and Venice Beach, and north of the community of Playa del Rey and Dockweiler Beach. The channel mouth is approximately 295 feet wide. The elevation of the channel’s bottom at the Project site ranges from -2.2 to +7.8 feet with respect to mean sea level.

The Ballona Creek watershed covers approximately 130 square miles within the Los Angeles Basin. With headwaters in the Santa Monica Mountains, the principal tributaries to the Ballona Creek are the Benedict Canyon Channel, Sepulveda Creek Channel, Centinela Creek Channel, and immense system of underground storm drains (ESA, 2017). Ballona Creek flows through the Ballona Wetlands Ecological Reserve (BWER) within the coastal plain of the Los Angeles Basin at an elevation of approximately 5 to 28 feet (USACE, 1999). The watershed upstream of the SA is approximately 20 percent undeveloped foothill and canyon area and 80 percent highly urbanized coastal plain, including the densely developed communities of Beverly Hills, Culver City, Hollywood, and a portion of the City of Los Angeles (USACE, 1999). The flood risk management channel provides support for approximately 1.5 million residents of the listed cities.

Habitat types of the action area include aquatic and mudflat habitats, tidal salt marsh, non-tidal wetland, unvegetated salt pan, and brackish marsh habitat; however, there is a lack of such habitats with the exception of the aquatic habitat within the action area (ESA 2017). Biological and marine surveys were conducted in February, March, and April of 2020 to determine the presence of biological resources in both the terrestrial and aquatic environments within and adjacent to the action area. According the marine



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resources survey conducted April 2020, the following marine habitats were present within the survey area: shallow subtidal unvegetated soft bottom habitat consisting of sand, mud, and silt with accumulated shell hash and debris; intertidal riprap revetment and bare rock with algae, barnacles, limpets, and snails; open water/water column habitat; and upland riprap revetment area (See Appendix C for the Marine Biological Technical Report). Sensitive marine habitats, such as eelgrass and kelp beds, were not observed within the survey area.

Non-native annual grasslands, stabilized dune habitat, a eucalyptus grove, and a coastal scrub habitat are present in the terrestrial action area, along with the surrounding community residential and commercial developments of Marina del Rey, Playa del Rey, Playa Vista, and Westchester.

4.1.2 Habitat Communities

Vegetation communities in the action area were classified based on habitat descriptions defined in the MCVII, *The Jepson Manual*, and the results of the biological resource surveys. Vegetation communities present include invasive monoculture, pickleweed mats alliance, ice plant mats alliance, dune mat alliance, open water, sandy beach, and disturbed and developed land covers. Vegetation communities and land cover types mapped within the action area are depicted on Figure 3.

Invasive Monoculture

Approximately 2.76 acres of this community occurs within the action area, in the upland area of Ballona Creek and along the Del Rey Lagoon. In the Draft Environmental Impact Report for the Ballona Wetlands Restoration Project, invasive monoculture is described as follows:

...monocultures or very low-diversity assemblages of invasive herbs and shrubs including black mustard (Brassica nigra), crown daisy (Glebionis coronaria), wild radish (Raphanus sativus) ... pampas grass (Cortaderia spp.), carnation spurge (Euphorbia terracina), and castor bean (Ricinus communis). In addition, small, fragmented groups of non-native trees, primarily thorn tree and lollypop tree (Myoporum laetum), are included in this habitat type. Invasive monocultures are common across the BWER within many upland habitat types. However, they are most often located in areas with introduced fill (e.g., berms or upland fill areas). (ESA 2017)

Within the action area, plant species observed within this community included black mustard, crown daisy, radish, pampas grass, and carnation spurge. Small Philippine acacia (*Acacia confusa*), Brazilian peppertree (*Schius terebinthifolia*), tree tobacco (*Nicotiana glauca*), sweet alyssum (*Lobularia maritima*), ribwort plantain (*Plantago lanceolata*), broadleaf plantain (*Plantago major*), shortpod mustard (*Hirschfeldia incana*), common sowthistle (*Sonchus oleraceus*), barley (*Hordeum* sp.), Bermuda buttercup (*Oxalis pes-caprae*), and fennel (*Foeniculum vulgare*) were also observed within this community.





 Action Area (102.00 Acres)

Existing Bikeways

Vegetation Communities & Land Cover Types

- Developed (34.88 Acres)
- Dune Mat Alliance (0.41 Acres)
- Ice Plant Mat Alliance (0.46 Acres)
- Invasive Monoculture (2.76 Acres)
- Open Water (55.96 Acres)
- Pickleweed Mats Alliance (0.24 Acres)
- Sandy Beach (7.30 Acres)

Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
2. Interceptor Centroid Coordinates: 33.962071, -118.455715
3. Data Sources: Stantec 2020.
4. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

0 550 1,100 Feet
(At original document size of 8.5x11)
1:13,200



Project Location Prepared by DL on 2020-09-23
Ballona Creek TR by ST on 2020-09-23
Los Angeles County, California IR by CF on 2020-09-23

Client/Project 184031268
Los Angeles County Public Works

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Figure No.

3

Title

Vegetation Communities & Land Cover Types

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Pickleweed Mats Alliance

Approximately 0.24 acres of this vegetation community occurs within the action area, primarily along the margins of the Del Rey Lagoon and banks of Ballona Creek. This alliance is represented within the action area by Pacific pickleweed (*Salicornia pacifica*) as the dominant species in the subshrub and herbaceous layers with algae and interspersed with iceplant (*Carpobrotus edulis*). This alliance is generally found to occur in coastal salt marshes and alkaline flats.

Ice Plant Mats Alliance (*Mesembryanthemum* spp. - *Carpobrotus* spp. Herbaceous Semi-Natural Alliance)

Approximately 0.46 acre of this vegetation community occurs within the action area along the margins of Del Rey Lagoon, the southern bank of Ballona Creek, and along the coastal sand dunes immediately south of the creek bordering a residential community. Within the action area, the alliance is represented by continuous stands of Chilean sea fig (*Carpobrotus chilensis*) and ice plant (*Carpobrotus edulis*) as the dominant species in the herbaceous layers. It is interspersed with occurrences of beach suncup (*Camissoniopsis cheiranthifolia*), European searocket (*Cakile maritima*), tree aeonium (*Aeonium arboreum*), cheeseweed mallow (*Malva parviflora*), and jade plant (*Crassula ovata*). This alliance is generally found to occur in bluffs, disturbed land, and sand dunes of immediate coastlines.

Dune Mat Alliance (*Abronia latifolia* - *Ambrosia chamissonis* Herbaceous Alliance)

Approximately 0.41 acre of this vegetation community occurs within the action area. It primarily occurs along the margins of Dockweiler State Beach and the jetty within the outer rocky outcrops of Ballona Creek and the sandy beach surfaces immediately south of the creek. Within the action area, this alliance is represented by silver burr ragweed (*Ambrosia chamissonis*) and European searocket (*Cakile maritima*) as the dominant species. Lesser sea-spurry (*Spergularia marina*), common stork's-bill (*Erodium cicutarium*), prostrate knotweed (*Polygonum aviculare*), and riggut brome (*Bromus diandrus*) are interspersed throughout this community. This alliance is generally found to occur in sand dunes of coastal bars, river mouths, and spits along the immediate coastline with coarse to fine-textured sands.

Open Water

Approximately 55.96 acres of open water habitat occurs in the Ballona Creek channel, Marina del Rey Harbor Main Channel, and Del Rey Lagoon within the action area. Within the action area, the Ballona Creek channel is a channelized system with a sediment bottom and embankments that are made of riprap with a grouted cap. The Marina del Rey Main Channel supports the passage of small and large watercrafts through the harbor. Del Rey Lagoon, a small coastal saline pond separated from Ballona Creek by a 40-foot-wide levee, has a manually controlled tidal gate, which exists at the north end of the lagoon and connects to a tidally influenced portion of Ballona Creek that enables periodic water exchange (MBC et al. 2016). The open water habitat is generally unvegetated, although a narrow fringe of herbaceous vegetation is occasionally present along the banks of Ballona Creek exposed during low tide.



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Sandy Beach

Approximately 7.30 acres of the action area consist of the northern section of Dockweiler State Beach. This area is heavily disturbed and used as a recreational space, including a paved bicycle path that intersects the beach. The area is dominated by fine sands and is generally unvegetated due to the level of disturbance and its associated recreational and public use facilities.

Developed

This land cover type was used to map approximately 34.88 acres of the action area that are developed, including multi-unit residential buildings, paved and unpaved roadways and paths, a pedestrian bridge, the banks of Ballona Creek, the Ballona Creek North and South Jetties, landscaped areas, and developed recreational spaces. In general, these areas are unvegetated or contain ornamental vegetation, such as the areas surrounding Del Rey Lagoon and residential landscaped areas. These areas are generally periodically maintained for weed control, precluding any significant growth of non-ornamental species, but may be sparsely interspersed with ruderal pioneer plant species that readily colonize open disturbed soil. These include non-native grasses and forbs such as soft brome (*Bromus hordeaceus*), ripgut brome, Bermuda grass (*Cynodon dactylon*), and bristly ox tongue (*Helminthotheca echioides*).



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4.0 Action Area

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5.0 Federally Listed/Proposed Species and Designated Critical Habitat within Action Area

5.0 FEDERALLY LISTED/PROPOSED SPECIES AND DESIGNATED CRITICAL HABITAT WITHIN ACTION AREA

On September 24, 2020, an official list (Consultation Code 08ECAR00-2020-SLI-1614) of federal listed species and critical habitat with the potential to occur in the action area was obtained from the U.S. Fish and Wildlife (USFWS) (Appendix A). In addition, a site survey and literature review, which included a review of the California Department of Fish and Wildlife's California Natural Diversity Database (CDFW 2020), were used to further refine the list of federally listed species which may occur in the action area, prior to the site survey. Table 1 summarizes all federally listed species included on the USFWS list and those identified during site survey and literature review that have the potential to occur in the action area. For the purpose of this BA, which has been prepared to facilitate consultation concurrence for a may affect, but is not likely to adversely affect determination with the USFWS under Section 7 of the ESA, the following species have been identified as having the potential to occur in the action area and are further discussed below:

- El Segundo blue butterfly
- Palos Verdes blue butterfly
- western snowy plover
- southwestern willow flycatcher
- coastal California gnatcatcher
- California least tern
- least Bell's vireo

No federal proposed or candidate species will be affected by the proposed action. The action area is not within designated critical habitat for any federally listed species.



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5.0 Federally Listed/Proposed Species and Designated Critical Habitat within Action Area

Table 1: Federally Listed Species Considered for the Ballona Trash Interceptor Project

Common Name Scientific Name	Status ¹	General Habitat Description	Determination	Rationale
Invertebrates				
El Segundo blue butterfly <i>Euphilotes battoides allyni</i>	FE	Historically ranged over the entire Los Angeles and El Segundo Dunes and the northwestern Palos Verdes Peninsula in southwestern Los Angeles County. Currently distributed on three remnant habitats within its former range supporting coastal sand dunes with coast buckwheat (<i>Eriogonum parvifolium</i>). All life stages depend on coast buckwheat and possibly loose sand.	May affect, not likely to adversely affect	The species' host plant was not observed within the action area, but occurrences have been mapped within the portions of the BWER less than 1 mile southeast of the action area (MBC et al. 2016). The species is known to occupy the southwestern portion of the BWER and was observed in 2013. The El Segundo Butterfly Recovery Unit covers the portions of Ballona west of State Route 1 to the ocean, which includes the action area (MBC et al. 2016). The nearest recorded CNDDB occurrence is approximately 1.5 miles to the southeast of the action area.
Palos Verdes blue butterfly <i>Glaucopsyche lygdamus palosverdesensis</i>	FE	Dependent on two known larval hostplants, Santa Barbara milkvetch (<i>Astragalus trichopodus</i> var. <i>lonchus</i>)—also known as locoweed—and common deerweed (<i>Lotus scoparius</i>) within coastal scrub habitat. Known only from the Palos Verdes peninsula.	May affect, not likely to adversely affect	One of the species of the two known larval host plants (common deerweed) was observed along the margins of the Del Rey lagoon within the action area; however, the nearest and most recently recorded CNDDB occurrence is 6 miles south of the action area from 2001.
Riverside fairy shrimp <i>Streptocephalus woottoni</i>	FE	Endemic to western Riverside, Orange, and San Diego Counties in areas of tectonic swales and earth slump basins in grassland and coastal sage scrub. Inhabits seasonally astatic pools filled by winter and spring rains. Hatches in warm water later in the season	No effect	No suitable habitat occurs within or adjacent to the action area.



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5.0 Federally Listed/Proposed Species and Designated Critical Habitat within Action Area

Common Name Scientific Name	Status ¹	General Habitat Description	Determination	Rationale
Fish				
Southern California DPS Steelhead <i>Oncorhynchus mykiss irideus</i> (pop. 10)	FE	Inhabits seasonally accessible rivers and streams with gravel for spawning. Requires sufficient flows in their natal streams to be able to return from oceans and lakes to spawn. Federal listing refers to populations from Santa Maria River south to the southern extent of the range (San Mateo Creek in San Diego County). Southern steelhead likely have greater physiological tolerance to warmer water and more variable conditions.	No effect	No suitable spawning habitat occurs within the action area. The nearest recorded occurrence is approximately 4 miles upstream of Ballona Creek from 2008. May act as a transient passing through the action area.
Birds				
Western snowy plover <i>Charadrius alexandrinus nivosus</i>	FT	Sandy beaches, salt pond levees, and shores of large alkali lakes. Needs sandy, gravelly, or friable soils for nesting.	May affect, not likely to adversely affect	No suitable habitat occurs within the action area. The nearest and most recently recorded CNDDDB occurrence is within the action area; however, this observation was recorded more than 100 years ago.
Southwestern willow flycatcher <i>Empidonax traillii extimus</i>	FE	Rare and local breeder in extensive riparian areas of dense willows or (rarely) tamarisk, usually with standing water, in the southwestern U.S.	May affect, not likely to adversely affect	Although suitable nesting habitat is not present within the action area, foraging habitat is present within the BWER, which is located 0.1 mile east of the action area. The species may pass through the site in a transient capacity during migration. The nearest recorded CNDDDB occurrence is 8 miles northeast of the action area; however, this observation was recorded more than 120 years ago.



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5.0 Federally Listed/Proposed Species and Designated Critical Habitat within Action Area

Common Name Scientific Name	Status¹	General Habitat Description	Determination	Rationale
Coastal California gnatcatcher <i>Poliophtila californica californica</i>	FE	Obligate, permanent resident of coastal sage scrub below 2500 feet in Southern California. Low, coastal sage scrub in arid washes and on mesas and slopes with California sagebrush (<i>Artemisia californica</i>) as a dominant or co-dominant species. Not all areas classified as coastal sage scrub are occupied.	May affect, not likely to adversely affect	No suitable nesting habitat occurs within the action area; however, the species was observed foraging within the BWER in 2011, well outside of the action area (ESA 2017). The nearest recorded CNDDDB occurrence is approximately 3 miles east of the action area; however, this observation was recorded about 40 years ago. Species may be observed foraging in or migrating through the action area.
California least tern <i>Sternula antillarum browni</i>	FE	Nests on sandy upper ocean beaches and open barren sites, and occasionally uses mudflats. Forages on adjacent surf line, estuaries, or the open ocean. Colonies are located near the ocean shoreline (within 0.5 mile [about 800 meters]), typically on nearly flat, loose sandy substrates with lightly scattered short vegetation and debris, although some colonies have been located on hard-packed surfaces, even unused asphalt. Colony sites must provide access to the shoreline for juveniles and must be relatively free of predators, or the colony may abandon breeding efforts before completion.	May affect, not likely to adversely affect	Although no nesting habitat occurs within the action area, there are known nesting sites 0.2 miles north of the action area in Venice Beach and within the eastern portion of the BWER, approximately one mile east of the action area (ESA 2017). The species is known to forage in Ballona Creek, Marina del Rey Harbor, and the BWER. The nearest recorded CNDDDB occurrence is approximately 0.2 mile to the east of the action area; however, this observation was more than 30 years ago.



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5.0 Federally Listed/Proposed Species and Designated Critical Habitat within Action Area

Common Name Scientific Name	Status ¹	General Habitat Description	Determination	Rationale
Least Bell's vireo <i>Vireo bellii pusillus</i>	FE	Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 2000 feet. Often inhabits structurally diverse woodlands along watercourses including cottonwood-willow and oak woodlands and mulefat scrub. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, <i>Baccharis</i> , mesquite.	May affect, not likely to adversely affect	The species is known to nest and forage in the BWER and has been recorded in the Playa Vista riparian corridor near the action area in 2010; however, no individuals were observed within the action area at that time (ESA 2017). The nearest and most recently recorded CNDDDB occurrence is 1 mile northeast of the action area from 2014. Suitable nesting habitat occurs in the BWER approximately 0.4 mile northeast of the action area.
Plants				
Marsh sandwort <i>Arenaria paludicola</i>	FE	Marshes and swamps (fresh water or brackish); sandy substrates; found in open habitats. Elevation: 3–170 m. Blooms: March–August	No effect	Marginally suitable habitat occurs within the portion of the action area that includes the Del Rey Lagoon. The nearest and most recently CNDDDB recorded occurrence is 7 miles northeast of the action area from more than 120 years ago. Del Rey Lagoon would not be impacted by the project.
Braunton's milk-vetch <i>Astragalus brauntonii</i>	FE	Chaparral, valley grasslands, coastal sage scrub, closed-cone pine forest. Occurs in disturbed habitat and requires gravelly clay soils. Elevation: 4–60 m. Blooms: August–October	No effect	No suitable habitat occurs within the action area. The nearest recorded CNDDDB occurrence is 7 miles northwest of the action area from more than 90 years ago.
Ventura Marsh milk-vetch <i>Astragalus pycnostachyus</i> var. <i>lanosissimus</i>	FE	Coastal dunes, coastal scrub, marshes, and swamps (edges, coastal salt, or brackish). Elevation: 1–35 m. Blooms: January–August	No effect	There is marginally suitable habitat in the Del Rey Lagoon within the action area. The nearest and most recently recorded CNDDDB occurrence is approximately 0.5 mile north of the action area from more than 30 years ago. Del Rey Lagoon would not be impacted by the project.



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5.0 Federally Listed/Proposed Species and Designated Critical Habitat within Action Area

Common Name Scientific Name	Status¹	General Habitat Description	Determination	Rationale
Coastal dunes milk-vetch <i>Astragalus tener</i> <i>var. titi</i>	FE	Coastal bluff scrub (sandy), coastal dunes, and coastal prairie (mesic). Often in vernally mesic areas. Elevation: 1–50 m Blooms: March–May	No effect	No suitable habitat occurs within the action area. The nearest and most recently recorded CNDDB occurrence is 3 miles northwest of the action area; however, this observation was recorded more than 90 years ago.
Salt marsh bird's- beak <i>Chloropyron</i> <i>maritimum</i> ssp. <i>maritimum</i>	FE	Coastal dunes, marshes and swamps (coastal salt). Elevation: 0–30 m Blooms: May–October	No effect	Marginally suitable habitat occurs in the Del Rey Lagoon within the action area. The nearest and most recent recorded CNDDB occurrence is 2 miles northeast of the action area; however, this observation was recorded more than 110 years ago. Del Rey Lagoon would not be impacted by the project.
San Fernando Valley spineflower <i>Chorizanthe parryi</i> <i>var. fernandina</i>	FC	Annual; sandy areas in coastal scrub and native grasslands; Los Angeles and Ventura Counties. Elevation: 150–1220 m Blooms: April–July	No effect	A very small amount of marginally suitable habitat occurs near the Del Rey Lagoon within the eastern portion of the action area. The nearest and most recently recorded CNDDB occurrence is within the action area; however, this observation was recorded more than 110 years ago. Suitable habitat would not be impacted by the project.
San Diego button- celery <i>Eryngium</i> <i>aristulatum</i> var. <i>parishii</i>	FE	Coastal scrub, valley and foothill grassland, and vernal pools. California to Baja. Elevation: 20–620 m Blooms: April–June	No effect	A very small amount of marginally suitable habitat occurs within the eastern portion of the action area in the BWER. The nearest and most recently recorded CNDDB occurrence is 4 miles southeast of the action area; however, this observation was recorded more than 110 years ago. Marginally suitable habitat would not be impacted by the project.



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5.0 Federally Listed/Proposed Species and Designated Critical Habitat within Action Area

Common Name Scientific Name	Status¹	General Habitat Description	Determination	Rationale
Gambel's water cress <i>Nasturtium gambelii</i>	FE	Marshes and swamps (freshwater or brackish). Elevation: 5–330 m Blooms: April–October	No effect	A very small amount of marginally suitable habitat occurs along the Del Rey Lagoon within the action area. The nearest and most recently recorded CNDDDB occurrence is 7 miles northeast of the action area from more than 110 years ago. Del Rey Lagoon would not be impacted by the project.
Spreading navarretia <i>Navarretia fossalis</i>	FT	Marshes and swamps (assorted shallow freshwater), playas, vernal pools, and Cheonopod scrub. Elevation: 30–655 m Blooms: April–June	No effect	Suitable habitat does not occur with the action area. The nearest and most recently recorded CNDDDB occurrence is approximately 5 miles east of the action area; however, this observation was recorded more than 110 years ago.
California Orcutt grass <i>Orcuttia californica</i>	FE	Occurs only in large and deep vernal pools. Clay soils with an impervious subsurface layer and longer inundation periods. Elevation: 15–660 m Blooms: April–August	No effect	Suitable habitat does not occur with the action area. The nearest and most recently recorded CNDDDB occurrence is approximately 9 miles to the southeast of the action area from more than 40 years ago.

Notes:

1. Status Codes: Federal Endangered (FE), Federal Threatened (FT); Federal Candidate (FC)

DPS = Distinct Population Segment

m = meters



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5.0 Federally Listed/Proposed Species and Designated Critical Habitat within Action Area

5.1 DISCUSSION OF EL SEGUNDO BLUE BUTTERFLY AND PALOS VERDES BLUE BUTTERFLY

5.1.1 Legal Status and Distribution

USFWS formally listed El Segundo blue butterfly as endangered under the ESA on June 8, 1976 (41 Federal Register [FR] 22041 22044). Critical habitat was designated for the species in 1977. (42 FR 7972 7976).

USFWS formally listed Palos Verdes blue butterfly as endangered under the ESA on July 2, 1980 (45 FR 44939 44942). Critical habitat was also designated for the species at the same time. In 2014, USFWS conducted a 5-year review of the biological status of the Palos Verdes blue butterfly, and concluded that the species should remain listed as federally endangered (USFWS 2014).

Both butterfly species are endemic to southern California. The historic range of the El Segundo blue butterfly included the Los Angeles and El Segundo Dunes and the northwestern Palos Verdes Peninsula in southwestern Los Angeles County. The current range is in two main pockets along the coast. The first occurs from Rancho Palos Verdes north to Santa Monica and the second is in the Vandenberg Air Force Base area southwest of Santa Maria. The Palos Verdes blue butterfly is typically found along the coast west of Long Beach and North of Santa Monica.

5.1.2 Life History and Habitat Requirements

Butterflies have four life stages: egg, larva, pupa, and adult. The El Segundo blue butterfly depends on coast buckwheat (*Eriogonum parvifolium*) for all life stages. Coast buckwheat is found in coastal sand dune habitat. The adult stage of El Segundo blue butterfly typically ranges from 4 days to 2 weeks and typically ranges from mid-June to early September (USFWS 2008). Adults feed on coast buckwheat pollen and nectar, and mate and lay eggs on the flowers. The eggs hatch in 3 to 5 days. During the larval or caterpillar stage, individuals remain concealed within flower heads and primarily eat the seeds of coast buckwheat. When individuals undergo pupation (change from larval to pupal stage), they fall to the ground and remain buried either underground or in the leaf litter at the base of the coast buckwheat until they emerge as adult butterflies. This pupal or cocoon stage lasts for one or more years.

The Palos Verdes blue butterfly is dependent on two larval host plants, Santa Barbara milkvetch (*Astragalus trichopodus* var. *lonchus*) and common deerweed (*Lotus scoparius*), within coastal scrub habitat. The adult stage of Palos Verdes blue butterfly correlates to hostplant flowering and typically occurs between late January and early May (USFWS 2014). They lay eggs throughout their adult stage on the flowers or leaves of both host plants.

5.1.3 Survey Results

No coast buckwheat, the host plant for the El Segundo blue butterfly, was observed within the action area during the 2020 field surveys. However, the species is known to occupy the southwestern portion of the



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT

Biological Assessment

5.0 Federally Listed/Proposed Species and Designated Critical Habitat within Action Area

BWER. In addition, the El Segundo Butterfly Recovery Unit covers portions of the BWER, west of State Route 1 to the ocean, which includes the action area (MBC et al. 2016). The nearest recorded CNDDDB occurrence is approximately 1.5 miles to the southeast of the action area.

Occurrences of common deerweed, the host plant for Palos Verdes blue butterfly, have been mapped within the portions of the BWER less than 1 mile southeast of the action area (MBC et al. 2016). Common deerweed was observed along the margins of the BWER within the action area during the 2020 surveys. The nearest and most current recorded CNDDDB occurrence is 6 miles south of the action area from 2001.

Both butterfly species have the potential to occur within the action area when dispersing between habitat patches.

5.2 DISCUSSION OF WESTERN SNOWY PLOVER**5.2.1 Legal Status and Distribution**

USFWS formally listed the western snowy plover as threatened under the ESA on March 5, 1993 (60 FR 10695 10715). Critical habitat was designated for the species in 1999. (64 FR 68508 68544) and revised in 2012 (77 FR 36727 36869). In 2019, USFWS conducted a 5-year review of the biological status of the western snowy plover, and concluded that the species should remain listed as federally threatened (USFWS 2019c).

The western snowy plover is both a year-round resident and migratory species with breeding range extending along the Pacific coastline from southern Baja California north into southern Washington. The nearest designated critical habitat for western snowy plover (*Charadrius alexandrinus nivosus*) is less than one mile to the south of the action area.

5.2.2 Life History and Habitat Requirements

The western snowy plover breeds primarily on coastal beaches located on sand spits, dune-backed beaches, beaches at creek and river mouths, and salt pans at lagoons and estuaries. Nests are typically in areas that are open and flat with sparse vegetation or driftwood cover. Nests are often located within 100 meters of the water, but may occur up to several hundred meters away in the absence of vegetative barriers between nest sites and the water (USFWS 2007). The western snowy plover forages for invertebrates in both the wet sand in the intertidal zone and dry sand above the high tide. Migratory birds typically arrive on their nesting grounds in California between March to late April, with some arriving as early as January, and nesting takes place between March and September (USFWS 2007). Some individuals will nest at more than one location in a year, which can extend arrival into June.



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5.0 Federally Listed/Proposed Species and Designated Critical Habitat within Action Area

5.2.3 Survey Results

Based on existing habitat conditions, western snowy plover is not expected to nest within the action area. However, given the location of designated critical habitat less than one mile away on a contiguous beach, there is a potential for the species to forage within the area, or to occur as a migratory transient.

5.3 DISCUSSION OF SOUTHWESTERN WILLOW FLYCATCHER

5.3.1 Legal Status and Distribution

USFWS formally listed the southwestern willow flycatcher as endangered under the ESA on February 27, 1995 (60 FR 10695 10715). Critical habitat was designated for the species in 2013. (78 FR 344 534). In 2017, USFWS conducted a 5-year review of the biological status of the southwestern willow flycatcher, and concluded that the species should remain listed as federally endangered (USFWS 2017).

The southwestern willow flycatcher is a neotropical migrant, spending winters in southern Mexico and Central and South America. The breeding range includes portions of southern California, southern Nevada, southern Utah, Arizona, New Mexico, western Texas, southwestern Colorado, and extreme northwestern Mexico. Their migration corridor is not well known.

5.3.2 Life History and Habitat Requirements

The southwestern willow flycatcher breeds in patchy to dense riparian areas along streams or other wetlands, typically with surface water or saturated soil present. Sizes of the riparian habitat patches range from 0.25 acre to 175 acres. Nest locations are often found in smaller patches of riparian habitat due to widespread habitat fragmentation. Nesting habitat is typically comprised of willows (*Salix* spp.), mulefat (*Baccharis* spp.), boxelder (*Acer negundo*), tamarisk (*Tamarix ramosissima*), and Russian olive (*Elaeagnus angustifolia*). Southwestern willow flycatchers forage for small to medium flying insects, catching them while flying, hovering to glean them from foliage, and occasionally capturing them on the ground. Southwestern willow flycatchers typically arrive on their breeding grounds around late April to early May, begin nesting soon after arrival, and migrate south for the winter as early as late July into September (USFWS 2002).

5.3.3 Survey Results

No suitable nesting habitat was observed within the action area during the biological surveys conducted by Stantec in 2020. However, suitable foraging habitat was observed within the BWER located 0.1 mile east of the action area. The nearest recorded CNDDDB occurrence is approximately 8 miles northeast of the action area and was recorded more than 120 years ago. Although no suitable nesting habitat occurs within the action area, with the proximity of foraging habitat nearby, southwestern willow flycatcher could potentially pass through and utilize the action area for foraging during migration.



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Biological Assessment

5.0 Federally Listed/Proposed Species and Designated Critical Habitat within Action Area

5.4 DISCUSSION OF COASTAL CALIFORNIA GNATCATCHER

5.4.1 Legal Status and Distribution

USFWS formally listed the coastal California gnatcatcher as threatened under the ESA on March 30, 1993 (58 FR 16741 16757). Critical habitat was designated for the species in 2000 (65 FR 63680 63743) and revised in 2007 (72 FR 72010 72213). In 2020, USFWS conducted a 5-year review of the biological status of the coastal California gnatcatcher, and concluded that the species should remain listed as federally threatened (USFWS 2020a).

The coastal California gnatcatcher is a year-round resident in coastal southern California from Santa Barbara south into Mexico.

5.4.2 Life History and Habitat Requirements

The coastal California gnatcatcher breeds in coastal sage scrub below 2,500 feet in Southern California. The coastal California gnatcatcher is typically found in arid washes and on mesas and slopes with California sagebrush (*Artemisia californica*) as a dominant or co-dominant species. Coastal California gnatcatchers forage for insects, gleaning them from foliage and branches and occasionally hovering.

5.4.3 Survey Results

No suitable nesting habitat was observed within the action area during biological surveys in 2020. However, the species was previously observed foraging within a portion of the BWER that is outside of the action area (ESA 2017). The nearest recorded CNDDDB occurrence is approximately 3 miles east of the action area and was recorded about 40 years ago. Although no suitable nesting habitat occurs within the action area, given the documented foraging behavior nearby, coastal California gnatcatcher could potentially utilize the action area for foraging.

5.5 DISCUSSION OF CALIFORNIA LEAST TERN

5.5.1 Legal Status and Distribution

USFWS formally listed the least tern as endangered under the ESA on June 2, 1970 (35 FR 8491 8498). Critical habitat has not been designated for this species. In 2020, USFWS conducted a 5-year review of the biological status of the California least tern, and concluded that the species should remain listed as federally endangered (USFWS 2020b).

The California least tern is a neotropical migrant, spending winters in Central America and northern South America. The breeding range includes coastal California, from the San Francisco Bay south to Mexico. Their migration corridor is not well known.



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Biological Assessment

5.0 Federally Listed/Proposed Species and Designated Critical Habitat within Action Area

5.5.2 Life History and Habitat Requirements

California least tern nests in colonies on sandy upper ocean beaches and open, barren sites, occasionally using mudflats where access to the shoreline is present and relatively free of predators. Nest colonies are typically located within about 0.5 mile of water on nearly flat, loose, sandy substrates with lightly scattered, short vegetation and debris. Some nesting colonies have been documented on hard-packed surfaces, including unused asphalt. California least terns forage for small fish, shrimp, and other invertebrates along the adjacent surf line, estuaries, or the open ocean.

California least terns typically arrive on their breeding grounds around late April; with courtship beginning immediately; they migrate south for the winter in August. Nesting season extends from mid-May into early August. Prior to the incubation period, the birds will establish nocturnal roosting sites which are in a different location from where they will eventually lay their eggs. Nocturnal roost sites may be located anywhere from 0.25 mile to 10 miles from their nesting locations (USFWS 1980). Once incubation begins, nocturnal roosting takes place at the incubation site.

5.5.3 Survey Results

No suitable nesting habitat was observed within the action area during biological surveys in 2020. However, known nesting sites occur within the eastern portion of the BWER and north of the action area in Venice Beach, approximately 0.2 miles north and 1 mile northeast of the action area, respectively. California least tern commonly forages in Ballona Creek, Marina del Rey Harbor, and the BWER. The nearest recorded CNDDDB occurrence of a nesting colony is approximately 0.2 miles north of the action area in Venice Beach and was recorded more than 30 years ago.

Although no suitable nesting habitat occurs within the action area, given the documented foraging behavior nearby, California least tern could potentially utilize the action area for foraging and night roosting.

5.6 DISCUSSION OF LEAST BELL'S VIREO

5.6.1 Legal Status and Distribution

USFWS formally listed the least Bell's vireo as endangered under the ESA on May 2, 1986 (51 FR 16474 16482). Critical habitat was designated for the species in 1994. (59 FR 4845 4867). In 2006, USFWS conducted a 5-year review of the biological status of the least Bell's vireo, wherein the species remains listed as federally endangered (USFWS 2006).

The least Bell's vireo is a neotropical migrant, spending winters in southern Mexico and Central and South America. The breeding range includes portions of southern California, southern Nevada, southern Utah, Arizona, New Mexico, western Texas, southwestern Colorado, and extreme northwestern Mexico. Their migration corridor is not well known.



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Biological Assessment

5.0 Federally Listed/Proposed Species and Designated Critical Habitat within Action Area

5.6.2 Life History and Habitat Requirements

The least Bell's vireo is a summer resident of Southern California in low riparian habitat in the vicinity of water or in dry river bottoms below 2,000 feet. It often inhabits and breeds in structurally diverse woodlands along watercourses including cottonwood-willow and oak woodlands and mulefat scrub (USFWS 1998). Cup nests are typically located along margins of bushes or on twigs projecting into pathways, often willow, Baccharis, or mesquite. Least Bell's vireos forage for insects, gleaning them from branches and leaves. They typically start arriving on their breeding grounds between mid-March to early April and are present on the breeding grounds through late September.

5.6.3 Survey Results

No suitable nesting habitat was observed within the action area during biological surveys in 2020. However, the species is known to nest and forage in the BWER and has been recorded in the Playa Vista riparian corridor near the action area in 2010 (ESA 2017). The nearest recorded CNDDDB occurrence is approximately one mile northeast of the action area and was recorded in 2014.



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5.0 Federally Listed/Proposed Species and Designated Critical Habitat within Action Area

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BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT

Biological Assessment

6.0 Effects of the Proposed Action

6.0 EFFECTS OF THE PROPOSED ACTION

Direct effects occur when federally listed animal species are physically impacted by the proposed action activities. Indirect effects, both positive and negative, affect federally listed animal species by causing changes in hydrology, canopy cover and generally causing human disturbance. Under the National Environmental Policy Act (42 U.S.C. § 4321 et seq. and implementing regulations), cumulative effects analysis considers spatial and temporal effects resulting from the incremental impact of a proposed action when added to past, present, and reasonably foreseeable future actions and natural processes occurring within the action area. Sources for cumulative impacts may include state, Tribal, local and private actions, as well as other activities in the Ballona Creek channel. (See 40 C.F.R. § 1508.7) Spatial effects are those that occur over the distribution of a species, or a population of a species. Temporal effects include past, present, and likely future effects on federally listed species over time. Adherence to the current management direction outlined for habitat within Ballona Creek is intended to eliminate or reduce possible negative cumulative impacts. Future actions that result in a federal action that would be subject to the consultation requirements established in Section 7 of the ESA are also described.

Due to the lack of suitable habitat within the action area and with the implementation of the AMMs described under Section 3.3 above, the proposed action would not adversely affect El Segundo blue butterfly, Palos Verdes blue butterfly, southwestern willow flycatcher, California gnatcatcher, California least tern, or Least Bell's vireo.

The following discussion identifies interrelated, and interdependent, and cumulative effects that are reasonably foreseeable through the implementation of the proposed action.

6.1 INTERRELATED AND INTERDEPENDENT EFFECTS

Interrelated and interdependent actions are those that have no significant independent utility apart from the action under consideration or are part of a larger action and depend on the larger action for their justification (i.e., this action or other actions would not occur “but for” this larger action). No such actions are associated with the proposed action, and there would not be any interrelated or interdependent effects.

6.2 CUMULATIVE EFFECTS

Cumulative effects are those impacts of future, state, local, and private actions affecting endangered and threatened species that are reasonably certain to occur in the action area. Future actions that result in a federal action would be subject to the consultation requirements established in Section 7 of the ESA and, therefore, are not considered cumulative to the proposed action. No reasonably foreseeable future actions within the proposed action area are known at this time.



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Biological Assessment

6.0 Effects of the Proposed Action

6.3 SPECIES AND CRITICAL HABITAT DETERMINATION

AMMs have been incorporated into the project to protect water quality, minimize fugitive dust emissions, prevent the introduction of invasive plant species, and protect special-status wildlife. With implementation of the AMMs and project-specific mitigation measures presented in this BA, and considering the general beneficial environmental effects related to the removal of plastic as a result of this project, the project would have the following determinations:

- may affect, but is not likely to adversely affect the El Segundo blue butterfly
- may affect, but is not likely to adversely affect the Palos Verdes blue butterfly
- may affect, but is not likely to adversely affect the western snowy plover
- may affect, but is not likely to adversely affect the southwestern willow flycatcher
- may affect, but is not likely to adversely affect the coastal California gnatcatcher
- may affect, but is not likely to adversely affect the California least tern
- may affect, but is not likely to adversely affect the least Bell's vireo

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Biological Assessment

7.0 References

7.0 REFERENCES

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- _____. 1998. Draft Recovery Plan for the Least Bell's Vireo (*Vireo bellii pusillus*). U.S. Fish and Wildlife Service. Portland, Oregon. 139 pp.
- _____. 2002. Final Recovery Plan for Southwestern Willow Flycatcher (*Empidonax traillii extimus*). U.S. Fish and Wildlife Service. Albuquerque, New Mexico. 210 pp.
- _____. 2006. Least Bell's Vireo (*Vireo bellii pusillus*). 5-Year Review: Summary and Evaluation. September 2006
- _____. 2007. Recovery Plan for the Pacific Coast Population of the Western Snowy Plover (*Charadrius alexandrinus nivosus*). U.S. Fish and Wildlife Service. Sacramento, California. 751 pp
- _____. 2014. Palos Verdes Blue Butterfly (*Glaucopsyche lygdamus palosverdesensis*). 5-Year Review: Summary and Evaluation. January 2014



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT

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7.0 References

- _____. 2017. Southwestern willow flycatcher (*Empidonax traillii extimus*) 5-Year Review. December 2017.
- _____. 2019a. Recovery Plan Amendment for El Segundo Blue Butterfly. U.S. Fish and Wildlife Service. Carlsbad, California. 17 pp.
- _____. 2019b. Recovery Plan Amendment for Palos Verdes Blue Butterfly. U.S. Fish and Wildlife Service. Carlsbad, California. 9 pp.
- _____. 2019c. 5-Year Review Western Snowy Plover [Pacific Coast population Distinct Population Segment] (*Charadrius nivosus nivosus*). September 2019
- _____. 2020a. Coastal California gnatcatcher (*Polioptila californica californica*) 5-Year Review. June 2020.
- _____. 2020b. California least tern (*Sternula antillarum browni*) (=Sterna a.b.). 5-Year Review: Summary and Evaluation. July 2020



Appendix A U.S. FISH AND WILDLIFE SERVICE OFFICIAL SPECIES LIST



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Carlsbad Fish And Wildlife Office
2177 Salk Avenue - Suite 250
Carlsbad, CA 92008-7385
Phone: (760) 431-9440 Fax: (760) 431-5901
<http://www.fws.gov/carlsbad/>



In Reply Refer To:

September 24, 2020

Consultation Code: 08ECAR00-2020-SLI-1614

Event Code: 08ECAR00-2020-E-03758

Project Name: Ballona Creek Trash Interceptor Pilot Project

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, and proposed species, designated critical habitat, and candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Carlsbad Fish And Wildlife Office

2177 Salk Avenue - Suite 250

Carlsbad, CA 92008-7385

(760) 431-9440

Project Summary

Consultation Code: 08ECAR00-2020-SLI-1614

Event Code: 08ECAR00-2020-E-03758

Project Name: Ballona Creek Trash Interceptor Pilot Project

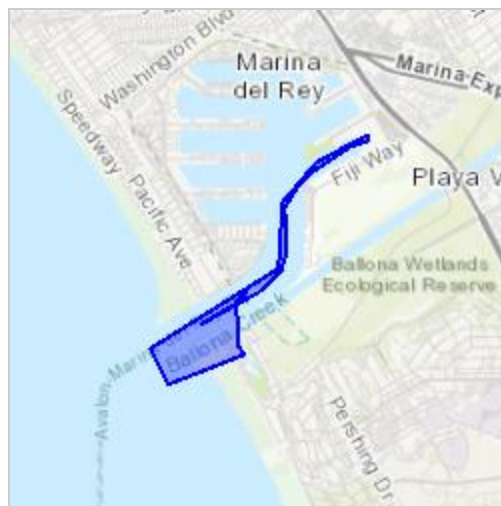
Project Type: ** OTHER **

Project Description: Los Angeles County Public Works (Public Works) is collaborating with The Ocean Cleanup (TOC) to construct and operate the Ballona Creek Trash Interceptor™ Pilot Project (proposed action) located in the City of Los Angeles. The purpose of the proposed action is to test the efficiency of the TOC's Interceptor™ in minimizing trash and debris within Ballona Creek from entering Santa Monica Bay, as well as to track the amount of floatable debris that flows into Santa Monica Bay. The proposed action would provide a secondary measure for trash removal by installing a floating trash Interceptor™ near the mouth of Ballona Creek, directly south and east of the Marina del Rey harbor entrance and breakwater near the Pacific Ocean shoreline.

The action area includes the vicinity where the vessel will be constructed as well as location of permanent operation. Construction is anticipated to take six months to complete.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/33.968775555000065N118.44841236879262W>



Counties: Los Angeles, CA

Endangered Species Act Species

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Birds

NAME	STATUS
California Least Tern <i>Sterna antillarum browni</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8104	Endangered
Coastal California Gnatcatcher <i>Polioptila californica californica</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8178	Threatened
Least Bell's Vireo <i>Vireo bellii pusillus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5945	Endangered
Western Snowy Plover <i>Charadrius nivosus nivosus</i> Population: Pacific Coast population DPS-U.S.A. (CA, OR, WA), Mexico (within 50 miles of Pacific coast) There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8035	Threatened

Insects

NAME	STATUS
El Segundo Blue Butterfly <i>Euphilotes battoides allyni</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3135	Endangered

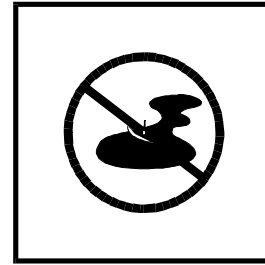
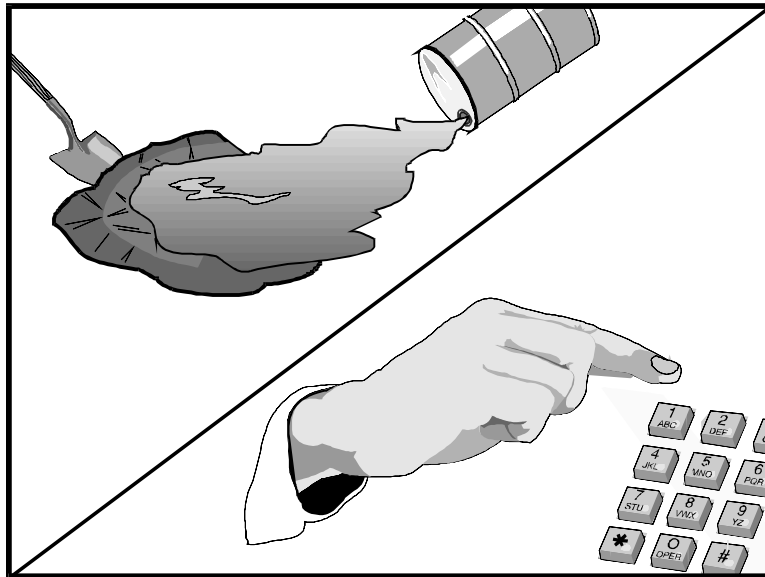
Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Appendix B CONSTRUCTION BEST MANAGEMENT PRACTICES

Spill Prevention and Control

WM-4



Standard Symbol

BMP Objectives

- Soil Stabilization
- Sediment Control
- Tracking Control
- Wind Erosion Control
- Non-Storm Water Management
- Materials and Waste Management

Definition and Purpose

These procedures and practices are implemented to prevent, control and clean-up spills in a manner that minimizes or prevents the discharge of spilled material to the permeable or impermeable ground surface, drainage system or watercourses.

Appropriate Application

This best management practice (BMP) applies to all construction projects. Spill control procedures are implemented anytime liquids or dry materials or wastes (including chemicals, hazardous or non-hazardous substances) are stored or used onsite. Substances may include, but are not limited to:

- Soil stabilization products/binders.
- Dust Palliatives.
- Herbicides/Pesticides, Fertilizers
- Deicing/anti-icing chemicals.
- Sanitary wastes
- Fuels, Lubricants, Other petroleum distillates
- Paint solvents and thinners
- Vehicle fluids
- Asphalt and Portland Cement products

Spill Prevention and Control

WM-4

- Limitations** ■ Procedures and practices presented in this BMP are general. The Contractor shall identify appropriate practices for the specific materials or wastes used or stored on-site.
- Standards and Specifications** ■ Spills of materials and wastes shall be contained and cleaned up immediately.
- Spills identified during a rain event shall be covered and protected from storm water run-until they can be cleaned up.
- Spills shall not be buried, or washed or cleaned up with water.
- Water shall not be used to clean up spills. Dry methods such as rags and absorbents shall be used. Water used for decontaminating sampling equipment shall not be allowed to enter storm drains or watercourses and shall be collected.
- All collected spill cleanup waste shall be disposed of in accordance with BMP WM-6, "Hazardous Waste Management."
- Water overflow or minor water spillage shall be contained and shall not be allowed to discharge into drainage facilities or watercourses.
- Proper storage, clean-up and spill reporting instruction for hazardous materials stored or used on the project site shall be posted at all times in an open, conspicuous and accessible location.
- Waste storage areas shall be kept clean, well organized and equipped with ample clean-up supplies as appropriate for the materials being stored. Perimeter controls, containment structures, covers and liners shall be repaired or replaced as needed to maintain proper function.

Education

- Educate employees and subcontractors on what a "significant spill" is for each material they use, and what is the appropriate response for "significant" and "insignificant" spills.
- Educate employees and subcontractors on potential dangers to humans and the environment from spills and leaks.
- Hold regular meetings to discuss and reinforce appropriate disposal procedures (incorporate into regular safety meetings).
- Establish a continuing education program to train new employees.
- The Contractor shall oversee and enforce proper spill prevention and control measures and shall ensure appropriate personnel are assigned and trained for spill cleanup.



Spill Prevention and Control

WM-4

Cleanup and Storage Procedures

- Equipment and materials for cleanup of spills shall be available on site and spills and leaks shall be cleaned up immediately and disposed of properly.
- Sewage pipeline breaks or spills shall be handled in accordance with the contract special provisions, if applicable. The required plan for sewage spills shall be referenced and described in Section 500.4.6 of the SWPPP, if applicable.
- Minor Spills
 - Minor spills typically involve small quantities of oil, gasoline, paint, etc., which can be controlled by the first responder at the discovery of the spill.
 - Use absorbent materials on small spills. Water shall not be used to clean up spills. Do not bury the spill or spilled materials.
 - Remove the absorbent materials promptly and dispose of properly.
 - The practice commonly followed for a minor spill is:
 - Contain the spread of the spill.
 - Recover spilled materials.
 - Clean the contaminated area and/or properly dispose of contaminated materials.
- Semi-Significant Spills
 - Semi-significant spills still can be controlled by the first responder along with the aid of other personnel such as laborers and the foreman, etc. This response may require the cessation of all other activities.
 - Clean up spills immediately:
 - Notify the project foreman immediately. The foreman shall notify the Engineer.
 - Contain spread of the spill.
 - If the spill occurs on paved or impermeable surfaces, clean up using "dry" methods (absorbent materials, cat litter and/or rags). Contain the spill by encircling with absorbent materials and do not let the spill spread widely.
 - If the spill occurs in dirt areas, immediately contain the spill by constructing an earthen dike. Dig up and properly dispose of contaminated soil.
 - If the spill occurs during rain, cover spill with tarps or other material to prevent contaminating runoff.



Spill Prevention and Control

WM-4

■ Significant/Hazardous Spills

- For significant or hazardous spills that cannot be controlled by personnel in the immediate vicinity, the following steps shall be taken:
- Notify the Engineer immediately and follow up with a written report.
- Notify the local emergency response by dialing 911. In addition to 911, the contractor will notify the proper county officials. It is the contractor's responsibility to have all emergency phone numbers at the construction site. The Los Angeles County Fire Department Health Hazardous Material Division should be called at (323)890-4317 or after hours Call: 911 or (323)881-2455 (Health Haz Mat).
- For spills of federal reportable quantities, in conformance with the requirements in 40 CFR parts 117.3 and 302.4, the contractor shall notify the National Response Center at (800) 424-8802.
- The services of a spills contractor or a Haz-Mat team shall be obtained immediately. Construction personnel shall not attempt to clean up the spill until the appropriate and qualified staff has arrived at the job site.
- Other agencies which may need to be consulted include, but are not limited to, the Coast Guard, the Highway Patrol, the City/County Police Department, Department of Toxic Substances, California Division of Oil and Gas, Cal/OSHA, RWQCB, etc.

Disposal Procedures

- Proper disposal is disposal offsite in accordance with all applicable laws and regulations.
- Used clean up materials, contaminated materials, and recovered spill material that is no longer suitable for the intended purpose shall be stored and disposed of in accordance with WM-6, "Hazardous Waste Management" BMPs.
- Waste that is not hazardous and is not defined as waste that requires special handling under California Code of Regulations, Title 22 Division 4.5, Title 23, Division 3, Chapter 3, and Title 27, Division 2, Subdivision 1 shall be disposed of in accordance WM-5 Solid Waste Management.

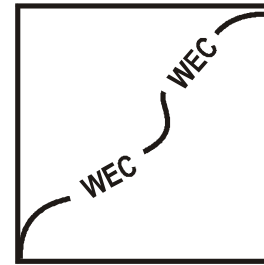
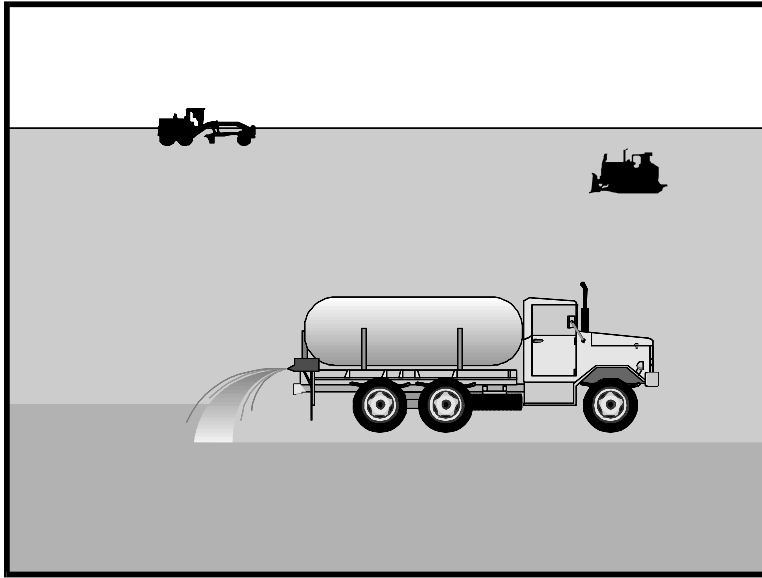
Maintenance and Inspection

- Inspect the project site for spills daily and document weekly, and before and after every rainfall events. During extended rainfall events, inspect project site for spills at least once every 24 hours.
- Verify that spill control clean-up materials are located near material storage, unloading, and use areas.
- Update spill prevention and control plan and stock appropriate clean-up materials whenever changes occur in the types of chemicals used or stored onsite.



Wind Erosion Control

WE-1



Standard Symbol

BMP Objectives

- Soil Stabilization
- Sediment Control
- Tracking Control
- Wind Erosion Control
- Non-Storm Water Management
- Materials and Waste Management

Definition and Purpose Wind erosion control consists of applying water and/or other dust palliatives as necessary to prevent or alleviate erosion by the forces of wind. Covering of all stockpiles is required year round.

Appropriate Applications This practice is implemented on all exposed soils subject to wind erosion.

- Standards and Specifications**
- Effective wind erosion control shall be implemented.
 - Implement good housekeeping measures on the construction site to control the air deposition of site materials and from site operations. Such particulates can include, but are not limited to, sediment, nutrients, trash, metals, bacteria, oil and grease and organics.
 - Water shall be applied by means of pressure-type distributors or pipelines equipped with a spray system or hoses and nozzles that will ensure even distribution.
 - All distribution equipment shall be equipped with a positive means of shutoff.
 - Unless water is applied by means of pipelines, at least one mobile unit shall be available at all times to apply water or dust palliative to the project.
 - If reclaimed water is used, the sources and discharge must meet California Department of Health Services water reclamation criteria and the Regional Water Quality Control Board requirements. Non-potable water shall not be conveyed in tanks or drain pipes that will be used to convey potable water and there shall be no connection between potable and non-potable supplies. Non-potable tanks, pipes and other conveyances shall be marked "NON-POTABLE WATER - DO NOT DRINK."
 - Soil stabilization BMPs are also effective as wind erosion control (SS-3, SS-4, SS-5, SS-6, SS-7, and SS-8).



Wind Erosion Control

WE-1

- Maintenance and Inspection**
- Inspect wind erosion control measures daily and document weekly.
 - Check areas that have been protected to ensure coverage and effectiveness of Wind erosion controls. If wind erosion or dust are observed, Contractor shall immediately reapply or implement additional wind erosion control BMPs.





INDEX TO PROJECT PLANS

SHEET NO.	DESCRIPTION
1	SITE PLAN
2-3	PLAN AND PROFILE
4-5	TYPICAL JETTY ANCHOR DETAILS
6	MOUNT DETAILS
7	BMP NOTES

REFERENCES

SURVEY FIELD NOTES: FCFB 3400 PAGES 89 - 101
LACPW CONSTRUCTION SITE BMP MANUAL (2010)

STANDARD PLANS

SPPWC, 2012 EDITION	
100-2	TOPOGRAPHY SYMBOLS AND STD ABBR
134-2	CONCRETE PAVEMENT JOINT DETAILS
606-4	METAL HAND RAILINGS

CONSTRUCTION NOTES

- EXISTING STONE JETTY RIPRAP SHALL BE REMOVED TO DEPTH(S) SPECIFIED ON SHEETS 2 AND 3 OF THE PLANS. ALL DELETERIOUS DEBRIS/MATERIAL SHALL BE REMOVED TO EXPOSE CLEAN STONE. VOIDS WITHIN RIPRAP SHALL BE FILLED WITH MATERIAL OF VARIOUS GRADATIONS (GRAVEL AND COBBLES RANGING FROM 2 INCHES TO 6 INCHES) AND COMPACTED WITH HAND OPERATED EQUIPMENT PRIOR TO PLACING CONCRETE. CONTRACTOR SHALL REFER TO SPPWC 134 FOR CONCRETE JOINT DETAILS.
- METAL HAND RAILINGS SHOWN ARE FOR SCHEMATIC PURPOSES ONLY. METAL HAND RAILINGS SHALL BE PER SPPWC 606 TYPE B AND SHALL BE STAINLESS STEEL OR OTHER CORROSION-RESISTANT MATERIAL TO BE APPROVED BY THE AGENCY.
- ANCHOR RING, STEEL PLATE, AND ASSOCIATED HARDWARE SHALL BE STAINLESS STEEL.
- ZINC ANODES SHALL BE PLACED AT 24" OC IN BOTH DIRECTIONS. EACH ANODE SHALL HAVE A MINIMUM OF 5.64 OUNCES OF ZINC MASS.
- STUD CHAIN LINK MOORING LINE, FLOATING TRASH BOOMS, AND TRASH CAPTURE DEVICE TO BE INSTALLED BY OTHERS.



BENCH MARK

PT 501
1" DPW COPPER
DISK IN CONC
N = 1,808,997.4667
E = 6,423,312.4058

NAVD 88

NGS BM DY1289
FCFB 3400 PG 92
EL = 12.17

BENCH MARK

PT 505
1" DPW COPPER
DISK IN ROCK
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E = 6,423,840.5513

LONG BEACH (CITY) 2014

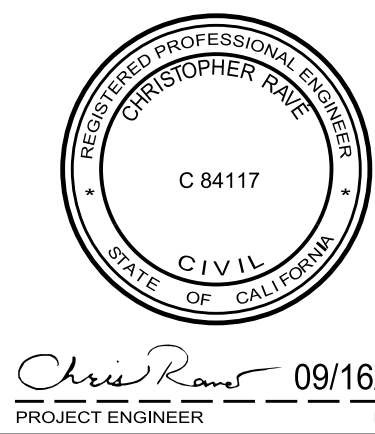
NGVD 29 1929
FCFB 3400 PG 96
EL = 11.49

LEGEND

- STUD LINK CHAIN MOORING LINE
- FLOATING TRASH BOOM

NON-STANDARD ABBREVIATIONS

ABBR	ABBREVIATIONS
BMP	BEST MANAGEMENT PRACTICE
ESCB	EROSION AND SEDIMENT CONTROL BARRIER
FCFB	FLOOD CONTROL FIELD BOOK
FT	FEET
HOR	HORIZONTAL
LT	LEFT
RT	RIGHT
SPPWC	STANDARD PLANS FOR PUBLIC WORKS CONSTRUCTION
STA	STATION
VERT	VERTICAL



LOS ANGELES COUNTY PUBLIC WORKS

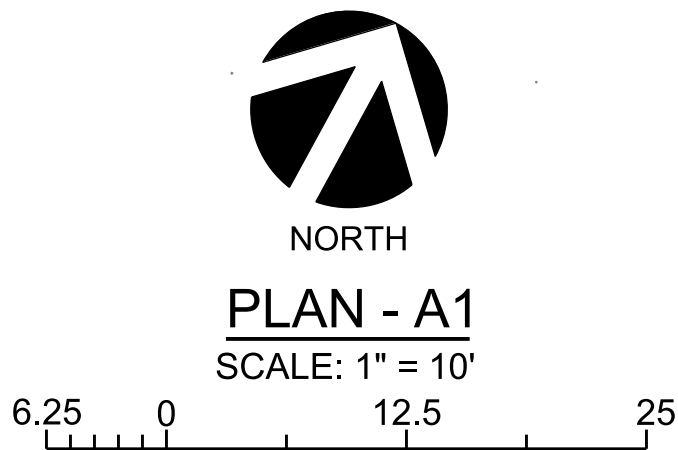
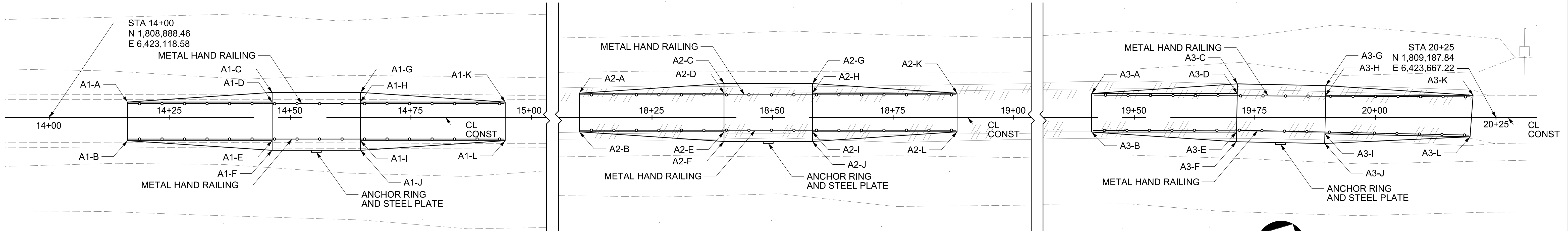
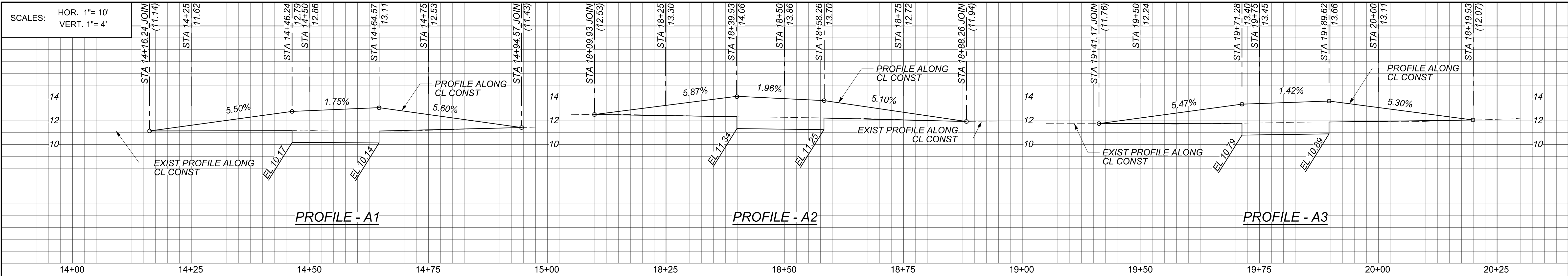
BALLONA CREEK
TRASH INTERCEPTOR PILOT PROJECT

SITE PLAN

PROJECT ID NO. FCC0001350

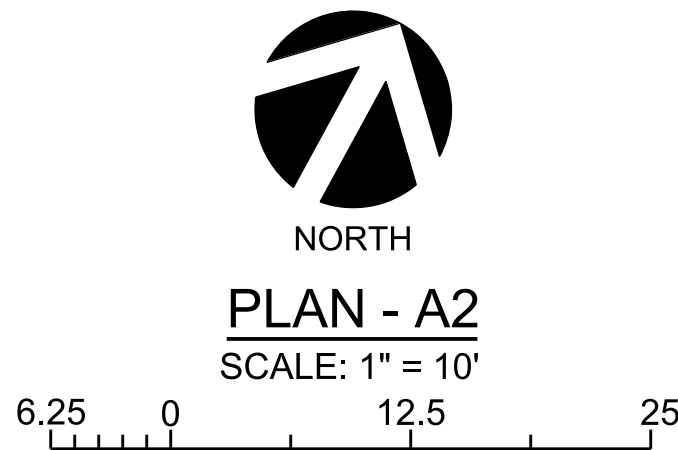
LACFCD INDEX NO. 17-D117.1

SHEET 1 OF 7



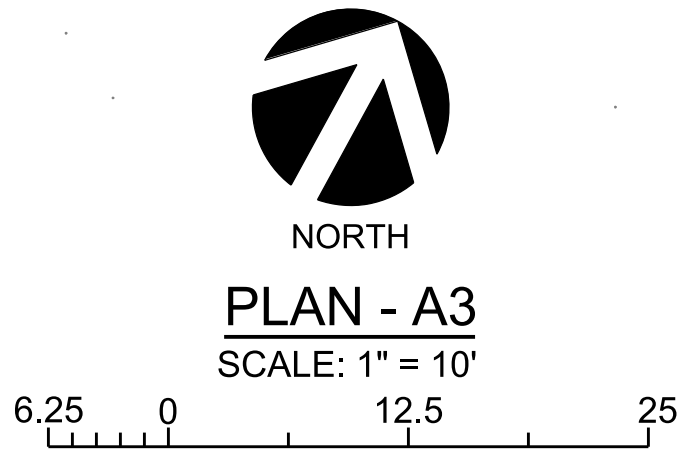
POINT	STATION	OFFSET FT	FG ELEV
A1-A	14+16.24	3.18' LT	(10.95)
A1-B	14+16.24	4.82' RT	(11.10)
A1-C	14+46.24	5.18' LT	12.57 TOP, (10.74) TOE
A1-D	14+46.24	3.18' LT	12.75
A1-E	14+46.24	4.82' RT	12.86
A1-F	14+46.24	6.82' RT	12.88 TOP, (10.81) TOE
A1-G	14+64.57	5.18' LT	13.04 TOP, (10.57) TOE
A1-H	14+64.57	3.18' LT	13.07
A1-I	14+64.57	4.82' RT	13.18
A1-J	14+64.57	6.82' RT	13.20 TOP, (10.63) TOE
A1-K	14+94.57	3.18' LT	(11.40)
A1-L	14+94.57	4.82' RT	(11.38)

TABLE A1



POINT	STATION	OFFSET FT	FG ELEV
A2-A	18+09.93	5.02' LT	(12.50)
A2-B	18+09.93	2.98' RT	(12.53)
A2-C	18+39.93	7.02' LT	13.96 TOP, (11.57) TOE
A2-D	18+39.93	5.02' LT	13.99
A2-E	18+39.93	2.98' RT	14.10
A2-F	18+39.93	4.98' RT	14.13 TOP, (11.73) TOE
A2-G	18+58.26	7.02' LT	13.60 TOP, (11.80) TOE
A2-H	18+58.26	5.02' LT	13.63
A2-I	18+58.26	2.98' RT	13.74
A2-J	18+58.26	4.98' RT	13.77 TOP, (11.55) TOE
A2-K	18+88.26	5.02' LT	(11.95)
A2-L	18+88.26	2.98' LT	(11.95)

TABLE A2



POINT	STATION	OFFSET FT	FG ELEV
A3-A	19+41.17	4.96' LT	(11.76)
A3-B	19+41.17	3.03' RT	(11.66)
A3-C	19+71.40	6.96' LT	13.30 TOP, (11.43) TOE
A3-D	19+71.36	4.96' LT	13.33
A3-E	19+71.20	3.03' RT	13.44
A3-F	19+71.16	5.03' RT	13.47 TOP, (11.39) TOE
A3-G	19+89.74	6.60' LT	13.57 TOP, (11.67) TOE
A3-H	19+89.70	4.60' LT	13.60
A3-I	19+89.54	3.40' RT	13.71
A3-J	19+89.50	5.40' RT	13.73 TOP, (11.18) TOE
A3-K	20+20.26	4.60' LT	(11.86)
A3-L	20+19.64	4.00' RT	(11.91)

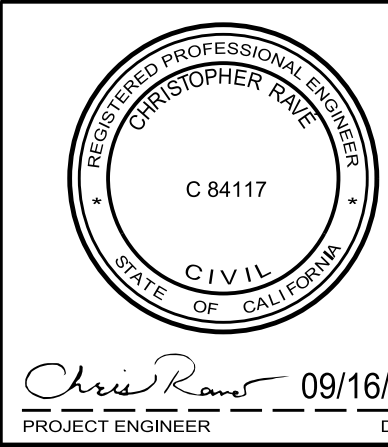
TABLE A3

CADD PROJECT FILE NAME
BALLONA CREEK TRASH.DGN

CHECKER
R. LUI

DESIGNER
R. LUI

DRAFTER
R. LUI / C. RAVE



LOS ANGELES COUNTY PUBLIC WORKS

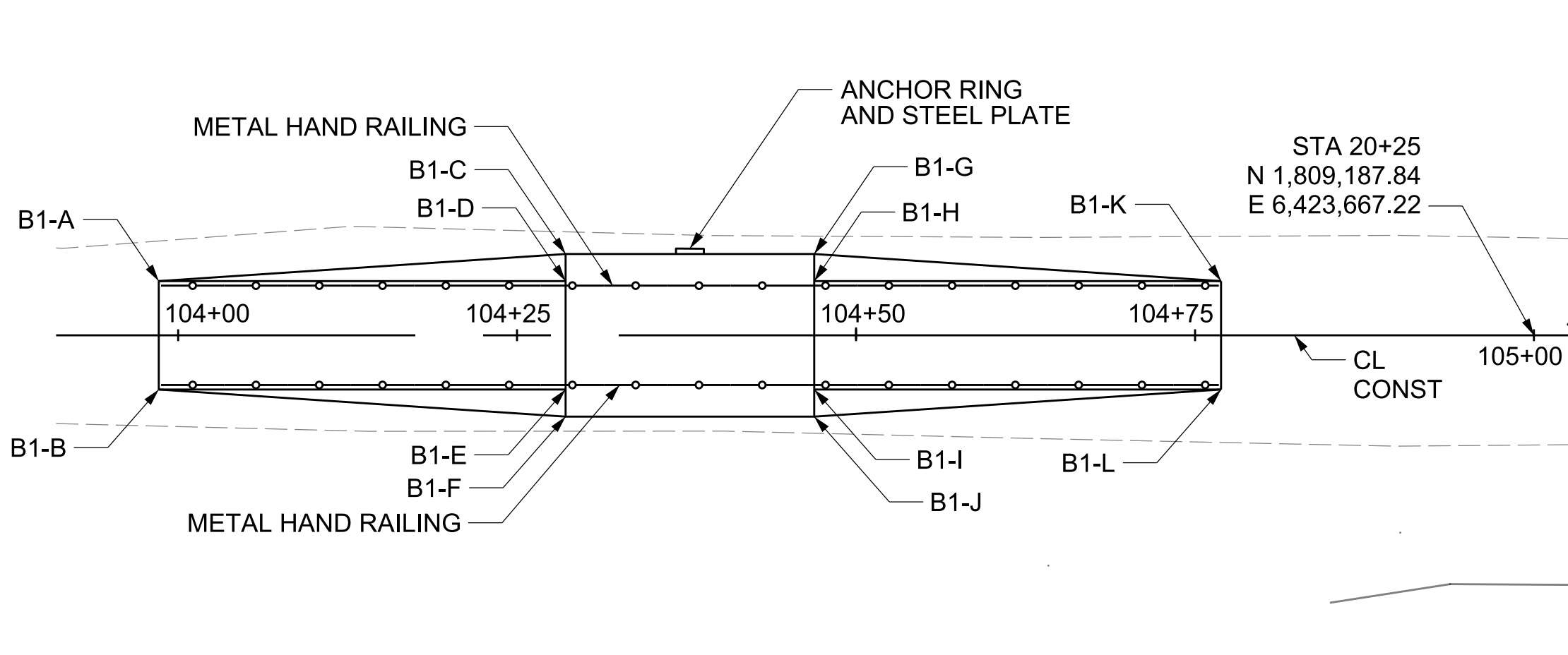
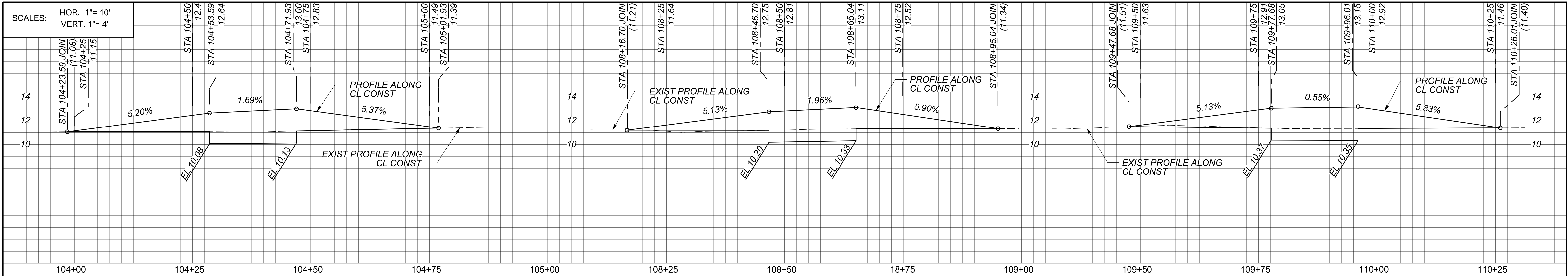
BALLONA CREEK
TRASH INTERCEPTOR PILOT PROJECT

PLAN AND PROFILE
NORTH JETTY

PROJECT ID NO. FCC0001350

LACFD INDEX NO. 17-D117.2

SHEET 2 OF 7

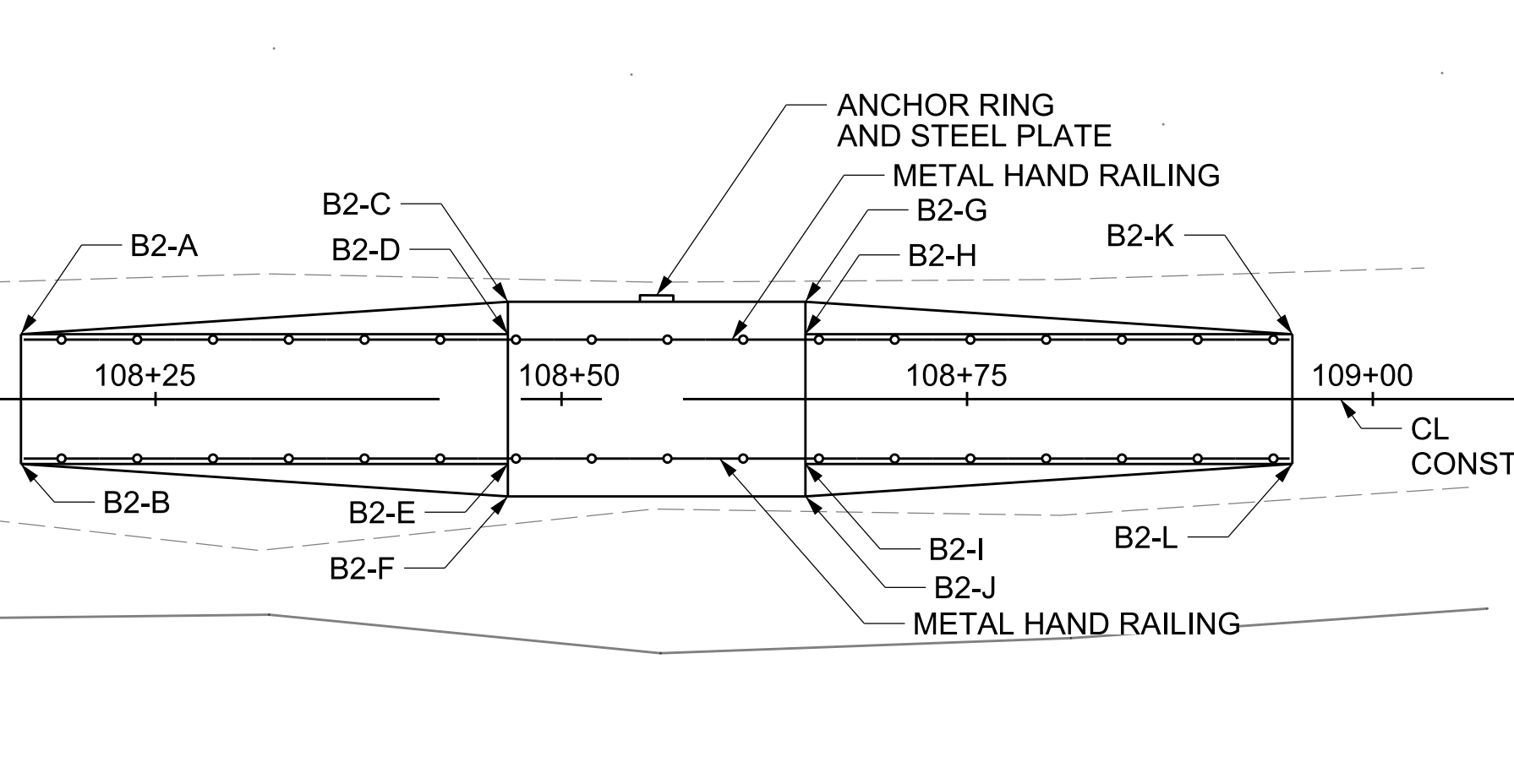


PLAN - B1
SCALE: 1" = 10'



POINT	STATION	OFFSET FT	FG ELEV
B1-A	104+23.59	4.00' LT	(11.01)
B1-B	104+23.59	4.00' RT	(10.90)
B1-C	104+53.59	6.00' LT	12.56 TOP, (10.99) TOE
B1-D	104+53.59	4.00' LT	12.59
B1-E	104+53.59	4.00' RT	12.70
B1-F	104+53.59	6.00' RT	12.72 TOP, (11.09) TOE
B1-G	104+71.93	6.00' LT	12.92 TOP, (11.06) TOE
B1-H	104+71.93	4.00' LT	12.95
B1-I	104+71.93	4.00' RT	13.06
B1-J	104+71.93	6.00' RT	13.08 TOP, (11.17) TOE
B1-K	105+01.93	4.00' LT	(11.28)
B1-L	105+01.93	4.00' RT	(11.39)

TABLE B1

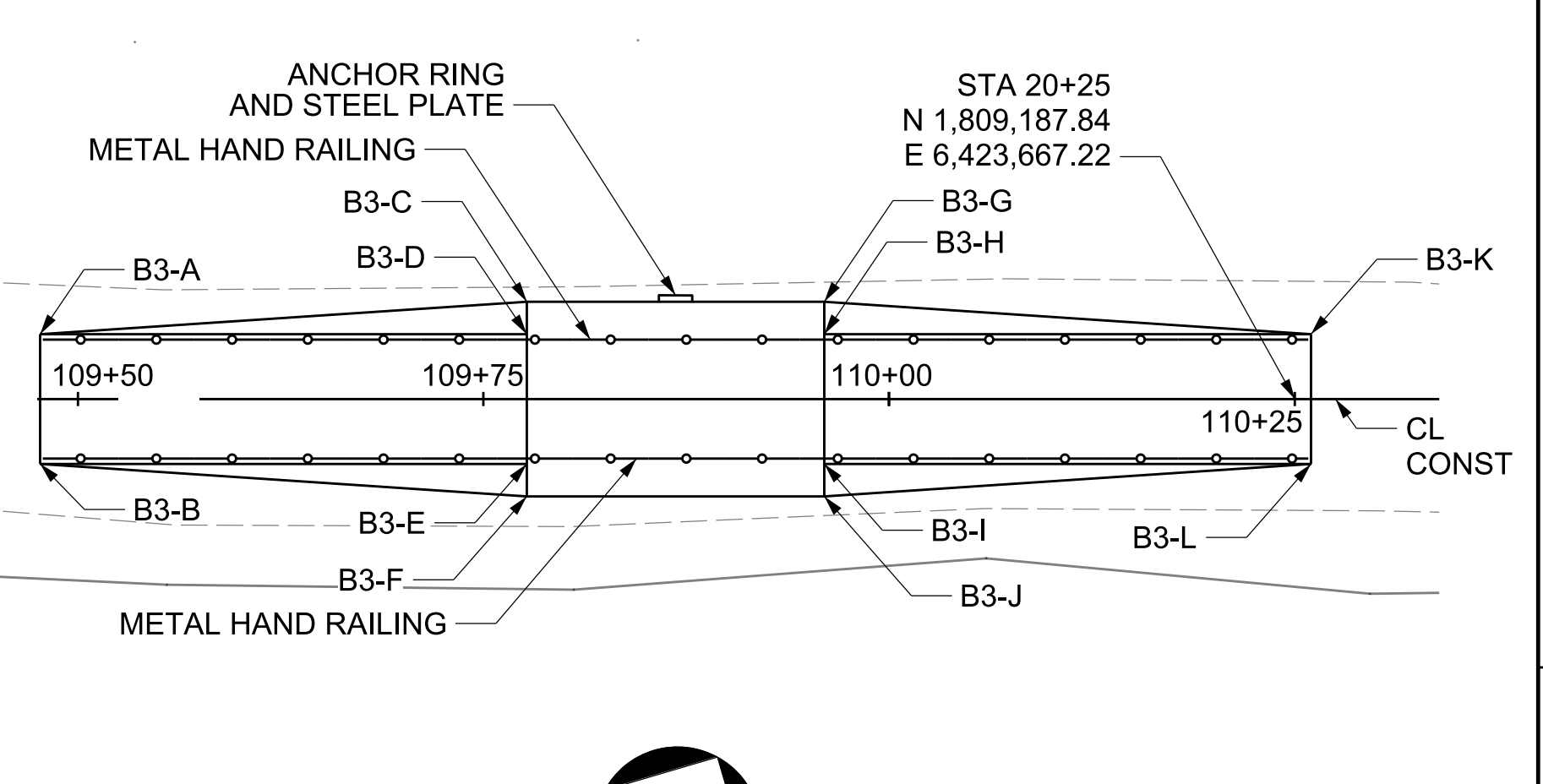


PLAN - B2
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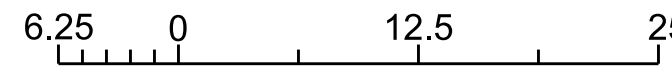


POINT	STATION	OFFSET FT	FG ELEV
B2-A	108+16.70	4.00' LT	(10.90)
B2-B	108+16.70	4.00' RT	(11.03)
B2-C	108+46.70	6.00' LT	12.67 TOP, (11.09) TOE
B2-D	108+46.70	4.00' LT	12.70
B2-E	108+46.70	4.00' RT	12.80
B2-F	108+46.70	6.00' RT	12.83 TOP, (11.34) TOE
B2-G	108+65.04	6.00' LT	13.03 TOP, (11.06) TOE
B2-H	108+65.04	4.00' LT	13.06
B2-I	108+65.04	4.00' RT	13.16
B2-J	108+65.04	4.98' RT	13.19 TOP, (11.38) TOE
B2-K	108+95.04	4.00' LT	(11.29)
B2-L	108+95.04	4.00' LT	(11.40)

TABLE B2



PLAN - B3
SCALE: 1" = 10'



POINT	STATION	OFFSET FT	FG ELEV
B3-A	109+47.68	4.00' LT	(11.61)
B3-B	109+47.68	4.00' RT	(11.31)
B3-C	109+77.68	6.00' LT	12.97 TOP, (11.58) TOE
B3-D	109+77.68	4.00' LT	13.00
B3-E	109+77.68	4.00' RT	13.10
B3-F	109+77.68	6.00' RT	13.13 TOP, (11.26) TOE
B3-G	109+96.01	6.00' LT	13.07 TOP, (11.67) TOE
B3-H	109+96.01	4.00' LT	13.10
B3-I	109+96.01	4.00' RT	13.20
B3-J	109+96.01	6.00' RT	13.23 TOP, (11.65) TOE
B3-K	110+26.01	4.00' LT	(11.30)
B3-L	110+26.01	4.00' RT	(11.42)

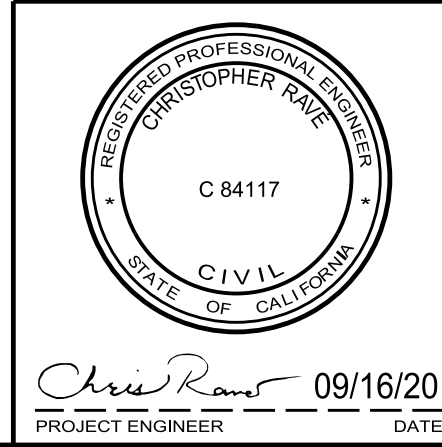
TABLE B3

CADD PROJECT FILE NAME
BALLONA CREEK TRASH.DGN

CHECKER
R. LUI

DESIGNER
R. LUI

DRAFTER
R. LUI / C. RAVE



LOS ANGELES COUNTY PUBLIC WORKS

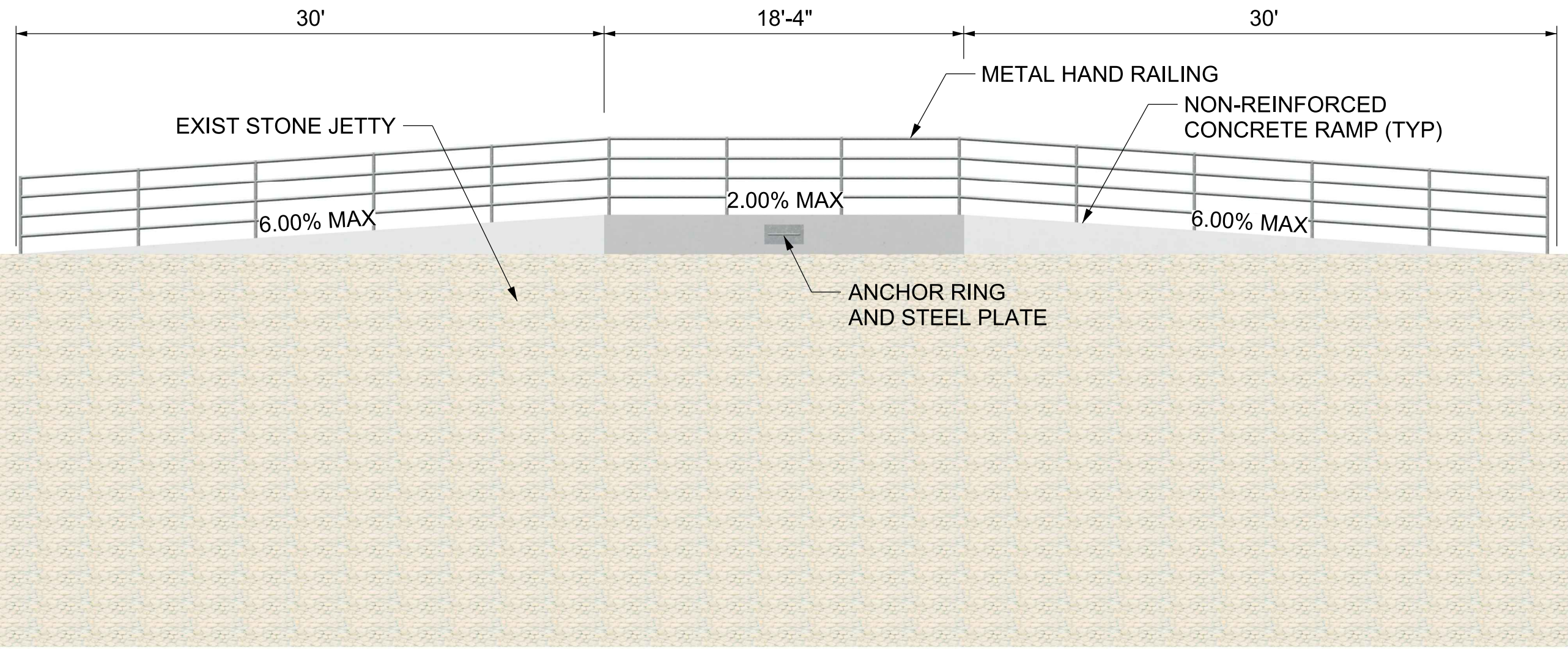
BALLONA CREEK
TRASH INTERCEPTOR PILOT PROJECT

PLAN AND PROFILE
SOUTH JETTY

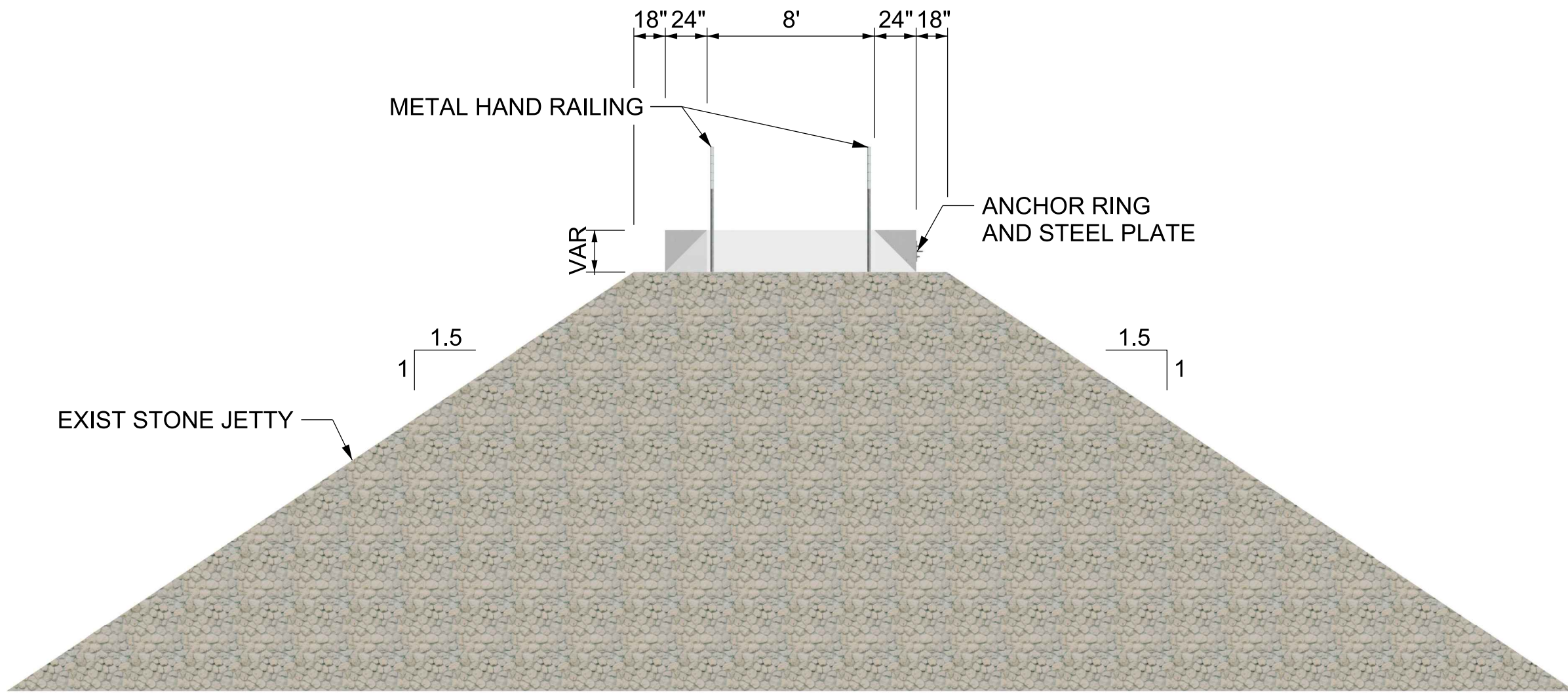
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LACFD INDEX NO. 17-D117.3

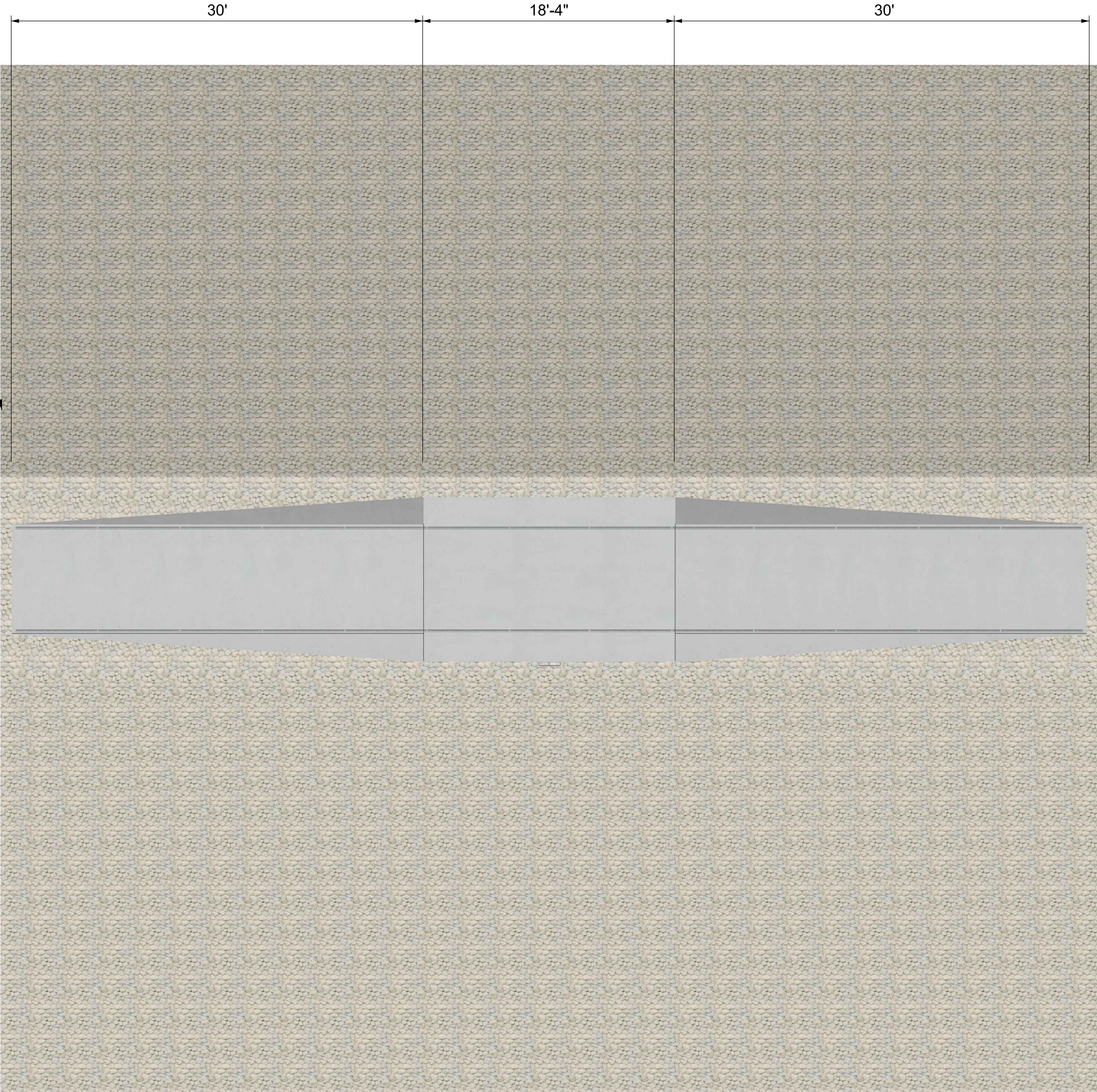
SHEET 3 OF 7



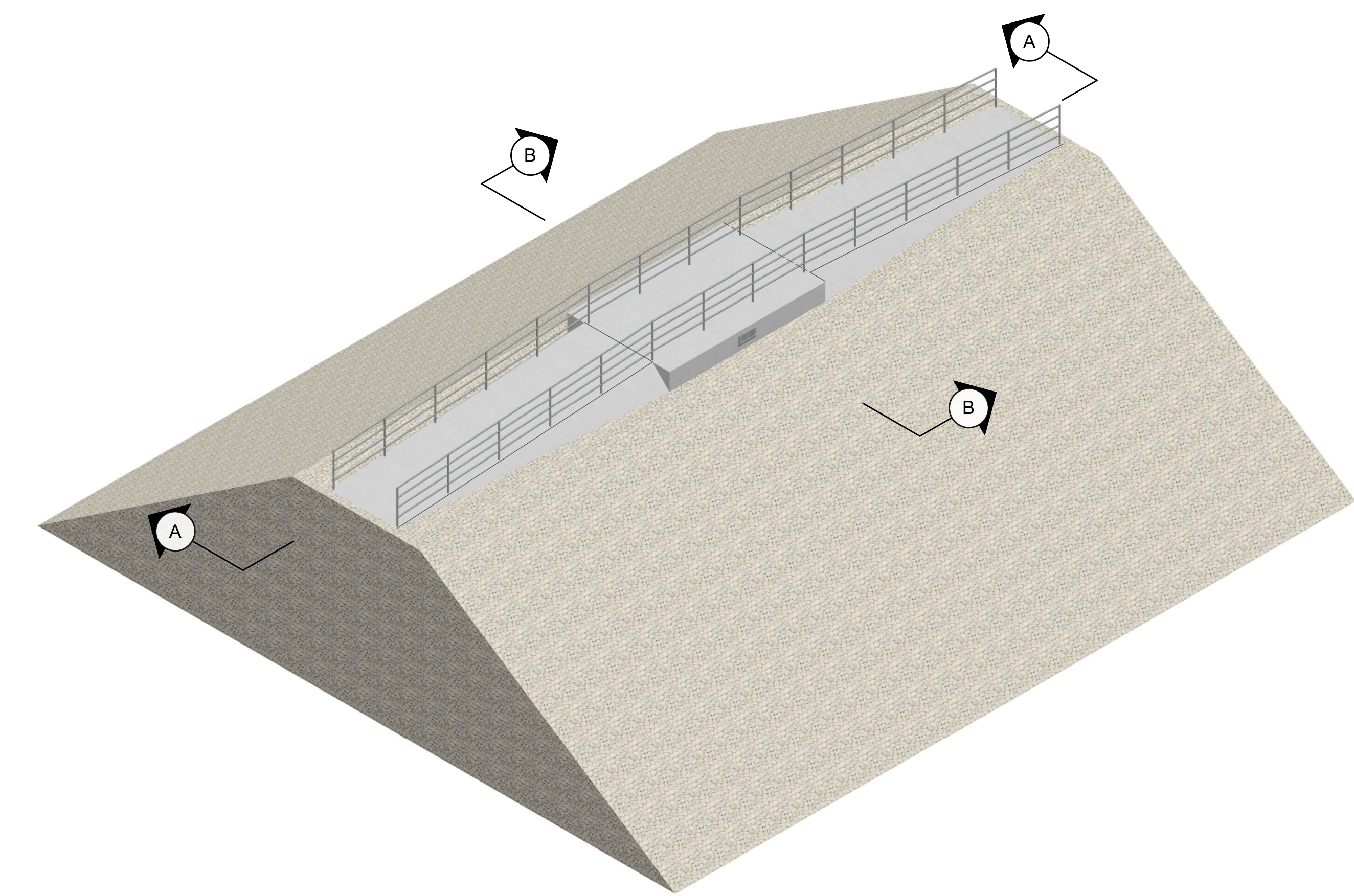
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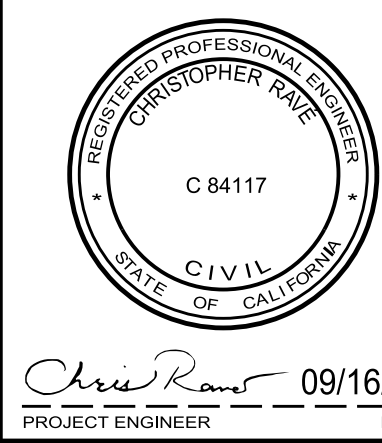
SECTION B-B
NO SCALE



JETTY ANCHOR (TOP)
NO SCALE

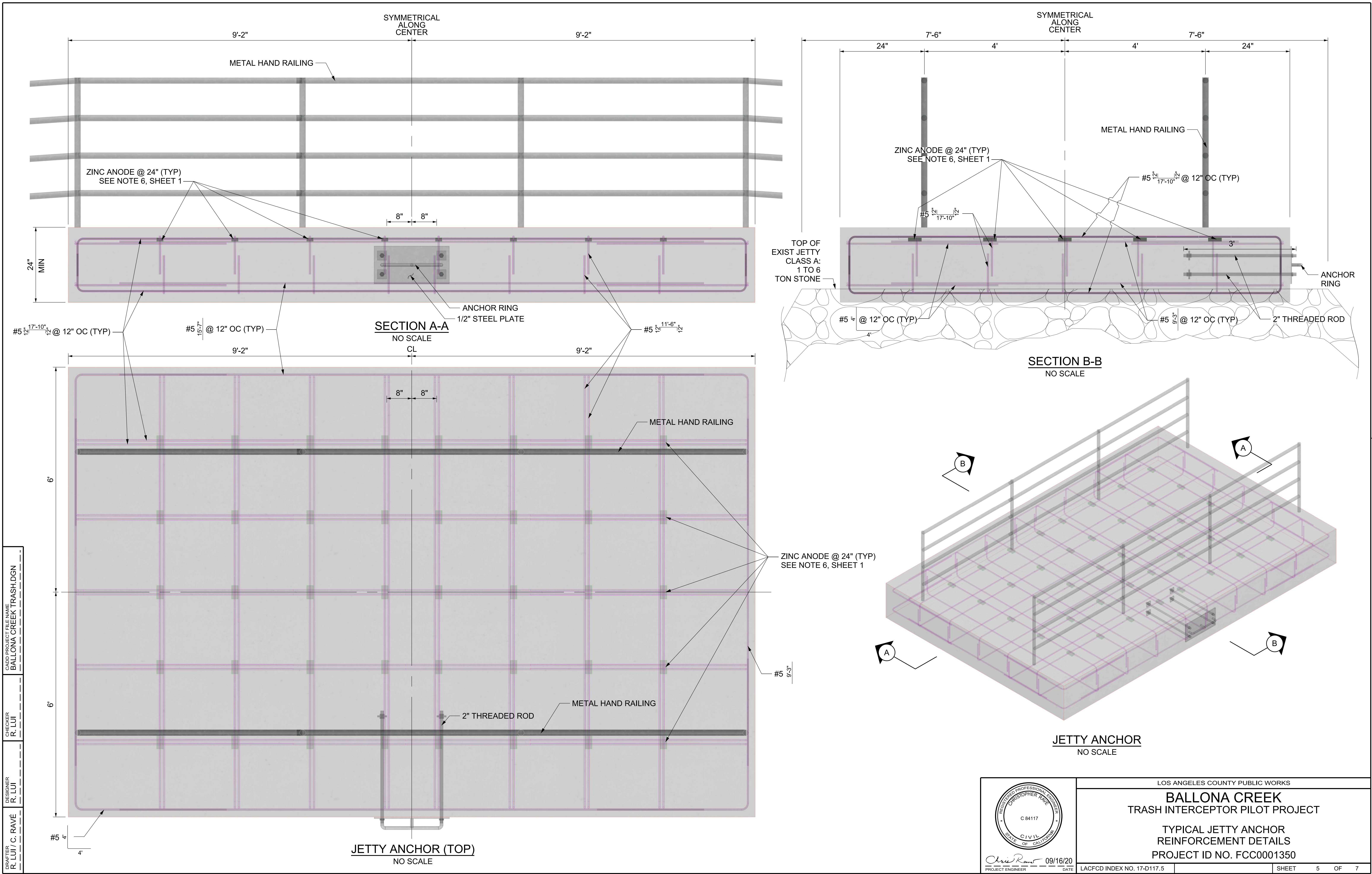


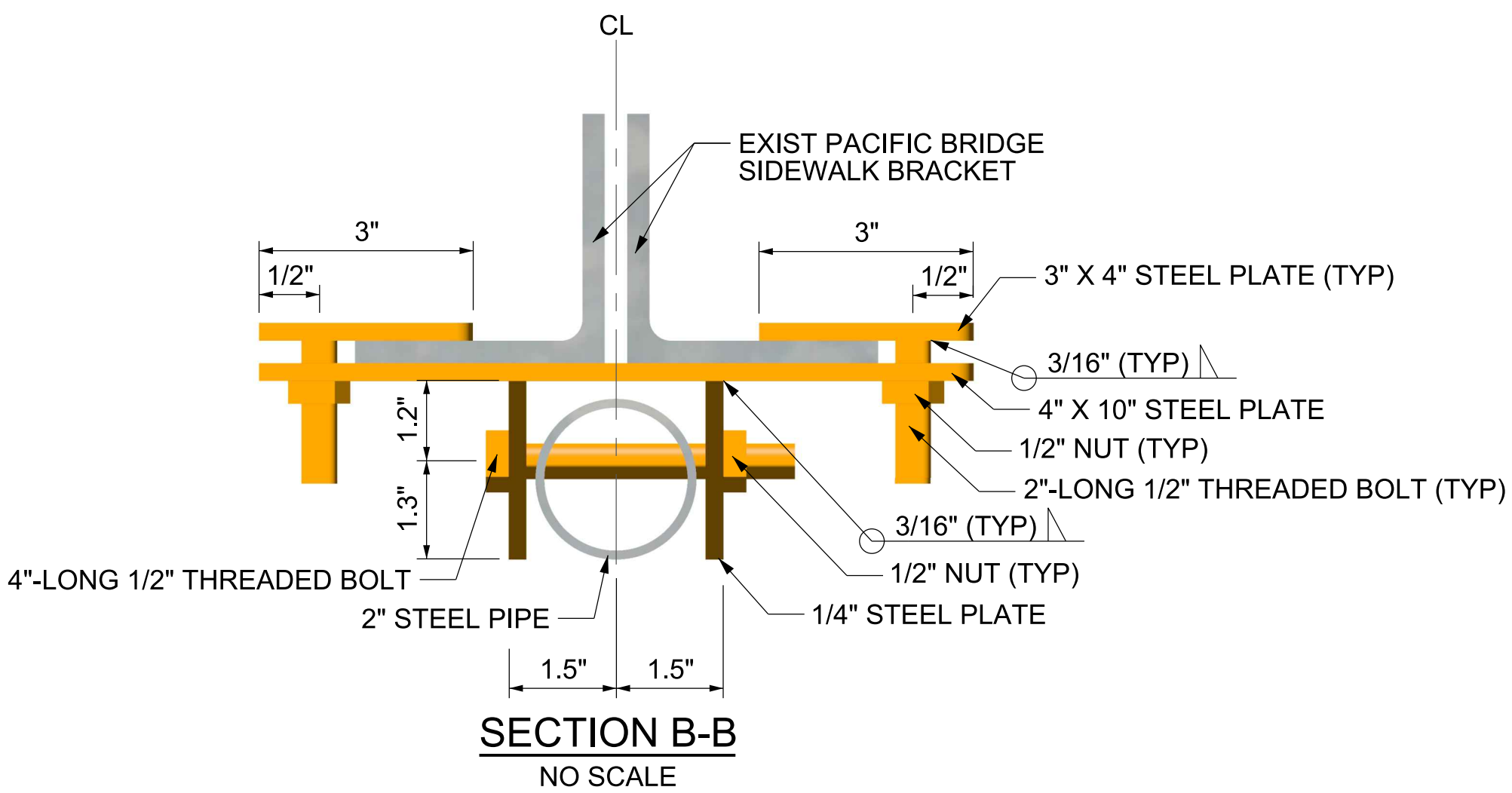
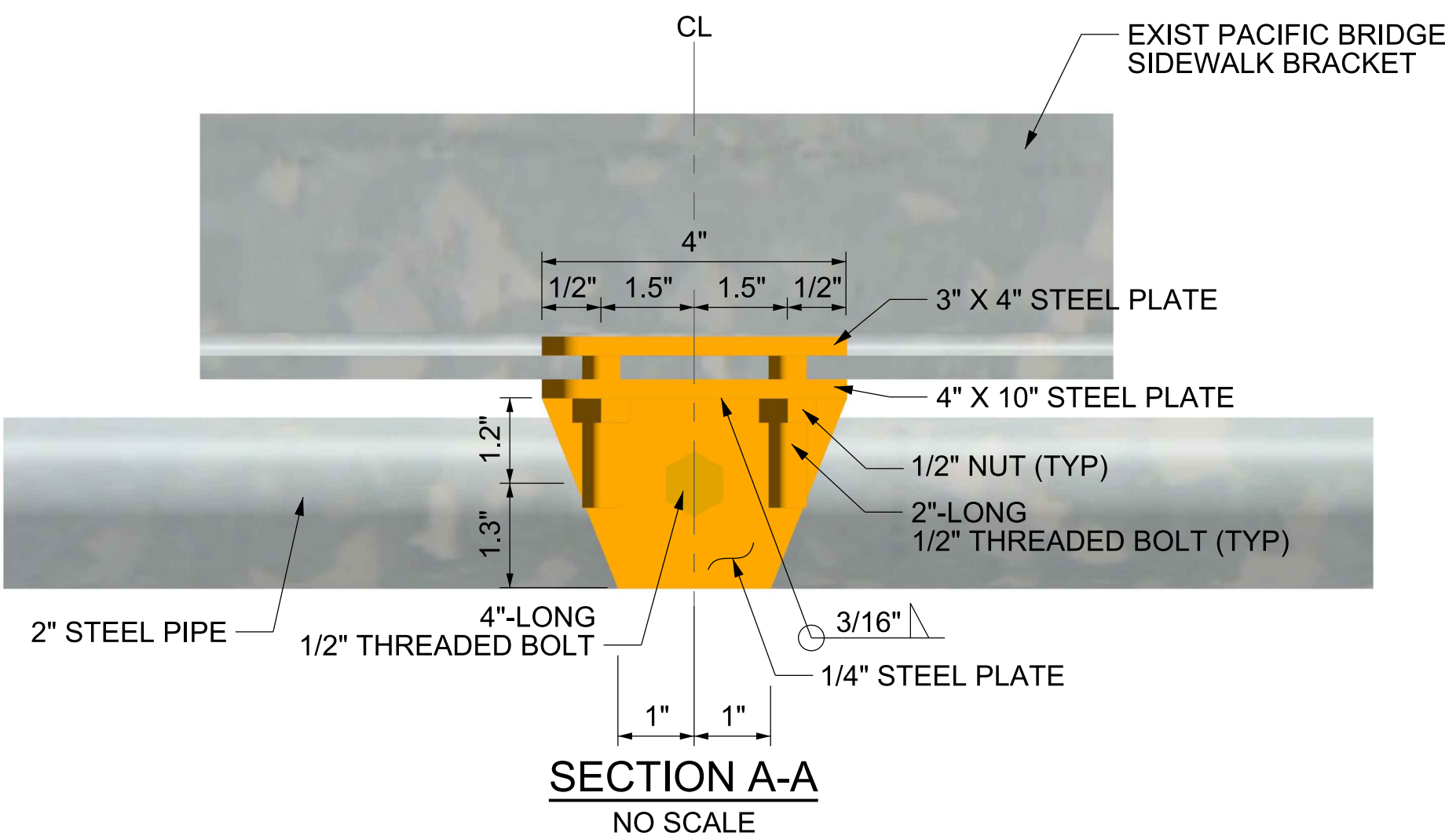
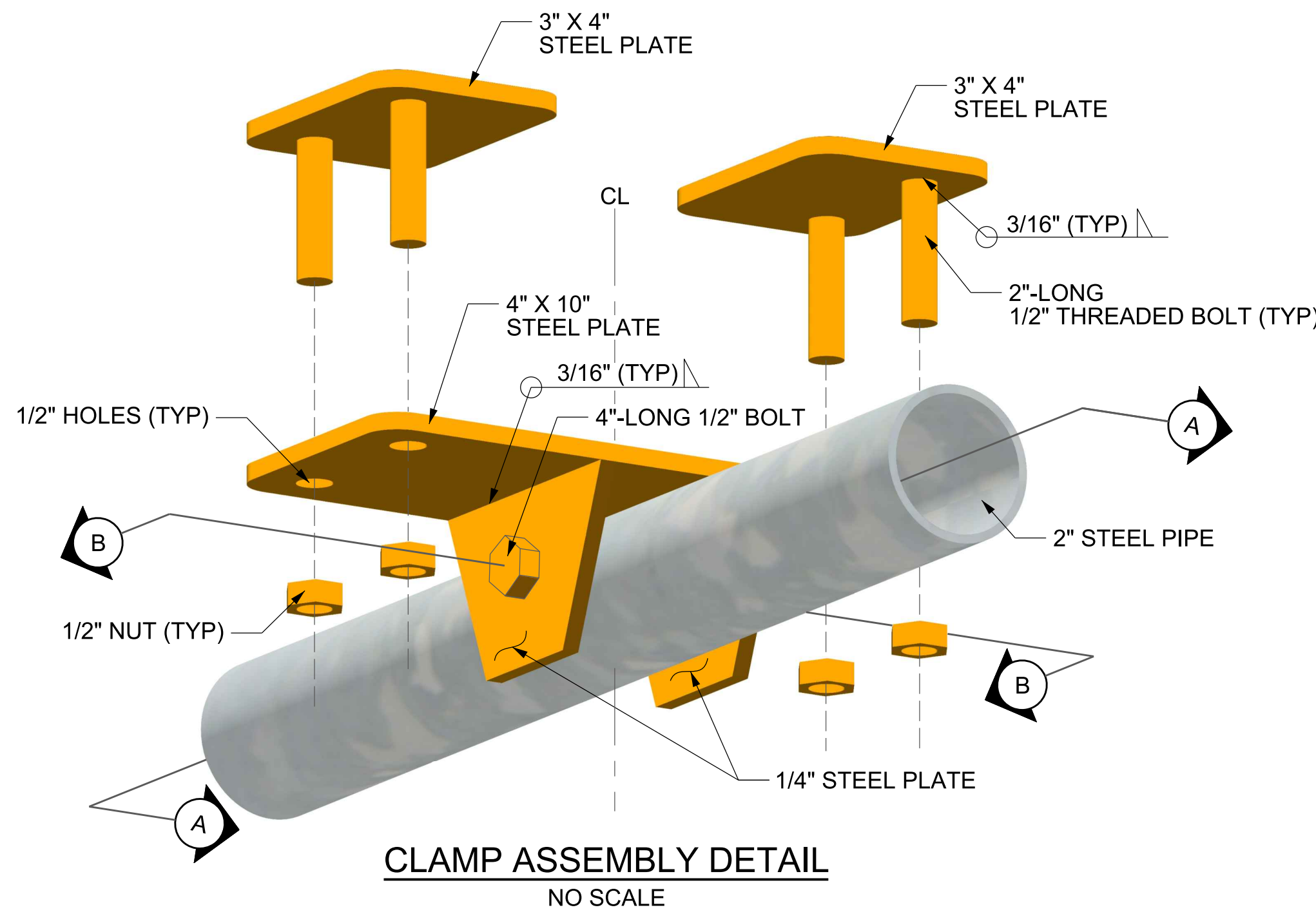
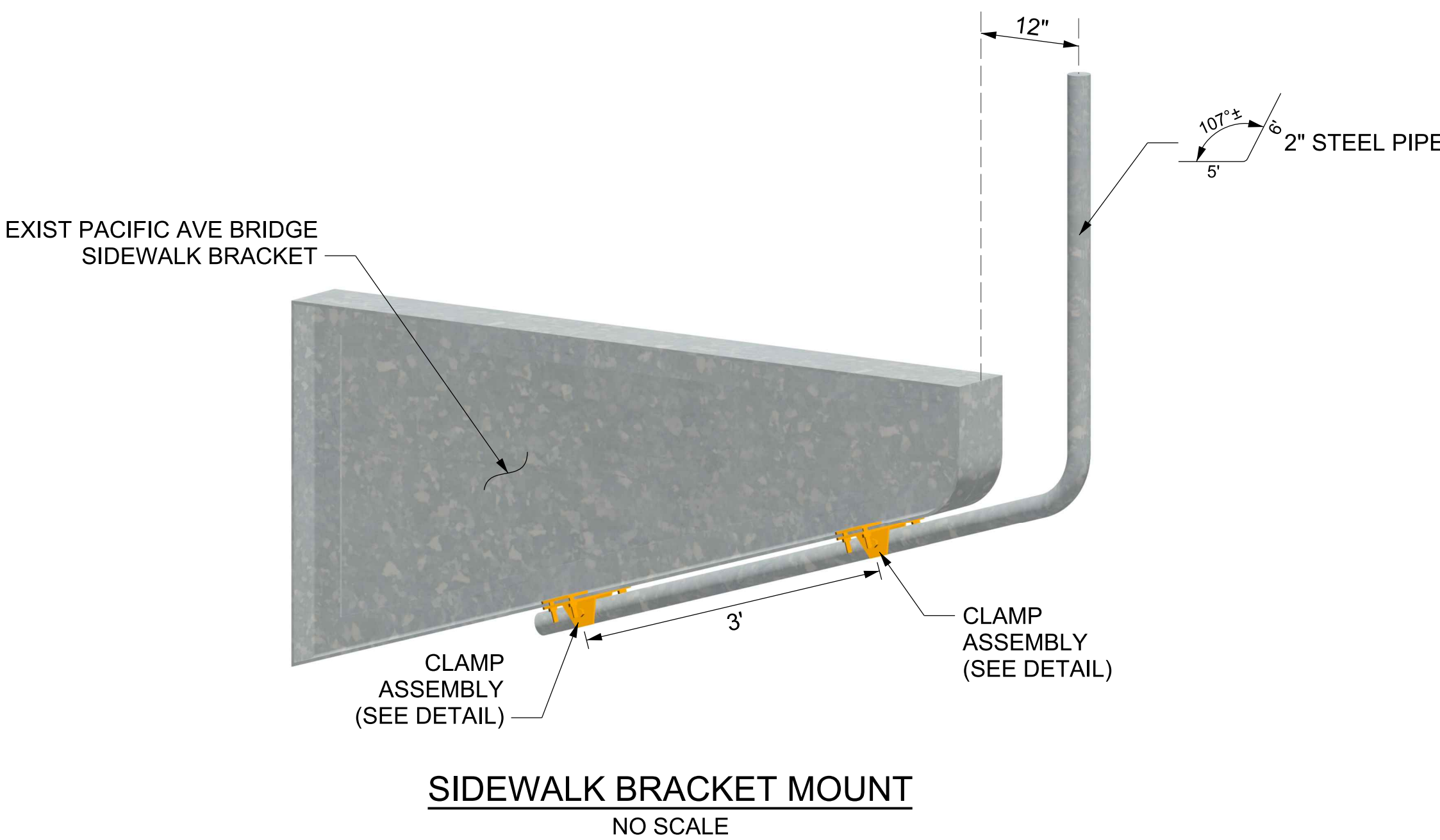
JETTY ANCHOR
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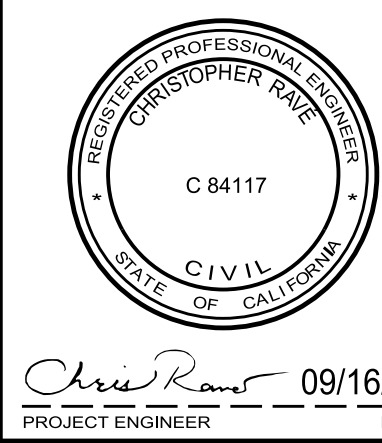
LOS ANGELES COUNTY PUBLIC WORKS	
BALLONA CREEK TRASH INTERCEPTOR PILOT PROJECT	
TYPICAL JETTY ANCHOR LAYOUT DETAILS	
PROJECT ID NO. FCC0001350	
LACFCD INDEX NO. 17-D117.4	SHEET 4 OF 7

CADD PROJECT FILE NAME	BALLONA CREEK TRASH.DGN
CHECKER	R. LUI
DESIGNER	R. LUI
DRAFTER	R. LUI / C. RAVE





- NOTES:**
1. MOUNT TO BE INSTALLED AT SIDEWALK BRACKETS 5, 11, 19, AND 25. SEE PACIFIC AVE BRIDGE MOUNT LOCATIONS FOR REFERENCE.
 2. STRUCTURAL STEEL PIPE SHALL BE STANDARD WEIGHT A500 STEEL (F_y = 46 KSI).
 3. ALL STEEL PLATES SHALL BE A36 STEEL (F_y = 36 KSI) WITH A THICKNESS OF 1/4".
 4. ALL EXPOSED STEEL PLATE CORNERS SHALL BE ROUNDED TO A RADIUS OF 1/16".
 5. ALL WELDS TO BE 3/16" FILLET WELDS ALL AROUND.
 6. CONTRACTOR SHALL FIELD CUT REMAINING PORTION OF 6" STEEL PIPE AFTER AFFIXING CAMERA AND SOLAR PANEL AT EACH MOUNT LOCATION. CAMERAS AND SOLAR PANELS TO BE PROVIDED BY OTHERS.



Chris Rave 09/16/20
PROJECT ENGINEER DATE

LOS ANGELES COUNTY PUBLIC WORKS
**BALLONA CREEK
TRASH INTERCEPTOR PILOT PROJECT**

MOUNT DETAILS

PROJECT ID NO. FCC0001350

CADD PROJECT FILE NAME: BALLONA CREEK TRASH.DGN
CHECKER: R. LUI
DESIGNER: R. LUI
DRAFTER: R. LUI / C. RAVE

LA COUNTY BEST MANAGEMENT PRACTICE
NOTES:

1. EVERY EFFORT SHOULD BE MADE TO ELIMINATE THE DISCHARGE OF NON-STORMWATER FROM THE PROJECT SITE AT ALL TIMES.
2. ERODED SEDIMENTS AND OTHER POLLUTANTS MUST BE RETAINED ON-SITE AND MAY NOT BE TRANSPORTED FROM THE SITE VIA SHEET FLOW, SWALES, AREA DRAINS, NATURAL DRAINAGE COURSES OR WIND.
3. STOCKPILES OF EARTH AND OTHER CONSTRUCTION RELATED MATERIALS MUST BE PROTECTED FROM BEING TRANSPORTED FROM THE SITE BY THE FORCES OF WIND OR WATER.
4. FUELS, OILS, SOLVENTS, AND OTHER TOXIC MATERIALS MUST BE STORED IN ACCORDANCE WITH THEIR LISTING AND ARE NOT TO CONTAMINATE THE SOIL AND SURFACE WATERS. ALL APPROVED STORAGE CONTAINERS ARE TO BE PROTECTED FROM THE WEATHER. SPILLS MUST BE CLEANED UP IMMEDIATELY AND DISPOSED OF IN A PROPER MANNER. SPILLS MAY NOT BBE WASHED INTO THE DRAINAGE SYSTEM.
5. EXCESS OR WASTE CONCRETE MAY NOT BE WASHED INTO THE PUBLIC WAY OR ANY OTHER DRAINAGE SYSTEM. PROVISIONS SHALL BE MADE TO RETAIN CONCRETE WASTES ON-SITE UNTIL THEY CAN BE DISPOSED OF AS SOLID WASTE.
6. TRASH AND CONSTRUCTION RELATED SOLID WASTES MUST BE DEPOSITED INTO A COVERED RECEPTACLE TO PREVENT CONAMINATION OF RAINWATER AND DISPERSAL BY WIND.
7. SEDIMENTS AND OTHER MATERIALS MAY NOT BE TRACKED FROM THE SITE BY VEHICLE TRAFFIC. THE CONSTRUCTION ENTRANCE ROADWAYS MUST BE STABILIZED SO AS TO INHIBIT SEDIMENTS FROM BEING DEPOSITED INTO THE PUBLIC WAY. ACCIDENTAL DEPOSITIONS MUST BE SWEEPED UP IMMEDIATELY AND MAY NOT BE WASHED DOWN BY RAIN OR OTHER MEANS.
8. ANY SLOPES WITH DISTURBED SOILS OR DENUDED OF VEGETATION MUST BE STABILIZED SO AS TO INHIBIT EROSION BY WIND AND WATER.
9. "I CERTIFY THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ENSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED.

BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION SUBMITTED IS TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT SUBMITTING FALSE AND/OR INACCURATE INFORMATION, FAILING TO UPDATE THE ESCP TO REFLECT CURRENT CONDITIONS, OR FAILING TO PROPERLY AND/OR ADEQUATELY IMPLEMENT THE ESCP MAY RESULT IN REVOCATION OF GRADING AND/OR OTHER PERMITS OR OTHER SANCTIONS PROVIDED BY THE LAW."

PRINT NAME _____ RAYMOND LUI
(OWNER OR AUTHORIZED AGENT OF THE OWNER)

SIGNATURE _____ DATE 09/01/2020
(OWNER OR AUTHORIZED AGENT OF THE OWNER)

LA COUNTY BEST MANAGEMENT PRACTICE
NOTES (CONTINUED):

THE FOLLOWING BMPS PER LACPW CONSTRUCTION SITE BMP MANUAL (2010) (HTTPS://DPW.LACOUNTY.GOV/CONS/SPECS/BMPMANUAL.PDF) MAY APPLY DURING THE CONSTRUCTION OF THIS PROJECT (ADDITIONAL MEASURES MAY BE REQUIRED IF DEEMED APPROPRIATE BY THE PROJECT ENGINEER OR THE BUILDING OFFICIAL).

- TEMPORARY SOIL STABILIZATION
- SS-1 - SCHEDULING
 - SS-2 - PRESERVATION OF EXISTING VEGETATION
 - SS-3 - HYDRAULIC MULCH
 - SS-4 - HYDROSEEDING
 - SS-5 - SOIL BINDERS
 - SS-6 - STRAW MULCH
 - SS-7 - GEOTEXTILES, PLASTIC COVERS, & EROSION CONTROL BLANKETS/MATS
 - SS-8 - WOOD MULCHING
 - SS-9 - EARTH DIKES/DRAINAGE SWALES & LINED DITCHES
 - SS-10 - OUTLET PROTECTION/VELOCITY DISSIPATION DEVICES
 - SS-11 - SLOPE DRAINS
 - SS-12 - STREAMBANK STABILIZATION

- TEMPORARY SEDIMENT CONTROL
- SC-1 - SILT FENCE
 - SC-2 - SEDIMENT/DESILTING BASIN
 - SC-3 - SEDIMENT TRAP
 - SC-4 - CHECK DAM
 - SC-5 - FIBER ROLLS
 - SC-6 - GRAVEL BAG BERM
 - SC-7 - STREET SWEEPING AND VACUUMING
 - SC-8 - SANDBAG BARRIER
 - SC-9 - STRAW BALE BARRIER
 - SC-10 - STORM DRAIN PROTECTION

- TRACKING CONTROL
- TC-1 - STABILIZED CONSTRUCTION ENTRANCE/EXIT
 - TC-2 - STABILIZED CONSTRUCTION ROADWAY
 - TC-3 - ENTRANCE/OUTLET TIRE WASH

- NON-STORM WATER MANAGEMENT
- NS-1 - WATER CONSERVATION PRACTICES
 - NS-2 - DEWATERING OPERATIONS
 - NS-3 - PAVING AND GRINDING OPERATIONS
 - NS-4 - TEMPORARY STREAM CROSSING
 - NS-5 - CLEAR WATER DIVERSION
 - NS-6 - ILLICIT CONNECTION/ILLEGAL DISCHARGE DETECTION & REPORTING
 - NS-7 - POTABLE WATER/IRRIGATION
 - NS-8 - VEHICLE AND EQUIPMENT CLEANING
 - NS-9 - VEHICLE AND EQUIPMENT FUELING
 - NS-10 - VEHICLE AND EQUIPMENT MAINTENANCE
 - NS-11 - PILE DRIVING OPERATIONS
 - NS-12 - CONCRETE CURING
 - NS-13 - MATERIAL AND EQUIPMENT USE OVER WATER
 - NS-14 - CONCRETE FINISHING
 - NS-15 - STRUCTURE DEMOLITION OVER OR ADJACENT TO WATER
 - NS-16 - TEMPORARY BATCH PLANT

- WIND EROSION CONTROL
- WE-1 - WIND EROSION CONTROL

- WASTE MANAGEMENT AND MATERIAL POLLUTION CONTROL
- WM-1 - MATERIAL DELIVERY AND STORAGE
 - WM-2 - MATERIAL USE
 - WM-3 - STOCKPILE MANAGEMENT
 - WM-4 - SPILL PREVENTION AND CONTROL
 - WM-5 - SOLID WASTE MANGEMENT
 - WM-6 - HAZARDOUS WASTE MANAGEMENT
 - WM-7 - CONTAMINATION SOIL MANAGEMENT
 - WM-8 - CONCRETE WASTE MANAGEMENT
 - WM-9 - SANITARY/SEPTIC WASTE MANAGEMENT
 - WM-10 - LIQUID WASTE MANAGEMENT

CADD PROJECT FILE NAME
BALLONA CREEK TRASH.DGN

CHECKER
R. LUI

DESIGNER
R. LUI

DRAFTER
R. LUI / C. RAVE



Chris Rave 09/16/20
PROJECT ENGINEER DATE

LOS ANGELES COUNTY PUBLIC WORKS
BALLONA CREEK
TRASH INTERCEPTOR PILOT PROJECT

BMP NOTES

PROJECT ID NO. FCC0001350

LACFCD INDEX NO. 17-D117.7

SHEET 7 OF 7

Appendix C MARINE BIOLOGICAL TECHNICAL REPORT

**MARINE BIOLOGICAL ASSESSMENT
FOR
THE BALLONA CREEK INTERCEPTOR™ PROJECT
MARINA DEL REY, CA**

Prepared for:

The Ocean Cleanup
Batavierenstraat 15-7th Floor
3014 JH Rotterdam
The Netherlands

Prepared by:

Merkel & Associates, Inc.
5434 Ruffin Road
San Diego, CA 92123
Phone: (858) 560-5465
Fax: (858) 560-7779

October 2020

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1.0 INTRODUCTION

Public Works is collaborating with The Ocean Cleanup, a Dutch non-profit organization, on this pilot project, the Ballona Creek Trash Interceptor™ Pilot Project “Project”, to deploy a floating, automated trash Interceptor™ system (the Interceptor™) near the mouth of Ballona Creek where it enters the Pacific Ocean. The Project would entail installation of the Interceptor™ within Ballona Creek, directly south and east of the Marina Del Rey harbor entrance and breakwater along the Pacific Ocean shoreline (Figure 1). The purpose of the Project is to test the efficiency of The Ocean Cleanup’s Interceptor™ in capturing and collecting floating trash and debris in Ballona Creek. The Project’s goal is to would capture and collect trash coming down the creek to prevent it from entering and polluting the ocean and thus, protecting the environment.

This report documents the in-water marine biological condition at the Project location as well as provides an analysis of potential impacts to habitats and sensitive species. An Essential Fish Habitat (EFH) Assessment for the proposed Project is provided in a separate document.

2.0 PROJECT LOCATION AND DESCRIPTION

2.1 PROJECT LOCATION

The Project is located within a channelized portion of Ballona Creek, approximately 1.5 miles west of CA-1, 0.5 mile east of the Santa Monica Bay, and immediately southwest of the Ballona Creek-Pacific Avenue Bridge, Marina del Rey South Jetty, and Marina del Rey Harbor Main Channel. There are two levee systems, Ballona Creek 1 Levee System (hereafter referred to as the Ballona Creek North Jetty) and Ballona Creek 3 Levee System (hereafter referred to as the Ballona Creek South Jetty) that will be used for this Project (Figure 1).

The study area is characterized by the wide, concrete embankment of Ballona Creek channel trending from east-northeast (upstream) toward the west-southwest (downstream). Ballona Creek channel includes riprap which is a combination of broken concrete blocks and rock. The Ballona Creek North Jetty is topped by a publicly accessible sidewalk and beacon light for boats returning to the harbor. There are also two (2) viewing decks with concrete benches and guardrail on top of the North Jetty. The Ballona Creek South Jetty is supported by a shorter jetty on the opposite side which is covered with a jagged rock outcrop with no public access.

2.2 PROJECT DESCRIPTION

The floating Interceptor™ would be a single vessel (Figure 2) moored in Ballona Creek through attachment to six moorings—four of which anchor the vessel itself and two of which anchor two in-water floating trash booms—that would be installed above the ordinary high-water mark of Ballona Creek along two existing adjacent jetties (Figure 3). Each mooring would have a concrete pad which would be installed above-grade with the jetty as well as ramps with railings installed and attached to mooring ties to hold the Interceptor™ in place. The placement of floating trash booms (also called “barriers”) and the downstream current will cause trash drifting down Ballona Creek to be funneled into the Interceptor™.



 Project Location

0 6 12 Miles
(At original document size of 8.5x11)
1:760,320



Project Location	Prepared by DL on 2020-09-28
Ballona Creek	TR by ST on 2020-09-28
Los Angeles County, California	IR by LM on 2020-09-28
Client/Project	184031268
Los Angeles County Public Works	
Ballona Creek Trash Interceptor Pilot Project	
Permit Package	

Figure No.

1

Title

Project Location Map

Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
2. Data Sources: Stantec 2020.
3. Background: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic form and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.



Figure 2. Pictures of Interceptor™ barge in Malaysia with barrier and dumpster barge.



← Existing Bikeways

Project Footprint

- Mooring Footprint [0.113 Acres]
- Mooring Construction Staging Areas [0.37 Acres]
- Interceptor Assembly Area [0.62 Acres]
- Interceptor/ Mooring Chains/ Trash Boom Footprint [0.023 Acres]
- Trash Boom
- Mooring Lines

Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
2. Data Sources: Stantec 2020.
3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

0 500 1,000 Feet
(At original document size of 8.5x11)
1:12,000



Project Location
Ballona Creek
Los Angeles County, California

Prepared by DL on 2020-09-28
TR by ST on 2020-09-28
IR by LM on 2020-09-28

Client/Project 184031268

Los Angeles County Public Works
Ballona Creek Trash Interceptor Pilot Project
Permit Package

Figure No.

3

Title

Project Vicinity

The floating debris will converge on the Interceptor™ mechanical conveyor belt, which automatically feeds the trash into a floating receptacle, thus preventing the refuse from reaching the Pacific Ocean. The Interceptor™ would use both booms during the storm season (October–April), when stormwater flows wash greater amounts of trash and debris into Ballona Creek, and only one boom during the remainder of the year. The southern boom would remain in place while the northern boom would be able to be clipped and unclipped to the Interceptor™ prior to and after storm events. The booms, which would float atop the water would extend 18 inches beneath the water surface, and have a low draft allowing water to pass underneath without significant interference; therefore, not substantially obstructing or diverting the natural flow of water within Ballona Creek. In the event of an emergency, such as higher flow speeds within Ballona Creek, the booms are designed to automatically release and open by detaching from one side of the mooring on top of the jetty.

When the Interceptor™ is nearly full, it automatically sends a message to the local operators to collect the waste. Operators then remove the dumpsters (trash bins), bring them to the side of the Marina del Rey boat harbor, empty the dumpsters, send off the debris to an appropriate solid waste facility, and return the dumpsters back to the Interceptor™. The Interceptor™ pilot program is expected to be deployed and in operation for two storm seasons (up to 24 months).

Construction and installation of the Project would occur over an approximate six-month period. During construction of the moorings, the Ballona Creek North Jetty walkway would be temporarily closed to prevent public access due to safety considerations. Construction of the moorings would require a small crew size. No excavation activities within Ballona Creek channel is planned for the Project; however, some excavation would be required to remove the existing stone jetty riprap to install the mooring blocks (12 feet wide x 8 feet long). In addition, minor ground disturbance would be required on top of the jetties to allow access for installation of Project components (i.e., Interceptor™ anchoring location, collection boom, and jetty mooring system). Approximately 0.113 acres would be disturbed or developed as part of the Project. Some stockpiles would be placed onsite temporarily during excavation and they would be covered with tarps and/or watered to prevent dust, as required. Some equipment (e.g., saws, generators, air compressors, pump, cement mixer) would be required to install the moorings; however, most of the work would be conducted using hand tools. The Project would involve minimal vehicle trips including material import/ export as well as haul trucks required for construction.

3.0 PROJECT REGULATORY REQUIREMENTS

The proposed project is subject to the following regulations.

3.1 FEDERAL REGULATIONS

Clean Water Act

The federal Water Pollution Control Act Amendments of 1972 (33 United States Code [USC] 1251–1376), as amended by the Water Quality Act of 1987, and better known as the CWA, is the major federal legislation governing water quality. The purpose of the federal CWA is to “restore and maintain the chemical, physical, and biological integrity of the nation’s waters.” Discharges into waters of the United States are regulated under the CWA. Waters of the United States currently include the territorial seas and traditional navigable waters, perennial and intermittent tributaries

to those waters, certain lakes, ponds, and impoundments, and wetlands adjacent to jurisdictional waters (33 C.F.R. § 328.3). Important applicable sections of the CWA are discussed below:

- Section 401 requires an applicant for any federal permit that proposes an activity that may result in a discharge to waters of the United States to obtain certification from the state that the discharge will comply with other provisions of the CWA. Certification is provided by the respective RWQCB (Regional Water Quality Control Board). A Section 401 permit from the SWRCB (State Water Resources Control Board) or RWQCB would be required for issuance of a permit by the U.S. Army Corps of Engineers (USACE).

Rivers and Harbors Appropriation Act

The Rivers and Harbors Appropriation Act of 1899 (33 USC 403 et seq.), commonly known as the Rivers and Harbors Act (RHA), prohibits the construction of any bridge, dam, dike, or causeway over or in navigable waterways of the United States without congressional approval. Under RHA Section 10, the USACE is authorized to permit structures in or over navigable waters. Building or modifying wharves, piers, jetties, and other structures in or over the waters of the United States requires USACE approval through the Section 10 permit process.

In addition, Section 14 (33 U.S.C. § 408), requires that any proposed occupation or use of an existing USACE civil works project be authorized by the Secretary of the Army. An alteration refers to any action by any entity other than the Corps that builds upon, alters, improves, moves, occupies, or otherwise affects the usefulness, or the structural or ecological integrity of a USACE project.

Endangered Species Act

The Endangered Species Act (ESA) protects plants and wildlife that are listed as endangered or threatened by the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). ESA Section 9 prohibits the taking of endangered wildlife, where taking is defined as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct” (50 Code of Federal Regulations [CFR] 17.3). The term “harm” is defined as an “act which actually kills or injures wildlife,” including through “significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.” The term “harass” means an act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, including breeding, feeding or sheltering (50 CFR 17.3). For plants, this statute governs removing, possessing, maliciously damaging, or destroying any endangered plant on federal land, as well as removing, cutting, digging up, damaging, or destroying any endangered plant on non-federal land in knowing violation of state law. Under ESA Section 7, lead federal agencies are required to consult with the USFWS or NMFS if the lead agency determines that its actions, including permit approvals or funding, may adversely affect an endangered species (including plants) or its critical habitat. Through consultation and the issuance of a biological opinion, the USFWS or NMFS may issue an incidental take statement allowing take of the species that is incidental to another authorized activity, provided the action will not jeopardize the continued existence of the species. In cases where the federal agency determines its action may affect, but would be unlikely to adversely affect, a federally listed species, the agency may choose to informally consult with the USFWS and/or NMFS. This informal consultation typically involves incorporating measures intended to ensure effects would not be adverse. Concurrence from the USFWS and/or NMFS concludes the informal process. Without such concurrence, the federal agency may formally consult to ensure full compliance with the ESA.

Marine Mammal Protection Act

The Marine Mammal Protection Act of 1972 (MMPA) prohibits, with certain exceptions, the take of marine mammals in United States waters and by United States citizens on the high seas and the importation of marine mammals and marine mammal products into the United States. Under the MMPA, “take” is defined as “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal” (16 U.S.C. 1362) and further defined by regulation (50 CFR 216.3) as “to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal”. NMFS administers the MMPA. Under the 1994 Amendments to the MMPA, harassment is statutorily defined as any act of pursuit, torment, or annoyance which:

- **(Level A Harassment)** has the potential to injure a marine mammal or marine mammal stock in the wild; or,
- **(Level B Harassment)** has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering but which does not have the potential to injure a marine mammal or marine mammal stock in the wild.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) prohibits take of nearly every bird for which members of the bird’s taxonomic family are considered to be migratory. This results in the inclusion of most species of birds afforded protection. Under the MBTA, take means only to kill, directly harm, or destroy individuals, eggs, or nests, or to otherwise cause failure of an ongoing nesting effort.

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) of 1976 was established to promote domestic and commercial fishing under sound conservation and management principles. NMFS, as a branch of the National Oceanic and Atmospheric Administration (NOAA), implements the act via eight regional Fisheries Management Councils (FMCs). The FMCs in turn prepare and implement Fishery Management Plans (FMPs) in accordance with local conditions. The Pacific FMC is responsible for the Pacific region, in which the study area is located. The FMPs also establish EFH for the species they manage and require consultation by a lead agency with NMFS for actions that may adversely affect EFH. Following receipt of an EFH consultation request, NMFS will provide EFH Conservation Recommendations to the lead agency detailing measures that may be taken by the agency to conserve EFH. Within 30 days of receipt of EFH Conservation Recommendation, the project lead agency must respond in writing, including a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on EFH. These measures will be incorporated into the final project.

3.2 STATE REGULATIONS**California Coastal Act**

The California Coastal Act (CCA) is intended to provide protection of the unique nature and public interest values of the state’s coastal fringe. Development activities, which are broadly defined by the CCA to include (among others) construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters, generally require a coastal development permit. The CCA is administered by the California Coastal Commission (CCC) or by local jurisdictions operating under adopted Local Coastal Programs that have been approved by the CCC.

California Endangered Species Act

The California Endangered Species Act (CESA) authorizes the California Fish and Game Commission to designate endangered, threatened, and rare species and to regulate the taking of these species (California Fish and Game Code [FGC] Sections 2050–2098). The CESA defines endangered species as those whose continued existence in California is jeopardized. State-listed threatened species are those not presently facing extinction, but that may become endangered in the foreseeable future. FGC Section 2080 prohibits the taking of state-listed plants and animals. Unlike the federal ESA, the CESA does not include harassment within its take definition and as such, has a statutorily higher threshold standard for take than does the federal ESA. The California Department of Fish and Wildlife (CDFW) also designates fully protected or protected species as those that may not be taken or possessed without a permit from the California Fish and Game Commission and/or CDFW. Species designated as fully protected or protected may or may not be listed as endangered or threatened.

When a species is both state- and federally-listed, an expedited request for consistency with the USFWS biological opinion may be issued through a request for Section 2080.1 consistency determination, if take authorization under the CESA is required.

California Fish and Game Code

The FGC is implemented by the California Fish and Game Commission, as authorized by Article IV, Section 20, of the Constitution of the State of California. FGC Sections 3503, 3503.5, 3505, 3800, and 3801.6 protect all native birds, birds of prey, and nongame birds, including their eggs and nests, that are not already listed as fully protected and that occur naturally within the state. Section 3503.5 specifically states that it is unlawful to take, possess, or destroy any raptors (e.g., hawks, owls, eagles, and falcons), including their nests or eggs. As defined in the Fish and Game Code, “take” means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill (Fish and Game Code Section 86). The CDFW is the state agency that manages native fish, wildlife, plant species, and natural communities for their ecological value and their benefits to people. The CDFW oversees the management of marine species through several programs, some in coordination with NMFS and other agencies.

3.3 LOCAL REGULATIONS**Marina del Rey Land Use Plan**

The Marina del Rey Land Use Plan (LUP) covers the study area, and includes the relevant portion of a local government's general plan, or local coastal element, and are sufficiently detailed to indicate the kinds, location and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions (County of Los Angeles 2012). The Marina del Rey LUP covers the study area.

Marina del Rey Local Coastal Plan

Local Coastal Program (LCP) means a local government's (a) LUP, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resource areas, other implementing actions which, when taken together, meet the requirements of, and implement the provisions and policies of the CCA.

4.0 ENVIRONMENTAL SETTING

The description of the environmental setting of the study area is based on physical and qualitative biological surveys conducted in the study area in April 2020, in addition to literature review. The study area is defined as the area that includes all elements of the project as well as the surrounding areas that could potentially be affected by the project. Above water mapping was completed using existing aerial photographs and Joint Airborne Lidar Bathymetry Technical Center of Expertise (JALBTCX) Bathymetric Lidar: Southern California data. In-water work was completed using interferometric sidescan sonar (ISS), which provided an image of seafloor backscatter within the entire study area. Sidescan backscatter data were acquired at a frequency of 468 kHz, with a scanning range of 31 meters (102 feet) for both the starboard and port channels, resulting in a 62 meters (204-ft) wide swath. All data was collected in latitude and longitude using the North American Datum of 1983 (NAD 83). The survey was conducted by running transects spaced to allow for overlap between adjoining sidescan swaths. Transect surveys were performed until the entirety of the survey area was captured in the survey record. A Remotely Operated Vehicle (ROV) was used to groundtruth targets of interest (substrate, biota) and to photo document. Following completion of the survey, the data was converted into a geographically registered mosaic through digital post-processing, and plotted on a geo-rectified aerial image of the study area. Bathymetric data were processed using standard filtering and used to develop slope and relief maps. Surficial features and mappable habitat types were then digitized by a GIS specialist with expertise in interpreting sonar data for habitat mapping. The GIS specialist inspected the sonar mosaic and delineated habitats and features using ESRI ArcGIS software. Resources of interest were then digitized to show their distribution within the survey area. In addition, a qualitative survey of the rip rap revetment was conducted to note dominant biota. No grab sampling or otter trawls were conducted.

4.1 HABITATS WITHIN THE STUDY AREA

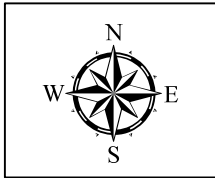
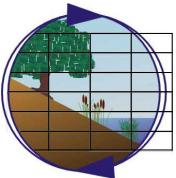
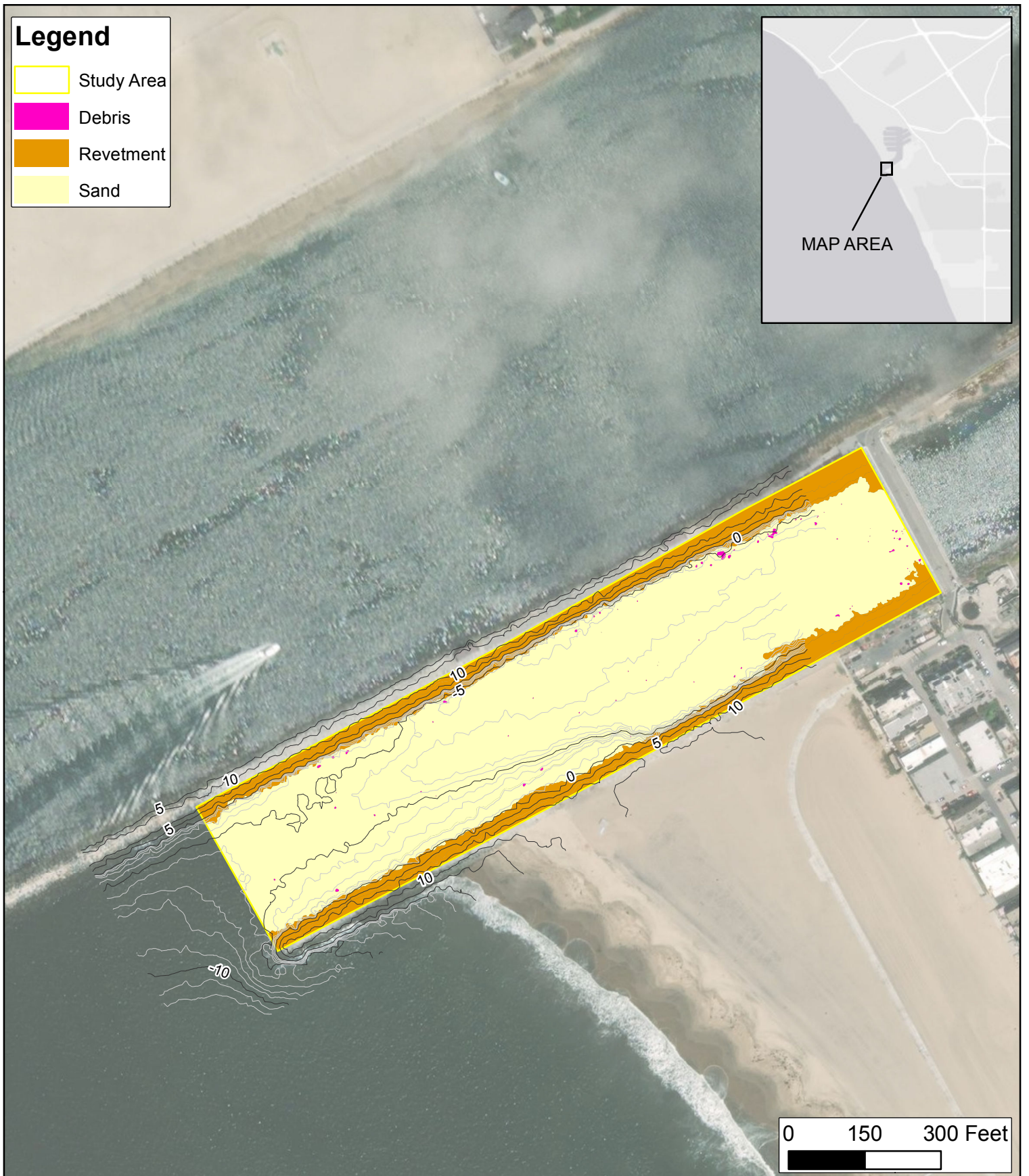
Habitats were delineated into two categories: upland and in-water (or marine), with sub-categories classified if present. They were further differentiated by elevation and/or depth, with upland habitat encompassing the area above +7.8 ft MLLW, intertidal habitat encompassing the area between +7.8 and -2.2 ft MLLW, and subtidal habitat below -2.2 ft MLLW. A summary of the various habitat types within the study area is provided in Table 1, depicted in Figure 4, and described in the following sections.

Table 1. Habitat summary in study area.

Category	Elevation	Habitat Type	Area (m²)	Area (ft²)
Upland	>+7.8 ft MLLW	Man-Made Structure (Rip-Rap Revetment)	3,937	42,377
Marine	Intertidal +7.8 to -2.2 ft MLLW	Man-Made Structure (Rip-Rap Revetment)	5,112	55,021
		Unvegetated Soft Bottom	1,629	17,532
		Sub-Total	6,740	72,553
	Subtidal Below -2.2 ft MLLW	Man-Made Structure (Rip-Rap Revetment)	1,495	4,934
		Unvegetated Soft Bottom	32,909	354,228
		Debris/Cobble	95	1,028
		Sub-Total	34,499	371,350
Grand Total			45,170	486,208

Legend

- Study Area
- Debris
- Revetment
- Sand



Habitat Map Existing Conditions
 Ballona Creek Trash Interceptor Project
 Marina del Rey, CA

Bathymetric Contours: 2009 US Army Corps of Engineers (USACE) Joint Airborne
 Lidar Bathymetry Technical Center of Expertise (JALBTCX) Bathymetric Lidar: Southern California

Figure 4

Upland Area

The upland area of the study area consists of rip rap revetment with and without concrete fill, and covers approximately 3,937 m² (42,377 ft²) (Table 1). The area is highly developed, and no special status flora or wildlife species occur in the upland areas (Figure 5).



Figure 5. Upland area consists of rip rap revetment with and without concrete fill. Left image is north jetty looking downstream; Right image is south jetty looking downstream.

Intertidal/Shallow Subtidal Riprap Revetment

The shoreline along the perimeter of the study area is armored with riprap revetment in the upper intertidal and shallow subtidal zones and covers approximately 6,607 m² (71,115 ft²) (Table 1 and Figure 5), where it transitions to unvegetated intertidal and shallow subtidal habitat.

Tide level influences the development of the riprap community, and bare rock is more common in the upper intertidal zone. Macroalgae were uncommon in the upper intertidal zone with coverage limited to small amounts of red algal turfs or occasional leafy green algae (*Ulva* sp.). Barnacles (*Balanus*, *Chthamalus*, *Tetraclita*) were abundant in the upper intertidal zone, as well as various limpets (*Lottia* spp.) and snails (*Littorina* sp., *Acanthina spirata*) (Figure 6).

In the mid to low intertidal zone, bare rock was less visible and there was a higher percentage of coralline and other small attached algae (*Chondracanthus* spp., *Ulva* sp., *Corallina* spp., *Mazzaella* spp., *Leathesia* sp., *Petrocelis*, *Gymnogongrus* spp.), in addition to other turf species (Figure 6). Observed invertebrates included sponges, tunicates, tube snails (*Serpulorbis squamigerus*), limpets (*Lottia* spp.), mussels (*Mytilus galloprovincialis*), oysters (*Crassostrea gigas*), and anemones (*Anthopleura* sp.). Similar species were also observed in the shallow subtidal zone, including red algal turfs, encrusting algae, articulated corallines, and sessile invertebrates (Figure 7).



Figure 6. Shoreline of study area depicting revetment from upper intertidal to shallow subtidal zone.

Subtidal Unvegetated Habitat

The majority of the study area is considered to be shallow subtidal unvegetated soft bottom habitat consisting of sand, mud, and silt, with areas of accumulated shell hash and debris, and covers approximately 32,909 m² (354,228 ft²) (Table 1 and Figure 8). Sampling conducted in the Ballona Creek estuary for the Bight '08 Regional Survey noted that the sediment consisted of approximately 56% sand and 44% fines (Table 2; SCCWRP 2011a). In addition, historical sediment quality data indicated that sediments within the tidal reach of Ballona Creek are impacted by metals, pesticides, polycyclic aromatic hydrocarbons (PAHs), and other organic compounds (USACE 2017), and that Total Maximum Daily Loads (TMDLs) for trash, bacteria, and metals in the water column, and for toxics including PAHs, pesticides, and other organic compounds in sediment and fish tissue have been developed to address exceedances of these constituents in Ballona Creek.



Figure 7. Study area transitions from shallow subtidal revetment to unvegetated subtidal habitat.

Table 2. Sediment grain size in Ballona Creek from Bight '08 survey.

Classification	Mean Percent
Total Silt and Clay (less than 0.0625mm)	43.9
Very Fine Sand (0.0625 to 0.125mm)	27.8
Fine Sand (0.125 to 0.25mm)	20.1
Medium Sand (0.25 to 0.5mm)	7.5
Coarse Sand (0.5 to 1mm)	0.7
Very Coarse Sand (1 to 2mm)	0.0
Gravel (greater than 2mm)	0.0



Figure 8. Unvegetated soft bottom habitat ranged from barren sandy areas to areas with shell hash and debris.

Organisms that live in soft bottom habitat are referred to as infauna, while those organisms that live on soft bottom habitat are referred to as epifauna. The density (number of individuals per unit area) and species composition of these organisms are influenced by sediment grain size, amount of nutrients, water depth, pollutant levels in the sediments and overlying water, and time since the last disturbance by vessel activity and/or construction, and therefore can serve as an indicator of habitat quality. Several benthic fauna surveys have been conducted within Ballona Creek. Common infaunal organisms recorded in Ballona Creek during the Bight '08 Regional Survey included polychaete worms (*Capitella* sp., *Pseudopolydora* sp., *Polydora* spp., *Neanthes* sp.), amphipods (*Grandidierella* spp., *Mayerella acanthopoda*), and molluscs (*Saxidomus nuttalli*, *Mytilus* sp., Pectinidae, *Musculista senhousia*) (SCCWRP 2012). Benthic epifauna observed during the Bight '08 Regional Survey and other otter trawl sampling noted a variety of organisms including crabs, molluscs, and sea stars (Table 3; M&A 2009, SCCWRP 2011b).

Table 3. Benthic epifauna observed in study area.

Common Name	Scientific Name	Bight '08	M&A '09
Bivalve	<i>Chione</i> sp.		X
Blackspotted bay shrimp	<i>Crangon nigromaculata</i>	X	
Calico scallop	<i>Argopecten ventricosus</i>		X
California aglaja	<i>Navanax inermis</i>		X
California bubble	<i>Bulla gouldiana</i>		X
Crab	<i>Cancer</i> sp.		X
Hydroid	Hydrozoa	X	
Mediterranean mussel	<i>Mytilus galloprovincialis</i>		X
Northern kelp crab	<i>Pugettia producta</i>		X
Nudibranch	<i>Dendronotus frondosus</i>	X	
Shore crab	<i>Hemigrapsus oregonensis</i>		X
Slender crab	<i>Metacarcinus gracilis</i>	X	
Spider crab	<i>Pyromaia tuberculata</i>	X	X
Spiny sand star	<i>Astropecten armatus</i>	X	
Winged sea slug	<i>Gastropteron pacificum</i>		X

Several fish surveys have been conducted in the Ballona Creek estuary and include the Bight '08 Regional Survey, otter trawl sampling conducted by Merkel & Associates in 2009, and habitat mapping for this project which utilized ROV. The results are summarized in Table 4, and the more common fishes included Round Stingray (*Urobatis halleri*), Spotted Sand Bass (*Paralabrax maculatofasciatus*), Black Croaker (*Cheilotrema saturnum*), Specklefin Midshipman (*Porichthys myriaster*), gobies (Gobiidae), flatfishes (*Paralichthys californicus*, *Pleuronichthys guttulatus*, *Parophrys vetulus*, *Xystreurys liolepis*, *Citharichthys sordidus*, *Pleuronichthys ritteri*) (M&A 2009, SCCWRP 2011b). Although two individual southern California steelhead (*Oncorhynchus mykiss irideus*) were observed in Ballona Creek in 2008 (upstream of the Ballona Reserve), the creek and its tributaries are heavily urbanized and do not provide suitable foraging or spawning habitat (USACE 2017).

Subtidal Vegetated Habitat

Vegetated subtidal habitats are an essential component of southern California's coastal marine environment. Eelgrass (*Zostera marina*) beds function as important habitat for a variety of invertebrate, fish, and avian species. For many species, eelgrass beds are an essential biological habitat component for at least a portion of their life cycle, providing resting and feeding sites along the Pacific Flyway for avian species, and nursery sites for numerous species of fish. The survey of in-water habitats completed in April 2020 detected no eelgrass in the shallow waters of the study area.

Table 4. Fish species observed in study area.

Common Name	Scientific Name	Bight '08	M&A '09	M&A '20
Bay Pipefish	<i>Syngnathus leptorhynchus</i>		X	
Black Croaker	<i>Cheilotrema saturnum</i>		X	
California Halibut	<i>Paralichthys californicus</i>	X	X	
California Lizardfish	<i>Synodus lucioceps</i>	X		
CIQ goby	<i>Clevelandia/Ilypnus/Quietula</i> complex		X	
Diamond Turbot	<i>Pleuronichthys guttulatus</i>		X	
English Sole	<i>Parophrys vetulus</i>	X		
Fantail Sole	<i>Xystreureys liolepis</i>	X	X	
Hornyhead Turbot	<i>Pleuronichthys verticalis</i>	X	X	
Kelp Bass	<i>Paralabrax clathratus</i>			X
Pacific Sanddab	<i>Citharichthys sordidus</i>	X		
Queenfish	<i>Seriphus politus</i>		X	
Roughback Sculpin	<i>Chitonotus pugetensis</i>	X		
Round Stingray	<i>Urobatis halleri</i>		X	
Salema	<i>Xenistius californiensis</i>		X	
Sargo	<i>Anisotremus davidsonii</i>		X	
Shiner Surfperch	<i>Cymatogaster aggregata</i>		X	
Shovelnose Guitarfish	<i>Rhinobatos productus</i>		X	
Speckled Sanddab	<i>Citharichthys stigmaeus</i>	X		
Specklefin Midshipman	<i>Porichthys myriaster</i>	X		
Spotted Bay Bass	<i>Paralabrax maculatofasciatus</i>			X
Spotted Turbot	<i>Pleuronichthys ritteri</i>	X		
Staghorn Sculpin	<i>Leptocottus armatus</i>		X	
Striped Kelpfish	<i>Gibbonsia metzi</i>		X	
Topsmelt	<i>Atherinops affinis</i>		X	X
Yellowfin Croaker	<i>Umbrina roncadore</i>		X	
Zebra Perch	<i>Kyphosus azureus</i>			X

Note: Bight '08 sampling conducted with 25' otter trawl; M&A '09 sampling conducted with 10' otter trawl; M&A '20 sampling conducted with ROV

Open Water

Open water/water column habitat due to its three dimensional component, is the largest habitat type within the study area, and supports pelagic fishes and occasionally marine mammals. A common schooling species observed within the study area is Topsmelt (*Atherinops affinis*), and while not observed, other schooling species such as Northern Anchovy (*Engraulis mordax*) and Sardines (*Sardinops sagax*) may also occur in the area. The occurrence of these species in open water is important to several species of piscivorous birds including pelicans, terns, loons, grebes, cormorants, and mergansers. These fish also provide an important forage base for predatory fish species.

4.2 WETLANDS AND SENSITIVE HABITATS

Wetlands, as defined by the USACE, are not present within the study area. The nearest wetlands are located upstream of Ballona Creek, along the south side of the channel approximately 0.2 miles away from the study area.

Eelgrass is a rooted aquatic plant that inhabits shallow soft bottom habitats in quiet waters of bays and estuaries, as well as sheltered coastal areas. It can form dense beds that provide substrate, food, and shelter for a variety of marine organisms. Eelgrass is considered a Submerged Aquatic Vegetation (SAV), and a “special aquatic site” under the CWA. Pursuant to the MSA, eelgrass is designated as a Habitat Area of Particular Concern (HAPC) within EFH for various federally-managed fish species within the Pacific Coast Groundfish FMP (NMFS 2014a). As noted in the Subtidal Vegetated Habitat section, eelgrass was not detected within the study area in April 2020.

4.3 WILDLIFE CORRIDORS

Ballona Creek provides movement for marine fish species into and out of the study area, and occasionally marine mammals such as California sea lion (*Zalophus californianus*) and harbor seal (*Phoca vitulina richardsi*) have been observed in the Ballona Creek channel (USACE 2017). Several whale species migrate along the coast of California, including the California gray whale (*Eschrichtius robustus*). The peak northward migration of male gray whales occurs in mid-March, followed two months later by the second migration wave, which is composed of cows and calves. Whales typically do not occur in harbors like Marina del Rey or estuaries like Ballona Creek (USACE 2017). While mobile animals make use of the creek mouth, it is not considered a wildlife corridor (USACE 2017).

4.4 SENSITIVE WILDLIFE

Table 5 lists sensitive animal species with the potential and likelihood to occur within the study area. Only two species listed by USFWS and/or CDFW as federally or state endangered or threatened have the potential to occur within the study area: the federally endangered steelhead and federally threatened green sea turtle (*Chelonia mydas*). While two steelhead were observed upstream of the study area in Ballona Creek in 2008, the upstream habitat was considered low quality, providing limited foraging, spawning or rearing habitat (USACE 2017). Further, subsequent surveys have not detected steelhead within Ballona Creek (USACE 2017).

Green sea turtles are known to occur in the warm water discharge of a Long Beach power plant, but are rarely sighted in Santa Monica Bay. Due to lack of required water temperatures, food sources, and nesting habitat within Ballona Creek they are unlikely to regularly occur in the study area.

Finally, several species of marine mammals which are protected by the MMPA may occur in the study area (Table 5). California sea lion (*Zalophus californianus californianus*) and, to a lesser extent, Pacific harbor seal (*Phoca vitulina richardsi*) are the two most common species of marine mammals that occur within harbors and bays. California sea lion and Pacific harbor seal may occasionally be observed in the vicinity of the study area, but are not expected to utilize the area. Dolphins and whales are not anticipated to be present within the study area (USACE 2017).

Table 5. Sensitive species with potential to occur within the study area.

Common Name	Scientific Name	Status	Occurrence in Study Area
<u>Fish</u>			
Southern California Steelhead	<i>Oncorhynchus mykiss irideus</i>	FE; SSC; S1	Very Low Potential - Migrate into fresh water streams when sandbars breach during winter and spring rains. Occur in coastal streams with water temperatures < 15°C. Need cool, clear water with in-stream cover. Spawn in tributaries to large rivers or streams directly connected to the ocean. Spawning habitat consists of gravel substrates free of excessive silt. In 2008, observed in Ballona Creek approximately 2.5 miles upstream of the Marina Freeway overpass; however, focused aquatic surveys from 2009-2011 have not detected this species on the study area. No spawning habitat available in Ballona Creek (USACE 2017).
<u>Reptiles</u>			
Green Sea Turtle	<i>Chelonia mydas</i>	FT; S1	Very Low Potential - Inhabits coastal areas for benthic feeding and beaches for nesting. In the eastern North Pacific, green sea turtles have been sighted from Baja California to southern Alaska. While turtles commonly occur from San Diego southward, they have an established population at the San Gabriel River estuary and Los Cerritos Wetlands, 30 miles to the south. Rare sightings are reported in Ballona Creek (USACE 2017).
<u>Marine Mammals</u>			
Pacific Harbor Seal	<i>Phoca vitulina richardsi</i>	MMPA	Low Potential – Forages and loafs within the harbors and inshore waters of Santa Monica Bay.
California Sea Lion	<i>Zalophus californianus californianus</i>	MMPA	Moderate Potential – Forages and loafs within the harbors and inshore waters of Santa Monica Bay.
Coastal Bottlenose Dolphin	<i>Tursiops truncatus</i>	MMPA	Low Potential – Highly mobile within the inshore waters of Santa Monica Bay (Fandel et al. 2015).
California Gray Whale	<i>Eschrichtius robustus</i>	MMPA	Very Low Potential – Regular migrant in offshore waters, but uncommon in bay and nearshore waters.

Notes: FE – Federally Endangered; FT – Federally Threatened; MMPA – species protected by the Marine Mammal Protection Act; SSC – CDFW Species of Special Concern; S1 – Critically Imperiled - Critically imperiled in the state because of extreme rarity (often 5 or fewer populations) or because of some factor(s) such as very steep declines making it especially vulnerable to extirpation from the state.

5.0 IMPACT ANALYSIS

The study area is similar to other developed shallow embayments and estuaries located in coastal areas in the Southern California Bight with regard to distribution of habitats and biological features. This analysis focuses on stressors associated with the proposed project elements (i.e., upland construction, vessel operations, and shading) and their potential impact to biological resources including in-water habitat (i.e., intertidal/shallow subtidal riprap revetment, unvegetated subtidal habitat, open water), upland habitat, wildlife corridors, and sensitive species within the study area. As noted in the project description, no in-water construction (e.g., dredging, filling, pile driving) is proposed, and the potential stressors from the proposed project include:

- Mooring construction (in upland area)
- Barge placement
- Barge maintenance operations

Since it is anticipated that elements of the project will be phased, the impacts are analyzed by habitat type and based on the potential stressor.

Criteria for determining the significance of project-related impacts on biological resources are based on the resource's relative sensitivity and regional status, including the proportion of the resource that would be affected relative to its occurrence in the project region (Santa Monica Bay), the sensitivity of the resource to activities associated with the proposed project, and the duration or ecological ramifications associated with the effect. Per California Environmental Quality Act (CEQA) Guidelines, Section 15000 et seq., impacts are considered significant if they would results in:

- Degradation of critical habitat or reduction in the population size of a listed species (threatened or endangered);
- Degradation of rare or biologically valuable habitat;
- A measurable change in ecological function within the project vicinity;
- A measurable change in species composition or abundance beyond that of normal variability;
- A substantive loss of water surface area through fill or surface water coverage as a result of permanent structures such as docks, wharves, and permanently moored vessels. Small structures such as moorings, navigational aids, individual or widely spaced piles do not result in a substantive loss of water area; or
- An obstruction or alteration of circulation patterns that result in a discernable degradation of water mixing, circulation, or flushing to the extent that biota would be negatively affected in the system.

Impacts to habitats and wildlife can be measured as direct and/or indirect, as well as permanent or temporary. Direct impacts are those that have a direct impact on habitats or wildlife and occur contemporaneously with the action. Direct impacts of in-water construction to wildlife include immediate physical and physiological impacts such as abrupt changes in behavior, flight response, diving, evading, flushing, cessation of feeding, and physical impairment or mortality. Direct impacts to habitats can include damage from construction activities, as well as permanent habitat loss due

to project construction. In contrast, indirect impacts are effects that are caused by or will result from the proposed action at a later time, but are still reasonably certain to occur.

5.1 UPLAND AREA IMPACTS

The proposed project consists of construction of six concrete mooring/anchoring pads with each pad covering approximately 76 m² (820 ft²) for a total construction footprint of approximately 457 m² (4,920 ft²) on top of the existing rip rap revetment (Table 6 and Figure 9). The construction footprint consists of rip rap revetment with and without concrete fill and supports no special status wildlife or flora species or sensitive habitat. Therefore, temporary impacts on upland habitat are expected, but no significant impacts to biological resources on upland habitat are anticipated from the implementation of the proposed project.

Table 6. Impact summary for marine habitats.

Project Element	Category	Habitat Type	Nature of Impact	Area (m ²)	Area (ft ²)
Mooring Footprint	Upland Habitat	Man-Made Structure (Rip-Rap Revetment)	Construction/ Fill	457	4,920
Interceptor™ Tie Down	Marine Habitat	Unvegetated Soft Bottom	Shading	385	36
Interceptor™ Footprint	Marine Habitat	Unvegetated Soft Bottom	Surface Cover/ Shading	56	603

5.2 IN-WATER HABITAT IMPACTS

Intertidal/ Shallow Subtidal Riprap Revetment

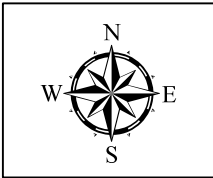
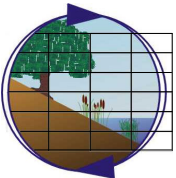
The mooring platforms placed on top of the rip rap revetment will be used to stabilize the Interceptor™ with chain (Figure 3). The chain is anticipated to run just below the waterline but would not rest on the seafloor, and the two upstream platforms would anchor the floating trash booms that would funnel waste to the Interceptor™ barge. The project will not directly impact the intertidal/shallow subtidal revetment, and therefore, no impacts on intertidal/shallow subtidal revetment habitat are expected, and no significant impacts to biological resources associated with intertidal/shallow subtidal revetment are anticipated from the implementation of the proposed project.

Intertidal and Subtidal Unvegetated Habitat

Barge placement and tie downs would have a direct impact to approximately 92 m² (989 ft²) of intertidal and subtidal unvegetated habitat including the associated benthic community due to shading (Table 6 and Figure 9). Since the barge is floating, there would be no direct loss or mortality of any benthic infauna and epifauna within the barge footprint, and since eelgrass is not present, no shading impacts to eelgrass would occur. The impact area is relatively small and there is considerable similar soft bottom habitat immediately adjacent to the project footprint, and therefore, impacts associated with barge placement are considered less than significant.

Legend

-  Study Area
-  Interceptor Tie Downs
-  Interceptor Footprint
-  Mooring Footprint
-  Debris
-  Revetment
-  Sand

**Habitat Map Existing Conditions and Project Elements**

Ballona Creek Trash Interceptor Project
Marina del Rey, CA

Bathymetric Contours: 2009 US Army Corps of Engineers (USACE) Joint Airborne
Lidar Bathymetry Technical Center of Expertise (JALBTCX) Bathymetric Lidar: Southern California

Figure 9

In addition, the barge would result in a 56 m² (603 ft²) increase of surface area coverage; an increase in surface cover would decrease open water habitat (Table 6). This would decrease the foraging habitat available for piscivorous avian species, although given the relatively small areas affected, this increase in surface coverage would not be considered significant.

Subtidal Vegetated Habitat

No eelgrass vegetated habitat was detected in the study area and therefore, no impacts are expected.

Open water

Since no in-water construction activities are proposed, effects from construction such as temporary and localized increases in turbidity and sedimentation within the water column, or noise (enonification) which can result in temporary and or permanent impacts to organisms in the water are not expected. With respect to noise, the mouth of Ballona Creek is adjacent to the Marina del Rey Harbor and is exposed to regular traffic of large and small boating vessels. Therefore, some level of acclimation to noise exposure is expected. During construction, the Project would only require the use of hand tools and minimal heavy machinery along the adjacent jetty, not within the Ballona Creek channel. Accordingly, given existing noise and vessel traffic disturbance, a short term installation period, minimal noise associated with the solar-powered operation of the water flow-through system the Project is not expected to create long-term noise disturbance or cause associated harm to organisms in the water column. And given the location of the project, it is anticipated that water velocities will be tidally and storm driven, and that the placement of the barge and barriers would not meaningfully alter water velocities, sedimentation rates, or circulation patterns in the study area. As noted above, the proposed project would temporarily result in an increase of approximately 56 m² (603 ft²) of surface area coverage (Table 6). This increase in surface coverage (or loss of open water habitat) is not expected to affect foraging by piscivorous avian species and is not considered significant.

5.3 IMPACTS TO WETLANDS AND SENSITIVE HABITATS

As described above, the nearest wetlands are located upstream of Ballona Creek, along the south side of the channel approximately 0.2 miles away from the study area. The proposed project would not alter water flow or water quality to marsh habitat, and is not anticipated to degrade marshlands in any way. Therefore no significant impacts to wetlands are anticipated to occur.

Eelgrass beds are considered to be a sensitive habitat and “special aquatic site” under the CWA and are designated as EFH, and as noted in the Subtidal Vegetated Habitat section, no eelgrass was present within the study area and therefore, no impacts to eelgrass habitat are anticipated to occur.

5.4 IMPACTS TO ESSENTIAL FISH HABITAT

As part of the EFH consultation process, the guidelines require Federal action agencies to prepare a written EFH Assessment describing the effects of that action on EFH (50 CFR 600.920(e)(1)). The EFH Assessment is a necessary component for efficient and effective consultations between a federal action agency and NMFS. In the case of the project, work proposed would require

permitting under Section 10 of the RHA. For this permit action, the USACE is the lead federal action agency. An EFH Assessment for the proposed project is provided in a separate document.

5.5 IMPACTS TO WILDLIFE CORRIDORS

As described above, the study area does not provide any specific wildlife movement corridors, and no marine mammal, reptile, or fish migratory corridors occur within it. Consequently, impacts of the proposed project on wildlife corridors, movement of resident and migratory species, and usage of nursery sites are considered to be less than significant.

5.6 IMPACTS TO SENSITIVE WILDLIFE

Table 5 provides a summary of sensitive animal species that have potential to occur within the study area. The following text expands on the likelihood of occurrence for these species, and describes potential impacts to sensitive species that may result from project implementation.

Fish

Although two southern California steelhead were observed in Ballona Creek in 2008, this species is expected to have a less than reasonable likelihood of occurring due to the lack of suitable conditions, the species not being detected during recent surveys, and the study area being outside their known range, and therefore no impacts to steelhead are expected from the proposed project.

Reptiles

Environmental threats to sea turtle populations include contamination from coastal runoff, plastic and other debris, fueling facilities, marina and dock construction, dredging, aquaculture, oil and gas exploration and extraction, and increased underwater noise and boat traffic that can degrade marine habitats used by marine sea turtles. As described in Section 5.2 above, the mouth of Ballona Creek is adjacent to the Marina del Rey Harbor and is exposed to regular traffic of large and small boating vessels. Therefore, some level of acclimation to noise exposure is expected for local species. Sea turtles swimming or feeding at or just beneath the surface of the water are particularly vulnerable to boat and vessel strikes, which can result in serious propeller injuries and death. Potential impacts to green sea turtle from the proposed project are primarily related to construction activities associated with barge placement and vessel traffic. Protective measures included in the project to minimize impacts to sea turtles include maintenance of no wake boat speeds within and adjacent to the study area. With protective measures incorporated, impacts to sea turtles are considered to be less than significant.

Marine Mammals

Harbor seals and California sea lions are commonly observed in Santa Monica Bay. There are no established haul-out, foraging, or breeding areas used by these or other marine mammals within the study area or vicinity, although they may make occasional transient use of the area. No in-water construction is anticipated, but vessel traffic will occur during barge placement and maintenance, and any marine mammals would be expected to leave the site for adjacent waters if disturbed by project activities. However, the MMPA prohibits “take” of marine mammals. The definition of “take” under the MMPA, like that of the ESA, includes “harassment”. For this reason, a potentially significant impact to marine mammals could occur if animals are disturbed during project activities, even if they are not harmed by the activities.

Similar to sea turtles, potential impacts to marine mammals from the proposed project are primarily related to project activities associated with vessel traffic. Marine mammals could be struck by boats or boat motors at the study area. In addition, boat noise generated during the installation period and operational activities, as well as, noise associated with the solar-powered operation of the water flow-through system are not expected to impact marine mammals or sea turtles. However, protective measures included in the project to minimize impacts to marine mammals include maintenance of no wake boat speeds within and adjacent to the study area. With protective measures incorporated, impacts to marine mammals are considered to be less than significant.

5.7 CUMULATIVE IMPACTS

Cumulative effects are defined by CEQA as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” Cumulative impacts can be derived from a single project or a number of separate projects, and is further defined as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.”

Based on the definitions provided under CEQA, the following analysis assumes that a significant adverse cumulative biological resources impact would occur where the construction or operation of the cumulative projects would encroach into areas containing sensitive biological resources, affect the movement of wildlife species, result in loss or fragmentation of sensitive habitats, or affect the functionality of a planned conservation area. As discussed above, no significant impacts to sensitive habitats or biological resource from the proposed project are anticipated, and any potential impacts to sensitive animals are reduced to less than significant by incorporation of protective measures during construction.

6.0 MITIGATION AND PROTECTIVE MEASURES

6.1 MARINE RESOURCE MITIGATION

Intertidal/ Shallow Subtidal Riprap Revetment

Based on current project design, no mitigation would be required for intertidal/shallow subtidal rip rap revetment habitat since no in-water construction is proposed.

Intertidal and Subtidal Unvegetated Habitat

Based on current project design, no mitigation would be required for intertidal/shallow subtidal unvegetated habitat since no in-water construction is proposed.

Subtidal Vegetated Communities

Based on current project design, no mitigation would be required for eelgrass since no eelgrass is present within the study area.

Surface Coverage

Based on current project design, no mitigation would be required for surface coverage since the project would result in a temporary small increase in surface coverage of approximately 56 m² (603 ft²).

Open Water

Based on current project design, no mitigation would be required for open water habitat since no in-water construction is proposed.

6.2 SENSITIVE SPECIES MITIGATION

Reptiles

To mitigate potential impacts to eastern Pacific green sea turtles to a less than significant level, the following measures are recommended.

- 1) Construction and operational vessel traffic shall not exceed existing designated speed for the marina.

Mammals

To mitigate potential impacts to marine mammals to a less than significant level, the following construction measures are recommended.

- 1) Construction and operational vessel traffic shall not exceed existing designated speed for the marina.

7.0 CONCLUSIONS

The proposed project would be expected to result in limited impacts to in-water biota and habitats found in the study area. Construction is limited to upland construction in an urbanized area, with no in-water construction proposed, although it is anticipated that tug boats would be used for barge placement and maintenance, including the installation of mooring chain which is anticipated to run just below the waterline but not along the seafloor. Any impact associated with barge placement is anticipated to be of a short-term, temporary nature and is not expected to have permanent or population-level impact to sensitive habitat or species, EFH, or managed fish species. One potential impact may occur to marine reptiles (e.g., sea turtles) and marine mammals (e.g., California sea lion and harbor seal) which could be struck by boats or boat motors at the study area. Any disturbance to sea turtles or marine mammals is considered harassment and would be significant. While it is unlikely that sea turtles or marine mammals would occur in the study area, incorporation of the protection measures listed above would reduce any impacts to less than significant. No significant impacts to wetlands, upland habitat, wildlife migration or corridors are anticipated. Cumulative impacts are considered to be less than significant.

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**Ballona Creek Trash Interceptor™
Pilot Project**

Biological Resources Technical Report

October 20 2020

Prepared for:

The Ocean Cleanup
Interceptor B.V.
Batavierenstraat 15
4-7th Floor
3014 JH Rotterdam
The Netherlands

Prepared by:

Stantec Consulting Services Inc.
290 Conejo Ridge Avenue
Thousand Oaks, California 91361

BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT

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Prepared by Priya Pratap
(signature)
Priya Pratap, Project Biologist

Reviewed by Lindsay McDonough
(signature)
Lindsay McDonough, Environmental Planner

Approved by J. Varonin
(signature)
Jared Varonin, Principal Biologist/Ecosystems Practice Leader



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
BIOLOGICAL RESOURCES TECHNICAL REPORT

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Acronyms and Abbreviations

BCWTF	Ballona Creek Watershed Task Force
BGEPA	Bald and Golden Eagle Protection Act
BRTR	Biological Resource Technical Report
BSA	Biological Study Area
BWER	Ballona Wetland Ecological Reserve
CCC	California Coastal Commission
CCH	Consortium of California Herbaria
CCMP	California Coastal Management Program
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CRPR	California Rare Plant Rank
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DCH	Designated Critical Habitat
EFH	Essential Fish Habitat
ESA	Endangered Species Act
FGC	California Fish and Game Code
FMP	Fishery Management Plan
FR	Federal Register
GPS	Global Positioning System
JSA	Jurisdictional Survey Area



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Acronyms and Abbreviations

LSAA	Lake or Streambed Alteration Agreement
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MBTA	Migratory Bird Treaty Act
MCVII	second edition of <i>The Manual for California Vegetation</i>
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NPPA	Native Plant Protection Act
NRCS	Natural Resources Conservation Service
OHWM	Ordinary High Water Mark
Project	Ballona Creek Trash Interceptor™ Pilot Project
Public Works	Los Angeles County Public Works
RWQCB	Regional Water Quality Control Board
SEA	Significant Ecological Area
Secretary	Secretary of the Interior
SSC	Species of Special Concern
USACE	United States Army Corps of Engineers
USC	United States Code
USFWS	U.S. Fish & Wildlife Service
USGS	U.S. Geological Survey
WOTS	Waters of the State
WOTUS	Waters of the United States



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1.0 INTRODUCTION

This Biological Resources Technical Report (BRTR) is intended to document the biological resources that are associated with the Ballona Creek Trash Interceptor™ Pilot Project (Project) located in the City of Los Angeles, California (Appendix A, Figure 1). The surveys conducted and the discussions presented in this BRTR are intended to support planning and regulatory agency permitting and associated documentation. Reconnaissance surveys were conducted by Stantec biologists on February 25, 2020, and March 2, 2020, within accessible portions of the Project site and within a surrounding 500-foot buffer zone (approximately 102.0 acres). This approximate 102.0-acre area is defined as the Biological Study Area (BSA) (Appendix A, Figure 2). This BRTR describes the existing environmental conditions that occur within the BSA and surrounding areas and evaluates the potential for biological resources to occur based on those conditions, with a special emphasis on special-status plant and wildlife species, wildlife corridors, and special-status and sensitive natural communities.

1.1 PROJECT LOCATION

The Project is located in the City of Los Angeles, California, between the communities of Marina del Rey and Playa del Rey, approximately 1.5 miles west of CA-1 and 0.5 mile east of the Santa Monica Bay. Specifically, the Project is located within an approximately 4.96-acre channelized portion of Ballona Creek, immediately southwest of the Ballona Creek-Pacific Avenue Bridge. There are two levee systems, Ballona Creek 1 Levee System (hereafter referred to as the Ballona Creek North Jetty) and Ballona Creek 3 Levee System (hereafter referred to as the Ballona Creek South Jetty) that will be used for this Project. A photographic log is provided in Appendix B which depicts representative environmental conditions within the Project area.

The Project site is currently zoned as Open Space (OS-1XL), with a corresponding Open Space general plan land use designation by the City of Los Angeles. As Ballona Creek is an urban, soft bottom flood control channel within the Project site, the Project site is considered urbanized. The Project site is characterized by the wide, concrete embankment of Ballona Creek channel trending from east-northeast (upstream) toward the west-southwest (downstream). Ballona Creek channel includes riprap which is a combination of broken concrete blocks and rock. The Ballona Creek North Jetty is topped by a publicly accessible sidewalk and beacon light for boats coming back to the harbor. There are also two (2) viewing decks with concrete benches and guardrail on top of the Ballona Creek North Jetty. The Ballona Creek South Jetty is supported by a shorter jetty on the opposite side which is covered with a jagged rock outcrop.

The area surrounding the Project site is predominantly zoned Medium Residential (to the south) and Open Space (to the north). Nearby uses include the Laguna Del Rey multi-family residential complex, Del Rey Lagoon (a lagoon and recreational space), the Ballona Wetlands Ecological Reserve (BWER), University of California Los Angeles Marina Aquatic Center, the Pacific Avenue Bridge, Dockweiler Beach (recreational and public use), and the entrance to the Marina del Rey Harbor. The Project would not be located within the BWER, which is approximately 0.22 mile to the northeast.



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT

Biological Resources Technical Report

1.0 Introduction

1.2 PROJECT DESCRIPTION

On behalf of the Los Angeles County Flood Control District (Flood Control District), Los Angeles County Public Works (Public Works) is collaborating with The Ocean Cleanup, a Dutch non-profit organization, on this pilot Project to deploy a floating, automated trash Interceptor™ system (the Interceptor™) near the mouth of Ballona Creek where it enters the Pacific Ocean. The Project would entail installation of the Interceptor™ in Ballona Creek, directly south and east of the Marina Del Rey harbor entrance and breakwater along the Pacific Ocean shoreline. Construction and installation of the Project would occur over approximately a six-month period.

The purpose of the Project is to test the efficiency of The Ocean Cleanup's Interceptor™ in capturing and collecting floating trash and debris in Ballona Creek. The Project's goal is to capture and collect trash coming down the creek to prevent it from entering and polluting the ocean and thus, protect the environment.

The floating Interceptor™ would be a single vessel moored in Ballona Creek through attachment to six moorings—four of which anchor the vessel itself and two of which anchor two in-water floating trash booms—that would be installed above the ordinary high-water mark of Ballona Creek along two existing adjacent jetties. The placement of floating trash booms (also called “barriers”) and the downstream current will cause trash drifting down Ballona Creek to be funneled into the Interceptor™. The floating debris will converge on the Interceptor™ mechanical conveyor belt, which automatically feeds the trash into a floating receptacle, thus preventing the refuse from reaching the Pacific Ocean. The Interceptor™ is expected to be deployed and in operation for up to 24 months, to encompass two storm seasons (October 15 to April 15). Figure 1 shows the Project Location.

The proposed Project would involve the following primary activities:

- Constructing four Interceptor™ moorings, two trash boom moorings, and handrails on top of the adjacent jetties;
- Assembling the main Interceptor™ components in the parking lot adjacent to the public boat launch in the Marina del Rey harbor;
- Floating the Interceptor™ into position using a support vessel;
- Connecting the Interceptor™ and trash booms to the moorings;
- Attaching and detaching the second trash boom from its mooring as needed;
- Operating the Interceptor™ to collect floating trash from Ballona Creek and containerizing it in dumpsters inside the Interceptor™;
- Transferring the Interceptor™'s full dumpsters to Marina del Rey harbor for off-site disposal of trash at an appropriate solid waste facility;
- Transferring empty trash dumpsters from Marina del Rey harbor to the Interceptor™ in support of continued trash collection;
- Monitoring the effectiveness of the Interceptor™ at removing trash from Ballona Creek; and
- Installing educational signage communicating the Project's purpose/objectives to the public.

Additional information is provided below.



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Biological Resources Technical Report**1.0 Introduction****1.2.1 Construction of Moorings**

The Interceptor™ would be moored to the existing Ballona Creek North and South Jetties above the high water mark and above the mean high tide line of Ballona Creek using four mooring lines to maintain its position. These mooring lines would sag below the water surface using weights to allow boats to travel over them. The two smooth trash booms would be tethered via connection points on the Interceptor™ and two additional mooring points atop the jetties (for a total of six moorings). Each mooring would have a concrete pad which would be installed largely above-grade; minimal excavation to expose clean stone would be required for the moorings to be keyed into the top of the jetties at each location. Ramps with railings would be installed in connection with each mooring. During construction of the moorings on the Ballona Creek North Jetty, the sidewalk on the Ballona Creek North Jetty, between the Pacific Avenue Bridge and the end of the jetty, may need to be closed for public safety. While the Ballona Creek South Jetty does not have a dedicated concrete walkway, it is accessible to the public. Public access to portions of the Ballona Creek South Jetty may need to be blocked during construction of the moorings on the Ballona Creek South Jetty for public safety.

1.2.2 Interceptor™ Assembly

The Interceptor™ would be constructed off-site in the parking lot adjacent to the public boat launch in the Marina del Rey marina harbor.

1.2.3 Trash Boom Operations

The Interceptor™ would use two booms during anticipated high-trash flow events, and one boom in the dry season and when rowers will be expected to need an unrestricted path through the Pilot Project site. The southern boom would stay in place and the northern boom would be clipped and unclipped to the Ballona Creek North Jetty as needed. When not in use, the northern boom would be attached to the north-facing side of the Interceptor™ and “folded” in on itself (Photo 5). This allows the boom to float along the north-facing side of the Interceptor™ without interfering with any components or the operation of the Interceptor™.

1.2.4 Trash Dumpster Removal and Disposal Process

When the Interceptor™ is almost full, it will automatically send a message to the local operators to collect the waste. Operators will then slide the dumpster barge out from the Interceptor™, take it to the Marina del Rey boat harbor, lift and empty the dumpsters, send off the debris to an appropriate solid waste facility, and return the dumpster barge to the Interceptor™.

1.2.5 Installation of Monitoring Equipment and Data Validation

The monitoring system would be attached to the existing Pacific Avenue Bridge which crosses the Ballona Creek channel, approximately one-half-mile upstream from the mouth of Ballona Creek. Manually executed trawling experiments would be executed to calibrate and validate the monitoring system's measurements.



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1.0 Introduction

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2.0 METHODOLOGIES

This biological resources assessment of the BSA included, but was not limited to, a literature review, reconnaissance-level survey, non-protocol survey to detect the presence of special-status plant and wildlife species, and a non-protocol avian survey to document the presence of birds, including federal and state threatened or endangered listed species, if present. Stantec Associate Biologist Rocky Brown and Project Biologist Priya Pratap conducted the initial reconnaissance-level surveys on February 25, 2020, and March 2, 2020. Prior to the survey, a preliminary literature review of readily available resources was performed. The survey was conducted on foot within the BSA, where accessible, based on terrain and availability of public access.

2.1 LITERATURE REVIEW

A literature search focused on the BSA was conducted prior to the field survey. The BSA is located within the USGS Venice, California, 7.5-minute topographic quadrangle. A search of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) was conducted in the BSA and a surrounding 10-mile buffer area to determine special-status plants, wildlife, and vegetation communities that have been documented within the vicinity of the BSA (CDFW 2020a). The database included portions of the following quadrangles surrounding the BSA:

- Topanga
- Beverly Hills
- Hollywood
- Inglewood
- Redondo Beach
- Torrance

Stantec obtained a list of federally listed species and species that are proposed, or are candidates for federal listing with the potential to occur in the vicinity of the project area, using the Information for Planning and Consultation tool on September 24, 2020 (Consultation Code: 08ECAR00-2020-SLI-1614). Additional data regarding the potential occurrence of special-status species and policies relating to these special-status natural resources were gathered from the following sources:

- State and Federally Listed Endangered and Threatened Animals of California (CDFW 2020b)
- Special Animals List (CDFW 2020c)
- State and Federally Listed Endangered, Threatened, and Rare Plants of California (CDFW 2020d)
- California Sensitive Natural Communities (CDFW 2020)
- Inventory of Rare and Endangered Vascular Plants of California (CNPS 2020)
- Consortium of California Herbaria (CCH 2020)



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2.0 Methodologies

2.2 BIOLOGICAL SURVEYS AND HABITAT ASSESSMENT

2.2.1 Site Reconnaissance and Wildlife Surveys

Stantec conducted a habitat assessment and reconnaissance-level surveys to document the environmental conditions present within the BSA. The primary goal of these initial surveys was to identify and assess habitat that may be capable of supporting special-status plant or wildlife species and determine the potential need for additional focused surveys for special-status resources. Biologists recorded all incidental plant and wildlife observations. However, this assessment did not include focused, protocol-level surveys for rare plants or wildlife or other special-status resources.

The survey was conducted during a season and time of day when resident and migratory birds would be expected to be present and exhibiting normal activity, small mammals would be active and detectable visually or by sign, and above-ground amphibian and reptile movement would generally be detectable. However, it should be noted that some wildlife species and individuals may have been difficult to detect due to their elusive nature, cryptic morphology, or nocturnal behavior. The survey was conducted during daylight hours when temperatures were such that reptiles and other wildlife would be active (i.e., between 65-95 degrees Fahrenheit). The February 25, 2020, survey was conducted during a period of low tide to allow biologists to observe Ballona Creek. The March 2, 2020, survey focused on nesting birds was conducted shortly after sunrise considering most birds are generally active at sunrise.

The BSA was investigated on foot (where accessible) by experienced field biologists walking throughout publicly accessible areas at an average pace of approximately one mile per hour while visually scanning for wildlife and their sign and listening to wildlife songs and calls. Biologists paused as necessary to listen for wildlife or to identify, record, or enumerate any observed species. Species present were identified and recorded through direct visual observation, sound, or their sign (e.g., scat, tracks, etc.). Species identifications conform to the most up-to-date field guides and technical literature.

2.2.2 Vegetation Mapping

Vegetation descriptions and nomenclature are based on the second edition of *A Manual of California Vegetation* (MCVII) (Sawyer et al. 2009), where applicable, and have been defined to the alliance level. Vegetation maps were prepared by recording tentative vegetation type boundaries over recent aerial photograph base maps using the ESRI Collector for ArcGIS app on an Apple iPad coupled with a Bad Elf GNSS Surveyor sub-meter external global positioning system (GPS) unit. Mapping was further refined in the office using ESRI ArcGIS (version 10.7) with aerial photograph base maps with an accuracy of 1 foot. Most boundaries shown on the maps are accurate within approximately 3 feet; however, boundaries between some vegetation types are less precise due to difficulties in interpreting aerial imagery and accessing stands of vegetation.

Vegetation communities can overlap in many characteristics and over time may shift from one community type to another. All vegetation maps and descriptions are subject to variability for the following reasons:

- In some cases, vegetation boundaries result from distinct events, such as wildfire or flooding, but vegetation types usually tend to integrate on the landscape, without precise boundaries between



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Biological Resources Technical Report**2.0 Methodologies**

them. Even distinct boundaries caused by fire or flood can be disguised after years of post-disturbance succession. Mapped boundaries represent best professional judgment, but usually should not be interpreted as literal delineations between sharply defined vegetation types.

- Natural vegetation tends to exist in generally recognizable types, but also may vary over time and geographic region. Written descriptions cannot reflect all local or regional variation. Many (perhaps most) stands of natural vegetation do not strictly fit into any named type. Therefore, a mapped unit is given the best name available in the classification system being used, but this name does not imply that the vegetation unambiguously matches written descriptions.
- Vegetation tends to be patchy. Small patches of one named type are often included within larger stands mapped as units of another type.

2.2.3 Jurisdictional Delineation

A formal jurisdictional waters delineation per US Army Corps of Engineers (USACE) guidelines was conducted as part of this assessment. The four BSAs were evaluated for potential wetlands and/or waters subject to federal and/or state jurisdiction pursuant to Section 404 and 401 of the Clean Water Act (CWA) concurrently with the field surveys described above. This jurisdictional assessment also included an investigation of areas that could be jurisdictional pursuant to Section 1600 et seq. of the California Fish and Game Code. Prior to conducting the field assessment, Stantec reviewed current and historic aerial imagery, topographic maps, soil maps (USDA, 2020), local and state hydric soils lists, and the National Wetlands Inventory (USFWS, 2020a) to evaluate the potential active channels and wetland features that occur within the BSAs. During the field assessment, hydrologic features were mapped using the same data collection equipment described above for the botanical surveys. Field data were further manipulated in the office using GIS and total jurisdictional area for each regulatory jurisdiction was calculated. The results of the delineation are summarized below in Section 4.4; a stand-alone Preliminary Jurisdictional Wetlands/Waters Delineation Report was also prepared.



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2.0 Methodologies

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3.0 REGULATORY ENVIRONMENT

3.1 FEDERAL REGULATIONS

3.1.1 Federal Endangered Species Act

Federal Endangered Species Act (FESA) provisions protect federally listed threatened and endangered species and their habitats from unlawful “take” and ensure that federal actions do not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of Designated Critical Habitat (DCH). Under FESA, take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct.” The U.S. Fish and Wildlife Service (USFWS) regulations define harm to mean “an act which actually kills or injures wildlife.” Such an act “may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering” (50 Code of Federal Regulations [CFR] Section 17.3).

DCH is defined in FESA Section 3(5)(A) as “(i) the specific areas within the geographical area occupied by the species on which are found those physical or biological features: (I) essential to the conservation of the species; (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species upon a determination by the Secretary of Commerce or the Secretary of the Interior (Secretary) that such areas are essential for the conservation of the species.” The effects analyses for DCH must consider the role of the critical habitat in both the continued survival and the eventual recovery (i.e., the conservation) of the species in question, consistent with the recent Ninth Circuit judicial opinion, *Gifford Pinchot Task Force v. USFWS*.

Activities that may result in “take” of listed species are regulated by USFWS.¹ USFWS produced an updated list of candidate species December 2, 2016 (81 Federal Register [FR] 87246). Candidate species are not afforded any legal protection under FESA; however, candidate species typically receive special attention from federal and state agencies during the environmental review process.

3.1.2 Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 (16 United States Code [USC] 703-711) makes it unlawful to possess, buy, sell, purchase, barter or take any migratory bird listed in Title 50 of CFR Part 10. Take is defined as possession or destruction of migratory birds, their nests, and eggs. Disturbances that cause nest abandonment or loss of reproductive effort or the loss of habitats upon which these birds depend may be a violation of the MBTA. The MBTA prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary. The MBTA encompasses whole birds, parts of birds, bird nests, and eggs.

¹ The National Marine Fisheries Service (NMFS) regulates threatened and endangered marine species. Marine species were separately surveyed in the attached Marine Biological Technical Study (Appendix C).



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3.0 Regulatory Environment

3.1.3 Bald and Golden Eagle Protection Act of 1940 (16 USC 668)

The Bald and Golden Eagle Protection Act (BGEPA) of 1940 (16 USC 668, enacted by 54 Stat. 250) protects bald and golden eagles by prohibiting the taking, possession, and commerce of such birds and establishes civil penalties for violation of this Act. Take of bald and golden eagles is defined as follows: “disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior” (72 FR 31132; 50 CFR 22.3).

USFWS is the primary federal authority charged with the management of golden eagles in the U.S. A permit for take of golden eagles, including take from disturbance such as loss of foraging habitat, may be required for this Project. USFWS guidance on the applicability of current BGEPA statutes and mitigation is currently under review. On November 10, 2009, the USFWS updated rules (74 FR 46835) governing the take of golden and bald eagles. The new rules were released under the existing BGEPA, which has been the primary regulatory protection for unlisted eagle populations since 1940.

All activities that may disturb or incidentally take an eagle or its nest as a result of an otherwise legal activity must be permitted by the USFWS under this act. If a permit is required, due to the current uncertainty on the status of golden eagle populations in the western U.S., it is expected that permits would only be issued for safety emergencies or if conservation measures implemented in accordance with a permit would result in a reduction of ongoing take or a net take of zero.

3.1.4 Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) provides for the conservation and management of the nation’s fishery resources through the preparation and implementation of Fishery Management Plans (FMPs). The Magnuson-Stevens Act calls for the National Marine Fisheries Service (NMFS) to work with regional Fishery Management Councils to develop FMPs for each fishery under their jurisdiction.

One of the required provisions of FMPs specifies that Essential Fish Habitat (EFH) be identified and described for the fishery, adverse fishing impacts on EFH be minimized to the extent practicable, and other actions to conserve and enhance EFH be identified. The act also mandates that NMFS coordinate with and provide information to federal agencies to further the conservation and enhancement of EFH. Federal agencies must consult with NMFS on any action that might adversely affect EFH. When NMFS finds that a federal or state action would adversely affect EFH, it is required to provide conservation recommendations. The Magnuson-Stevens Act applies to the Project since there is groundfish EFH within Ballona Creek. The EFH Assessment Report discusses these issues in more detail.

3.1.5 Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act, as amended in 1964, requires that all federal agencies consult with NMFS, USFWS, and state wildlife agencies (i.e., CDFW) when proposed actions might result in



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modification of a natural stream or body of water. Federal agencies must consider effects that these projects would have on fish and wildlife development and provide for improvement of these resources. The Fish and Wildlife Coordination Act allows NMFS, USFWS, and CDFW to provide comments to USACE during review of projects under Section 404 of the Clean Water Act (concerning the discharge of dredged materials into navigable waters of the U.S. [WOTUS]) and Section 10 of the Rivers and Harbors Act (RHA) regarding obstructions in navigable waterways. NMFS comments provided under the Fish and Wildlife Coordination Act are intended to reduce environmental impacts to migratory, estuarine, and marine fisheries and their habitats. Since the Project involves impacts to waters of the U.S. and the potential modification of federal jetties, consultation with NMFS, USFWS and CDFW would be required.

3.1.6 Federally Regulated Habitats

Areas that meet the regulatory definition of “waters of the United States” are subject to the jurisdiction of the USACE under provisions of Section 404 of the Clean Water Act (CWA) (1972). “Navigable waters of the United States” are subject to jurisdiction under Section 10 of the RHA (1899). WOTUS may include all waters used or potentially used for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (e.g., intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as WOTUS, tributaries of waters otherwise defined as WOTUS, territorial seas, and wetlands (i.e., “Special Aquatic Sites”) adjacent to WOTUS (33 CFR, Section 328.3).

Construction activities within WOTUS are regulated by USACE. For example, the placement of fill into such waters must comply with permit requirements of USACE. No USACE permit would be effective in the absence of State Water Quality Certification pursuant to Section 401 of the CWA. As a part of the permit process, the USACE works directly with the USFWS to assess potential project impacts on biological resources.

3.1.7 National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 requires all federal agencies to examine the environmental impacts of their actions, incorporate environmental information, and use public participation in the planning and implementation of all actions. Federal agencies must integrate NEPA into other planning requirements and prepare appropriate NEPA documents to facilitate better environmental decision-making. NEPA requires federal agencies to review and comment on federal agency environmental plans and documents when the agency has jurisdiction by law or special expertise with respect to any environmental impacts involved (42 USC 4321- 4327; 40 CFR 1500-1508).

3.1.8 Rivers and Harbors Act of 1899

3.1.8.1 Section 14

Section 14 of the RHA, codified at 33 U.S.C. § 408 (often referred to as “Section 408”), requires that any proposed occupation or use of an existing USACE civil works project be authorized by the Secretary of the Army. An alteration refers to any action by any entity other than the Corps that builds upon, alters,



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improves, moves, occupies, or otherwise affects the usefulness, or the structural or ecological integrity of a USACE project. USACE may grant such permission if it determines the alteration proposed will not be injurious to the public interest and will not impair the usefulness of the civil works project. This means USACE has the authority to review, evaluate, and approve all alterations to federally-authorized civil works projects to make sure they are not harmful to the public and still meet the project's intended purposes mandated by congressional authorization.

The jetties currently bordering Ballona Creek are part of the Project and changes to them would require a Section 408 permit from the USACE prior to modification.

3.1.8.2 Section 10

Section 10 of the RHA is required for work conducted in, on, or over traditionally navigable waterways. A Section 10 permit is also required for the excavation and dredging or deposition of material, as well as any obstruction or alteration of a navigable water. Work outside the limits of navigable waters may require a Section 10 permit if the structure or work affects the course, location, condition, or capacity of the water body. Navigable waters of the U.S. are those subject to the ebb and flow of the tide shoreward to the mean high water mark and are used, or have been used in the past, to transport interstate or foreign commerce. 33 C.F.R. § 329.4. This includes coastal and inland waters, lakes, rivers and streams that are navigable, and the territorial seas.

The BSA contains potential navigable WOTUS subject to USACE jurisdiction under Section 10 of the RHA, as discussed in a separate Preliminary Jurisdictional Delineation Report.

3.1.9 Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) establishes national policy to preserve, protect, develop, and, where possible, restore or enhance the resources of the nation's coastal zones. In accordance with Section 307(c) of the CZMA, after approval by the Secretary of Commerce of a state's management program, any applicant for a required federal license or permit to conduct an activity in or outside of the coastal zone affecting any land or water use or natural resource of the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the enforceable policies of the state's approved program and that such activity will be conducted in a manner consistent with the program. The federal government certified the California Coastal Management Program (CCMP) in 1977. The enforceable policies of that document are Chapter 3 of the California Coastal Act of 1976. All consistency documents are reviewed for consistency with these policies.

For all of the California coast except San Francisco Bay the state agency responsible for implementing the CZMA is the California Coastal Commission (CCC). The CCC is responsible for reviewing proposed federal and federally licensed or permitted activities to assess their consistency with the approved CCMP.



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3.2 STATE REGULATIONS

3.2.1 California Environmental Quality Act

The California Environmental Quality Act (CEQA) establishes state policy to prevent significant and avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures. CEQA applies to actions directly undertaken, financed, or permitted by state lead agencies. Regulations for implementation are found in the CEQA Guidelines published by the California Natural Resources Agency. These guidelines establish an overall process for the environmental evaluation of projects.

3.2.2 California Endangered Species Act

Provisions of the California Endangered Species Act protect state-listed threatened and endangered species. The CDFW regulates activities that may result in take of individuals (i.e., take is defined as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”). Habitat degradation or modification is not expressly included in the definition of take under the California Fish and Game Code (FGC). Additionally, the FGC contains lists of vertebrate species designated as “fully protected” (FGC Sections 3511 [birds], 4700 [mammals], 5050 [reptiles and amphibians], and 5515 [fish]). Such species may not be taken or possessed.

In addition to federal and State-listed species, the CDFW also has produced a list of Species of Special Concern (SSC) to serve as a “watch list.” Species on this list are of limited distribution or the extent of their habitats has been reduced substantially, such that threat to their populations may be imminent. SSC may receive special attention during environmental review, but they do not have statutory protection.

Birds of prey are protected in California under the FGC. FGC Section 3503.5 states that it is “unlawful to ‘take’, possess, or destroy any birds of prey (in the order Falconiformes or Strigiformes) or to ‘take’, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this Code or any regulation adopted pursuant thereto.” Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered take by the CDFW. Under Sections 3503 and 3503.5 of the FGC, activities that would result in the taking, possessing, or destroying of any birds-of-prey, taking or possessing of any migratory nongame bird as designated in the MBTA, or the taking, possessing, or needlessly destroying of the nest or eggs of any raptors or non-game birds protected by the MBTA, or the taking of any non-game bird pursuant to FGC Section 3800 are prohibited.

3.2.3 Section 1602 of the California Fish and Game Code

Section 1602 of the FGC requires any person, state or local governmental agency, or public utility which proposes a project that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake, or use materials from a streambed, or result in the disposal or deposition of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into any river, stream, or lake, to first notify the CDFW of the proposed project. This



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includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish or other aquatic life and watercourses having a surface or subsurface flow that support or have supported riparian vegetation. Based on the notification materials submitted, the CDFW would determine whether the proposed project may impact fish or wildlife resources.

If the CDFW determines that a proposed project may substantially adversely affect existing fish or wildlife resources, a Lake or Streambed Alteration Agreement (LSAA) would be required. A completed CEQA document must be submitted to CDFW before an LSAA would be issued. The Project area falls within the South Coast Region of the CDFW; however, it is not anticipated to substantially divert or obstruct the natural flow of Ballona Creek, nor to substantially change the channel or streambed of the Creek.

3.2.4 Porter-Cologne Water Quality Control Act

California Regional Water Quality Control Boards (RWQCBs) regulate the “discharge of waste” to “waters of the state” (WOTS). All projects proposing to discharge waste that could affect WOTS must file a Waste Discharge Report with the appropriate RWQCB. The board responds to the report by issuing Waste Discharge Requirements or by waiving them for that project discharge. Both terms “discharge of waste” and WOTS are broadly defined such that discharges of waste include fill, any material resulting from human activity, or any other “discharge.” Isolated wetlands within California, which are no longer considered WOTUS, as defined by Section 404 of the CWA, are addressed under the Porter Cologne Water Quality Control Act. The Project area falls under the jurisdiction of the Region 4 – Los Angeles RWQCB.

3.2.5 State-Regulated Habitats

The California State Water Resources Control Board is the state agency (together with the RWQCBs) charged with implementing water quality certification in California. See section 3.1.6 above.

3.2.6 Native Plant Protection Act

Under FGC Sections 1900 to 1913, the Native Plant Protection Act (NPPA) requires all state agencies to use their authority to carry out programs to conserve endangered and rare native plants. Provisions of NPPA prohibit the taking of listed plants from the wild and require notification of the CDFW at least 10 days in advance of any change in land use. This allows CDFW to salvage listed plant species that would otherwise be destroyed. A Project applicant is required to conduct botanical inventories and consult with CDFW during project planning to comply with the provisions of the NPPA and sections of CEQA that apply to rare or endangered plants.

3.2.7 California Coastal Commission and Coastal Act of 1976

The CCC has planning, regulatory, and permitting responsibilities in partnership with local governments over all development taking place within the coastal zone, a 1.5 million-acre area stretching 1,100 miles along the state's coastline from Oregon to Mexico (and around nine offshore islands). The coastal zone



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extends seaward 3 miles, while its landward boundary varies from several miles inland in places such as the Eel River and the Elkhorn Slough, to as close as a few hundred feet from the shore in other areas.

The CCC's enabling legislation, the Coastal Act of 1976, created a comprehensive coastal protection program grounded in partnerships between CCC and local government jurisdictions (15 counties and 60 cities) within the coastal zone. Among the coastal resources specifically protected within the Coastal Act are public access to the coastline, wetlands and other environmentally sensitive habitat areas, agriculture, low-cost visitor-serving recreational uses, visual resources, commercial and recreational fishing, and community character. Coastal streams and wetlands are also protected under the Coastal Act.

The Coastal Act Section 30231 defines a wetland as:

...lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

The CCC's regulations (CCR Title 14) establishes a "one parameter definition," which requires evidence of a single parameter to establish wetland conditions:

Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. (14 CCR Section 13577).

The "one parameter" definition adopted by the Coastal Commission is based on the general definition used by USFWS and CDFW from the USFWS wetlands classification system first published in 1979 (Cowardin et al. 1979):

Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.

The Coastal Act definition of a wetland does not distinguish between wetlands based on their quality. Therefore, under the Coastal Act, poorly functioning or degraded areas that meet the definition of wetlands are subject to wetland protection policies.



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3.3 LOCAL REGULATIONS

3.3.1 Los Angeles County General Plan – Chapter 9, Conservation and Natural Resources Element

3.3.1.1 Open Space Resources Component

The Open Space Resources Component of the Conservation and Natural Resources Element of the Los Angeles County General Plan contains policies and programs that are designed to preserve and manage dedicated open space areas through preservation, acquisition, and easements.

The Goals and Policies relative to natural resources that apply to the BSA are as follows:

Goal 1: *Open space areas that meet the diverse needs of Los Angeles County*

- **Policy 1.2:** *Protect and conserve natural resources, natural areas, and available open spaces*
- **Policy 1.5:** *Provide and improve access to dedicated open space and natural areas for all users that considers sensitive biological resources*

3.3.1.2 Biological Resources Component

The Biological Resources Component of the Conservation and Natural Resources Element of the Los Angeles County General Plan contains policies and practices which are designed to preserve biotic diversity, monitor Significant Ecological Areas (SEAs), and coordinate environmental protection.

The Goals and Policies relative to biological resources that apply to the BSA are as follows:

Goal 3: *Permanent, sustainable preservation of genetically and physically diverse biological resources and ecological systems including: habitat linkages, forests, coastal zone, riparian habitats, streambeds, wetlands, woodlands, alpine habitat, chaparral, shrublands, and SEAs.*

- **Policy 3.1:** *Conserve and enhance the ecological function of diverse natural habitats and biological resources*
- **Policy 3.3:** *Restore upland communities and significant riparian resources, such as degraded streams, rivers, and wetlands to maintain ecological function- acknowledging the importance of incrementally restoring ecosystem values when complete restoration is not feasible.*
- **Policy 3.6:** *Assist state and federal agencies and other agencies, as appropriate, with the preservation of special status species and their associated habitat and wildlife movement corridors through the administration of the SEAs and other programs.*
- **Policy 3.7:** *Participate in inter-jurisdictional collaborative strategies that protect biological resources.*



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- **Policy 3.11:** *Discourage development in riparian habitats, streambeds, wetlands, and other native woodlands in order to maintain and support their preservation in a natural state, unaltered by grading, fill, or diversion activities.*

3.3.1.3 Local Water Resources Component

The Local Water Resources Component of the Conservation and Natural Resources Element of the Los Angeles County General Plan contains policies and practices that are designed to effectively manage and preserve invaluable local water resources.

The Goals and Policies relative to local water resources that apply to the BSA are as follows:

Goal 5: *Protected and useable local surface water resources.*

- **Policy 5.1:** *Support the LID philosophy, which seeks to plan and design public and private development with hydrologic sensitivity, including limits to straightening and channelizing natural flow paths, removal of vegetative cover, compaction of soils, and distributions of naturalistic BMPs at regional, neighborhood, and parcel-level scales.*
- **Policy 5.4:** *Actively engage in implementing all approved Enhanced Watershed Management Programs/Watershed Management Programs and Coordinated Integrated Monitoring Programs/ Integrated Monitoring Programs or other County-involved TMDL implementation and monitoring plans.*
- **Policy 5.6:** *Minimize point and non-point source water pollution.*
- **Policy 5.7:** *Actively support the design of new and retrofit of existing infrastructure to accommodate watershed protection goals.*

3.3.1.4 Significant Ecological Area Program

Significant Ecological Areas are officially designated areas within LA County with irreplaceable biological resources. The SEA Program objective is to conserve genetic and physical diversity within Los Angeles County by designating biological resource areas that are capable of sustaining themselves into the future. The SEA Program establishes the permitting, design standards, and review process for development within SEAs, balancing preservation of the county's natural biodiversity with private property rights (Los Angeles County 2019). The BSA does not occur within a SEA, but the BWER extends approximately two miles east-northeast of the BSA.

3.3.2 Los Angeles County Public Works Ballona Creek Watershed Management Plan

The Ballona Creek Watershed Management Plan was created by the LACPW to “set forth pollution control and habitat restoration actions to achieve ecological health.”

The Ballona Creek Watershed Task Force adopted the following goals:



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- Improve quality of surface water and groundwater
- Maintain flood protection
- Restore hydrologic function to Ballona Creek and tributaries where feasible
- Optimize water resources to reduce dependence on imported water
- Improve aquatic, estuarine, and riparian habitat quality and quantity
- Improve habitat quality, quantity, and connectivity
- Practice stewardship of the landscape

As previously stated in Section 1.2, the purpose of the Project is to test the efficiency of The Ocean Cleanup's Interceptor™ in capturing and collecting floating trash and debris in Ballona Creek. The Project's goal is to capture and collect trash coming down the creek to prevent it from entering and polluting the ocean and thus, protect the environment. The Project supports the goals of the Ballona Creek Watershed Management Plan to improve quality of surface water and improve aquatic and estuarine habitat quality and quantity.

3.3.3 City of Los Angeles General Plan

The City of Los Angeles General Plan provides a comprehensive long-range view of the city and includes a Land Use Element that is made up of 35 community plans and 10 technical elements. The pertinent technical elements include a Conservation Element and an Open Space Element.

3.3.3.1 Conservation Element

The Conservation Element primarily addresses preservation, conservation, protection, and enhancement of the City's natural resources. The natural resources or processes that should be or are subject to preservation, conservation, protection, and enhancement efforts include endangered species such as the Belding's savannah sparrow, which lives within the Project site; erosion, including beach erosion; fisheries; habitats, including coastal wetlands; and open space and parks. In addition, the Conservation Element identifies applicable regulations and the Conservation Element policies with regard to each type of resource.

3.3.3.2 Open Space Element

The Open Space Element consists of an Open Space Plan that serves to guide the identification, preservation, conservation, and acquisition of open space within the City of Los Angeles. The Open Space Plan was adopted in 1973; an update is pending. The Del Rey Lagoon portion of the BSA supports several of the characteristics used to define "Open Space" in the Open Space Element of the City's General Plan. Specifically, they provide "opportunities for recreation and education" and conserve or preserve "natural resources or ecologically important areas."



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3.4 OTHER APPLICABLE REGULATIONS, PLANS, AND STANDARDS

3.4.1 California Native Plant Society Rare Plant Program

The mission of the California Native Plant Society (CNPS) Rare Plant Program is to develop current, accurate information on the distribution, ecology, and conservation status of California's rare and endangered plants and to use this information to promote science-based plant conservation in California. Once a species has been identified as being of potential conservation concern, it is put through an extensive review process. Once a species has gone through the review process, information on all aspects of the species (e.g., listing status, habitat, distribution, threats, etc.) is entered into the online CNPS Rare Plant Inventory and given a California Rare Plant Rank (CRPR). The Rare Plant Program currently recognizes more than 1,600 plant taxa (species, subspecies and varieties) as rare or endangered in California.

Vascular plants listed as rare or endangered by the CNPS, but which might not have a designated status under state endangered species legislation, are defined by the following CRPRs:

- CRPR 1A: Plants considered by the CNPS to be extinct in California
- CRPR 1B: Plants rare, threatened, or endangered in California and elsewhere
- CRPR 2: Plants rare, threatened, or endangered in California, but more numerous elsewhere
- CRPR 3: Plants about which we need more information – a review list
- CRPR 4: Plants of limited distribution – a watch list

In addition to the CRPR designations above, the CNPS adds a Threat Rank as an extension added onto the CRPR and designates the level of endangerment by a 0.1 to 0.3 ranking, with 0.1 being the most endangered and 0.3 being the least endangered and are described as follows:

- 0.1: Seriously threatened in California (high degree/immediacy of threat)
- 0.2: Fairly threatened in California (moderate degree/immediacy of threat)
- 0.3: Not very threatened in California (low degree or immediacy of threats or no current threats known)



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4.0 EXISTING CONDITIONS

4.1 SETTING

As depicted in Figures 1 and 2 in Appendix A, the BSA is located at the confluence of Ballona Creek and Santa Monica Bay. In general, the BSA is characterized by Ballona Creek, which is a trapezoidal concrete channel confined by levees on both sides. Downstream of the confluence with Centinela Creek, the trapezoidal channel has a sediment, or “soft,” bottom with concrete side slopes until it reaches near Culver Boulevard. Downstream of Culver Boulevard, the trapezoidal channel continues to have a sediment bottom with embankments that are made of riprap with a grouted cap. The mouth of Ballona Creek empties into the Santa Monica Bay south of Marina del Rey and Venice Beach, and north of the community of Playa del Rey and Dockweiler Beach. The channel mouth is approximately 295 feet wide. The elevation of the channel's bottom at the Project site ranges from -2.2 to +7.8 feet with respect to mean sea level.

The Ballona Creek watershed covers approximately 130 square miles within the Los Angeles Basin. With headwaters in the Santa Monica Mountains, the principal tributaries to the Ballona Creek are the Benedict Canyon Channel, Sepulveda Creek Channel, Centinela Creek Channel, and immense system of underground storm drains (ESA, 2017). Ballona Creek flows through the Ballona Wetlands Ecological Reserve within the coastal plain of the Los Angeles Basin at an elevation of approximately 5 to 28 feet (USACE, 1999). The reach of the Ballona Creek has a design flow rate of 46,000 cubic feet per second. The watershed upstream of the SA is approximately 20 percent undeveloped foothill and canyon area and 80 percent highly urbanized coastal plain, including the densely developed communities of Beverly Hills, Culver City, Hollywood, and a portion of the City of Los Angeles (USACE, 1999). The flood risk management channel provides support for approximately 1.5 million residents of the listed cities.

The BSA is situated within the unincorporated communities of Marina del Rey and Playa del Rey, within the City of Los Angeles. It encompasses the northernmost portion of the Del Rey Lagoon and Dockweiler State Beach, the Ballona Creek Bridge, multi-unit residential buildings, and a southern section of the Marina del Rey South Jetty and Marina del Rey Main Channel. The land within the BSA is nearly completely developed with urban infrastructure and open space with recreational and public use facilities or consists of open water. Nearby uses include a functioning small-craft harbor with boat slips, multi-unit residential buildings, single-family homes, Del Rey Lagoon; the BWER, Ballona Creek Bridge, and the University of California Los Angeles Marina Aquatic Center. Open space to the north, east, and south of the BSA includes Dockweiler State Beach, Venice City Beach, Del Rey Lagoon, and the BWER. A photographic log for the survey is included in Appendix B and depicts representative environmental conditions within the BSA and surrounding areas.

4.2 VEGETATION AND LAND COVERS

As defined in MCVII, a vegetation alliance is “a category of vegetation classification which describes repeating patterns of plants across a landscape. Each alliance is defined by plant species composition,



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and reflects the effects of local climate, soil, water, disturbance, and other environmental factors” (Sawyer et al. 2009). Generally, Stantec’s mapping and description of plant communities follows the classification system described in the MCVII. The MCVII is generally limited to communities that are native to or naturalized within California; however, no native habitat occurs within the BSA. Therefore, the vegetation community land cover types discussed below are descriptive in nature and are not specifically referenced in the MCVII. The scientific and common names of each species detailed within this report correspond to those described in the second edition of *The Jepson Manual* (Baldwin et al. 2012).

Recent technical studies for biological resources, specifically vegetation mapping, have been conducted in support of the Ballona Wetlands Restoration Project currently proposed by CDFW. The extent of these surveys overlap with portions of the BSA. The Draft EIR prepared for the Ballona Wetlands Restoration Project (ESA 2017) was used to define some of the vegetation classifications that occur within the BSA that are not defined in MCVII. These classifications are described below and depicted in Figure 2 (Appendix A).

Habitats observed within the BSA during the field survey, where vegetated, were comprised primarily of common plant species and vegetation communities found in the coastal areas of southern California. Habitat conditions within the vegetated portions of the BSA were noted to be of generally good quality, with well-established communities comprised of native and non-native shrub and herbaceous species. Within the BSA, Stantec biologists mapped one plant community defined by Sawyer et al. (2009), one plant community defined by the Ballona Wetlands Restoration Project Draft EIR (ESA 2017), and three land cover types. These are described below, summarized in Table 1, and depicted in Figure 2 included in Appendix A. Small, localized areas occupied by other plant communities were also observed within the BSA; however, the areas were less than the minimum mapping unit dictated by the size of the survey area and thus, were not mapped.

Table 1: Vegetation Communities and Land Cover Types Occurring within the Biological Study Area and Impacts

Vegetation Community/Land Cover Type	Acreage within BSA	Acreage of Permanent Project Impacts	Acreage of Temporary Project Impacts
Invasive Monoculture	2.76	-	-
Pickleweed Mats Alliance	0.24	-	-
Ice Plant Mats Alliance	0.46	-	-
Dune Mat Alliance	0.41	-	-
Open Water	55.96	-	-
Sandy Beach	7.30	-	-
Disturbed and Developed	34.88	0.14	-
Total	102.00	0.14	-



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4.2.1 Vegetation Communities and Land Cover Types

4.2.1.1 Vegetation Communities

Invasive Monoculture

Approximately 2.76 acres of this community occurs within the BSA, in the upland area of Ballona Creek and along the Del Rey Lagoon. In the Draft Environmental Impact Report for the Ballona Wetlands Restoration Project, invasive monoculture is described as follows:

*...monocultures or very low-diversity assemblages of invasive herbs and shrubs including black mustard (*Brassica nigra*), crown daisy (*Glebionis coronaria*), wild radish (*Raphanus sativus*) ... pampas grass (*Cortaderia* spp.), carnation spurge (*Euphorbia terracina*), and castor bean (*Ricinus communis*). In addition, small, fragmented groups of non-native trees, primarily thorn tree and lollypop tree (*Myoporum laetum*), are included in this habitat type. Invasive monocultures are common across the BWER within many upland habitat types. However, they are most often located in areas with introduced fill (e.g., berms or upland fill areas). (ESA 2017)*

Within the BSA, plant species observed within this community included black mustard, crown daisy, radish, pampas grass, and carnation spurge. Small Philippine acacia (*Acacia confusa*), Brazilian peppertree (*Schinus terebinthifolia*), tree tobacco (*Nicotiana glauca*), sweet alyssum (*Lobularia maritima*), ribwort plantain (*Plantago lanceolata*), broadleaf plantain (*Plantago major*), shortpod mustard (*Hirschfeldia incana*), common sowthistle (*Sonchus oleraceus*), barley (*Hordeum* sp.), Bermuda buttercup (*Oxalis pes-caprae*), and wild fennel (*Foeniculum vulgare*) were also observed within this community.

4.2.1.2 Pickleweed Mats Alliance

Approximately 0.24 acre of this vegetation community occurs within the BSA, primarily along the margins of the Del Rey Lagoon and banks of Ballona Creek. This alliance is represented within the BSA by Pacific pickleweed (*Salicornia pacifica*) as the dominant species in the subshrub and herbaceous layers with algae and interspersed with ice plant (*Carpobrotus edulis*). This alliance is generally found to occur in coastal salt marshes and alkaline flats.

4.2.1.3 Ice Plant Mats Alliance (*Mesembryanthemum* spp. - *Carpobrotus* spp. Herbaceous Semi-Natural Alliance)

Approximately 0.46 acre of this vegetation community occurs within the BSA along the margins of Del Rey Lagoon, the southern bank of Ballona Creek, and along the coastal sand dunes immediately south of the creek bordering a residential community. Within the BSA, the alliance is represented by continuous stands of Chilean sea fig (*Carpobrotus chilensis*) and ice plant (*Carpobrotus edulis*) as the dominant species in the herbaceous layers. It is interspersed with occurrences of beach suncup (*Camissoniopsis cheiranthifolia*), European searocket (*Cakile maritima*), tree aeonium (*Aeonium arboreum*), cheeseweed mallow (*Malva parviflora*), and jade plant (*Crassula ovata*). This alliance is generally found to occur in bluffs, disturbed, land, and sand dunes of immediate coastlines.



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4.2.1.4 Dune Mat Alliance (*Abronia latifolia* - *Ambrosia chamissonis* Herbaceous Alliance)

Approximately 0.41 acre of this vegetation community occurs within the BSA. It primarily occurs along the margins of Dockweiler State Beach and the jetty within the outer rocky outcrops of Ballona Creek and the sandy beach surfaces immediately south of the creek. Within the BSA, this alliance is represented by silver burr ragweed (*Ambrosia chamissonis*) and European searocket (*Cakile maritima*) as the dominant species. Lesser sea-spurry (*Spergularia marina*), common stork's-bill (*Erodium cicutarium*), prostrate knotweed (*Polygonum aviculare*), and ripgut brome (*Bromus diandrus*) are interspersed throughout this community. This alliance is generally found to occur in sand dunes of coastal bars, river mouths, and spits along the immediate coastline with coarse to fine-textured sands.

4.2.1.5 Other Land Cover Types

Open Water

Approximately 55.96 acres of open water habitat occurs in the Ballona Creek channel, Marina del Rey Harbor Main Channel, and Del Rey Lagoon within the BSA. The Ballona Creek channel within the BSA is a concrete and riprap channelized system with a soft sediment bottom. The Main Channel supports the passage of small and large watercrafts through the harbor. Del Rey Lagoon, a small coastal saline pond separated from Ballona Creek by a 40-foot-wide levee, has a manually controlled tidal gate, which exists at the north end of the lagoon and connects to a tidally influenced portion of Ballona Creek that enables periodic water exchange (MBC et al. 2016). The open water habitat is generally unvegetated, although a narrow fringe of herbaceous vegetation is occasionally present along the banks of Ballona Creek exposed during low tide.

Sandy Beach

Approximately 7.30 acres of the BSA includes a portion of the northern section of Dockweiler State Beach. This area is heavily disturbed and used as a recreational space, including a paved bicycle path that intersects the beach. The area is dominated by fine sands and is generally unvegetated due to the level of disturbance and its associated recreational and public use facilities.

Disturbed and Developed

This land cover type was used to map approximately 34.88 acres of the BSA that are developed, including multi-unit residential buildings, paved and unpaved roadways and paths, a pedestrian bridge, the Ballona Creek North and South Jetties, landscaped areas, and developed recreational spaces. In general, these areas are unvegetated or contain ornamental vegetation, such as the areas surrounding Del Rey Lagoon and residential landscaped areas. These areas are generally periodically maintained for weed control, precluding any significant growth of non-ornamental species, but may be sparsely interspersed with ruderal pioneer plant species that readily colonize open disturbed soil. These include non-native grasses and forbs such as soft brome (*Bromus hordeaceus*), ripgut brome (*Bromus diandrus*), Bermuda grass (*Cynodon dactylon*), and bristly oxtongue (*Helminthotheca echioides*).



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4.2.2 Common Plant Species Observed

Plants observed during the February and March 2020 reconnaissance-level surveys were recorded; however, a focused, floristic-level survey was not conducted. The reconnaissance-level surveys resulted in the documentation of 79 species of native and non-native plants within the BSA, a detailed list of which is provided in Table 2.

Table 2: Plant Species Observed in the Biological Study Area

Scientific Name	Common Name
<i>Acacia confusa</i> *	small Philippine acacia
<i>Achillea millefolium</i>	common yarrow
<i>Aeonium arboreum</i> *	tree aeonium
<i>Agapanthus praecox</i> *	lily of the Nile
<i>Agave attenuata</i> *	lion's tail
<i>Ageratina altissima</i> *	white snakeroot
<i>Aloe arborescens</i> *	candelabra aloe
<i>Ambrosia chamissonis</i>	silver burr ragweed
<i>Archontophoenix cunninghamiana</i> *	king palm
<i>Artemisia californica</i>	California sagebrush
<i>Asparagus aethiopicus</i> *	asparagus fern
<i>Atriplex lentiformis</i>	big saltbush
<i>Baccharis pilularis</i>	coyote brush
<i>Bellis perennis</i> *	common daisy
<i>Bougainvillea glabra</i> *	paper flower
<i>Brassica nigra</i> *	black mustard
<i>Bromus diandrus</i> *	ripgut brome
<i>Bromus hordeaceus</i> *	soft brome
<i>Cakile maritima</i> *	European searocket
<i>Camissoniopsis cheiranthifolia</i>	beach suncup
<i>Capsella bursa-pastoris</i> *	shepherd's purse
<i>Carissa macrocarpa</i> *	natal plum
<i>Carpobrotus chilensis</i> *	Chilean sea fig
<i>Carpobrotus edulis</i> *	ice plant
<i>Chenopodium murale</i> *	nettle-leaved goosefoot
<i>Claytonia sibirica</i> *	pink purslane
<i>Cleomella arborea</i> *	bladderpod
<i>Commelina benghalensis</i> *	Benghal dayflower



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Scientific Name	Common Name
<i>Cortaderia selloana</i> *	pampas grass
<i>Crassula ovata</i> *	jade plant
<i>Croton californicus</i>	California croton
<i>Curio repens</i> *	blue chalksticks
<i>Cynodon dactylon</i> *	Bermuda grass
<i>Datura stramonium</i> *	jimson weed
<i>Encelia californica</i>	California brittlebush
<i>Erodium cicutarium</i> *	common stork's-bill
<i>Eschscholzia californica</i>	California poppy
<i>Euphorbia terracina</i> *	Geraldton carnation spurge
<i>Ficus microcarpa</i> *	curtain fig
<i>Foeniculum vulgare</i> *	wild fennel
<i>Glebionis coronaria</i> *	crown daisy
<i>Helminthotheca echioides</i> *	bristly oxtongue
<i>Heterotheca grandiflora</i>	telegraphweed
<i>Hirschfeldia incana</i> *	shortpod mustard
<i>Hordeum</i> sp.	barley
<i>Isocoma menziesii</i>	Menzie's goldenbush
<i>Juniperus horizontalis</i> *	creeping juniper
<i>Lantana camara</i> *	common lantana
<i>Lampranthus spectabilis</i> *	trailing iceplant
<i>Lobularia maritima</i> *	sweet alyssum
<i>Lotus scoparius</i>	common deerweed
<i>Malva parviflora</i> *	cheeseweed
<i>Melilotus indicus</i> *	annual yellow sweetclover
<i>Nicotiana glauca</i> *	tree tobacco
<i>Oxalis stricta</i>	common yellow oxalis
<i>Oxalis pes-caprae</i> *	Bermuda buttercup
<i>Phoenix canariensis</i> *	Canary Island date palm
<i>Phormium tenax</i> *	New Zealand flax
<i>Pittosporum</i> sp.	cheesewood
<i>Plantago lanceolata</i> *	ribwort plantain
<i>Plantago major</i> *	broadleaf plantain
<i>Platycladus orientalis</i> *	Oriental arborvitae



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Scientific Name	Common Name
<i>Polygonum aviculare</i> *	prostrate knotweed
<i>Prunus persica</i> *	peach
<i>Pseudognaphalium californicum</i>	California rabbit tobacco
<i>Raphanus sativus</i> *	cultivated radish
<i>Rhaphiolepis indica</i> *	Indian hawthorn
<i>Salicornia pacifica</i> *	Pacific pickleweed
<i>Salvia leucantha</i> *	Mexican bush sage
<i>Schiuns terebinthifolia</i> *	Brazilian peppertree
<i>Sedum dendroideum</i> *	tree stonecrop
<i>Soliva sessilis</i> *	field burweed
<i>Sonchus oleraceus</i> *	common sow thistle
<i>Spergularia marina</i>	lesser sea spurry
<i>Strelitzia reginae</i> *	bird of paradise
<i>Syagrus romanzoffiana</i> *	queen palm
<i>Taraxcum</i> sp.	dandelion
<i>Trifolium repens</i> *	white clover
<i>Washington robusta</i> *	Mexican fan palm

* Non-native Species

4.3 COMMON WILDLIFE

This section describes the common wildlife observed during the reconnaissance survey and those species expected to occur within the BSA based on habitat characteristics and species known to occur in the region.

4.3.1 Terrestrial Invertebrates

As in all ecological systems, invertebrates inhabiting the BSA play a crucial role in a number of biological processes. They serve as the primary or secondary food sources for a variety of bird, reptile, and mammal predators; they provide important pollination vectors for numerous plant species; they act as components in controlling pest populations; and they support the naturally occurring maintenance of an area by consuming detritus and contributing to necessary soil nutrients. Though heavily urbanized, habitat conditions within the BSA provide a suite of microhabitat conditions for a wide variety of terrestrial insects and other invertebrates that are known to adapt to such disturbance. A focused insect survey was not performed within the BSA for this Project; however, a variety of common insects were observed during the reconnaissance survey, including species from the following orders: Araneidae (spiders), Coleoptera (beetles), Diptera (flies and mosquitoes), Lepidoptera (moths and butterflies), Odonata (dragonflies and damselflies), Hemiptera (true bugs), and Hymenoptera (wasps, bees and ants).



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4.3.2 Fish

Recent surveys conducted along the lower reaches of Ballona Creek as part of baseline studies for the Ballona Wetlands Restoration Project (Johnston et al. 2012) identified several fish species that would be expected to occur within the BSA. The most common fish observed was California halibut (*Paralichthys californicus*). Other species observed included California lizardfish (*Synodus lucioceps*), kelp bass (*Paralabrax clathratus*), giant kelpfish (*Heterostichus rostratus*), diamond turbot (*Hypsopsetta guttulata*), striped mullet (*Mugil cephalus*), California killifish (*Fundulus parvipinnis*), and topsmelt (*Atherinops affinis*). Two southern California steelhead (*Oncorhynchus mykiss irideus*) individuals were observed in Ballona Creek (upstream of the Ballona Reserve) in 2008 (Johnston et al. 2011); the BSA and upstream areas do not support suitable spawning habitat. EFH is mapped within the BSA for several fish species and is discussed further in an EFH report.

4.3.3 Amphibians

Amphibians often require a source of standing or flowing water to complete their life cycle. However, some terrestrial species can survive in drier areas by remaining in moist environments found beneath leaf litter and fallen logs, or by burrowing into the soil. These species are highly cryptic and often difficult to detect. Downed logs, bark, and other woody material in various stages of decay (often referred to as coarse woody debris), which is generally not present within the BSA, could provide shelter and feeding sites for a variety of wildlife, including amphibians and reptiles (Aubry et al. 1988; Maser and Trappe 1984).

Amphibian species were not observed during the reconnaissance surveys within the BSA. Species not observed in the BSA but known to occur in the area, particularly within the BWER, include the Baja California treefrog (*Pseudacris hypochondriaca*), garden slender salamander (*Batrachoseps major*), common slider (*Trachemys scripta*), and the non-native American bullfrog (*Lithobates catesbeiana*). Based on the tidal influence within the BSA, amphibians would not be expected to be permanent residents in this section of Ballona Creek, though there is a low possibility that they may be present as transients associated with storm drains entering the creek within the BSA.

4.3.4 Reptiles

The number and type of reptile species that may occur at a given site is related to a number of biotic and abiotic features. These include the diversity of plant communities, substrates, soil types, and presence of refugia such as rock piles, boulders, and native debris. Many reptile species, even if present, are difficult to detect because they are cryptic and their behavioral characteristics (e.g., foraging, thermoregulatory behavior, fossorial nature, camouflage) limit their ability to be observed during most surveys. Further, many species are only active within relatively narrow thermal limits, avoiding both cold and hot conditions, and most species take refuge in microhabitats that are not directly visible to the casual observer, such as rodent burrows, in crevices, under rocks and boards, and in dense vegetation, where they are protected from unsuitable environmental conditions and predators (USACE and CDFG, 2010). In some cases, they are only observed when flushed from their refugia. Weather conditions during the survey were favorable for reptile activity.



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The only reptiles observed during the site reconnaissance were western fence lizards (*Sceloporus occidentalis*) and a side-blotched lizard (*Uta stansburiana*). Although not observed, several other common reptiles are known to occur in the area and may occur in portions of the BSA, particularly associated with the BWER to the east of the BSA (Johnston et al. 2011). These include the southern alligator lizard (*Elgaria multicarinata*), San Diegan legless lizard (*Anniella stebbinsi*), western rattlesnake (*Crotalus oreganus*), gopher snake (*Pituophis catenifer*), and California kingsnake (*Lampropeltis getula californiae*).

4.3.5 Birds

Birds were identified by sight and were observed throughout the BSA, especially shorebirds and other waterfowl foraging within the tidally influenced Ballona Creek. Waterfowl observed included mallard (*Anas platyrhynchos*), American coot (*Fulica americana*), greater scaup (*Aythya marila*), American wigeon (*Mareca americana*), marbled godwit (*Limosa fedoa*), great egret (*Ardea alba*), snowy egret (*Egretta thula*), great blue heron (*Ardea herodias*), cattle egret (*Bubulcus ibis*), brown pelican (*Pelecanus occidentalis*), ruddy turnstone (*Arenaria interpres*), red-breasted merganser (*Mergus serrator*), eared grebe (*Podiceps nigricollis*), western grebe (*Aechmophorus occidentalis*), red-throated loon (*Gavia stellata*), black-crowned night heron (*Nycticorax nycticorax*), double-crested cormorant (*Phalacrocorax auratus*), Brandt's cormorant (*Phalacrocorax penicillatus*), willet (*Tringa semipalmata*), least sandpiper (*Calidris minutilla*), Canada goose (*Branta canadensis*), California gull (*Larus californicus*), herring gull (*Larus argentatus*), and ring-billed gull (*Larus delawarensis*). Upland birds would not be expected to permanently inhabit the BSA due to lack of significant cover and nesting opportunities, except within the BWER and Del Rey Lagoon. Upland bird species observed included belted kingfisher (*Megaceryle alcyon*), white-crowned sparrow (*Zonotrichia leucophrys*), house finch (*Carpodacus mexicanus*), Allen's hummingbird (*Selasphorus sasin*), Anna's hummingbird (*Calypte anna*), common raven (*Corvus corax*), American crow (*Corvus brachyrhynchos*), mourning dove (*Zenaida macroura*), rock pigeon (*Columba livia*), European starling (*Sturnus vulgaris*), house sparrow (*Passer domesticus*), American bushtit (*Psaltirparus minimus*), cliff swallow (*Petrochelidon pyrrhonota*), turkey vulture (*Cathartes aura*), and California towhee (*Melospiza crissalis*). Others that may be expected to occur include savannah sparrow (*Passerculus sandwichensis*), western scrub jay (*Aphelocoma californica*), northern mockingbird (*Mimus polyglottos*), black phoebe (*Sayornis nigricans*), surfbird (*Calidris virgata*), royal tern (*Thalasseus maximus*), pied-billed grebe (*Podilymbus podiceps*), and black oystercatcher (*Haematopus bachmani*).

4.3.6 Mammals

Generally, the distribution of mammals on a given site is associated with the presence of factors such as access to perennial water, topographical and structural components (e.g., rock piles, vegetation) that provide cover and support prey base, and the presence of suitable soils for fossorial mammals (e.g., sandy areas).

Terrestrial and marine mammal species observed during the surveys included California ground squirrels (*Otospermophilus beecheyi*), pocket gophers (*Geomyidae* sp.), Virginia opossum (*Didelphis virginiana*), rat (*Rattus* sp.), domestic dogs (*Canis familiaris*), Pacific harbor seal (*Phoca vitulina*), California sea lion (*Zalophus californianus*), and a pair of bottlenose dolphins (*Tursiops truncatus*). A number of common mammals habituated to urban environments may move through the BSA, including smaller marine



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mammals, desert cottontail (*Sylvilagus audubonii*), striped skunk (*Mephitis mephitis*), raccoon (*Procyon lotor*), and domestic species such as house cats (*Felis cattus*).

Although bats were not detected in the BSA, they may forage and roost in the riparian corridors in the region where insect abundance is high (CDFW, 2000). Because this type of foraging habitat does not occur within Ballona Creek, it is unlikely that bats permanently inhabit or forage in significant numbers in the BSA; although not within the BSA, bats may roost on some of the bridges present up- and downstream of the BSA.

All wildlife species observed within the BSA are summarized in Table 3.

Table 3: Wildlife Species Observed in the BSA

Scientific Name	Common Name
Invertebrates	
Aranidae sp.	spiders
Coleoptera sp.	beetles
Diptera sp.	flies and mosquitoes
Hemiptera sp.	true bugs
Hymenoptera sp.	wasps, bees and ants
Lepidoptera sp.	moths and butterflies
Odonata sp.	dragonflies and damselflies
Reptiles	
<i>Sceloporus occidentalis</i>	western fence lizard
<i>Uta stansburiana</i>	side-blotched lizard
Birds	
<i>Aechmophorus occidentalis</i>	western grebe
<i>Ardea alba</i>	great egret
<i>Ardea herodias</i>	great blue heron
<i>Arenaria interpres</i>	ruddy turnstone
<i>Anas platyrhynchos</i>	mallard
<i>Aythya marila</i>	greater scaup
<i>Branta canadensis</i>	Canada goose
<i>Bubulcus ibis</i>	cattle egret
<i>Calidris minutilla</i>	least sandpiper
<i>Calypte anna</i>	Anna's hummingbird
<i>Cathartes aura</i>	turkey vulture



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Scientific Name	Common Name
<i>Columba livia</i>	rock pigeon
<i>Corvus brachyrhynchos</i>	American crow
<i>Corvus corax</i>	common raven
<i>Egretta thula</i>	snowy egret
<i>Fulica americana</i>	American coot
<i>Gavia stellata</i>	red-throated loon
<i>Haemorhous mexicanus</i>	house finch
<i>Larus argentatus</i>	herring gull
<i>Larus californicus</i>	California gull
<i>Larus delawarensis</i>	ring-billed gull
<i>Limosa fedoa</i>	marbled godwit
<i>Mareca americana</i>	American wigeon
<i>Megaceryle alcyon</i>	belted kingfisher
<i>Melospiza crissalis</i>	California towhee
<i>Mergus serrator</i>	red-breasted merganser
<i>Nycticorax nycticorax</i>	black-crowned night heron
<i>Passer domesticus</i>	house sparrow
<i>Pelecanus occidentalis</i>	brown pelican
<i>Petrochelidon pyrrhonota</i>	cliff swallow
<i>Phalacrocorax auratus</i>	double-crested cormorant
<i>Phalacrocorax penicillatus</i>	Brandt's cormorant
<i>Podiceps nigricollis</i>	eared grebe
<i>Psittacus erithacus</i>	American parakeet
<i>Selasphorus sasin</i>	Allen's hummingbird
<i>Sturnus vulgaris</i>	European starling
<i>Tringa semipalmata</i>	willet
<i>Zenaidura macroura</i>	mourning dove
<i>Zonotrichia leucophrys</i>	white-crowned sparrow
Mammals	
<i>Canis familiaris</i>	domestic dog
<i>Didelphis virginiana</i>	Virginia opossum
<i>Geomyidae</i> sp.	pocket gopher
<i>Otospermophilus beecheyi</i>	California ground squirrel
<i>Phoca vitulina</i>	Pacific harbor seal



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Scientific Name	Common Name
<i>Rattus</i> sp.	rat
<i>Tursiops truncatus</i>	bottlenose dolphin
<i>Zalophus californianus</i>	California sea lion

4.4 JURISDICTIONAL WATERS/WETLANDS

There are four key agencies that regulate activities within inland streams, wetlands, and riparian areas in California, including the coastal zone: the USACE Regulatory Program regulates activities pursuant to Section 404 of the federal CWA and Section 10 of the Rivers and Harbors Act; the CDFW regulates activities under the FGC Sections 1600-1607; and the RWQCB regulates activities under Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

As the Project occurs within the Coastal Zone, development may not proceed until CCC issues a Coastal Development Permit for the Project, which would require that the Project adhere to the policies of the California Coastal Act.

Five types of jurisdictional features have been documented within the Jurisdictional Survey Area (JSA), which includes the Project site and a 100-foot buffer, and the Project site: Waters of the U.S, USACE Section 10 waters, Waters of the State, CCC wetlands, and CDFW jurisdictional waters and are depicted in Figure 3 of Appendix A. Jurisdictional areas are summarized in Table 4. Further analysis of jurisdictional waters is provided in a separate Jurisdictional Delineation Report.

Table 4: Jurisdictional Features and Project Impacts in the Jurisdictional Survey Area

Waters of the U.S (Section 404).		CDFW Jurisdictional Waters		Waters of the State		CCC Wetlands		USACE Section 10 Waters	
SA	Perma- nent Impact Area	SA	Perma- nent Impact Area	SA	Perma- nent Impact Area	SA	Perma- nent Impact Area	SA	Perma- nent Impact Area
14.24	0.023	15.93	0.023	15.93	0.023	14.24	0.023	14.24	0.023

* All reported impacts are in acres

4.5 SOILS

Prior to conducting the delineation, historic soils data from the Natural Resources Conservation Service was used to determine potential soil types that may occur with the BSA; this data was used to determine where hydric soils have historically occurred (Appendix A, Figure 4). Table 5 identifies the soils historically known to occur within the BSA and provides a summary of characteristics of these soils.



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Table 5: Historic Soil Units Occurring within the Biological Survey Area*

Map Unit Symbol	Map Unit Name	Description	Acres within BSA
1100	Urban land, 0 to 2 percent slopes, dredged fill substratum	Associated with islands and spits at elevations between 0 and 20 feet; very high runoff; 0 inches to manufactured layer.	28.70
1150	Abaft-Beaches complex, 0 to 5 percent slopes	An excessively drained soil associated with dunes and beaches at elevations between 0 and 20 feet; parent material consists of alluvium and/or eolian sands; negligible runoff; sand (0-79 inches); more than 80 inches to restrictive feature.	16.62
1153	Urban land-Abaft, loamy surface complex, 5 to 30 percent slopes, terraced	A somewhat excessively drained soil associated with dune fields at elevations between 0 and 190 feet; fine sandy loam, loamy sand, sand; parent material consists of discontinuous human-transported material over eolian sands; low runoff; more than 80 inches to manufactured layer.	1.90
W	Water	Water	38.41

* Western portions of BSA, within the Pacific Ocean, are not mapped as a soil type by the NRCS. Therefore, the total acres reported in this table do not represent the total size of the BSA due to the lack of available historic soils data.



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5.0 SPECIAL-STATUS BIOLOGICAL RESOURCES

The background information presented above combined with habitat assessments performed during the surveys was used to evaluate special-status natural communities and special-status plant and animal taxa that either occur or may have the potential to occur within the BSA and adjacent habitats. For the purposes of this BRTR, special-status taxa are defined as plants or animals that:

- Have been designated as either rare, threatened, or endangered by CDFW or the USFWS, and are protected under either the California Endangered Species Act or FESA
- Are candidate species being considered or proposed for listing under these same acts
- Are recognized as SSC by the CDFW
- Are ranked by CNPS as CRPR 1, 2, 3, or 4 plant species
- Are fully protected by the FGC, Sections 3511, 4700, 5050, or 5515
- Are of expressed concern to resource/regulatory agencies, or local jurisdictions

5.1 SPECIAL STATUS NATURAL COMMUNITIES

Special-status natural communities are defined by CDFW (2020) as, "...communities that are of limited distribution statewide or within a county or region and are often vulnerable to environmental effects of projects." All vegetation within the state is ranked with an "S" rank; however, only those that are of special concern (S1-S3 rank) are evaluated under CEQA.

One vegetation community identified within the BSA is listed as sensitive: Pickleweed Mats Alliance. This community has a state rank of S3/Vulnerable; vulnerable in the state due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation from the state. The BSA does not occur within an area covered under a Natural Community Conservation Plan or other protection plan; however, it is within the vicinity of the Ballona Wetlands Ecological Reserve, which is depicted in Appendix D (ESA 2017). No sensitive communities occur within proposed Project area.

5.2 DESIGNATED CRITICAL HABITAT

Critical habitat is defined by the USFWS (2020b) as, "...a term defined and used in the Endangered Species Act. It is specific geographic areas that contain features essential to the conservation of an endangered or threatened species and that may require special management and protection. Critical habitat may also include areas that are not currently occupied by the species but will be needed for its recovery."

There is no designated Critical Habitat designated within or adjacent to the Project site. The nearest designated critical habitat is for western snowy plover (*Charadrius alexandrinus nivosus*), along Dockweiler State Beach approximately 1.1 miles to the south. Based on existing habitat conditions, this species is not expected to nest or forage within the BSA and has a low potential to occur as a transient.



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5.3 SPECIAL STATUS PLANTS

Table 6 presents a list of special-status plants, including federally and state listed species and CRPR 1-4 species that are known to occur within 10 miles of the BSA or within the USGS 7.5-minute quadrangles including and surrounding the BSA (Appendix A, Figures 5, 5a, 5b and -5c provide a depiction of known species locations).

Record searches of the CNDDDB, the CNPS Online Inventory, and the Consortium of Critical Herbaria was performed for special-status plant taxa. Each of the taxa identified in the record searches was assessed for their potential to occur within the BSA based on the following criteria:

- **Present:** Taxa were observed within the BSA during recent botanical surveys or population has been acknowledged by CDFW, USFWS, or local experts.
- **High:** Both a documented recent record (within 10 years) exists of the taxa within the BSA or immediate vicinity (approximately 5 miles) and the environmental conditions (including soil type) associated with taxa presence occur within the BSA.
- **Moderate:** Both a documented recent record (within 10 years) exists of the taxa within the BSA or the immediate vicinity (approximately 5 miles) and the environmental conditions associated with taxa presence are marginal or limited within the BSA, or the BSA is located within the known current distribution of the taxa and the environmental conditions (including soil type) associated with taxa presence occur within the BSA.
- **Low:** A historical record (over 10 years) exists of the taxa within the BSA or general vicinity (approximately 10 miles), and the environmental conditions (including soil type) associated with taxa presence are marginal or limited within the BSA.
- **Not Likely to Occur:** The environmental conditions associated with taxa presence do not occur within the BSA.

While many of the species listed below in Table 6 have potential to occur within the BSA, they are not expected to occur within the Project area due to the lack of suitable habitat. Most of the special-status plant species with potential to occur are associated with the BWER and coastal dunes.



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5.0 Special-Status Biological Resources

Table 6: Known and Potential Occurrences of Special Status Plant Taxa within the Biological Study Area

Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Aphanisma blitoides</i> <i>aphanisma</i> <i>aphanisma</i>	1B.2, S2	Coastal bluff scrub, coastal dunes, coastal scrub. On bluffs and slopes near the ocean in sandy or clay soils. Elevation range: 3-305 m.	February-June	Low: Marginally suitable habitat occurs in the uplands of Dockweiler State Beach within the BSA; however, the nearest and most recently recorded occurrence is 9 miles southeast of the BSA.
<i>Arenaria paludicola</i> Marsh sandwort	FE, SE, 1B.1, S1	Marshes and swamps (fresh water or brackish); sandy substrates; found in open habitats. Elevation range: 3-170 m.	March-August	Low: Marginally suitable habitat occurs within the portion of the BSA that includes the Del Rey Lagoon. The nearest and most recently recorded occurrence is approximately 6 miles northeast of the BSA; however, this observation is from 120 years ago in 1900. Del Rey Lagoon would not be impacted by the project. Therefore, there would be No Effect on this species.
<i>Astragalus brauntonii</i> Braunton's milk-vetch	FE, 1B.1, S2	Chaparral, valley grasslands, coastal sage scrub, closed-cone pine forest. Occurs in disturbed habitat and requires gravelly clay soils. Elevation range: 4-640 m.	January-August	Not Likely to Occur: No suitable habitat occurs within the BSA. The nearest recorded occurrence is approximately 6 miles northwest of the BSA; however, this observation is from more than 90 years ago in 1921.



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Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Astragalus pycnostachyus</i> var. <i>lanosissimus</i> Ventura Marsh milk-vetch	FE, SE, 1B.1, S1	Coastal dunes, coastal scrub, marshes, and swamps (edges, coastal salt, or brackish). Elevation range: 1-35 m.	(June) August-October	Low: There is marginally suitable habitat occurs in the Del Rey Lagoon within the BSA. The nearest and most recently recorded occurrence is approximately 0.1-mile northwest of the BSA; however, this observation is from more than 30 years ago in 1981. Del Rey Lagoon would not be impacted by the project. Therefore, there would be No Effect on this species.
<i>Astragalus tener</i> var. <i>titi</i> coastal dunes milk-vetch	FE, SE 1B.1, S1	Coastal bluff scrub (sandy), coastal dunes, and coastal prairie (mesic). Often in vernal mesic areas. Elevation range: 1-50 m.	March-May	Not Likely to Occur: No suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is approximately 3 miles northwest of the BSA; however, this observation was recorded 90 years ago in 1930.
<i>Atriplex coulteri</i> Coulter's saltbush	1B.2, S1S2	Coastal bluff scrub, coastal dunes, coastal scrub, valley and foothill grassland. Ocean bluffs, ridgetops, as well as alkaline low places. Alkaline or clay soils. Elevation range: 2-460 m.	March-October	Low: There is marginally suitable habitat within the BSA. The nearest recorded occurrence is approximately 3 miles to the northwest of the BSA; however, this observation is from more than 130 years ago in 1881.
<i>Atriplex pacifica</i> south coast saltscale	1B.2, S2	Coastal scrub, coastal bluff scrub, playas, coastal dunes. Alkali soils. Elevation range: 1-400 m.	March-October	Low: There is marginally suitable habitat along the Del Rey Lagoon included in the BSA. The nearest recorded occurrence is approximately 3 miles to the northwest of the BSA; however, this observation is from more than 130 years ago in 1881.



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Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Atriplex parishii</i> Parish's brittle scale	1B.1, S1	Native to Central and Southern California often found in dry lake beds, playas, and ephemeral vernal pools. Saline and alkaline soils. Elevation range: 0-470 m.	June-October	Not Likely to Occur: No suitable habitat occurs within the BSA. The nearest recorded occurrence is approximately 3 miles northwest of the BSA.
<i>Atriplex serenana</i> var. <i>davidsonii</i> Davidson's salt scale	1B.2, S1	Coastal scrub, bluffs, Chenopod scrub, playas, and vernal pools from southern California to Baja California. Elevation range: 0-200 m.	April-October	Not Likely to Occur: No suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is approximately 6 miles to the northeast of the BSA; however, this observation is from more than 110 years ago.
<i>Calochortus plummerae</i> Plummer's mariposa-lily	4.2, S4	Chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, and valley and foothill grassland. Granite and rocky substrates. Elevation range: 100-1,700 m.	May-July	Not Likely to Occur: No suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is approximately 8 miles north of the BSA from 2008.
<i>Calystegia felix</i> lucky morning-glory	1B.1, S1	Historically associated with wetland and marshy places, but possibly in drier situations as well. Possibly silty loam and alkaline, meadows and seeps (sometimes alkaline), riparian scrub (alluvial). Elevation range: 30-215 m.	March-September	Low: Marginally suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is approximately 6 miles northeast of the BSA; however, this observation is from more than 120 years ago in 1899.
<i>Camissoniopsis lewisii</i> Lewis' evening primrose	3, S4	Coastal bluff scrub, cismontane woodland, coastal dunes, coastal scrub, valley and foothill grassland on sandy or clay soils. Elevation range: 0-975 feet.	March-May (June)	Moderate: Marginally suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is approximately 0.3 mile east of the BSA within the BWER (ESA 2017).



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Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Centromadia parryi</i> ssp. <i>australis</i> southern tarplant	1B.1, S2	Marshes and swamps (margins), valley and foothill grasslands (vernally mesic), and vernal pools; often in disturbed sites near the coast at marsh edges; also in alkaline soils sometimes with saltgrass. Elevation range: 0-480 m.	May- November	Low: There is marginally suitable habitat along the Del Rey Lagoon included in the BSA. The nearest and most recently recorded occurrence is approximately 0.2 mile east of the BSA; however, this observation is from more than 20 years ago in 1997.
<i>Chaenactis glabriuscula</i> var. <i>orcuttiana</i> Orcutt's pincushion	1B.1, S1	Coastal bluff scrub (sandy) and coastal dunes; located on sandy soils. Elevation range: 0-100 m.	January- August	Moderate: Marginally suitable habitat occurs within the BSA. The nearest recorded occurrence is approximately 0.1 mile to the southeast of the BSA from 2011.
<i>Chenopodium littoreum</i> coastal goosefoot	1B.2, S1	Coastal dunes. Elevation range: 10-30 m.	April-August	Low: Marginally suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is within the BSA; however, this observation is from more than 110 years ago in 1904.
<i>Chloropyron maritimum</i> ssp. <i>maritimum</i> salt marsh bird's-beak	FE, SE, 1B.1, S1	Coastal dunes, marshes, and swamps (coastal salt). Elevation range: 0-30 m.	May- October (November)	Low: Marginally suitable habitat occurs in the Del Rey Lagoon within the BSA. The nearest recorded occurrence is approximately one mile northeast of the BSA; however, this observation is from more than 110 years ago in 1901. Del Rey Lagoon would not be impacted by the project. Therefore, there would be No Effect on this species.



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Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Chorizanthe parryi</i> var. <i>fernandina</i> San Fernando Valley spineflower	FC, SE, 1B.1, S1	Annual; sandy areas in coastal scrub and native grasslands; Los Angeles and Ventura Counties. Elevation range: 150-1220 m.	April-July	Low: A very small amount of marginally suitable habitat occurs near the Del Rey Lagoon within the eastern portion of the BSA. The nearest and most recently recorded occurrence is within the BSA; however, this observation is from more than 110 years ago in 1901. Suitable habitat would not be impacted by the project. Therefore, there would be No Effect on this species.
<i>Dithyrea maritima</i> beach spectaclepod	ST, 1B.1, S1	Coastal dunes, coastal scrub (sandy). Elevation range: 3-50 m.	March-May	Low: Marginally suitable habitat occurs with the portion of the BSA included in the BWER. The nearest recorded occurrence is within the BSA; however, this observation is from over 110 years ago in 1903.
<i>Eryngium aristulatum</i> var. <i>parishii</i> San Diego button-celery	FE, SE, 1B.1, S1	Coastal scrub, valley and foothill grassland, and vernal pools. California to Baja. Elevation range: 20-620 m.	April-June	Low: A very small amount of marginally suitable habitat occurs within the eastern portion of the BSA in the BWER. The nearest and most recently recorded occurrence is approximately 4 miles southeast of the BSA; however, this observation is from more than 110 years ago in 1901. Marginally suitable habitat would not be impacted by the project. Therefore, there would be No Effect on this species.



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Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Erysimum suffrutescens</i> Suffrutescent wallflower	4.2, S3	Coastal bluff scrub, coastal scrub, valley and foothill grassland. Located on coastal dunes and bluffs. Elevation range: 0-490 feet.	January-July	Moderate: Marginally suitable habitat occurs within the BSA. The nearest recorded occurrence is approximately 0.3 mile east within the BWER (ESA 2017).
<i>Helianthus nuttallii</i> ssp. <i>parishii</i> Los Angeles sunflower	1A, SH	Marshes and swamps (coastal salt and freshwater). Elevation range: 10-1,525 m.	August-October	Moderate: Suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is approximately 6 miles northeast of the BSA; however, this observation is from more than 120 years ago in 1891.
<i>Horkelia cuneata</i> var. <i>puberula</i> mesa horkelia	1B.1, S1	Chaparral, cismontane woodland, coastal scrub. Sandy or gravelly sites. Elevation range: 15-1,645 m.	February-July (September)	Not Likely to Occur: Suitable habitat does not occur with the BSA. The nearest and most recent recorded occurrence is approximately 3 miles southeast of the BSA; however, this observation is from more than 80 years ago in 1932.
<i>Lasthenia glabrata</i> ssp. <i>coulteri</i> Coulter's goldfields	1B.1	Marshes and swamps (coastal salt), playas, and vernal pools; Usually found on alkaline soils in playas, sinks, and grasslands. Elevation range: 1-1,375 m.	February-June	Low: Marginally suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is within the BSA; however, this observation is from 40 years ago in 1980.
<i>Monardella hypoleuca</i> ssp. <i>hypoleuca</i> white-veined monardella	1B.3, S3	Chaparral and cismontane woodland. Known only from the Santa Monica, Santa Ynez, and Sierra Madre Mountains. Elevation range: 50-1,525 m.	May-August (April, September-December)	Not Likely to Occur: Suitable habitat does not occur with the BSA. The nearest and most recently recorded occurrence is approximately 9 miles northwest of the BSA; however, this observation is from more than 100 years ago in 1907.



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Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Nama stenocarpa</i> mud nama	2B.2, S1S2	Marshes and swamps. Lake shores, riverbanks, intermittently wet areas. Elevation range: 5-500 m.	January-July	Not Likely to Occur: Suitable habitat does not occur within the BSA. The nearest and most recently recorded occurrence is approximately 5 miles northwest of the BSA from more than 110 years ago in 1902.
<i>Nasturtium gambelii</i> Gambel's water cress	FE, ST, 1B.1, S1	Marshes and swamps (freshwater or brackish). Elevation range: 5-330 m.	April-October	Low: A very small amount of marginally suitable habitat occurs along the Del Rey Lagoon included in the BSA. The nearest and most recently recorded occurrence is approximately 6 miles northeast of the BSA; however, this observation is from more than 110 years ago in 1904. Del Rey Lagoon would not be impacted by the project. Therefore, there would be No Effect on this species.
<i>Navarretia fossalis</i> spreading navarretia	FT, 1B.1, S2	Marshes and swamps (assorted shallow freshwater), playas, vernal pools, and Cheonopod scrub. Elevation range: 30-655 m.	April-June	Not Likely to Occur: Suitable habitat does not occur with the BSA. The nearest and most recently recorded occurrence is approximately 4 miles northeast of the BSA; however, this observation is from more than 110 years ago in 1906.
<i>Navarretia prostrata</i> prostrate vernal pool navarretia	1B.2, S2	Coastal scrub, valley and foothill grassland, vernal pools, meadows and seeps. Alkaline soils in grassland, or in vernal pools. Mesic, alkaline sites. Elevation range: 3-1,235 m.	April-June	Low: Marginally suitable habitat occurs within the BSA. The nearest recorded occurrence is 4 miles southeast of the BSA; however, this observation is from more than 110 years ago in 1906.



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Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Orcuttia californica</i> California Orcutt grass	FE, SE, 1B.1, S1	Occurs only in large and deep vernal pools. Clay soils with an impervious subsurface layer and longer inundation periods. Elevation range: 15-660 m.	April-August	Not Likely to Occur: Suitable habitat does not occur with the BSA. The nearest and most recently recorded occurrence is approximately 8 miles southeast of the BSA; however, this observation is from more than 40 years ago in 1976.
<i>Phacelia ramosissima</i> var <i>austrolitoralis</i> South Coast branching phacelia	3.2, S3	Chaparral, coastal dunes, coastal scrub, coastal salt marshes. Located on sandy, sometimes rocky soils. Elevation range: 20-975 feet.	March-August	High: Suitable habitat occurs within the BSA; however, the species was not observed within the BSA during biological surveys. The nearest recorded occurrence is 0.3 mile east of the BSA within the BWER (ESA 2017).
<i>Phacelia stellaris</i> Brand's star phacelia	1B.1, S1	Coastal dunes and coastal scrub. Elevation range: 1-400 m.	March-June	Low: Marginally suitable habitat occurs within the BSA. The nearest recorded occurrence is within the BSA; however, this observation is from more than 110 years ago in 1909.
<i>Potentilla multijuga</i> Ballona cinquefoil	1A, SX	Meadows and seeps (brackish), Elevation range: 0-2 m.	June-August	Low: Marginally suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is within the BSA; however, this observation is from 130 years ago in 1890.
<i>Pseudognaphalium leucocephalum</i> white rabbit-tobacco	2B.2, S2	Chaparral, cismontane woodland, coastal scrub, and riparian woodland. 0-2100 m.	(July) August-November (December)	Not Likely to Occur: Suitable habitat does not occur with the BSA. The nearest and most recently recorded occurrence is approximately 10 miles; however, this observation is from more than 110 years ago in 1907.



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Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Quercus dumosa</i> Nuttall's scrub oak	1B.1, S3	Closed-cone coniferous forest, chaparral, coastal scrub. Generally, on sandy soils near the coast; sometimes on clay loam. Elevation range: 15-640 m.	February-May (May-August)	Not Likely to Occur: Suitable habitat does not occur with the BSA. The nearest and most recently recorded occurrence is approximately 4 miles northeast of the BSA from 2009.
<i>Sidalcea neomexicana</i> salt spring checkerbloom	2B.2, S2	Playas, chaparral, coastal scrub, lower montane coniferous forest, Mojavean desert scrub; alkali springs and marshes. Elevation range: 3-2,380 m.	March-June	Low: Marginally suitable habitat occurs within the BSA. The nearest recorded occurrence is 3 miles northeast of the BSA; however, this observation is from over 90 years ago in 1922.
<i>Suaeda taxifolia</i> woolly seablite	4.2, S4	Coastal bluff scrub, coastal dunes, margins of coastal salt marshes. Elevation range: 0-165 feet.	January-December	High: Suitable habitat occurs within the BSA; however, the species was not observed within the BSA during biological surveys. The nearest recorded occurrence is 0.3 mile east of the BSA in the BWER (ESA 2016).
<i>Symphyotrichum defoliatum</i> San Bernardino aster	1B.2, S2	Meadows and seeps, cismontane woodland, coastal scrub, lower montane coniferous forest, marshes and swamps, valley and foothill grassland. Vernal mesic grassland or near ditches, streams and springs; disturbed areas. Elevation range: 3-2,045 m.	July-November	Low: Marginally suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is 6 miles northeast of the BSA; however, this observation is from more than 110 years ago in 1904.
<i>Symphyotrichum greatae</i> Greata's aster	1B.3, S2	Broadleaved upland forest, chaparral, cismontane woodland, lower montane coniferous forest, and riparian woodland. 300-2010 m.	Jun-Oct	Not Likely to Occur: Suitable habitat does not occur with the BSA. The nearest recorded occurrence is approximately 8 miles north of the BSA.



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Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Thelypteris puberula</i> var. <i>sonorensis</i> Sonoran maiden fern	2B.2, S2	Meadows and seeps (seeps and streams) and riparian habitats. 50-610 m.	Jan-Sept	Not Likely to Occur: Suitable habitat does not occur with the BSA. The nearest and most recently recorded occurrence is approximately 7 miles northwest of the BSA from 2010.

Status Codes

Federal Designation

FE = Federally Endangered

FC = Federal Candidate Species for Listing

CDFW State Designation

SE = State Endangered

ST = State Threatened

State Ranking

S1 = Critically Imperiled

S2 = Imperiled

S3 = Vulnerable

S4 = Apparently Secure

S5 = Secure

SH = Possibly Extirpated

SX = Presumed Extirpated

CNPS CRPR Designation

1A = Plants considered by the CNPS to be extinct in California
1B = Plants rare, threatened, or endangered in California and elsewhere.

2A. Presumed extinct in California, extant and more common elsewhere

2B. Rare or Endangered in California, more common elsewhere

3. Plants for which we need more information - Review list

4. Plants of limited distribution - Watch list

.1 = Seriously threatened in California (high degree/immediacy of threat).

.2 = Fairly threatened in California (moderate degree/immediacy of threat).

BSA = Biological Study Area

BWER = Ballona Wetlands Ecological Reserve

m = meter

5.4 SPECIAL STATUS WILDLIFE

Special-status taxa include those listed as threatened or endangered under the FESA or California Endangered Species Act, taxa proposed for such listing, SSC, and other taxa that have been identified by USFWS, CDFW, or local jurisdictions as unique or rare and that have the potential to occur within the BSA. The only special-status wildlife species observed in the BSA during the survey was the California brown pelican. They were observed within Ballona Creek and soaring over the BSA.

The CNDDDB was queried for occurrences of special-status wildlife taxa within the USGS topographical quadrangles in which the BSA occurs and the eight surrounding quadrangles, as discussed in Section 2.0. Table 7 summarizes the special-status wildlife taxa known to occur regionally and their potential for occurrence in the BSA (Appendix A, Figures 5, 5a, 5b and 5c provide a depiction of previously reported species locations). Each of the taxa identified in the database reviews/searches were assessed for its potential to occur within the BSA based on the following criteria:

- **Present:** Taxa (or sign) were observed in the BSA or in the same watershed (aquatic taxa only) during the most recent surveys, or a population has been acknowledged by CDFW, USFWS, or local experts.



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- **High:** Habitat (including soils) for the taxa occurs onsite, and a known occurrence occurs within the BSA or adjacent areas (within 5 miles of the BSA) within the past 20 years; however, these taxa were not detected during the most recent surveys.
- **Moderate:** Habitat (including soils) for the taxa occurs onsite, and a known regional record occurs within the database search, but not within 5 miles of the BSA or within the past 20 years; or a known occurrence occurs within 5 miles of the BSA and within the past 20 years and marginal or limited amounts of habitat occurs onsite; or the taxa's range includes the geographic area and suitable habitat exists.
- **Low:** Limited habitat for the taxa occurs within the BSA and no known occurrences were found within the database search and the taxa's range includes the geographic area.
- **Not Likely to Occur:** The environmental conditions associated with taxa presence do not occur within the BSA.

While many of the species listed in Table 7 have potential to occur within the BSA, they are not expected to occur within the Project area due to the lack of suitable habitat. Although some of the more mobile species may occasionally occur as a transient visitor, they would not occupy Project area for any significant amount of time as the Project area is comprised of a moderately urbanized, developed area consisting of concrete and rip rap jetties along the mouth of Ballona Creek with high pedestrian, cyclist, and boat traffic nearby.



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Table 7: Known and Potential Occurrences of Special-Status Wildlife Taxa within the Biological Study Area

Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
INVERTEBRATES					
<i>Bombus crotchii</i>	Crotch bumble bee	SC, S1S2	Coastal California east to the sierra-cascade crest and south into Mexico. Food plant genera include <i>Antirrhinum</i> , <i>Phacelia</i> , <i>Clarkia</i> , <i>Dendromecon</i> , <i>Eschscholzia</i> , and <i>Eriogonum</i> .	Marginally suitable habitat occurs within the BSA. The nearest and most recently recorded CNDDDB occurrence is 0.1 mile east of the BSA; however, this observation is from approximately 30 years ago in 1981.	Moderate
<i>Brennania belkini</i>	Belkin's dune tabanid fly	S1S2	Occurs in exposed sandy substrates within southern foredune and southern dune scrub plant communities. Adults fly from May to July and breed only on coastal sand dunes.	Marginally suitable habitat occurs within the BSA. The nearest recorded CNDDDB occurrence is 0.1 mile northeast of the BSA; however, this observation is from 40 years ago in 1980.	Low
<i>Carolella busckana</i>	Busck's gallmoth	SH	Coastal scrub dune habitat.	Marginally suitable habitat occurs within the BSA. The nearest recorded CNDDDB occurrence is 1 mile southeast of the BSA; however, this observation is from over 80 years ago in 1939.	Low



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Cicindela hirticollis gravida</i>	sandy beach tiger beetle	S2	Extirpated from most sites but documented extant populations from north of San Francisco to Mexico. Occurs in areas adjacent to non-brackish water in clean, dry, light-colored sand in the upper zones and coastal sand dunes. Burrows are located in moist soils that are far enough away from water bodies to avoid being inundated with water.	Suitable habitat does not occur within the BSA. The nearest recorded CNDDDB occurrence is within the BSA; however, this observation is from more than 110 years ago in 1907.	Not Likely to Occur
<i>Cicindela senilis frosti</i>	senile tiger beetle	S1	Herbaceous wetlands, playa, coastal and alkali mud flats, salt marsh, and marine shorelines. Inhabits dark-colored mud in the lower zone and dried salt pans in the upper zone. Extinct over much of its former range in coastal Southern California. The only known healthy population is within an inland salt marsh in Lake Elsinore. Adults overwinter, but larvae always present.	Suitable habitat occurs within the BSA; however, it should be noted that the nearest and most recently recorded CNDDDB occurrence is 5 miles southeast of the BSA; however, this observation is from more than 40 years ago in 1979.	Moderate
<i>Coelus globosus</i>	globose dune beetle	S1S2	Inhabitant of coastal sand dune habitat; erratically distributed from Ten Mile creek in Mendocino County south to Ensenada, Mexico. Inhabits foredunes and sand hummocks; it burrows beneath the sand surface and is most common beneath dune vegetation.	Marginally suitable habitat occurs within the BSA. The nearest recorded CNDDDB occurrence is within the BSA; however, this observation is from over 40 years ago in 1979.	Moderate



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Danaus plexippus</i> (pop. 1)	monarch butterfly – California overwintering population	S2S3	Inhabitant of coastal sand dune habitat; erratically distributed from Ten Mile creek in Mendocino County south to Ensenada, Mexico. Inhabits foredunes and sand hummocks; it burrows beneath the sand surface and is most common beneath dune vegetation. Roosts located in wind-protected tree groves (eucalyptus, pine, cypress), with nectar and water sources nearby.	Marginally suitable foraging habitat occurs within the BSA and is known to occur within the BWER located 0.3 mile east of the BSA. The nearest recorded CNDDDB occurrence is 0.6 mile east of the BSA from 2014.	Moderate
<i>Eucosma hennei</i>	Henne's eucosman moth	S1	Endemic to the Los Angeles/El Segundo Dunes in Los Angeles County. Open sand, undisturbed sand dunes and dense shrubs populated with the larval host plant <i>Phacelia ramosissima</i> var. <i>austrolitoralis</i> .	The species' larval host plant was not observed with the BSA, and suitable habitat does not occur within the BSA. The nearest and most recently recorded CNDDDB occurrence is 1 mile southeast; however, this observation is from more than 30 years ago in 1984.	Not Likely to Occur



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Euphilotes battoides allyni</i>	El Segundo blue butterfly	FE, S1	Historically ranged over the entire Los Angeles and El Segundo Dunes and the northwestern Palos Verdes Peninsula in southwestern Los Angeles County. Currently distributed on three remnant habitats within its former range supporting coastal sand dunes with coast buckwheat (<i>Eriogonum parvifolium</i>). All life stages depend on coast buckwheat and possibly loose sand.	The species' host plant was not observed within the BSA, but occurrences have been mapped within the portions of the BWER less than 1 mile southeast of the BSA (MBC et al. 2016). The species is known to occupy the southwestern portion of the BWER and was observed in 2013. The El Segundo Butterfly Recovery Unit covers the portions of Ballona west of State Route 1 to the ocean, which includes the BSA (MBC et al. 2016). The nearest recorded CNDDDB occurrence is approximately 1.5 miles to the southeast of the BSA in 2005. May Affect, Not Likely to Adversely Affect.	Low
<i>Glaucopsyche lygdamus palosverdesensis</i>	Palos Verdes blue butterfly	FE, S1	Dependent on two known larval hostplants, Santa Barbara milkvetch (<i>Astragalus trichopodus</i> var. <i>lonchus</i>)—also known as locoweed—and common deerweed (<i>Lotus scoparius</i>) within coastal scrub habitat. Known only from the Palos Verdes peninsula.	One of the species of the two known larval host plants (common deerweed) was observed along the margins of the Del Rey Lagoon within the BSA; however, the nearest and most recently recorded CNDDDB occurrence is 6 miles south of the BSA from 2001. May Affect, Not Likely to Adversely Affect.	Low



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Onychobaris langei</i>	Lange's El Segundo Dune weevil	S1	Occurs in southern foredune and southern dune scrub plant communities. Possible food plant is an evening primrose (<i>Oenothera</i> sp.).	Marginally suitable foraging habitat occurs within the BSA. The nearest and most recently recorded CNDDDB occurrence is approximately 1 mile southeast of the BSA; however, this observation is from more than 80 years ago in 1938.	Low
<i>Panoquina errans</i>	wandering (saltmarsh) skipper	S2	Occurs in localized colonies along the coast of Southern California to Baja California. It is associated with its larval host plants, salt grass, which primarily occurs in sandy habitats along beaches, bluffs, and estuaries.	Marginally suitable habitat occurs within the BSA, but the species larval host plant was not observed. The nearest and most recently recorded CNDDDB occurrence is 0.1 mile southeast from 2010.	Low
<i>Socalchemmis gertschi</i>	Gertsch's socalchemmis spider	S1	Known from Brentwood and Topanga. Habitat consists of sage scrub, chaparral, oak woodland, coniferous forest, generally in rocky outcrops or talus slopes in non-arid climates	No suitable habitat occurs within the BSA. The nearest recorded CNDDDB occurrence is 5 miles northwest of the BSA; however, this observation is from more than 60 years ago in 1952.	Not Likely to Occur
<i>Streptocephalus woottoni</i>	Riverside fairy shrimp	FE, S1S2	Endemic to western Riverside, Orange, and San Diego Counties in areas of tectonic swales and earth slump basins in grassland and coastal sage scrub. Inhabits seasonally astatic pools filled by winter and spring rains. Hatches in warm water later in the season.	Suitable habitat does not occur within the BSA. The nearest and most recently recorded CNDDDB occurrence is approximately 1 mile southeast of the BSA from 2005.	Not Likely to Occur



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Trigonoscuta dorothea dorothea</i>	Dorothy's El Segundo Dune weevil	S1	Distributed habitats only along coastal southern California from Point Dume to Point Fermin and is associated with southern dune scrub plant community.	Marginally suitable habitat occurs within the BSA, and the nearest and most recently recorded CNDDDB occurrence is within the BSA; however, this observation is from over 60 years ago in 1954.	Moderate
<i>Tryonia imitator</i>	mimic tryonia (California brackishwater snail)	S2	Inhabits coastal lagoons, estuaries and salt marshes, from Sonoma County south to San Diego County. Found only in permanently submerged areas in a variety of sediment types; able to withstand a wide range of salinities.	Suitable habitat occurs along the Del Rey Lagoon included within the BSA; however, the species was not observed within the BSA during biological surveys. The nearest recorded CNDDDB occurrence is within the BSA from about 2001.	High
FISH					
<i>Oncorhynchus mykiss irideus</i> (pop. 10)	steelhead - southern California DPS	FE, S1	Inhabits seasonally accessible rivers and streams with gravel for spawning. Requires sufficient flows in their natal streams to be able to return from oceans and lakes to spawn. Federal listing refers to populations from Santa Maria River south to the southern extent of the range (San Mateo Creek in San Diego County). Southern steelhead likely have greater physiological tolerance to warmer water and more variable conditions.	No suitable spawning habitat occurs within the BSA. The nearest recorded occurrence is approximately 4 miles upstream of Ballona Creek from 2008. May act as a transient passing through the BSA.	Low (transient, no spawning)



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
AMPHIBIANS					
<i>Emys marmorata</i>	western pond turtle	SSC, S3	A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches usually with aquatic vegetation, below 6,000 feet elevation. Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 kilometer from water for egg-laying.	Suitable habitat does not occur within the BSA. The nearest and most recently recorded CNDDB occurrence is 0.2-mile northeast of the BSA; however, this observation is from more than 30 years ago in 1987.	Not Likely to Occur
<i>Spea hammondi</i>	western spadefoot	SSC, S3	Occurs in the Central Valley and adjacent foothills and the non-desert areas of Southern California and Baja California. Grassland habitats and valley-foothill hardwood woodlands. Vernal pools and other temporary rain pools, cattle tanks, and occasionally pools of intermittent streams are essential for breeding and egg-laying. Burrows in loose soils during dry season.	Suitable habitat does not occur within the BSA. The nearest and most recently recorded CNDDB occurrence is 3 miles north of the BSA from more than 80 years ago in 1941.	Not Likely to Occur



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
REPTILES					
<i>Anniella stebbinsi</i>	Southern California legless lizard	SSC, S3	Generally south of the transverse range, extending to northwestern Baja California; occurs in sandy or loose loamy soils under sparse vegetation; disjunct populations in the Tehachapi and Piute mountains in Kern County; variety of habitats; generally in moist, loose soil; they prefer soils with a high moisture content.	Suitable habitat is present within the BSA; however, the species was not observed within the BSA during biological surveys. The nearest recorded CNDDDB occurrence is 0.1 mile northeast of the BSA from 2016.	High
<i>Aspidoscelis tigris stejnegeri</i>	coastal whiptail	SSC, S3	Found in deserts and semi-arid areas with sparse vegetation and open areas. Also found in woodland and riparian areas. Ground may be firm soil, sandy, or rocky.	Limited suitable habitat occurs within the BSA. The nearest recorded CNDDDB occurrence is 7 miles northwest of the BSA from 2007.	Moderate
<i>Phrynosoma blainvillii</i>	coast horned lizard	SSC, S3S4	Primarily in sandy soil in open areas, especially sandy washes and floodplains, in many plant communities. Requires open areas for sunning, bushes for cover, patches of loose soil for burial, and an abundant supply of ants or other insects. Occurs west of the deserts from northern Baja California north to Shasta County below 2,400 meters (8,000 feet) elevation.	Suitable habitat does not occur within the BSA. The nearest recorded CNDDDB occurrence is 7 miles northeast of the BSA; however, this observation is from over 60 years ago in 1953.	Not Likely to Occur



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Thamnophis hammondi</i>	two-striped gartersnake	SSC, S3S4	Coast California from vicinity of Salinas to northwest Baja California. From sea level to about 7,000 feet elevation. Highly aquatic, found in or near permanent fresh water. Often along streams with rocky beds and riparian growth.	Suitable habitat does not occur within the BSA. The nearest and most recently recorded CNDDDB occurrence is 4 miles northwest of the BSA from 2010.	Not Likely to Occur
BIRDS					
<i>Agelaius tricolor</i>	tricolored blackbird	ST, SSC, BCC, S1S2	Highly colonial species, most numerous in the Central Valley and vicinity, and largely endemic to California. Breeds near fresh water, preferably in emergent wetland with tall, dense cattails or tules, but also in thickets of willow, blackberry, wild rose, and tall herbs. Forages in grassland and cropland habitats with insect prey within a few kilometers of the colony. They are itinerant breeders, nesting more than once at different locations during the breeding season.	Suitable habitat does not occur within the BSA. The nearest recorded CNDDDB occurrence is 7 miles southeast of the BSA; however, this observation is from about 80 years ago.	Not Likely to Occur



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Athene cunicularia</i>	burrowing owl	SSC, BCC, S3	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Owls are found in microhabitats highly altered by humans, including flood risk management and irrigation basins, dikes, banks, abandoned fields surrounded by agriculture, and road cuts and margins. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Suitable habitat does not occur within the BSA. The nearest recorded CNDDDB occurrence is 0.1 mile southeast of the BSA from 2010.	Low
<i>Buteo swainsoni</i>	Swainson's hawk	ST, BCC, S3	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	Suitable habitat does not occur within the BSA. The nearest recorded CNDDDB occurrence is 3 miles northwest of the BSA; however, this observation is from more than 120 years ago in 1896.	Not Likely to Occur (nesting)/Low (transient)
<i>Charadrius alexandrinus nivosus</i>	western snowy plover	FT, SSC, BCC, S2S3	Sandy beaches, salt pond levees, and shores of large alkali lakes. Needs sandy, gravelly, or friable soils for nesting.	No suitable nesting habitat occurs within the BSA. The nearest and most recently recorded CNDDDB occurrence is within the BSA; however, this observation is from more than 100 years ago in 1914.	Not Likely to Occur (nesting)/ Low (transient)



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Coturnicops noveboracensis</i>	yellow rail	SSC, BCC, S1S2	Summer resident in eastern Sierra Nevada in Mono County. Freshwater marshlands.	Suitable habitat does not occur within the BSA. The nearest and most recently recorded CNDDDB occurrence was 4 miles southeast of the BSA; however, this observation is from more than 20 years ago in 1998.	Not Likely to Occur
<i>Empidonax traillii extimus</i>	southwestern willow flycatcher	FE, SE, S1	Rare and local breeder in extensive riparian areas of dense willows or (rarely) tamarisk, usually with standing water, in the southwestern U.S.	Although suitable nesting habitat is not present within the BSA, foraging habitat is present within the BWER, which is located 0.1 mile east of the BSA. The species may pass through the site in a transient capacity during migration. The nearest recorded CNDDDB occurrence is 7 miles northeast of the BSA; however, this observation is from more than 120 years ago in 1894. May Affect, Not Likely to Adversely Affect.	Not Likely to Occur (nesting)/ Low (transient)
<i>Laterallus jamaicensis coturniculus</i>	California black rail	ST, FP, BCC, S1	Inhabits freshwater marshes, wet meadows, and shallow margins of saltwater marshes bordering larger bays. Needs water depths of about 1 inch that do not fluctuate during the year and dense vegetation for nesting habitat.	No suitable habitat occurs within the BSA. The nearest and most recently recorded CNDDDB occurrence is within the BSA; however, this observation is from more than 90 years ago in 1928.	Not Likely to Occur



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Passerculus sandwichensis beldingi</i>	Belding's savannah sparrow	SE, S3	Locally common non-migratory resident of coastal saltmarsh. An obligate breeder in middle elevation saltmarsh, nearly always characterized by pickleweed (<i>Salicornia</i> spp.), either in tidal situations or non-tidal alkaline flats nearby. Foraging primarily stems from saltmarsh and mudflat, individuals, particularly post-breeding birds, can be found foraging in a wide variety of habitats including upper marsh, adjacent ruderal and ornamental vegetation, open beach and mudflat, and even dirt and gravel parking lots.	Suitable nesting and foraging habitat occur within the BSA and in the BWER, which is located 0.1 mile east of the BSA. The BWER is known to support nesting and foraging Belding's savannah sparrows; however, the species was not observed within the BSA during biological surveys. The nearest and most recently recorded CNDDDB occurrence is 0.1 mile northeast of the BSA from 2001.	High
<i>Pelecanus occidentalis californicus</i>	California brown pelican	FD, SD, FP, S3	Typically found on rocky, sandy, or vegetated offshore islands; beaches; open sea (for feeding); harbors; marinas; estuaries; and breakwaters. Typically build nests on the ground or on native shrubs.	Although no suitable nesting habitat occurs within the BSA, foraging habitat persists within the creek, as well as the BWER, which is located 0.1 mile east of the BSA. The species was observed within the creek and flying over the BSA. The nearest and most recently recorded CNDDDB occurrence is approximately 0.2 mile southwest of the BSA from 2000.	Present



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Poliioptila californica californica</i>	coastal California gnatcatcher	FT, SSC, S2	Obligate, permanent resident of coastal sage scrub below 2500 feet in Southern California. Low, coastal sage scrub in arid washes and on mesas and slopes with California sagebrush (<i>Artemisia californica</i>) as a dominant or co-dominant species. Not all areas classified as coastal sage scrub are occupied.	No suitable nesting habitat occurs within the BSA; however, the species was observed foraging within the BWER in 2011, well outside of the BSA (ESA 2017). The nearest recorded CNDDDB occurrence is approximately 2 miles northeast of the BSA; however, this observation is from 40 years ago in 1980. Species may be observed foraging in or migrating through the project area. May Affect, Not Likely to Adversely Affect.	Moderate
<i>Riparia riparia</i>	bank swallow	ST, S2	Low areas along rivers, streams, ocean coasts, and reservoirs. Nesting habitat is vertical banks of fine textured soils, most commonly along streams and rivers. Forage in open areas and avoid places with tree cover.	Although no suitable nesting habitat occurs within the BSA, the species may use the BWER, which is located 0.1 mile east of the BSA, as foraging habitat. The nearest and most recently recorded CNDDDB occurrence is approximately 5 miles northwest of the BSA; however, this observation is from more than 110 years ago in 1907.	Not Likely to Occur (nesting)/Low (transient)



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Sternula antillarum browni</i>	California least tern	FE, SE, FP, S2	Nests on sandy upper ocean beaches and open barren sites, and occasionally uses mudflats. Forages on adjacent surf line, estuaries, or the open ocean. Colonies are located near the ocean shoreline (within 0.5 mile [about 800 meters]), typically on nearly flat, loose sandy substrates with lightly scattered short vegetation and debris, although some colonies have been located on hard-packed surfaces, even unused asphalt. Colony sites must provide access to the shoreline for juveniles and must be relatively free of predators, or the colony may abandon breeding efforts before completion.	Although no nesting habitat occurs within the BSA, there are known nesting sites 0.2 miles north of the BSA in Venice Beach and within the eastern portion of the BWER, approximately one mile east of the BSA (ESA 2017). The species is known to forage in Ballona Creek, Marina del Rey Harbor, and the BWER. The nearest recorded CNDDDB occurrence is approximately 0.2 mile northeast of the BSA; however, this observation is from more than 30 years ago in 1987. May Affect, not Likely to Adversely Affect.	Not Likely to Occur (nesting)/High (foraging/transient)
<i>Vireo bellii pusillus</i>	least Bell's vireo	FE, SE, S2	Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 2000 feet. Often inhabits structurally diverse woodlands along watercourses including cottonwood-willow and oak woodlands and mulefat scrub. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, <i>Baccharis</i> , mesquite.	The species is known to nest and forage in the BWER and has been recorded in the Playa Vista riparian corridor near the BSA in 2010; however, no individuals were observed within the BSA at that time (ESA 2017). The nearest and most recently recorded CNDDDB occurrence is 1 mile southeast of the BSA from 2010. Suitable nesting habitat occurs approximately 0.4 mile northeast of the BSA. May Affect, not Likely to Adversely Affect.	High



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
MAMMALS					
<i>Antrozous pallidus</i>	pallid bat	SSC, S3	Desert, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	No suitable habitat occurs within the BSA. The nearest and most recently recorded CNDDDB occurrence is 3 miles northeast of the BSA; however, this observation is from more than 80 years ago in 1932.	Not Likely to Occur
<i>Eumops perotis californicus</i>	western mastiff bat	SSC, S3S4	Many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, chaparral. Roosts in crevices in cliff faces, high buildings, bridges, trees, and tunnels. In California, most records are from rocky areas at low elevations.	No suitable habitat occurs within the BSA. The nearest recorded CNDDDB occurrence is approximately 3 miles northeast of the BSA; however, this observation is from more than 90 years ago in 1925.	Not Likely to Occur
<i>Lasionycteris noctivagans</i>	silver-haired bat	S3S4	Coastal and montane forest. Forages over streams, ponds, and brushy areas, and requires follows of trees for roost habitat. Conifer and mixed conifer/hardwood forests. Roosts mainly in hollows or crevices of trees, but may also roost in rock crevices, mines, or caves. Forages over streams, ponds, and brushy areas.	No suitable habitat occurs within the BSA, but species may appear as a migratory transient. The nearest and most recently recorded CNDDDB occurrence is 4 miles northwest of the BSA; however, this observation is from over 30 years ago in 1985.	Low



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Lasiurus cinereus</i>	hoary bat	S4	Forages over a wide range of habitats, but prefers open habitats with access to water and trees for roosting. Typically solitary, roosting in the foliage of shrubs or coniferous and deciduous trees. Roosts are usually near the edge of a clearing.	No suitable habitat occurs within the BSA, but species may appear as a migratory transient. The nearest recorded CNDDDB occurrence is 3 miles northeast of the BSA; however, this observation is from more than 80 years ago in 1939.	Low
<i>Microtus californicus stephensi</i>	south coast marsh vole	SSC, S1S2	Occurs in the area of tidal marshes in Los Angeles, Orange, and southern Ventura Counties.	Suitable habitat occurs with the BSA and was captured within the BWER in 2010 and 2011. The nearest and most recently recorded CNDDDB occurrence is 0.1 mile east of the BSA from 2011.	High
<i>Nyctinomops femorosaccus</i>	pocketed free-tailed bat	SSC, S3	Variety of arid areas in Southern California; pine-juniper woodlands, desert scrub, palm oasis, desert wash, desert riparian, etc. Rocky areas with high cliffs.	No suitable habitat occurs within the BSA. The nearest and most recently recorded CNDDDB occurrence is 4 miles southeast of the BSA; however, this observation is from over 20 years ago in 1994.	Not Likely to Occur
<i>Perognathus longimembris pacificus</i>	Pacific pocket mouse	FE, SSC, S1	An obligate resident of fine-grained sandy soils of coastal strand, coastal dunes, river and marine alluvium, and coastal sage scrub in close proximity to the ocean and has never been collected more than 2 miles from the coast. Occurrences are closely associated with loose or friable soils that permit burrowing.	No suitable habitat occurs within the BSA. The nearest and most recently recorded CNDDDB occurrence is within the BSA; however, this observation is from more than 80 years ago in 1938.	Low



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Sorex ornatus salicornicus</i>	southern California saltmarsh shrew	SSC, S1	Coastal marshes in Los Angeles, Orange and Ventura Counties. Requires dense vegetation and woody debris for cover.	Marginally suitable habitat occurs within the BSA. The nearest and most recently recorded CNDDDB occurrence is 0.1 mile southeast of the BSA from 2009.	Moderate
<i>Taxidea taxus</i>	American badger	SSC, S3	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Needs sufficient food, friable soils, and open and uncultivated ground. Preys on burrowing rodents. Digs burrows.	No suitable habitat occurs within the BSA. The nearest recorded occurrence is 7 miles northeast of the BSA.	Not Likely to Occur

State Rankings:

S1 = Critically Imperiled
 S2 = Imperiled
 S3 = Vulnerable
 S4 = Apparently Secure
 S5 = Secure
 SH = Possibly Extirpated
 SX = Presumed Extirpated
 SC = State Candidate for Listing
 SD = State Delisted
 SA = CDFW Special Animal
 SE = State Endangered
 ST = State Threatened
 FP = Fully Protected
 SSC = Species of Special Concern

Federal Rankings:

FE = Federally Endangered
 FD = Federally Delisted
 BCC = USFWS Bird of Conservation Concern

BSA=Biological Study Area
 BWER = Ballona Wetlands Ecological Reserve
 CNDDDB =California Natural Diversity Database



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5.5 WILDLIFE CORRIDORS AND SPECIAL LINKAGES

Linkages and corridors facilitate regional animal movement and are generally centered in or around waterways, riparian corridors, flood control channels, contiguous habitat, and upland habitat. Drainages generally serve as movement corridors because wildlife can move easily through these areas, and fresh water is available. Corridors also offer wildlife unobstructed terrain for foraging and for dispersal of young individuals.

As the movements of wildlife species are more intensively studied using radio-tracking devices, there is mounting evidence that some wildlife species do not necessarily restrict their movements to some obvious landscape element, such as a riparian corridor. For example, recent radio-tracking and tagging studies of Coast Range newts, California red-legged frogs, southwestern pond turtles, and two-striped garter snakes found that long-distance dispersal involved radial or perpendicular movements away from a water source with little regard to the orientation of the assumed riparian “movement corridor” (Bulger et al. 2002; Hunt 1993; Ramirez 2002, 2003a, 2003b; Rathbun et al. 1992; Trenham 2002). Likewise, carnivores do not necessarily use riparian corridors as movement corridors, frequently moving overland in a straight line between two points when traversing large distances (Beier 1993, 1995; Newmark 1995; Noss et al. 1996, n.d.). In general, the following corridor functions can be utilized when evaluating impacts to wildlife movement corridors:

- Movement corridors are physical connections that allow wildlife to move between patches of suitable habitat. Simberloff et al. (1992) and Beier and Loe (1992) correctly state that for most species, we do not know what corridor traits (length, width, adjacent land use, etc.) are required for a corridor to be useful. But, as Beier and Loe (1992) also note, the critical features of a movement corridor may not be its physical traits but rather how well a particular piece of land fulfills several functions, including allowing dispersal, plant propagation, genetic interchange, and recolonization following local extirpation.
- Dispersal corridors are relatively narrow, linear landscape features embedded in a dissimilar matrix that link two or more areas of suitable habitat that would otherwise be fragmented and isolated from one another by rugged terrain, changes in vegetation, or human-altered environments. Corridors of habitat are essential to the local and regional population dynamics of a species because they provide physical links for genetic exchange and allow animals to access alternative territories as dictated by fluctuating population densities.
- Habitat linkages are broader connections between two or more habitat areas. This term is commonly used as a synonym for a wildlife corridor (Meffe and Carroll 1997). Habitat linkages may themselves serve as source areas for food, water, and cover, particularly for small- and medium-size animals.
- Travel routes are usually landscape features, such as ridgelines, drainages, canyons, or riparian corridors, within larger natural habitat areas that are frequently used by animals to facilitate movement and provide access to water, food, cover, den sites, and other necessary resources. A travel route is generally preferred by a species because it provides the least amount of



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topographic resistance in moving from one area to another yet still provides adequate food, water, or cover (Meffe and Carroll 1997).

- Wildlife crossings are small, narrow areas of limited extent that allow wildlife to bypass an obstacle or barrier. Crossings typically are human-made and include culverts, underpasses, drainage pipes, bridges, tunnels to provide access past roads, highways, pipelines, or other physical obstacles. Wildlife crossings often represent “choke points” along a movement corridor because useable habitat is physically constricted at the crossing by human-induced changes to the surrounding areas (Meffe and Carroll 1997).

5.5.1 Wildlife Movement in the BSA

The BSA is located in a heavily developed area within the communities of Playa del Rey and Marina del Rey; but it has localized portions of open space and open water, particularly the Del Rey Lagoon, Dockweiler State Beach, Ballona Creek, and Marina del Rey Main Channel. The BSA is amid conditions that would be expected to significantly constrain the movement of wildlife within the region and, by extension, through the site. The area surrounding the BSA is characterized by residential and commercial development and infrastructure, including significant barriers to terrestrial wildlife movement such as buildings, fencing, jetties, and busy multi-lane roadways. These areas may harbor common species habituated to life in urban environments such as Virginia opossum, raccoon, Audubon’s cottontail, California ground squirrel, and other small rodents. The localized portions of open area likely provide “live-in habitat,” foraging habitat, or habitat for transient and migratory species.

The southwestern fenced boundary of the Ballona Wetlands Ecological Reserve is 0.1 mile east of the BSA. It is a regionally important stopover site for both resident and migratory birds, and is within the Pacific Flyway, a major north-south flyway for migratory birds in America, extending from Alaska to Patagonia. Each year, at least one billion birds migrate along the Pacific Flyway (Audubon 2020). Ballona Creek and tidal channels provide movement for marine fish species and marine mammals (*Phocidae* sp. and *Otariidae* sp.) through Ballona Creek and the Marina del Rey Main Channel.

Within the BSA, the level of surrounding urban development, presence of physical barriers, and lack of native habitat outside of the adjacent BWER, would significantly constrain the passage of most large terrestrial wildlife known to occur in the region. Terrestrial wildlife corridors between the BSA and other areas of open space are extremely constrained by Ballona Creek, roadways, and commercial and residential development. The BSA does not occur within any known wildlife movement corridor or habitat linkage as identified by the Los Angeles County Department of Regional Planning (2014), South Coast Wildlands (2008), or Penrod et al (2001).



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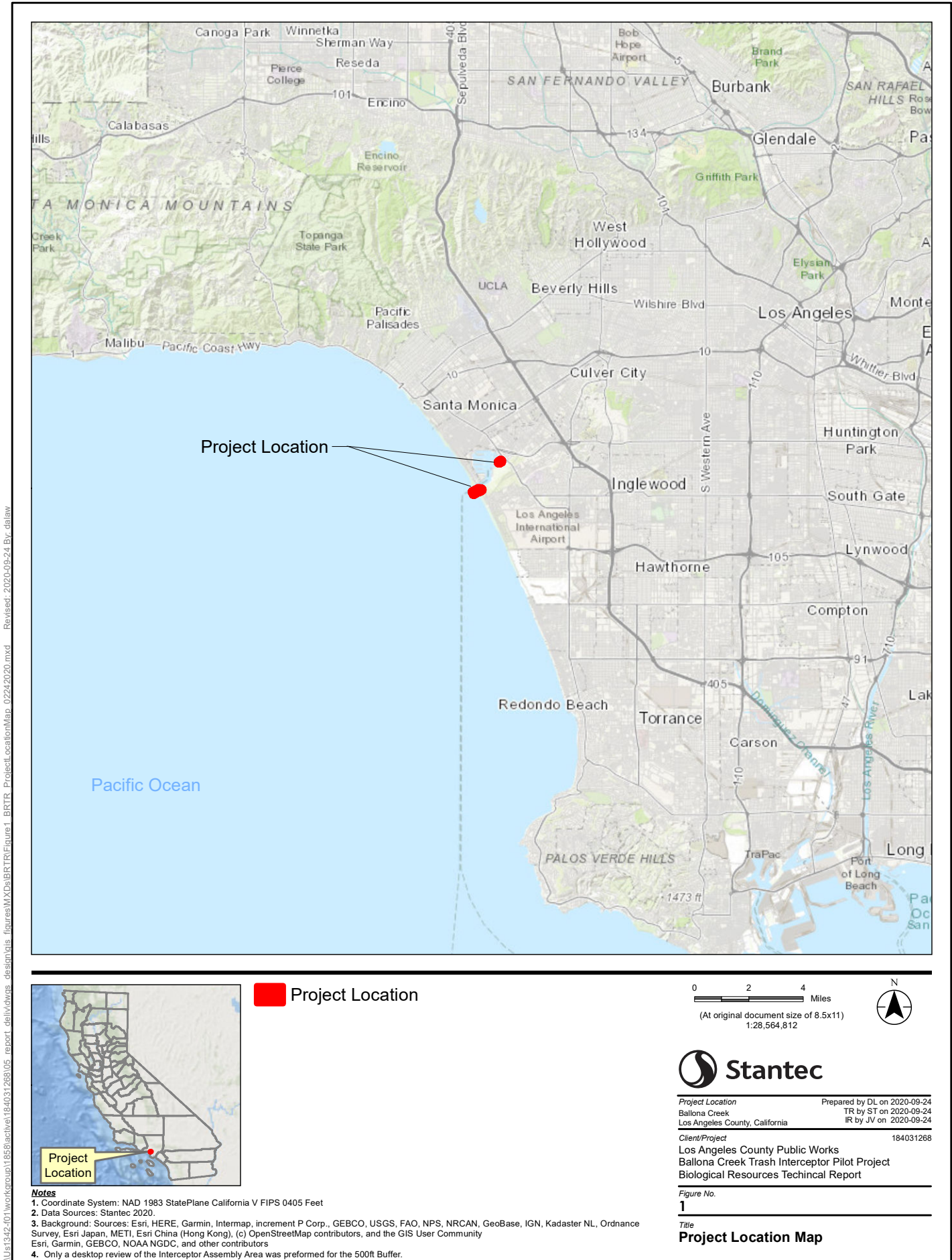
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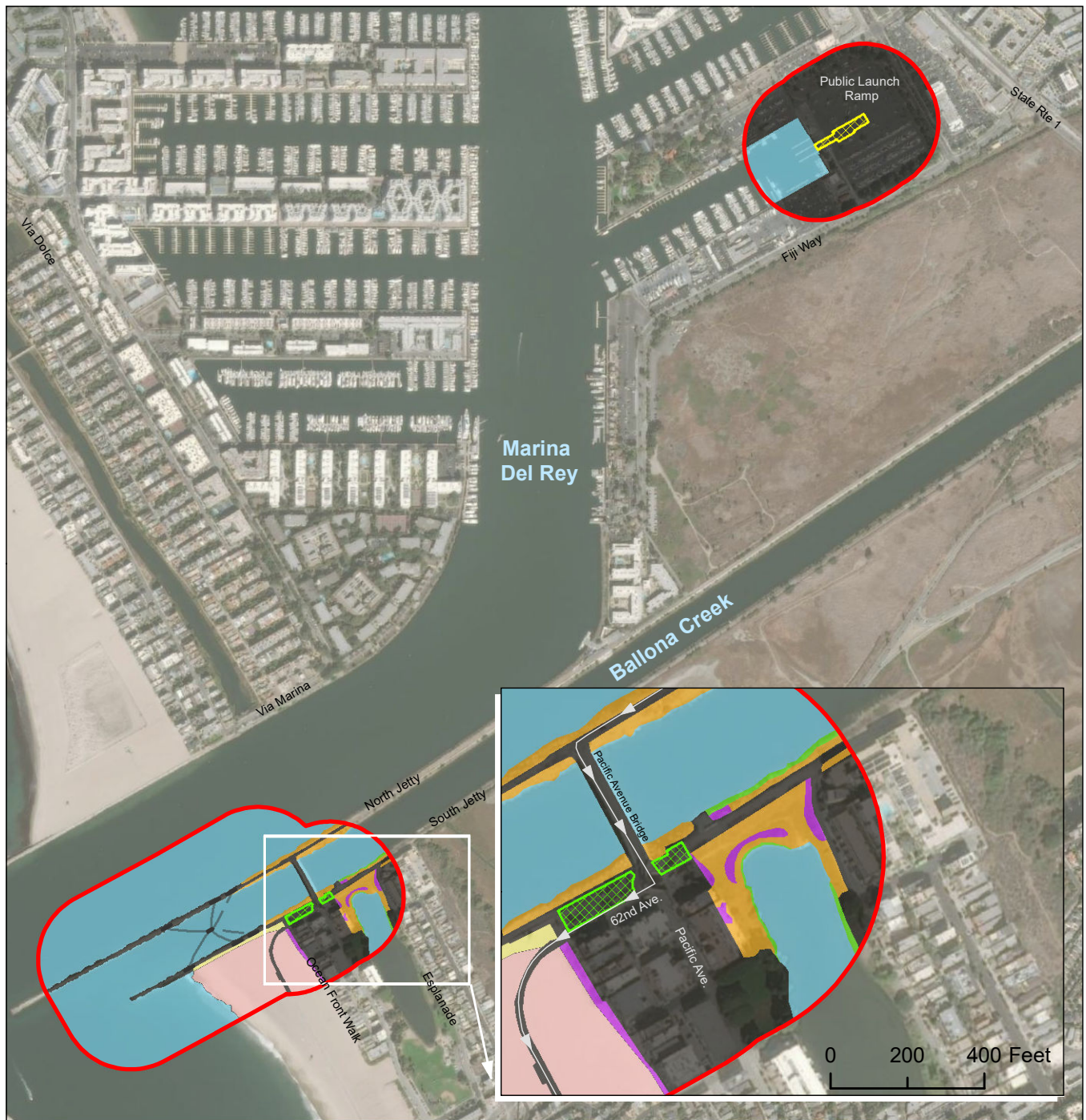
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Appendix A FIGURES





 Biological Survey Area

Existing Bikeways

Project Footprint

Interceptor/ Mooring Chains/ Trash Boom Footprint [0.023 Acres]

Mooring Footprint [0.113 Acres]

Trash Boom

Mooring Line

Mooring Construction Staging Areas [0.37 Acres]

Interceptor Assembly Area [0.63 Acres]

Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
2. Interceptor Centroid Coordinates: 33.962071, -118.455715
3. Data Sources: Stantec 2020.
4. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
5. Only a desktop review of the Interceptor Assembly Area was performed for the 500ft Buffer.

Vegetation Communities & Land Cover Types

Developed (34.88 Acres)

Dune Mat Alliance (0.41 Acres)

Ice Plant Mat Alliance (0.46 Acres)

Invasive Monoculture (2.76 Acres)

Open Water (55.96 Acres)

Pickleweed Mats Alliance (0.24 Acres)

Sandy Beach (7.30 Acres)

0 550 1,100 Feet
(At original document size of 8.5x11)
1:13,200



Project Location Prepared by DL on 2020-09-24
Ballona Creek TR by ST on 2020-09-24
Los Angeles County, California IR by JV on 2020-09-24

Client/Project 184031268
Los Angeles County Public Works

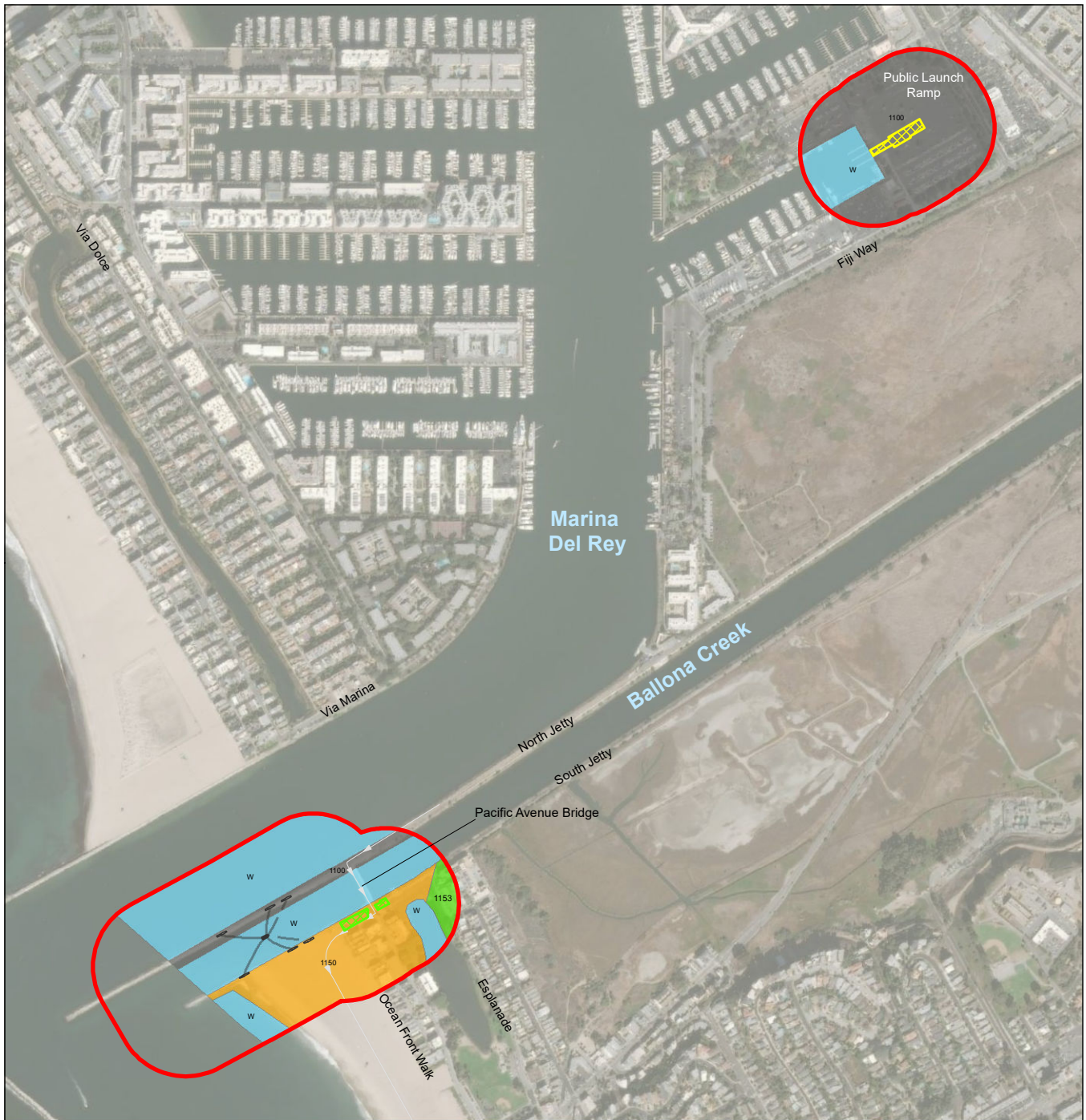
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Biological Resources Technical Report

Figure No.

2

Title
Vegetation Communities & Land Cover Types

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Biological Survey Area

Existing Bikeways

Project Footprint

Interceptor/ Mooring Chains/ Trash Boom Footprint [0.023 Acres]

Mooring Footprint [0.113 Acres]

Trash Boom

Mooring Line

Interceptor Assembly Area [0.62 Acres]

Mooring Construction Staging Areas [0.37 Acres]

Soils Map Unit Symbol

1100: Urban land, 0 to 2 percent slopes, dredged fill substratum

1150: Aft-Beaches complex, 0 to 5 percent slopes

1153: Urban land-Aft, loamy surface complex, 5 to 30 percent slopes, terraced

W; Water

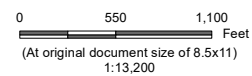
Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet

2. Data Sources: Stantec 2020, NCRS 2020.

3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

4. Only a desktop review of the Interceptor Assembly Area was performed for the 500ft



Project Location
Ballona Creek
Los Angeles County, California

Prepared by DL on 2020-09-25
TR by JV on 2020-09-25
IR by ST on 2020-09-25

Client/Project 184031268

Los Angeles County Public Works
Ballona Creek Trash Interceptor Pilot Project
Biological Resources Technical Report

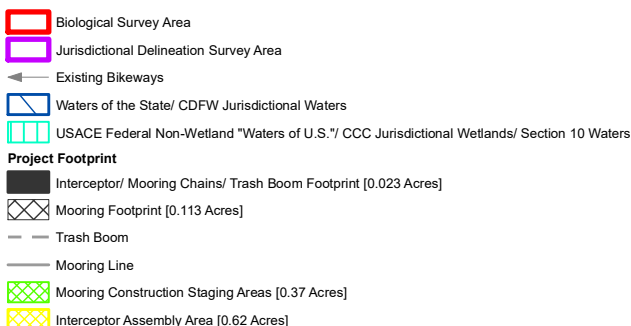
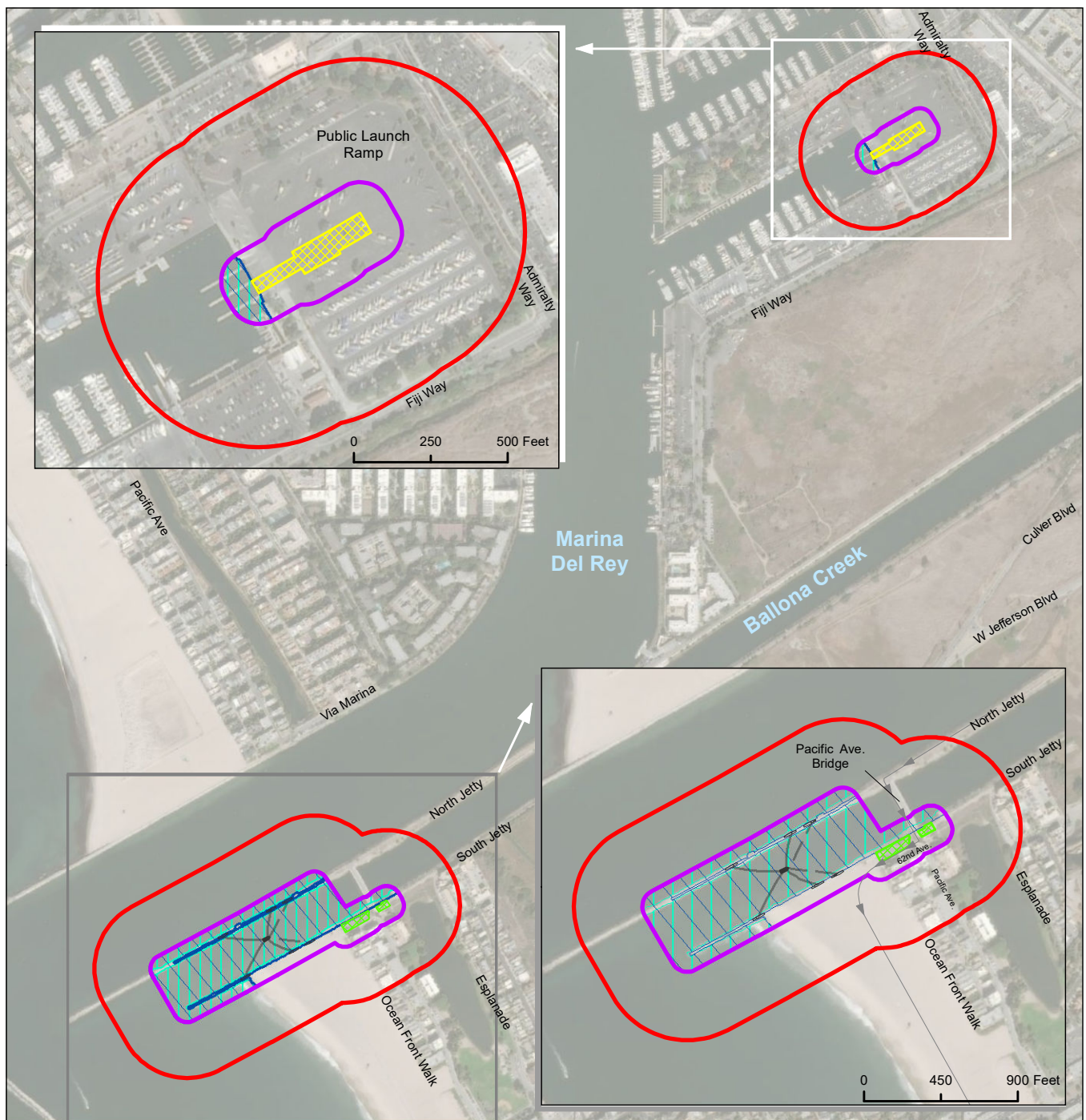
Figure No.

3

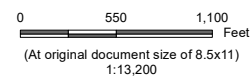
Title

Historical Soils

V:\1858\active\184031268\05_report_delivd\dwg_design\dwg_figures\BTR\BTR\Figure3_BTR_SoilsMap_02242020.mxd Revised: 2020-10-19 By: dalaw

**Notes**

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
2. Data Sources: Stantec 2020.
3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
4. Only a desktop review of the Interceptor Assembly Area was performed for the 500ft Buffer.



Project Location
Ballona Creek
Los Angeles County, California

Prepared by DL on 2020-07-16
TR by JV on 2020-07-16
IR by ST on 2020-07-16

Client/Project 184031268

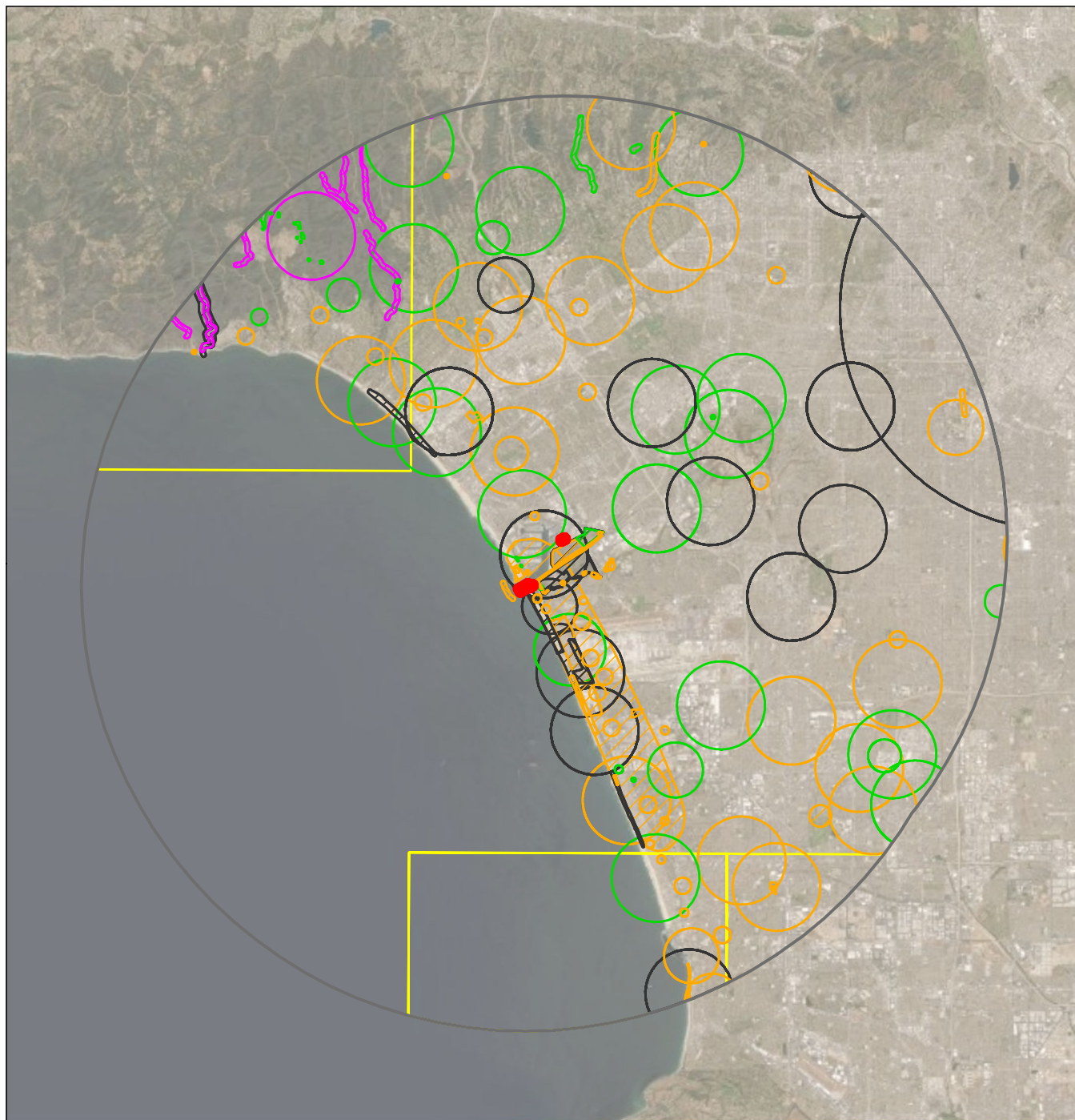
Los Angeles County Public Works
Ballona Creek Trash Interceptor Pilot Project
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Figure No.

4

Title

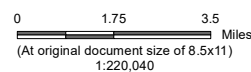
Jurisdictional Delineation Map



 Biological Survey Area	 Animal (non-specific)
 10 Search Radius	 Animal (circular)
Symbology	
 Plant (80m)	 Terrestrial Comm. (specific)
 Plant (specific)	 Terrestrial Comm. (circular)
 Plant (non-specific)	 Multiple (specific)
 Plant (circular)	 Multiple (non-specific)
 Animal (80m)	 Multiple (circular)
 Animal (specific)	 Sensitive EO's (Commercial only)

Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
2. Data Sources: Stantec 2020, CNDDDB 2020.
3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Project Location
 Ballona Creek
 Los Angeles County, California

Prepared by DL on 2020-10-02
 TR by JV on 2020-10-02
 IR by ST on 2020-10-02

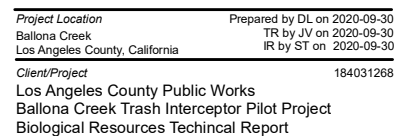
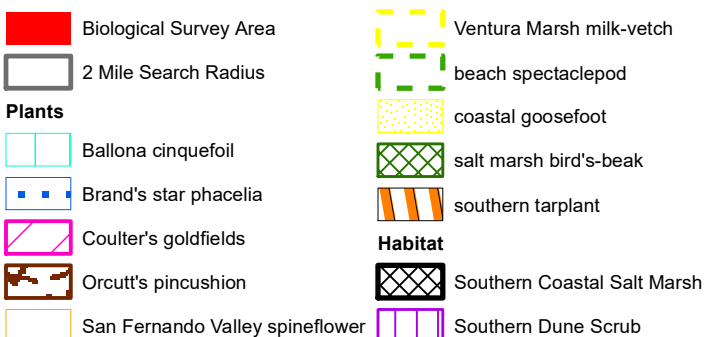
Client/Project
 Los Angeles County Public Works
 Ballona Creek Trash Interceptor Pilot Project
 Biological Resources Technical Report

Figure No.

5

Title

10 Mile CNDDDB Search



5a

Title
2 Mile CNDDB Search - Plants

Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet

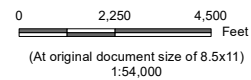
2. Data Sources: Stantec 2020, NRCS 2020.

3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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- | | |
|---|---|
| Biological Survey Area | sandy beach tiger beetle |
| 2 Mile Search Radius | south coast marsh vole |
| Animals | southern California legless lizard |
| burrowing owl | southern California saltmarsh shrew |
| globose dune beetle | wandering (=saltmarsh) skipper |
| least Bell's vireo | western pond turtle |
| mimic tryonia (=California brackishwater snail) | western snowy plover |
| monarch - California overwintering population | |



Project Location	Prepared by DL on 2020-09-30
Ballona Creek	TR by JV on 2020-09-30
Los Angeles County, California	IR by ST on 2020-09-30
Client/Project	184031268
Los Angeles County Public Works	
Ballona Creek Trash Interceptor Pilot Project	
Biological Resources Technical Report	

Figure No.

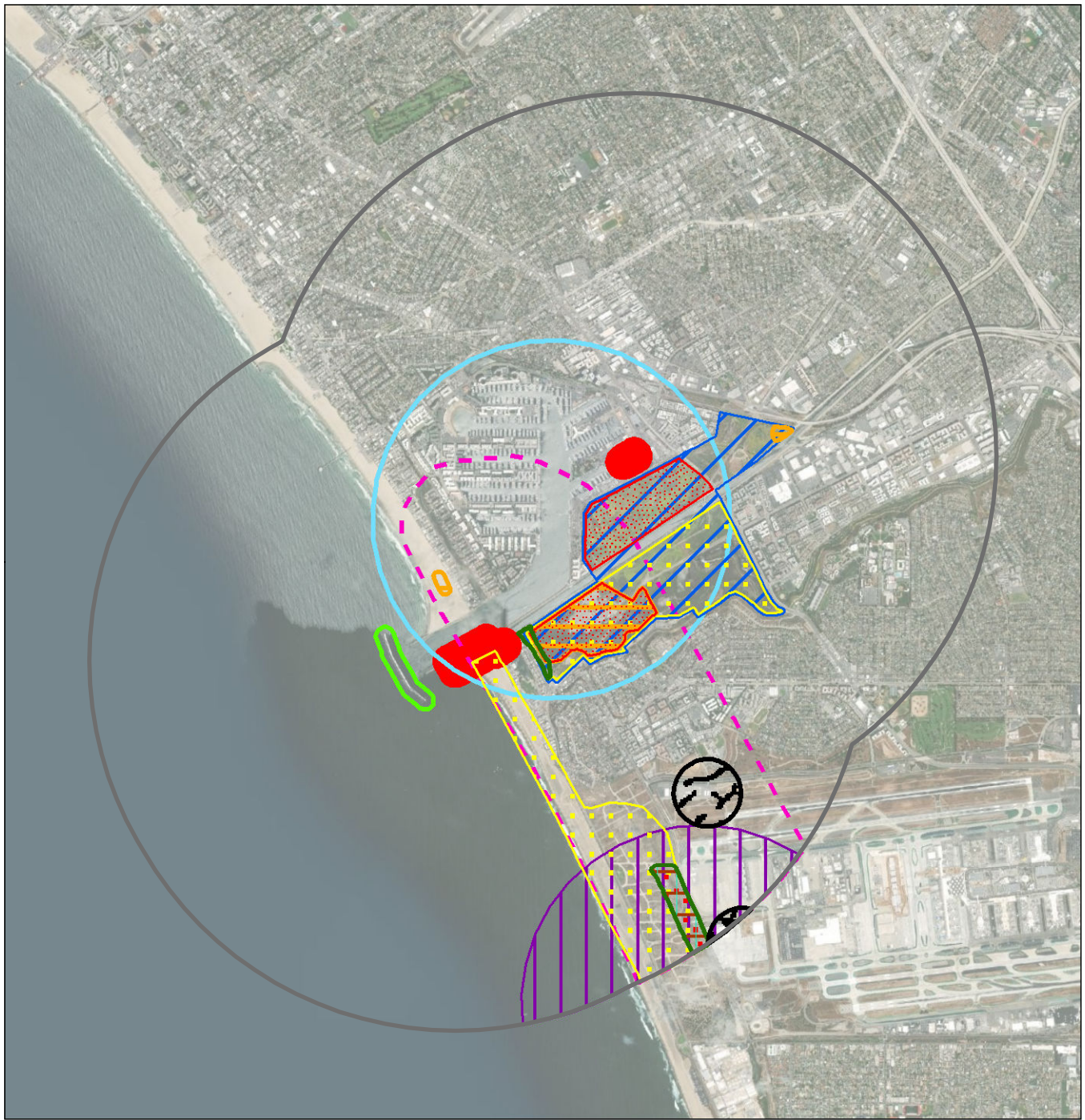
5b

Title

2 Mile CNDDDB Search - Animals

Notes
 1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
 2. Data Sources: Stantec 2020, CNDDDB 2020.
 3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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 Biological Survey Area	 California least tern
 2 Mile Search Radius	 Crotch bumble bee
Animals	
 Belding's savannah sparrow	 Dorothy's El Segundo Dune weevil
 Belkin's dune tabanid fly	 El Segundo blue butterfly
 Busck's gallmoth	 Henne's eucosman moth
 California black rail	 Lange's El Segundo Dune weevil
 California brown pelican	 Pacific pocket mouse
	 Riverside fairy shrimp

0 2,250 4,500 Feet
(At original document size of 8.5x11)
1:54,000



Project Location
Ballona Creek
Los Angeles County, California

Prepared by DL on 2020-09-30
TR by JV on 2020-09-30
IR by ST on 2020-09-30

Client/Project 184031268

Los Angeles County Public Works
Ballona Creek Trash Interceptor Pilot Project
Biological Resources Technical Report

Figure No.

5c

Title

2 Mile CNDDDB Search - Animals

Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet

2. Data Sources: Stantec 2020, NRCS 2020.



3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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Appendix B PHOTOGRAPHIC LOG




Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 1			
Direction: North-northeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From outside the eastern boundary of the SA facing north-northeast. Depicts the manually controlled tidal gate to Ballona Creek and Del Rey Lagoon without water. Tidal gate is operated by the City of Los Angeles Recreation and Parks.			
Photograph ID: 2			
Direction: North-northeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From outside the eastern boundary of the SA facing north-northeast. Depicts the Del Rey Lagoon with water.			





Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 3			
Direction: South			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From south of Ballona Creek looking south at the Del Rey Lagoon. The stand of Invasive Monoculture and Ice Plant Mat Alliance north of the Del Rey Lagoon is depicted.			
Photograph ID: 4			
Direction: West			
Survey Date: 2/25/2020, 3/2/2020			
Comments: South of Ballona Creek and north of Del Rey Lagoon along the graded path facing west. The photo depicts the ongoing construction south of Pacific Avenue Bridge along 62nd Avenue at Pacific Avenue.			





Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 5			
Direction: West			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the southern bank of Ballona Creek along the graded path facing west towards the Pacific Avenue Bridge. The photo depicts the high level of bird activity along and within the creek.			
Photograph ID: 6			
Direction: Northeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the Pacific Avenue Bridge looking upstream at Ballona Creek.			





Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 7			
Direction: Southwest			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the southern end of the Pacific Avenue Bridge, looking downstream at Ballona Creek.			
Photograph ID: 8			
Direction: Northwest			
Survey Date: 2/25/2020, 3/2/2020			
Comments: Along the northern boundary of the SA (Ballona Creek North Jetty) looking downstream of Pacific Avenue Bridge. This photo depicts Ballona Creek on the left side of the image and Marina del Rey Harbor Main Channel as the main focal point on the right side of the image.			





Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 9			
Direction: Northeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: Along the northern boundary of the SA. This photo depicts the paved Ballona Creek Bike Path and Marina del Rey Harbor Main Channel on the left side of the photograph.			
Photograph ID: 10			
Direction: South-southeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the Ballona Creek North Jetty adjacent to the Pacific Avenue Bridge. This photo depicts the residential development and boat ramp south of Ballona Creek.			







Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 11			
Direction: South-southeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the Ballona Creek North Jetty near the western boundary of the SA looking towards Dockweiler State Beach and the residential units along it.			
Photograph ID: 12			
Direction: East-northeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the Ballona Creek South Jetty near the western boundary of the SA looking towards Pacific Avenue Bridge and Playa del Rey residential units along Dockweiler State Beach.			




Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 13			
Direction: West-southwest			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the Ballona Creek mouth and South Jetty looking towards Santa Monica Bay.			
Photograph ID: 14			
Direction: Southeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the southern bank of Ballona Creek looking towards Dockweiler State Beach. The paved bike bath, residential units, and entrance to the lifeguard station are depicted.			

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 15			
Direction: West-southwest			
Survey Date: 2/25/2020, 3/2/2020			
Comments: South of Ballona Creek from the Ballona Creek South Jetty facing southwest towards Playa del Rey. The photo depicts the Dune Mat Alliance along the northern margin of Dockweiler State Beach.			
Photograph ID: 16			
Direction: East-northeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the southern bank of Ballona Creek looking towards a section of invasive monoculture south of Pacific Avenue Bridge.			



Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 17			
Direction: South-southeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the northernmost margin of Dockweiler State Beach looking towards the beach. The photo depicts the Ice Plant Alliance adjacent to residential units.			

Appendix C MARINE BIOLOGICAL TECHNICAL STUDY

**MARINE BIOLOGICAL ASSESSMENT
FOR
THE BALLONA CREEK INTERCEPTOR™ PROJECT
MARINA DEL REY, CA**

Prepared for:

The Ocean Cleanup
Batavierenstraat 15-7th Floor
3014 JH Rotterdam
The Netherlands

Prepared by:

Merkel & Associates, Inc.
5434 Ruffin Road
San Diego, CA 92123
Phone: (858) 560-5465
Fax: (858) 560-7779

October 2020

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Table 6. Impact summary for marine habitats.....	20

1.0 INTRODUCTION

Public Works is collaborating with The Ocean Cleanup, a Dutch non-profit organization, on this pilot project, the Ballona Creek Trash Interceptor™ Pilot Project “Project”, to deploy a floating, automated trash Interceptor™ system (the Interceptor™) near the mouth of Ballona Creek where it enters the Pacific Ocean. The Project would entail installation of the Interceptor™ within Ballona Creek, directly south and east of the Marina Del Rey harbor entrance and breakwater along the Pacific Ocean shoreline (Figure 1). The purpose of the Project is to test the efficiency of The Ocean Cleanup’s Interceptor™ in capturing and collecting floating trash and debris in Ballona Creek. The Project’s goal is to would capture and collect trash coming down the creek to prevent it from entering and polluting the ocean and thus, protecting the environment.

This report documents the in-water marine biological condition at the Project location as well as provides an analysis of potential impacts to habitats and sensitive species. An Essential Fish Habitat (EFH) Assessment for the proposed Project is provided in a separate document.

2.0 PROJECT LOCATION AND DESCRIPTION

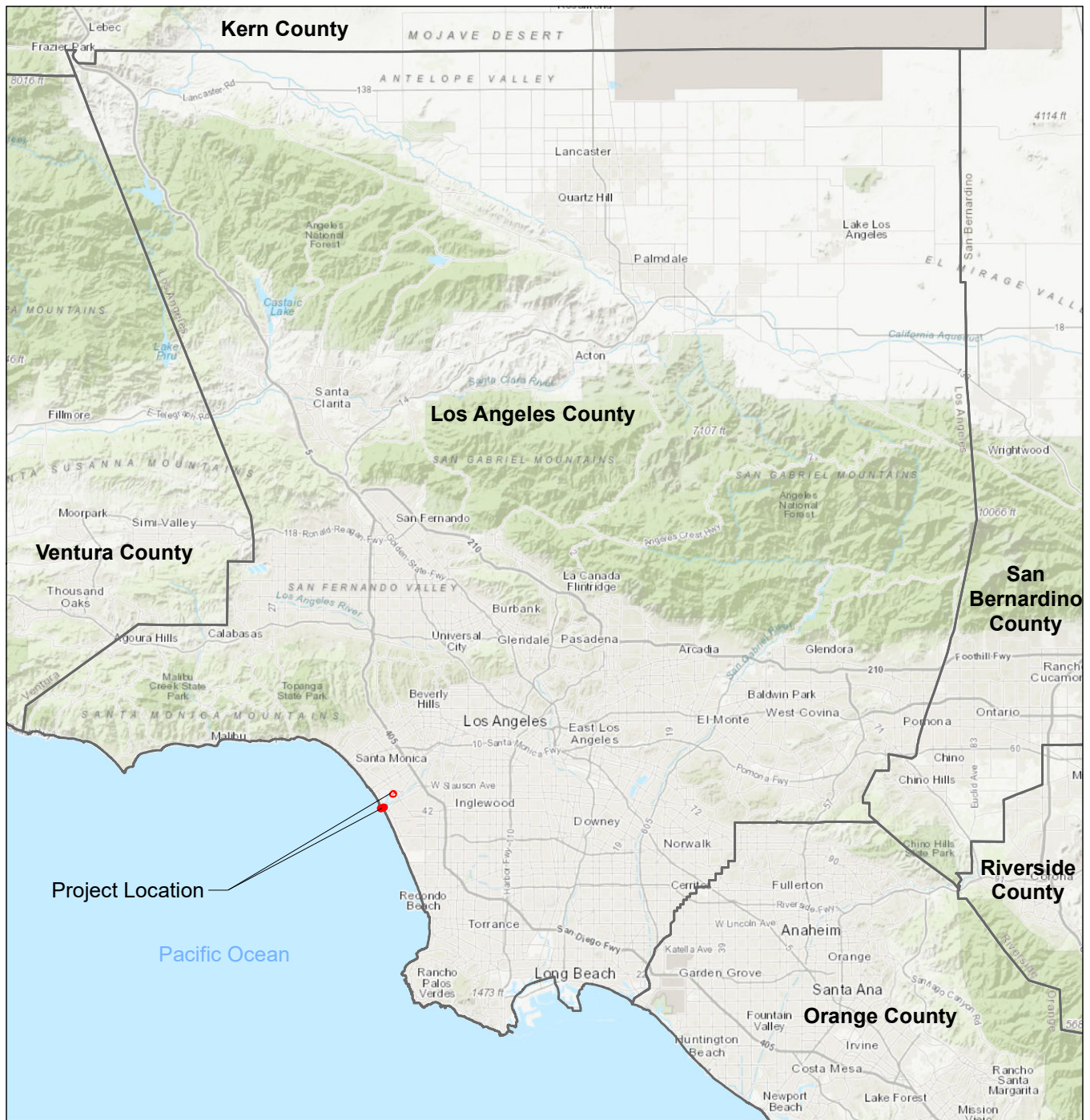
2.1 PROJECT LOCATION

The Project is located within a channelized portion of Ballona Creek, approximately 1.5 miles west of CA-1, 0.5 mile east of the Santa Monica Bay, and immediately southwest of the Ballona Creek-Pacific Avenue Bridge, Marina del Rey South Jetty, and Marina del Rey Harbor Main Channel. There are two levee systems, Ballona Creek 1 Levee System (hereafter referred to as the Ballona Creek North Jetty) and Ballona Creek 3 Levee System (hereafter referred to as the Ballona Creek South Jetty) that will be used for this Project (Figure 1).

The study area is characterized by the wide, concrete embankment of Ballona Creek channel trending from east-northeast (upstream) toward the west-southwest (downstream). Ballona Creek channel includes riprap which is a combination of broken concrete blocks and rock. The Ballona Creek North Jetty is topped by a publicly accessible sidewalk and beacon light for boats returning to the harbor. There are also two (2) viewing decks with concrete benches and guardrail on top of the North Jetty. The Ballona Creek South Jetty is supported by a shorter jetty on the opposite side which is covered with a jagged rock outcrop with no public access.

2.2 PROJECT DESCRIPTION

The floating Interceptor™ would be a single vessel (Figure 2) moored in Ballona Creek through attachment to six moorings—four of which anchor the vessel itself and two of which anchor two in-water floating trash booms—that would be installed above the ordinary high-water mark of Ballona Creek along two existing adjacent jetties (Figure 3). Each mooring would have a concrete pad which would be installed above-grade with the jetty as well as ramps with railings installed and attached to mooring ties to hold the Interceptor™ in place. The placement of floating trash booms (also called “barriers”) and the downstream current will cause trash drifting down Ballona Creek to be funneled into the Interceptor™.



 Project Location

0 6 12 Miles
(At original document size of 8.5x11)
1:760,320



Project Location	Prepared by DL on 2020-09-28
Ballona Creek	TR by ST on 2020-09-28
Los Angeles County, California	IR by LM on 2020-09-28
Client/Project	184031268
Los Angeles County Public Works	
Ballona Creek Trash Interceptor Pilot Project	
Permit Package	

Figure No.

1

Title

Project Location Map

Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
2. Data Sources: Stantec 2020.
3. Background: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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Figure 2. Pictures of Interceptor™ barge in Malaysia with barrier and dumpster barge.



← Existing Bikeways

Project Footprint

- Mooring Footprint [0.113 Acres]
- Mooring Construction Staging Areas [0.37 Acres]
- Interceptor Assembly Area [0.62 Acres]
- Interceptor/ Mooring Chains/ Trash Boom Footprint [0.023 Acres]
- Trash Boom
- Mooring Lines

Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
2. Data Sources: Stantec 2020.
3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

0 500 1,000 Feet
(At original document size of 8.5x11)
1:12,000



Project Location: Ballona Creek, Los Angeles County, California
Prepared by DL on 2020-09-28
TR by ST on 2020-09-28
IR by LM on 2020-09-28

Client/Project: Los Angeles County Public Works
Ballona Creek Trash Interceptor Pilot Project
Permit Package

Figure No.

3

Title

Project Vicinity

\\us1342-01\workgroup\184031268\05_report_delivd\dwg_design\ais_figures\MXDs\Permit_MXD\Figures3_Permit_Plot\Placement_07092020.mxd Revised: 2020-10-16 By: dalaw

Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.

The floating debris will converge on the Interceptor™ mechanical conveyor belt, which automatically feeds the trash into a floating receptacle, thus preventing the refuse from reaching the Pacific Ocean. The Interceptor™ would use both booms during the storm season (October-April), when stormwater flows wash greater amounts of trash and debris into Ballona Creek, and only one boom during the remainder of the year. The southern boom would remain in place while the northern boom would be able to be clipped and unclipped to the Interceptor™ prior to and after storm events. The booms, which would float atop the water would extend 18 inches beneath the water surface, and have a low draft allowing water to pass underneath without significant interference; therefore, not substantially obstructing or diverting the natural flow of water within Ballona Creek. In the event of an emergency, such as higher flow speeds within Ballona Creek, the booms are designed to automatically release and open by detaching from one side of the mooring on top of the jetty.

When the Interceptor™ is nearly full, it automatically sends a message to the local operators to collect the waste. Operators then remove the dumpsters (trash bins), bring them to the side of the Marina del Rey boat harbor, empty the dumpsters, send off the debris to an appropriate solid waste facility, and return the dumpsters back to the Interceptor™. The Interceptor™ pilot program is expected to be deployed and in operation for two storm seasons (up to 24 months).

Construction and installation of the Project would occur over an approximate six-month period. During construction of the moorings, the Ballona Creek North Jetty walkway would be temporarily closed to prevent public access due to safety considerations. Construction of the moorings would require a small crew size. No excavation activities within Ballona Creek channel is planned for the Project; however, some excavation would be required to remove the existing stone jetty riprap to install the mooring blocks (12 feet wide x 8 feet long). In addition, minor ground disturbance would be required on top of the jetties to allow access for installation of Project components (i.e., Interceptor™ anchoring location, collection boom, and jetty mooring system). Approximately 0.113 acres would be disturbed or developed as part of the Project. Some stockpiles would be placed onsite temporarily during excavation and they would be covered with tarps and/or watered to prevent dust, as required. Some equipment (e.g., saws, generators, air compressors, pump, cement mixer) would be required to install the moorings. The Project would involve minimal vehicle trips including material import/ export as well as haul trucks required for construction.

3.0 PROJECT REGULATORY REQUIREMENTS

The proposed project is subject to the following regulations.

3.1 FEDERAL REGULATIONS

Clean Water Act

The federal Water Pollution Control Act Amendments of 1972 (33 United States Code [USC] 1251–1376), as amended by the Water Quality Act of 1987, and better known as the CWA, is the major federal legislation governing water quality. The purpose of the federal CWA is to “restore and maintain the chemical, physical, and biological integrity of the nation’s waters.” Discharges into waters of the United States are regulated under the CWA. Waters of the United States currently include the territorial seas and traditional navigable waters, perennial and intermittent tributaries

to those waters, certain lakes, ponds, and impoundments, and wetlands adjacent to jurisdictional waters (33 C.F.R. § 328.3). Important applicable sections of the CWA are discussed below:

- Section 401 requires an applicant for any federal permit that proposes an activity that may result in a discharge to waters of the United States to obtain certification from the state that the discharge will comply with other provisions of the CWA. Certification is provided by the respective RWQCB (Regional Water Quality Control Board). A Section 401 permit from the SWRCB (State Water Resources Control Board) or RWQCB would be required for issuance of a permit by the U.S. Army Corps of Engineers (USACE).

Rivers and Harbors Appropriation Act

The Rivers and Harbors Appropriation Act of 1899 (33 USC 403 et seq.), commonly known as the Rivers and Harbors Act (RHA), prohibits the construction of any bridge, dam, dike, or causeway over or in navigable waterways of the United States without congressional approval. Under RHA Section 10, the USACE is authorized to permit structures in or over navigable waters. Building or modifying wharves, piers, jetties, and other structures in or over the waters of the United States requires USACE approval through the Section 10 permit process.

In addition, Section 14 (33 U.S.C. § 408), requires that any proposed occupation or use of an existing USACE civil works project be authorized by the Secretary of the Army. An alteration refers to any action by any entity other than the Corps that builds upon, alters, improves, moves, occupies, or otherwise affects the usefulness, or the structural or ecological integrity of a USACE project.

Endangered Species Act

The Endangered Species Act (ESA) protects plants and wildlife that are listed as endangered or threatened by the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). ESA Section 9 prohibits the taking of endangered wildlife, where taking is defined as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct” (50 Code of Federal Regulations [CFR] 17.3). The term “harm” is defined as an “act which actually kills or injures wildlife,” including through “significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.” The term “harass” means an act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, including breeding, feeding or sheltering (50 CFR 17.3). For plants, this statute governs removing, possessing, maliciously damaging, or destroying any endangered plant on federal land, as well as removing, cutting, digging up, damaging, or destroying any endangered plant on non-federal land in knowing violation of state law. Under ESA Section 7, lead federal agencies are required to consult with the USFWS or NMFS if the lead agency determines that its actions, including permit approvals or funding, may adversely affect an endangered species (including plants) or its critical habitat. Through consultation and the issuance of a biological opinion, the USFWS or NMFS may issue an incidental take statement allowing take of the species that is incidental to another authorized activity, provided the action will not jeopardize the continued existence of the species. In cases where the federal agency determines its action may affect, but would be unlikely to adversely affect, a federally listed species, the agency may choose to informally consult with the USFWS and/or NMFS. This informal consultation typically involves incorporating measures intended to ensure effects would not be adverse. Concurrence from the USFWS and/or NMFS concludes the informal process. Without such concurrence, the federal agency may formally consult to ensure full compliance with the ESA.

Marine Mammal Protection Act

The Marine Mammal Protection Act of 1972 (MMPA) prohibits, with certain exceptions, the take of marine mammals in United States waters and by United States citizens on the high seas and the importation of marine mammals and marine mammal products into the United States. Under the MMPA, “take” is defined as “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal” (16 U.S.C. 1362) and further defined by regulation (50 CFR 216.3) as “to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal”. NMFS administers the MMPA. Under the 1994 Amendments to the MMPA, harassment is statutorily defined as any act of pursuit, torment, or annoyance which:

- **(Level A Harassment)** has the potential to injure a marine mammal or marine mammal stock in the wild; or,
- **(Level B Harassment)** has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering but which does not have the potential to injure a marine mammal or marine mammal stock in the wild.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) prohibits take of nearly every bird for which members of the bird’s taxonomic family are considered to be migratory. This results in the inclusion of most species of birds afforded protection. Under the MBTA, take means only to kill, directly harm, or destroy individuals, eggs, or nests, or to otherwise cause failure of an ongoing nesting effort.

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) of 1976 was established to promote domestic and commercial fishing under sound conservation and management principles. NMFS, as a branch of the National Oceanic and Atmospheric Administration (NOAA), implements the act via eight regional Fisheries Management Councils (FMCs). The FMCs in turn prepare and implement Fishery Management Plans (FMPs) in accordance with local conditions. The Pacific FMC is responsible for the Pacific region, in which the study area is located. The FMPs also establish EFH for the species they manage and require consultation by a lead agency with NMFS for actions that may adversely affect EFH. Following receipt of an EFH consultation request, NMFS will provide EFH Conservation Recommendations to the lead agency detailing measures that may be taken by the agency to conserve EFH. Within 30 days of receipt of EFH Conservation Recommendation, the project lead agency must respond in writing, including a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on EFH. These measures will be incorporated into the final project.

3.2 STATE REGULATIONS**California Coastal Act**

The California Coastal Act (CCA) is intended to provide protection of the unique nature and public interest values of the state’s coastal fringe. Development activities, which are broadly defined by the CCA to include (among others) construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters, generally require a coastal development permit. The CCA is administered by the California Coastal Commission (CCC) or by local jurisdictions operating under adopted Local Coastal Programs that have been approved by the CCC.

California Endangered Species Act

The California Endangered Species Act (CESA) authorizes the California Fish and Game Commission to designate endangered, threatened, and rare species and to regulate the taking of these species (California Fish and Game Code [FGC] Sections 2050–2098). The CESA defines endangered species as those whose continued existence in California is jeopardized. State-listed threatened species are those not presently facing extinction, but that may become endangered in the foreseeable future. FGC Section 2080 prohibits the taking of state-listed plants and animals. Unlike the federal ESA, the CESA does not include harassment within its take definition and as such, has a statutorily higher threshold standard for take than does the federal ESA. The California Department of Fish and Wildlife (CDFW) also designates fully protected or protected species as those that may not be taken or possessed without a permit from the California Fish and Game Commission and/or CDFW. Species designated as fully protected or protected may or may not be listed as endangered or threatened.

When a species is both state- and federally-listed, an expedited request for consistency with the USFWS biological opinion may be issued through a request for Section 2080.1 consistency determination, if take authorization under the CESA is required.

California Fish and Game Code

The FGC is implemented by the California Fish and Game Commission, as authorized by Article IV, Section 20, of the Constitution of the State of California. FGC Sections 3503, 3503.5, 3505, 3800, and 3801.6 protect all native birds, birds of prey, and nongame birds, including their eggs and nests, that are not already listed as fully protected and that occur naturally within the state. Section 3503.5 specifically states that it is unlawful to take, possess, or destroy any raptors (e.g., hawks, owls, eagles, and falcons), including their nests or eggs. As defined in the Fish and Game Code, “take” means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill (Fish and Game Code Section 86). The CDFW is the state agency that manages native fish, wildlife, plant species, and natural communities for their ecological value and their benefits to people. The CDFW oversees the management of marine species through several programs, some in coordination with NMFS and other agencies.

3.3 LOCAL REGULATIONS**Marina del Rey Land Use Plan**

The Marina del Rey Land Use Plan (LUP) covers the study area, and includes the relevant portion of a local government's general plan, or local coastal element, and are sufficiently detailed to indicate the kinds, location and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions (County of Los Angeles 2012). The Marina del Rey LUP covers the study area.

Marina del Rey Local Coastal Plan

Local Coastal Program (LCP) means a local government's (a) LUP, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resource areas, other implementing actions which, when taken together, meet the requirements of, and implement the provisions and policies of the CCA.

4.0 ENVIRONMENTAL SETTING

The description of the environmental setting of the study area is based on physical and qualitative biological surveys conducted in the study area in April 2020, in addition to literature review. The study area is defined as the area that includes all elements of the project as well as the surrounding areas that could potentially be affected by the project. Above water mapping was completed using existing aerial photographs and Joint Airborne Lidar Bathymetry Technical Center of Expertise (JALBTCX) Bathymetric Lidar: Southern California data. In-water work was completed using interferometric sidescan sonar (ISS), which provided an image of seafloor backscatter within the entire study area. Sidescan backscatter data were acquired at a frequency of 468 kHz, with a scanning range of 31 meters (102 feet) for both the starboard and port channels, resulting in a 62 meters (204-ft) wide swath. All data was collected in latitude and longitude using the North American Datum of 1983 (NAD 83). The survey was conducted by running transects spaced to allow for overlap between adjoining sidescan swaths. Transect surveys were performed until the entirety of the survey area was captured in the survey record. A Remotely Operated Vehicle (ROV) was used to groundtruth targets of interest (substrate, biota) and to photo document. Following completion of the survey, the data was converted into a geographically registered mosaic through digital post-processing, and plotted on a geo-rectified aerial image of the study area. Bathymetric data were processed using standard filtering and used to develop slope and relief maps. Surficial features and mappable habitat types were then digitized by a GIS specialist with expertise in interpreting sonar data for habitat mapping. The GIS specialist inspected the sonar mosaic and delineated habitats and features using ESRI ArcGIS software. Resources of interest were then digitized to show their distribution within the survey area. In addition, a qualitative survey of the rip rap revetment was conducted to note dominant biota. No grab sampling or otter trawls were conducted.

4.1 HABITATS WITHIN THE STUDY AREA

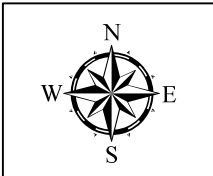
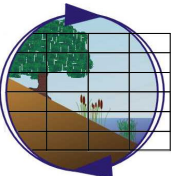
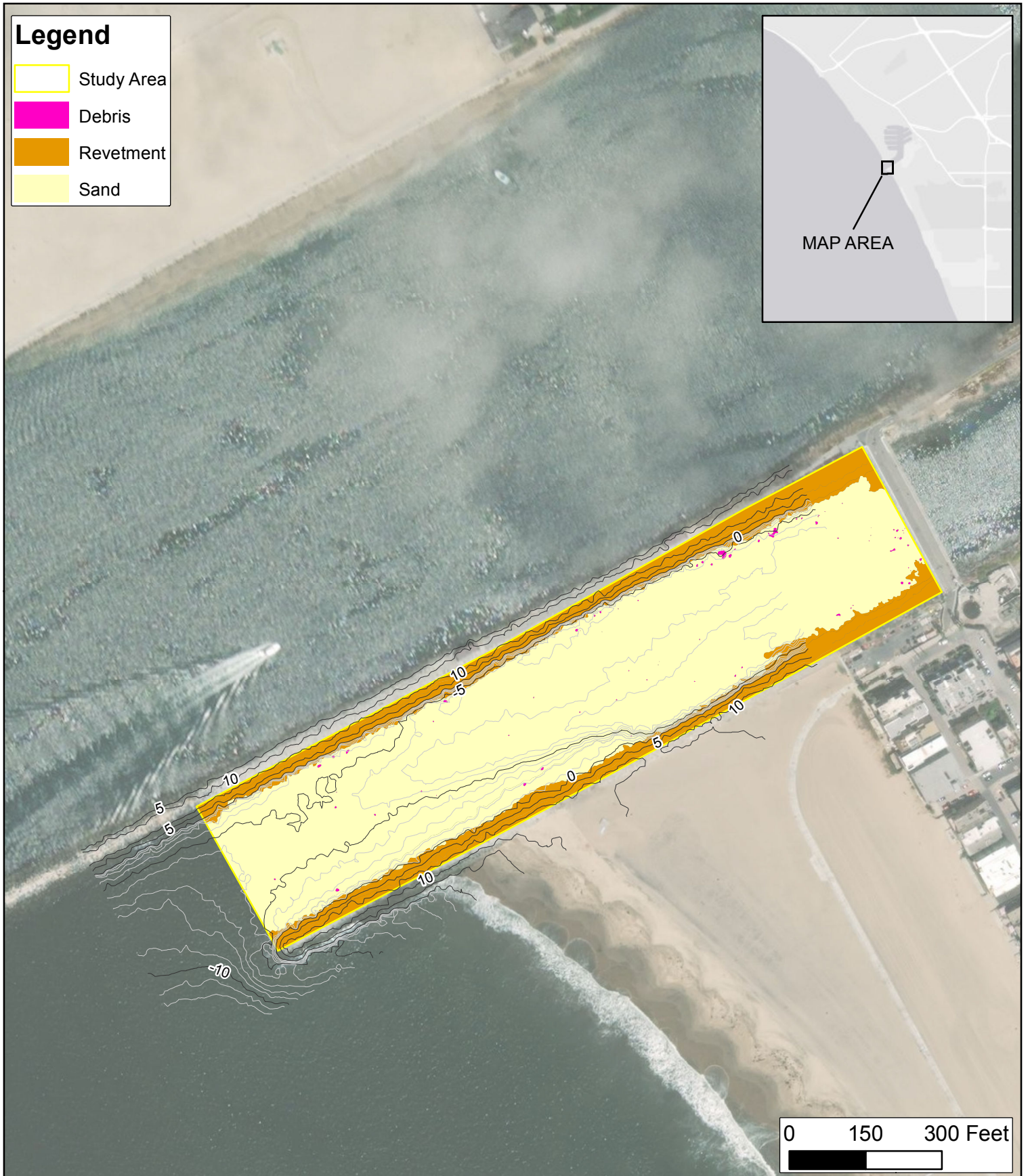
Habitats were delineated into two categories: upland and in-water (or marine), with sub-categories classified if present. They were further differentiated by elevation and/or depth, with upland habitat encompassing the area above +7.8 ft MLLW, intertidal habitat encompassing the area between +7.8 and -2.2 ft MLLW, and subtidal habitat below -2.2 ft MLLW. A summary of the various habitat types within the study area is provided in Table 1, depicted in Figure 4, and described in the following sections.

Table 1. Habitat summary in study area.

Category	Elevation	Habitat Type	Area (m²)	Area (ft²)
Upland	>+7.8 ft MLLW	Man-Made Structure (Rip-Rap Revetment)	3,937	42,377
Marine	Intertidal +7.8 to -2.2 ft MLLW	Man-Made Structure (Rip-Rap Revetment)	5,112	55,021
		Unvegetated Soft Bottom	1,629	17,532
		Sub-Total	6,740	72,553
	Subtidal Below -2.2 ft MLLW	Man-Made Structure (Rip-Rap Revetment)	1,495	4,934
		Unvegetated Soft Bottom	32,909	354,228
		Debris/Cobble	95	1,028
		Sub-Total	34,499	371,350
Grand Total			45,170	486,208

Legend

- Study Area
- Debris
- Revetment
- Sand



Habitat Map Existing Conditions
 Ballona Creek Trash Interceptor Project
 Marina del Rey, CA

Bathymetric Contours: 2009 US Army Corps of Engineers (USACE) Joint Airborne
 Lidar Bathymetry Technical Center of Expertise (JALBTCX) Bathymetric Lidar: Southern California

Figure 4

Upland Area

The upland area of the study area consists of rip rap revetment with and without concrete fill, and covers approximately 3,937 m² (42,377 ft²) (Table 1). The area is highly developed, and no special status flora or wildlife species occur in the upland areas (Figure 5).



Figure 5. Upland area consists of rip rap revetment with and without concrete fill. Left image is north jetty looking downstream; Right image is south jetty looking downstream.

Intertidal/Shallow Subtidal Riprap Revetment

The shoreline along the perimeter of the study area is armored with riprap revetment in the upper intertidal and shallow subtidal zones and covers approximately 6,607 m² (71,115 ft²) (Table 1 and Figure 5), where it transitions to unvegetated intertidal and shallow subtidal habitat.

Tide level influences the development of the riprap community, and bare rock is more common in the upper intertidal zone. Macroalgae were uncommon in the upper intertidal zone with coverage limited to small amounts of red algal turfs or occasional leafy green algae (*Ulva* sp.). Barnacles (*Balanus*, *Chthamalus*, *Tetraclita*) were abundant in the upper intertidal zone, as well as various limpets (*Lottia* spp.) and snails (*Littorina* sp., *Acanthina spirata*) (Figure 6).

In the mid to low intertidal zone, bare rock was less visible and there was a higher percentage of coralline and other small attached algae (*Chondracanthus* spp., *Ulva* sp., *Corallina* spp., *Mazzaella* spp., *Leathesia* sp., *Petrocelis*, *Gymnogongrus* spp.), in addition to other turf species (Figure 6). Observed invertebrates included sponges, tunicates, tube snails (*Serpulorbis squamigerus*), limpets (*Lottia* spp.), mussels (*Mytilus galloprovincialis*), oysters (*Crassostrea gigas*), and anemones (*Anthopleura* sp.). Similar species were also observed in the shallow subtidal zone, including red algal turfs, encrusting algae, articulated corallines, and sessile invertebrates (Figure 7).



Figure 6. Shoreline of study area depicting revetment from upper intertidal to shallow subtidal zone.

Subtidal Unvegetated Habitat

The majority of the study area is considered to be shallow subtidal unvegetated soft bottom habitat consisting of sand, mud, and silt, with areas of accumulated shell hash and debris, and covers approximately 32,909 m² (354,228 ft²) (Table 1 and Figure 8). Sampling conducted in the Ballona Creek estuary for the Bight '08 Regional Survey noted that the sediment consisted of approximately 56% sand and 44% fines (Table 2; SCCWRP 2011a). In addition, historical sediment quality data indicated that sediments within the tidal reach of Ballona Creek are impacted by metals, pesticides, polycyclic aromatic hydrocarbons (PAHs), and other organic compounds (USACE 2017), and that Total Maximum Daily Loads (TMDLs) for trash, bacteria, and metals in the water column, and for toxics including PAHs, pesticides, and other organic compounds in sediment and fish tissue have been developed to address exceedances of these constituents in Ballona Creek.



Figure 7. Study area transitions from shallow subtidal revetment to unvegetated subtidal habitat.

Table 2. Sediment grain size in Ballona Creek from Bight '08 survey.

Classification	Mean Percent
Total Silt and Clay (less than 0.0625mm)	43.9
Very Fine Sand (0.0625 to 0.125mm)	27.8
Fine Sand (0.125 to 0.25mm)	20.1
Medium Sand (0.25 to 0.5mm)	7.5
Coarse Sand (0.5 to 1mm)	0.7
Very Coarse Sand (1 to 2mm)	0.0
Gravel (greater than 2mm)	0.0



Figure 8. Unvegetated soft bottom habitat ranged from barren sandy areas to areas with shell hash and debris.

Organisms that live in soft bottom habitat are referred to as infauna, while those organisms that live on soft bottom habitat are referred to as epifauna. The density (number of individuals per unit area) and species composition of these organisms are influenced by sediment grain size, amount of nutrients, water depth, pollutant levels in the sediments and overlying water, and time since the last disturbance by vessel activity and/or construction, and therefore can serve as an indicator of habitat quality. Several benthic fauna surveys have been conducted within Ballona Creek. Common infaunal organisms recorded in Ballona Creek during the Bight '08 Regional Survey included polychaete worms (*Capitella* sp., *Pseudopolydora* sp., *Polydora* spp., *Neanthes* sp.), amphipods (*Grandidierella* spp., *Mayerella acanthopoda*), and molluscs (*Saxidomus nuttalli*, *Mytilus* sp., Pectinidae, *Musculista senhousia*) (SCCWRP 2012). Benthic epifauna observed during the Bight '08 Regional Survey and other otter trawl sampling noted a variety of organisms including crabs, molluscs, and sea stars (Table 3; M&A 2009, SCCWRP 2011b).

Table 3. Benthic epifauna observed in study area.

Common Name	Scientific Name	Bight '08	M&A '09
Bivalve	<i>Chione</i> sp.		X
Blackspotted bay shrimp	<i>Crangon nigromaculata</i>	X	
Calico scallop	<i>Argopecten ventricosus</i>		X
California aglaja	<i>Navanax inermis</i>		X
California bubble	<i>Bulla gouldiana</i>		X
Crab	<i>Cancer</i> sp.		X
Hydroid	Hydrozoa	X	
Mediterranean mussel	<i>Mytilus galloprovincialis</i>		X
Northern kelp crab	<i>Pugettia producta</i>		X
Nudibranch	<i>Dendronotus frondosus</i>	X	
Shore crab	<i>Hemigrapsus oregonensis</i>		X
Slender crab	<i>Metacarcinus gracilis</i>	X	
Spider crab	<i>Pyromaia tuberculata</i>	X	X
Spiny sand star	<i>Astropecten armatus</i>	X	
Winged sea slug	<i>Gastropteron pacificum</i>		X

Several fish surveys have been conducted in the Ballona Creek estuary and include the Bight '08 Regional Survey, otter trawl sampling conducted by Merkel & Associates in 2009, and habitat mapping for this project which utilized ROV. The results are summarized in Table 4, and the more common fishes included Round Stingray (*Urobatis halleri*), Spotted Sand Bass (*Paralabrax maculatofasciatus*), Black Croaker (*Cheilotrema saturnum*), Specklefin Midshipman (*Porichthys myriaster*), gobies (Gobiidae), flatfishes (*Paralichthys californicus*, *Pleuronichthys guttulatus*, *Parophrys vetulus*, *Xystreurys liolepis*, *Citharichthys sordidus*, *Pleuronichthys ritteri*) (M&A 2009, SCCWRP 2011b). Although two individual southern California steelhead (*Oncorhynchus mykiss irideus*) were observed in Ballona Creek in 2008 (upstream of the Ballona Reserve), the creek and its tributaries are heavily urbanized and do not provide suitable foraging or spawning habitat (USACE 2017).

Subtidal Vegetated Habitat

Vegetated subtidal habitats are an essential component of southern California's coastal marine environment. Eelgrass (*Zostera marina*) beds function as important habitat for a variety of invertebrate, fish, and avian species. For many species, eelgrass beds are an essential biological habitat component for at least a portion of their life cycle, providing resting and feeding sites along the Pacific Flyway for avian species, and nursery sites for numerous species of fish. The survey of in-water habitats completed in April 2020 detected no eelgrass in the shallow waters of the study area.

Table 4. Fish species observed in study area.

Common Name	Scientific Name	Bight '08	M&A '09	M&A '20
Bay Pipefish	<i>Syngnathus leptorhynchus</i>		X	
Black Croaker	<i>Cheilotrema saturnum</i>		X	
California Halibut	<i>Paralichthys californicus</i>	X	X	
California Lizardfish	<i>Synodus lucioceps</i>	X		
CIQ goby	<i>Clevlandia/Ilypnus/Quietula</i> complex		X	
Diamond Turbot	<i>Pleuronichthys guttulatus</i>		X	
English Sole	<i>Parophrys vetulus</i>	X		
Fantail Sole	<i>Xystreureys liolepis</i>	X	X	
Hornyhead Turbot	<i>Pleuronichthys verticalis</i>	X	X	
Kelp Bass	<i>Paralabrax clathratus</i>			X
Pacific Sanddab	<i>Citharichthys sordidus</i>	X		
Queenfish	<i>Seriphus politus</i>		X	
Roughback Sculpin	<i>Chitonotus pugetensis</i>	X		
Round Stingray	<i>Urobatis halleri</i>		X	
Salema	<i>Xenistius californiensis</i>		X	
Sargo	<i>Anisotremus davidsonii</i>		X	
Shiner Surfperch	<i>Cymatogaster aggregata</i>		X	
Shovelnose Guitarfish	<i>Rhinobatos productus</i>		X	
Speckled Sanddab	<i>Citharichthys stigmaeus</i>	X		
Specklefin Midshipman	<i>Porichthys myriaster</i>	X		
Spotted Bay Bass	<i>Paralabrax maculatofasciatus</i>			X
Spotted Turbot	<i>Pleuronichthys ritteri</i>	X		
Staghorn Sculpin	<i>Leptocottus armatus</i>		X	
Striped Kelpfish	<i>Gibbonsia metzi</i>		X	
Topsmelt	<i>Atherinops affinis</i>		X	X
Yellowfin Croaker	<i>Umbrina roncadore</i>		X	
Zebra Perch	<i>Kyphosus azureus</i>			X

Note: Bight '08 sampling conducted with 25' otter trawl; M&A '09 sampling conducted with 10' otter trawl; M&A '20 sampling conducted with ROV

Open Water

Open water/water column habitat due to its three dimensional component, is the largest habitat type within the study area, and supports pelagic fishes and occasionally marine mammals. A common schooling species observed within the study area is Topsmelt (*Atherinops affinis*), and while not observed, other schooling species such as Northern Anchovy (*Engraulis mordax*) and Sardines (*Sardinops sagax*) may also occur in the area. The occurrence of these species in open water is important to several species of piscivorous birds including pelicans, terns, loons, grebes, cormorants, and mergansers. These fish also provide an important forage base for predatory fish species.

4.2 WETLANDS AND SENSITIVE HABITATS

Wetlands, as defined by the USACE, are not present within the study area. The nearest wetlands are located upstream of Ballona Creek, along the south side of the channel approximately 0.2 miles away from the study area.

Eelgrass is a rooted aquatic plant that inhabits shallow soft bottom habitats in quiet waters of bays and estuaries, as well as sheltered coastal areas. It can form dense beds that provide substrate, food, and shelter for a variety of marine organisms. Eelgrass is considered a Submerged Aquatic Vegetation (SAV), and a “special aquatic site” under the CWA. Pursuant to the MSA, eelgrass is designated as a Habitat Area of Particular Concern (HAPC) within EFH for various federally-managed fish species within the Pacific Coast Groundfish FMP (NMFS 2014a). As noted in the Subtidal Vegetated Habitat section, eelgrass was not detected within the study area in April 2020.

4.3 WILDLIFE CORRIDORS

Ballona Creek provides movement for marine fish species into and out of the study area, and occasionally marine mammals such as California sea lion (*Zalophus californianus*) and harbor seal (*Phoca vitulina richardsi*) have been observed in the Ballona Creek channel (USACE 2017). Several whale species migrate along the coast of California, including the California gray whale (*Eschrichtius robustus*). The peak northward migration of male gray whales occurs in mid-March, followed two months later by the second migration wave, which is composed of cows and calves. Whales typically do not occur in harbors like Marina del Rey or estuaries like Ballona Creek (USACE 2017). While mobile animals make use of the creek mouth, it is not considered a wildlife corridor (USACE 2017).

4.4 SENSITIVE WILDLIFE

Table 5 lists sensitive animal species with the potential and likelihood to occur within the study area. Only two species listed by USFWS and/or CDFW as federally or state endangered or threatened have the potential to occur within the study area: the federally endangered steelhead and federally threatened green sea turtle (*Chelonia mydas*). While two steelhead were observed upstream of the study area in Ballona Creek in 2008, the upstream habitat was considered low quality, providing limited foraging, spawning or rearing habitat (USACE 2017). Further, subsequent surveys have not detected steelhead within Ballona Creek (USACE 2017).

Green sea turtles are known to occur in the warm water discharge of a Long Beach power plant, but are rarely sighted in Santa Monica Bay. Due to lack of required water temperatures, food sources, and nesting habitat within Ballona Creek they are unlikely to regularly occur in the study area.

Finally, several species of marine mammals which are protected by the MMPA may occur in the study area (Table 5). California sea lion (*Zalophus californianus californianus*) and, to a lesser extent, Pacific harbor seal (*Phoca vitulina richardsi*) are the two most common species of marine mammals that occur within harbors and bays. California sea lion and Pacific harbor seal may occasionally be observed in the vicinity of the study area, but are not expected to utilize the area. Dolphins and whales are not anticipated to be present within the study area (USACE 2017).

Table 5. Sensitive species with potential to occur within the study area.

Common Name	Scientific Name	Status	Occurrence in Study Area
<u>Fish</u>			
Southern California Steelhead	<i>Oncorhynchus mykiss irideus</i>	FE; SSC; S1	Very Low Potential - Migrate into fresh water streams when sandbars breach during winter and spring rains. Occur in coastal streams with water temperatures < 15°C. Need cool, clear water with in-stream cover. Spawn in tributaries to large rivers or streams directly connected to the ocean. Spawning habitat consists of gravel substrates free of excessive silt. In 2008, observed in Ballona Creek approximately 2.5 miles upstream of the Marina Freeway overpass; however, focused aquatic surveys from 2009-2011 have not detected this species on the study area. No spawning habitat available in Ballona Creek (USACE 2017).
<u>Reptiles</u>			
Green Sea Turtle	<i>Chelonia mydas</i>	FT; S1	Very Low Potential - Inhabits coastal areas for benthic feeding and beaches for nesting. In the eastern North Pacific, green sea turtles have been sighted from Baja California to southern Alaska. While turtles commonly occur from San Diego southward, they have an established population at the San Gabriel River estuary and Los Cerritos Wetlands, 30 miles to the south. Rare sightings are reported in Ballona Creek (USACE 2017).
<u>Marine Mammals</u>			
Pacific Harbor Seal	<i>Phoca vitulina richardsi</i>	MMPA	Low Potential – Forages and loafs within the harbors and inshore waters of Santa Monica Bay.
California Sea Lion	<i>Zalophus californianus californianus</i>	MMPA	Moderate Potential – Forages and loafs within the harbors and inshore waters of Santa Monica Bay.
Coastal Bottlenose Dolphin	<i>Tursiops truncatus</i>	MMPA	Low Potential – Highly mobile within the inshore waters of Santa Monica Bay (Fandel et al. 2015).
California Gray Whale	<i>Eschrichtius robustus</i>	MMPA	Very Low Potential – Regular migrant in offshore waters, but uncommon in bay and nearshore waters.

Notes: FE – Federally Endangered; FT – Federally Threatened; MMPA – species protected by the Marine Mammal Protection Act; SSC – CDFW Species of Special Concern; S1 – Critically Imperiled - Critically imperiled in the state because of extreme rarity (often 5 or fewer populations) or because of some factor(s) such as very steep declines making it especially vulnerable to extirpation from the state.

5.0 IMPACT ANALYSIS

The study area is similar to other developed shallow embayments and estuaries located in coastal areas in the Southern California Bight with regard to distribution of habitats and biological features. This analysis focuses on stressors associated with the proposed project elements (i.e., upland construction, vessel operations, and shading) and their potential impact to biological resources including in-water habitat (i.e., intertidal/shallow subtidal riprap revetment, unvegetated subtidal habitat, open water), upland habitat, wildlife corridors, and sensitive species within the study area. As noted in the project description, no in-water construction (e.g., dredging, filling, pile driving) is proposed, and the potential stressors from the proposed project include:

- Mooring construction (in upland area)
- Barge placement
- Barge maintenance operations

Since it is anticipated that elements of the project will be phased, the impacts are analyzed by habitat type and based on the potential stressor.

Criteria for determining the significance of project-related impacts on biological resources are based on the resource's relative sensitivity and regional status, including the proportion of the resource that would be affected relative to its occurrence in the project region (Santa Monica Bay), the sensitivity of the resource to activities associated with the proposed project, and the duration or ecological ramifications associated with the effect. Per California Environmental Quality Act (CEQA) Guidelines, Section 15000 et seq., impacts are considered significant if they would results in:

- Degradation of critical habitat or reduction in the population size of a listed species (threatened or endangered);
- Degradation of rare or biologically valuable habitat;
- A measurable change in ecological function within the project vicinity;
- A measurable change in species composition or abundance beyond that of normal variability;
- A substantive loss of water surface area through fill or surface water coverage as a result of permanent structures such as docks, wharves, and permanently moored vessels. Small structures such as moorings, navigational aids, individual or widely spaced piles do not result in a substantive loss of water area; or
- An obstruction or alteration of circulation patterns that result in a discernable degradation of water mixing, circulation, or flushing to the extent that biota would be negatively affected in the system.

Impacts to habitats and wildlife can be measured as direct and/or indirect, as well as permanent or temporary. Direct impacts are those that have a direct impact on habitats or wildlife and occur contemporaneously with the action. Direct impacts of in-water construction to wildlife include immediate physical and physiological impacts such as abrupt changes in behavior, flight response, diving, evading, flushing, cessation of feeding, and physical impairment or mortality. Direct impacts to habitats can include damage from construction activities, as well as permanent habitat loss due

to project construction. In contrast, indirect impacts are effects that are caused by or will result from the proposed action at a later time, but are still reasonably certain to occur.

5.1 UPLAND AREA IMPACTS

The proposed project consists of construction of six concrete mooring/anchoring pads with each pad covering approximately 76 m² (820 ft²) for a total construction footprint of approximately 457 m² (4,920 ft²) on top of the existing rip rap revetment (Table 6 and Figure 9). The construction footprint consists of rip rap revetment with and without concrete fill and supports no special status wildlife or flora species or sensitive habitat. Therefore, temporary impacts on upland habitat are expected, but no significant impacts to biological resources on upland habitat are anticipated from the implementation of the proposed project.

Table 6. Impact summary for marine habitats.

Project Element	Category	Habitat Type	Nature of Impact	Area (m ²)	Area (ft ²)
Mooring Footprint	Upland Habitat	Man-Made Structure (Rip-Rap Revetment)	Construction/ Fill	457	4,920
Interceptor™ Tie Down	Marine Habitat	Unvegetated Soft Bottom	Shading	385	36
Interceptor™ Footprint	Marine Habitat	Unvegetated Soft Bottom	Surface Cover/ Shading	56	603

5.2 IN-WATER HABITAT IMPACTS

Intertidal/ Shallow Subtidal Riprap Revetment

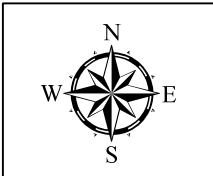
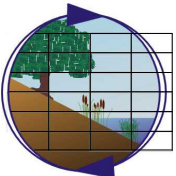
The mooring platforms placed on top of the rip rap revetment will be used to stabilize the Interceptor™ with chain (Figure 3). The chain is anticipated to run just below the waterline but would not rest on the seafloor, and the two upstream platforms would anchor the floating trash booms that would funnel waste to the Interceptor™ barge. The project will not directly impact the intertidal/shallow subtidal revetment, and therefore, no impacts on intertidal/shallow subtidal revetment habitat are expected, and no significant impacts to biological resources associated with intertidal/shallow subtidal revetment are anticipated from the implementation of the proposed project.

Intertidal and Subtidal Unvegetated Habitat

Barge placement and tie downs would have a direct impact to approximately 92 m² (989 ft²) of intertidal and subtidal unvegetated habitat including the associated benthic community due to shading (Table 6 and Figure 9). Since the barge is floating, there would be no direct loss or mortality of any benthic infauna and epifauna within the barge footprint, and since eelgrass is not present, no shading impacts to eelgrass would occur. The impact area is relatively small and there is considerable similar soft bottom habitat immediately adjacent to the project footprint, and therefore, impacts associated with barge placement are considered less than significant.

Legend

- Study Area
- Interceptor Tie Downs
- Interceptor Footprint
- Mooring Footprint
- Debris
- Revetment
- Sand

**Habitat Map Existing Conditions and Project Elements**

Ballona Creek Trash Interceptor Project
Marina del Rey, CA

Bathymetric Contours: 2009 US Army Corps of Engineers (USACE) Joint Airborne
Lidar Bathymetry Technical Center of Expertise (JALBTCX) Bathymetric Lidar: Southern California

Figure 9

In addition, the barge would result in a 56 m² (603 ft²) increase of surface area coverage; an increase in surface cover would decrease open water habitat (Table 6). This would decrease the foraging habitat available for piscivorous avian species, although given the relatively small areas affected, this increase in surface coverage would not be considered significant.

Subtidal Vegetated Habitat

No eelgrass vegetated habitat was detected in the study area and therefore, no impacts are expected.

Open water

Since no in-water construction activities are proposed, effects from construction such as temporary and localized increases in turbidity and sedimentation within the water column, or noise (enonification) which can result in temporary and or permanent impacts to organisms in the water are not expected. With respect to noise, the mouth of Ballona Creek is adjacent to the Marina del Rey Harbor and is exposed to regular traffic of large and small boating vessels. Therefore, some level of acclimation to noise exposure is expected. During construction, the Project would only require the use of some equipment (e.g. saws, generators, air compressors, pump, cement mixers) along the adjacent jetty, not within the Ballona Creek channel. Accordingly, given existing noise and vessel traffic disturbance, a short term installation period, minimal noise associated with the solar-powered operation of the water flow-through system the Project is not expected to create long-term noise disturbance or cause associated harm to organisms in the water column. And given the location of the project, it is anticipated that water velocities will be tidally and storm driven, and that the placement of the barge and barriers would not meaningfully alter water velocities, sedimentation rates, or circulation patterns in the study area. As noted above, the proposed project would temporarily result in an increase of approximately 56 m² (603 ft²) of surface area coverage (Table 6). This increase in surface coverage (or loss of open water habitat) is not expected to affect foraging by piscivorous avian species and is not considered significant.

5.3 IMPACTS TO WETLANDS AND SENSITIVE HABITATS

As described above, the nearest wetlands are located upstream of Ballona Creek, along the south side of the channel approximately 0.2 miles away from the study area. The proposed project would not alter water flow or water quality to marsh habitat, and is not anticipated to degrade marshlands in any way. Therefore no significant impacts to wetlands are anticipated to occur.

Eelgrass beds are considered to be a sensitive habitat and “special aquatic site” under the CWA and are designated as EFH, and as noted in the Subtidal Vegetated Habitat section, no eelgrass was present within the study area and therefore, no impacts to eelgrass habitat are anticipated to occur.

5.4 IMPACTS TO ESSENTIAL FISH HABITAT

As part of the EFH consultation process, the guidelines require Federal action agencies to prepare a written EFH Assessment describing the effects of that action on EFH (50 CFR 600.920(e)(1)). The EFH Assessment is a necessary component for efficient and effective consultations between a federal action agency and NMFS. In the case of the project, work proposed would require

permitting under Section 10 of the RHA. For this permit action, the USACE is the lead federal action agency. An EFH Assessment for the proposed project is provided in a separate document.

5.5 IMPACTS TO WILDLIFE CORRIDORS

As described above, the study area does not provide any specific wildlife movement corridors, and no marine mammal, reptile, or fish migratory corridors occur within it. Consequently, impacts of the proposed project on wildlife corridors, movement of resident and migratory species, and usage of nursery sites are considered to be less than significant.

5.6 IMPACTS TO SENSITIVE WILDLIFE

Table 5 provides a summary of sensitive animal species that have potential to occur within the study area. The following text expands on the likelihood of occurrence for these species, and describes potential impacts to sensitive species that may result from project implementation.

Fish

Although two southern California steelhead were observed in Ballona Creek in 2008, this species is expected to have a less than reasonable likelihood of occurring due to the lack of suitable conditions, the species not being detected during recent surveys, and the study area being outside their known range, and therefore no impacts to steelhead are expected from the proposed project.

Reptiles

Environmental threats to sea turtle populations include contamination from coastal runoff, plastic and other debris, fueling facilities, marina and dock construction, dredging, aquaculture, oil and gas exploration and extraction, and increased underwater noise and boat traffic that can degrade marine habitats used by marine sea turtles. As described in Section 5.2 above, the mouth of Ballona Creek is adjacent to the Marina del Rey Harbor and is exposed to regular traffic of large and small boating vessels. Therefore, some level of acclimation to noise exposure is expected for local species. Sea turtles swimming or feeding at or just beneath the surface of the water are particularly vulnerable to boat and vessel strikes, which can result in serious propeller injuries and death. Potential impacts to green sea turtle from the proposed project are primarily related to construction activities associated with barge placement and vessel traffic. Protective measures included in the project to minimize impacts to sea turtles include maintenance of no wake boat speeds within and adjacent to the study area. With protective measures incorporated, impacts to sea turtles are considered to be less than significant.

Marine Mammals

Harbor seals and California sea lions are commonly observed in Santa Monica Bay. There are no established haul-out, foraging, or breeding areas used by these or other marine mammals within the study area or vicinity, although they may make occasional transient use of the area. No in-water construction is anticipated, but vessel traffic will occur during barge placement and maintenance, and any marine mammals would be expected to leave the site for adjacent waters if disturbed by project activities. However, the MMPA prohibits “take” of marine mammals. The definition of “take” under the MMPA, like that of the ESA, includes “harassment”. For this reason, a potentially significant impact to marine mammals could occur if animals are disturbed during project activities, even if they are not harmed by the activities.

Similar to sea turtles, potential impacts to marine mammals from the proposed project are primarily related to project activities associated with vessel traffic. Marine mammals could be struck by boats or boat motors at the study area. In addition, boat noise generated during the installation period and operational activities, as well as, noise associated with the solar-powered operation of the water flow-through system are not expected to impact marine mammals or sea turtles. However, protective measures included in the project to minimize impacts to marine mammals include maintenance of no wake boat speeds within and adjacent to the study area. With protective measures incorporated, impacts to marine mammals are considered to be less than significant.

5.7 CUMULATIVE IMPACTS

Cumulative effects are defined by CEQA as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” Cumulative impacts can be derived from a single project or a number of separate projects, and is further defined as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.”

Based on the definitions provided under CEQA, the following analysis assumes that a significant adverse cumulative biological resources impact would occur where the construction or operation of the cumulative projects would encroach into areas containing sensitive biological resources, affect the movement of wildlife species, result in loss or fragmentation of sensitive habitats, or affect the functionality of a planned conservation area. As discussed above, no significant impacts to sensitive habitats or biological resource from the proposed project are anticipated, and any potential impacts to sensitive animals are reduced to less than significant by incorporation of protective measures during construction.

6.0 MITIGATION AND PROTECTIVE MEASURES

6.1 MARINE RESOURCE MITIGATION

Intertidal/ Shallow Subtidal Riprap Revetment

Based on current project design, no mitigation would be required for intertidal/shallow subtidal rip rap revetment habitat since no in-water construction is proposed.

Intertidal and Subtidal Unvegetated Habitat

Based on current project design, no mitigation would be required for intertidal/shallow subtidal unvegetated habitat since no in-water construction is proposed.

Subtidal Vegetated Communities

Based on current project design, no mitigation would be required for eelgrass since no eelgrass is present within the study area.

Surface Coverage

Based on current project design, no mitigation would be required for surface coverage since the project would result in a temporary small increase in surface coverage of approximately 56 m² (603 ft²).

Open Water

Based on current project design, no mitigation would be required for open water habitat since no in-water construction is proposed.

6.2 SENSITIVE SPECIES MITIGATION

Reptiles

To mitigate potential impacts to eastern Pacific green sea turtles to a less than significant level, the following measures are recommended.

- 1) Construction and operational vessel traffic shall not exceed existing designated speed for the marina.

Mammals

To mitigate potential impacts to marine mammals to a less than significant level, the following construction measures are recommended.

- 1) Construction and operational vessel traffic shall not exceed existing designated speed for the marina.

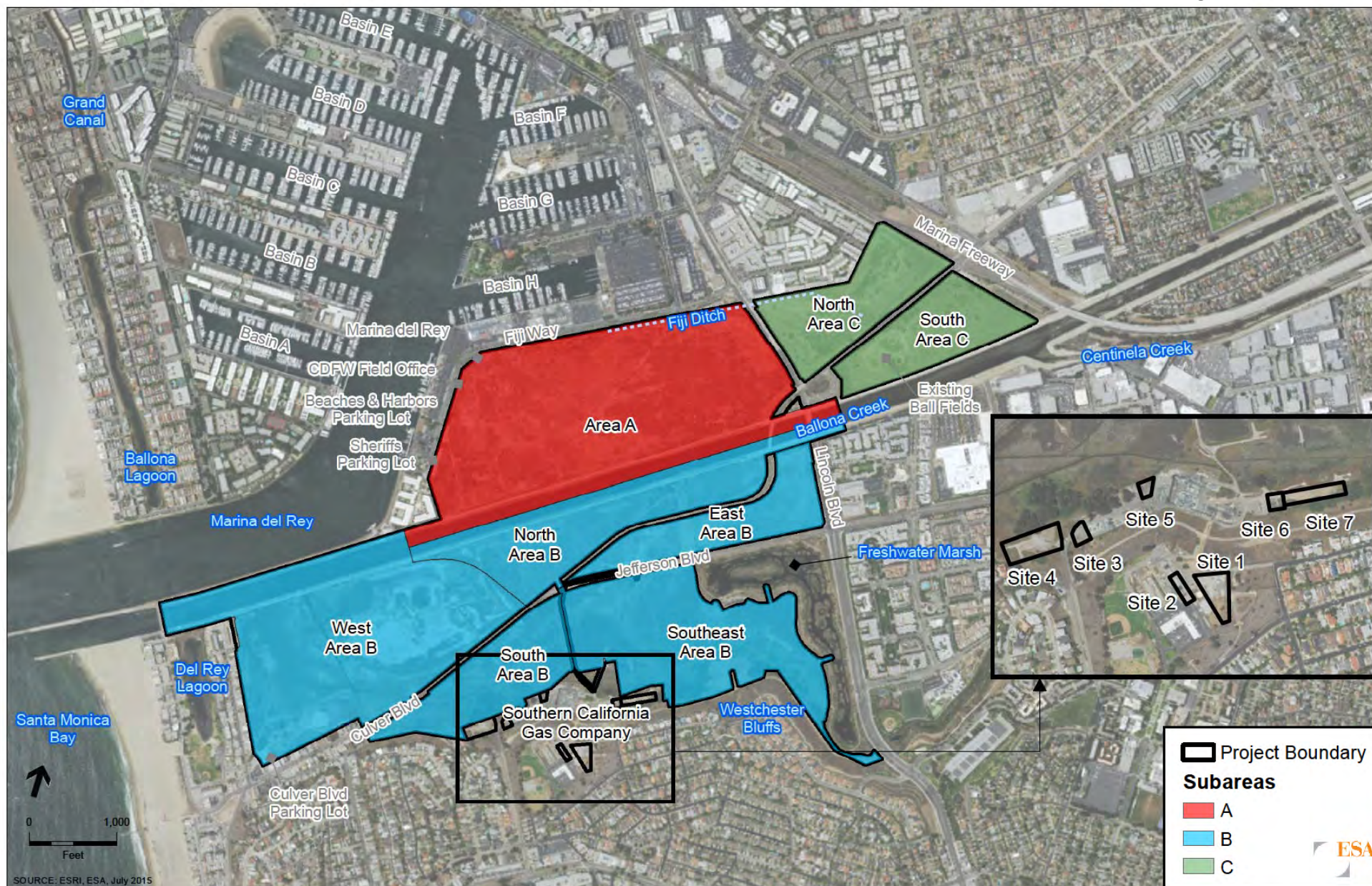
7.0 CONCLUSIONS

The proposed project would be expected to result in limited impacts to in-water biota and habitats found in the study area. Construction is limited to upland construction in an urbanized area, with no in-water construction proposed, although it is anticipated that tug boats would be used for barge placement and maintenance, including the installation of mooring chain which is anticipated to run just below the waterline but not along the seafloor. Any impact associated with barge placement is anticipated to be of a short-term, temporary nature and is not expected to have permanent or population-level impact to sensitive habitat or species, EFH, or managed fish species. One potential impact may occur to marine reptiles (e.g., sea turtles) and marine mammals (e.g., California sea lion and harbor seal) which could be struck by boats or boat motors at the study area. Any disturbance to sea turtles or marine mammals is considered harassment and would be significant. While it is unlikely that sea turtles or marine mammals would occur in the study area, incorporation of the protection measures listed above would reduce any impacts to less than significant. No significant impacts to wetlands, upland habitat, wildlife migration or corridors are anticipated. Cumulative impacts are considered to be less than significant.

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Appendix D BALLONA WETLANDS ECOLOGICAL RESERVE MAP AND BOUNDARIES



**Ballona Wetlands
Restoration Project**

Figure ES-2
Project Site



**Ballona Creek Trash Interceptor™ Pilot
Project**

Essential Fish Habitat Assessment

October 21, 2020

Prepared for:

The Ocean Cleanup
Batavierenstraat 15
4-7th Floor
3014 JH Rotterdam
The Netherlands

Prepared by:

Stantec Consulting Services Inc.
290 Conejo Ridge Avenue
Thousand Oaks, California 91361

BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Essential Fish Habitat Assessment

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Prepared by Priya Pratap
(signature)
Priya Pratap, Project Biologist

Reviewed by by J. Varonin
(signature)
Jared Varonin, Principal Biologist/ Ecosystems Practice Leader

Approved by by Michael P. Weber
(signature)
Michael Weber, Senior Principal Scientist



BALLONA CREEK TRASH INTERCEPTORTM PILOT PROJECT
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BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Essential Fish Habitat Assessment

Acronyms and Abbreviations

°F	degree Fahrenheit
BMPs	Best Management Practices
DPS	distinct population segment
EFH	Essential Fish Habitat
EFHA	Essential Fish Habitat Assessment
ESA	Endangered Species Act
ESU	evolutionarily significant unit
FMP	fishery management plan
FR	Federal Register
Highway 70	California State Highway 70
MSA	Magnuson-Stevens Fishery Conservation and Management Act
NMFS	National Marine Fisheries Service
PBFs	physical and biological features
PFMC	Pacific Fishery Management Council
Project	Ballona Creek Trash Interceptor™ Pilot Project
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey



BALLONA CREEK TRASH INTERCEPTORTM PILOT PROJECT
Essential Fish Habitat Assessment

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BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT

Essential Fish Habitat Assessment

1.0 Introduction

1.0 INTRODUCTION

This Essential Fish Habitat Assessment (EFHA) was prepared in accordance with legal requirements set forth in Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996 (Publ. L. 104-267), 16 U.S.C. § 1855(b)(2). The purpose of this EFHA is to evaluate the potential effects to essential fish habitat (EFH) that could result from installing the proposed Los Angeles County Public Works (Public Works) Ballona Creek Trash Interceptor™ Pilot Project (Project) in Ballona Creek, an urban river located in Los Angeles County, California. Federally listed anadromous fish species are discussed in this EFHA to facilitate ESA Section 7 consultation with the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS or NOAA Fisheries). All other federally listed species are discussed in a separate Biological Assessment. EFH is defined in the MSA as “...those waters and substrate necessary for fish spawning, breeding, feeding, or growth to maturity” and may include migratory routes, open waters, wetlands, estuarine habitats, artificial reefs, shipwrecks, mangroves, mussel beds, and coral reefs (16 U.S.C. § 1802). The MSA applies to federal actions, including permitting actions, that potentially interfere with any species managed under a federal fishery management plan (FMP), including the proposed action area because there is groundfish EFH within Ballona Creek. This EFHA has been developed to support the federal Rivers and Harbors Act (RHA) permit applications (so-called “Section 10” and “Section 408” permits) for proposed Project work conducted in, on, or over traditionally navigable waterways and across federal flood control facilities (e.g., jetties). The RHA permit applications will be submitted by Public Works to the U.S. Army Corps of Engineers (USACE). USACE is expected to consult with NMFS regarding potential impacts on EFH under the MSA.

1.1 PROJECT PURPOSE AND GOAL

On behalf of the Los Angeles County Flood Control District (Flood Control District), Los Angeles County Public Works (Public Works) is collaborating with The Ocean Cleanup, a Dutch non-profit organization, on this pilot Project to deploy a floating, automated trash Interceptor™ system (the Interceptor™) near the mouth of Ballona Creek where it enters the Pacific Ocean. The Project would entail installation of the Interceptor™ in Ballona Creek, directly south and east of the Marina Del Rey harbor entrance and breakwater along the Pacific Ocean shoreline. Construction and installation of the Project would occur over approximately a six-month period.

The purpose of the Project is to test the efficiency of The Ocean Cleanup’s Interceptor™ in capturing and collecting floating trash and debris in Ballona Creek. The Project’s goal is to capture and collect trash coming down the creek to prevent it from entering and polluting the ocean and thus, protect the environment.

The floating Interceptor™ would be a single vessel moored in Ballona Creek through attachment to six moorings—four of which anchor the vessel itself and two of which anchor two in-water floating trash booms—that would be installed above the ordinary high-water mark of Ballona Creek along two existing adjacent jetties. The placement of floating trash booms (also called “barriers”) and the downstream



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current will cause trash drifting down Ballona Creek to be funneled into the Interceptor™. The floating debris will converge on the Interceptor™ mechanical conveyor belt, which automatically feeds the trash into a floating receptacle, thus preventing the refuse from reaching the Pacific Ocean. The Interceptor™ is expected to be deployed and in operation for up to 24 months, to encompass two storm seasons (October 15 to April 15).

1.2 PROJECT LOCATION/AREA

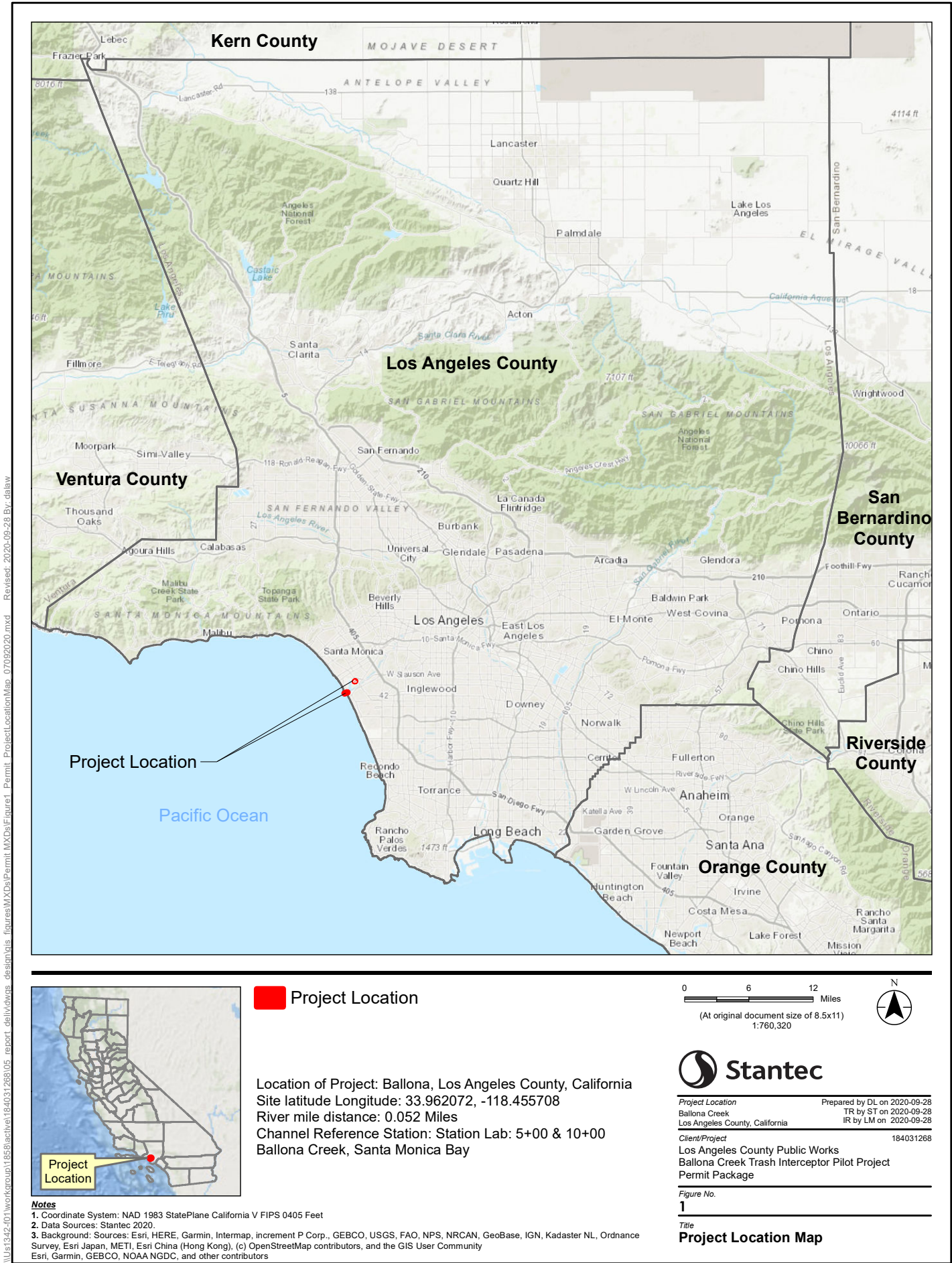
The Project is located in the City of Los Angeles, California, between the communities of Marina del Rey and Playa del Rey, approximately 1.5 miles west of CA-1 and 0.5 mile east of Santa Monica Bay. Figure 1, Project Location Map, shows the general location of the Project. Figure 2, Action Area and Project Design, depicts the limits of Project construction. Construction plans are provided in Appendix B, a photographic log is provided in Appendix C which depicts representative environmental conditions within the Project area, and spec sheets are provided in Appendix D. Specifically, the Project is located within an approximately 4.96-acre channelized portion of Ballona Creek, immediately southwest of the Ballona Creek-Pacific Avenue Bridge. There are two levee systems, Ballona Creek 1 Levee System (hereafter referred to as the Ballona Creek North Jetty) and Ballona Creek 3 Levee System (hereafter referred to as the Ballona Creek South Jetty) that will be used for this Project.

The Project site is currently zoned as Open Space (OS-1XL), with a corresponding Open Space general plan land use designation by the City of Los Angeles. As Ballona Creek is an urban, soft bottom flood control channel within the Project site, the Project site is considered urbanized. The Project site is characterized by the wide, concrete embankment of Ballona Creek channel trending from east-northeast (upstream) toward the west-southwest (downstream). Ballona Creek channel includes riprap which is a combination of broken concrete blocks and rock. The Ballona Creek North Jetty is topped by a publicly accessible sidewalk and beacon light for boats coming back to the harbor. There are also two (2) viewing decks with concrete benches and guardrail on top of the North Jetty. The Ballona Creek South Jetty is supported by a shorter jetty on the opposite side which is covered with a jagged rock outcrop.

The area surrounding the Project site is predominantly Medium Residential (to the south) and Open Space (to the north). Nearby uses include the Laguna Del Rey multi-family residential complex, Del Rey Lagoon (a lagoon and recreational space), the Ballona Wetlands Ecological Reserve (BWER), University of California Los Angeles Marina Aquatic Center, the Pacific Avenue Bridge, Dockweiler Beach (recreational and public use), and the entrance to the Marina del Rey Harbor. The proposed Project would not be located within the BWER, which is approximately 0.22 mile to the northeast.

The boundary of the proposed Project area was determined from an understanding of proposed Project activities, site geography, topography, hydrology, and an understanding of the distribution, habitat requirements, phenology and vulnerability of EFH potentially occurring in the proposed Project area.







 Action Area (102.00 Acres)

Existing Bikeways

Project Footprint

Interceptor/ Mooring Chains/ Trash Boom Footprint [0.023 Acres]

Mooring Footprint [0.113 Acres]

Interceptor Assembly Area [0.62 Acres]

Mooring Construction Staging Areas [0.38 Acres]

Trash Boom

Mooring Line

Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet

2. Interceptor Centroid Coordinates: 33.962071, -118.455715

3. Data Sources: Stantec 2020.

4. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

0 1,000 2,000 Feet
(At original document size of 8.5x11)
1:24,000



Project Location Prepared by DL on 2020-09-23
Ballona Creek TR by ST on 2020-09-23
Los Angeles County, California IR by CF on 2020-09-23

Client/Project 184031268
Los Angeles County Public Works

Ballona Creek Trash Interceptor Pilot Project
Biological Assessment

Figure No.

2

Title

Action Area and Project Design

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1.3 PROJECT CONSTRUCTION ACTIVITIES

Construction of the Interceptor™ and trash boom moorings would require a small crew size. No excavation activities within Ballona Creek channel is planned for the Project; however, some excavation would be required on top of the existing jetties to expose clean stone to install the moorings. The moorings would be 12 feet wide by 18 feet 4 inches long by 2 to 3 feet deep, with 1 foot of depth being notched into the jetty. Approximately 0.113 acre of developed land would be disturbed or developed as part of the Project. Some stockpiles would be placed onsite temporarily during excavation and they would be covered with tarps and/or watered to prevent dust, as required. Some equipment (e.g., saws, generators, air compressors, pump, cement mixer) would be required to install the moorings.

The Project would involve minimal vehicle trips including material import/export as well as haul trucks required for construction.

1.4 PROJECT OPERATION AND MAINTENANCE

The Interceptor™ would be positioned within Ballona Creek for the duration of the pilot project. The Interceptor™ is proposed to be operated for a minimum of two years while the Flood Control District and The Ocean Cleanup monitor the effectiveness of the Interceptor™. The effectiveness of the Interceptor™ would be remotely monitored by the Flood Control District and The Ocean Cleanup through monitoring equipment clamped to the Pacific Avenue bridge and digital reports from the Interceptor™ itself. Maintenance is expected to include routine mooring, Interceptor™, trash boom, and monitoring equipment inspections and servicing of mechanical equipment. After the pilot project period, should there be an opportunity to keep the Interceptor™ in place, Public Works will explore future necessary approvals.

1.5 PROJECT SCHEDULE

Construction of the Project is pending approval of all applicable permits and is anticipated to be completed within approximately six months.

1.6 REGULATORY CONTEXT

1.6.1 Federal Endangered Species Act

The federal Endangered Species Act (ESA) protects federally listed threatened and endangered species. Section 7 of the ESA, 16 U.S.C. § 1536(a)(2), requires each federal agency undertaking a federal action to consult with NMFS or the U.S. Fish & Wildlife Service (USFWS), as appropriate, to ensure that any such action is not likely to jeopardize the continued existence of any listed endangered or threatened species or result in destruction or adverse modification of designated critical habitat. In fulfilling these requirements, a federal agency shall use the best scientific and commercial data available. Section 9 of the ESA, 16 U.S.C. § 1538(a), prohibits acts of disturbance that result in the "take" of threatened or endangered species. Take is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." 16 U.S.C. § 1532(19). Under federal regulations, the term "harass" includes intentional or negligent acts or omissions that creates the likelihood of injury to



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wildlife; the term “harm” includes any act which actually kills or injures individuals of the listed species. 50 C.F.R. § 17.3. Such an act may include significant habitat modification or degradation when it actually kills or injures individuals of the listed species by significantly impairing essential behavioral patterns, including breeding, feeding, sheltering, or migrating. The Project is not anticipated to cause adverse direct or indirect effects on any of the potentially regionally occurring federally listed species or critical habitat as documented in the Biological Resources Technical Report (Appendix A).

1.6.2 Magnuson-Stevens Fishery Conservation and Management Act

The MSA establishes procedures designed to identify, conserve, and enhance EFH for those species regulated under a federal FMP. EFH is defined by regulation to refer to “those waters and substrates necessary for the spawning, breeding, feeding, or growth to maturity.” 50 C.F.R. § 600.10. “Waters” include aquatic areas and their associated physical, chemical, and biological properties that are used by fish and may include aquatic areas historically used by fish where appropriate; “substrate” includes sediment, hard bottom, structures underlying the waters, and associated biological communities; “necessary” means the habitat required to support a sustainable fishery and the managed species’ contribution to a healthy ecosystem; and “spawning, breeding, feeding, or growth to maturity” covers a species’ full life cycle. As noted in Section 1.0, the MSA requires federal agencies to consult with NMFS on all actions, or proposed actions, authorized, funded, or undertaken by the agency, that “may adversely affect” EFH. “Adverse effect” means any impact that reduces the quality and/or quantity of EFH and may include direct, indirect, site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions. A component of this consultation process is the preparation and submittal of an EFHA to assist the federal action agency, here USACE, with the consultation process. In instances where MSA and ESA issues overlap, NMFS encourages an integrated approach for consultation.

1.6.3 Federal Rivers and Harbors Act

Section 14 of the RHA, codified at 33 U.S.C. § 408 (often referred to as “Section 408”), requires that any proposed occupation or use of an existing USACE civil works project be authorized by the Secretary of the Army. An alteration refers to any action by any entity other than the Corps that builds upon, alters, improves, moves, occupies, or otherwise affects the usefulness, or the structural or ecological integrity of a USACE project. USACE may grant such permission if it determines the alteration proposed will not be injurious to the public interest and will not impair the usefulness of the civil works project. This means USACE has the authority to review, evaluate, and approve all alterations to federally-authorized civil works projects to make sure they are not harmful to the public and still meet the project’s intended purposes mandated by congressional authorization.

Section 10 of the RHA is required for work conducted in, on, or over traditionally navigable waterways. A Section 10 permit is also required for the excavation and dredging or deposition of material, as well as any obstruction or alteration of a navigable water. Work outside the limits of navigable waters may require a Section 10 permit if the structure or work affects the course, location, condition, or capacity of the water body. Navigable waters of the U.S. are those subject to the ebb and flow of the tide shoreward to the mean high-water mark and are used, or have been used in the past, to transport interstate or foreign



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commerce. 33 C.F.R. § 329.4. This includes coastal and inland waters, lakes, rivers and streams that are navigable, and the territorial seas.



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2.0 Environmental Baseline

2.0 ENVIRONMENTAL BASELINE

2.1 PHYSICAL AND HABITAT CONDITIONS

The Project area is characterized by Ballona Creek which is a trapezoidal concrete channel confined by levees on both sides. Downstream of the confluence with Centinela Creek, the trapezoidal channel has a sediment, or “soft,” bottom with concrete side slopes until it reaches near Culver Boulevard. Downstream of Culver Boulevard, the trapezoidal channel continues to have a sediment bottom with embankments that are made of riprap with a grouted cap. Ballona Creek, specifically the reach between Vista del Mar to the Pacific Ocean, was constructed between 1938 and 1939 by the USACE as a flood risk management channel. It flows through the Ballona Wetlands Ecological Reserve (“BWER”), which is located on the coastal plain of the Los Angeles Basin at an elevation of approximately 5 and 28 feet. This basin is dominated by northwest-trending strike-slip faults including the Whittier, Newport-Inglewood, and Palos Verdes Faults. Specifically, within the Los Angeles Basin, the BWER is in a small valley referred to as the Ballona Gap. The Ballona Gap was formed by erosion, repeated sea level fluctuations, and river channel migration. The Los Angeles River flowed through this area, prior to 1825, depositing fluvial sediments (Bilodeau et al. 2007). After a major flood event in 1825, the Los Angeles River shifted southward. The channelized Ballona Creek now follows the former westward river course through the Ballona Gap and the BWER to the Santa Monica Bay.

Los Angeles area includes a Mediterranean climate consisting of mild rainy winters and warm dry summers with inland slopes and basins that have more extreme temperatures and less precipitation (LARWQCB 1994). Prevailing winds from the west and northwest carry moist air from the Pacific Ocean up to 35 miles inland to the San Gabriel Mountains, located northeast of the proposed Project area.

Habitat types of the proposed Project area include aquatic and mudflat habitats, tidal salt marsh, non-tidal wetland, unvegetated salt pan, and brackish marsh habitat; however, there is a lack of such habitats within the proposed Project footprint, with the exception of aquatic habitat (ESA 2017). Stantec and its subcontractor, Merkel and Associates, conducted biological and marine surveys in February, March, and April of 2020 to determine the presence of biological resources in both the terrestrial and aquatic environments within and adjacent to the proposed Project footprint. According to the marine resources survey conducted April 2020, the following marine habitats were present within the survey area: shallow subtidal unvegetated soft bottom habitat consisting of sand, mud, and silt with accumulated shell hash and debris; intertidal riprap revetment and bare rock with algae, barnacles, limpets, and snails; open water/water column habitat; and upland riprap revetment area (Appendix B – Marine Biological Technical Report). Sensitive marine habitats, such as eelgrass and kelp beds, were not observed within the survey area.

2.2 HYDROLOGY

The Ballona Creek watershed is located in Los Angeles County and covers an area of approximately 130 square miles and is located within the Los Angeles Basin. The nine-mile-long waterway flows through the City of Los Angeles, Culver City, and unincorporated Los Angeles County before emptying into the Santa



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2.0 Environmental Baseline

Monica Bay between Marina del Rey and Playa del Rey. The principal tributaries are the Benedict Canyon Channel, Sepulveda Channel (also known as Sawtelle-Westwood Channel), and Centinela Creek Channel. Urbanized portions of the watershed drain to Ballona Creek and its tributaries through streets and storm drains (Corps 2010b). Approximately 20% of the watershed upstream from the proposed Project area is undeveloped foothill canyon area and 80% highly urbanized coastal plain, including the densely developed communities of Beverly Hills, Culver City, Hollywood, and a portion of the City of Los Angeles (ESA 2017).

Upstream of the confluence with Centinela Creek, Ballona Creek is a trapezoidal concrete channel confined by levees on both sides. Downstream of the confluence with Centinela Creek, the trapezoidal channel has a sediment, or “soft,” bottom with concrete side slopes until it reaches near Culver Boulevard. Downstream of Culver Boulevard, the trapezoidal channel continues to have a sediment bottom with embankments that are made of riprap with a grouted cap. Ballona Creek is connected to the BWER through two self-regulated tide (SRT) gates, which limit the high tide levels in the wetland area (that is, they “mute” the tides) (U.S. Environmental Protection Agency 2019).

The mouth of the Ballona Creek empties into the Santa Monica Bay south of Marina del Rey and Venice Beach, and north of Dockweiler Beach. An existing breakwater limits ocean waves from entering both the Marina del Rey entrance and the mouth of Ballona Creek. Ballona Creek parallels the entrance channel to Marina del Rey. Dredging activities in the marina entrance affect the coastal processes near the mouth of Ballona Creek by creating a hole in which sand can be trapped.

2.3 CONDITIONS OF CONCERN IN PROJECT AREA

The Ballona Creek Estuary was listed under Section 303(d) of the federal Clean Water Act as an impaired water body for various constituents, including but not limited to: Cadmium, DDT, Zinc, Chlordane, Coliform Bacteria, and Lead (SWRCB 2010). Total Maximum Daily Load (TMDLs) were established to address bacteria, metals, sediment, and trash in Ballona Creek. The USEPA has determined that all wetland habitats within the BWER (including Ballona Creek) are impaired and regarded as “among the most degraded wetlands in California” (USEPA 2012 and Johnston et al. 2015a). The proposed Project area is not designated as a major wildlife movement corridor as identified by the Los Angeles County Department of Regional Planning (2004) or South Coast Wildlands (2008). However, the proposed Project area is identified as groundfish EFH (NMFS 2016).



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3.0 Species of Interest

3.0 SPECIES OF INTEREST

3.1 ESSENTIAL FISH HABITAT AND SPECIES

The proposed action area is within a Habitat Area of Particular Concern (HAPC), specifically, an estuary under the Pacific Coast Groundfish FMP in this case (NMFS 2020). A HAPC is a subset of EFH; a HAPC designation under the MSA does not confer additional protections or restrictions upon an area beyond EFH status, but such a designation helps to prioritize and focus research and conservation efforts. In Santa Monica Bay, estuarine habitats are present in Marina del Rey, Ballona Creek, and BWER. An estuary is defined as a “small semi-enclosed coastal body of water with a free connection with the open sea within which seawater is measurably diluted by freshwater from land and drainage,” and the dilution of sea water must occur for at least one month of the year to be estuarine (Robbins 2006). This habitat type generally supports EFH and other sensitive species of wildlife. Ballona Creek provides a channel of movement for marine fish species into and out of the proposed Project site, and occasionally supports the limited movement of marine mammals.

Additionally, based on the National Marine Fisheries Service (NMFS) Essential Fish Habitat Mapper tool, no EFH areas protected from fishing were identified at the proposed Project location (NMFS 2020).

3.1.1 Pacific Coastal Pelagic Species

Pacific coastal pelagic EFH species managed by the Pacific Fishery Management Council (PFMC) and known to occur within the general Project area include finfish such as jack mackerel, Pacific (chub) mackerel, Pacific sardine, and northern anchovy (central and northern subpopulation) (NMFS 2020). Coastal pelagic species inhabit the water column from nearshore to open water. Three coastal pelagic species—northern anchovy, Pacific sardine, and Pacific mackerel—have the potential to occur within the general Project area and adjacent aquatic habitats. Their occurrences within the general Project area, should they occur, would be concentrated in the estuarine to marine habitats from Ballona Creek and the BWER to its outlet towards Santa Monica Bay.] Northern anchovy often school near the surface over soft bottoms and sandy beaches, especially in bays and estuaries. Adult Pacific sardines and Pacific mackerel typically reside in midwater, but juvenile mackerel are found along sandy beaches in bays and estuaries (MBC 1994).

3.1.2 Pacific Highly Migratory Species

Pacific highly migratory species managed by the PFMC known to occur within Santa Monica Bay include bigeye thresher shark, bluefin tuna, dolphinfish, pelagic thresher shark, and swordfish; however, these pelagic species typically are present in or around the deeper, open waters of Santa Monica Bay and not in the coastal estuarine habitats proximate to the general Project area (PFMC 2018). Therefore, it is unlikely for these fish species to occur near the Interceptor.



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3.0 Species of Interest

3.1.3 Pacific Coast Groundfish Species

Pacific coast groundfish EFH species managed by the PFMC include over 90 species that typically live on or near the bottom of the ocean. The groundfish assemblage offshore of California is diverse and includes rockfish, flatfish, groundfish, sharks, skates, ratfish, scorpionfish, and other species. The overall EFH for adult, juvenile, egg, and larval groundfish is designated as the water column and all bottom habitat extending from the shoreline, meaning the mean high water level (MHWL) or the upriver extent of saltwater intrusion to a depth of 3,500 meters, encompassing the steep drop-offs and high relief habitats that are important for bottom fish. Groundfish occur primarily in higher salinity areas. Species abundance and diversity declines on an upstream, landward gradient as salinity levels decline down the gradient to measure less than 0.5 parts per thousand, restricting the upstream distribution of most Pacific coast groundfish (PFMC 2019).

The EFH species known to occur within the general proposed Project area are listed in Table 1 below.

Table 1: EFH Fish Species Documented Within the General Proposed Project Area

Common Name	Species Name	Habitat Comments
PACIFIC COASTAL PELAGIC SPECIES		
jack mackerel	<i>Trachurus symmetricus</i>	Juvenile jack mackerel school over shallow and deep rocky reefs, in kelp beds, and along rocky shorelines. Adults remain offshore.
northern anchovy (northern and central subpopulation)	<i>Engraulis mordax</i>	Northern anchovy school near the surface, over soft bottoms, along open coast sandy beaches, over shallow rocky reefs, and in bays and estuaries. Northern anchovy eats phytoplankton and zooplankton. Anchovy spawn during every month of the year, but spawning increases in late winter and early spring and peaks from February to April. Both eggs and larvae are found near the surface.
Pacific sardine	<i>Sardinops sagax</i>	Pacific sardines school midwater.
Pacific (chub) mackerel	<i>Scomber japonicus</i>	Pacific mackerel migrate inshore from July to November. Adults reside mid-water, while juveniles reside along open coast sandy beaches, in kelp beds, and in bays and estuaries.
PACIFIC HIGHLY MIGRATORY SPECIES		
bigeye thresher shark	<i>Alopias superciliosus</i>	Coastal and oceanic waters in epi- and mesopelagic zones.
bluefin tuna	<i>Thunnus thynnus</i>	Oceanic, epipelagic waters. No regular habitat within the U.S. West Coast, although large fish are occasionally caught in the vicinity of the Channel Islands off Southern California and rarely off the central California coast.
dolphinfish	<i>Coryphaena hippurus</i>	Epipelagic (30 meters deep) and predominantly oceanic waters offshore. Adult common dolphinfish are reportedly mainly piscivorous, with flying fish being the most important in volume and occurrence.
pelagic thresher shark	<i>Alopias pelagicus</i>	Epipelagic and predominantly oceanic waters along coastal California. Known to feed primarily on northern anchovy, Pacific hake, Pacific mackerel and sardine, and invertebrates; and secondarily on a variety of other fishes, squid and pelagic red crab (warm water years).



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3.0 Species of Interest

Common Name	Species Name	Habitat Comments
swordfish	<i>Xiphias gladius</i>	Oceanic, epipelagic, and mesopelagic waters. In southern California, swordfish of unspecified size are reported to feed on Pacific hake, northern anchovy, squid, Pacific hake, jack mackerel, and shortbelly rockfish;
PACIFIC GROUND FISH SPECIES		
big skate	<i>Raja binoculata</i>	Commonly found in soft bottom habitats.
black rockfish	<i>Sebastes melanops</i>	Along breakwater, near deep piers and pilings. Associated with kelp, eelgrass, high relief reefs.
blue rockfish	<i>Sebastes mystinus</i>	Blue rockfish release their pelagic larvae between October and March.
bocaccio	<i>Sebastes paucipinis</i>	Juvenile bocaccio reside in shallow waters over soft-bottom near piers and adult bocaccio reside in the water column over hard-bottom and soft-bottom. Bocaccio feed in the offshore pelagic realm. Bocaccio release their larvae between October and July and the larvae remain in bays within 100 ft.
brown rockfish	<i>Sebastes auriculatus</i>	Brown rockfish reside in shallow waters and bays of estuaries in association with soft bottoms, sandrock interfaces, and rocky bottoms of artificial reefs at depths less than 54 meters. Brown rockfish commonly forage in eelgrass and release their pelagic larvae between January and August.
cabezon	<i>Scorpaenichthys marmoratus</i>	Multiple habitat associations but prefers hard substrata and rocky interfaces. Adult cabezon feed in estuaries over sandy bottoms. Both demersal and pelagic eggs are in estuaries from winter to spring.
calico rockfish	<i>Sebastes dalli</i>	Multiple habitat associations but prefers hard substrata and rocky interfaces. Calico rockfish release their pelagic larvae between January and May.
California scorpionfish	<i>Scorpaena guttata</i>	Benthic, on soft and hard bottoms, as well as around structures. Adult California scorpionfish forage in the rocky intertidal and are in tidepools, not sandy bottoms. Eggs are pelagic and float in masses near the surface.
California skate	<i>Raja inornata</i>	Commonly found in soft bottom habitats.
chilipepper	<i>Sebastes goodei</i>	Adults frequent deep rocky reefs as well as sand and mud bottoms; young are pelagic and occur in shallower waters. Chilipepper release their pelagic larvae between August and April.
curlfin sole	<i>Pleuronichthys decurrens</i>	Commonly reside in soft bottom habitats at depths less than 90 meters.
Dover sole	<i>Microstomus pacificus</i>	Adults occur on mud bottom and they move into deep water in winter. Dover sole eggs are in the upper 50 meters of the water column.
English sole	<i>Pleuronectes vetulus</i>	They reside over sand and mud, in eelgrass and along the open coast at depths less than 250 meters. Juvenile English sole forage at the bottom of intertidal zones in shallow bays and estuaries.



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3.0 Species of Interest

Common Name	Species Name	Habitat Comments
gopher rockfish	<i>Sebastes carnatus</i>	Commonly found in and around rocky reefs from 10 to 40 meters. Juveniles recruit into the kelp forest canopy and descend to forest floor with growth. Adult and juvenile gopher rockfish feed in the intertidal kelp bed.
grass rockfish	<i>Sebastes rastrelliger</i>	Grass rockfish occupy the rocky intertidal and are common on hard substrate, kelp, and eelgrass. Juveniles recruit to low-growing algae and hard bottoms and reside in tidepools.
Greenblotched rockfish	<i>Sebastes rosenblatti</i>	Greenblotched rockfish are commonly found around rocky structures at depths between 55 meters 490 meters. They feed on fish, shrimp, and squid and have pelagic eggs and larvae, December through July.
Greenspotted rockfish	<i>Sebastes chlorostictus</i>	Commonly resides in a wide variety of habitats including rocky substrata and muddy bottoms at depths between 61 meters and 244 meters. Greenspotted rockfish release pelagic larvae between February and July.
Halfbanded rockfish	<i>Sebastes semicinctus</i>	Halfbanded rockfish are a demersal species found within a wide variety of habitats ranging from muddy floors to hard rockscapes at depths between 15 meters and 402 meters. They feed on zooplankton and release their pelagic larvae from December to April.
kelp greenling	<i>Hexagrammos decagrammus</i>	Juvenile and adult kelp greenling reside on the bottoms of estuaries.
kelp rockfish	<i>Sebastes atrovirens</i>	Common on hard substrate, kelp, and breakwaters. Juvenile kelp rockfish reside in the rocky intertidal and the holdfast region of the kelp from growth to maturity
leopard shark	<i>Triakis semifasciata</i>	Leopard sharks are most common from the surfzone to 5 meters and have multiple habitat associations including soft bottoms, and near structures, kelp, and eelgrass. They enter the intertidal zone during high tides. Leopard sharks pup and mate in the shallow waters near the surfzone in Southern California. Pups reside seasonally along protected beaches and in bays like Santa Monica.
lingcod	<i>Ophiodon elongatus</i>	Adult lingcod reside in estuaries and associate with rocky reefs, kelp beds, and eelgrass. They spawn nearshore and deposit their eggs. Juvenile lingcod remain in shallow bays over soft bottoms and in eelgrass.
olive rockfish	<i>Sebastes serranoides</i>	Olive rockfish are commonly found around hard substrate, kelp, and breakwaters. Juvenile and adult olive rockfish forage in the rocky intertidal but are sometimes present in estuarine waters.
Pacific hake	<i>Merluccius productus</i>	Commonly found offshore and juveniles in open water.
Pacific sanddab	<i>Citharichthys sordidus</i>	Commonly reside on nearshore soft-bottom habitats at depths between 9 and 550 meters.
ratfish	<i>Hydrolagus coliei</i>	Ratfish are a deep-water species found near the bottom in and around rocky areas and over muddy bottoms but reside in shallower waters during the spring and fall. They consume crabs, small benthic fish, shrimps, and worms; and attach their eggs to rocks or place them upright in the sand.
rex sole	<i>Errex zachirus</i>	Commonly found on sandy or muddy bottoms between 61-500 meters.



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT

Essential Fish Habitat Assessment

3.0 Species of Interest

Common Name	Species Name	Habitat Comments
sablefish	<i>Anoplopoma fimbria</i>	Sablefish reside in the pelagic realm or over soft-bottom at depths between 90 and 1460 meters; they are most common between 365 and 550 meters. Between the months of October and February, sablefish spawn at depths greater than 823 meters. Larvae initially inhabit offshore surface waters but move to inshore nursery areas as they get older
sand sole	<i>Psettichthys melanostictus</i>	Juvenile sand sole resides from growth to maturity in estuaries on bottoms of sand, mud, and mixed sand and mud.
spiny dogfish	<i>Triakis semifasciatus</i>	Spiny dogfish are common in estuaries and shallow bays, where adults spawn, and juveniles feed, grow and mature. They are also pelagic.
starry flounder	<i>Platichthys stellatus</i>	Starry flounder spawn in the shallow water of estuaries, where their eggs, larvae, and juveniles remain.
stripetail rockfish	<i>Sebastes saxicola</i>	Juvenile settlement of stripetail rockfish occurs between February and May and they recruit to soft-bottom and kelp beds
vermillion rockfish	<i>Sebastes miniatus</i>	Vermillion rockfish occupy the pelagic habitat over nearshore and neritic soft-bottom and hard-bottom. Juveniles commonly associated with soft bottom and kelp habitats, but adults are commonly associated with rocky interfaces. Juveniles recruit to low relief soft and hard-bottom, moving into deeper water as they grow.

Source: Jones & Stokes 2007; MBC 1994; NMFS 2020; PFMC 2019; PFMC 2018; Robbins 2016; Snow 2020

3.1.4 Sensitive Wildlife

The federally endangered southern California steelhead (*Oncorhynchus mykiss irideus*) and federally threatened green sea turtle (*Chelonia mydas*) have a potential to occur within the vicinity of the proposed Project. Two steelhead were observed upstream of the proposed Project site in Ballona Creek in 2008, but the literature indicates that upstream habitat was not suitable habitat for foraging, spawning, or rearing (USACE 2017). Green sea turtles are known to occur in the warm water discharge of the Haynes Generating Station in Long Beach at the mouth of the San Gabriel River but are rarely sighted in Santa Monica Bay (California Herps 2020). They are unlikely to occur in the proposed Project area due to the lack of habitat and nesting requirements such as warm waters and food sources. Neither species have been observed during surveys conducted within the proposed Project area in February, March, and April of 2020 by Stantec and its subcontractor, Merkel and Associates; it should be noted that focused surveys for fish/turtles were not conducted. However, a review of available data for the general area did not indicate any recent observations of these species in or near the proposed Project area.

Several species of marine mammals protected by the Marine Mammal Protection Act ("MMPA") have been observed in Ballona Creek, within the proposed Project area, during the surveys referenced above including the California sea lion (*Zalophus californianus*), Pacific harbor seal (*Phoca vitulina richardsi*), and common bottlenose dolphin (*Tursiops truncatus*). During those recent marine and biological surveys, several species of piscivorous birds were also observed, including pelicans, terns, loons, grebes, herons, egrets, cormorants, and mergansers. The observations of these species within the proposed Project area indicates the high potential of locally occurring EFH prey species also occurring within the proposed



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Essential Fish Habitat Assessment**3.0 Species of Interest**

Project area, including Pacific sardine, jack mackerel, northern anchovy, Pacific hake, lingcod, English sole, spiny dogfish, greenstriped rockfish, chilipepper, vermillion rockfish, blue rockfish, bocaccio, stripetail rockfish halfbanded rockfish, olive rockfish, Pacific sanddab, rex sole, Dover sole, and English sole (AMMPA 2011; NOAA 2011; Thomas 2015).

3.2 CRITICAL HABITAT

The ESA defines critical habitat as those specific areas within the geographic area occupied by the species, at the time of listing, containing physical and biological features (PBFs) essential to the conservation of the species that may require special management considerations; and occupied areas that are essential to the conservation of the species. Regulations state that the PBFs essential to the conservation of the species include, but are not limited to, space for individual and population growth and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, and rearing of offspring; and habitats that are protected from disturbance or are representative of the historical geographical and ecological distribution of a species. No critical habitat for any fish species is present within the vicinity of the proposed Project (USFWS 2017); steelhead trout is the only Federally listed fish species with some potential to occur, albeit low, within the proposed Project area due to the lack of suitable habitat if it were to occur would likely only be as a transient moving upstream.



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT

Essential Fish Habitat Assessment

4.0 Potential Impacts

4.0 POTENTIAL IMPACTS

Potential impacts to EFH that may occur because of the proposed Project include:

- hazardous materials exposure;
- shading; and
- noise and visual disturbances.

These are further discussed below.

4.1 DIRECT AND INDIRECT IMPACTS

4.1.1 Direct Impacts

During construction, installation of the moorings and concrete pads on the existing adjacent jetties may result in the minor release of hazardous materials and minor chemical spills such as oils, grease, gasoline, and similar substances from construction equipment which can result in direct, but minor adverse impacts to fish species and EFH. Although not expected, should any of these activities occur, possible impacts of varying levels of severity may include impaired locomotion, reduced growth, poor reproduction success, genetic damage, tumors and lesions, developmental abnormalities, behavior changes (avoidance), and impairment of olfactory and brain functions (Eisler 2000). The Project would require the use of minimal heavy machinery for a temporary period during construction (i.e., installation of the moorings) along the adjacent jetties (not within Ballona Creek itself). Furthermore, with the implementation of the Los Angeles County Public Works Construction Best Management Practices for spill prevention and control ("WM-4"), which is included in the Los Angeles County Public Works Construction Best management Practices referenced in Section 5.0, the potential for adverse effects to nearby EFH resulting from accidental spills of pollutants (e.g., fuel, oil, grease) would be minimized. Any hazardous materials spilled would be contained and cleaned up immediately under the proposed BMPs, reducing the potential for latent mobilization of materials following construction.

During operations, refuse collected by the Interceptor™ is collected in trash bins on a removable barge which is tugged to the nearby Marina for transfer to shore for disposal. There is a very low chance of a release of hazardous materials and chemical spills (e.g., fuels) in the extremely unlikely event there is a collision with another nearby vessel that results in a breach of a fuel tank. This may result in direct adverse impacts to fish species and EFH. However, the amount of fuel that may be released would be small, the area the barge would be operating within would be small and easily contained, and the likelihood of a collision would be very low in consideration of standard operator training and safety protocols (e.g., radio communication protocols, vessel traffic management, vessel speed limits). F

4.1.2 Indirect Impacts

Potential indirect impacts on EFH as a result of the Project are likely to be associated with noise and shading from operation of the above-water Interceptor™ vessel. With respect to noise, sound pressure



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT**Essential Fish Habitat Assessment****4.0 Potential Impacts**

waves within the water can affect fish species that have anatomy affording them greater hearing sensitivity, such as those with swim bladders. The effects on fish from auditory exposure may include mortality from behavioral changes, swim bladder rupture or internal hemorrhaging, and temporary or permanent hearing loss (NMFS 2004).

The mouth of Ballona Creek is adjacent to the Marina del Rey Harbor and is exposed to regular traffic of large and small boating vessels. Therefore, some level of acclimation to noise exposure is expected for local species. During construction, the Project would only require minimal heavy machinery along the adjacent jetty, not within the Ballona Creek channel. Accordingly, given existing noise and vessel traffic disturbance, a short term installation period, minimal noise associated with the solar-powered operation of the water flow-through system the Project is not expected to create long-term noise disturbance or cause associated harm to EFH.

During operations, there would be very minimal ambient operational noise from the Interceptor™ because it is solar-powered and contains a low-speed conveyor belt. The Interceptor™ is a non-propelled, stationary system that is moored to the jetties in a fixed location. It uses the existing current within Ballona Creek and passive, floating trash booms to concentrate the floating debris towards its extraction equipment. The Interceptor™ itself therefore only moves slightly as a result of waves and currents. During the trash bin disposal and removal process, operators would remove the six dumpsters in the barge from the Interceptor™ and tug the barge to the public boat ramp in the Marina del Rey Harbor, which is currently an active boat harbor and channel with regular noise and watercraft traffic. Any noise generated during removal of the barge and bins during operations would be relatively minimal.

With respect to shading, during operation, waters under the Interceptor™ that were once exposed to sunlight for some portion of the day would be shaded to some degree depending on tide, time of day, and currents. However, based on the findings of the marine surveys completed in April 2020, there are no vegetated areas, such as kelp or eelgrass beds, beneath the proposed location of the Interceptor™, and therefore shading would not have any effects on plant life. The Interceptor™ and its associated passive trash booms will occupy a small contained area that may move slightly with the current. The floating trash booms have a draft of approximately 50 cm below the water surface, which allows water to pass underneath without significant interference. The mooring lines used for the trash booms and the Interceptor itself may sag in the water, but because they are chains are not expected to have any significant impact on flow or light. Therefore, they would not substantially obstruct or divert the natural flow of water within Ballona Creek or affect sun exposure outside of the contained area and limited range.

The Project has been designed to have minimal, if any impacts, to existing habitats and will result in an overall positive environmental benefit to Ballona Creek and by association the Pacific Ocean. Impacts to the land side of the Project will all occur within developed/disturbed habitats with no new habitat impacts. Within Ballona Creek, the placement of the trash interceptor and related trash booms will result in only marginal affects to currents within the channel; the overall net benefit of the Project outweighs the minimal impacts on existing currents.



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Essential Fish Habitat Assessment

5.0 BMPs

5.0 BMPS

Construction associated with the Project will be limited to upland construction in an urbanized area, with no in-water construction proposed. With the implementation of Los Angeles County Public Works Construction Best Management Practices during the construction, and other water pollution control measures during the operation of the Project, potential effects on EFH are expected to be negligible.



BALLONA CREEK TRASH INTERCEPTORTM PILOT PROJECT
Essential Fish Habitat Assessment

5.0 BMPs

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BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Essential Fish Habitat Assessment

6.0 Conclusions

6.0 CONCLUSIONS

The Project is not anticipated to cause adverse direct or indirect effects on any of the potentially regionally occurring federally listed species or critical habitat. Direct effects on EFH resulting from proposed Project activities are expected to be negligible during both construction and operations. This is especially the case with the implementation of the additional BMPs set forth in Section 5.0. Indirect effects on EFH during operations would result in limited noise and shading disturbance; however, such effects would not cause long-term harm to EFH or federal threatened or endangered marine species. Therefore, it is determined that the proposed Project may affect, but will not adversely affect or modify EFH.



BALLONA CREEK TRASH INTERCEPTORTM PILOT PROJECT
Essential Fish Habitat Assessment

6.0 Conclusions

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Essential Fish Habitat Assessment

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Appendix A BIOLOGICAL RESOURCES TECHNICAL REPORT



**Ballona Creek Trash Interceptor™
Pilot Project**

Biological Resources Technical Report

October 20 2020

Prepared for:

The Ocean Cleanup
Interceptor B.V.
Batavierenstraat 15
4-7th Floor
3014 JH Rotterdam
The Netherlands

Prepared by:

Stantec Consulting Services Inc.
290 Conejo Ridge Avenue
Thousand Oaks, California 91361

BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT

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Prepared by Priya Pratap
(signature)
Priya Pratap, Project Biologist

Reviewed by Lindsay McDonough
(signature)
Lindsay McDonough, Environmental Planner

Approved by J. Varonin
(signature)
Jared Varonin, Principal Biologist/Ecosystems Practice Leader



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
BIOLOGICAL RESOURCES TECHNICAL REPORT

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APPENDIX D ESSSENTIAL FISH HABITAT STUDY

APPENDIX E BALLONA WETLANDS ECOLOGICAL RESERVE MAP AND BOUNDARIES



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Acronyms and Abbreviations

BCWTF	Ballona Creek Watershed Task Force
BGEPA	Bald and Golden Eagle Protection Act
BRTR	Biological Resource Technical Report
BSA	Biological Study Area
BWER	Ballona Wetland Ecological Reserve
CCC	California Coastal Commission
CCH	Consortium of California Herbaria
CCMP	California Coastal Management Program
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CRPR	California Rare Plant Rank
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DCH	Designated Critical Habitat
EFH	Essential Fish Habitat
ESA	Endangered Species Act
FGC	California Fish and Game Code
FMP	Fishery Management Plan
FR	Federal Register
GPS	Global Positioning System
JSA	Jurisdictional Survey Area



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Acronyms and Abbreviations

LSAA	Lake or Streambed Alteration Agreement
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MBTA	Migratory Bird Treaty Act
MCVII	second edition of <i>The Manual for California Vegetation</i>
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NPPA	Native Plant Protection Act
NRCS	Natural Resources Conservation Service
OHWM	Ordinary High Water Mark
Project	Ballona Creek Trash Interceptor™ Pilot Project
Public Works	Los Angeles County Public Works
RWQCB	Regional Water Quality Control Board
SEA	Significant Ecological Area
Secretary	Secretary of the Interior
SSC	Species of Special Concern
USACE	United States Army Corps of Engineers
USC	United States Code
USFWS	U.S. Fish & Wildlife Service
USGS	U.S. Geological Survey
WOTS	Waters of the State
WOTUS	Waters of the United States



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Biological Resources Technical Report

1.0 INTRODUCTION

This Biological Resources Technical Report (BRTR) is intended to document the biological resources that are associated with the Ballona Creek Trash Interceptor™ Pilot Project (Project) located in the City of Los Angeles, California (Appendix A, Figure 1). The surveys conducted and the discussions presented in this BRTR are intended to support planning and regulatory agency permitting and associated documentation. Reconnaissance surveys were conducted by Stantec biologists on February 25, 2020, and March 2, 2020, within accessible portions of the Project site and within a surrounding 500-foot buffer zone (approximately 102.0 acres). This approximate 102.0-acre area is defined as the Biological Study Area (BSA) (Appendix A, Figure 2). This BRTR describes the existing environmental conditions that occur within the BSA and surrounding areas and evaluates the potential for biological resources to occur based on those conditions, with a special emphasis on special-status plant and wildlife species, wildlife corridors, and special-status and sensitive natural communities.

1.1 PROJECT LOCATION

The Project is located in the City of Los Angeles, California, between the communities of Marina del Rey and Playa del Rey, approximately 1.5 miles west of CA-1 and 0.5 mile east of the Santa Monica Bay. Specifically, the Project is located within an approximately 4.96-acre channelized portion of Ballona Creek, immediately southwest of the Ballona Creek-Pacific Avenue Bridge. There are two levee systems, Ballona Creek 1 Levee System (hereafter referred to as the Ballona Creek North Jetty) and Ballona Creek 3 Levee System (hereafter referred to as the Ballona Creek South Jetty) that will be used for this Project. A photographic log is provided in Appendix B which depicts representative environmental conditions within the Project area.

The Project site is currently zoned as Open Space (OS-1XL), with a corresponding Open Space general plan land use designation by the City of Los Angeles. As Ballona Creek is an urban, soft bottom flood control channel within the Project site, the Project site is considered urbanized. The Project site is characterized by the wide, concrete embankment of Ballona Creek channel trending from east-northeast (upstream) toward the west-southwest (downstream). Ballona Creek channel includes riprap which is a combination of broken concrete blocks and rock. The Ballona Creek North Jetty is topped by a publicly accessible sidewalk and beacon light for boats coming back to the harbor. There are also two (2) viewing decks with concrete benches and guardrail on top of the Ballona Creek North Jetty. The Ballona Creek South Jetty is supported by a shorter jetty on the opposite side which is covered with a jagged rock outcrop.

The area surrounding the Project site is predominantly zoned Medium Residential (to the south) and Open Space (to the north). Nearby uses include the Laguna Del Rey multi-family residential complex, Del Rey Lagoon (a lagoon and recreational space), the Ballona Wetlands Ecological Reserve (BWER), University of California Los Angeles Marina Aquatic Center, the Pacific Avenue Bridge, Dockweiler Beach (recreational and public use), and the entrance to the Marina del Rey Harbor. The Project would not be located within the BWER, which is approximately 0.22 mile to the northeast.



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT

Biological Resources Technical Report

1.0 Introduction

1.2 PROJECT DESCRIPTION

On behalf of the Los Angeles County Flood Control District (Flood Control District), Los Angeles County Public Works (Public Works) is collaborating with The Ocean Cleanup, a Dutch non-profit organization, on this pilot Project to deploy a floating, automated trash Interceptor™ system (the Interceptor™) near the mouth of Ballona Creek where it enters the Pacific Ocean. The Project would entail installation of the Interceptor™ in Ballona Creek, directly south and east of the Marina Del Rey harbor entrance and breakwater along the Pacific Ocean shoreline. Construction and installation of the Project would occur over approximately a six-month period.

The purpose of the Project is to test the efficiency of The Ocean Cleanup's Interceptor™ in capturing and collecting floating trash and debris in Ballona Creek. The Project's goal is to capture and collect trash coming down the creek to prevent it from entering and polluting the ocean and thus, protect the environment.

The floating Interceptor™ would be a single vessel moored in Ballona Creek through attachment to six moorings—four of which anchor the vessel itself and two of which anchor two in-water floating trash booms—that would be installed above the ordinary high-water mark of Ballona Creek along two existing adjacent jetties. The placement of floating trash booms (also called “barriers”) and the downstream current will cause trash drifting down Ballona Creek to be funneled into the Interceptor™. The floating debris will converge on the Interceptor™ mechanical conveyor belt, which automatically feeds the trash into a floating receptacle, thus preventing the refuse from reaching the Pacific Ocean. The Interceptor™ is expected to be deployed and in operation for up to 24 months, to encompass two storm seasons (October 15 to April 15). Figure 1 shows the Project Location.

The proposed Project would involve the following primary activities:

- Constructing four Interceptor™ moorings, two trash boom moorings, and handrails on top of the adjacent jetties;
- Assembling the main Interceptor™ components in the parking lot adjacent to the public boat launch in the Marina del Rey harbor;
- Floating the Interceptor™ into position using a support vessel;
- Connecting the Interceptor™ and trash booms to the moorings;
- Attaching and detaching the second trash boom from its mooring as needed;
- Operating the Interceptor™ to collect floating trash from Ballona Creek and containerizing it in dumpsters inside the Interceptor™;
- Transferring the Interceptor™'s full dumpsters to Marina del Rey harbor for off-site disposal of trash at an appropriate solid waste facility;
- Transferring empty trash dumpsters from Marina del Rey harbor to the Interceptor™ in support of continued trash collection;
- Monitoring the effectiveness of the Interceptor™ at removing trash from Ballona Creek; and
- Installing educational signage communicating the Project's purpose/objectives to the public.

Additional information is provided below.



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Biological Resources Technical Report**1.0 Introduction****1.2.1 Construction of Moorings**

The Interceptor™ would be moored to the existing Ballona Creek North and South Jetties above the high water mark and above the mean high tide line of Ballona Creek using four mooring lines to maintain its position. These mooring lines would sag below the water surface using weights to allow boats to travel over them. The two smooth trash booms would be tethered via connection points on the Interceptor™ and two additional mooring points atop the jetties (for a total of six moorings). Each mooring would have a concrete pad which would be installed largely above-grade; minimal excavation to expose clean stone would be required for the moorings to be keyed into the top of the jetties at each location. Ramps with railings would be installed in connection with each mooring. During construction of the moorings on the Ballona Creek North Jetty, the sidewalk on the Ballona Creek North Jetty, between the Pacific Avenue Bridge and the end of the jetty, may need to be closed for public safety. While the Ballona Creek South Jetty does not have a dedicated concrete walkway, it is accessible to the public. Public access to portions of the Ballona Creek South Jetty may need to be blocked during construction of the moorings on the Ballona Creek South Jetty for public safety.

1.2.2 Interceptor™ Assembly

The Interceptor™ would be constructed off-site in the parking lot adjacent to the public boat launch in the Marina del Rey marina harbor.

1.2.3 Trash Boom Operations

The Interceptor™ would use two booms during anticipated high-trash flow events, and one boom in the dry season and when rowers will be expected to need an unrestricted path through the Pilot Project site. The southern boom would stay in place and the northern boom would be clipped and unclipped to the Ballona Creek North Jetty as needed. When not in use, the northern boom would be attached to the north-facing side of the Interceptor™ and “folded” in on itself (Photo 5). This allows the boom to float along the north-facing side of the Interceptor™ without interfering with any components or the operation of the Interceptor™.

1.2.4 Trash Dumpster Removal and Disposal Process

When the Interceptor™ is almost full, it will automatically send a message to the local operators to collect the waste. Operators will then slide the dumpster barge out from the Interceptor™, take it to the Marina del Rey boat harbor, lift and empty the dumpsters, send off the debris to an appropriate solid waste facility, and return the dumpster barge to the Interceptor™.

1.2.5 Installation of Monitoring Equipment and Data Validation

The monitoring system would be attached to the existing Pacific Avenue Bridge which crosses the Ballona Creek channel, approximately one-half-mile upstream from the mouth of Ballona Creek. Manually executed trawling experiments would be executed to calibrate and validate the monitoring system's measurements.



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2.0 METHODOLOGIES

This biological resources assessment of the BSA included, but was not limited to, a literature review, reconnaissance-level survey, non-protocol survey to detect the presence of special-status plant and wildlife species, and a non-protocol avian survey to document the presence of birds, including federal and state threatened or endangered listed species, if present. Stantec Associate Biologist Rocky Brown and Project Biologist Priya Pratap conducted the initial reconnaissance-level surveys on February 25, 2020, and March 2, 2020. Prior to the survey, a preliminary literature review of readily available resources was performed. The survey was conducted on foot within the BSA, where accessible, based on terrain and availability of public access.

2.1 LITERATURE REVIEW

A literature search focused on the BSA was conducted prior to the field survey. The BSA is located within the USGS Venice, California, 7.5-minute topographic quadrangle. A search of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) was conducted in the BSA and a surrounding 10-mile buffer area to determine special-status plants, wildlife, and vegetation communities that have been documented within the vicinity of the BSA (CDFW 2020a). The database included portions of the following quadrangles surrounding the BSA:

- Topanga
- Beverly Hills
- Hollywood
- Inglewood
- Redondo Beach
- Torrance

Stantec obtained a list of federally listed species and species that are proposed, or are candidates for federal listing with the potential to occur in the vicinity of the project area, using the Information for Planning and Consultation tool on September 24, 2020 (Consultation Code: 08ECAR00-2020-SLI-1614). Additional data regarding the potential occurrence of special-status species and policies relating to these special-status natural resources were gathered from the following sources:

- State and Federally Listed Endangered and Threatened Animals of California (CDFW 2020b)
- Special Animals List (CDFW 2020c)
- State and Federally Listed Endangered, Threatened, and Rare Plants of California (CDFW 2020d)
- California Sensitive Natural Communities (CDFW 2020)
- Inventory of Rare and Endangered Vascular Plants of California (CNPS 2020)
- Consortium of California Herbaria (CCH 2020)



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2.0 Methodologies

2.2 BIOLOGICAL SURVEYS AND HABITAT ASSESSMENT

2.2.1 Site Reconnaissance and Wildlife Surveys

Stantec conducted a habitat assessment and reconnaissance-level surveys to document the environmental conditions present within the BSA. The primary goal of these initial surveys was to identify and assess habitat that may be capable of supporting special-status plant or wildlife species and determine the potential need for additional focused surveys for special-status resources. Biologists recorded all incidental plant and wildlife observations. However, this assessment did not include focused, protocol-level surveys for rare plants or wildlife or other special-status resources.

The survey was conducted during a season and time of day when resident and migratory birds would be expected to be present and exhibiting normal activity, small mammals would be active and detectable visually or by sign, and above-ground amphibian and reptile movement would generally be detectable. However, it should be noted that some wildlife species and individuals may have been difficult to detect due to their elusive nature, cryptic morphology, or nocturnal behavior. The survey was conducted during daylight hours when temperatures were such that reptiles and other wildlife would be active (i.e., between 65-95 degrees Fahrenheit). The February 25, 2020, survey was conducted during a period of low tide to allow biologists to observe Ballona Creek. The March 2, 2020, survey focused on nesting birds was conducted shortly after sunrise considering most birds are generally active at sunrise.

The BSA was investigated on foot (where accessible) by experienced field biologists walking throughout publicly accessible areas at an average pace of approximately one mile per hour while visually scanning for wildlife and their sign and listening to wildlife songs and calls. Biologists paused as necessary to listen for wildlife or to identify, record, or enumerate any observed species. Species present were identified and recorded through direct visual observation, sound, or their sign (e.g., scat, tracks, etc.). Species identifications conform to the most up-to-date field guides and technical literature.

2.2.2 Vegetation Mapping

Vegetation descriptions and nomenclature are based on the second edition of *A Manual of California Vegetation* (MCVII) (Sawyer et al. 2009), where applicable, and have been defined to the alliance level. Vegetation maps were prepared by recording tentative vegetation type boundaries over recent aerial photograph base maps using the ESRI Collector for ArcGIS app on an Apple iPad coupled with a Bad Elf GNSS Surveyor sub-meter external global positioning system (GPS) unit. Mapping was further refined in the office using ESRI ArcGIS (version 10.7) with aerial photograph base maps with an accuracy of 1 foot. Most boundaries shown on the maps are accurate within approximately 3 feet; however, boundaries between some vegetation types are less precise due to difficulties in interpreting aerial imagery and accessing stands of vegetation.

Vegetation communities can overlap in many characteristics and over time may shift from one community type to another. All vegetation maps and descriptions are subject to variability for the following reasons:

- In some cases, vegetation boundaries result from distinct events, such as wildfire or flooding, but vegetation types usually tend to integrate on the landscape, without precise boundaries between



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them. Even distinct boundaries caused by fire or flood can be disguised after years of post-disturbance succession. Mapped boundaries represent best professional judgment, but usually should not be interpreted as literal delineations between sharply defined vegetation types.

- Natural vegetation tends to exist in generally recognizable types, but also may vary over time and geographic region. Written descriptions cannot reflect all local or regional variation. Many (perhaps most) stands of natural vegetation do not strictly fit into any named type. Therefore, a mapped unit is given the best name available in the classification system being used, but this name does not imply that the vegetation unambiguously matches written descriptions.
- Vegetation tends to be patchy. Small patches of one named type are often included within larger stands mapped as units of another type.

2.2.3 Jurisdictional Delineation

A formal jurisdictional waters delineation per US Army Corps of Engineers (USACE) guidelines was conducted as part of this assessment. The four BSAs were evaluated for potential wetlands and/or waters subject to federal and/or state jurisdiction pursuant to Section 404 and 401 of the Clean Water Act (CWA) concurrently with the field surveys described above. This jurisdictional assessment also included an investigation of areas that could be jurisdictional pursuant to Section 1600 et seq. of the California Fish and Game Code. Prior to conducting the field assessment, Stantec reviewed current and historic aerial imagery, topographic maps, soil maps (USDA, 2020), local and state hydric soils lists, and the National Wetlands Inventory (USFWS, 2020a) to evaluate the potential active channels and wetland features that occur within the BSAs. During the field assessment, hydrologic features were mapped using the same data collection equipment described above for the botanical surveys. Field data were further manipulated in the office using GIS and total jurisdictional area for each regulatory jurisdiction was calculated. The results of the delineation are summarized below in Section 4.4; a stand-alone Preliminary Jurisdictional Wetlands/Waters Delineation Report was also prepared.



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3.0 REGULATORY ENVIRONMENT

3.1 FEDERAL REGULATIONS

3.1.1 Federal Endangered Species Act

Federal Endangered Species Act (FESA) provisions protect federally listed threatened and endangered species and their habitats from unlawful “take” and ensure that federal actions do not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of Designated Critical Habitat (DCH). Under FESA, take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct.” The U.S. Fish and Wildlife Service (USFWS) regulations define harm to mean “an act which actually kills or injures wildlife.” Such an act “may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering” (50 Code of Federal Regulations [CFR] Section 17.3).

DCH is defined in FESA Section 3(5)(A) as “(i) the specific areas within the geographical area occupied by the species on which are found those physical or biological features: (I) essential to the conservation of the species; (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species upon a determination by the Secretary of Commerce or the Secretary of the Interior (Secretary) that such areas are essential for the conservation of the species.” The effects analyses for DCH must consider the role of the critical habitat in both the continued survival and the eventual recovery (i.e., the conservation) of the species in question, consistent with the recent Ninth Circuit judicial opinion, *Gifford Pinchot Task Force v. USFWS*.

Activities that may result in “take” of listed species are regulated by USFWS.¹ USFWS produced an updated list of candidate species December 2, 2016 (81 Federal Register [FR] 87246). Candidate species are not afforded any legal protection under FESA; however, candidate species typically receive special attention from federal and state agencies during the environmental review process.

3.1.2 Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 (16 United States Code [USC] 703-711) makes it unlawful to possess, buy, sell, purchase, barter or take any migratory bird listed in Title 50 of CFR Part 10. Take is defined as possession or destruction of migratory birds, their nests, and eggs. Disturbances that cause nest abandonment or loss of reproductive effort or the loss of habitats upon which these birds depend may be a violation of the MBTA. The MBTA prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary. The MBTA encompasses whole birds, parts of birds, bird nests, and eggs.

¹ The National Marine Fisheries Service (NMFS) regulates threatened and endangered marine species. Marine species were separately surveyed in the attached Marine Biological Technical Study (Appendix C).



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3.0 Regulatory Environment

3.1.3 Bald and Golden Eagle Protection Act of 1940 (16 USC 668)

The Bald and Golden Eagle Protection Act (BGEPA) of 1940 (16 USC 668, enacted by 54 Stat. 250) protects bald and golden eagles by prohibiting the taking, possession, and commerce of such birds and establishes civil penalties for violation of this Act. Take of bald and golden eagles is defined as follows: “disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior” (72 FR 31132; 50 CFR 22.3).

USFWS is the primary federal authority charged with the management of golden eagles in the U.S. A permit for take of golden eagles, including take from disturbance such as loss of foraging habitat, may be required for this Project. USFWS guidance on the applicability of current BGEPA statutes and mitigation is currently under review. On November 10, 2009, the USFWS updated rules (74 FR 46835) governing the take of golden and bald eagles. The new rules were released under the existing BGEPA, which has been the primary regulatory protection for unlisted eagle populations since 1940.

All activities that may disturb or incidentally take an eagle or its nest as a result of an otherwise legal activity must be permitted by the USFWS under this act. If a permit is required, due to the current uncertainty on the status of golden eagle populations in the western U.S., it is expected that permits would only be issued for safety emergencies or if conservation measures implemented in accordance with a permit would result in a reduction of ongoing take or a net take of zero.

3.1.4 Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) provides for the conservation and management of the nation’s fishery resources through the preparation and implementation of Fishery Management Plans (FMPs). The Magnuson-Stevens Act calls for the National Marine Fisheries Service (NMFS) to work with regional Fishery Management Councils to develop FMPs for each fishery under their jurisdiction.

One of the required provisions of FMPs specifies that Essential Fish Habitat (EFH) be identified and described for the fishery, adverse fishing impacts on EFH be minimized to the extent practicable, and other actions to conserve and enhance EFH be identified. The act also mandates that NMFS coordinate with and provide information to federal agencies to further the conservation and enhancement of EFH. Federal agencies must consult with NMFS on any action that might adversely affect EFH. When NMFS finds that a federal or state action would adversely affect EFH, it is required to provide conservation recommendations. The Magnuson-Stevens Act applies to the Project since there is groundfish EFH within Ballona Creek. The EFH Assessment Report discusses these issues in more detail.

3.1.5 Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act, as amended in 1964, requires that all federal agencies consult with NMFS, USFWS, and state wildlife agencies (i.e., CDFW) when proposed actions might result in



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modification of a natural stream or body of water. Federal agencies must consider effects that these projects would have on fish and wildlife development and provide for improvement of these resources. The Fish and Wildlife Coordination Act allows NMFS, USFWS, and CDFW to provide comments to USACE during review of projects under Section 404 of the Clean Water Act (concerning the discharge of dredged materials into navigable waters of the U.S. [WOTUS]) and Section 10 of the Rivers and Harbors Act (RHA) regarding obstructions in navigable waterways. NMFS comments provided under the Fish and Wildlife Coordination Act are intended to reduce environmental impacts to migratory, estuarine, and marine fisheries and their habitats. Since the Project involves impacts to waters of the U.S. and the potential modification of federal jetties, consultation with NMFS, USFWS and CDFW would be required.

3.1.6 Federally Regulated Habitats

Areas that meet the regulatory definition of “waters of the United States” are subject to the jurisdiction of the USACE under provisions of Section 404 of the Clean Water Act (CWA) (1972). “Navigable waters of the United States” are subject to jurisdiction under Section 10 of the RHA (1899). WOTUS may include all waters used or potentially used for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (e.g., intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as WOTUS, tributaries of waters otherwise defined as WOTUS, territorial seas, and wetlands (i.e., “Special Aquatic Sites”) adjacent to WOTUS (33 CFR, Section 328.3).

Construction activities within WOTUS are regulated by USACE. For example, the placement of fill into such waters must comply with permit requirements of USACE. No USACE permit would be effective in the absence of State Water Quality Certification pursuant to Section 401 of the CWA. As a part of the permit process, the USACE works directly with the USFWS to assess potential project impacts on biological resources.

3.1.7 National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 requires all federal agencies to examine the environmental impacts of their actions, incorporate environmental information, and use public participation in the planning and implementation of all actions. Federal agencies must integrate NEPA into other planning requirements and prepare appropriate NEPA documents to facilitate better environmental decision-making. NEPA requires federal agencies to review and comment on federal agency environmental plans and documents when the agency has jurisdiction by law or special expertise with respect to any environmental impacts involved (42 USC 4321- 4327; 40 CFR 1500-1508).

3.1.8 Rivers and Harbors Act of 1899

3.1.8.1 Section 14

Section 14 of the RHA, codified at 33 U.S.C. § 408 (often referred to as “Section 408”), requires that any proposed occupation or use of an existing USACE civil works project be authorized by the Secretary of the Army. An alteration refers to any action by any entity other than the Corps that builds upon, alters,



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improves, moves, occupies, or otherwise affects the usefulness, or the structural or ecological integrity of a USACE project. USACE may grant such permission if it determines the alteration proposed will not be injurious to the public interest and will not impair the usefulness of the civil works project. This means USACE has the authority to review, evaluate, and approve all alterations to federally-authorized civil works projects to make sure they are not harmful to the public and still meet the project's intended purposes mandated by congressional authorization.

The jetties currently bordering Ballona Creek are part of the Project and changes to them would require a Section 408 permit from the USACE prior to modification.

3.1.8.2 Section 10

Section 10 of the RHA is required for work conducted in, on, or over traditionally navigable waterways. A Section 10 permit is also required for the excavation and dredging or deposition of material, as well as any obstruction or alteration of a navigable water. Work outside the limits of navigable waters may require a Section 10 permit if the structure or work affects the course, location, condition, or capacity of the water body. Navigable waters of the U.S. are those subject to the ebb and flow of the tide shoreward to the mean high water mark and are used, or have been used in the past, to transport interstate or foreign commerce. 33 C.F.R. § 329.4. This includes coastal and inland waters, lakes, rivers and streams that are navigable, and the territorial seas.

The BSA contains potential navigable WOTUS subject to USACE jurisdiction under Section 10 of the RHA, as discussed in a separate Preliminary Jurisdictional Delineation Report.

3.1.9 Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) establishes national policy to preserve, protect, develop, and, where possible, restore or enhance the resources of the nation's coastal zones. In accordance with Section 307(c) of the CZMA, after approval by the Secretary of Commerce of a state's management program, any applicant for a required federal license or permit to conduct an activity in or outside of the coastal zone affecting any land or water use or natural resource of the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the enforceable policies of the state's approved program and that such activity will be conducted in a manner consistent with the program. The federal government certified the California Coastal Management Program (CCMP) in 1977. The enforceable policies of that document are Chapter 3 of the California Coastal Act of 1976. All consistency documents are reviewed for consistency with these policies.

For all of the California coast except San Francisco Bay the state agency responsible for implementing the CZMA is the California Coastal Commission (CCC). The CCC is responsible for reviewing proposed federal and federally licensed or permitted activities to assess their consistency with the approved CCMP.



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3.2 STATE REGULATIONS

3.2.1 California Environmental Quality Act

The California Environmental Quality Act (CEQA) establishes state policy to prevent significant and avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures. CEQA applies to actions directly undertaken, financed, or permitted by state lead agencies. Regulations for implementation are found in the CEQA Guidelines published by the California Natural Resources Agency. These guidelines establish an overall process for the environmental evaluation of projects.

3.2.2 California Endangered Species Act

Provisions of the California Endangered Species Act protect state-listed threatened and endangered species. The CDFW regulates activities that may result in take of individuals (i.e., take is defined as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”). Habitat degradation or modification is not expressly included in the definition of take under the California Fish and Game Code (FGC). Additionally, the FGC contains lists of vertebrate species designated as “fully protected” (FGC Sections 3511 [birds], 4700 [mammals], 5050 [reptiles and amphibians], and 5515 [fish]). Such species may not be taken or possessed.

In addition to federal and State-listed species, the CDFW also has produced a list of Species of Special Concern (SSC) to serve as a “watch list.” Species on this list are of limited distribution or the extent of their habitats has been reduced substantially, such that threat to their populations may be imminent. SSC may receive special attention during environmental review, but they do not have statutory protection.

Birds of prey are protected in California under the FGC. FGC Section 3503.5 states that it is “unlawful to ‘take’, possess, or destroy any birds of prey (in the order Falconiformes or Strigiformes) or to ‘take’, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this Code or any regulation adopted pursuant thereto.” Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered take by the CDFW. Under Sections 3503 and 3503.5 of the FGC, activities that would result in the taking, possessing, or destroying of any birds-of-prey, taking or possessing of any migratory nongame bird as designated in the MBTA, or the taking, possessing, or needlessly destroying of the nest or eggs of any raptors or non-game birds protected by the MBTA, or the taking of any non-game bird pursuant to FGC Section 3800 are prohibited.

3.2.3 Section 1602 of the California Fish and Game Code

Section 1602 of the FGC requires any person, state or local governmental agency, or public utility which proposes a project that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake, or use materials from a streambed, or result in the disposal or deposition of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into any river, stream, or lake, to first notify the CDFW of the proposed project. This



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includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish or other aquatic life and watercourses having a surface or subsurface flow that support or have supported riparian vegetation. Based on the notification materials submitted, the CDFW would determine whether the proposed project may impact fish or wildlife resources.

If the CDFW determines that a proposed project may substantially adversely affect existing fish or wildlife resources, a Lake or Streambed Alteration Agreement (LSAA) would be required. A completed CEQA document must be submitted to CDFW before an LSAA would be issued. The Project area falls within the South Coast Region of the CDFW; however, it is not anticipated to substantially divert or obstruct the natural flow of Ballona Creek, nor to substantially change the channel or streambed of the Creek.

3.2.4 Porter-Cologne Water Quality Control Act

California Regional Water Quality Control Boards (RWQCBs) regulate the “discharge of waste” to “waters of the state” (WOTS). All projects proposing to discharge waste that could affect WOTS must file a Waste Discharge Report with the appropriate RWQCB. The board responds to the report by issuing Waste Discharge Requirements or by waiving them for that project discharge. Both terms “discharge of waste” and WOTS are broadly defined such that discharges of waste include fill, any material resulting from human activity, or any other “discharge.” Isolated wetlands within California, which are no longer considered WOTUS, as defined by Section 404 of the CWA, are addressed under the Porter Cologne Water Quality Control Act. The Project area falls under the jurisdiction of the Region 4 – Los Angeles RWQCB.

3.2.5 State-Regulated Habitats

The California State Water Resources Control Board is the state agency (together with the RWQCBs) charged with implementing water quality certification in California. See section 3.1.6 above.

3.2.6 Native Plant Protection Act

Under FGC Sections 1900 to 1913, the Native Plant Protection Act (NPPA) requires all state agencies to use their authority to carry out programs to conserve endangered and rare native plants. Provisions of NPPA prohibit the taking of listed plants from the wild and require notification of the CDFW at least 10 days in advance of any change in land use. This allows CDFW to salvage listed plant species that would otherwise be destroyed. A Project applicant is required to conduct botanical inventories and consult with CDFW during project planning to comply with the provisions of the NPPA and sections of CEQA that apply to rare or endangered plants.

3.2.7 California Coastal Commission and Coastal Act of 1976

The CCC has planning, regulatory, and permitting responsibilities in partnership with local governments over all development taking place within the coastal zone, a 1.5 million-acre area stretching 1,100 miles along the state's coastline from Oregon to Mexico (and around nine offshore islands). The coastal zone



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extends seaward 3 miles, while its landward boundary varies from several miles inland in places such as the Eel River and the Elkhorn Slough, to as close as a few hundred feet from the shore in other areas.

The CCC's enabling legislation, the Coastal Act of 1976, created a comprehensive coastal protection program grounded in partnerships between CCC and local government jurisdictions (15 counties and 60 cities) within the coastal zone. Among the coastal resources specifically protected within the Coastal Act are public access to the coastline, wetlands and other environmentally sensitive habitat areas, agriculture, low-cost visitor-serving recreational uses, visual resources, commercial and recreational fishing, and community character. Coastal streams and wetlands are also protected under the Coastal Act.

The Coastal Act Section 30231 defines a wetland as:

...lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

The CCC's regulations (CCR Title 14) establishes a "one parameter definition," which requires evidence of a single parameter to establish wetland conditions:

Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. (14 CCR Section 13577).

The "one parameter" definition adopted by the Coastal Commission is based on the general definition used by USFWS and CDFW from the USFWS wetlands classification system first published in 1979 (Cowardin et al. 1979):

Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.

The Coastal Act definition of a wetland does not distinguish between wetlands based on their quality. Therefore, under the Coastal Act, poorly functioning or degraded areas that meet the definition of wetlands are subject to wetland protection policies.



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3.3 LOCAL REGULATIONS

3.3.1 Los Angeles County General Plan – Chapter 9, Conservation and Natural Resources Element

3.3.1.1 Open Space Resources Component

The Open Space Resources Component of the Conservation and Natural Resources Element of the Los Angeles County General Plan contains policies and programs that are designed to preserve and manage dedicated open space areas through preservation, acquisition, and easements.

The Goals and Policies relative to natural resources that apply to the BSA are as follows:

Goal 1: *Open space areas that meet the diverse needs of Los Angeles County*

- **Policy 1.2:** *Protect and conserve natural resources, natural areas, and available open spaces*
- **Policy 1.5:** *Provide and improve access to dedicated open space and natural areas for all users that considers sensitive biological resources*

3.3.1.2 Biological Resources Component

The Biological Resources Component of the Conservation and Natural Resources Element of the Los Angeles County General Plan contains policies and practices which are designed to preserve biotic diversity, monitor Significant Ecological Areas (SEAs), and coordinate environmental protection.

The Goals and Policies relative to biological resources that apply to the BSA are as follows:

Goal 3: *Permanent, sustainable preservation of genetically and physically diverse biological resources and ecological systems including: habitat linkages, forests, coastal zone, riparian habitats, streambeds, wetlands, woodlands, alpine habitat, chaparral, shrublands, and SEAs.*

- **Policy 3.1:** *Conserve and enhance the ecological function of diverse natural habitats and biological resources*
- **Policy 3.3:** *Restore upland communities and significant riparian resources, such as degraded streams, rivers, and wetlands to maintain ecological function- acknowledging the importance of incrementally restoring ecosystem values when complete restoration is not feasible.*
- **Policy 3.6:** *Assist state and federal agencies and other agencies, as appropriate, with the preservation of special status species and their associated habitat and wildlife movement corridors through the administration of the SEAs and other programs.*
- **Policy 3.7:** *Participate in inter-jurisdictional collaborative strategies that protect biological resources.*



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- **Policy 3.11:** *Discourage development in riparian habitats, streambeds, wetlands, and other native woodlands in order to maintain and support their preservation in a natural state, unaltered by grading, fill, or diversion activities.*

3.3.1.3 Local Water Resources Component

The Local Water Resources Component of the Conservation and Natural Resources Element of the Los Angeles County General Plan contains policies and practices that are designed to effectively manage and preserve invaluable local water resources.

The Goals and Policies relative to local water resources that apply to the BSA are as follows:

Goal 5: *Protected and useable local surface water resources.*

- **Policy 5.1:** *Support the LID philosophy, which seeks to plan and design public and private development with hydrologic sensitivity, including limits to straightening and channelizing natural flow paths, removal of vegetative cover, compaction of soils, and distributions of naturalistic BMPs at regional, neighborhood, and parcel-level scales.*
- **Policy 5.4:** *Actively engage in implementing all approved Enhanced Watershed Management Programs/Watershed Management Programs and Coordinated Integrated Monitoring Programs/ Integrated Monitoring Programs or other County-involved TMDL implementation and monitoring plans.*
- **Policy 5.6:** *Minimize point and non-point source water pollution.*
- **Policy 5.7:** *Actively support the design of new and retrofit of existing infrastructure to accommodate watershed protection goals.*

3.3.1.4 Significant Ecological Area Program

Significant Ecological Areas are officially designated areas within LA County with irreplaceable biological resources. The SEA Program objective is to conserve genetic and physical diversity within Los Angeles County by designating biological resource areas that are capable of sustaining themselves into the future. The SEA Program establishes the permitting, design standards, and review process for development within SEAs, balancing preservation of the county's natural biodiversity with private property rights (Los Angeles County 2019). The BSA does not occur within a SEA, but the BWER extends approximately two miles east-northeast of the BSA.

3.3.2 Los Angeles County Public Works Ballona Creek Watershed Management Plan

The Ballona Creek Watershed Management Plan was created by the LACPW to “set forth pollution control and habitat restoration actions to achieve ecological health.”

The Ballona Creek Watershed Task Force adopted the following goals:



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- Improve quality of surface water and groundwater
- Maintain flood protection
- Restore hydrologic function to Ballona Creek and tributaries where feasible
- Optimize water resources to reduce dependence on imported water
- Improve aquatic, estuarine, and riparian habitat quality and quantity
- Improve habitat quality, quantity, and connectivity
- Practice stewardship of the landscape

As previously stated in Section 1.2, the purpose of the Project is to test the efficiency of The Ocean Cleanup's Interceptor™ in capturing and collecting floating trash and debris in Ballona Creek. The Project's goal is to capture and collect trash coming down the creek to prevent it from entering and polluting the ocean and thus, protect the environment. The Project supports the goals of the Ballona Creek Watershed Management Plan to improve quality of surface water and improve aquatic and estuarine habitat quality and quantity.

3.3.3 City of Los Angeles General Plan

The City of Los Angeles General Plan provides a comprehensive long-range view of the city and includes a Land Use Element that is made up of 35 community plans and 10 technical elements. The pertinent technical elements include a Conservation Element and an Open Space Element.

3.3.3.1 Conservation Element

The Conservation Element primarily addresses preservation, conservation, protection, and enhancement of the City's natural resources. The natural resources or processes that should be or are subject to preservation, conservation, protection, and enhancement efforts include endangered species such as the Belding's savannah sparrow, which lives within the Project site; erosion, including beach erosion; fisheries; habitats, including coastal wetlands; and open space and parks. In addition, the Conservation Element identifies applicable regulations and the Conservation Element policies with regard to each type of resource.

3.3.3.2 Open Space Element

The Open Space Element consists of an Open Space Plan that serves to guide the identification, preservation, conservation, and acquisition of open space within the City of Los Angeles. The Open Space Plan was adopted in 1973; an update is pending. The Del Rey Lagoon portion of the BSA supports several of the characteristics used to define "Open Space" in the Open Space Element of the City's General Plan. Specifically, they provide "opportunities for recreation and education" and conserve or preserve "natural resources or ecologically important areas."



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3.4 OTHER APPLICABLE REGULATIONS, PLANS, AND STANDARDS

3.4.1 California Native Plant Society Rare Plant Program

The mission of the California Native Plant Society (CNPS) Rare Plant Program is to develop current, accurate information on the distribution, ecology, and conservation status of California's rare and endangered plants and to use this information to promote science-based plant conservation in California. Once a species has been identified as being of potential conservation concern, it is put through an extensive review process. Once a species has gone through the review process, information on all aspects of the species (e.g., listing status, habitat, distribution, threats, etc.) is entered into the online CNPS Rare Plant Inventory and given a California Rare Plant Rank (CRPR). The Rare Plant Program currently recognizes more than 1,600 plant taxa (species, subspecies and varieties) as rare or endangered in California.

Vascular plants listed as rare or endangered by the CNPS, but which might not have a designated status under state endangered species legislation, are defined by the following CRPRs:

- CRPR 1A: Plants considered by the CNPS to be extinct in California
- CRPR 1B: Plants rare, threatened, or endangered in California and elsewhere
- CRPR 2: Plants rare, threatened, or endangered in California, but more numerous elsewhere
- CRPR 3: Plants about which we need more information – a review list
- CRPR 4: Plants of limited distribution – a watch list

In addition to the CRPR designations above, the CNPS adds a Threat Rank as an extension added onto the CRPR and designates the level of endangerment by a 0.1 to 0.3 ranking, with 0.1 being the most endangered and 0.3 being the least endangered and are described as follows:

- 0.1: Seriously threatened in California (high degree/immediacy of threat)
- 0.2: Fairly threatened in California (moderate degree/immediacy of threat)
- 0.3: Not very threatened in California (low degree or immediacy of threats or no current threats known)



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4.1 SETTING

As depicted in Figures 1 and 2 in Appendix A, the BSA is located at the confluence of Ballona Creek and Santa Monica Bay. In general, the BSA is characterized by Ballona Creek, which is a trapezoidal concrete channel confined by levees on both sides. Downstream of the confluence with Centinela Creek, the trapezoidal channel has a sediment, or “soft,” bottom with concrete side slopes until it reaches near Culver Boulevard. Downstream of Culver Boulevard, the trapezoidal channel continues to have a sediment bottom with embankments that are made of riprap with a grouted cap. The mouth of Ballona Creek empties into the Santa Monica Bay south of Marina del Rey and Venice Beach, and north of the community of Playa del Rey and Dockweiler Beach. The channel mouth is approximately 295 feet wide. The elevation of the channel’s bottom at the Project site ranges from -2.2 to +7.8 feet with respect to mean sea level.

The Ballona Creek watershed covers approximately 130 square miles within the Los Angeles Basin. With headwaters in the Santa Monica Mountains, the principal tributaries to the Ballona Creek are the Benedict Canyon Channel, Sepulveda Creek Channel, Centinela Creek Channel, and immense system of underground storm drains (ESA, 2017). Ballona Creek flows through the Ballona Wetlands Ecological Reserve within the coastal plain of the Los Angeles Basin at an elevation of approximately 5 to 28 feet (USACE, 1999). The reach of the Ballona Creek has a design flow rate of 46,000 cubic feet per second. The watershed upstream of the SA is approximately 20 percent undeveloped foothill and canyon area and 80 percent highly urbanized coastal plain, including the densely developed communities of Beverly Hills, Culver City, Hollywood, and a portion of the City of Los Angeles (USACE, 1999). The flood risk management channel provides support for approximately 1.5 million residents of the listed cities.

The BSA is situated within the unincorporated communities of Marina del Rey and Playa del Rey, within the City of Los Angeles. It encompasses the northernmost portion of the Del Rey Lagoon and Dockweiler State Beach, the Ballona Creek Bridge, multi-unit residential buildings, and a southern section of the Marina del Rey South Jetty and Marina del Rey Main Channel. The land within the BSA is nearly completely developed with urban infrastructure and open space with recreational and public use facilities or consists of open water. Nearby uses include a functioning small-craft harbor with boat slips, multi-unit residential buildings, single-family homes, Del Rey Lagoon; the BWER, Ballona Creek Bridge, and the University of California Los Angeles Marina Aquatic Center. Open space to the north, east, and south of the BSA includes Dockweiler State Beach, Venice City Beach, Del Rey Lagoon, and the BWER. A photographic log for the survey is included in Appendix B and depicts representative environmental conditions within the BSA and surrounding areas.

4.2 VEGETATION AND LAND COVERS

As defined in MCVII, a vegetation alliance is “a category of vegetation classification which describes repeating patterns of plants across a landscape. Each alliance is defined by plant species composition,



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and reflects the effects of local climate, soil, water, disturbance, and other environmental factors” (Sawyer et al. 2009). Generally, Stantec’s mapping and description of plant communities follows the classification system described in the MCVII. The MCVII is generally limited to communities that are native to or naturalized within California; however, no native habitat occurs within the BSA. Therefore, the vegetation community land cover types discussed below are descriptive in nature and are not specifically referenced in the MCVII. The scientific and common names of each species detailed within this report correspond to those described in the second edition of *The Jepson Manual* (Baldwin et al. 2012).

Recent technical studies for biological resources, specifically vegetation mapping, have been conducted in support of the Ballona Wetlands Restoration Project currently proposed by CDFW. The extent of these surveys overlap with portions of the BSA. The Draft EIR prepared for the Ballona Wetlands Restoration Project (ESA 2017) was used to define some of the vegetation classifications that occur within the BSA that are not defined in MCVII. These classifications are described below and depicted in Figure 2 (Appendix A).

Habitats observed within the BSA during the field survey, where vegetated, were comprised primarily of common plant species and vegetation communities found in the coastal areas of southern California. Habitat conditions within the vegetated portions of the BSA were noted to be of generally good quality, with well-established communities comprised of native and non-native shrub and herbaceous species. Within the BSA, Stantec biologists mapped one plant community defined by Sawyer et al. (2009), one plant community defined by the Ballona Wetlands Restoration Project Draft EIR (ESA 2017), and three land cover types. These are described below, summarized in Table 1, and depicted in Figure 2 included in Appendix A. Small, localized areas occupied by other plant communities were also observed within the BSA; however, the areas were less than the minimum mapping unit dictated by the size of the survey area and thus, were not mapped.

Table 1: Vegetation Communities and Land Cover Types Occurring within the Biological Study Area and Impacts

Vegetation Community/Land Cover Type	Acreage within BSA	Acreage of Permanent Project Impacts	Acreage of Temporary Project Impacts
Invasive Monoculture	2.76	-	-
Pickleweed Mats Alliance	0.24	-	-
Ice Plant Mats Alliance	0.46	-	-
Dune Mat Alliance	0.41	-	-
Open Water	55.96	-	-
Sandy Beach	7.30	-	-
Disturbed and Developed	34.88	0.14	-
Total	102.00	0.14	-



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4.2.1 Vegetation Communities and Land Cover Types

4.2.1.1 Vegetation Communities

Invasive Monoculture

Approximately 2.76 acres of this community occurs within the BSA, in the upland area of Ballona Creek and along the Del Rey Lagoon. In the Draft Environmental Impact Report for the Ballona Wetlands Restoration Project, invasive monoculture is described as follows:

*...monocultures or very low-diversity assemblages of invasive herbs and shrubs including black mustard (*Brassica nigra*), crown daisy (*Glebionis coronaria*), wild radish (*Raphanus sativus*) ... pampas grass (*Cortaderia* spp.), carnation spurge (*Euphorbia terracina*), and castor bean (*Ricinus communis*). In addition, small, fragmented groups of non-native trees, primarily thorn tree and lollypop tree (*Myoporum laetum*), are included in this habitat type. Invasive monocultures are common across the BWER within many upland habitat types. However, they are most often located in areas with introduced fill (e.g., berms or upland fill areas). (ESA 2017)*

Within the BSA, plant species observed within this community included black mustard, crown daisy, radish, pampas grass, and carnation spurge. Small Philippine acacia (*Acacia confusa*), Brazilian peppertree (*Schinus terebinthifolia*), tree tobacco (*Nicotiana glauca*), sweet alyssum (*Lobularia maritima*), ribwort plantain (*Plantago lanceolata*), broadleaf plantain (*Plantago major*), shortpod mustard (*Hirschfeldia incana*), common sowthistle (*Sonchus oleraceus*), barley (*Hordeum* sp.), Bermuda buttercup (*Oxalis pes-caprae*), and wild fennel (*Foeniculum vulgare*) were also observed within this community.

4.2.1.2 Pickleweed Mats Alliance

Approximately 0.24 acre of this vegetation community occurs within the BSA, primarily along the margins of the Del Rey Lagoon and banks of Ballona Creek. This alliance is represented within the BSA by Pacific pickleweed (*Salicornia pacifica*) as the dominant species in the subshrub and herbaceous layers with algae and interspersed with ice plant (*Carpobrotus edulis*). This alliance is generally found to occur in coastal salt marshes and alkaline flats.

4.2.1.3 Ice Plant Mats Alliance (*Mesembryanthemum* spp. - *Carpobrotus* spp. Herbaceous Semi-Natural Alliance)

Approximately 0.46 acre of this vegetation community occurs within the BSA along the margins of Del Rey Lagoon, the southern bank of Ballona Creek, and along the coastal sand dunes immediately south of the creek bordering a residential community. Within the BSA, the alliance is represented by continuous stands of Chilean sea fig (*Carpobrotus chilensis*) and ice plant (*Carpobrotus edulis*) as the dominant species in the herbaceous layers. It is interspersed with occurrences of beach suncup (*Camissoniopsis cheiranthifolia*), European searocket (*Cakile maritima*), tree aeonium (*Aeonium arboreum*), cheeseweed mallow (*Malva parviflora*), and jade plant (*Crassula ovata*). This alliance is generally found to occur in bluffs, disturbed, land, and sand dunes of immediate coastlines.



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4.2.1.4 Dune Mat Alliance (*Abronia latifolia* - *Ambrosia chamissonis* Herbaceous Alliance)

Approximately 0.41 acre of this vegetation community occurs within the BSA. It primarily occurs along the margins of Dockweiler State Beach and the jetty within the outer rocky outcrops of Ballona Creek and the sandy beach surfaces immediately south of the creek. Within the BSA, this alliance is represented by silver burr ragweed (*Ambrosia chamissonis*) and European searocket (*Cakile maritima*) as the dominant species. Lesser sea-spurry (*Spergularia marina*), common stork's-bill (*Erodium cicutarium*), prostrate knotweed (*Polygonum aviculare*), and ripgut brome (*Bromus diandrus*) are interspersed throughout this community. This alliance is generally found to occur in sand dunes of coastal bars, river mouths, and spits along the immediate coastline with coarse to fine-textured sands.

4.2.1.5 Other Land Cover Types

Open Water

Approximately 55.96 acres of open water habitat occurs in the Ballona Creek channel, Marina del Rey Harbor Main Channel, and Del Rey Lagoon within the BSA. The Ballona Creek channel within the BSA is a concrete and riprap channelized system with a soft sediment bottom. The Main Channel supports the passage of small and large watercrafts through the harbor. Del Rey Lagoon, a small coastal saline pond separated from Ballona Creek by a 40-foot-wide levee, has a manually controlled tidal gate, which exists at the north end of the lagoon and connects to a tidally influenced portion of Ballona Creek that enables periodic water exchange (MBC et al. 2016). The open water habitat is generally unvegetated, although a narrow fringe of herbaceous vegetation is occasionally present along the banks of Ballona Creek exposed during low tide.

Sandy Beach

Approximately 7.30 acres of the BSA includes a portion of the northern section of Dockweiler State Beach. This area is heavily disturbed and used as a recreational space, including a paved bicycle path that intersects the beach. The area is dominated by fine sands and is generally unvegetated due to the level of disturbance and its associated recreational and public use facilities.

Disturbed and Developed

This land cover type was used to map approximately 34.88 acres of the BSA that are developed, including multi-unit residential buildings, paved and unpaved roadways and paths, a pedestrian bridge, the Ballona Creek North and South Jetties, landscaped areas, and developed recreational spaces. In general, these areas are unvegetated or contain ornamental vegetation, such as the areas surrounding Del Rey Lagoon and residential landscaped areas. These areas are generally periodically maintained for weed control, precluding any significant growth of non-ornamental species, but may be sparsely interspersed with ruderal pioneer plant species that readily colonize open disturbed soil. These include non-native grasses and forbs such as soft brome (*Bromus hordeaceus*), ripgut brome (*Bromus diandrus*), Bermuda grass (*Cynodon dactylon*), and bristly oxtongue (*Helminthotheca echioides*).



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4.2.2 Common Plant Species Observed

Plants observed during the February and March 2020 reconnaissance-level surveys were recorded; however, a focused, floristic-level survey was not conducted. The reconnaissance-level surveys resulted in the documentation of 79 species of native and non-native plants within the BSA, a detailed list of which is provided in Table 2.

Table 2: Plant Species Observed in the Biological Study Area

Scientific Name	Common Name
<i>Acacia confusa</i> *	small Philippine acacia
<i>Achillea millefolium</i>	common yarrow
<i>Aeonium arboreum</i> *	tree aeonium
<i>Agapanthus praecox</i> *	lily of the Nile
<i>Agave attenuata</i> *	lion's tail
<i>Ageratina altissima</i> *	white snakeroot
<i>Aloe arborescens</i> *	candelabra aloe
<i>Ambrosia chamissonis</i>	silver burr ragweed
<i>Archontophoenix cunninghamiana</i> *	king palm
<i>Artemisia californica</i>	California sagebrush
<i>Asparagus aethiopicus</i> *	asparagus fern
<i>Atriplex lentiformis</i>	big saltbush
<i>Baccharis pilularis</i>	coyote brush
<i>Bellis perennis</i> *	common daisy
<i>Bougainvillea glabra</i> *	paper flower
<i>Brassica nigra</i> *	black mustard
<i>Bromus diandrus</i> *	ripgut brome
<i>Bromus hordeaceus</i> *	soft brome
<i>Cakile maritima</i> *	European searocket
<i>Camissoniopsis cheiranthifolia</i>	beach suncup
<i>Capsella bursa-pastoris</i> *	shepherd's purse
<i>Carissa macrocarpa</i> *	natal plum
<i>Carpobrotus chilensis</i> *	Chilean sea fig
<i>Carpobrotus edulis</i> *	ice plant
<i>Chenopodium murale</i> *	nettle-leaved goosefoot
<i>Claytonia sibirica</i> *	pink purslane
<i>Cleomella arborea</i> *	bladderpod
<i>Commelina benghalensis</i> *	Benghal dayflower



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Scientific Name	Common Name
<i>Cortaderia selloana</i> *	pampas grass
<i>Crassula ovata</i> *	jade plant
<i>Croton californicus</i>	California croton
<i>Curio repens</i> *	blue chalksticks
<i>Cynodon dactylon</i> *	Bermuda grass
<i>Datura stramonium</i> *	jimson weed
<i>Encelia californica</i>	California brittlebush
<i>Erodium cicutarium</i> *	common stork's-bill
<i>Eschscholzia californica</i>	California poppy
<i>Euphorbia terracina</i> *	Geraldton carnation spurge
<i>Ficus microcarpa</i> *	curtain fig
<i>Foeniculum vulgare</i> *	wild fennel
<i>Glebionis coronaria</i> *	crown daisy
<i>Helminthotheca echioides</i> *	bristly oxtongue
<i>Heterotheca grandiflora</i>	telegraphweed
<i>Hirschfeldia incana</i> *	shortpod mustard
<i>Hordeum</i> sp.	barley
<i>Isocoma menziesii</i>	Menzie's goldenbush
<i>Juniperus horizontalis</i> *	creeping juniper
<i>Lantana camara</i> *	common lantana
<i>Lampranthus spectabilis</i> *	trailing iceplant
<i>Lobularia maritima</i> *	sweet alyssum
<i>Lotus scoparius</i>	common deerweed
<i>Malva parviflora</i> *	cheeseweed
<i>Melilotus indicus</i> *	annual yellow sweetclover
<i>Nicotiana glauca</i> *	tree tobacco
<i>Oxalis stricta</i>	common yellow oxalis
<i>Oxalis pes-caprae</i> *	Bermuda buttercup
<i>Phoenix canariensis</i> *	Canary Island date palm
<i>Phormium tenax</i> *	New Zealand flax
<i>Pittosporum</i> sp.	cheesewood
<i>Plantago lanceolata</i> *	ribwort plantain
<i>Plantago major</i> *	broadleaf plantain
<i>Platycladus orientalis</i> *	Oriental arborvitae



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Scientific Name	Common Name
<i>Polygonum aviculare</i> *	prostrate knotweed
<i>Prunus persica</i> *	peach
<i>Pseudognaphalium californicum</i>	California rabbit tobacco
<i>Raphanus sativus</i> *	cultivated radish
<i>Rhaphiolepis indica</i> *	Indian hawthorn
<i>Salicornia pacifica</i> *	Pacific pickleweed
<i>Salvia leucantha</i> *	Mexican bush sage
<i>Schiuns terebinthifolia</i> *	Brazilian peppertree
<i>Sedum dendroideum</i> *	tree stonecrop
<i>Soliva sessilis</i> *	field burweed
<i>Sonchus oleraceus</i> *	common sow thistle
<i>Spergularia marina</i>	lesser sea spurry
<i>Strelitzia reginae</i> *	bird of paradise
<i>Syagrus romanzoffiana</i> *	queen palm
<i>Taraxcum</i> sp.	dandelion
<i>Trifolium repens</i> *	white clover
<i>Washington robusta</i> *	Mexican fan palm

* Non-native Species

4.3 COMMON WILDLIFE

This section describes the common wildlife observed during the reconnaissance survey and those species expected to occur within the BSA based on habitat characteristics and species known to occur in the region.

4.3.1 Terrestrial Invertebrates

As in all ecological systems, invertebrates inhabiting the BSA play a crucial role in a number of biological processes. They serve as the primary or secondary food sources for a variety of bird, reptile, and mammal predators; they provide important pollination vectors for numerous plant species; they act as components in controlling pest populations; and they support the naturally occurring maintenance of an area by consuming detritus and contributing to necessary soil nutrients. Though heavily urbanized, habitat conditions within the BSA provide a suite of microhabitat conditions for a wide variety of terrestrial insects and other invertebrates that are known to adapt to such disturbance. A focused insect survey was not performed within the BSA for this Project; however, a variety of common insects were observed during the reconnaissance survey, including species from the following orders: Araneidae (spiders), Coleoptera (beetles), Diptera (flies and mosquitoes), Lepidoptera (moths and butterflies), Odonata (dragonflies and damselflies), Hemiptera (true bugs), and Hymenoptera (wasps, bees and ants).



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4.3.2 Fish

Recent surveys conducted along the lower reaches of Ballona Creek as part of baseline studies for the Ballona Wetlands Restoration Project (Johnston et al. 2012) identified several fish species that would be expected to occur within the BSA. The most common fish observed was California halibut (*Paralichthys californicus*). Other species observed included California lizardfish (*Synodus lucioceps*), kelp bass (*Paralabrax clathratus*), giant kelpfish (*Heterostichus rostratus*), diamond turbot (*Hypsopsetta guttulata*), striped mullet (*Mugil cephalus*), California killifish (*Fundulus parvipinnis*), and topsmelt (*Atherinops affinis*). Two southern California steelhead (*Oncorhynchus mykiss irideus*) individuals were observed in Ballona Creek (upstream of the Ballona Reserve) in 2008 (Johnston et al. 2011); the BSA and upstream areas do not support suitable spawning habitat. EFH is mapped within the BSA for several fish species and is discussed further in an EFH report.

4.3.3 Amphibians

Amphibians often require a source of standing or flowing water to complete their life cycle. However, some terrestrial species can survive in drier areas by remaining in moist environments found beneath leaf litter and fallen logs, or by burrowing into the soil. These species are highly cryptic and often difficult to detect. Downed logs, bark, and other woody material in various stages of decay (often referred to as coarse woody debris), which is generally not present within the BSA, could provide shelter and feeding sites for a variety of wildlife, including amphibians and reptiles (Aubry et al. 1988; Maser and Trappe 1984).

Amphibian species were not observed during the reconnaissance surveys within the BSA. Species not observed in the BSA but known to occur in the area, particularly within the BWER, include the Baja California treefrog (*Pseudacris hypochondriaca*), garden slender salamander (*Batrachoseps major*), common slider (*Trachemys scripta*), and the non-native American bullfrog (*Lithobates catesbeiana*). Based on the tidal influence within the BSA, amphibians would not be expected to be permanent residents in this section of Ballona Creek, though there is a low possibility that they may be present as transients associated with storm drains entering the creek within the BSA.

4.3.4 Reptiles

The number and type of reptile species that may occur at a given site is related to a number of biotic and abiotic features. These include the diversity of plant communities, substrates, soil types, and presence of refugia such as rock piles, boulders, and native debris. Many reptile species, even if present, are difficult to detect because they are cryptic and their behavioral characteristics (e.g., foraging, thermoregulatory behavior, fossorial nature, camouflage) limit their ability to be observed during most surveys. Further, many species are only active within relatively narrow thermal limits, avoiding both cold and hot conditions, and most species take refuge in microhabitats that are not directly visible to the casual observer, such as rodent burrows, in crevices, under rocks and boards, and in dense vegetation, where they are protected from unsuitable environmental conditions and predators (USACE and CDFG, 2010). In some cases, they are only observed when flushed from their refugia. Weather conditions during the survey were favorable for reptile activity.



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The only reptiles observed during the site reconnaissance were western fence lizards (*Sceloporus occidentalis*) and a side-blotched lizard (*Uta stansburiana*). Although not observed, several other common reptiles are known to occur in the area and may occur in portions of the BSA, particularly associated with the BWER to the east of the BSA (Johnston et al. 2011). These include the southern alligator lizard (*Elgaria multicarinata*), San Diegan legless lizard (*Anniella stebbinsi*), western rattlesnake (*Crotalus oreganus*), gopher snake (*Pituophis catenifer*), and California kingsnake (*Lampropeltis getula californiae*).

4.3.5 Birds

Birds were identified by sight and were observed throughout the BSA, especially shorebirds and other waterfowl foraging within the tidally influenced Ballona Creek. Waterfowl observed included mallard (*Anas platyrhynchos*), American coot (*Fulica americana*), greater scaup (*Aythya marila*), American wigeon (*Mareca americana*), marbled godwit (*Limosa fedoa*), great egret (*Ardea alba*), snowy egret (*Egretta thula*), great blue heron (*Ardea herodias*), cattle egret (*Bubulcus ibis*), brown pelican (*Pelecanus occidentalis*), ruddy turnstone (*Arenaria interpres*), red-breasted merganser (*Mergus serrator*), eared grebe (*Podiceps nigricollis*), western grebe (*Aechmophorus occidentalis*), red-throated loon (*Gavia stellata*), black-crowned night heron (*Nycticorax nycticorax*), double-crested cormorant (*Phalacrocorax auratus*), Brandt's cormorant (*Phalacrocorax penicillatus*), willet (*Tringa semipalmata*), least sandpiper (*Calidris minutilla*), Canada goose (*Branta canadensis*), California gull (*Larus californicus*), herring gull (*Larus argentatus*), and ring-billed gull (*Larus delawarensis*). Upland birds would not be expected to permanently inhabit the BSA due to lack of significant cover and nesting opportunities, except within the BWER and Del Rey Lagoon. Upland bird species observed included belted kingfisher (*Megaceryle alcyon*), white-crowned sparrow (*Zonotrichia leucophrys*), house finch (*Carpodacus mexicanus*), Allen's hummingbird (*Selasphorus sasin*), Anna's hummingbird (*Calypte anna*), common raven (*Corvus corax*), American crow (*Corvus brachyrhynchos*), mourning dove (*Zenaida macroura*), rock pigeon (*Columba livia*), European starling (*Sturnus vulgaris*), house sparrow (*Passer domesticus*), American bushtit (*Psaltirparus minimus*), cliff swallow (*Petrochelidon pyrrhonota*), turkey vulture (*Cathartes aura*), and California towhee (*Melospiza crissalis*). Others that may be expected to occur include savannah sparrow (*Passerculus sandwichensis*), western scrub jay (*Aphelocoma californica*), northern mockingbird (*Mimus polyglottos*), black phoebe (*Sayornis nigricans*), surfbird (*Calidris virgata*), royal tern (*Thalasseus maximus*), pied-billed grebe (*Podilymbus podiceps*), and black oystercatcher (*Haematopus bachmani*).

4.3.6 Mammals

Generally, the distribution of mammals on a given site is associated with the presence of factors such as access to perennial water, topographical and structural components (e.g., rock piles, vegetation) that provide cover and support prey base, and the presence of suitable soils for fossorial mammals (e.g., sandy areas).

Terrestrial and marine mammal species observed during the surveys included California ground squirrels (*Otospermophilus beecheyi*), pocket gophers (*Geomyidae* sp.), Virginia opossum (*Didelphis virginiana*), rat (*Rattus* sp.), domestic dogs (*Canis familiaris*), Pacific harbor seal (*Phoca vitulina*), California sea lion (*Zalophus californianus*), and a pair of bottlenose dolphins (*Tursiops truncatus*). A number of common mammals habituated to urban environments may move through the BSA, including smaller marine



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mammals, desert cottontail (*Sylvilagus audubonii*), striped skunk (*Mephitis mephitis*), raccoon (*Procyon lotor*), and domestic species such as house cats (*Felis cattus*).

Although bats were not detected in the BSA, they may forage and roost in the riparian corridors in the region where insect abundance is high (CDFW, 2000). Because this type of foraging habitat does not occur within Ballona Creek, it is unlikely that bats permanently inhabit or forage in significant numbers in the BSA; although not within the BSA, bats may roost on some of the bridges present up- and downstream of the BSA.

All wildlife species observed within the BSA are summarized in Table 3.

Table 3: Wildlife Species Observed in the BSA

Scientific Name	Common Name
Invertebrates	
Aranidae sp.	spiders
Coleoptera sp.	beetles
Diptera sp.	flies and mosquitoes
Hemiptera sp.	true bugs
Hymenoptera sp.	wasps, bees and ants
Lepidoptera sp.	moths and butterflies
Odonata sp.	dragonflies and damselflies
Reptiles	
<i>Sceloporus occidentalis</i>	western fence lizard
<i>Uta stansburiana</i>	side-blotched lizard
Birds	
<i>Aechmophorus occidentalis</i>	western grebe
<i>Ardea alba</i>	great egret
<i>Ardea herodias</i>	great blue heron
<i>Arenaria interpres</i>	ruddy turnstone
<i>Anas platyrhynchos</i>	mallard
<i>Aythya marila</i>	greater scaup
<i>Branta canadensis</i>	Canada goose
<i>Bubulcus ibis</i>	cattle egret
<i>Calidris minutilla</i>	least sandpiper
<i>Calypte anna</i>	Anna's hummingbird
<i>Cathartes aura</i>	turkey vulture



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Scientific Name	Common Name
<i>Columba livia</i>	rock pigeon
<i>Corvus brachyrhynchos</i>	American crow
<i>Corvus corax</i>	common raven
<i>Egretta thula</i>	snowy egret
<i>Fulica americana</i>	American coot
<i>Gavia stellata</i>	red-throated loon
<i>Haemorhous mexicanus</i>	house finch
<i>Larus argentatus</i>	herring gull
<i>Larus californicus</i>	California gull
<i>Larus delawarensis</i>	ring-billed gull
<i>Limosa fedoa</i>	marbled godwit
<i>Mareca americana</i>	American wigeon
<i>Megaceryle alcyon</i>	belted kingfisher
<i>Melospiza crissalis</i>	California towhee
<i>Mergus serrator</i>	red-breasted merganser
<i>Nycticorax nycticorax</i>	black-crowned night heron
<i>Passer domesticus</i>	house sparrow
<i>Pelecanus occidentalis</i>	brown pelican
<i>Petrochelidon pyrrhonota</i>	cliff swallow
<i>Phalacrocorax auratus</i>	double-crested cormorant
<i>Phalacrocorax penicillatus</i>	Brandt's cormorant
<i>Podiceps nigricollis</i>	eared grebe
<i>Psittacus erithacus</i>	American parakeet
<i>Selasphorus sasin</i>	Allen's hummingbird
<i>Sturnus vulgaris</i>	European starling
<i>Tringa semipalmata</i>	willet
<i>Zenaidura macroura</i>	mourning dove
<i>Zonotrichia leucophrys</i>	white-crowned sparrow
Mammals	
<i>Canis familiaris</i>	domestic dog
<i>Didelphis virginiana</i>	Virginia opossum
<i>Geomyidae</i> sp.	pocket gopher
<i>Otospermophilus beecheyi</i>	California ground squirrel
<i>Phoca vitulina</i>	Pacific harbor seal



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Scientific Name	Common Name
<i>Rattus</i> sp.	rat
<i>Tursiops truncatus</i>	bottlenose dolphin
<i>Zalophus californianus</i>	California sea lion

4.4 JURISDICTIONAL WATERS/WETLANDS

There are four key agencies that regulate activities within inland streams, wetlands, and riparian areas in California, including the coastal zone: the USACE Regulatory Program regulates activities pursuant to Section 404 of the federal CWA and Section 10 of the Rivers and Harbors Act; the CDFW regulates activities under the FGC Sections 1600-1607; and the RWQCB regulates activities under Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

As the Project occurs within the Coastal Zone, development may not proceed until CCC issues a Coastal Development Permit for the Project, which would require that the Project adhere to the policies of the California Coastal Act.

Five types of jurisdictional features have been documented within the Jurisdictional Survey Area (JSA), which includes the Project site and a 100-foot buffer, and the Project site: Waters of the U.S, USACE Section 10 waters, Waters of the State, CCC wetlands, and CDFW jurisdictional waters and are depicted in Figure 3 of Appendix A. Jurisdictional areas are summarized in Table 4. Further analysis of jurisdictional waters is provided in a separate Jurisdictional Delineation Report.

Table 4: Jurisdictional Features and Project Impacts in the Jurisdictional Survey Area

Waters of the U.S (Section 404).		CDFW Jurisdictional Waters		Waters of the State		CCC Wetlands		USACE Section 10 Waters	
SA	Perma- nent Impact Area	SA	Perma- nent Impact Area	SA	Perma- nent Impact Area	SA	Perma- nent Impact Area	SA	Perma- nent Impact Area
14.24	0.023	15.93	0.023	15.93	0.023	14.24	0.023	14.24	0.023

* All reported impacts are in acres

4.5 SOILS

Prior to conducting the delineation, historic soils data from the Natural Resources Conservation Service was used to determine potential soil types that may occur with the BSA; this data was used to determine where hydric soils have historically occurred (Appendix A, Figure 4). Table 5 identifies the soils historically known to occur within the BSA and provides a summary of characteristics of these soils.



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Table 5: Historic Soil Units Occurring within the Biological Survey Area*

Map Unit Symbol	Map Unit Name	Description	Acres within BSA
1100	Urban land, 0 to 2 percent slopes, dredged fill substratum	Associated with islands and spits at elevations between 0 and 20 feet; very high runoff; 0 inches to manufactured layer.	28.70
1150	Abaft-Beaches complex, 0 to 5 percent slopes	An excessively drained soil associated with dunes and beaches at elevations between 0 and 20 feet; parent material consists of alluvium and/or eolian sands; negligible runoff; sand (0-79 inches); more than 80 inches to restrictive feature.	16.62
1153	Urban land-Abaft, loamy surface complex, 5 to 30 percent slopes, terraced	A somewhat excessively drained soil associated with dune fields at elevations between 0 and 190 feet; fine sandy loam, loamy sand, sand; parent material consists of discontinuous human-transported material over eolian sands; low runoff; more than 80 inches to manufactured layer.	1.90
W	Water	Water	38.41

* Western portions of BSA, within the Pacific Ocean, are not mapped as a soil type by the NRCS. Therefore, the total acres reported in this table do not represent the total size of the BSA due to the lack of available historic soils data.



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5.0 SPECIAL-STATUS BIOLOGICAL RESOURCES

The background information presented above combined with habitat assessments performed during the surveys was used to evaluate special-status natural communities and special-status plant and animal taxa that either occur or may have the potential to occur within the BSA and adjacent habitats. For the purposes of this BRTR, special-status taxa are defined as plants or animals that:

- Have been designated as either rare, threatened, or endangered by CDFW or the USFWS, and are protected under either the California Endangered Species Act or FESA
- Are candidate species being considered or proposed for listing under these same acts
- Are recognized as SSC by the CDFW
- Are ranked by CNPS as CRPR 1, 2, 3, or 4 plant species
- Are fully protected by the FGC, Sections 3511, 4700, 5050, or 5515
- Are of expressed concern to resource/regulatory agencies, or local jurisdictions

5.1 SPECIAL STATUS NATURAL COMMUNITIES

Special-status natural communities are defined by CDFW (2020) as, "...communities that are of limited distribution statewide or within a county or region and are often vulnerable to environmental effects of projects." All vegetation within the state is ranked with an "S" rank; however, only those that are of special concern (S1-S3 rank) are evaluated under CEQA.

One vegetation community identified within the BSA is listed as sensitive: Pickleweed Mats Alliance. This community has a state rank of S3/Vulnerable; vulnerable in the state due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation from the state. The BSA does not occur within an area covered under a Natural Community Conservation Plan or other protection plan; however, it is within the vicinity of the Ballona Wetlands Ecological Reserve, which is depicted in Appendix D (ESA 2017). No sensitive communities occur within proposed Project area.

5.2 DESIGNATED CRITICAL HABITAT

Critical habitat is defined by the USFWS (2020b) as, "...a term defined and used in the Endangered Species Act. It is specific geographic areas that contain features essential to the conservation of an endangered or threatened species and that may require special management and protection. Critical habitat may also include areas that are not currently occupied by the species but will be needed for its recovery."

There is no designated Critical Habitat designated within or adjacent to the Project site. The nearest designated critical habitat is for western snowy plover (*Charadrius alexandrinus nivosus*), along Dockweiler State Beach approximately 1.1 miles to the south. Based on existing habitat conditions, this species is not expected to nest or forage within the BSA and has a low potential to occur as a transient.



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5.3 SPECIAL STATUS PLANTS

Table 6 presents a list of special-status plants, including federally and state listed species and CRPR 1-4 species that are known to occur within 10 miles of the BSA or within the USGS 7.5-minute quadrangles including and surrounding the BSA (Appendix A, Figures 5, 5a, 5b and -5c provide a depiction of known species locations).

Record searches of the CNDDDB, the CNPS Online Inventory, and the Consortium of Critical Herbaria was performed for special-status plant taxa. Each of the taxa identified in the record searches was assessed for their potential to occur within the BSA based on the following criteria:

- **Present:** Taxa were observed within the BSA during recent botanical surveys or population has been acknowledged by CDFW, USFWS, or local experts.
- **High:** Both a documented recent record (within 10 years) exists of the taxa within the BSA or immediate vicinity (approximately 5 miles) and the environmental conditions (including soil type) associated with taxa presence occur within the BSA.
- **Moderate:** Both a documented recent record (within 10 years) exists of the taxa within the BSA or the immediate vicinity (approximately 5 miles) and the environmental conditions associated with taxa presence are marginal or limited within the BSA, or the BSA is located within the known current distribution of the taxa and the environmental conditions (including soil type) associated with taxa presence occur within the BSA.
- **Low:** A historical record (over 10 years) exists of the taxa within the BSA or general vicinity (approximately 10 miles), and the environmental conditions (including soil type) associated with taxa presence are marginal or limited within the BSA.
- **Not Likely to Occur:** The environmental conditions associated with taxa presence do not occur within the BSA.

While many of the species listed below in Table 6 have potential to occur within the BSA, they are not expected to occur within the Project area due to the lack of suitable habitat. Most of the special-status plant species with potential to occur are associated with the BWER and coastal dunes.



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Table 6: Known and Potential Occurrences of Special Status Plant Taxa within the Biological Study Area

Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Aphanisma blitoides</i> <i>aphanisma</i> <i>aphanisma</i>	1B.2, S2	Coastal bluff scrub, coastal dunes, coastal scrub. On bluffs and slopes near the ocean in sandy or clay soils. Elevation range: 3-305 m.	February-June	Low: Marginally suitable habitat occurs in the uplands of Dockweiler State Beach within the BSA; however, the nearest and most recently recorded occurrence is 9 miles southeast of the BSA.
<i>Arenaria paludicola</i> Marsh sandwort	FE, SE, 1B.1, S1	Marshes and swamps (fresh water or brackish); sandy substrates; found in open habitats. Elevation range: 3-170 m.	March-August	Low: Marginally suitable habitat occurs within the portion of the BSA that includes the Del Rey Lagoon. The nearest and most recently recorded occurrence is approximately 6 miles northeast of the BSA; however, this observation is from 120 years ago in 1900. Del Rey Lagoon would not be impacted by the project. Therefore, there would be No Effect on this species.
<i>Astragalus brauntonii</i> Braunton's milk-vetch	FE, 1B.1, S2	Chaparral, valley grasslands, coastal sage scrub, closed-cone pine forest. Occurs in disturbed habitat and requires gravelly clay soils. Elevation range: 4-640 m.	January-August	Not Likely to Occur: No suitable habitat occurs within the BSA. The nearest recorded occurrence is approximately 6 miles northwest of the BSA; however, this observation is from more than 90 years ago in 1921.



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Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Astragalus pycnostachyus</i> var. <i>lanosissimus</i> Ventura Marsh milk-vetch	FE, SE, 1B.1, S1	Coastal dunes, coastal scrub, marshes, and swamps (edges, coastal salt, or brackish). Elevation range: 1-35 m.	(June) August-October	Low: There is marginally suitable habitat occurs in the Del Rey Lagoon within the BSA. The nearest and most recently recorded occurrence is approximately 0.1-mile northwest of the BSA; however, this observation is from more than 30 years ago in 1981. Del Rey Lagoon would not be impacted by the project. Therefore, there would be No Effect on this species.
<i>Astragalus tener</i> var. <i>titi</i> coastal dunes milk-vetch	FE, SE 1B.1, S1	Coastal bluff scrub (sandy), coastal dunes, and coastal prairie (mesic). Often in vernal mesic areas. Elevation range: 1-50 m.	March-May	Not Likely to Occur: No suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is approximately 3 miles northwest of the BSA; however, this observation was recorded 90 years ago in 1930.
<i>Atriplex coulteri</i> Coulter's saltbush	1B.2, S1S2	Coastal bluff scrub, coastal dunes, coastal scrub, valley and foothill grassland. Ocean bluffs, ridgetops, as well as alkaline low places. Alkaline or clay soils. Elevation range: 2-460 m.	March-October	Low: There is marginally suitable habitat within the BSA. The nearest recorded occurrence is approximately 3 miles to the northwest of the BSA; however, this observation is from more than 130 years ago in 1881.
<i>Atriplex pacifica</i> south coast saltscale	1B.2, S2	Coastal scrub, coastal bluff scrub, playas, coastal dunes. Alkali soils. Elevation range: 1-400 m.	March-October	Low: There is marginally suitable habitat along the Del Rey Lagoon included in the BSA. The nearest recorded occurrence is approximately 3 miles to the northwest of the BSA; however, this observation is from more than 130 years ago in 1881.



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Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Atriplex parishii</i> Parish's brittle scale	1B.1, S1	Native to Central and Southern California often found in dry lake beds, playas, and ephemeral vernal pools. Saline and alkaline soils. Elevation range: 0-470 m.	June-October	Not Likely to Occur: No suitable habitat occurs within the BSA. The nearest recorded occurrence is approximately 3 miles northwest of the BSA.
<i>Atriplex serenana</i> var. <i>davidsonii</i> Davidson's salt scale	1B.2, S1	Coastal scrub, bluffs, Chenopod scrub, playas, and vernal pools from southern California to Baja California. Elevation range: 0-200 m.	April-October	Not Likely to Occur: No suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is approximately 6 miles to the northeast of the BSA; however, this observation is from more than 110 years ago.
<i>Calochortus plummerae</i> Plummer's mariposa-lily	4.2, S4	Chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, and valley and foothill grassland. Granite and rocky substrates. Elevation range: 100-1,700 m.	May-July	Not Likely to Occur: No suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is approximately 8 miles north of the BSA from 2008.
<i>Calystegia felix</i> lucky morning-glory	1B.1, S1	Historically associated with wetland and marshy places, but possibly in drier situations as well. Possibly silty loam and alkaline, meadows and seeps (sometimes alkaline), riparian scrub (alluvial). Elevation range: 30-215 m.	March-September	Low: Marginally suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is approximately 6 miles northeast of the BSA; however, this observation is from more than 120 years ago in 1899.
<i>Camissoniopsis lewisii</i> Lewis' evening primrose	3, S4	Coastal bluff scrub, cismontane woodland, coastal dunes, coastal scrub, valley and foothill grassland on sandy or clay soils. Elevation range: 0-975 feet.	March-May (June)	Moderate: Marginally suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is approximately 0.3 mile east of the BSA within the BWER (ESA 2017).



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Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Centromadia parryi</i> ssp. <i>australis</i> southern tarplant	1B.1, S2	Marshes and swamps (margins), valley and foothill grasslands (vernally mesic), and vernal pools; often in disturbed sites near the coast at marsh edges; also in alkaline soils sometimes with saltgrass. Elevation range: 0-480 m.	May- November	Low: There is marginally suitable habitat along the Del Rey Lagoon included in the BSA. The nearest and most recently recorded occurrence is approximately 0.2 mile east of the BSA; however, this observation is from more than 20 years ago in 1997.
<i>Chaenactis glabriuscula</i> var. <i>orcuttiana</i> Orcutt's pincushion	1B.1, S1	Coastal bluff scrub (sandy) and coastal dunes; located on sandy soils. Elevation range: 0-100 m.	January- August	Moderate: Marginally suitable habitat occurs within the BSA. The nearest recorded occurrence is approximately 0.1 mile to the southeast of the BSA from 2011.
<i>Chenopodium littoreum</i> coastal goosefoot	1B.2, S1	Coastal dunes. Elevation range: 10-30 m.	April-August	Low: Marginally suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is within the BSA; however, this observation is from more than 110 years ago in 1904.
<i>Chloropyron maritimum</i> ssp. <i>maritimum</i> salt marsh bird's-beak	FE, SE, 1B.1, S1	Coastal dunes, marshes, and swamps (coastal salt). Elevation range: 0-30 m.	May- October (November)	Low: Marginally suitable habitat occurs in the Del Rey Lagoon within the BSA. The nearest recorded occurrence is approximately one mile northeast of the BSA; however, this observation is from more than 110 years ago in 1901. Del Rey Lagoon would not be impacted by the project. Therefore, there would be No Effect on this species.



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Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Chorizanthe parryi</i> var. <i>fernandina</i> San Fernando Valley spineflower	FC, SE, 1B.1, S1	Annual; sandy areas in coastal scrub and native grasslands; Los Angeles and Ventura Counties. Elevation range: 150-1220 m.	April-July	Low: A very small amount of marginally suitable habitat occurs near the Del Rey Lagoon within the eastern portion of the BSA. The nearest and most recently recorded occurrence is within the BSA; however, this observation is from more than 110 years ago in 1901. Suitable habitat would not be impacted by the project. Therefore, there would be No Effect on this species.
<i>Dithyrea maritima</i> beach spectaclepod	ST, 1B.1, S1	Coastal dunes, coastal scrub (sandy). Elevation range: 3-50 m.	March-May	Low: Marginally suitable habitat occurs with the portion of the BSA included in the BWER. The nearest recorded occurrence is within the BSA; however, this observation is from over 110 years ago in 1903.
<i>Eryngium aristulatum</i> var. <i>parishii</i> San Diego button-celery	FE, SE, 1B.1, S1	Coastal scrub, valley and foothill grassland, and vernal pools. California to Baja. Elevation range: 20-620 m.	April-June	Low: A very small amount of marginally suitable habitat occurs within the eastern portion of the BSA in the BWER. The nearest and most recently recorded occurrence is approximately 4 miles southeast of the BSA; however, this observation is from more than 110 years ago in 1901. Marginally suitable habitat would not be impacted by the project. Therefore, there would be No Effect on this species.



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Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Erysimum suffrutescens</i> Suffrutescent wallflower	4.2, S3	Coastal bluff scrub, coastal scrub, valley and foothill grassland. Located on coastal dunes and bluffs. Elevation range: 0-490 feet.	January-July	Moderate: Marginally suitable habitat occurs within the BSA. The nearest recorded occurrence is approximately 0.3 mile east within the BWER (ESA 2017).
<i>Helianthus nuttallii</i> ssp. <i>parishii</i> Los Angeles sunflower	1A, SH	Marshes and swamps (coastal salt and freshwater). Elevation range: 10-1,525 m.	August-October	Moderate: Suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is approximately 6 miles northeast of the BSA; however, this observation is from more than 120 years ago in 1891.
<i>Horkelia cuneata</i> var. <i>puberula</i> mesa horkelia	1B.1, S1	Chaparral, cismontane woodland, coastal scrub. Sandy or gravelly sites. Elevation range: 15-1,645 m.	February-July (September)	Not Likely to Occur: Suitable habitat does not occur with the BSA. The nearest and most recent recorded occurrence is approximately 3 miles southeast of the BSA; however, this observation is from more than 80 years ago in 1932.
<i>Lasthenia glabrata</i> ssp. <i>coulteri</i> Coulter's goldfields	1B.1	Marshes and swamps (coastal salt), playas, and vernal pools; Usually found on alkaline soils in playas, sinks, and grasslands. Elevation range: 1-1,375 m.	February-June	Low: Marginally suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is within the BSA; however, this observation is from 40 years ago in 1980.
<i>Monardella hypoleuca</i> ssp. <i>hypoleuca</i> white-veined monardella	1B.3, S3	Chaparral and cismontane woodland. Known only from the Santa Monica, Santa Ynez, and Sierra Madre Mountains. Elevation range: 50-1,525 m.	May-August (April, September-December)	Not Likely to Occur: Suitable habitat does not occur with the BSA. The nearest and most recently recorded occurrence is approximately 9 miles northwest of the BSA; however, this observation is from more than 100 years ago in 1907.



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Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Nama stenocarpa</i> mud nama	2B.2, S1S2	Marshes and swamps. Lake shores, riverbanks, intermittently wet areas. Elevation range: 5-500 m.	January-July	Not Likely to Occur: Suitable habitat does not occur within the BSA. The nearest and most recently recorded occurrence is approximately 5 miles northwest of the BSA from more than 110 years ago in 1902.
<i>Nasturtium gambelii</i> Gambel's water cress	FE, ST, 1B.1, S1	Marshes and swamps (freshwater or brackish). Elevation range: 5-330 m.	April-October	Low: A very small amount of marginally suitable habitat occurs along the Del Rey Lagoon included in the BSA. The nearest and most recently recorded occurrence is approximately 6 miles northeast of the BSA; however, this observation is from more than 110 years ago in 1904. Del Rey Lagoon would not be impacted by the project. Therefore, there would be No Effect on this species.
<i>Navarretia fossalis</i> spreading navarretia	FT, 1B.1, S2	Marshes and swamps (assorted shallow freshwater), playas, vernal pools, and Cheonopod scrub. Elevation range: 30-655 m.	April-June	Not Likely to Occur: Suitable habitat does not occur with the BSA. The nearest and most recently recorded occurrence is approximately 4 miles northeast of the BSA; however, this observation is from more than 110 years ago in 1906.
<i>Navarretia prostrata</i> prostrate vernal pool navarretia	1B.2, S2	Coastal scrub, valley and foothill grassland, vernal pools, meadows and seeps. Alkaline soils in grassland, or in vernal pools. Mesic, alkaline sites. Elevation range: 3-1,235 m.	April-June	Low: Marginally suitable habitat occurs within the BSA. The nearest recorded occurrence is 4 miles southeast of the BSA; however, this observation is from more than 110 years ago in 1906.



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Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Orcuttia californica</i> California Orcutt grass	FE, SE, 1B.1, S1	Occurs only in large and deep vernal pools. Clay soils with an impervious subsurface layer and longer inundation periods. Elevation range: 15-660 m.	April-August	Not Likely to Occur: Suitable habitat does not occur with the BSA. The nearest and most recently recorded occurrence is approximately 8 miles southeast of the BSA; however, this observation is from more than 40 years ago in 1976.
<i>Phacelia ramosissima</i> var <i>austrolitoralis</i> South Coast branching phacelia	3.2, S3	Chaparral, coastal dunes, coastal scrub, coastal salt marshes. Located on sandy, sometimes rocky soils. Elevation range: 20-975 feet.	March-August	High: Suitable habitat occurs within the BSA; however, the species was not observed within the BSA during biological surveys. The nearest recorded occurrence is 0.3 mile east of the BSA within the BWER (ESA 2017).
<i>Phacelia stellaris</i> Brand's star phacelia	1B.1, S1	Coastal dunes and coastal scrub. Elevation range: 1-400 m.	March-June	Low: Marginally suitable habitat occurs within the BSA. The nearest recorded occurrence is within the BSA; however, this observation is from more than 110 years ago in 1909.
<i>Potentilla multijuga</i> Ballona cinquefoil	1A, SX	Meadows and seeps (brackish), Elevation range: 0-2 m.	June-August	Low: Marginally suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is within the BSA; however, this observation is from 130 years ago in 1890.
<i>Pseudognaphalium leucocephalum</i> white rabbit-tobacco	2B.2, S2	Chaparral, cismontane woodland, coastal scrub, and riparian woodland. 0-2100 m.	(July) August-November (December)	Not Likely to Occur: Suitable habitat does not occur with the BSA. The nearest and most recently recorded occurrence is approximately 10 miles; however, this observation is from more than 110 years ago in 1907.



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Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Quercus dumosa</i> Nuttall's scrub oak	1B.1, S3	Closed-cone coniferous forest, chaparral, coastal scrub. Generally, on sandy soils near the coast; sometimes on clay loam. Elevation range: 15-640 m.	February-May (May-August)	Not Likely to Occur: Suitable habitat does not occur with the BSA. The nearest and most recently recorded occurrence is approximately 4 miles northeast of the BSA from 2009.
<i>Sidalcea neomexicana</i> salt spring checkerbloom	2B.2, S2	Playas, chaparral, coastal scrub, lower montane coniferous forest, Mojavean desert scrub; alkali springs and marshes. Elevation range: 3-2,380 m.	March-June	Low: Marginally suitable habitat occurs within the BSA. The nearest recorded occurrence is 3 miles northeast of the BSA; however, this observation is from over 90 years ago in 1922.
<i>Suaeda taxifolia</i> woolly seablite	4.2, S4	Coastal bluff scrub, coastal dunes, margins of coastal salt marshes. Elevation range: 0-165 feet.	January-December	High: Suitable habitat occurs within the BSA; however, the species was not observed within the BSA during biological surveys. The nearest recorded occurrence is 0.3 mile east of the BSA in the BWER (ESA 2016).
<i>Symphyotrichum defoliatum</i> San Bernardino aster	1B.2, S2	Meadows and seeps, cismontane woodland, coastal scrub, lower montane coniferous forest, marshes and swamps, valley and foothill grassland. Vernal mesic grassland or near ditches, streams and springs; disturbed areas. Elevation range: 3-2,045 m.	July-November	Low: Marginally suitable habitat occurs within the BSA. The nearest and most recently recorded occurrence is 6 miles northeast of the BSA; however, this observation is from more than 110 years ago in 1904.
<i>Symphyotrichum greatae</i> Greata's aster	1B.3, S2	Broadleaved upland forest, chaparral, cismontane woodland, lower montane coniferous forest, and riparian woodland. 300-2010 m.	Jun-Oct	Not Likely to Occur: Suitable habitat does not occur with the BSA. The nearest recorded occurrence is approximately 8 miles north of the BSA.



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Species	Status	Habitat and Distribution	Blooming Period	Potential to Occur
<i>Thelypteris puberula</i> var. <i>sonorensis</i> Sonoran maiden fern	2B.2, S2	Meadows and seeps (seeps and streams) and riparian habitats. 50-610 m.	Jan-Sept	Not Likely to Occur: Suitable habitat does not occur with the BSA. The nearest and most recently recorded occurrence is approximately 7 miles northwest of the BSA from 2010.

Status Codes

Federal Designation

FE = Federally Endangered

FC = Federal Candidate Species for Listing

CDFW State Designation

SE = State Endangered

ST = State Threatened

State Ranking

S1 = Critically Imperiled

S2 = Imperiled

S3 = Vulnerable

S4 = Apparently Secure

S5 = Secure

SH = Possibly Extirpated

SX = Presumed Extirpated

CNPS CRPR Designation

1A = Plants considered by the CNPS to be extinct in California
1B = Plants rare, threatened, or endangered in California and elsewhere.

2A. Presumed extinct in California, extant and more common elsewhere

2B. Rare or Endangered in California, more common elsewhere

3. Plants for which we need more information - Review list

4. Plants of limited distribution - Watch list

.1 = Seriously threatened in California (high degree/immediacy of threat).

.2 = Fairly threatened in California (moderate degree/immediacy of threat).

BSA = Biological Study Area

BWER = Ballona Wetlands Ecological Reserve

m = meter

5.4 SPECIAL STATUS WILDLIFE

Special-status taxa include those listed as threatened or endangered under the FESA or California Endangered Species Act, taxa proposed for such listing, SSC, and other taxa that have been identified by USFWS, CDFW, or local jurisdictions as unique or rare and that have the potential to occur within the BSA. The only special-status wildlife species observed in the BSA during the survey was the California brown pelican. They were observed within Ballona Creek and soaring over the BSA.

The CNDDDB was queried for occurrences of special-status wildlife taxa within the USGS topographical quadrangles in which the BSA occurs and the eight surrounding quadrangles, as discussed in Section 2.0. Table 7 summarizes the special-status wildlife taxa known to occur regionally and their potential for occurrence in the BSA (Appendix A, Figures 5, 5a, 5b and 5c provide a depiction of previously reported species locations). Each of the taxa identified in the database reviews/searches were assessed for its potential to occur within the BSA based on the following criteria:

- **Present:** Taxa (or sign) were observed in the BSA or in the same watershed (aquatic taxa only) during the most recent surveys, or a population has been acknowledged by CDFW, USFWS, or local experts.



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- **High:** Habitat (including soils) for the taxa occurs onsite, and a known occurrence occurs within the BSA or adjacent areas (within 5 miles of the BSA) within the past 20 years; however, these taxa were not detected during the most recent surveys.
- **Moderate:** Habitat (including soils) for the taxa occurs onsite, and a known regional record occurs within the database search, but not within 5 miles of the BSA or within the past 20 years; or a known occurrence occurs within 5 miles of the BSA and within the past 20 years and marginal or limited amounts of habitat occurs onsite; or the taxa's range includes the geographic area and suitable habitat exists.
- **Low:** Limited habitat for the taxa occurs within the BSA and no known occurrences were found within the database search and the taxa's range includes the geographic area.
- **Not Likely to Occur:** The environmental conditions associated with taxa presence do not occur within the BSA.

While many of the species listed in Table 7 have potential to occur within the BSA, they are not expected to occur within the Project area due to the lack of suitable habitat. Although some of the more mobile species may occasionally occur as a transient visitor, they would not occupy Project area for any significant amount of time as the Project area is comprised of a moderately urbanized, developed area consisting of concrete and rip rap jetties along the mouth of Ballona Creek with high pedestrian, cyclist, and boat traffic nearby.



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Table 7: Known and Potential Occurrences of Special-Status Wildlife Taxa within the Biological Study Area

Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
INVERTEBRATES					
<i>Bombus crotchii</i>	Crotch bumble bee	SC, S1S2	Coastal California east to the sierra-cascade crest and south into Mexico. Food plant genera include <i>Antirrhinum</i> , <i>Phacelia</i> , <i>Clarkia</i> , <i>Dendromecon</i> , <i>Eschscholzia</i> , and <i>Eriogonum</i> .	Marginally suitable habitat occurs within the BSA. The nearest and most recently recorded CNDDDB occurrence is 0.1 mile east of the BSA; however, this observation is from approximately 30 years ago in 1981.	Moderate
<i>Brennania belkini</i>	Belkin's dune tabanid fly	S1S2	Occurs in exposed sandy substrates within southern foredune and southern dune scrub plant communities. Adults fly from May to July and breed only on coastal sand dunes.	Marginally suitable habitat occurs within the BSA. The nearest recorded CNDDDB occurrence is 0.1 mile northeast of the BSA; however, this observation is from 40 years ago in 1980.	Low
<i>Carolella busckana</i>	Busck's gallmoth	SH	Coastal scrub dune habitat.	Marginally suitable habitat occurs within the BSA. The nearest recorded CNDDDB occurrence is 1 mile southeast of the BSA; however, this observation is from over 80 years ago in 1939.	Low



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Cicindela hirticollis gravida</i>	sandy beach tiger beetle	S2	Extirpated from most sites but documented extant populations from north of San Francisco to Mexico. Occurs in areas adjacent to non-brackish water in clean, dry, light-colored sand in the upper zones and coastal sand dunes. Burrows are located in moist soils that are far enough away from water bodies to avoid being inundated with water.	Suitable habitat does not occur within the BSA. The nearest recorded CNDDDB occurrence is within the BSA; however, this observation is from more than 110 years ago in 1907.	Not Likely to Occur
<i>Cicindela senilis frosti</i>	senile tiger beetle	S1	Herbaceous wetlands, playa, coastal and alkali mud flats, salt marsh, and marine shorelines. Inhabits dark-colored mud in the lower zone and dried salt pans in the upper zone. Extinct over much of its former range in coastal Southern California. The only known healthy population is within an inland salt marsh in Lake Elsinore. Adults overwinter, but larvae always present.	Suitable habitat occurs within the BSA; however, it should be noted that the nearest and most recently recorded CNDDDB occurrence is 5 miles southeast of the BSA; however, this observation is from more than 40 years ago in 1979.	Moderate
<i>Coelus globosus</i>	globose dune beetle	S1S2	Inhabitant of coastal sand dune habitat; erratically distributed from Ten Mile creek in Mendocino County south to Ensenada, Mexico. Inhabits foredunes and sand hummocks; it burrows beneath the sand surface and is most common beneath dune vegetation.	Marginally suitable habitat occurs within the BSA. The nearest recorded CNDDDB occurrence is within the BSA; however, this observation is from over 40 years ago in 1979.	Moderate



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Danaus plexippus</i> (pop. 1)	monarch butterfly – California overwintering population	S2S3	Inhabitant of coastal sand dune habitat; erratically distributed from Ten Mile creek in Mendocino County south to Ensenada, Mexico. Inhabits foredunes and sand hummocks; it burrows beneath the sand surface and is most common beneath dune vegetation. Roosts located in wind-protected tree groves (eucalyptus, pine, cypress), with nectar and water sources nearby.	Marginally suitable foraging habitat occurs within the BSA and is known to occur within the BWER located 0.3 mile east of the BSA. The nearest recorded CNDDDB occurrence is 0.6 mile east of the BSA from 2014.	Moderate
<i>Eucosma hennei</i>	Henne's eucosman moth	S1	Endemic to the Los Angeles/El Segundo Dunes in Los Angeles County. Open sand, undisturbed sand dunes and dense shrubs populated with the larval host plant <i>Phacelia ramosissima</i> var. <i>austrolitoralis</i> .	The species' larval host plant was not observed with the BSA, and suitable habitat does not occur within the BSA. The nearest and most recently recorded CNDDDB occurrence is 1 mile southeast; however, this observation is from more than 30 years ago in 1984.	Not Likely to Occur



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Euphilotes battoides allyni</i>	El Segundo blue butterfly	FE, S1	Historically ranged over the entire Los Angeles and El Segundo Dunes and the northwestern Palos Verdes Peninsula in southwestern Los Angeles County. Currently distributed on three remnant habitats within its former range supporting coastal sand dunes with coast buckwheat (<i>Eriogonum parvifolium</i>). All life stages depend on coast buckwheat and possibly loose sand.	The species' host plant was not observed within the BSA, but occurrences have been mapped within the portions of the BWER less than 1 mile southeast of the BSA (MBC et al. 2016). The species is known to occupy the southwestern portion of the BWER and was observed in 2013. The El Segundo Butterfly Recovery Unit covers the portions of Ballona west of State Route 1 to the ocean, which includes the BSA (MBC et al. 2016). The nearest recorded CNDDDB occurrence is approximately 1.5 miles to the southeast of the BSA in 2005. May Affect, Not Likely to Adversely Affect.	Low
<i>Glaucopsyche lygdamus palosverdesensis</i>	Palos Verdes blue butterfly	FE, S1	Dependent on two known larval hostplants, Santa Barbara milkvetch (<i>Astragalus trichopodus</i> var. <i>lonchus</i>)—also known as locoweed—and common deerweed (<i>Lotus scoparius</i>) within coastal scrub habitat. Known only from the Palos Verdes peninsula.	One of the species of the two known larval host plants (common deerweed) was observed along the margins of the Del Rey Lagoon within the BSA; however, the nearest and most recently recorded CNDDDB occurrence is 6 miles south of the BSA from 2001. May Affect, Not Likely to Adversely Affect.	Low



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Onychobaris langei</i>	Lange's El Segundo Dune weevil	S1	Occurs in southern foredune and southern dune scrub plant communities. Possible food plant is an evening primrose (<i>Oenothera</i> sp.).	Marginally suitable foraging habitat occurs within the BSA. The nearest and most recently recorded CNDDDB occurrence is approximately 1 mile southeast of the BSA; however, this observation is from more than 80 years ago in 1938.	Low
<i>Panoquina errans</i>	wandering (saltmarsh) skipper	S2	Occurs in localized colonies along the coast of Southern California to Baja California. It is associated with its larval host plants, salt grass, which primarily occurs in sandy habitats along beaches, bluffs, and estuaries.	Marginally suitable habitat occurs within the BSA, but the species larval host plant was not observed. The nearest and most recently recorded CNDDDB occurrence is 0.1 mile southeast from 2010.	Low
<i>Socalchemmis gertschi</i>	Gertsch's socalchemmis spider	S1	Known from Brentwood and Topanga. Habitat consists of sage scrub, chaparral, oak woodland, coniferous forest, generally in rocky outcrops or talus slopes in non-arid climates	No suitable habitat occurs within the BSA. The nearest recorded CNDDDB occurrence is 5 miles northwest of the BSA; however, this observation is from more than 60 years ago in 1952.	Not Likely to Occur
<i>Streptocephalus woottoni</i>	Riverside fairy shrimp	FE, S1S2	Endemic to western Riverside, Orange, and San Diego Counties in areas of tectonic swales and earth slump basins in grassland and coastal sage scrub. Inhabits seasonally astatic pools filled by winter and spring rains. Hatches in warm water later in the season.	Suitable habitat does not occur within the BSA. The nearest and most recently recorded CNDDDB occurrence is approximately 1 mile southeast of the BSA from 2005.	Not Likely to Occur



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Trigonoscuta dorothea dorothea</i>	Dorothy's El Segundo Dune weevil	S1	Distributed habitats only along coastal southern California from Point Dume to Point Fermin and is associated with southern dune scrub plant community.	Marginally suitable habitat occurs within the BSA, and the nearest and most recently recorded CNDDDB occurrence is within the BSA; however, this observation is from over 60 years ago in 1954.	Moderate
<i>Tryonia imitator</i>	mimic tryonia (California brackishwater snail)	S2	Inhabits coastal lagoons, estuaries and salt marshes, from Sonoma County south to San Diego County. Found only in permanently submerged areas in a variety of sediment types; able to withstand a wide range of salinities.	Suitable habitat occurs along the Del Rey Lagoon included within the BSA; however, the species was not observed within the BSA during biological surveys. The nearest recorded CNDDDB occurrence is within the BSA from about 2001.	High
FISH					
<i>Oncorhynchus mykiss irideus</i> (pop. 10)	steelhead - southern California DPS	FE, S1	Inhabits seasonally accessible rivers and streams with gravel for spawning. Requires sufficient flows in their natal streams to be able to return from oceans and lakes to spawn. Federal listing refers to populations from Santa Maria River south to the southern extent of the range (San Mateo Creek in San Diego County). Southern steelhead likely have greater physiological tolerance to warmer water and more variable conditions.	No suitable spawning habitat occurs within the BSA. The nearest recorded occurrence is approximately 4 miles upstream of Ballona Creek from 2008. May act as a transient passing through the BSA.	Low (transient, no spawning)



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
AMPHIBIANS					
<i>Emys marmorata</i>	western pond turtle	SSC, S3	A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches usually with aquatic vegetation, below 6,000 feet elevation. Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 kilometer from water for egg-laying.	Suitable habitat does not occur within the BSA. The nearest and most recently recorded CNDDB occurrence is 0.2-mile northeast of the BSA; however, this observation is from more than 30 years ago in 1987.	Not Likely to Occur
<i>Spea hammondi</i>	western spadefoot	SSC, S3	Occurs in the Central Valley and adjacent foothills and the non-desert areas of Southern California and Baja California. Grassland habitats and valley-foothill hardwood woodlands. Vernal pools and other temporary rain pools, cattle tanks, and occasionally pools of intermittent streams are essential for breeding and egg-laying. Burrows in loose soils during dry season.	Suitable habitat does not occur within the BSA. The nearest and most recently recorded CNDDB occurrence is 3 miles north of the BSA from more than 80 years ago in 1941.	Not Likely to Occur



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
REPTILES					
<i>Anniella stebbinsi</i>	Southern California legless lizard	SSC, S3	Generally south of the transverse range, extending to northwestern Baja California; occurs in sandy or loose loamy soils under sparse vegetation; disjunct populations in the Tehachapi and Piute mountains in Kern County; variety of habitats; generally in moist, loose soil; they prefer soils with a high moisture content.	Suitable habitat is present within the BSA; however, the species was not observed within the BSA during biological surveys. The nearest recorded CNDDDB occurrence is 0.1 mile northeast of the BSA from 2016.	High
<i>Aspidoscelis tigris stejnegeri</i>	coastal whiptail	SSC, S3	Found in deserts and semi-arid areas with sparse vegetation and open areas. Also found in woodland and riparian areas. Ground may be firm soil, sandy, or rocky.	Limited suitable habitat occurs within the BSA. The nearest recorded CNDDDB occurrence is 7 miles northwest of the BSA from 2007.	Moderate
<i>Phrynosoma blainvillii</i>	coast horned lizard	SSC, S3S4	Primarily in sandy soil in open areas, especially sandy washes and floodplains, in many plant communities. Requires open areas for sunning, bushes for cover, patches of loose soil for burial, and an abundant supply of ants or other insects. Occurs west of the deserts from northern Baja California north to Shasta County below 2,400 meters (8,000 feet) elevation.	Suitable habitat does not occur within the BSA. The nearest recorded CNDDDB occurrence is 7 miles northeast of the BSA; however, this observation is from over 60 years ago in 1953.	Not Likely to Occur



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Thamnophis hammondi</i>	two-striped gartersnake	SSC, S3S4	Coast California from vicinity of Salinas to northwest Baja California. From sea level to about 7,000 feet elevation. Highly aquatic, found in or near permanent fresh water. Often along streams with rocky beds and riparian growth.	Suitable habitat does not occur within the BSA. The nearest and most recently recorded CNDDDB occurrence is 4 miles northwest of the BSA from 2010.	Not Likely to Occur
BIRDS					
<i>Agelaius tricolor</i>	tricolored blackbird	ST, SSC, BCC, S1S2	Highly colonial species, most numerous in the Central Valley and vicinity, and largely endemic to California. Breeds near fresh water, preferably in emergent wetland with tall, dense cattails or tules, but also in thickets of willow, blackberry, wild rose, and tall herbs. Forages in grassland and cropland habitats with insect prey within a few kilometers of the colony. They are itinerant breeders, nesting more than once at different locations during the breeding season.	Suitable habitat does not occur within the BSA. The nearest recorded CNDDDB occurrence is 7 miles southeast of the BSA; however, this observation is from about 80 years ago.	Not Likely to Occur



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Athene cunicularia</i>	burrowing owl	SSC, BCC, S3	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Owls are found in microhabitats highly altered by humans, including flood risk management and irrigation basins, dikes, banks, abandoned fields surrounded by agriculture, and road cuts and margins. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Suitable habitat does not occur within the BSA. The nearest recorded CNDDDB occurrence is 0.1 mile southeast of the BSA from 2010.	Low
<i>Buteo swainsoni</i>	Swainson's hawk	ST, BCC, S3	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	Suitable habitat does not occur within the BSA. The nearest recorded CNDDDB occurrence is 3 miles northwest of the BSA; however, this observation is from more than 120 years ago in 1896.	Not Likely to Occur (nesting)/Low (transient)
<i>Charadrius alexandrinus nivosus</i>	western snowy plover	FT, SSC, BCC, S2S3	Sandy beaches, salt pond levees, and shores of large alkali lakes. Needs sandy, gravelly, or friable soils for nesting.	No suitable nesting habitat occurs within the BSA. The nearest and most recently recorded CNDDDB occurrence is within the BSA; however, this observation is from more than 100 years ago in 1914.	Not Likely to Occur (nesting)/ Low (transient)



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Coturnicops noveboracensis</i>	yellow rail	SSC, BCC, S1S2	Summer resident in eastern Sierra Nevada in Mono County. Freshwater marshlands.	Suitable habitat does not occur within the BSA. The nearest and most recently recorded CNDDDB occurrence was 4 miles southeast of the BSA; however, this observation is from more than 20 years ago in 1998.	Not Likely to Occur
<i>Empidonax traillii extimus</i>	southwestern willow flycatcher	FE, SE, S1	Rare and local breeder in extensive riparian areas of dense willows or (rarely) tamarisk, usually with standing water, in the southwestern U.S.	Although suitable nesting habitat is not present within the BSA, foraging habitat is present within the BWER, which is located 0.1 mile east of the BSA. The species may pass through the site in a transient capacity during migration. The nearest recorded CNDDDB occurrence is 7 miles northeast of the BSA; however, this observation is from more than 120 years ago in 1894. May Affect, Not Likely to Adversely Affect.	Not Likely to Occur (nesting)/ Low (transient)
<i>Laterallus jamaicensis coturniculus</i>	California black rail	ST, FP, BCC, S1	Inhabits freshwater marshes, wet meadows, and shallow margins of saltwater marshes bordering larger bays. Needs water depths of about 1 inch that do not fluctuate during the year and dense vegetation for nesting habitat.	No suitable habitat occurs within the BSA. The nearest and most recently recorded CNDDDB occurrence is within the BSA; however, this observation is from more than 90 years ago in 1928.	Not Likely to Occur



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Passerculus sandwichensis beldingi</i>	Belding's savannah sparrow	SE, S3	Locally common non-migratory resident of coastal saltmarsh. An obligate breeder in middle elevation saltmarsh, nearly always characterized by pickleweed (<i>Salicornia</i> spp.), either in tidal situations or non-tidal alkaline flats nearby. Foraging primarily stems from saltmarsh and mudflat, individuals, particularly post-breeding birds, can be found foraging in a wide variety of habitats including upper marsh, adjacent ruderal and ornamental vegetation, open beach and mudflat, and even dirt and gravel parking lots.	Suitable nesting and foraging habitat occur within the BSA and in the BWER, which is located 0.1 mile east of the BSA. The BWER is known to support nesting and foraging Belding's savannah sparrows; however, the species was not observed within the BSA during biological surveys. The nearest and most recently recorded CNDDDB occurrence is 0.1 mile northeast of the BSA from 2001.	High
<i>Pelecanus occidentalis californicus</i>	California brown pelican	FD, SD, FP, S3	Typically found on rocky, sandy, or vegetated offshore islands; beaches; open sea (for feeding); harbors; marinas; estuaries; and breakwaters. Typically build nests on the ground or on native shrubs.	Although no suitable nesting habitat occurs within the BSA, foraging habitat persists within the creek, as well as the BWER, which is located 0.1 mile east of the BSA. The species was observed within the creek and flying over the BSA. The nearest and most recently recorded CNDDDB occurrence is approximately 0.2 mile southwest of the BSA from 2000.	Present



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Poliioptila californica californica</i>	coastal California gnatcatcher	FT, SSC, S2	Obligate, permanent resident of coastal sage scrub below 2500 feet in Southern California. Low, coastal sage scrub in arid washes and on mesas and slopes with California sagebrush (<i>Artemisia californica</i>) as a dominant or co-dominant species. Not all areas classified as coastal sage scrub are occupied.	No suitable nesting habitat occurs within the BSA; however, the species was observed foraging within the BWER in 2011, well outside of the BSA (ESA 2017). The nearest recorded CNDDDB occurrence is approximately 2 miles northeast of the BSA; however, this observation is from 40 years ago in 1980. Species may be observed foraging in or migrating through the project area. May Affect, Not Likely to Adversely Affect.	Moderate
<i>Riparia riparia</i>	bank swallow	ST, S2	Low areas along rivers, streams, ocean coasts, and reservoirs. Nesting habitat is vertical banks of fine textured soils, most commonly along streams and rivers. Forage in open areas and avoid places with tree cover.	Although no suitable nesting habitat occurs within the BSA, the species may use the BWER, which is located 0.1 mile east of the BSA, as foraging habitat. The nearest and most recently recorded CNDDDB occurrence is approximately 5 miles northwest of the BSA; however, this observation is from more than 110 years ago in 1907.	Not Likely to Occur (nesting)/Low (transient)



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5.0 Special-Status Biological Resources

Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Sternula antillarum browni</i>	California least tern	FE, SE, FP, S2	Nests on sandy upper ocean beaches and open barren sites, and occasionally uses mudflats. Forages on adjacent surf line, estuaries, or the open ocean. Colonies are located near the ocean shoreline (within 0.5 mile [about 800 meters]), typically on nearly flat, loose sandy substrates with lightly scattered short vegetation and debris, although some colonies have been located on hard-packed surfaces, even unused asphalt. Colony sites must provide access to the shoreline for juveniles and must be relatively free of predators, or the colony may abandon breeding efforts before completion.	Although no nesting habitat occurs within the BSA, there are known nesting sites 0.2 miles north of the BSA in Venice Beach and within the eastern portion of the BWER, approximately one mile east of the BSA (ESA 2017). The species is known to forage in Ballona Creek, Marina del Rey Harbor, and the BWER. The nearest recorded CNDDDB occurrence is approximately 0.2 mile northeast of the BSA; however, this observation is from more than 30 years ago in 1987. May Affect, not Likely to Adversely Affect.	Not Likely to Occur (nesting)/High (foraging/transient)
<i>Vireo bellii pusillus</i>	least Bell's vireo	FE, SE, S2	Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 2000 feet. Often inhabits structurally diverse woodlands along watercourses including cottonwood-willow and oak woodlands and mulefat scrub. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, <i>Baccharis</i> , mesquite.	The species is known to nest and forage in the BWER and has been recorded in the Playa Vista riparian corridor near the BSA in 2010; however, no individuals were observed within the BSA at that time (ESA 2017). The nearest and most recently recorded CNDDDB occurrence is 1 mile southeast of the BSA from 2010. Suitable nesting habitat occurs approximately 0.4 mile northeast of the BSA. May Affect, not Likely to Adversely Affect.	High



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5.0 Special-Status Biological Resources

Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
MAMMALS					
<i>Antrozous pallidus</i>	pallid bat	SSC, S3	Desert, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	No suitable habitat occurs within the BSA. The nearest and most recently recorded CNDDDB occurrence is 3 miles northeast of the BSA; however, this observation is from more than 80 years ago in 1932.	Not Likely to Occur
<i>Eumops perotis californicus</i>	western mastiff bat	SSC, S3S4	Many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, chaparral. Roosts in crevices in cliff faces, high buildings, bridges, trees, and tunnels. In California, most records are from rocky areas at low elevations.	No suitable habitat occurs within the BSA. The nearest recorded CNDDDB occurrence is approximately 3 miles northeast of the BSA; however, this observation is from more than 90 years ago in 1925.	Not Likely to Occur
<i>Lasionycteris noctivagans</i>	silver-haired bat	S3S4	Coastal and montane forest. Forages over streams, ponds, and brushy areas, and requires follows of trees for roost habitat. Conifer and mixed conifer/hardwood forests. Roosts mainly in hollows or crevices of trees, but may also roost in rock crevices, mines, or caves. Forages over streams, ponds, and brushy areas.	No suitable habitat occurs within the BSA, but species may appear as a migratory transient. The nearest and most recently recorded CNDDDB occurrence is 4 miles northwest of the BSA; however, this observation is from over 30 years ago in 1985.	Low



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Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Lasiurus cinereus</i>	hoary bat	S4	Forages over a wide range of habitats, but prefers open habitats with access to water and trees for roosting. Typically solitary, roosting in the foliage of shrubs or coniferous and deciduous trees. Roosts are usually near the edge of a clearing.	No suitable habitat occurs within the BSA, but species may appear as a migratory transient. The nearest recorded CNDDDB occurrence is 3 miles northeast of the BSA; however, this observation is from more than 80 years ago in 1939.	Low
<i>Microtus californicus stephensi</i>	south coast marsh vole	SSC, S1S2	Occurs in the area of tidal marshes in Los Angeles, Orange, and southern Ventura Counties.	Suitable habitat occurs with the BSA and was captured within the BWER in 2010 and 2011. The nearest and most recently recorded CNDDDB occurrence is 0.1 mile east of the BSA from 2011.	High
<i>Nyctinomops femorosaccus</i>	pocketed free-tailed bat	SSC, S3	Variety of arid areas in Southern California; pine-juniper woodlands, desert scrub, palm oasis, desert wash, desert riparian, etc. Rocky areas with high cliffs.	No suitable habitat occurs within the BSA. The nearest and most recently recorded CNDDDB occurrence is 4 miles southeast of the BSA; however, this observation is from over 20 years ago in 1994.	Not Likely to Occur
<i>Perognathus longimembris pacificus</i>	Pacific pocket mouse	FE, SSC, S1	An obligate resident of fine-grained sandy soils of coastal strand, coastal dunes, river and marine alluvium, and coastal sage scrub in close proximity to the ocean and has never been collected more than 2 miles from the coast. Occurrences are closely associated with loose or friable soils that permit burrowing.	No suitable habitat occurs within the BSA. The nearest and most recently recorded CNDDDB occurrence is within the BSA; however, this observation is from more than 80 years ago in 1938.	Low



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
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5.0 Special-Status Biological Resources

Taxa		Status	Habitat Type	Comments	Occurrence Potential
Scientific Name	Common Name				
<i>Sorex ornatus salicornicus</i>	southern California saltmarsh shrew	SSC, S1	Coastal marshes in Los Angeles, Orange and Ventura Counties. Requires dense vegetation and woody debris for cover.	Marginally suitable habitat occurs within the BSA. The nearest and most recently recorded CNDDDB occurrence is 0.1 mile southeast of the BSA from 2009.	Moderate
<i>Taxidea taxus</i>	American badger	SSC, S3	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Needs sufficient food, friable soils, and open and uncultivated ground. Preys on burrowing rodents. Digs burrows.	No suitable habitat occurs within the BSA. The nearest recorded occurrence is 7 miles northeast of the BSA.	Not Likely to Occur

State Rankings:

S1 = Critically Imperiled
S2 = Imperiled
S3 = Vulnerable
S4 = Apparently Secure
S5 = Secure
SH = Possibly Extirpated
SX = Presumed Extirpated
SC = State Candidate for Listing
SD = State Delisted
SA = CDFW Special Animal
SE = State Endangered
ST = State Threatened
FP = Fully Protected
SSC = Species of Special Concern

Federal Rankings:

FE = Federally Endangered
FD = Federally Delisted
BCC = USFWS Bird of Conservation Concern

BSA=Biological Study Area
BWER = Ballona Wetlands Ecological Reserve
CNDDDB =California Natural Diversity Database



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
 Biological Resources Technical Report

5.0 Special-Status Biological Resources

5.5 WILDLIFE CORRIDORS AND SPECIAL LINKAGES

Linkages and corridors facilitate regional animal movement and are generally centered in or around waterways, riparian corridors, flood control channels, contiguous habitat, and upland habitat. Drainages generally serve as movement corridors because wildlife can move easily through these areas, and fresh water is available. Corridors also offer wildlife unobstructed terrain for foraging and for dispersal of young individuals.

As the movements of wildlife species are more intensively studied using radio-tracking devices, there is mounting evidence that some wildlife species do not necessarily restrict their movements to some obvious landscape element, such as a riparian corridor. For example, recent radio-tracking and tagging studies of Coast Range newts, California red-legged frogs, southwestern pond turtles, and two-striped garter snakes found that long-distance dispersal involved radial or perpendicular movements away from a water source with little regard to the orientation of the assumed riparian “movement corridor” (Bulger et al. 2002; Hunt 1993; Ramirez 2002, 2003a, 2003b; Rathbun et al. 1992; Trenham 2002). Likewise, carnivores do not necessarily use riparian corridors as movement corridors, frequently moving overland in a straight line between two points when traversing large distances (Beier 1993, 1995; Newmark 1995; Noss et al. 1996, n.d.). In general, the following corridor functions can be utilized when evaluating impacts to wildlife movement corridors:

- Movement corridors are physical connections that allow wildlife to move between patches of suitable habitat. Simberloff et al. (1992) and Beier and Loe (1992) correctly state that for most species, we do not know what corridor traits (length, width, adjacent land use, etc.) are required for a corridor to be useful. But, as Beier and Loe (1992) also note, the critical features of a movement corridor may not be its physical traits but rather how well a particular piece of land fulfills several functions, including allowing dispersal, plant propagation, genetic interchange, and recolonization following local extirpation.
- Dispersal corridors are relatively narrow, linear landscape features embedded in a dissimilar matrix that link two or more areas of suitable habitat that would otherwise be fragmented and isolated from one another by rugged terrain, changes in vegetation, or human-altered environments. Corridors of habitat are essential to the local and regional population dynamics of a species because they provide physical links for genetic exchange and allow animals to access alternative territories as dictated by fluctuating population densities.
- Habitat linkages are broader connections between two or more habitat areas. This term is commonly used as a synonym for a wildlife corridor (Meffe and Carroll 1997). Habitat linkages may themselves serve as source areas for food, water, and cover, particularly for small- and medium-size animals.
- Travel routes are usually landscape features, such as ridgelines, drainages, canyons, or riparian corridors, within larger natural habitat areas that are frequently used by animals to facilitate movement and provide access to water, food, cover, den sites, and other necessary resources. A travel route is generally preferred by a species because it provides the least amount of



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5.0 Special-Status Biological Resources

topographic resistance in moving from one area to another yet still provides adequate food, water, or cover (Meffe and Carroll 1997).

- Wildlife crossings are small, narrow areas of limited extent that allow wildlife to bypass an obstacle or barrier. Crossings typically are human-made and include culverts, underpasses, drainage pipes, bridges, tunnels to provide access past roads, highways, pipelines, or other physical obstacles. Wildlife crossings often represent “choke points” along a movement corridor because useable habitat is physically constricted at the crossing by human-induced changes to the surrounding areas (Meffe and Carroll 1997).

5.5.1 Wildlife Movement in the BSA

The BSA is located in a heavily developed area within the communities of Playa del Rey and Marina del Rey; but it has localized portions of open space and open water, particularly the Del Rey Lagoon, Dockweiler State Beach, Ballona Creek, and Marina del Rey Main Channel. The BSA is amid conditions that would be expected to significantly constrain the movement of wildlife within the region and, by extension, through the site. The area surrounding the BSA is characterized by residential and commercial development and infrastructure, including significant barriers to terrestrial wildlife movement such as buildings, fencing, jetties, and busy multi-lane roadways. These areas may harbor common species habituated to life in urban environments such as Virginia opossum, raccoon, Audubon’s cottontail, California ground squirrel, and other small rodents. The localized portions of open area likely provide “live-in habitat,” foraging habitat, or habitat for transient and migratory species.

The southwestern fenced boundary of the Ballona Wetlands Ecological Reserve is 0.1 mile east of the BSA. It is a regionally important stopover site for both resident and migratory birds, and is within the Pacific Flyway, a major north-south flyway for migratory birds in America, extending from Alaska to Patagonia. Each year, at least one billion birds migrate along the Pacific Flyway (Audubon 2020). Ballona Creek and tidal channels provide movement for marine fish species and marine mammals (*Phocidae* sp. and *Otariidae* sp.) through Ballona Creek and the Marina del Rey Main Channel.

Within the BSA, the level of surrounding urban development, presence of physical barriers, and lack of native habitat outside of the adjacent BWER, would significantly constrain the passage of most large terrestrial wildlife known to occur in the region. Terrestrial wildlife corridors between the BSA and other areas of open space are extremely constrained by Ballona Creek, roadways, and commercial and residential development. The BSA does not occur within any known wildlife movement corridor or habitat linkage as identified by the Los Angeles County Department of Regional Planning (2014), South Coast Wildlands (2008), or Penrod et al (2001).



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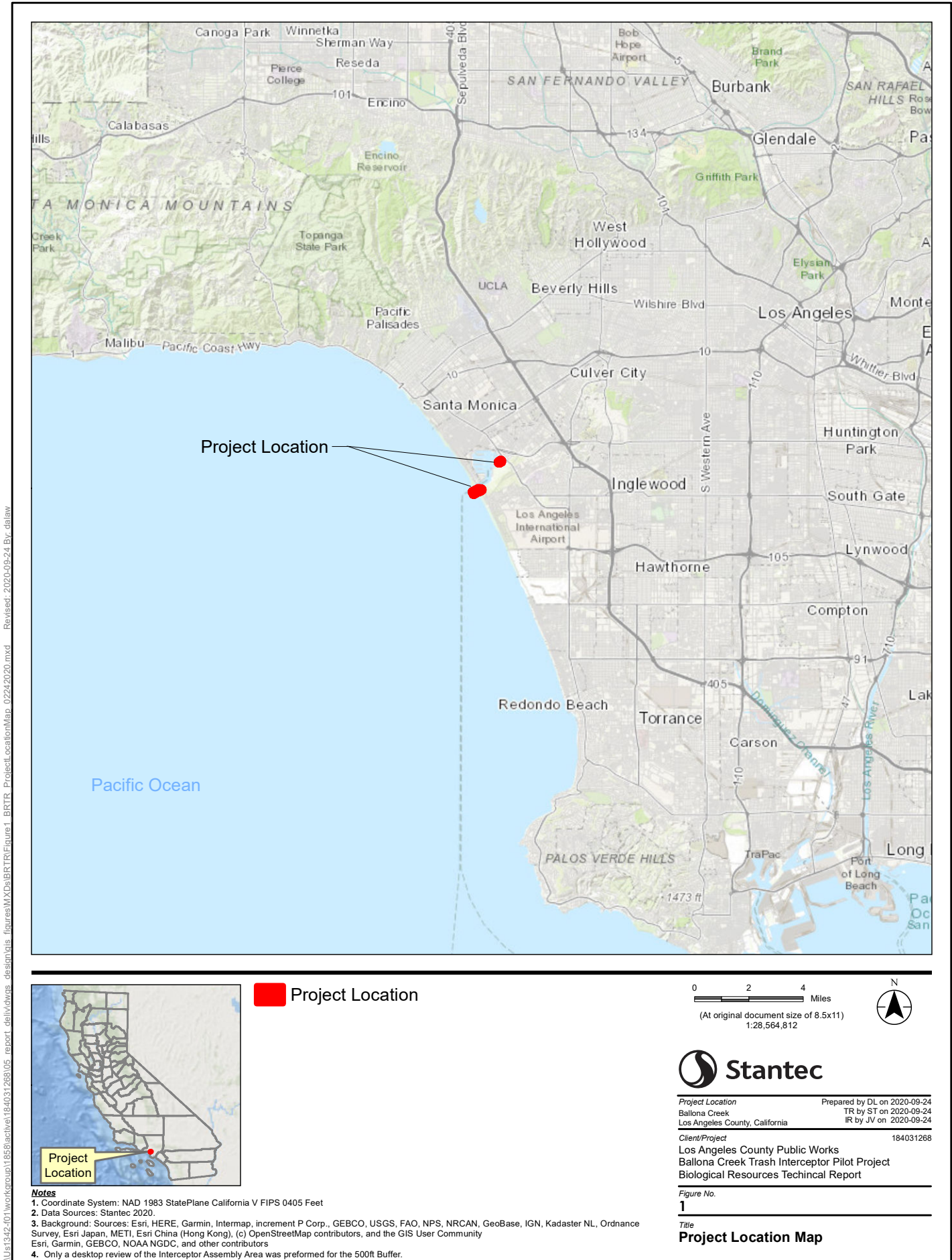
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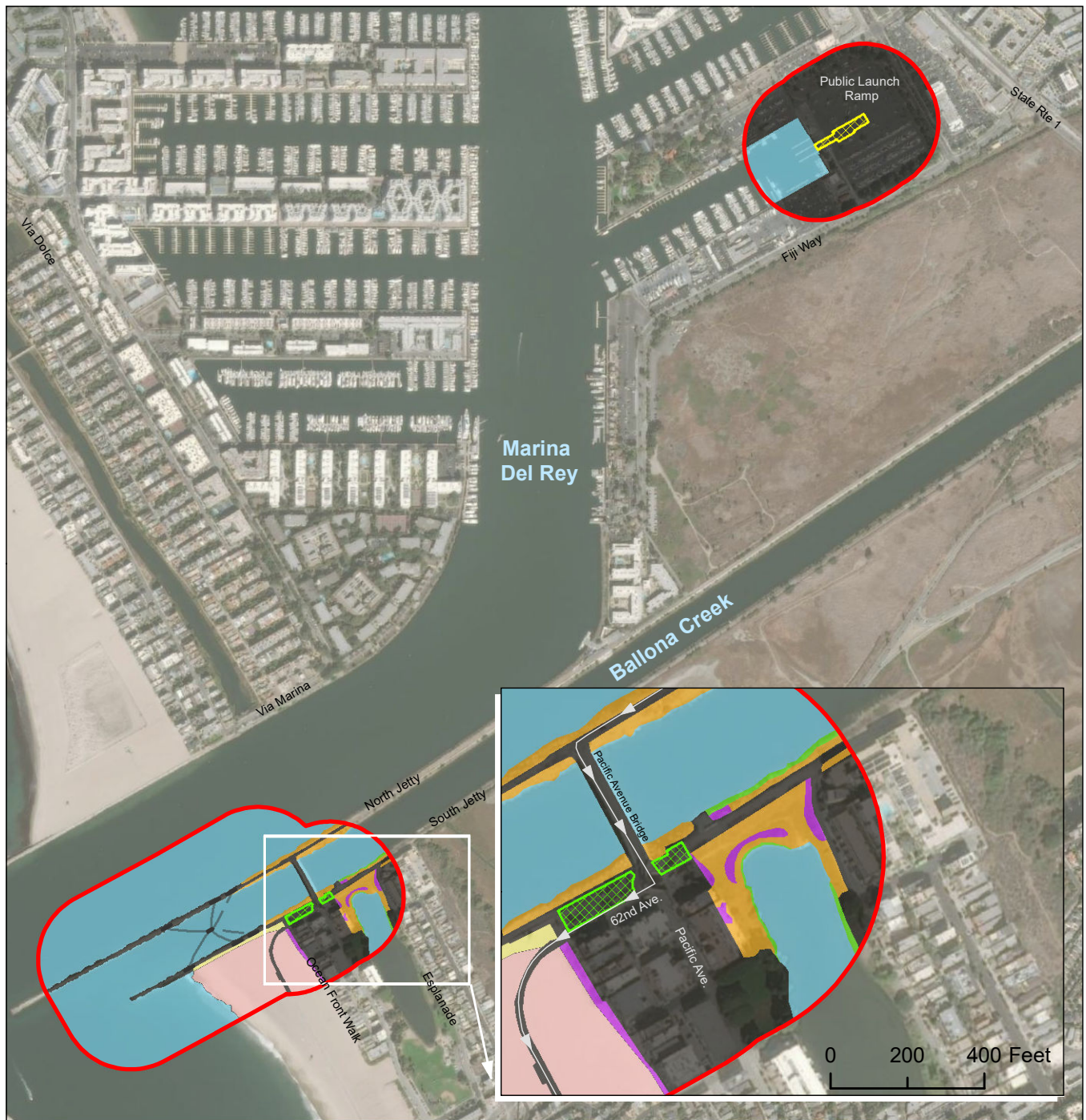
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Appendix A FIGURES





 Biological Survey Area

Existing Bikeways

Project Footprint

Interceptor/ Mooring Chains/ Trash Boom Footprint [0.023 Acres]

Mooring Footprint [0.113 Acres]

Trash Boom

Mooring Line

Mooring Construction Staging Areas [0.37 Acres]

Interceptor Assembly Area [0.63 Acres]

Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet

2. Interceptor Centroid Coordinates: 33.962071, -118.455715

3. Data Sources: Stantec 2020.

4. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

5. Only a desktop review of the Interceptor Assembly Area was performed for the 500ft Buffer.

Vegetation Communities & Land Cover Types

Developed (34.88 Acres)

Dune Mat Alliance (0.41 Acres)

Ice Plant Mat Alliance (0.46 Acres)

Invasive Monoculture (2.76 Acres)

Open Water (55.96 Acres)

Pickleweed Mats Alliance (0.24 Acres)

Sandy Beach (7.30 Acres)

0 550 1,100 Feet
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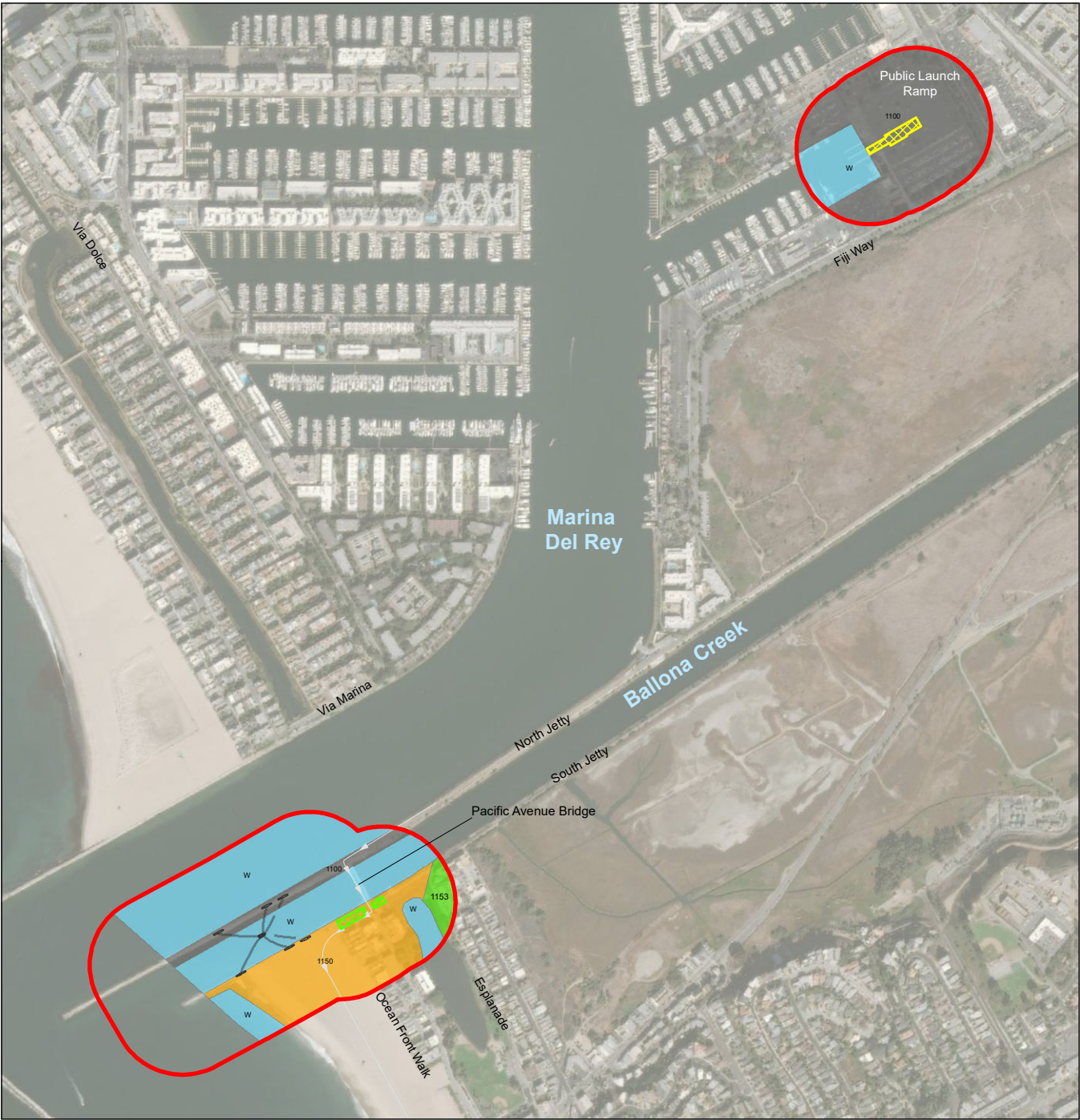
Project Location: Ballona Creek, Los Angeles County, California
Prepared by DL on 2020-09-24
TR by ST on 2020-09-24
IR by JV on 2020-09-24

Client/Project: Los Angeles County Public Works
Ballona Creek Trash Interceptor Pilot Project
Biological Resources Technical Report
184031268

Figure No.

2

Title: Vegetation Communities & Land Cover Types



Biological Survey Area

Existing Bikeways

Project Footprint

Interceptor/ Mooring Chains/
Trash Boom Footprint [0.023
Acres]

Mooring Footprint [0.113 Acres]

Trash Boom

Mooring Line

Interceptor Assembly Area [0.62
Acres]

Mooring Construction Staging
Areas [0.37 Acres]

Soils Map Unit Symbol

1100: Urban land, 0 to 2 percent
slopes, dredged fill substratum

1150: Aft-Beaches complex, 0
to 5 percent slopes

1153: Urban land-Aft, loamy
surface complex, 5 to 30 percent
slopes, terraced

W; Water

- Notes**

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet

2. Data Sources: Stantec 2020. NCRS 2020.

3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

4. Only a desktop review of the Interceptor Assembly Area was performed for the 500ft

05501,100

Feet

(At original document size of 8.5x11)

1:13,200

Stantec

Project Location

Ballona Creek
Los Angeles County, California

Prepared by DL on 2020-09-25

TR by JV on 2020-09-25

IR by ST on 2020-09-25

Client/Project

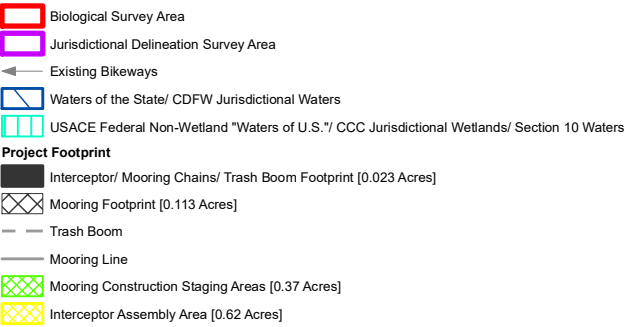
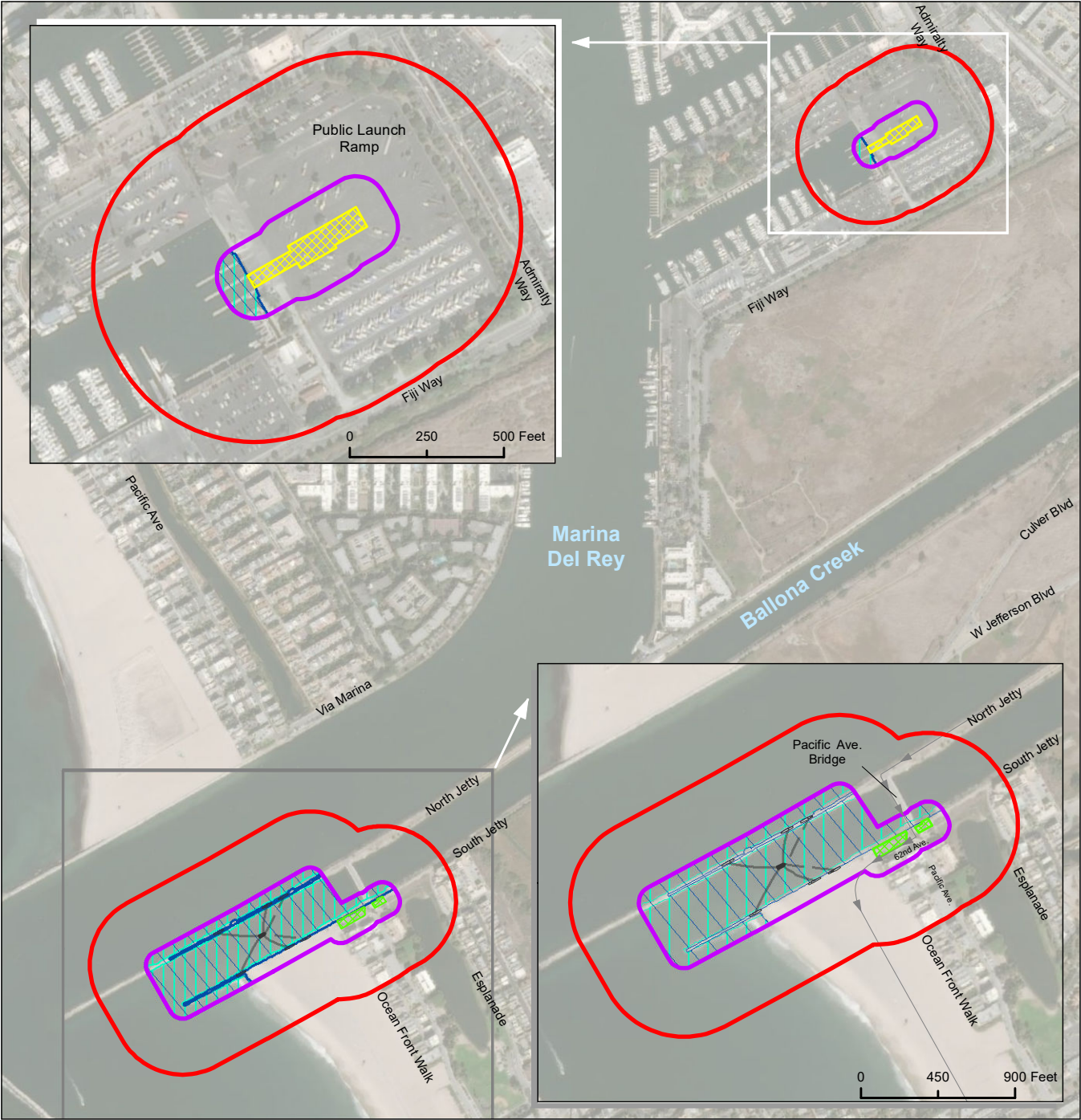
Los Angeles County Public Works
Ballona Creek Trash Interceptor Pilot Project
Biological Resources Technical Report

Figure No.

3

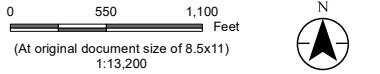
Title

Historical Soils



Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
2. Data Sources: Stantec 2020.
3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
4. Only a desktop review of the Interceptor Assembly Area was performed for the 500ft Buffer.



Project Location
Ballona Creek
Los Angeles County, California

Prepared by DL on 2020-07-16
TR by JV on 2020-07-16
IR by ST on 2020-07-16

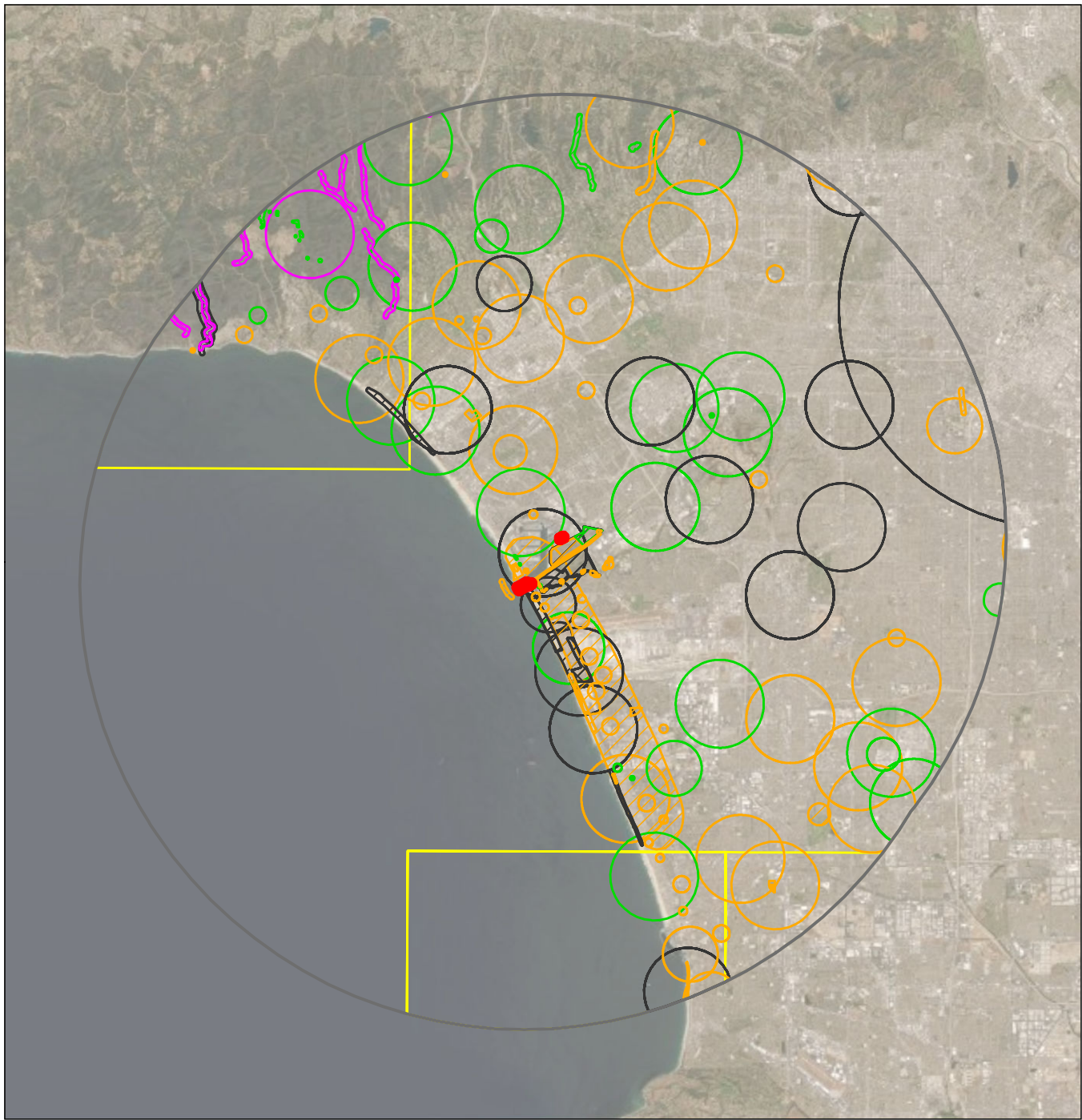
Client/Project
Los Angeles County Public Works
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Biological Resources Technical Report

Figure No.
4

Title
Jurisdictional Delineation Map

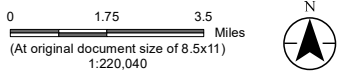
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	Biological Survey Area		Animal (non-specific)
	10 Search Radius		Animal (circular)
Symbology			
	Plant (80m)		Terrestrial Comm. (specific)
	Plant (specific)		Terrestrial Comm. (circular)
	Plant (non-specific)		Multiple (specific)
	Plant (circular)		Multiple (non-specific)
	Animal (80m)		Multiple (circular)
	Animal (specific)		Sensitive EO's (Commercial only)

Notes
1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
2. Data Sources: Stantec 2020, CNDDB 2020.
3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Project Location
Ballona Creek
Los Angeles County, California

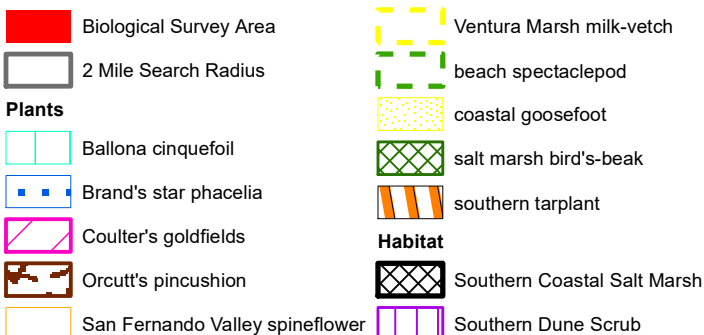
Prepared by DL on 2020-10-02
TR by JV on 2020-10-02
IR by ST on 2020-10-02

Client/Project
Los Angeles County Public Works
Ballona Creek Trash Interceptor Pilot Project
Biological Resources Technical Report

Figure No.
5

Title
10 Mile CNDDB Search

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<i>Project Location</i>	Prepared by DL on 2020-09-30
Ballona Creek	TR by JV on 2020-09-30
Los Angeles County, California	IR by ST on 2020-09-30

Client/Project 184031268
Los Angeles County Public Works
Ballona Creek Trash Interceptor Pilot Project
Biological Resources Technical Report

Figure No.

5a

Title
2 Mile CNDDB Search - Plants

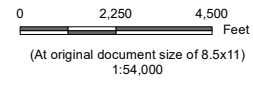
Notes

- Notes
1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
 2. Data Sources: Stantec 2020. NRCS 2020.
 3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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- | | |
|---|--|
| Biological Survey Area | sandy beach tiger beetle |
| 2 Mile Search Radius | south coast marsh vole |
| Animals | southern California legless lizard |
| burrowing owl | southern California saltmarsh shrew |
| globose dune beetle | wandering (=saltmarsh) skipper |
| least Bell's vireo | western pond turtle |
| mimic tryonia (=California brackishwater snail) | western snowy plover |
| monarch - California overwintering population | |



Project Location	Prepared by DL on 2020-09-30
Ballona Creek	TR by JV on 2020-09-30
Los Angeles County, California	IR by ST on 2020-09-30
Client/Project	184031268
Los Angeles County Public Works	
Ballona Creek Trash Interceptor Pilot Project	
Biological Resources Technical Report	

Figure No.

5b

Title

2 Mile CNDDDB Search - Animals

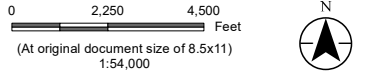
Notes
 1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
 2. Data Sources: Stantec 2020, CNDDDB 2020.
 3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community


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- | | |
|--|--|
|  Biological Survey Area |  California least tern |
|  2 Mile Search Radius |  Crotch bumble bee |
| Animals | |
|  Belding's savannah sparrow |  Dorothy's El Segundo Dune weevil |
|  Belkin's dune tabanid fly |  El Segundo blue butterfly |
|  Busck's gallmoth |  Henne's eucosman moth |
|  California black rail |  Lange's El Segundo Dune weevil |
|  California brown pelican |  Pacific pocket mouse |
| |  Riverside fairy shrimp |



**Stantec**

Project Location Ballona Creek Los Angeles County, California	Prepared by DL on 2020-09-30 TR by JV on 2020-09-30 IR by ST on 2020-09-30
Client/Project Los Angeles County Public Works Ballona Creek Trash Interceptor Pilot Project Biological Resources Technical Report	184031268

Notes
1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
2. Data Sources: Stantec 2020, NRCS 2020.
3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Figure No.
5c
Title
2 Mile CNDDDB Search - Animals



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Appendix B PHOTOGRAPHIC LOG




Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 1			
Direction: North-northeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From outside the eastern boundary of the SA facing north-northeast. Depicts the manually controlled tidal gate to Ballona Creek and Del Rey Lagoon without water. Tidal gate is operated by the City of Los Angeles Recreation and Parks.			
Photograph ID: 2			
Direction: North-northeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From outside the eastern boundary of the SA facing north-northeast. Depicts the Del Rey Lagoon with water.			





Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 3			
Direction: South			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From south of Ballona Creek looking south at the Del Rey Lagoon. The stand of Invasive Monoculture and Ice Plant Mat Alliance north of the Del Rey Lagoon is depicted.			
Photograph ID: 4			
Direction: West			
Survey Date: 2/25/2020, 3/2/2020			
Comments: South of Ballona Creek and north of Del Rey Lagoon along the graded path facing west. The photo depicts the ongoing construction south of Pacific Avenue Bridge along 62nd Avenue at Pacific Avenue.			





Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 5			
Direction: West			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the southern bank of Ballona Creek along the graded path facing west towards the Pacific Avenue Bridge. The photo depicts the high level of bird activity along and within the creek.			
Photograph ID: 6			
Direction: Northeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the Pacific Avenue Bridge looking upstream at Ballona Creek.			





Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 7			
Direction: Southwest			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the southern end of the Pacific Avenue Bridge, looking downstream at Ballona Creek.			
Photograph ID: 8			
Direction: Northwest			
Survey Date: 2/25/2020, 3/2/2020			
Comments: Along the northern boundary of the SA (Ballona Creek North Jetty) looking downstream of Pacific Avenue Bridge. This photo depicts Ballona Creek on the left side of the image and Marina del Rey Harbor Main Channel as the main focal point on the right side of the image.			


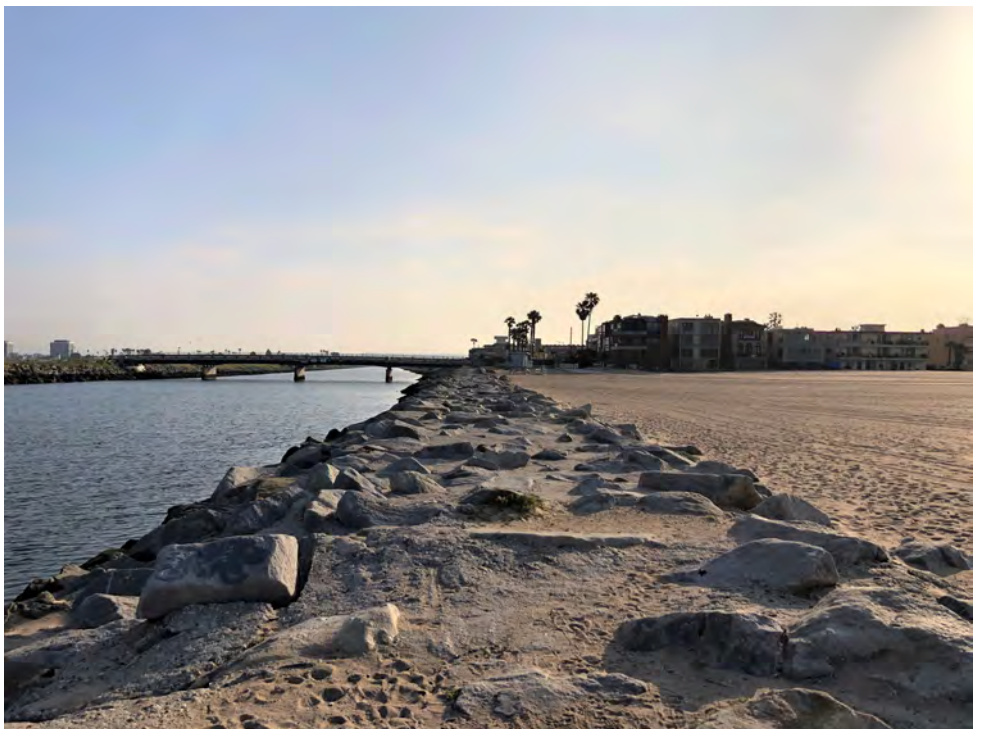


Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 9			
Direction: Northeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: Along the northern boundary of the SA. This photo depicts the paved Ballona Creek Bike Path and Marina del Rey Harbor Main Channel on the left side of the photograph.			
Photograph ID: 10			
Direction: South-southeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the Ballona Creek North Jetty adjacent to the Pacific Avenue Bridge. This photo depicts the residential development and boat ramp south of Ballona Creek.			







Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 11			
Direction: South-southeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the Ballona Creek North Jetty near the western boundary of the SA looking towards Dockweiler State Beach and the residential units along it.			
Photograph ID: 12			
Direction: East-northeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the Ballona Creek South Jetty near the western boundary of the SA looking towards Pacific Avenue Bridge and Playa del Rey residential units along Dockweiler State Beach.			




Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 13			
Direction: West-southwest			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the Ballona Creek mouth and South Jetty looking towards Santa Monica Bay.			
Photograph ID: 14			
Direction: Southeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the southern bank of Ballona Creek looking towards Dockweiler State Beach. The paved bike bath, residential units, and entrance to the lifeguard station are depicted.			

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 15			
Direction: West-southwest			
Survey Date: 2/25/2020, 3/2/2020			
Comments: South of Ballona Creek from the Ballona Creek South Jetty facing southwest towards Playa del Rey. The photo depicts the Dune Mat Alliance along the northern margin of Dockweiler State Beach.			
Photograph ID: 16			
Direction: East-northeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the southern bank of Ballona Creek looking towards a section of invasive monoculture south of Pacific Avenue Bridge.			



Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 17			
Direction: South-southeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the northernmost margin of Dockweiler State Beach looking towards the beach. The photo depicts the Ice Plant Alliance adjacent to residential units.			

Appendix C MARINE BIOLOGICAL TECHNICAL STUDY

**MARINE BIOLOGICAL ASSESSMENT
FOR
THE BALLONA CREEK INTERCEPTOR™ PROJECT
MARINA DEL REY, CA**

Prepared for:

The Ocean Cleanup
Batavierenstraat 15-7th Floor
3014 JH Rotterdam
The Netherlands

Prepared by:

Merkel & Associates, Inc.
5434 Ruffin Road
San Diego, CA 92123
Phone: (858) 560-5465
Fax: (858) 560-7779

October 2020

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1.0 INTRODUCTION

Public Works is collaborating with The Ocean Cleanup, a Dutch non-profit organization, on this pilot project, the Ballona Creek Trash Interceptor™ Pilot Project “Project”, to deploy a floating, automated trash Interceptor™ system (the Interceptor™) near the mouth of Ballona Creek where it enters the Pacific Ocean. The Project would entail installation of the Interceptor™ within Ballona Creek, directly south and east of the Marina Del Rey harbor entrance and breakwater along the Pacific Ocean shoreline (Figure 1). The purpose of the Project is to test the efficiency of The Ocean Cleanup’s Interceptor™ in capturing and collecting floating trash and debris in Ballona Creek. The Project’s goal is to would capture and collect trash coming down the creek to prevent it from entering and polluting the ocean and thus, protecting the environment.

This report documents the in-water marine biological condition at the Project location as well as provides an analysis of potential impacts to habitats and sensitive species. An Essential Fish Habitat (EFH) Assessment for the proposed Project is provided in a separate document.

2.0 PROJECT LOCATION AND DESCRIPTION

2.1 PROJECT LOCATION

The Project is located within a channelized portion of Ballona Creek, approximately 1.5 miles west of CA-1, 0.5 mile east of the Santa Monica Bay, and immediately southwest of the Ballona Creek-Pacific Avenue Bridge, Marina del Rey South Jetty, and Marina del Rey Harbor Main Channel. There are two levee systems, Ballona Creek 1 Levee System (hereafter referred to as the Ballona Creek North Jetty) and Ballona Creek 3 Levee System (hereafter referred to as the Ballona Creek South Jetty) that will be used for this Project (Figure 1).

The study area is characterized by the wide, concrete embankment of Ballona Creek channel trending from east-northeast (upstream) toward the west-southwest (downstream). Ballona Creek channel includes riprap which is a combination of broken concrete blocks and rock. The Ballona Creek North Jetty is topped by a publicly accessible sidewalk and beacon light for boats returning to the harbor. There are also two (2) viewing decks with concrete benches and guardrail on top of the North Jetty. The Ballona Creek South Jetty is supported by a shorter jetty on the opposite side which is covered with a jagged rock outcrop with no public access.

2.2 PROJECT DESCRIPTION

The floating Interceptor™ would be a single vessel (Figure 2) moored in Ballona Creek through attachment to six moorings—four of which anchor the vessel itself and two of which anchor two in-water floating trash booms—that would be installed above the ordinary high-water mark of Ballona Creek along two existing adjacent jetties (Figure 3). Each mooring would have a concrete pad which would be installed above-grade with the jetty as well as ramps with railings installed and attached to mooring ties to hold the Interceptor™ in place. The placement of floating trash booms (also called “barriers”) and the downstream current will cause trash drifting down Ballona Creek to be funneled into the Interceptor™.

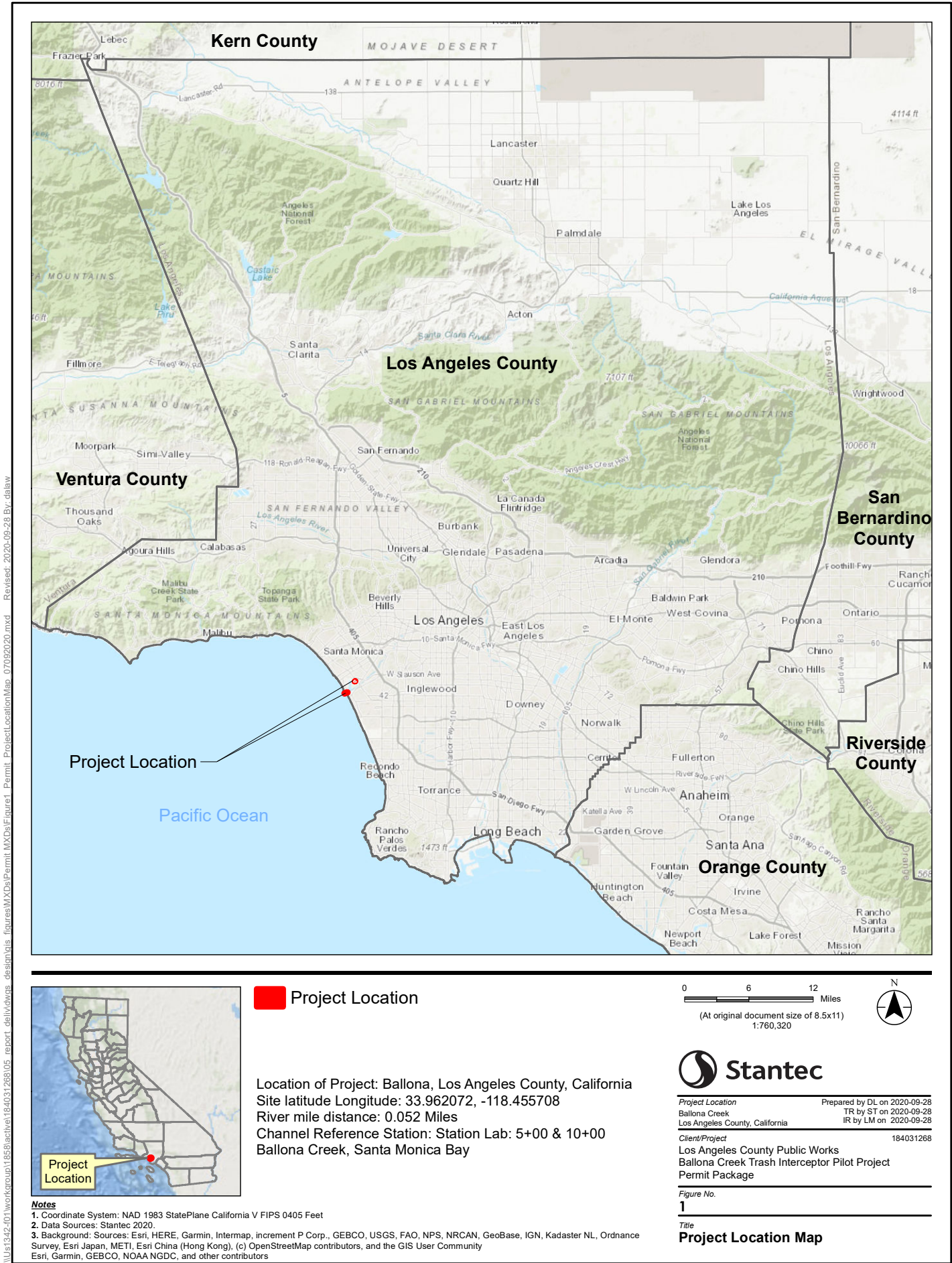




Figure 2. Pictures of Interceptor™ barge in Malaysia with barrier and dumpster barge.



← Existing Bikeways

Project Footprint

- Mooring Footprint [0.113 Acres]
- Mooring Construction Staging Areas [0.37 Acres]
- Interceptor Assembly Area [0.62 Acres]
- Interceptor/ Mooring Chains/ Trash Boom Footprint [0.023 Acres]
- Trash Boom
- Mooring Lines

Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
2. Data Sources: Stantec 2020.
3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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(At original document size of 8.5x11)
1:12,000



Project Location: Ballona Creek, Los Angeles County, California
Prepared by DL on 2020-09-28
TR by ST on 2020-09-28
IR by LM on 2020-09-28

Client/Project: Los Angeles County Public Works
Ballona Creek Trash Interceptor Pilot Project
Permit Package

Figure No.

3

Title

Project Vicinity

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The floating debris will converge on the Interceptor™ mechanical conveyor belt, which automatically feeds the trash into a floating receptacle, thus preventing the refuse from reaching the Pacific Ocean. The Interceptor™ would use both booms during the storm season (October-April), when stormwater flows wash greater amounts of trash and debris into Ballona Creek, and only one boom during the remainder of the year. The southern boom would remain in place while the northern boom would be able to be clipped and unclipped to the Interceptor™ prior to and after storm events. The booms, which would float atop the water would extend 18 inches beneath the water surface, and have a low draft allowing water to pass underneath without significant interference; therefore, not substantially obstructing or diverting the natural flow of water within Ballona Creek. In the event of an emergency, such as higher flow speeds within Ballona Creek, the booms are designed to automatically release and open by detaching from one side of the mooring on top of the jetty.

When the Interceptor™ is nearly full, it automatically sends a message to the local operators to collect the waste. Operators then remove the dumpsters (trash bins), bring them to the side of the Marina del Rey boat harbor, empty the dumpsters, send off the debris to an appropriate solid waste facility, and return the dumpsters back to the Interceptor™. The Interceptor™ pilot program is expected to be deployed and in operation for two storm seasons (up to 24 months).

Construction and installation of the Project would occur over an approximate six-month period. During construction of the moorings, the Ballona Creek North Jetty walkway would be temporarily closed to prevent public access due to safety considerations. Construction of the moorings would require a small crew size. No excavation activities within Ballona Creek channel is planned for the Project; however, some excavation would be required to remove the existing stone jetty riprap to install the mooring blocks (12 feet wide x 8 feet long). In addition, minor ground disturbance would be required on top of the jetties to allow access for installation of Project components (i.e., Interceptor™ anchoring location, collection boom, and jetty mooring system). Approximately 0.113 acres would be disturbed or developed as part of the Project. Some stockpiles would be placed onsite temporarily during excavation and they would be covered with tarps and/or watered to prevent dust, as required. Some equipment (e.g., saws, generators, air compressors, pump, cement mixer) would be required to install the moorings. The Project would involve minimal vehicle trips including material import/ export as well as haul trucks required for construction.

3.0 PROJECT REGULATORY REQUIREMENTS

The proposed project is subject to the following regulations.

3.1 FEDERAL REGULATIONS

Clean Water Act

The federal Water Pollution Control Act Amendments of 1972 (33 United States Code [USC] 1251–1376), as amended by the Water Quality Act of 1987, and better known as the CWA, is the major federal legislation governing water quality. The purpose of the federal CWA is to “restore and maintain the chemical, physical, and biological integrity of the nation’s waters.” Discharges into waters of the United States are regulated under the CWA. Waters of the United States currently include the territorial seas and traditional navigable waters, perennial and intermittent tributaries

to those waters, certain lakes, ponds, and impoundments, and wetlands adjacent to jurisdictional waters (33 C.F.R. § 328.3). Important applicable sections of the CWA are discussed below:

- Section 401 requires an applicant for any federal permit that proposes an activity that may result in a discharge to waters of the United States to obtain certification from the state that the discharge will comply with other provisions of the CWA. Certification is provided by the respective RWQCB (Regional Water Quality Control Board). A Section 401 permit from the SWRCB (State Water Resources Control Board) or RWQCB would be required for issuance of a permit by the U.S. Army Corps of Engineers (USACE).

Rivers and Harbors Appropriation Act

The Rivers and Harbors Appropriation Act of 1899 (33 USC 403 et seq.), commonly known as the Rivers and Harbors Act (RHA), prohibits the construction of any bridge, dam, dike, or causeway over or in navigable waterways of the United States without congressional approval. Under RHA Section 10, the USACE is authorized to permit structures in or over navigable waters. Building or modifying wharves, piers, jetties, and other structures in or over the waters of the United States requires USACE approval through the Section 10 permit process.

In addition, Section 14 (33 U.S.C. § 408), requires that any proposed occupation or use of an existing USACE civil works project be authorized by the Secretary of the Army. An alteration refers to any action by any entity other than the Corps that builds upon, alters, improves, moves, occupies, or otherwise affects the usefulness, or the structural or ecological integrity of a USACE project.

Endangered Species Act

The Endangered Species Act (ESA) protects plants and wildlife that are listed as endangered or threatened by the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). ESA Section 9 prohibits the taking of endangered wildlife, where taking is defined as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct” (50 Code of Federal Regulations [CFR] 17.3). The term “harm” is defined as an “act which actually kills or injures wildlife,” including through “significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.” The term “harass” means an act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, including breeding, feeding or sheltering (50 CFR 17.3). For plants, this statute governs removing, possessing, maliciously damaging, or destroying any endangered plant on federal land, as well as removing, cutting, digging up, damaging, or destroying any endangered plant on non-federal land in knowing violation of state law. Under ESA Section 7, lead federal agencies are required to consult with the USFWS or NMFS if the lead agency determines that its actions, including permit approvals or funding, may adversely affect an endangered species (including plants) or its critical habitat. Through consultation and the issuance of a biological opinion, the USFWS or NMFS may issue an incidental take statement allowing take of the species that is incidental to another authorized activity, provided the action will not jeopardize the continued existence of the species. In cases where the federal agency determines its action may affect, but would be unlikely to adversely affect, a federally listed species, the agency may choose to informally consult with the USFWS and/or NMFS. This informal consultation typically involves incorporating measures intended to ensure effects would not be adverse. Concurrence from the USFWS and/or NMFS concludes the informal process. Without such concurrence, the federal agency may formally consult to ensure full compliance with the ESA.

Marine Mammal Protection Act

The Marine Mammal Protection Act of 1972 (MMPA) prohibits, with certain exceptions, the take of marine mammals in United States waters and by United States citizens on the high seas and the importation of marine mammals and marine mammal products into the United States. Under the MMPA, “take” is defined as “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal” (16 U.S.C. 1362) and further defined by regulation (50 CFR 216.3) as “to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal”. NMFS administers the MMPA. Under the 1994 Amendments to the MMPA, harassment is statutorily defined as any act of pursuit, torment, or annoyance which:

- **(Level A Harassment)** has the potential to injure a marine mammal or marine mammal stock in the wild; or,
- **(Level B Harassment)** has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering but which does not have the potential to injure a marine mammal or marine mammal stock in the wild.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) prohibits take of nearly every bird for which members of the bird’s taxonomic family are considered to be migratory. This results in the inclusion of most species of birds afforded protection. Under the MBTA, take means only to kill, directly harm, or destroy individuals, eggs, or nests, or to otherwise cause failure of an ongoing nesting effort.

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) of 1976 was established to promote domestic and commercial fishing under sound conservation and management principles. NMFS, as a branch of the National Oceanic and Atmospheric Administration (NOAA), implements the act via eight regional Fisheries Management Councils (FMCs). The FMCs in turn prepare and implement Fishery Management Plans (FMPs) in accordance with local conditions. The Pacific FMC is responsible for the Pacific region, in which the study area is located. The FMPs also establish EFH for the species they manage and require consultation by a lead agency with NMFS for actions that may adversely affect EFH. Following receipt of an EFH consultation request, NMFS will provide EFH Conservation Recommendations to the lead agency detailing measures that may be taken by the agency to conserve EFH. Within 30 days of receipt of EFH Conservation Recommendation, the project lead agency must respond in writing, including a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on EFH. These measures will be incorporated into the final project.

3.2 STATE REGULATIONS**California Coastal Act**

The California Coastal Act (CCA) is intended to provide protection of the unique nature and public interest values of the state’s coastal fringe. Development activities, which are broadly defined by the CCA to include (among others) construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters, generally require a coastal development permit. The CCA is administered by the California Coastal Commission (CCC) or by local jurisdictions operating under adopted Local Coastal Programs that have been approved by the CCC.

California Endangered Species Act

The California Endangered Species Act (CESA) authorizes the California Fish and Game Commission to designate endangered, threatened, and rare species and to regulate the taking of these species (California Fish and Game Code [FGC] Sections 2050–2098). The CESA defines endangered species as those whose continued existence in California is jeopardized. State-listed threatened species are those not presently facing extinction, but that may become endangered in the foreseeable future. FGC Section 2080 prohibits the taking of state-listed plants and animals. Unlike the federal ESA, the CESA does not include harassment within its take definition and as such, has a statutorily higher threshold standard for take than does the federal ESA. The California Department of Fish and Wildlife (CDFW) also designates fully protected or protected species as those that may not be taken or possessed without a permit from the California Fish and Game Commission and/or CDFW. Species designated as fully protected or protected may or may not be listed as endangered or threatened.

When a species is both state- and federally-listed, an expedited request for consistency with the USFWS biological opinion may be issued through a request for Section 2080.1 consistency determination, if take authorization under the CESA is required.

California Fish and Game Code

The FGC is implemented by the California Fish and Game Commission, as authorized by Article IV, Section 20, of the Constitution of the State of California. FGC Sections 3503, 3503.5, 3505, 3800, and 3801.6 protect all native birds, birds of prey, and nongame birds, including their eggs and nests, that are not already listed as fully protected and that occur naturally within the state. Section 3503.5 specifically states that it is unlawful to take, possess, or destroy any raptors (e.g., hawks, owls, eagles, and falcons), including their nests or eggs. As defined in the Fish and Game Code, “take” means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill (Fish and Game Code Section 86). The CDFW is the state agency that manages native fish, wildlife, plant species, and natural communities for their ecological value and their benefits to people. The CDFW oversees the management of marine species through several programs, some in coordination with NMFS and other agencies.

3.3 LOCAL REGULATIONS**Marina del Rey Land Use Plan**

The Marina del Rey Land Use Plan (LUP) covers the study area, and includes the relevant portion of a local government's general plan, or local coastal element, and are sufficiently detailed to indicate the kinds, location and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions (County of Los Angeles 2012). The Marina del Rey LUP covers the study area.

Marina del Rey Local Coastal Plan

Local Coastal Program (LCP) means a local government's (a) LUP, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resource areas, other implementing actions which, when taken together, meet the requirements of, and implement the provisions and policies of the CCA.

4.0 ENVIRONMENTAL SETTING

The description of the environmental setting of the study area is based on physical and qualitative biological surveys conducted in the study area in April 2020, in addition to literature review. The study area is defined as the area that includes all elements of the project as well as the surrounding areas that could potentially be affected by the project. Above water mapping was completed using existing aerial photographs and Joint Airborne Lidar Bathymetry Technical Center of Expertise (JALBTCX) Bathymetric Lidar: Southern California data. In-water work was completed using interferometric sidescan sonar (ISS), which provided an image of seafloor backscatter within the entire study area. Sidescan backscatter data were acquired at a frequency of 468 kHz, with a scanning range of 31 meters (102 feet) for both the starboard and port channels, resulting in a 62 meters (204-ft) wide swath. All data was collected in latitude and longitude using the North American Datum of 1983 (NAD 83). The survey was conducted by running transects spaced to allow for overlap between adjoining sidescan swaths. Transect surveys were performed until the entirety of the survey area was captured in the survey record. A Remotely Operated Vehicle (ROV) was used to groundtruth targets of interest (substrate, biota) and to photo document. Following completion of the survey, the data was converted into a geographically registered mosaic through digital post-processing, and plotted on a geo-rectified aerial image of the study area. Bathymetric data were processed using standard filtering and used to develop slope and relief maps. Surficial features and mappable habitat types were then digitized by a GIS specialist with expertise in interpreting sonar data for habitat mapping. The GIS specialist inspected the sonar mosaic and delineated habitats and features using ESRI ArcGIS software. Resources of interest were then digitized to show their distribution within the survey area. In addition, a qualitative survey of the rip rap revetment was conducted to note dominant biota. No grab sampling or otter trawls were conducted.

4.1 HABITATS WITHIN THE STUDY AREA

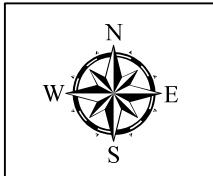
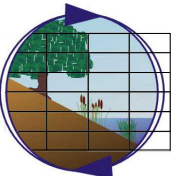
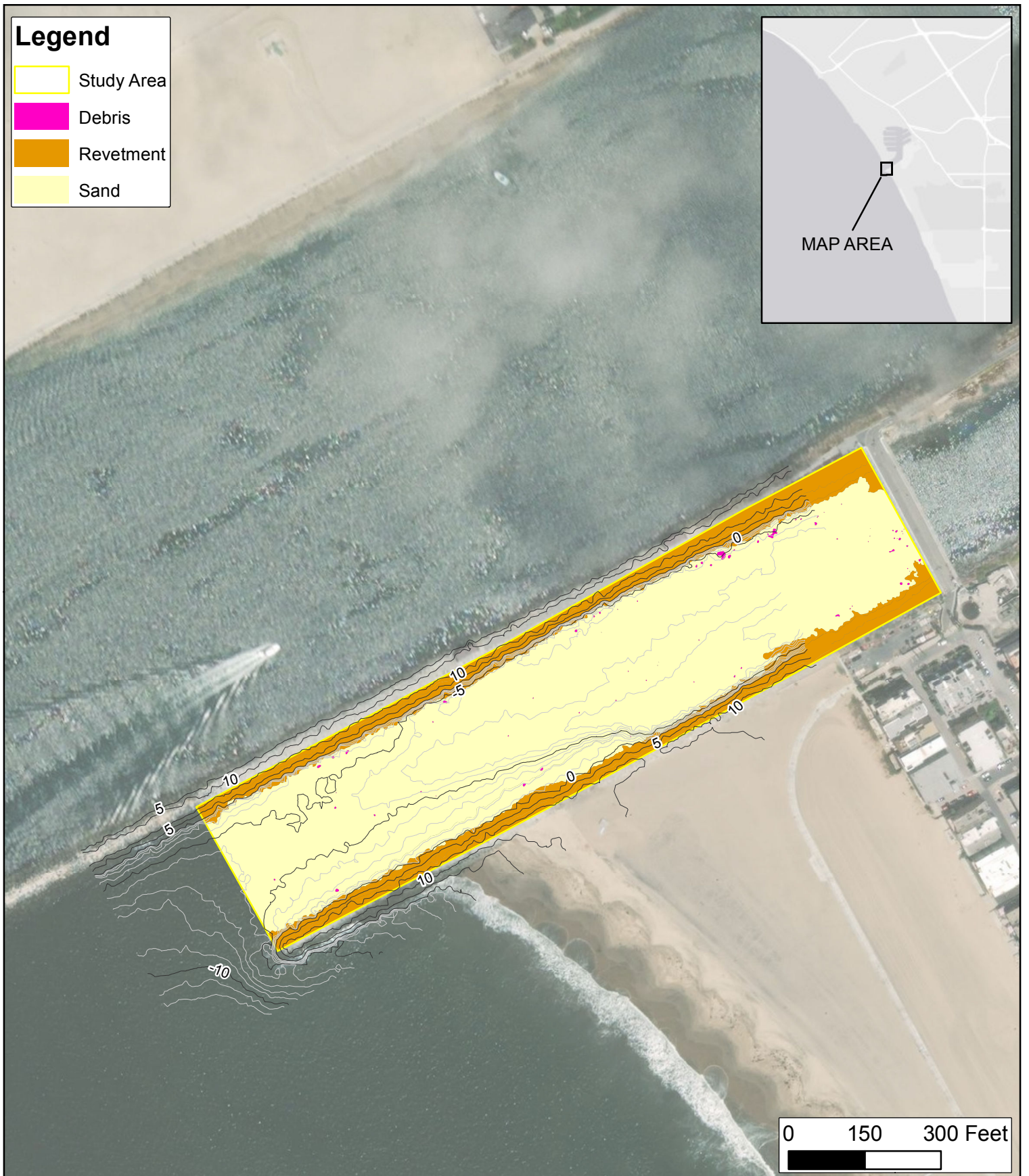
Habitats were delineated into two categories: upland and in-water (or marine), with sub-categories classified if present. They were further differentiated by elevation and/or depth, with upland habitat encompassing the area above +7.8 ft MLLW, intertidal habitat encompassing the area between +7.8 and -2.2 ft MLLW, and subtidal habitat below -2.2 ft MLLW. A summary of the various habitat types within the study area is provided in Table 1, depicted in Figure 4, and described in the following sections.

Table 1. Habitat summary in study area.

Category	Elevation	Habitat Type	Area (m²)	Area (ft²)
Upland	>+7.8 ft MLLW	Man-Made Structure (Rip-Rap Revetment)	3,937	42,377
Marine	Intertidal +7.8 to -2.2 ft MLLW	Man-Made Structure (Rip-Rap Revetment)	5,112	55,021
		Unvegetated Soft Bottom	1,629	17,532
		Sub-Total	6,740	72,553
	Subtidal Below -2.2 ft MLLW	Man-Made Structure (Rip-Rap Revetment)	1,495	4,934
		Unvegetated Soft Bottom	32,909	354,228
		Debris/Cobble	95	1,028
		Sub-Total	34,499	371,350
Grand Total			45,170	486,208

Legend

- Study Area
- Debris
- Revetment
- Sand



Habitat Map Existing Conditions
 Ballona Creek Trash Interceptor Project
 Marina del Rey, CA

Bathymetric Contours: 2009 US Army Corps of Engineers (USACE) Joint Airborne
 Lidar Bathymetry Technical Center of Expertise (JALBTCX) Bathymetric Lidar: Southern California

Figure 4

Upland Area

The upland area of the study area consists of rip rap revetment with and without concrete fill, and covers approximately 3,937 m² (42,377 ft²) (Table 1). The area is highly developed, and no special status flora or wildlife species occur in the upland areas (Figure 5).



Figure 5. Upland area consists of rip rap revetment with and without concrete fill. Left image is north jetty looking downstream; Right image is south jetty looking downstream.

Intertidal/Shallow Subtidal Riprap Revetment

The shoreline along the perimeter of the study area is armored with riprap revetment in the upper intertidal and shallow subtidal zones and covers approximately 6,607 m² (71,115 ft²) (Table 1 and Figure 5), where it transitions to unvegetated intertidal and shallow subtidal habitat.

Tide level influences the development of the riprap community, and bare rock is more common in the upper intertidal zone. Macroalgae were uncommon in the upper intertidal zone with coverage limited to small amounts of red algal turfs or occasional leafy green algae (*Ulva* sp.). Barnacles (*Balanus*, *Chthamalus*, *Tetraclita*) were abundant in the upper intertidal zone, as well as various limpets (*Lottia* spp.) and snails (*Littorina* sp., *Acanthina spirata*) (Figure 6).

In the mid to low intertidal zone, bare rock was less visible and there was a higher percentage of coralline and other small attached algae (*Chondracanthus* spp., *Ulva* sp., *Corallina* spp., *Mazzaella* spp., *Leathesia* sp., *Petrocelis*, *Gymnogongrus* spp.), in addition to other turf species (Figure 6). Observed invertebrates included sponges, tunicates, tube snails (*Serpulorbis squamigerus*), limpets (*Lottia* spp.), mussels (*Mytilus galloprovincialis*), oysters (*Crassostrea gigas*), and anemones (*Anthopleura* sp.). Similar species were also observed in the shallow subtidal zone, including red algal turfs, encrusting algae, articulated corallines, and sessile invertebrates (Figure 7).



Figure 6. Shoreline of study area depicting revetment from upper intertidal to shallow subtidal zone.

Subtidal Unvegetated Habitat

The majority of the study area is considered to be shallow subtidal unvegetated soft bottom habitat consisting of sand, mud, and silt, with areas of accumulated shell hash and debris, and covers approximately 32,909 m² (354,228 ft²) (Table 1 and Figure 8). Sampling conducted in the Ballona Creek estuary for the Bight '08 Regional Survey noted that the sediment consisted of approximately 56% sand and 44% fines (Table 2; SCCWRP 2011a). In addition, historical sediment quality data indicated that sediments within the tidal reach of Ballona Creek are impacted by metals, pesticides, polycyclic aromatic hydrocarbons (PAHs), and other organic compounds (USACE 2017), and that Total Maximum Daily Loads (TMDLs) for trash, bacteria, and metals in the water column, and for toxics including PAHs, pesticides, and other organic compounds in sediment and fish tissue have been developed to address exceedances of these constituents in Ballona Creek.



Figure 7. Study area transitions from shallow subtidal revetment to unvegetated subtidal habitat.

Table 2. Sediment grain size in Ballona Creek from Bight '08 survey.

Classification	Mean Percent
Total Silt and Clay (less than 0.0625mm)	43.9
Very Fine Sand (0.0625 to 0.125mm)	27.8
Fine Sand (0.125 to 0.25mm)	20.1
Medium Sand (0.25 to 0.5mm)	7.5
Coarse Sand (0.5 to 1mm)	0.7
Very Coarse Sand (1 to 2mm)	0.0
Gravel (greater than 2mm)	0.0



Figure 8. Unvegetated soft bottom habitat ranged from barren sandy areas to areas with shell hash and debris.

Organisms that live in soft bottom habitat are referred to as infauna, while those organisms that live on soft bottom habitat are referred to as epifauna. The density (number of individuals per unit area) and species composition of these organisms are influenced by sediment grain size, amount of nutrients, water depth, pollutant levels in the sediments and overlying water, and time since the last disturbance by vessel activity and/or construction, and therefore can serve as an indicator of habitat quality. Several benthic fauna surveys have been conducted within Ballona Creek. Common infaunal organisms recorded in Ballona Creek during the Bight '08 Regional Survey included polychaete worms (*Capitella* sp., *Pseudopolydora* sp., *Polydora* spp., *Neanthes* sp.), amphipods (*Grandidierella* spp., *Mayerella acanthopoda*), and molluscs (*Saxidomus nuttalli*, *Mytilus* sp., Pectinidae, *Musculista senhousia*) (SCCWRP 2012). Benthic epifauna observed during the Bight '08 Regional Survey and other otter trawl sampling noted a variety of organisms including crabs, molluscs, and sea stars (Table 3; M&A 2009, SCCWRP 2011b).

Table 3. Benthic epifauna observed in study area.

Common Name	Scientific Name	Bight '08	M&A '09
Bivalve	<i>Chione</i> sp.		X
Blackspotted bay shrimp	<i>Crangon nigromaculata</i>	X	
Calico scallop	<i>Argopecten ventricosus</i>		X
California aglaja	<i>Navanax inermis</i>		X
California bubble	<i>Bulla gouldiana</i>		X
Crab	<i>Cancer</i> sp.		X
Hydroid	Hydrozoa	X	
Mediterranean mussel	<i>Mytilus galloprovincialis</i>		X
Northern kelp crab	<i>Pugettia producta</i>		X
Nudibranch	<i>Dendronotus frondosus</i>	X	
Shore crab	<i>Hemigrapsus oregonensis</i>		X
Slender crab	<i>Metacarcinus gracilis</i>	X	
Spider crab	<i>Pyromaia tuberculata</i>	X	X
Spiny sand star	<i>Astropecten armatus</i>	X	
Winged sea slug	<i>Gastropteron pacificum</i>		X

Several fish surveys have been conducted in the Ballona Creek estuary and include the Bight '08 Regional Survey, otter trawl sampling conducted by Merkel & Associates in 2009, and habitat mapping for this project which utilized ROV. The results are summarized in Table 4, and the more common fishes included Round Stingray (*Urobatis halleri*), Spotted Sand Bass (*Paralabrax maculatofasciatus*), Black Croaker (*Cheilotrema saturnum*), Specklefin Midshipman (*Porichthys myriaster*), gobies (Gobiidae), flatfishes (*Paralichthys californicus*, *Pleuronichthys guttulatus*, *Parophrys vetulus*, *Xystreurys liolepis*, *Citharichthys sordidus*, *Pleuronichthys ritteri*) (M&A 2009, SCCWRP 2011b). Although two individual southern California steelhead (*Oncorhynchus mykiss irideus*) were observed in Ballona Creek in 2008 (upstream of the Ballona Reserve), the creek and its tributaries are heavily urbanized and do not provide suitable foraging or spawning habitat (USACE 2017).

Subtidal Vegetated Habitat

Vegetated subtidal habitats are an essential component of southern California's coastal marine environment. Eelgrass (*Zostera marina*) beds function as important habitat for a variety of invertebrate, fish, and avian species. For many species, eelgrass beds are an essential biological habitat component for at least a portion of their life cycle, providing resting and feeding sites along the Pacific Flyway for avian species, and nursery sites for numerous species of fish. The survey of in-water habitats completed in April 2020 detected no eelgrass in the shallow waters of the study area.

Table 4. Fish species observed in study area.

Common Name	Scientific Name	Bight '08	M&A '09	M&A '20
Bay Pipefish	<i>Syngnathus leptorhynchus</i>		X	
Black Croaker	<i>Cheilotrema saturnum</i>		X	
California Halibut	<i>Paralichthys californicus</i>	X	X	
California Lizardfish	<i>Synodus lucioceps</i>	X		
CIQ goby	<i>Clevelandia/Ilypnus/Quietula</i> complex		X	
Diamond Turbot	<i>Pleuronichthys guttulatus</i>		X	
English Sole	<i>Parophrys vetulus</i>	X		
Fantail Sole	<i>Xystreureys liolepis</i>	X	X	
Hornyhead Turbot	<i>Pleuronichthys verticalis</i>	X	X	
Kelp Bass	<i>Paralabrax clathratus</i>			X
Pacific Sanddab	<i>Citharichthys sordidus</i>	X		
Queenfish	<i>Seriphus politus</i>		X	
Roughback Sculpin	<i>Chitonotus pugetensis</i>	X		
Round Stingray	<i>Urobatis halleri</i>		X	
Salema	<i>Xenistius californiensis</i>		X	
Sargo	<i>Anisotremus davidsonii</i>		X	
Shiner Surfperch	<i>Cymatogaster aggregata</i>		X	
Shovelnose Guitarfish	<i>Rhinobatos productus</i>		X	
Speckled Sanddab	<i>Citharichthys stigmaeus</i>	X		
Specklefin Midshipman	<i>Porichthys myriaster</i>	X		
Spotted Bay Bass	<i>Paralabrax maculatofasciatus</i>			X
Spotted Turbot	<i>Pleuronichthys ritteri</i>	X		
Staghorn Sculpin	<i>Leptocottus armatus</i>		X	
Striped Kelpfish	<i>Gibbonsia metzi</i>		X	
Topsmelt	<i>Atherinops affinis</i>		X	X
Yellowfin Croaker	<i>Umbrina roncadore</i>		X	
Zebra Perch	<i>Kyphosus azureus</i>			X

Note: Bight '08 sampling conducted with 25' otter trawl; M&A '09 sampling conducted with 10' otter trawl; M&A '20 sampling conducted with ROV

Open Water

Open water/water column habitat due to its three dimensional component, is the largest habitat type within the study area, and supports pelagic fishes and occasionally marine mammals. A common schooling species observed within the study area is Topsmelt (*Atherinops affinis*), and while not observed, other schooling species such as Northern Anchovy (*Engraulis mordax*) and Sardines (*Sardinops sagax*) may also occur in the area. The occurrence of these species in open water is important to several species of piscivorous birds including pelicans, terns, loons, grebes, cormorants, and mergansers. These fish also provide an important forage base for predatory fish species.

4.2 WETLANDS AND SENSITIVE HABITATS

Wetlands, as defined by the USACE, are not present within the study area. The nearest wetlands are located upstream of Ballona Creek, along the south side of the channel approximately 0.2 miles away from the study area.

Eelgrass is a rooted aquatic plant that inhabits shallow soft bottom habitats in quiet waters of bays and estuaries, as well as sheltered coastal areas. It can form dense beds that provide substrate, food, and shelter for a variety of marine organisms. Eelgrass is considered a Submerged Aquatic Vegetation (SAV), and a “special aquatic site” under the CWA. Pursuant to the MSA, eelgrass is designated as a Habitat Area of Particular Concern (HAPC) within EFH for various federally-managed fish species within the Pacific Coast Groundfish FMP (NMFS 2014a). As noted in the Subtidal Vegetated Habitat section, eelgrass was not detected within the study area in April 2020.

4.3 WILDLIFE CORRIDORS

Ballona Creek provides movement for marine fish species into and out of the study area, and occasionally marine mammals such as California sea lion (*Zalophus californianus*) and harbor seal (*Phoca vitulina richardsi*) have been observed in the Ballona Creek channel (USACE 2017). Several whale species migrate along the coast of California, including the California gray whale (*Eschrichtius robustus*). The peak northward migration of male gray whales occurs in mid-March, followed two months later by the second migration wave, which is composed of cows and calves. Whales typically do not occur in harbors like Marina del Rey or estuaries like Ballona Creek (USACE 2017). While mobile animals make use of the creek mouth, it is not considered a wildlife corridor (USACE 2017).

4.4 SENSITIVE WILDLIFE

Table 5 lists sensitive animal species with the potential and likelihood to occur within the study area. Only two species listed by USFWS and/or CDFW as federally or state endangered or threatened have the potential to occur within the study area: the federally endangered steelhead and federally threatened green sea turtle (*Chelonia mydas*). While two steelhead were observed upstream of the study area in Ballona Creek in 2008, the upstream habitat was considered low quality, providing limited foraging, spawning or rearing habitat (USACE 2017). Further, subsequent surveys have not detected steelhead within Ballona Creek (USACE 2017).

Green sea turtles are known to occur in the warm water discharge of a Long Beach power plant, but are rarely sighted in Santa Monica Bay. Due to lack of required water temperatures, food sources, and nesting habitat within Ballona Creek they are unlikely to regularly occur in the study area.

Finally, several species of marine mammals which are protected by the MMPA may occur in the study area (Table 5). California sea lion (*Zalophus californianus californianus*) and, to a lesser extent, Pacific harbor seal (*Phoca vitulina richardsi*) are the two most common species of marine mammals that occur within harbors and bays. California sea lion and Pacific harbor seal may occasionally be observed in the vicinity of the study area, but are not expected to utilize the area. Dolphins and whales are not anticipated to be present within the study area (USACE 2017).

Table 5. Sensitive species with potential to occur within the study area.

Common Name	Scientific Name	Status	Occurrence in Study Area
<u>Fish</u>			
Southern California Steelhead	<i>Oncorhynchus mykiss irideus</i>	FE; SSC; S1	Very Low Potential - Migrate into fresh water streams when sandbars breach during winter and spring rains. Occur in coastal streams with water temperatures < 15°C. Need cool, clear water with in-stream cover. Spawn in tributaries to large rivers or streams directly connected to the ocean. Spawning habitat consists of gravel substrates free of excessive silt. In 2008, observed in Ballona Creek approximately 2.5 miles upstream of the Marina Freeway overpass; however, focused aquatic surveys from 2009-2011 have not detected this species on the study area. No spawning habitat available in Ballona Creek (USACE 2017).
<u>Reptiles</u>			
Green Sea Turtle	<i>Chelonia mydas</i>	FT; S1	Very Low Potential - Inhabits coastal areas for benthic feeding and beaches for nesting. In the eastern North Pacific, green sea turtles have been sighted from Baja California to southern Alaska. While turtles commonly occur from San Diego southward, they have an established population at the San Gabriel River estuary and Los Cerritos Wetlands, 30 miles to the south. Rare sightings are reported in Ballona Creek (USACE 2017).
<u>Marine Mammals</u>			
Pacific Harbor Seal	<i>Phoca vitulina richardsi</i>	MMPA	Low Potential – Forages and loafs within the harbors and inshore waters of Santa Monica Bay.
California Sea Lion	<i>Zalophus californianus californianus</i>	MMPA	Moderate Potential – Forages and loafs within the harbors and inshore waters of Santa Monica Bay.
Coastal Bottlenose Dolphin	<i>Tursiops truncatus</i>	MMPA	Low Potential – Highly mobile within the inshore waters of Santa Monica Bay (Fandel et al. 2015).
California Gray Whale	<i>Eschrichtius robustus</i>	MMPA	Very Low Potential – Regular migrant in offshore waters, but uncommon in bay and nearshore waters.

Notes: FE – Federally Endangered; FT – Federally Threatened; MMPA – species protected by the Marine Mammal Protection Act; SSC – CDFW Species of Special Concern; S1 – Critically Imperiled - Critically imperiled in the state because of extreme rarity (often 5 or fewer populations) or because of some factor(s) such as very steep declines making it especially vulnerable to extirpation from the state.

5.0 IMPACT ANALYSIS

The study area is similar to other developed shallow embayments and estuaries located in coastal areas in the Southern California Bight with regard to distribution of habitats and biological features. This analysis focuses on stressors associated with the proposed project elements (i.e., upland construction, vessel operations, and shading) and their potential impact to biological resources including in-water habitat (i.e., intertidal/shallow subtidal riprap revetment, unvegetated subtidal habitat, open water), upland habitat, wildlife corridors, and sensitive species within the study area. As noted in the project description, no in-water construction (e.g., dredging, filling, pile driving) is proposed, and the potential stressors from the proposed project include:

- Mooring construction (in upland area)
- Barge placement
- Barge maintenance operations

Since it is anticipated that elements of the project will be phased, the impacts are analyzed by habitat type and based on the potential stressor.

Criteria for determining the significance of project-related impacts on biological resources are based on the resource's relative sensitivity and regional status, including the proportion of the resource that would be affected relative to its occurrence in the project region (Santa Monica Bay), the sensitivity of the resource to activities associated with the proposed project, and the duration or ecological ramifications associated with the effect. Per California Environmental Quality Act (CEQA) Guidelines, Section 15000 et seq., impacts are considered significant if they would result in:

- Degradation of critical habitat or reduction in the population size of a listed species (threatened or endangered);
- Degradation of rare or biologically valuable habitat;
- A measurable change in ecological function within the project vicinity;
- A measurable change in species composition or abundance beyond that of normal variability;
- A substantive loss of water surface area through fill or surface water coverage as a result of permanent structures such as docks, wharves, and permanently moored vessels. Small structures such as moorings, navigational aids, individual or widely spaced piles do not result in a substantive loss of water area; or
- An obstruction or alteration of circulation patterns that result in a discernable degradation of water mixing, circulation, or flushing to the extent that biota would be negatively affected in the system.

Impacts to habitats and wildlife can be measured as direct and/or indirect, as well as permanent or temporary. Direct impacts are those that have a direct impact on habitats or wildlife and occur contemporaneously with the action. Direct impacts of in-water construction to wildlife include immediate physical and physiological impacts such as abrupt changes in behavior, flight response, diving, evading, flushing, cessation of feeding, and physical impairment or mortality. Direct impacts to habitats can include damage from construction activities, as well as permanent habitat loss due

to project construction. In contrast, indirect impacts are effects that are caused by or will result from the proposed action at a later time, but are still reasonably certain to occur.

5.1 UPLAND AREA IMPACTS

The proposed project consists of construction of six concrete mooring/anchoring pads with each pad covering approximately 76 m² (820 ft²) for a total construction footprint of approximately 457 m² (4,920 ft²) on top of the existing rip rap revetment (Table 6 and Figure 9). The construction footprint consists of rip rap revetment with and without concrete fill and supports no special status wildlife or flora species or sensitive habitat. Therefore, temporary impacts on upland habitat are expected, but no significant impacts to biological resources on upland habitat are anticipated from the implementation of the proposed project.

Table 6. Impact summary for marine habitats.

Project Element	Category	Habitat Type	Nature of Impact	Area (m ²)	Area (ft ²)
Mooring Footprint	Upland Habitat	Man-Made Structure (Rip-Rap Revetment)	Construction/ Fill	457	4,920
Interceptor™ Tie Down	Marine Habitat	Unvegetated Soft Bottom	Shading	385	36
Interceptor™ Footprint	Marine Habitat	Unvegetated Soft Bottom	Surface Cover/ Shading	56	603

5.2 IN-WATER HABITAT IMPACTS

Intertidal/ Shallow Subtidal Riprap Revetment

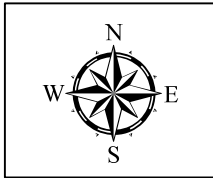
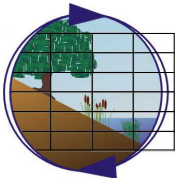
The mooring platforms placed on top of the rip rap revetment will be used to stabilize the Interceptor™ with chain (Figure 3). The chain is anticipated to run just below the waterline but would not rest on the seafloor, and the two upstream platforms would anchor the floating trash booms that would funnel waste to the Interceptor™ barge. The project will not directly impact the intertidal/shallow subtidal revetment, and therefore, no impacts on intertidal/shallow subtidal revetment habitat are expected, and no significant impacts to biological resources associated with intertidal/shallow subtidal revetment are anticipated from the implementation of the proposed project.

Intertidal and Subtidal Unvegetated Habitat

Barge placement and tie downs would have a direct impact to approximately 92 m² (989 ft²) of intertidal and subtidal unvegetated habitat including the associated benthic community due to shading (Table 6 and Figure 9). Since the barge is floating, there would be no direct loss or mortality of any benthic infauna and epifauna within the barge footprint, and since eelgrass is not present, no shading impacts to eelgrass would occur. The impact area is relatively small and there is considerable similar soft bottom habitat immediately adjacent to the project footprint, and therefore, impacts associated with barge placement are considered less than significant.

Legend

- Study Area
- Interceptor Tie Downs
- Interceptor Footprint
- Mooring Footprint
- Debris
- Revetment
- Sand

**Habitat Map Existing Conditions and Project Elements**

Ballona Creek Trash Interceptor Project
Marina del Rey, CA

Bathymetric Contours: 2009 US Army Corps of Engineers (USACE) Joint Airborne
Lidar Bathymetry Technical Center of Expertise (JALBTCX) Bathymetric Lidar: Southern California

Figure 9

In addition, the barge would result in a 56 m² (603 ft²) increase of surface area coverage; an increase in surface cover would decrease open water habitat (Table 6). This would decrease the foraging habitat available for piscivorous avian species, although given the relatively small areas affected, this increase in surface coverage would not be considered significant.

Subtidal Vegetated Habitat

No eelgrass vegetated habitat was detected in the study area and therefore, no impacts are expected.

Open water

Since no in-water construction activities are proposed, effects from construction such as temporary and localized increases in turbidity and sedimentation within the water column, or noise (enonification) which can result in temporary and or permanent impacts to organisms in the water are not expected. With respect to noise, the mouth of Ballona Creek is adjacent to the Marina del Rey Harbor and is exposed to regular traffic of large and small boating vessels. Therefore, some level of acclimation to noise exposure is expected. During construction, the Project would only require the use of some equipment (e.g. saws, generators, air compressors, pump, cement mixers) along the adjacent jetty, not within the Ballona Creek channel. Accordingly, given existing noise and vessel traffic disturbance, a short term installation period, minimal noise associated with the solar-powered operation of the water flow-through system the Project is not expected to create long-term noise disturbance or cause associated harm to organisms in the water column. And given the location of the project, it is anticipated that water velocities will be tidally and storm driven, and that the placement of the barge and barriers would not meaningfully alter water velocities, sedimentation rates, or circulation patterns in the study area. As noted above, the proposed project would temporarily result in an increase of approximately 56 m² (603 ft²) of surface area coverage (Table 6). This increase in surface coverage (or loss of open water habitat) is not expected to affect foraging by piscivorous avian species and is not considered significant.

5.3 IMPACTS TO WETLANDS AND SENSITIVE HABITATS

As described above, the nearest wetlands are located upstream of Ballona Creek, along the south side of the channel approximately 0.2 miles away from the study area. The proposed project would not alter water flow or water quality to marsh habitat, and is not anticipated to degrade marshlands in any way. Therefore no significant impacts to wetlands are anticipated to occur.

Eelgrass beds are considered to be a sensitive habitat and “special aquatic site” under the CWA and are designated as EFH, and as noted in the Subtidal Vegetated Habitat section, no eelgrass was present within the study area and therefore, no impacts to eelgrass habitat are anticipated to occur.

5.4 IMPACTS TO ESSENTIAL FISH HABITAT

As part of the EFH consultation process, the guidelines require Federal action agencies to prepare a written EFH Assessment describing the effects of that action on EFH (50 CFR 600.920(e)(1)). The EFH Assessment is a necessary component for efficient and effective consultations between a federal action agency and NMFS. In the case of the project, work proposed would require

permitting under Section 10 of the RHA. For this permit action, the USACE is the lead federal action agency. An EFH Assessment for the proposed project is provided in a separate document.

5.5 IMPACTS TO WILDLIFE CORRIDORS

As described above, the study area does not provide any specific wildlife movement corridors, and no marine mammal, reptile, or fish migratory corridors occur within it. Consequently, impacts of the proposed project on wildlife corridors, movement of resident and migratory species, and usage of nursery sites are considered to be less than significant.

5.6 IMPACTS TO SENSITIVE WILDLIFE

Table 5 provides a summary of sensitive animal species that have potential to occur within the study area. The following text expands on the likelihood of occurrence for these species, and describes potential impacts to sensitive species that may result from project implementation.

Fish

Although two southern California steelhead were observed in Ballona Creek in 2008, this species is expected to have a less than reasonable likelihood of occurring due to the lack of suitable conditions, the species not being detected during recent surveys, and the study area being outside their known range, and therefore no impacts to steelhead are expected from the proposed project.

Reptiles

Environmental threats to sea turtle populations include contamination from coastal runoff, plastic and other debris, fueling facilities, marina and dock construction, dredging, aquaculture, oil and gas exploration and extraction, and increased underwater noise and boat traffic that can degrade marine habitats used by marine sea turtles. As described in Section 5.2 above, the mouth of Ballona Creek is adjacent to the Marina del Rey Harbor and is exposed to regular traffic of large and small boating vessels. Therefore, some level of acclimation to noise exposure is expected for local species. Sea turtles swimming or feeding at or just beneath the surface of the water are particularly vulnerable to boat and vessel strikes, which can result in serious propeller injuries and death. Potential impacts to green sea turtle from the proposed project are primarily related to construction activities associated with barge placement and vessel traffic. Protective measures included in the project to minimize impacts to sea turtles include maintenance of no wake boat speeds within and adjacent to the study area. With protective measures incorporated, impacts to sea turtles are considered to be less than significant.

Marine Mammals

Harbor seals and California sea lions are commonly observed in Santa Monica Bay. There are no established haul-out, foraging, or breeding areas used by these or other marine mammals within the study area or vicinity, although they may make occasional transient use of the area. No in-water construction is anticipated, but vessel traffic will occur during barge placement and maintenance, and any marine mammals would be expected to leave the site for adjacent waters if disturbed by project activities. However, the MMPA prohibits “take” of marine mammals. The definition of “take” under the MMPA, like that of the ESA, includes “harassment”. For this reason, a potentially significant impact to marine mammals could occur if animals are disturbed during project activities, even if they are not harmed by the activities.

Similar to sea turtles, potential impacts to marine mammals from the proposed project are primarily related to project activities associated with vessel traffic. Marine mammals could be struck by boats or boat motors at the study area. In addition, boat noise generated during the installation period and operational activities, as well as, noise associated with the solar-powered operation of the water flow-through system are not expected to impact marine mammals or sea turtles. However, protective measures included in the project to minimize impacts to marine mammals include maintenance of no wake boat speeds within and adjacent to the study area. With protective measures incorporated, impacts to marine mammals are considered to be less than significant.

5.7 CUMULATIVE IMPACTS

Cumulative effects are defined by CEQA as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” Cumulative impacts can be derived from a single project or a number of separate projects, and is further defined as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.”

Based on the definitions provided under CEQA, the following analysis assumes that a significant adverse cumulative biological resources impact would occur where the construction or operation of the cumulative projects would encroach into areas containing sensitive biological resources, affect the movement of wildlife species, result in loss or fragmentation of sensitive habitats, or affect the functionality of a planned conservation area. As discussed above, no significant impacts to sensitive habitats or biological resource from the proposed project are anticipated, and any potential impacts to sensitive animals are reduced to less than significant by incorporation of protective measures during construction.

6.0 MITIGATION AND PROTECTIVE MEASURES

6.1 MARINE RESOURCE MITIGATION

Intertidal/ Shallow Subtidal Riprap Revetment

Based on current project design, no mitigation would be required for intertidal/shallow subtidal rip rap revetment habitat since no in-water construction is proposed.

Intertidal and Subtidal Unvegetated Habitat

Based on current project design, no mitigation would be required for intertidal/shallow subtidal unvegetated habitat since no in-water construction is proposed.

Subtidal Vegetated Communities

Based on current project design, no mitigation would be required for eelgrass since no eelgrass is present within the study area.

Surface Coverage

Based on current project design, no mitigation would be required for surface coverage since the project would result in a temporary small increase in surface coverage of approximately 56 m² (603 ft²).

Open Water

Based on current project design, no mitigation would be required for open water habitat since no in-water construction is proposed.

6.2 SENSITIVE SPECIES MITIGATION

Reptiles

To mitigate potential impacts to eastern Pacific green sea turtles to a less than significant level, the following measures are recommended.

- 1) Construction and operational vessel traffic shall not exceed existing designated speed for the marina.

Mammals

To mitigate potential impacts to marine mammals to a less than significant level, the following construction measures are recommended.

- 1) Construction and operational vessel traffic shall not exceed existing designated speed for the marina.

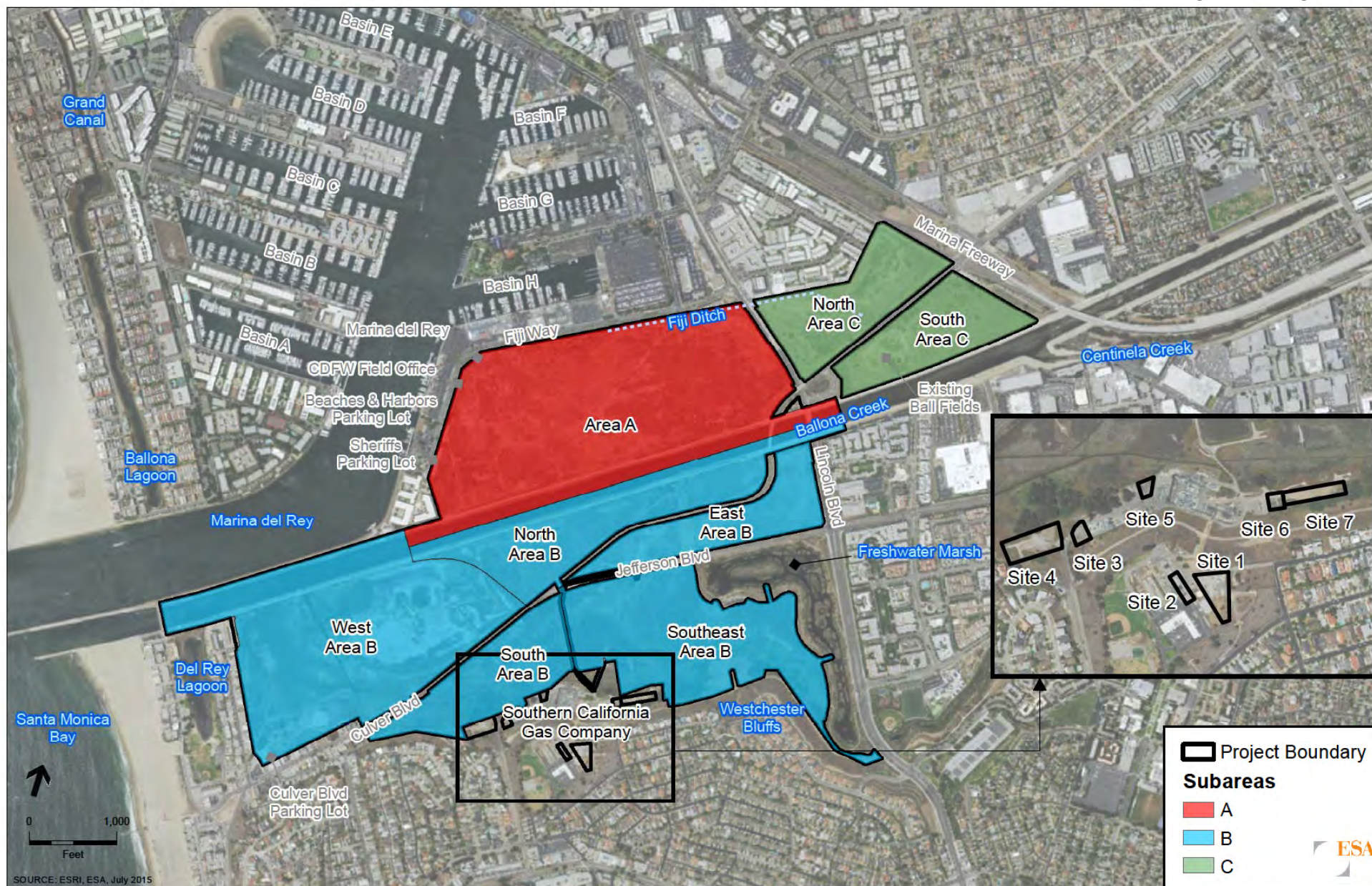
7.0 CONCLUSIONS

The proposed project would be expected to result in limited impacts to in-water biota and habitats found in the study area. Construction is limited to upland construction in an urbanized area, with no in-water construction proposed, although it is anticipated that tug boats would be used for barge placement and maintenance, including the installation of mooring chain which is anticipated to run just below the waterline but not along the seafloor. Any impact associated with barge placement is anticipated to be of a short-term, temporary nature and is not expected to have permanent or population-level impact to sensitive habitat or species, EFH, or managed fish species. One potential impact may occur to marine reptiles (e.g., sea turtles) and marine mammals (e.g., California sea lion and harbor seal) which could be struck by boats or boat motors at the study area. Any disturbance to sea turtles or marine mammals is considered harassment and would be significant. While it is unlikely that sea turtles or marine mammals would occur in the study area, incorporation of the protection measures listed above would reduce any impacts to less than significant. No significant impacts to wetlands, upland habitat, wildlife migration or corridors are anticipated. Cumulative impacts are considered to be less than significant.

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Appendix D BALLONA WETLANDS ECOLOGICAL RESERVE MAP AND BOUNDARIES



**Ballona Wetlands
Restoration Project**

Figure ES-2
Project Site

Appendix B MARINE RESOURCES TECHNICAL REPORT

**MARINE BIOLOGICAL ASSESSMENT
FOR
THE BALLONA CREEK INTERCEPTOR™ PROJECT
MARINA DEL REY, CA**

Prepared for:

The Ocean Cleanup
Batavierenstraat 15-7th Floor
3014 JH Rotterdam
The Netherlands

Prepared by:

Merkel & Associates, Inc.
5434 Ruffin Road
San Diego, CA 92123
Phone: (858) 560-5465
Fax: (858) 560-7779

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1.0 INTRODUCTION

Public Works is collaborating with The Ocean Cleanup, a Dutch non-profit organization, on this pilot project, the Ballona Creek Trash Interceptor™ Pilot Project “Project”, to deploy a floating, automated trash Interceptor™ system (the Interceptor™) near the mouth of Ballona Creek where it enters the Pacific Ocean. The Project would entail installation of the Interceptor™ within Ballona Creek, directly south and east of the Marina Del Rey harbor entrance and breakwater along the Pacific Ocean shoreline (Figure 1). The purpose of the Project is to test the efficiency of The Ocean Cleanup’s Interceptor™ in capturing and collecting floating trash and debris in Ballona Creek. The Project’s goal is to would capture and collect trash coming down the creek to prevent it from entering and polluting the ocean and thus, protecting the environment.

This report documents the in-water marine biological condition at the Project location as well as provides an analysis of potential impacts to habitats and sensitive species. An Essential Fish Habitat (EFH) Assessment for the proposed Project is provided in a separate document.

2.0 PROJECT LOCATION AND DESCRIPTION

2.1 PROJECT LOCATION

The Project is located within a channelized portion of Ballona Creek, approximately 1.5 miles west of CA-1, 0.5 mile east of the Santa Monica Bay, and immediately southwest of the Ballona Creek-Pacific Avenue Bridge, Marina del Rey South Jetty, and Marina del Rey Harbor Main Channel. There are two levee systems, Ballona Creek 1 Levee System (hereafter referred to as the Ballona Creek North Jetty) and Ballona Creek 3 Levee System (hereafter referred to as the Ballona Creek South Jetty) that will be used for this Project (Figure 1).

The study area is characterized by the wide, concrete embankment of Ballona Creek channel trending from east-northeast (upstream) toward the west-southwest (downstream). Ballona Creek channel includes riprap which is a combination of broken concrete blocks and rock. The Ballona Creek North Jetty is topped by a publicly accessible sidewalk and beacon light for boats returning to the harbor. There are also two (2) viewing decks with concrete benches and guardrail on top of the North Jetty. The Ballona Creek South Jetty is supported by a shorter jetty on the opposite side which is covered with a jagged rock outcrop with no public access.

2.2 PROJECT DESCRIPTION

The floating Interceptor™ would be a single vessel (Figure 2) moored in Ballona Creek through attachment to six moorings—four of which anchor the vessel itself and two of which anchor two in-water floating trash booms—that would be installed above the ordinary high-water mark of Ballona Creek along two existing adjacent jetties (Figure 3). Each mooring would have a concrete pad which would be installed above-grade with the jetty as well as ramps with railings installed and attached to mooring ties to hold the Interceptor™ in place. The placement of floating trash booms (also called “barriers”) and the downstream current will cause trash drifting down Ballona Creek to be funneled into the Interceptor™.

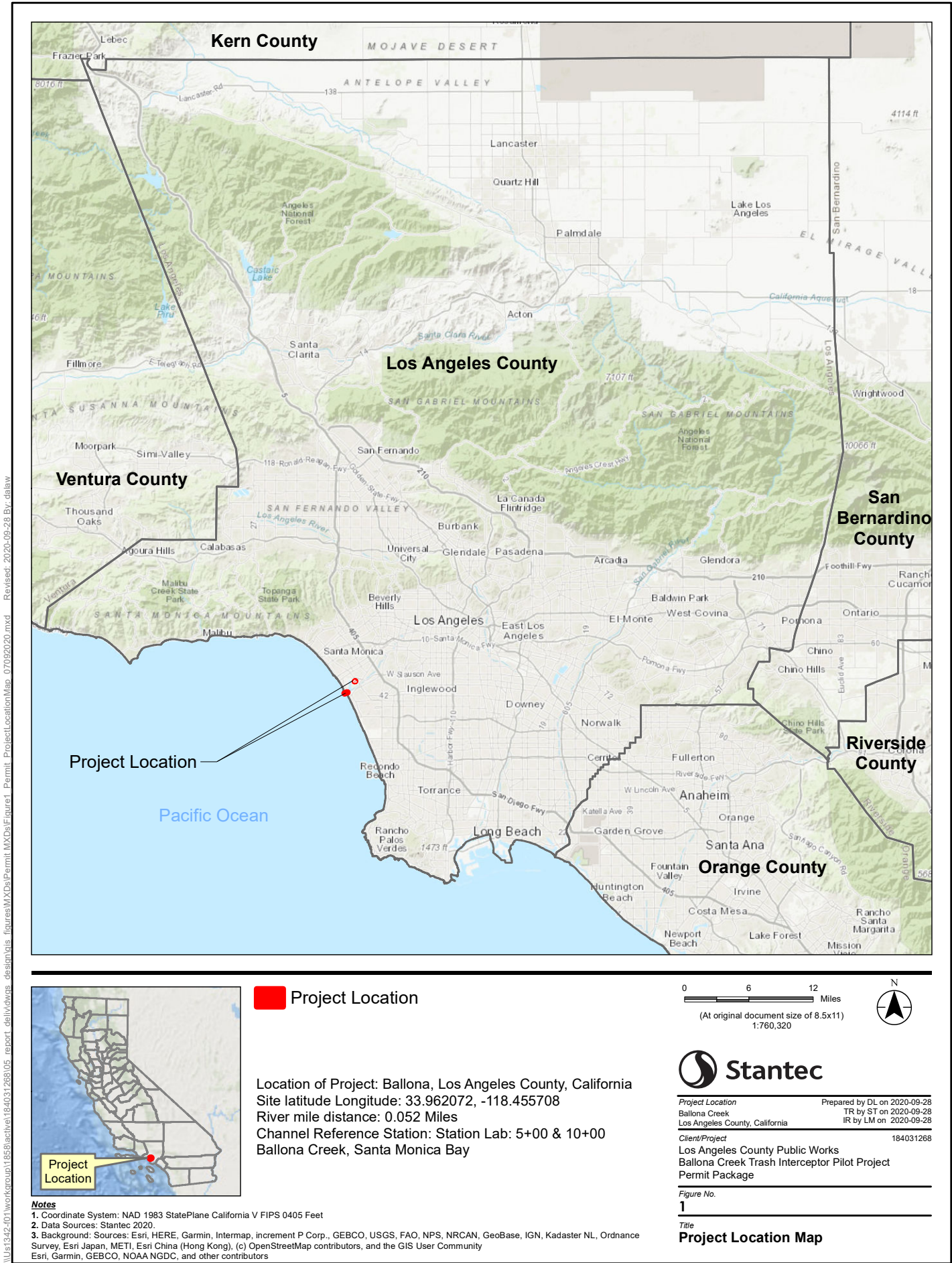




Figure 2. Pictures of Interceptor™ barge in Malaysia with barrier and dumpster barge.



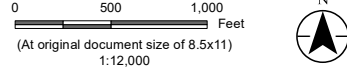
- ← Existing Bikeways
- Project Footprint**
- Mooring Footprint [0.113 Acres]
 - Mooring Construction Staging Areas [0.37 Acres]
 - Interceptor Assembly Area [0.62 Acres]
 - Interceptor/ Mooring Chains/ Trash Boom Footprint [0.023 Acres]
 - Trash Boom
 - Mooring Lines

Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet

2. Data Sources: Stantec 2020.

3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Project Location
Ballona Creek
Los Angeles County, California

Prepared by DL on 2020-09-28
TR by ST on 2020-09-28
IR by LM on 2020-09-28

Client/Project
Los Angeles County Public Works
Ballona Creek Trash Interceptor Pilot Project
Permit Package

184031268

Figure No.
3

Title
Project Vicinity

\\us1342-01\workgroup\184031268\05 report delivdwgs design\ais figures\MXDs\Permit MXDs\Figure3 Permit_Place\Placement_07092020.mxd Revised: 2020-10-16 By: dalaw

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The floating debris will converge on the Interceptor™ mechanical conveyor belt, which automatically feeds the trash into a floating receptacle, thus preventing the refuse from reaching the Pacific Ocean. The Interceptor™ would use both booms during the storm season (October-April), when stormwater flows wash greater amounts of trash and debris into Ballona Creek, and only one boom during the remainder of the year. The southern boom would remain in place while the northern boom would be able to be clipped and unclipped to the Interceptor™ prior to and after storm events. The booms, which would float atop the water would extend 18 inches beneath the water surface, and have a low draft allowing water to pass underneath without significant interference; therefore, not substantially obstructing or diverting the natural flow of water within Ballona Creek. In the event of an emergency, such as higher flow speeds within Ballona Creek, the booms are designed to automatically release and open by detaching from one side of the mooring on top of the jetty.

When the Interceptor™ is nearly full, it automatically sends a message to the local operators to collect the waste. Operators then remove the dumpsters (trash bins), bring them to the side of the Marina del Rey boat harbor, empty the dumpsters, send off the debris to an appropriate solid waste facility, and return the dumpsters back to the Interceptor™. The Interceptor™ pilot program is expected to be deployed and in operation for two storm seasons (up to 24 months).

Construction and installation of the Project would occur over an approximate six-month period. During construction of the moorings, the Ballona Creek North Jetty walkway would be temporarily closed to prevent public access due to safety considerations. Construction of the moorings would require a small crew size. No excavation activities within Ballona Creek channel is planned for the Project; however, some excavation would be required to remove the existing stone jetty riprap to install the mooring blocks (12 feet wide x 8 feet long). In addition, minor ground disturbance would be required on top of the jetties to allow access for installation of Project components (i.e., Interceptor™ anchoring location, collection boom, and jetty mooring system). Approximately 0.113 acres would be disturbed or developed as part of the Project. Some stockpiles would be placed onsite temporarily during excavation and they would be covered with tarps and/or watered to prevent dust, as required. Some equipment (e.g., saws, generators, air compressors, pump, cement mixer) would be required to install the moorings. The Project would involve minimal vehicle trips including material import/ export as well as haul trucks required for construction.

3.0 PROJECT REGULATORY REQUIREMENTS

The proposed project is subject to the following regulations.

3.1 FEDERAL REGULATIONS

Clean Water Act

The federal Water Pollution Control Act Amendments of 1972 (33 United States Code [USC] 1251–1376), as amended by the Water Quality Act of 1987, and better known as the CWA, is the major federal legislation governing water quality. The purpose of the federal CWA is to “restore and maintain the chemical, physical, and biological integrity of the nation’s waters.” Discharges into waters of the United States are regulated under the CWA. Waters of the United States currently include the territorial seas and traditional navigable waters, perennial and intermittent tributaries

to those waters, certain lakes, ponds, and impoundments, and wetlands adjacent to jurisdictional waters (33 C.F.R. § 328.3). Important applicable sections of the CWA are discussed below:

- Section 401 requires an applicant for any federal permit that proposes an activity that may result in a discharge to waters of the United States to obtain certification from the state that the discharge will comply with other provisions of the CWA. Certification is provided by the respective RWQCB (Regional Water Quality Control Board). A Section 401 permit from the SWRCB (State Water Resources Control Board) or RWQCB would be required for issuance of a permit by the U.S. Army Corps of Engineers (USACE).

Rivers and Harbors Appropriation Act

The Rivers and Harbors Appropriation Act of 1899 (33 USC 403 et seq.), commonly known as the Rivers and Harbors Act (RHA), prohibits the construction of any bridge, dam, dike, or causeway over or in navigable waterways of the United States without congressional approval. Under RHA Section 10, the USACE is authorized to permit structures in or over navigable waters. Building or modifying wharves, piers, jetties, and other structures in or over the waters of the United States requires USACE approval through the Section 10 permit process.

In addition, Section 14 (33 U.S.C. § 408), requires that any proposed occupation or use of an existing USACE civil works project be authorized by the Secretary of the Army. An alteration refers to any action by any entity other than the Corps that builds upon, alters, improves, moves, occupies, or otherwise affects the usefulness, or the structural or ecological integrity of a USACE project.

Endangered Species Act

The Endangered Species Act (ESA) protects plants and wildlife that are listed as endangered or threatened by the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). ESA Section 9 prohibits the taking of endangered wildlife, where taking is defined as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct” (50 Code of Federal Regulations [CFR] 17.3). The term “harm” is defined as an “act which actually kills or injures wildlife,” including through “significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.” The term “harass” means an act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, including breeding, feeding or sheltering (50 CFR 17.3). For plants, this statute governs removing, possessing, maliciously damaging, or destroying any endangered plant on federal land, as well as removing, cutting, digging up, damaging, or destroying any endangered plant on non-federal land in knowing violation of state law. Under ESA Section 7, lead federal agencies are required to consult with the USFWS or NMFS if the lead agency determines that its actions, including permit approvals or funding, may adversely affect an endangered species (including plants) or its critical habitat. Through consultation and the issuance of a biological opinion, the USFWS or NMFS may issue an incidental take statement allowing take of the species that is incidental to another authorized activity, provided the action will not jeopardize the continued existence of the species. In cases where the federal agency determines its action may affect, but would be unlikely to adversely affect, a federally listed species, the agency may choose to informally consult with the USFWS and/or NMFS. This informal consultation typically involves incorporating measures intended to ensure effects would not be adverse. Concurrence from the USFWS and/or NMFS concludes the informal process. Without such concurrence, the federal agency may formally consult to ensure full compliance with the ESA.

Marine Mammal Protection Act

The Marine Mammal Protection Act of 1972 (MMPA) prohibits, with certain exceptions, the take of marine mammals in United States waters and by United States citizens on the high seas and the importation of marine mammals and marine mammal products into the United States. Under the MMPA, “take” is defined as “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal” (16 U.S.C. 1362) and further defined by regulation (50 CFR 216.3) as “to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal”. NMFS administers the MMPA. Under the 1994 Amendments to the MMPA, harassment is statutorily defined as any act of pursuit, torment, or annoyance which:

- **(Level A Harassment)** has the potential to injure a marine mammal or marine mammal stock in the wild; or,
- **(Level B Harassment)** has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering but which does not have the potential to injure a marine mammal or marine mammal stock in the wild.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) prohibits take of nearly every bird for which members of the bird’s taxonomic family are considered to be migratory. This results in the inclusion of most species of birds afforded protection. Under the MBTA, take means only to kill, directly harm, or destroy individuals, eggs, or nests, or to otherwise cause failure of an ongoing nesting effort.

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) of 1976 was established to promote domestic and commercial fishing under sound conservation and management principles. NMFS, as a branch of the National Oceanic and Atmospheric Administration (NOAA), implements the act via eight regional Fisheries Management Councils (FMCs). The FMCs in turn prepare and implement Fishery Management Plans (FMPs) in accordance with local conditions. The Pacific FMC is responsible for the Pacific region, in which the study area is located. The FMPs also establish EFH for the species they manage and require consultation by a lead agency with NMFS for actions that may adversely affect EFH. Following receipt of an EFH consultation request, NMFS will provide EFH Conservation Recommendations to the lead agency detailing measures that may be taken by the agency to conserve EFH. Within 30 days of receipt of EFH Conservation Recommendation, the project lead agency must respond in writing, including a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on EFH. These measures will be incorporated into the final project.

3.2 STATE REGULATIONS**California Coastal Act**

The California Coastal Act (CCA) is intended to provide protection of the unique nature and public interest values of the state’s coastal fringe. Development activities, which are broadly defined by the CCA to include (among others) construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters, generally require a coastal development permit. The CCA is administered by the California Coastal Commission (CCC) or by local jurisdictions operating under adopted Local Coastal Programs that have been approved by the CCC.

California Endangered Species Act

The California Endangered Species Act (CESA) authorizes the California Fish and Game Commission to designate endangered, threatened, and rare species and to regulate the taking of these species (California Fish and Game Code [FGC] Sections 2050–2098). The CESA defines endangered species as those whose continued existence in California is jeopardized. State-listed threatened species are those not presently facing extinction, but that may become endangered in the foreseeable future. FGC Section 2080 prohibits the taking of state-listed plants and animals. Unlike the federal ESA, the CESA does not include harassment within its take definition and as such, has a statutorily higher threshold standard for take than does the federal ESA. The California Department of Fish and Wildlife (CDFW) also designates fully protected or protected species as those that may not be taken or possessed without a permit from the California Fish and Game Commission and/or CDFW. Species designated as fully protected or protected may or may not be listed as endangered or threatened.

When a species is both state- and federally-listed, an expedited request for consistency with the USFWS biological opinion may be issued through a request for Section 2080.1 consistency determination, if take authorization under the CESA is required.

California Fish and Game Code

The FGC is implemented by the California Fish and Game Commission, as authorized by Article IV, Section 20, of the Constitution of the State of California. FGC Sections 3503, 3503.5, 3505, 3800, and 3801.6 protect all native birds, birds of prey, and nongame birds, including their eggs and nests, that are not already listed as fully protected and that occur naturally within the state. Section 3503.5 specifically states that it is unlawful to take, possess, or destroy any raptors (e.g., hawks, owls, eagles, and falcons), including their nests or eggs. As defined in the Fish and Game Code, “take” means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill (Fish and Game Code Section 86). The CDFW is the state agency that manages native fish, wildlife, plant species, and natural communities for their ecological value and their benefits to people. The CDFW oversees the management of marine species through several programs, some in coordination with NMFS and other agencies.

3.3 LOCAL REGULATIONS**Marina del Rey Land Use Plan**

The Marina del Rey Land Use Plan (LUP) covers the study area, and includes the relevant portion of a local government's general plan, or local coastal element, and are sufficiently detailed to indicate the kinds, location and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions (County of Los Angeles 2012). The Marina del Rey LUP covers the study area.

Marina del Rey Local Coastal Plan

Local Coastal Program (LCP) means a local government's (a) LUP, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resource areas, other implementing actions which, when taken together, meet the requirements of, and implement the provisions and policies of the CCA.

4.0 ENVIRONMENTAL SETTING

The description of the environmental setting of the study area is based on physical and qualitative biological surveys conducted in the study area in April 2020, in addition to literature review. The study area is defined as the area that includes all elements of the project as well as the surrounding areas that could potentially be affected by the project. Above water mapping was completed using existing aerial photographs and Joint Airborne Lidar Bathymetry Technical Center of Expertise (JALBTCX) Bathymetric Lidar: Southern California data. In-water work was completed using interferometric sidescan sonar (ISS), which provided an image of seafloor backscatter within the entire study area. Sidescan backscatter data were acquired at a frequency of 468 kHz, with a scanning range of 31 meters (102 feet) for both the starboard and port channels, resulting in a 62 meters (204-ft) wide swath. All data was collected in latitude and longitude using the North American Datum of 1983 (NAD 83). The survey was conducted by running transects spaced to allow for overlap between adjoining sidescan swaths. Transect surveys were performed until the entirety of the survey area was captured in the survey record. A Remotely Operated Vehicle (ROV) was used to groundtruth targets of interest (substrate, biota) and to photo document. Following completion of the survey, the data was converted into a geographically registered mosaic through digital post-processing, and plotted on a geo-rectified aerial image of the study area. Bathymetric data were processed using standard filtering and used to develop slope and relief maps. Surficial features and mappable habitat types were then digitized by a GIS specialist with expertise in interpreting sonar data for habitat mapping. The GIS specialist inspected the sonar mosaic and delineated habitats and features using ESRI ArcGIS software. Resources of interest were then digitized to show their distribution within the survey area. In addition, a qualitative survey of the rip rap revetment was conducted to note dominant biota. No grab sampling or otter trawls were conducted.

4.1 HABITATS WITHIN THE STUDY AREA

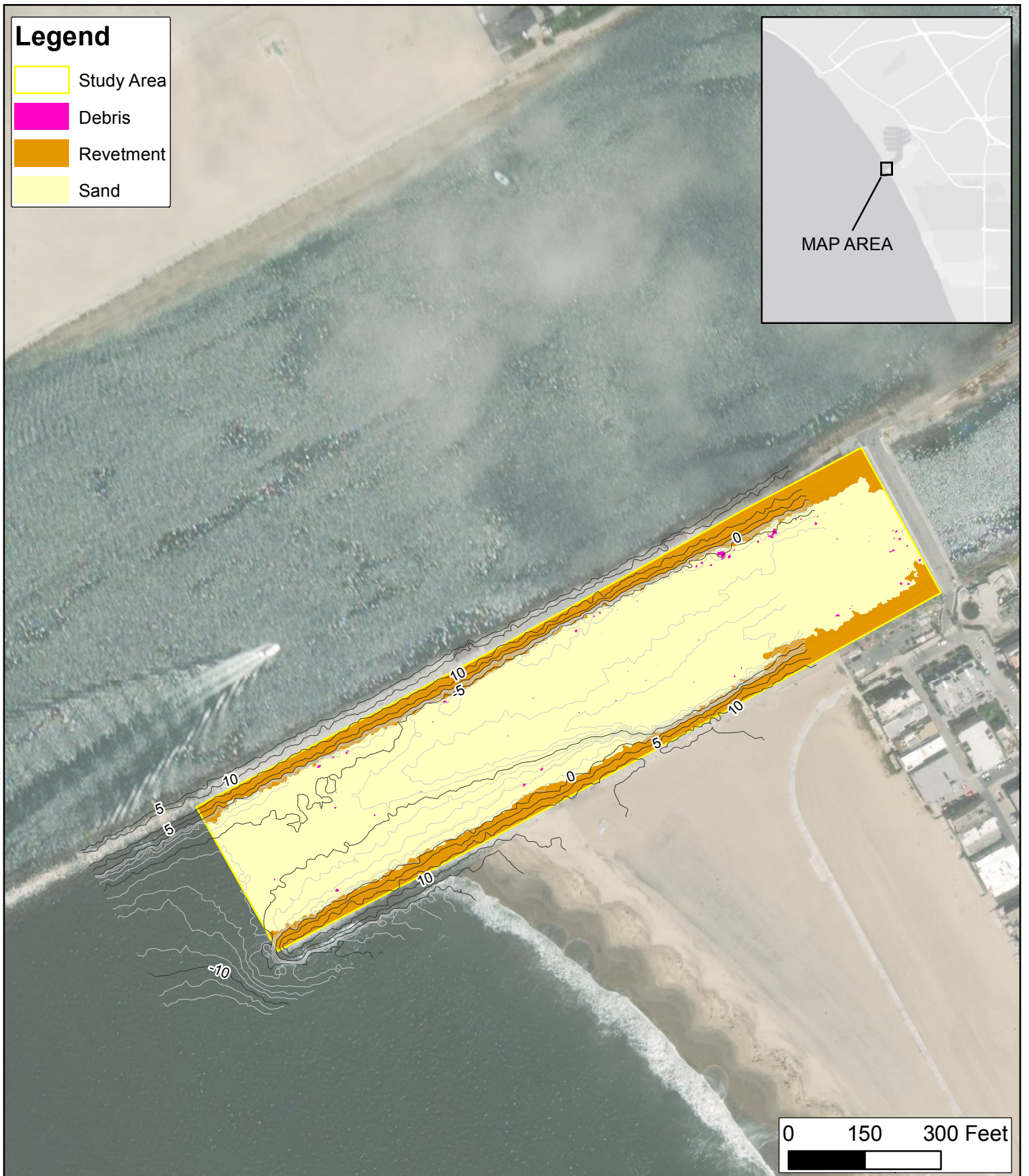
Habitats were delineated into two categories: upland and in-water (or marine), with sub-categories classified if present. They were further differentiated by elevation and/or depth, with upland habitat encompassing the area above +7.8 ft MLLW, intertidal habitat encompassing the area between +7.8 and -2.2 ft MLLW, and subtidal habitat below -2.2 ft MLLW. A summary of the various habitat types within the study area is provided in Table 1, depicted in Figure 4, and described in the following sections.

Table 1. Habitat summary in study area.

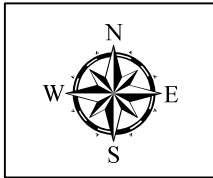
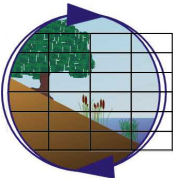
Category	Elevation	Habitat Type	Area (m²)	Area (ft²)
Upland	>+7.8 ft MLLW	Man-Made Structure (Rip-Rap Revetment)	3,937	42,377
Marine	Intertidal +7.8 to -2.2 ft MLLW	Man-Made Structure (Rip-Rap Revetment)	5,112	55,021
		Unvegetated Soft Bottom	1,629	17,532
		Sub-Total	6,740	72,553
	Subtidal Below -2.2 ft MLLW	Man-Made Structure (Rip-Rap Revetment)	1,495	4,934
		Unvegetated Soft Bottom	32,909	354,228
		Debris/Cobble	95	1,028
		Sub-Total	34,499	371,350
Grand Total			45,170	486,208

Legend

- Study Area
- Debris
- Revetment
- Sand



0 150 300 Feet



Habitat Map Existing Conditions
 Ballona Creek Trash Interceptor Project
 Marina del Rey, CA

Bathymetric Contours: 2009 US Army Corps of Engineers (USACE) Joint Airborne
 Lidar Bathymetry Technical Center of Expertise (JALBTCX) Bathymetric Lidar: Southern California

Figure 4

Upland Area

The upland area of the study area consists of rip rap revetment with and without concrete fill, and covers approximately 3,937 m² (42,377 ft²) (Table 1). The area is highly developed, and no special status flora or wildlife species occur in the upland areas (Figure 5).



Figure 5. Upland area consists of rip rap revetment with and without concrete fill. Left image is north jetty looking downstream; Right image is south jetty looking downstream.

Intertidal/Shallow Subtidal Riprap Revetment

The shoreline along the perimeter of the study area is armored with riprap revetment in the upper intertidal and shallow subtidal zones and covers approximately 6,607 m² (71,115 ft²) (Table 1 and Figure 5), where it transitions to unvegetated intertidal and shallow subtidal habitat.

Tide level influences the development of the riprap community, and bare rock is more common in the upper intertidal zone. Macroalgae were uncommon in the upper intertidal zone with coverage limited to small amounts of red algal turfs or occasional leafy green algae (*Ulva* sp.). Barnacles (*Balanus*, *Chthamalus*, *Tetraclita*) were abundant in the upper intertidal zone, as well as various limpets (*Lottia* spp.) and snails (*Littorina* sp., *Acanthina spirata*) (Figure 6).

In the mid to low intertidal zone, bare rock was less visible and there was a higher percentage of coralline and other small attached algae (*Chondracanthus* spp., *Ulva* sp., *Corallina* spp., *Mazzaella* spp., *Leathesia* sp., *Petrocelis*, *Gymnogongrus* spp.), in addition to other turf species (Figure 6). Observed invertebrates included sponges, tunicates, tube snails (*Serpulorbis squamigerus*), limpets (*Lottia* spp.), mussels (*Mytilus galloprovincialis*), oysters (*Crassostrea gigas*), and anemones (*Anthopleura* sp.). Similar species were also observed in the shallow subtidal zone, including red algal turfs, encrusting algae, articulated corallines, and sessile invertebrates (Figure 7).



Figure 6. Shoreline of study area depicting revetment from upper intertidal to shallow subtidal zone.

Subtidal Unvegetated Habitat

The majority of the study area is considered to be shallow subtidal unvegetated soft bottom habitat consisting of sand, mud, and silt, with areas of accumulated shell hash and debris, and covers approximately 32,909 m² (354,228 ft²) (Table 1 and Figure 8). Sampling conducted in the Ballona Creek estuary for the Bight '08 Regional Survey noted that the sediment consisted of approximately 56% sand and 44% fines (Table 2; SCCWRP 2011a). In addition, historical sediment quality data indicated that sediments within the tidal reach of Ballona Creek are impacted by metals, pesticides, polycyclic aromatic hydrocarbons (PAHs), and other organic compounds (USACE 2017), and that Total Maximum Daily Loads (TMDLs) for trash, bacteria, and metals in the water column, and for toxics including PAHs, pesticides, and other organic compounds in sediment and fish tissue have been developed to address exceedances of these constituents in Ballona Creek.



Figure 7. Study area transitions from shallow subtidal revetment to unvegetated subtidal habitat.

Table 2. Sediment grain size in Ballona Creek from Bight '08 survey.

Classification	Mean Percent
Total Silt and Clay (less than 0.0625mm)	43.9
Very Fine Sand (0.0625 to 0.125mm)	27.8
Fine Sand (0.125 to 0.25mm)	20.1
Medium Sand (0.25 to 0.5mm)	7.5
Coarse Sand (0.5 to 1mm)	0.7
Very Coarse Sand (1 to 2mm)	0.0
Gravel (greater than 2mm)	0.0



Figure 8. Unvegetated soft bottom habitat ranged from barren sandy areas to areas with shell hash and debris.

Organisms that live in soft bottom habitat are referred to as infauna, while those organisms that live on soft bottom habitat are referred to as epifauna. The density (number of individuals per unit area) and species composition of these organisms are influenced by sediment grain size, amount of nutrients, water depth, pollutant levels in the sediments and overlying water, and time since the last disturbance by vessel activity and/or construction, and therefore can serve as an indicator of habitat quality. Several benthic fauna surveys have been conducted within Ballona Creek. Common infaunal organisms recorded in Ballona Creek during the Bight '08 Regional Survey included polychaete worms (*Capitella* sp., *Pseudopolydora* sp., *Polydora* spp., *Neanthes* sp.), amphipods (*Grandidierella* spp., *Mayerella acanthopoda*), and molluscs (*Saxidomus nuttalli*, *Mytilus* sp., Pectinidae, *Musculista senhousia*) (SCCWRP 2012). Benthic epifauna observed during the Bight '08 Regional Survey and other otter trawl sampling noted a variety of organisms including crabs, molluscs, and sea stars (Table 3; M&A 2009, SCCWRP 2011b).

Table 3. Benthic epifauna observed in study area.

Common Name	Scientific Name	Bight '08	M&A '09
Bivalve	<i>Chione</i> sp.		X
Blackspotted bay shrimp	<i>Crangon nigromaculata</i>	X	
Calico scallop	<i>Argopecten ventricosus</i>		X
California aglaja	<i>Navanax inermis</i>		X
California bubble	<i>Bulla gouldiana</i>		X
Crab	<i>Cancer</i> sp.		X
Hydroid	Hydrozoa	X	
Mediterranean mussel	<i>Mytilus galloprovincialis</i>		X
Northern kelp crab	<i>Pugettia producta</i>		X
Nudibranch	<i>Dendronotus frondosus</i>	X	
Shore crab	<i>Hemigrapsus oregonensis</i>		X
Slender crab	<i>Metacarcinus gracilis</i>	X	
Spider crab	<i>Pyromaia tuberculata</i>	X	X
Spiny sand star	<i>Astropecten armatus</i>	X	
Winged sea slug	<i>Gastropteron pacificum</i>		X

Several fish surveys have been conducted in the Ballona Creek estuary and include the Bight '08 Regional Survey, otter trawl sampling conducted by Merkel & Associates in 2009, and habitat mapping for this project which utilized ROV. The results are summarized in Table 4, and the more common fishes included Round Stingray (*Urobatis halleri*), Spotted Sand Bass (*Paralabrax maculatofasciatus*), Black Croaker (*Cheilotrema saturnum*), Specklefin Midshipman (*Porichthys myriaster*), gobies (Gobiidae), flatfishes (*Paralichthys californicus*, *Pleuronichthys guttulatus*, *Parophrys vetulus*, *Xystreurys liolepis*, *Citharichthys sordidus*, *Pleuronichthys ritteri*) (M&A 2009, SCCWRP 2011b). Although two individual southern California steelhead (*Oncorhynchus mykiss irideus*) were observed in Ballona Creek in 2008 (upstream of the Ballona Reserve), the creek and its tributaries are heavily urbanized and do not provide suitable foraging or spawning habitat (USACE 2017).

Subtidal Vegetated Habitat

Vegetated subtidal habitats are an essential component of southern California's coastal marine environment. Eelgrass (*Zostera marina*) beds function as important habitat for a variety of invertebrate, fish, and avian species. For many species, eelgrass beds are an essential biological habitat component for at least a portion of their life cycle, providing resting and feeding sites along the Pacific Flyway for avian species, and nursery sites for numerous species of fish. The survey of in-water habitats completed in April 2020 detected no eelgrass in the shallow waters of the study area.

Table 4. Fish species observed in study area.

Common Name	Scientific Name	Bight '08	M&A '09	M&A '20
Bay Pipefish	<i>Syngnathus leptorhynchus</i>		X	
Black Croaker	<i>Cheilotrema saturnum</i>		X	
California Halibut	<i>Paralichthys californicus</i>	X	X	
California Lizardfish	<i>Synodus lucioceps</i>	X		
CIQ goby	<i>Clevelandia/Ilypnus/Quietula</i> complex		X	
Diamond Turbot	<i>Pleuronichthys guttulatus</i>		X	
English Sole	<i>Parophrys vetulus</i>	X		
Fantail Sole	<i>Xystreureys liolepis</i>	X	X	
Hornyhead Turbot	<i>Pleuronichthys verticalis</i>	X	X	
Kelp Bass	<i>Paralabrax clathratus</i>			X
Pacific Sanddab	<i>Citharichthys sordidus</i>	X		
Queenfish	<i>Seriphus politus</i>		X	
Roughback Sculpin	<i>Chitonotus pugetensis</i>	X		
Round Stingray	<i>Urobatis halleri</i>		X	
Salema	<i>Xenistius californiensis</i>		X	
Sargo	<i>Anisotremus davidsonii</i>		X	
Shiner Surfperch	<i>Cymatogaster aggregata</i>		X	
Shovelnose Guitfish	<i>Rhinobatos productus</i>		X	
Speckled Sanddab	<i>Citharichthys stigmaeus</i>	X		
Specklefin Midshipman	<i>Porichthys myriaster</i>	X		
Spotted Bay Bass	<i>Paralabrax maculatofasciatus</i>			X
Spotted Turbot	<i>Pleuronichthys ritteri</i>	X		
Staghorn Sculpin	<i>Leptocottus armatus</i>		X	
Striped Kelpfish	<i>Gibbonsia metzi</i>		X	
Topsmelt	<i>Atherinops affinis</i>		X	X
Yellowfin Croaker	<i>Umbrina roncadore</i>		X	
Zebra Perch	<i>Kyphosus azureus</i>			X

Note: Bight '08 sampling conducted with 25' otter trawl; M&A '09 sampling conducted with 10' otter trawl; M&A '20 sampling conducted with ROV

Open Water

Open water/water column habitat due to its three dimensional component, is the largest habitat type within the study area, and supports pelagic fishes and occasionally marine mammals. A common schooling species observed within the study area is Topsmelt (*Atherinops affinis*), and while not observed, other schooling species such as Northern Anchovy (*Engraulis mordax*) and Sardines (*Sardinops sagax*) may also occur in the area. The occurrence of these species in open water is important to several species of piscivorous birds including pelicans, terns, loons, grebes, cormorants, and mergansers. These fish also provide an important forage base for predatory fish species.

4.2 WETLANDS AND SENSITIVE HABITATS

Wetlands, as defined by the USACE, are not present within the study area. The nearest wetlands are located upstream of Ballona Creek, along the south side of the channel approximately 0.2 miles away from the study area.

Eelgrass is a rooted aquatic plant that inhabits shallow soft bottom habitats in quiet waters of bays and estuaries, as well as sheltered coastal areas. It can form dense beds that provide substrate, food, and shelter for a variety of marine organisms. Eelgrass is considered a Submerged Aquatic Vegetation (SAV), and a “special aquatic site” under the CWA. Pursuant to the MSA, eelgrass is designated as a Habitat Area of Particular Concern (HAPC) within EFH for various federally-managed fish species within the Pacific Coast Groundfish FMP (NMFS 2014a). As noted in the Subtidal Vegetated Habitat section, eelgrass was not detected within the study area in April 2020.

4.3 WILDLIFE CORRIDORS

Ballona Creek provides movement for marine fish species into and out of the study area, and occasionally marine mammals such as California sea lion (*Zalophus californianus*) and harbor seal (*Phoca vitulina richardsi*) have been observed in the Ballona Creek channel (USACE 2017). Several whale species migrate along the coast of California, including the California gray whale (*Eschrichtius robustus*). The peak northward migration of male gray whales occurs in mid-March, followed two months later by the second migration wave, which is composed of cows and calves. Whales typically do not occur in harbors like Marina del Rey or estuaries like Ballona Creek (USACE 2017). While mobile animals make use of the creek mouth, it is not considered a wildlife corridor (USACE 2017).

4.4 SENSITIVE WILDLIFE

Table 5 lists sensitive animal species with the potential and likelihood to occur within the study area. Only two species listed by USFWS and/or CDFW as federally or state endangered or threatened have the potential to occur within the study area: the federally endangered steelhead and federally threatened green sea turtle (*Chelonia mydas*). While two steelhead were observed upstream of the study area in Ballona Creek in 2008, the upstream habitat was considered low quality, providing limited foraging, spawning or rearing habitat (USACE 2017). Further, subsequent surveys have not detected steelhead within Ballona Creek (USACE 2017).

Green sea turtles are known to occur in the warm water discharge of a Long Beach power plant, but are rarely sighted in Santa Monica Bay. Due to lack of required water temperatures, food sources, and nesting habitat within Ballona Creek they are unlikely to regularly occur in the study area.

Finally, several species of marine mammals which are protected by the MMPA may occur in the study area (Table 5). California sea lion (*Zalophus californianus californianus*) and, to a lesser extent, Pacific harbor seal (*Phoca vitulina richardsi*) are the two most common species of marine mammals that occur within harbors and bays. California sea lion and Pacific harbor seal may occasionally be observed in the vicinity of the study area, but are not expected to utilize the area. Dolphins and whales are not anticipated to be present within the study area (USACE 2017).

Table 5. Sensitive species with potential to occur within the study area.

Common Name	Scientific Name	Status	Occurrence in Study Area
<u>Fish</u>			
Southern California Steelhead	<i>Oncorhynchus mykiss irideus</i>	FE; SSC; S1	Very Low Potential - Migrate into fresh water streams when sandbars breach during winter and spring rains. Occur in coastal streams with water temperatures < 15°C. Need cool, clear water with in-stream cover. Spawn in tributaries to large rivers or streams directly connected to the ocean. Spawning habitat consists of gravel substrates free of excessive silt. In 2008, observed in Ballona Creek approximately 2.5 miles upstream of the Marina Freeway overpass; however, focused aquatic surveys from 2009-2011 have not detected this species on the study area. No spawning habitat available in Ballona Creek (USACE 2017).
<u>Reptiles</u>			
Green Sea Turtle	<i>Chelonia mydas</i>	FT; S1	Very Low Potential - Inhabits coastal areas for benthic feeding and beaches for nesting. In the eastern North Pacific, green sea turtles have been sighted from Baja California to southern Alaska. While turtles commonly occur from San Diego southward, they have an established population at the San Gabriel River estuary and Los Cerritos Wetlands, 30 miles to the south. Rare sightings are reported in Ballona Creek (USACE 2017).
<u>Marine Mammals</u>			
Pacific Harbor Seal	<i>Phoca vitulina richardsi</i>	MMPA	Low Potential – Forages and loafs within the harbors and inshore waters of Santa Monica Bay.
California Sea Lion	<i>Zalophus californianus californianus</i>	MMPA	Moderate Potential – Forages and loafs within the harbors and inshore waters of Santa Monica Bay.
Coastal Bottlenose Dolphin	<i>Tursiops truncatus</i>	MMPA	Low Potential – Highly mobile within the inshore waters of Santa Monica Bay (Fandel et al. 2015).
California Gray Whale	<i>Eschrichtius robustus</i>	MMPA	Very Low Potential – Regular migrant in offshore waters, but uncommon in bay and nearshore waters.

Notes: FE – Federally Endangered; FT – Federally Threatened; MMPA – species protected by the Marine Mammal Protection Act; SSC – CDFW Species of Special Concern; S1 – Critically Imperiled - Critically imperiled in the state because of extreme rarity (often 5 or fewer populations) or because of some factor(s) such as very steep declines making it especially vulnerable to extirpation from the state.

5.0 IMPACT ANALYSIS

The study area is similar to other developed shallow embayments and estuaries located in coastal areas in the Southern California Bight with regard to distribution of habitats and biological features. This analysis focuses on stressors associated with the proposed project elements (i.e., upland construction, vessel operations, and shading) and their potential impact to biological resources including in-water habitat (i.e., intertidal/shallow subtidal riprap revetment, unvegetated subtidal habitat, open water), upland habitat, wildlife corridors, and sensitive species within the study area. As noted in the project description, no in-water construction (e.g., dredging, filling, pile driving) is proposed, and the potential stressors from the proposed project include:

- Mooring construction (in upland area)
- Barge placement
- Barge maintenance operations

Since it is anticipated that elements of the project will be phased, the impacts are analyzed by habitat type and based on the potential stressor.

Criteria for determining the significance of project-related impacts on biological resources are based on the resource's relative sensitivity and regional status, including the proportion of the resource that would be affected relative to its occurrence in the project region (Santa Monica Bay), the sensitivity of the resource to activities associated with the proposed project, and the duration or ecological ramifications associated with the effect. Per California Environmental Quality Act (CEQA) Guidelines, Section 15000 et seq., impacts are considered significant if they would result in:

- Degradation of critical habitat or reduction in the population size of a listed species (threatened or endangered);
- Degradation of rare or biologically valuable habitat;
- A measurable change in ecological function within the project vicinity;
- A measurable change in species composition or abundance beyond that of normal variability;
- A substantive loss of water surface area through fill or surface water coverage as a result of permanent structures such as docks, wharves, and permanently moored vessels. Small structures such as moorings, navigational aids, individual or widely spaced piles do not result in a substantive loss of water area; or
- An obstruction or alteration of circulation patterns that result in a discernable degradation of water mixing, circulation, or flushing to the extent that biota would be negatively affected in the system.

Impacts to habitats and wildlife can be measured as direct and/or indirect, as well as permanent or temporary. Direct impacts are those that have a direct impact on habitats or wildlife and occur contemporaneously with the action. Direct impacts of in-water construction to wildlife include immediate physical and physiological impacts such as abrupt changes in behavior, flight response, diving, evading, flushing, cessation of feeding, and physical impairment or mortality. Direct impacts to habitats can include damage from construction activities, as well as permanent habitat loss due

to project construction. In contrast, indirect impacts are effects that are caused by or will result from the proposed action at a later time, but are still reasonably certain to occur.

5.1 UPLAND AREA IMPACTS

The proposed project consists of construction of six concrete mooring/anchoring pads with each pad covering approximately 76 m² (820 ft²) for a total construction footprint of approximately 457 m² (4,920 ft²) on top of the existing rip rap revetment (Table 6 and Figure 9). The construction footprint consists of rip rap revetment with and without concrete fill and supports no special status wildlife or flora species or sensitive habitat. Therefore, temporary impacts on upland habitat are expected, but no significant impacts to biological resources on upland habitat are anticipated from the implementation of the proposed project.

Table 6. Impact summary for marine habitats.

Project Element	Category	Habitat Type	Nature of Impact	Area (m ²)	Area (ft ²)
Mooring Footprint	Upland Habitat	Man-Made Structure (Rip-Rap Revetment)	Construction/ Fill	457	4,920
Interceptor™ Tie Down	Marine Habitat	Unvegetated Soft Bottom	Shading	385	36
Interceptor™ Footprint	Marine Habitat	Unvegetated Soft Bottom	Surface Cover/ Shading	56	603

5.2 IN-WATER HABITAT IMPACTS

Intertidal/ Shallow Subtidal Riprap Revetment

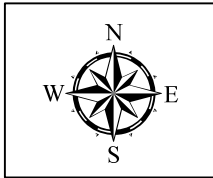
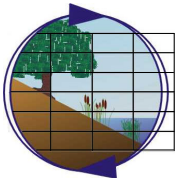
The mooring platforms placed on top of the rip rap revetment will be used to stabilize the Interceptor™ with chain (Figure 3). The chain is anticipated to run just below the waterline but would not rest on the seafloor, and the two upstream platforms would anchor the floating trash booms that would funnel waste to the Interceptor™ barge. The project will not directly impact the intertidal/shallow subtidal revetment, and therefore, no impacts on intertidal/shallow subtidal revetment habitat are expected, and no significant impacts to biological resources associated with intertidal/shallow subtidal revetment are anticipated from the implementation of the proposed project.

Intertidal and Subtidal Unvegetated Habitat

Barge placement and tie downs would have a direct impact to approximately 92 m² (989 ft²) of intertidal and subtidal unvegetated habitat including the associated benthic community due to shading (Table 6 and Figure 9). Since the barge is floating, there would be no direct loss or mortality of any benthic infauna and epifauna within the barge footprint, and since eelgrass is not present, no shading impacts to eelgrass would occur. The impact area is relatively small and there is considerable similar soft bottom habitat immediately adjacent to the project footprint, and therefore, impacts associated with barge placement are considered less than significant.

Legend

- Study Area
- Interceptor Tie Downs
- Interceptor Footprint
- Mooring Footprint
- Debris
- Revetment
- Sand

**Habitat Map Existing Conditions and Project Elements**

Ballona Creek Trash Interceptor Project
Marina del Rey, CA

Bathymetric Contours: 2009 US Army Corps of Engineers (USACE) Joint Airborne
Lidar Bathymetry Technical Center of Expertise (JALBTCX) Bathymetric Lidar: Southern California

Figure 9

In addition, the barge would result in a 56 m² (603 ft²) increase of surface area coverage; an increase in surface cover would decrease open water habitat (Table 6). This would decrease the foraging habitat available for piscivorous avian species, although given the relatively small areas affected, this increase in surface coverage would not be considered significant.

Subtidal Vegetated Habitat

No eelgrass vegetated habitat was detected in the study area and therefore, no impacts are expected.

Open water

Since no in-water construction activities are proposed, effects from construction such as temporary and localized increases in turbidity and sedimentation within the water column, or noise (enonification) which can result in temporary and or permanent impacts to organisms in the water are not expected. With respect to noise, the mouth of Ballona Creek is adjacent to the Marina del Rey Harbor and is exposed to regular traffic of large and small boating vessels. Therefore, some level of acclimation to noise exposure is expected. During construction, the Project would only require the use of some equipment (e.g. saws, generators, air compressors, pump, cement mixers) along the adjacent jetty, not within the Ballona Creek channel. Accordingly, given existing noise and vessel traffic disturbance, a short term installation period, minimal noise associated with the solar-powered operation of the water flow-through system the Project is not expected to create long-term noise disturbance or cause associated harm to organisms in the water column. And given the location of the project, it is anticipated that water velocities will be tidally and storm driven, and that the placement of the barge and barriers would not meaningfully alter water velocities, sedimentation rates, or circulation patterns in the study area. As noted above, the proposed project would temporarily result in an increase of approximately 56 m² (603 ft²) of surface area coverage (Table 6). This increase in surface coverage (or loss of open water habitat) is not expected to affect foraging by piscivorous avian species and is not considered significant.

5.3 IMPACTS TO WETLANDS AND SENSITIVE HABITATS

As described above, the nearest wetlands are located upstream of Ballona Creek, along the south side of the channel approximately 0.2 miles away from the study area. The proposed project would not alter water flow or water quality to marsh habitat, and is not anticipated to degrade marshlands in any way. Therefore no significant impacts to wetlands are anticipated to occur.

Eelgrass beds are considered to be a sensitive habitat and “special aquatic site” under the CWA and are designated as EFH, and as noted in the Subtidal Vegetated Habitat section, no eelgrass was present within the study area and therefore, no impacts to eelgrass habitat are anticipated to occur.

5.4 IMPACTS TO ESSENTIAL FISH HABITAT

As part of the EFH consultation process, the guidelines require Federal action agencies to prepare a written EFH Assessment describing the effects of that action on EFH (50 CFR 600.920(e)(1)). The EFH Assessment is a necessary component for efficient and effective consultations between a federal action agency and NMFS. In the case of the project, work proposed would require

permitting under Section 10 of the RHA. For this permit action, the USACE is the lead federal action agency. An EFH Assessment for the proposed project is provided in a separate document.

5.5 IMPACTS TO WILDLIFE CORRIDORS

As described above, the study area does not provide any specific wildlife movement corridors, and no marine mammal, reptile, or fish migratory corridors occur within it. Consequently, impacts of the proposed project on wildlife corridors, movement of resident and migratory species, and usage of nursery sites are considered to be less than significant.

5.6 IMPACTS TO SENSITIVE WILDLIFE

Table 5 provides a summary of sensitive animal species that have potential to occur within the study area. The following text expands on the likelihood of occurrence for these species, and describes potential impacts to sensitive species that may result from project implementation.

Fish

Although two southern California steelhead were observed in Ballona Creek in 2008, this species is expected to have a less than reasonable likelihood of occurring due to the lack of suitable conditions, the species not being detected during recent surveys, and the study area being outside their known range, and therefore no impacts to steelhead are expected from the proposed project.

Reptiles

Environmental threats to sea turtle populations include contamination from coastal runoff, plastic and other debris, fueling facilities, marina and dock construction, dredging, aquaculture, oil and gas exploration and extraction, and increased underwater noise and boat traffic that can degrade marine habitats used by marine sea turtles. As described in Section 5.2 above, the mouth of Ballona Creek is adjacent to the Marina del Rey Harbor and is exposed to regular traffic of large and small boating vessels. Therefore, some level of acclimation to noise exposure is expected for local species. Sea turtles swimming or feeding at or just beneath the surface of the water are particularly vulnerable to boat and vessel strikes, which can result in serious propeller injuries and death. Potential impacts to green sea turtle from the proposed project are primarily related to construction activities associated with barge placement and vessel traffic. Protective measures included in the project to minimize impacts to sea turtles include maintenance of no wake boat speeds within and adjacent to the study area. With protective measures incorporated, impacts to sea turtles are considered to be less than significant.

Marine Mammals

Harbor seals and California sea lions are commonly observed in Santa Monica Bay. There are no established haul-out, foraging, or breeding areas used by these or other marine mammals within the study area or vicinity, although they may make occasional transient use of the area. No in-water construction is anticipated, but vessel traffic will occur during barge placement and maintenance, and any marine mammals would be expected to leave the site for adjacent waters if disturbed by project activities. However, the MMPA prohibits “take” of marine mammals. The definition of “take” under the MMPA, like that of the ESA, includes “harassment”. For this reason, a potentially significant impact to marine mammals could occur if animals are disturbed during project activities, even if they are not harmed by the activities.

Similar to sea turtles, potential impacts to marine mammals from the proposed project are primarily related to project activities associated with vessel traffic. Marine mammals could be struck by boats or boat motors at the study area. In addition, boat noise generated during the installation period and operational activities, as well as, noise associated with the solar-powered operation of the water flow-through system are not expected to impact marine mammals or sea turtles. However, protective measures included in the project to minimize impacts to marine mammals include maintenance of no wake boat speeds within and adjacent to the study area. With protective measures incorporated, impacts to marine mammals are considered to be less than significant.

5.7 CUMULATIVE IMPACTS

Cumulative effects are defined by CEQA as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” Cumulative impacts can be derived from a single project or a number of separate projects, and is further defined as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.”

Based on the definitions provided under CEQA, the following analysis assumes that a significant adverse cumulative biological resources impact would occur where the construction or operation of the cumulative projects would encroach into areas containing sensitive biological resources, affect the movement of wildlife species, result in loss or fragmentation of sensitive habitats, or affect the functionality of a planned conservation area. As discussed above, no significant impacts to sensitive habitats or biological resource from the proposed project are anticipated, and any potential impacts to sensitive animals are reduced to less than significant by incorporation of protective measures during construction.

6.0 MITIGATION AND PROTECTIVE MEASURES

6.1 MARINE RESOURCE MITIGATION

Intertidal/ Shallow Subtidal Riprap Revetment

Based on current project design, no mitigation would be required for intertidal/shallow subtidal rip rap revetment habitat since no in-water construction is proposed.

Intertidal and Subtidal Unvegetated Habitat

Based on current project design, no mitigation would be required for intertidal/shallow subtidal unvegetated habitat since no in-water construction is proposed.

Subtidal Vegetated Communities

Based on current project design, no mitigation would be required for eelgrass since no eelgrass is present within the study area.

Surface Coverage

Based on current project design, no mitigation would be required for surface coverage since the project would result in a temporary small increase in surface coverage of approximately 56 m² (603 ft²).

Open Water

Based on current project design, no mitigation would be required for open water habitat since no in-water construction is proposed.

6.2 SENSITIVE SPECIES MITIGATION

Reptiles

To mitigate potential impacts to eastern Pacific green sea turtles to a less than significant level, the following measures are recommended.

- 1) Construction and operational vessel traffic shall not exceed existing designated speed for the marina.

Mammals

To mitigate potential impacts to marine mammals to a less than significant level, the following construction measures are recommended.

- 1) Construction and operational vessel traffic shall not exceed existing designated speed for the marina.

7.0 CONCLUSIONS

The proposed project would be expected to result in limited impacts to in-water biota and habitats found in the study area. Construction is limited to upland construction in an urbanized area, with no in-water construction proposed, although it is anticipated that tug boats would be used for barge placement and maintenance, including the installation of mooring chain which is anticipated to run just below the waterline but not along the seafloor. Any impact associated with barge placement is anticipated to be of a short-term, temporary nature and is not expected to have permanent or population-level impact to sensitive habitat or species, EFH, or managed fish species. One potential impact may occur to marine reptiles (e.g., sea turtles) and marine mammals (e.g., California sea lion and harbor seal) which could be struck by boats or boat motors at the study area. Any disturbance to sea turtles or marine mammals is considered harassment and would be significant. While it is unlikely that sea turtles or marine mammals would occur in the study area, incorporation of the protection measures listed above would reduce any impacts to less than significant. No significant impacts to wetlands, upland habitat, wildlife migration or corridors are anticipated. Cumulative impacts are considered to be less than significant.

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**Ballona Creek Trash Interceptor™ Pilot
Project**

Cultural Resources Assessment

October 16, 2020

Prepared for:


Los Angeles County Public Works
900 South Fremont Ave.,
Alhambra, CA 91803-1331

Prepared by:

Mitch Marken, PhD, RPA and Dan Herrick
Stantec Consulting Services Inc.
38 Technology Drive
Irvine, CA 92618


Ballona Creek Trash Interceptor™ Pilot Project
Cultural Resources Assessment

This document entitled CULTURAL RESOURCES ASSESSMENT FOR THE BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT, LOS ANGELES COUNTY, CALIFORNIA, was prepared by Stantec Consulting Services Inc. for Los Angeles County Public Works (the "Client"). Any reliance on this document by any third party is strictly prohibited. The material in it reflects Stantec's professional judgment in light of the scope, schedule and other limitations stated in the document and in the contract between Stantec and the Client. The opinions in the document are based on conditions and information existing at the time the document was published and do not incorporate any subsequent changes. In preparing the document, Stantec did not verify information supplied to it by others. Any use which a third party makes of this document is the responsibility of such third party. Such third party agrees that Stantec shall not be responsible for costs or damages of any kind, if any, suffered by it or any other third party as a result of decisions made or actions taken based on this document.

Prepared by 

(signature)

Mitch Marken, PhD, RPA, LEED, Principal Investigator

Reviewed by 

(signature)

Mike Weber, Senior Principal Scientist



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Abbreviations

APE	Area of Potential Effects
BLAD	Ballona Lagoon Archaeological District
BP	years before present
Caltrans	California Department of Transportation
CFR	Code of Federal Regulations
CHRIS	California Historical Resources Information System
CRHR	California Register of Historical Resources
EIS/EIR	Environmental Impact Statement/Environmental Impact Report
HCM	City of Los Angeles Historic-Cultural Monument
Interceptor™	Floating, automated trash Interceptor™ vessel
NAHC	Native American Heritage Commission
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
Project	Ballona Creek Trash Interceptor™ Pilot Project
SCCIC	South Central Coast Information Center
SHPO	California State Historic Preservation Officer
SLF	Sacred Lands File
Stantec	Stantec Consulting Services Inc.
USACE	U.S. Army Corps of Engineers



Ballona Creek Trash Interceptor™ Pilot Project Cultural Resources Assessment

1.0 MANAGEMENT SUMMARY

Stantec Consulting Services Inc. (Stantec) conducted a Class III intensive cultural resources inventory on behalf of Los Angeles County Public Works on the embankments of Ballona Creek near the Pacific Ocean coastline, west of the Ballona Creek-Pacific Avenue Bridge (Pacific Avenue Bridge) in the City of Los Angeles, adjacent to Marina del Rey in Los Angeles County, California (**Figure 1**). The cultural resources inventory was conducted in support of the Ballona Creek Trash Interceptor™ Pilot Project (Project) proposed by Los Angeles County Public Works to reduce the amount of trash entering Santa Monica Bay from Ballona Creek. The proposed Project includes installation of a floating, automated trash Interceptor™ vessel (Interceptor™) near the mouth of Ballona Creek, directly south and east of the Marina Del Rey harbor entrance and breakwater along the Pacific Ocean shoreline. The floating Interceptor™ would be a single vessel that would moor in Ballona Creek and would be attached to mooring points along the adjacent jetties. The placement of trash booms and the current of the channel would be used to collect trash in the Interceptor™ before the refuse reaches the Pacific Ocean. The Interceptor™ would be located approximately 717 feet west of the Pacific Avenue Bridge, where a small monitoring system would be installed. Ballona Creek Channel is a modified natural waterway that was channelized in the 1930s to 1960s.

The U.S. Army Corps of Engineers (USACE) Los Angeles District is the lead agency for the Project under Section 106 of the National Historic Preservation Act (NHPA). As part of NHPA compliance, a Class III cultural resources inventory was conducted to determine whether the Project has the potential to affect cultural resources potentially eligible for nomination to the National Register of Historic Places (NRHP). Native American consultation was not conducted by Stantec and is pending following authorization by and coordination with USACE.

Per 36 Code of Federal Regulations (CFR) 800.15(d), the Area of Potential Effects (APE) “means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the historic character or use of historic properties, if any such properties exist.” The APE for this Project accounts for both direct and indirect effects for cultural resources by considering the scale and nature of the Project. The Interceptor™ is a vessel, which would be moored to the jetties on the north and south sides of the channel to maintain its position within the channel. The installation of moorings on the jetties and of monitoring equipment on the Pacific Avenue Bridge would constitute areas of direct impact. The Interceptor™ vessel stationed within the channel may cause indirect effects to historic built environment resources from the introduction of visual impacts.

A Class III intensive cultural resources inventory is the most comprehensive and systematic survey type used for the identification of historic property. Class III typically includes a detailed field survey of the project area, coupled with extensive background research. This allows the project team to identify and evaluate the potential for any historic properties in proximity to a project and within the established APE where adverse effects may occur. This Class III study includes a records search conducted by the South Central Coast Information Center (SCCIC) of the California Historical Resources Information System (CHRIS) located at California State University, Fullerton. To supplement Stantec's in-house data on the



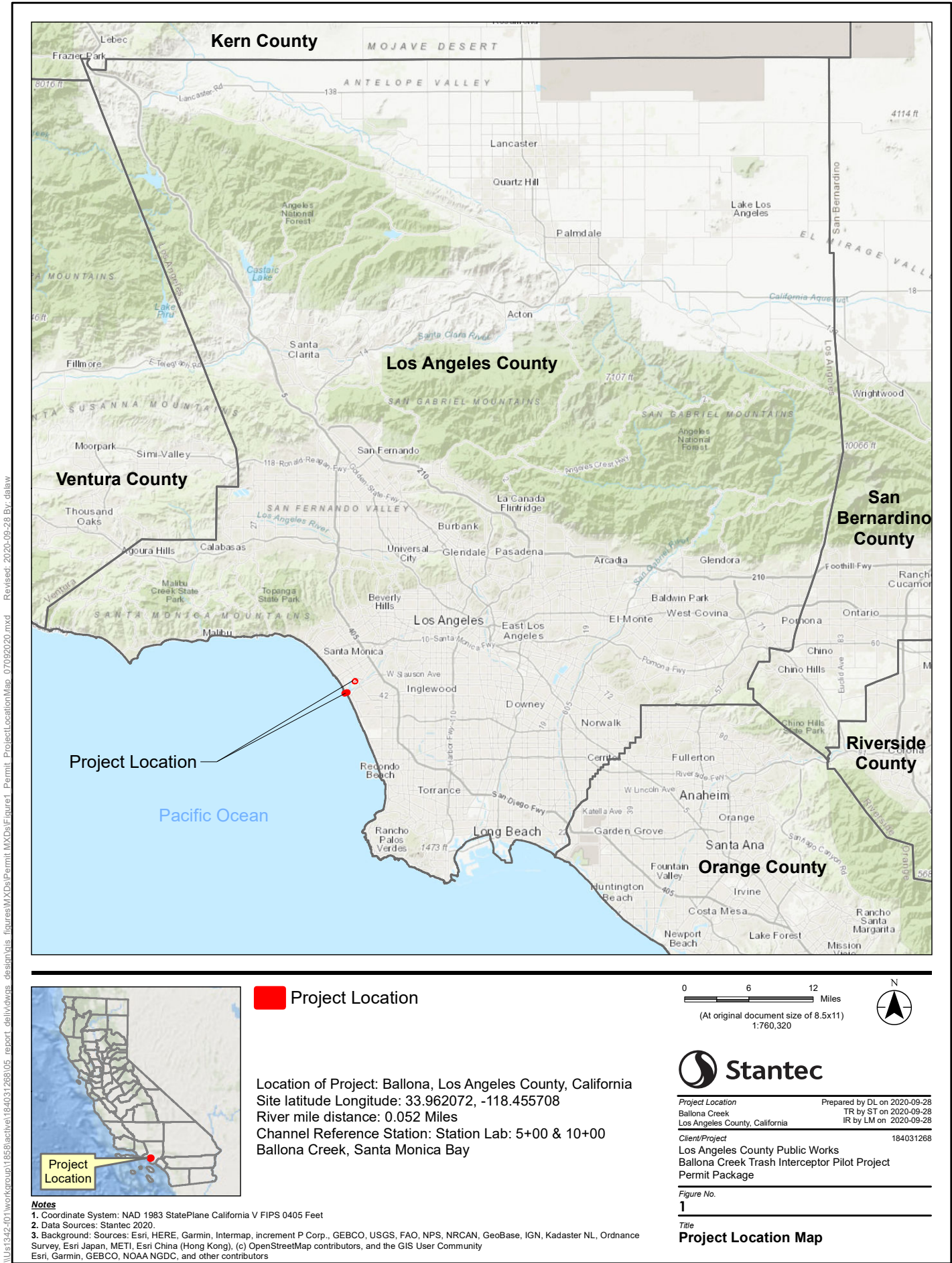
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APE, an intensive review of online source materials was conducted, including the City of Los Angeles' SurveyLA findings and historic context statements, reports by USACE and the California Department of Transportation (Caltrans), and historic records at the City of Los Angeles Public Library. A Sacred Lands File (SLF) search with the Native American Heritage Commission (NAHC) was requested, and their April 15, 2020 response (Appendix A) indicated that the location of the Project was "positive" for Native American sensitivity. An intensive pedestrian survey of the APE was conducted on March 6, 2020 by Stantec Cultural Resources Director Mitch Marken, PhD, RPA, LEED, to determine whether there were cultural resources visible within or adjacent to the APE and to photo-document the existing conditions for analysis of built environment resources by Stantec Architectural Historians Garret Root and Dan Herrick.

The Project is located in an area that historically has seen tremendous development, modification, and disturbance, including dredging and construction of jetties and breakwaters. At the time of the pedestrian survey, the south embankment of Ballona Creek just east of the Pacific Avenue Bridge was undergoing a large sewer replacement project that required large subsurface excavation. Although the archaeological records search revealed that the area inland of the Project is generally sensitive for prehistoric and ethnographic resources, and the land now submerged under the APE may have been within a fluid boundary of a NRHP Archaeological District (the Ballona Lagoon Archaeological District) prior to dredging, it is unlikely that the Project will impact intact archaeological deposits due to the fluvial nature of the Project and its specific location within Ballona Creek and limited mooring at the modern, manmade jetties.

There are three built environment resources adjacent to the Project. The Ballona Creek Channel itself and the Marina del Rey breakwater were previously evaluated as potential built environment resources, but did not qualify for NRHP listing under the NHPA (Daley & Associates 2015). The Pacific Avenue Bridge, situated just upstream from the proposed Interceptor™ mooring location, was evaluated in 2013 as part of the SurveyLA study and was determined eligible for listing in the NRHP, the California Register of Historical Resources (CRHR), and as a Los Angeles Historic-Cultural Monument (HCM) (City of Los Angeles 2013). After analysis of the qualities of significance of the Pacific Avenue Bridge, Stantec concludes that the Project would not cause an adverse effect to the Pacific Avenue Bridge and we recommend a Section 106 finding of No Adverse Effect to Historic Properties.





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2.0 PROJECT LOCATION

The Project is located in the City of Los Angeles, California, between the communities of Marina del Rey and Playa del Rey, approximately 1.5 miles west of CA-1 and 0.5 mile east of the Santa Monica Bay. Specifically, the Project is located within an approximately 4.96-acre channelized portion of Ballona Creek, immediately southwest of the Ballona Creek-Pacific Avenue Bridge. There are two levee systems, Ballona Creek 1 Levee System and Ballona Creek 3 Levee System (hereafter referred to as the Ballona Creek South Jetty and North Jetty, respectively, that will be used for this Project.

2.1 EXISTING CONDITIONS

The Project site is centered on Ballona Creek, which is an urban, soft bottom flood control channel; the Project site is considered urbanized. The Project site is characterized by the wide, concrete embankment of Ballona Creek channel trending from east-northeast (upstream) toward the west-southwest (downstream). Ballona Creek channel includes riprap which is a combination of broken concrete blocks and rock. The Ballona Creek North Jetty is topped by a publicly accessible sidewalk and beacon light for boats coming back to the harbor. There are also two (2) viewing decks with concrete benches and a guardrail on top of the North Jetty. The Ballona Creek South Jetty is supported by a shorter jetty on the opposite side, which is covered with a jagged rock outcrop.

The area surrounding the Project site is predominantly Medium Residential (to the south) and Open Space (to the north). Nearby uses include the Laguna Del Rey multi-family residential complex, Del Rey Lagoon (a lagoon and recreational space), the Ballona Wetlands Ecological Reserve (BWER), University of California Los Angeles Marina Aquatic Center, the Ballona Creek-Pacific Avenue Bridge and bike path, Dockweiler Beach (recreational and public use), and the entrance to the Marina del Rey Harbor.

3.0 PROJECT DESCRIPTION

The proposed Project includes installation of an Interceptor™ vessel near the mouth of Ballona Creek, directly south and east of the Marina Del Rey harbor entrance and breakwater along the Pacific Ocean shoreline. The Interceptor™ is a single vessel that would sit within the center of the Ballona Creek Channel and passively use the current of the channel to collect trash before the refuse reaches the Pacific Ocean. It is composed of several parts, including a steel catamaran hull, trash boom barriers that extend off the vessel to guide refuse, a low-speed conveyor built to continuously extract debris, a shuttle that distributes refuse into six receptacles (each 293 cubic feet) located at the top of the barge, and a solar panel system that powers the vessel. The typical system size of the Interceptor™ is 25.9 feet wide by 77.6 feet long by 19.4 feet high, with a debris barge size of 14.8 feet wide by 45.9 feet long by 2.5 feet high and includes a six-point mooring system. However, it is anticipated the Interceptor™ system size for the Project would be smaller pending completion of final design.

The Interceptor™ is a floating vessel and would be moored to the existing Ballona Creek North Jetty using four mooring lines to maintain its position. These mooring lines will sag below the water surface



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using weights to allow boats to travel over them. In order to concentrate floating debris, the trash boom barriers will be also be moored using two additional mooring points atop the jetties (for a total of six moorings). The mooring blocks and handrails would be installed using hand tools to moor the Interceptor™ across Ballona Creek channel and to the jetty itself. Each mooring would have a concrete pad on the jetty, which would be installed above-grade with an approximate depth of disturbance of 12 inches, as well as ramps with railings installed and attached to mooring ties to hold the Interceptor™ in place.

A simple monitoring system would be attached to the existing Pacific Avenue Bridge, which crosses the Ballona Creek channel, approximately one-half-mile upstream from the mouth of Ballona Creek. The monitoring system would track the amount of floatable debris passing underneath the Pacific Avenue Bridge towards the Interceptor.

4.0 REGULATORY FRAMEWORK

This cultural resources study was conducted to meet USACE NHPA Section 106 requirements by identifying historic properties that may be affected by the agency's undertakings and determine any potential adverse effects to historic properties.

4.1 FEDERAL REQUIREMENTS

Federal requirements can be found in Section 106 of the NHPA (54 United States Code Section 300101 et seq.). The Section 106 process includes specific steps to determine the effects of federal undertakings on historic properties. A federal undertaking can be a federal project, or in the case of the Ballona Creek Trash Interceptor™ Pilot Project, the issuance of a federal permit. Historic properties can include buildings; neighborhoods; structures such as bridges, historical settings, landscapes, or archaeological sites; and many other resources that convey our history. In order to qualify as a "historic property" for the purposes of Section 106 consultation, a resource must be listed on the NRHP, or determined eligible for listing. Generally, properties under 50 years old will not be considered for listing on the NRHP unless they demonstrate exceptional importance.

For a property to qualify for inclusion in the NRHP and therefore be considered a historic property, it must meet the criteria for evaluation set forth in 36 CFR Part 60.4, as follows:

The property must exhibit the quality of significance in American history, architecture, archaeology, engineering, and culture and it can be present in districts, sites, buildings, structures, and objects that possess integrity of design, setting, materials, workmanship, feeling, and association and:

- A. *that are associated with events that have made a significant contribution to the broad patterns of our history; or*
- B. *that are associated with the lives of persons significant in our past; or*



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- C. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
- D. that have yielded, or may be likely to yield, information important in prehistory or history.*

An agency's determination of an undertaking's potential effects on historic properties serves as the basis for developing measures to avoid adverse effects, or if adverse effects cannot be avoided, actions or measures that can be implemented to mitigate adverse effects. Below is a brief summary of the steps a federal agency follows in determining the effect of projects on historic resources:

- The agency determines whether the Project is a federal undertaking
- The APE is defined and approved by the agency
- Potential historic properties are identified
- Potential historic properties are evaluated to determine whether they qualify for inclusion in the NRHP
- Effects of the Project on historic properties are evaluated
- Project effects on historic properties, if any, are resolved through avoidance or mitigation

4.1.1 Area of Potential Effects

This Cultural Resources Assessment proposes a delineation of the APE and describes efforts to identify potential historic properties within the APE. The APE for this Project was designed to consider the undertaking's direct and indirect effects on cultural resources. As outlined previously, an APE is defined as "the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any properties exist" (36 CFR 800.16(d)). The proposed APE for this undertaking is confined to the proposed moorings on the jetties (direct), and the visible intrusion of a trash collection vessel in the channel (indirect). The proposed APE extends east and west along the Ballona Creek channel alignment from the Interceptor™ location, with the Pacific Avenue Bridge forming the east boundary and the end of the Ballona Creek South Jetty forming the west boundary. The Ballona Creek North and South Jetties form the respective north and south boundaries of the APE (**Figure 2**). Formal determination of the federal APE will be done in consultation with USACE and the California State Historic Preservation Officer (SHPO) following the submittal of this report by the USACE to SHPO.

4.1.2 Efforts to Identify Historic Properties (Cultural Resources)

A records search using a 0.5-mile radius study area for the Project was conducted by the SCCIC of the CHRIS located at California State University, Fullerton in June 2020. The Project would be located in an un-sectioned portion of the Ballona (Paso de las Carretas) Mexican Land Grant, meaning it predates township surveying under the U.S. Public Land Survey System, as depicted on the Venice, CA (1981) U.S. Geological Survey 7.5-minute topographic quadrangle.

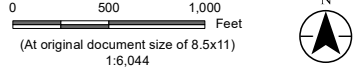


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- Area of Potential Effects
- Existing Bikeways
- Project Footprint**
 - Mooring Footprint (0.113 Acres)
 - Interceptor Assembly Area (0.62 Acres)
 - Mooring Construction Staging Areas (0.37 Acres)
 - Interceptor/ Mooring Chains Footprint (0.023 Acres)
- Trash Boom
- Mooring Line

Notes
1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
2. Data Sources: Stantec 2020.
3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Project Location
Ballona Creek
Los Angeles County, California

Prepared by DL on 2020-09-14
TR by ST on 2020-09-14
IR by DH on 2020-09-14

Client/Project
Los Angeles County Public Works
Ballona Creek Trash Interceptor Pilot Project
Cultural Resources Assessment Report

Figure No.
2

Title
Area of Potential Effects

Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.

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To supplement the formal SCCIC records search, Stantec conducted an intensive review of online and in-house background documentation including, but not limited to, the City of Los Angeles' SurveyLA published findings and historic context statements, reports by USACE and Caltrans, and historic records at the City of Los Angeles Public Library. Stantec requested a SLF search with NAHC, and the NAHC's April 15, 2020 response (Appendix A) indicated that the location of the Project was "positive" for Native American sensitivity. On March 6, 2020, Stantec Cultural Resources Director Mitch Marken, PhD, RPA, LEED, conducted an intensive pedestrian survey of the APE to determine whether there were cultural resources visible within or adjacent to the APE and to photo-document the built environment for analysis by Stantec Architectural Historians Garret Root and Dan Herrick. The results of these efforts are reported below.

5.0 ENVIRONMENTAL SETTING AND BACKGROUND

The Project area is located in the City of Los Angeles, California, within Ballona Creek, between the communities of Marina del Rey and Playa del Rey. The Project would be near the Ballona Wetlands Ecological Reserve, which has undergone a great deal of recent study through the preparation of environmental documents for the Ballona Wetlands Restoration Project. The environmental setting described below is summarized from the recent Environmental Impact Statement/Environmental Impact Report (EIS/EIR) prepared for the Ballona Wetlands Restoration Project (ESA 2017).

5.1 CLIMATE

The coastal Southern California climate is classified as Mediterranean, with mild winters and dry summers. The average annual temperature is 66 degrees Fahrenheit. Rain primarily falls in the winter, and the average annual rainfall is approximately 15 inches (Douglas et al. 2015). The Project area is located close to Santa Monica Bay and the Pacific Ocean. The climate of the area tends to be mild, with June through August being the hottest months; however, seasonal coastal fog often keeps summer temperatures down. Humidity hovers around 65 percent due to the proximity of the bay (Douglas et al. 2015). Prior to modern and historic-period development, the Ballona Wetlands area provided several plant and animal resources for sustaining large Native American populations.

5.2 GEOLOGY

The Project is situated within the greater Peninsular Ranges Geomorphic (Physiographic) Province (Yerkes et al. 1965). Ballona Creek is situated within the Los Angeles Basin, which is defined by Yerkes et al. (1965) as the area south of the Santa Monica Mountains and Elysian, Repetto, and Puente Hills; west of the Santa Ana Mountains; southwest of the San Joaquin Hills; and north and east of the Pacific Ocean (excluding the Palos Verdes Peninsula). The Los Angeles Basin has been subsiding and filling, predominantly with marine sediments from the middle Miocene (circa 13 million years ago (Ma)) to the late Pleistocene (circa 10 thousand years ago (Ka)) (Yerkes et al. 1965).



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6.0 CULTURAL BACKGROUND

A brief summary of prehistoric, ethnographic, and historic background of the APE that provides an overview of the cultural context is provided below.

6.1 PREHISTORY

Humans have lived in Southern California for at least 10,000 years, and several chronologies have been proposed to divide different periods of cultural habitation and development. The most commonly used cultural chronology (Wallace 1955) divides human occupation of Southern California into five broad periods: the Paleoindian Period (10,000 years before present [BP] to 8000 BP), the Early Period or Millingstone Horizon (8000 BP to 3000 BP), the Middle Period or Intermediate Horizon (3000 BP to 1000 AD), the Late Prehistoric Period (1000 to 1770 AD), and the Historic Period (1770 AD to present). Each of these periods is distinguished by different patterns and types of material culture. However, recent studies suggest that Native Americans reached the Southern California coast as a result of coastal migrations as early as 12,000 years ago by sea, evidenced by sites found in the Channel Islands to the north of the APE, a theory known as the Kelp Highway Hypothesis (Erlandson et al. 2007).

Large-fluted or leaf-shaped projectile points from the Paleoindian Period indicate a reliance on hunting large animals. Human diet during this period probably included smaller game and harvested plants. Sites representing this period have been found mostly inland at prehistoric lakebeds (e.g., China Lake, Tulare Lake) (Wallace 1955, 1978). The Native American population closer to the coast, with its large assortment of marine life, likely used these resources as well.

The Early Period or Millingstone Horizon, as the name suggests, was characterized by the widespread adoption of millingstones, including metates and manos used in the preparation of plant- and seed-based foods. Subsistence on terrestrial game supplemented the diet of people during this time (Wallace 1978:28). During the Middle Period or Intermediate Horizon, subsistence expanded to a greater diversity of plant and animal foods. Tools used during this period included mortars and pestles, likely indicating a new reliance on hard nut foods, such as acorns (Wallace 1978:30).

During the Late Prehistoric Period, the Tongva (Gabrielino), Acjachemen (Juaneño), and Payómkawichum (Luiseño) lived throughout much of the Southern California coastal area extending from present-day southern Los Angeles County to northern San Diego County. Villages among these groups were permanent to semi-permanent, with seasonal camps (Byrd and 2007).

More recent work specific on the Ballona Area has refined the chronology for the area into four cultural periods occurring from 12,000 BP to 1542 AD: Paleocoastal Period, Millingstone Period, Intermediate Period, and Late Period. These refinements in the chronological periods were due to updated findings within the archaeological record recorded in the Southern California region, and they assume that human use of the area also changed as the landscape changed from a large river valley to open bay and wetlands (Douglas et al. 2015).



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7.0 ETHNOGRAPHY

The Project is within lands that were once inhabited by the Tongva, today known as the Gabrielino, resulting from their forced assimilation into the Spanish Mission system. The Tongva come from an Uto-Aztecan (or Shoshonean) group that likely entered the Los Angeles Basin as recently as 1500 BP, from the southern Great Basin or interior California deserts. However, it is also possible that they migrated in successive waves over a longer period of time beginning around 4000 BP. It has been proposed that the Uto-Aztecan speakers displaced local Hokan occupants of the southern coast (Kroeber 1925:578–580) as Hokan language speakers in the area are represented by the Chumash to the north and the Diegueño to the south. Much of the review of the Tongva presented here is based on William McCawley's book, *The First Angelinos* (1996).

The Tongva lived in an area of more than 1,500 square miles that included the watersheds of the Los Angeles, San Gabriel, and Santa Ana Rivers, and Rio Hondo, as well as the southern Channel Islands. There were at least 50 residential communities or villages, each with 50 to 150 individuals. Each community consisted of one or more lineages associated with a permanent territory represented by a permanent central settlement, with associated hunting, fishing, gathering, and ritual areas. A typical settlement had a variety of structures used for daily living, recreation, and rituals. In the larger communities, the layout was a little more intricate, characterized by a ritualistic or sacred enclosure that was encircled by the residences of the chief and community leaders, around which were smaller homes for the rest of the community. Sweathouses, cemeteries, and clearings for dancing and playing were also common at larger settlements (McCawley 1996:32–33).

Tongva subsistence was inclusive of many surrounding resources, including forest, water, and mountain animals. These included mule deer, pronghorn, rabbits, small rodents, freshwater and maritime fish and shellfish, sea mammals, snakes, lizards, insects, quail, and mountain sheep. Botanical resources included native grass seeds, pine nuts, acorns, berries, and fresh greens and shoots. Fish were taken by hook and line, nets, traps, spears, and poison (Bean and Shipek 1978). Food resources were managed by the chief, who was in charge of food reserves, and families were known to keep aside rations for times when resources were less abundant. A complex trade network among themselves and their neighbors made the Tongva among the most materially wealthy of California's Native American groups (McCawley 1996:141).

As with many other Native American groups, the settlement of Europeans in California brought many conflicts and disease as the Spanish sought to claim the lands as their own, and in the process incorporated Native American groups into the mission system.



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8.0 HISTORICAL BACKGROUND

Europeans first sailed up the coast of California in 1542 as part of a Spanish exploration expedition led by Captain Juan Rodriguez Cabrillo. Cabrillo sailed into San Pedro Harbor and called it “Bahía de los Fumos” (Bay of the Smokes) due to the Indian campfires he observed along the shores (Kipen 2011:25). It is estimated that the Tongva people numbered approximately 5,000 individuals at this time, spread across hundreds of villages throughout the Los Angeles Basin and the Channel Islands, though the population was possibly as large as 10,000 (Kroeber 1925:883; Lepowsky 2004). Cabrillo reported passing by a large Tongva village on the west bank of the Los Angeles River (King 2000:65). A Gabrielino-Tongva village or “rancheria” known as Guaspet or Guasna was reported to be in the Project vicinity.

Spain would not resume in-depth exploration and settlement of the region until much later, when Russian and French encroachment threatened Spain’s interests in the territories known as Alta California (Upper California). The return of Spanish presence in California was highlighted by the 1769 expedition led by Captain Gaspar de Portolá (Treutlein 1968:291). Shortly thereafter, Spain began to establish a system of pueblos, presidios, ranchos, and missions along the California coast to bolster Spanish settlement and political presence.

The Spanish Franciscan missionaries established a system of 21 missions, including the San Gabriel Mission along El Camino Real in present day Los Angeles. Using force or coercion, much of the Native American population was thrown into the process, leading to increasingly hostile relationships between Europeans and Native Americans. This period witnessed the decimation of Native American peoples throughout Southern California through disease, loss of territories, incorporation into the Spanish mission system, and physical conflict. While some Native people survived, most experienced great loss of their culture, traditions, and ways of life despite their efforts to survive the waves of colonization.

As part of this network of Spanish presence, the City of Los Angeles was established in 1781, with 11 families brought in from San Gabriel Mission. Based on mission baptism records, the Gabrielino-Tongva rancheria or village of Guaspet, or Guasna, located near the APE, was occupied from about 1790 to 1820 (Reddy 2015), with 193 people reported baptized at the rancheria. The Spanish drastically altered the lifeways of Native Americans, as did Mexican independence in 1821, the secularization of mission lands, the Mexican American War, and American sovereignty in California. All incursions encroached upon the traditional lands and destroyed Native American populations. Over the colonial period, tens of thousands of Native Americans perished.

8.1 BALLONA CREEK AREA HISTORY

The area surrounding Ballona Creek and what is present-day Marina del Rey was initially part of a vast wetland ecosystem made up of tidelands and saltmarshes, known as Ballona Lagoon. Ballona Creek got its name from the original Mexican rancho, La Ballona, which included the subject area and extended over large parts of what is now Culver City, Marina del Rey, Playa del Rey, and Venice.



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During and after the Spanish period, the Ballona Creek area was used for grazing of cattle, with some buildings and improvements, such as irrigation systems for crops and vineyards. The land remained largely undeveloped wetlands with some agricultural use through the early American period until the later portion of the 19th century (Caltrans 2000). The Talamantes family and Augustin Machado managed to remain in possession of the area following Mexican Independence in 1821. Following a church land concession, the Rancho La Ballona was formally granted to them under American rule in 1839, with the Talamantes family eventually losing their portions, while Machado's interest was left to his heirs following his death.

Parts of the Rancho La Ballona land grant would later be sold and used for agriculture, racetracks, and oil development in the 19th century and later for housing developments.

In 1886, Moyer L. Wicks formed the Ballona Harbor and Improvement Company with the goal of dredging a channel and harbor at Ballona Lagoon to develop a harbor in Los Angeles (**Figure 3**). In support of this goal, the Ballona Harbor and Improvement Company partnered with the Central California Railway Company – an affiliate of the Atchison, Topeka & Santa Fe Railroad – to construct a rail line to the area, which was completed in 1887.. Completion of the rail line combined with the harbor plans and the town of Port Ballona (to be located on the bluffs) could have resulted in a significant Los Angeles area port; however, the Ballona Harbor and Improvement Company was unable to secure funding. The lack of financial backing was partially due to economic uncertainty following the Panic of 1893 (City of Los Angeles 2013).

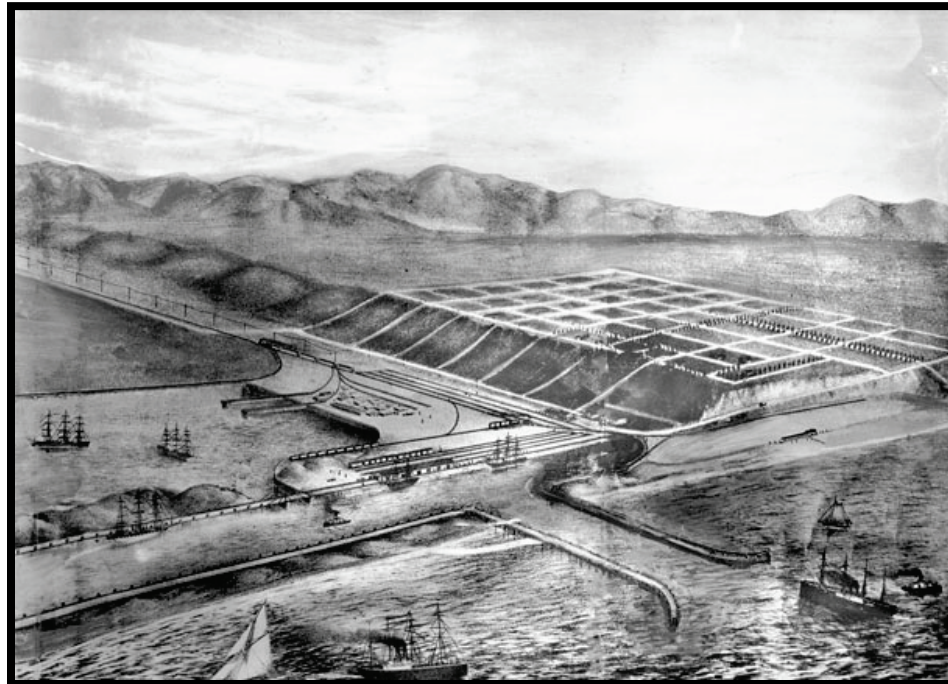


Figure 3. 1880s Rendering of Port Ballona

Source: University of Southern California Digital Library, Pierce Photography Collection.



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By 1902, new plans for development near Ballona Lagoon were underway. However, instead of industrial shipping, the area was used for recreation. Much of the coastline throughout the Los Angeles area during this period was becoming increasingly developed with beachfront resort communities. The population growth of Los Angeles and the construction of the vast Pacific Electric Railroad Company provided people from around the region with accessible recreational opportunities along the Pacific Ocean.

The Beach Land Company acquired portions of the original Port Ballona and moved forward with creating subdivisions. The lagoon was dredged, creating a new seaside lake that presented citizens and visitors with a variety of recreational opportunities, including fishing, sailing, swimming, and duck hunting. The Hotel del Rey was constructed and supplemented with other amenities, including a boathouse, large beachside pavilion, a race speedway, boathouses, and piers. These facilities were all accessible to visitors from the Pacific Electric Railroad's Ballona stop, whereas wealthy residents in the newly created bluff community had direct access via an inclined funicular rail system (City of Los Angeles 2013). However, despite the renewed interest and increased developments, large portions of the area, particularly to the south, remained undeveloped as increasing industrial and sanitation uses were implemented, including sewage treatment and outflow.

In the 1920s, the Hotel del Rey burned, and the resort area around Ballona quickly declined. This was exacerbated further through the 1930s as residential development in the immediate area remained low. Industrial uses to the north, particularly near the community of Westchester, became increasingly common, especially in relation to the development of the aviation industry. In the late 1920s, exploration and production oil wells became an increasingly common sight following the discovery of the Venice Oil Fields and increased production in the nearby Baldwin Hills (City of Los Angeles 2013).

Between 1933 and 1938, Ballona Creek underwent an extensive channelization project. Initial channelization projects were conducted in the previous decades, including the construction of the original outlet channel. According to some accounts, this occurred as early as 1916 and continued into the 1920s as part of the development for the Ballona Lake area (Daly & Associates 2015). In 1933, the outlet channel was expanded with new levees constructed along the initial channel length and extended several miles inland (Cohan 1933).

In 1938, large-scale flooding in the Los Angeles River Basin led to the passing of the federal Flood Control Act, which allocated funds for the channelization of several Los Angeles waterways, including Ballona Creek. The Works Progress Administration and USACE dredged and straightened the channel, and developed large levees and embankments as part of the overall channelization project. The channelization of Ballona Creek left only small portions of the pre-existing wetlands intact along the course of the new channel (**Figure 4**). Improvements continued over the following years, including the construction of holding basins in the 1940s and the completion of the initial jetties in 1940 (USACE 1947).¹

¹ *Note:* alternatively, the 1999 U.S. Army Corps of Engineers *Operation, Maintenance, Repair, Replacement, and Rehabilitation Manual, Los Angeles County Drainage Area, California* states that the jetties from Vista Del Mar to the mouth of Ballona Creek were completed in 1939 instead of 1940.



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Figure 4. Circa 1947 Photograph of the Ballona Creek Channel with the Jetties and the Pacific Avenue Bridge Located at the Center

Source: California State Library, California History Room Picture Collection.

During the post-war period, the population in Southern California grew exponentially. Large areas throughout the region that were previously undeveloped or being used for agriculture were purchased, subdivided, and developed for residential uses. The area around Ballona Creek was no exception, as Westchester, Playa del Rey, and other existing neighborhoods in the vicinity became increasingly established residential communities. The largest change occurred in the 1960s, with the development of Marina del Rey. The planned harbor community designed by architect Victor Gruen, who is most famously credited with inventing the shopping mall building type, was to be constructed around a central harbor that used large portions of the original Ballona Lagoon. The entrance to the harbor was constructed directly north of the Ballona Creek Channel and, sharing the pre-existing jetty infrastructure, a new breakwater was constructed to provide protection (**Figure 5**). Over the 1970s and 1980s, Marina del Rey continued to be developed as it became increasingly popular for its immediate beach access, featuring a mix of building types and architectural styles (City of Los Angeles 2013).



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Figure 5. 1968 Aerial Photograph of Marina del Rey with the Breakwater and New Harbor Channel at Center and Ballona Creek at Right

Source: Los Angeles Public Library.



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9.0 CURRENT AND PREVIOUS LAND USE

The proposed APE is within the Ballona Creek Channel, a reconstructed channelized waterway that within the APE has embankment protection of flanking jetties composed of stone and riprap with a sandy bottom. The Ballona Creek channel was constructed as a flood control measure in the first half of the 20th century and is presently serving the same function.

10.0 METHODOLOGY

The cultural resources investigation included a review of known documentation, a CHRIS records search, an SLF Search with the NAHC in Sacramento, development of site-specific contexts, and a pedestrian survey of the APE, including the jetties and Pacific Avenue Bridge.

10.1 RECORDS SEARCH RESULTS AND LITERATURE REVIEW

The Ballona Creek area is generally sensitive for prehistoric, ethnographic, and Tribal Cultural Resources. It is highly unlikely that intact archaeological remains are present within the small direct impact areas (the jetties) as they were built in the 20th century. This does not preclude Native American interest in the Project. The recently completed Draft EIS/EIR for the Ballona Wetlands Restoration Project provides a comprehensive review of past cultural resources work within the Ballona Wetlands (ESA 2017). Included in the review is the work by Altschul et al. (1991) regarding the prehistoric components that are present throughout the Ballona Wetlands. The large number of sites in the area resulted in Altschul et al. (1991) developing the Ballona Lagoon Archaeological District (BLAD). The BLAD was conceived as an NRHP-eligible district that encompasses the Ballona Lagoon and, “associated prehistoric archaeological sites around its margins, as the conceptual fabric for examining the archaeological resources in the greater Ballona area collectively, as parts of an adaptive system centered on the lagoonal environment” (Altschul et al. 1991).

The BLAD includes archaeological site, CA-LAN-54, which is a prehistoric archaeological site originally recorded in the 1950s by William Deane as a shell midden. Excavations in 2014 uncovered human burial features, ground and pecked stone artifacts, chipped stone artifacts (including dart-sized projectile points), and bone artifacts, such as barbs, awls, tubes, and beads. This site was radiocarbon dated to 2,770 (+/-40) to 3,880 (+/-50) BP. The site was determined to be eligible for listing in the NRHP by USACE, with concurrence from the State Historic Preservation Officer on February 1, 2001 (Altschul 2003), as a contributor to the BLAD. The key takeaway is that the boundaries of the BLAD as designed would subsume all of the lands around the outfall of Ballona Creek prior to dredging and construction of the jetties.

On June 8, 2020, a cultural resources archival records search was conducted by SCCIC located at California State University, Fullerton. The records search was conducted for the Ballona Creek Trash Interceptor™ Pilot Project footprint and a 0.5-mile radius around the Project to identify any historic



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properties and previous studies specific to the Project area and APE, as well to provide supplemental information on the surrounding context.

The search included a review of all previously recorded prehistoric and historic archaeological sites located within a 0.5-mile radius of the Project area, as well as a review of all known cultural resource survey reports, excavation reports, and regional cultural overviews. The search returned no reported cultural resources within the Project footprint, although two reports, LA-7185 and LA-11177, are previous studies conducted within the Project area.

Additionally, the search identified two historic archaeological sites, one historic structure, one historic object (Table 1), and an additional 17 reports pertaining to previous studies conducted within the 0.5-mile radius (Table 2). None of the cultural resources identified in the immediate area were evaluated for archaeological determination of eligibility because they are located outside the Project footprint and the proposed APE.

Table 1: Cultural Resources within a 0.5-Mile Radius of the Project

Primary No.	Other IDs	Type	Age	Attribute Codes	Recorded By	Reports
P-19-004713	Resource Name – ESA-BR-001H	Site	Historic	AH04 (Privies/ dumps/ trash scatters)	2015 (M. Vader, ESA)	LA-13363
P-19-004715	Resource Name – SR-3	Site	Historic	AH04 (Privies/ dumps/ trash scatters)	2015 (M. Vader, ESA)	LA-13363
P-19-187805	Resource Name – Ballona Creek Flood Control Channel & Drainage System; Other - 07-LA-1-KP 48.9/49.4 EA166061	Structure	Historic	HP20 (Canal/aqueduct)	2000 (D. Kane, Caltrans); 2015 (Pamela Daly, Daly & Associates)	LA-12677 LA-12722 LA-12757 LA-13264
P-19-192324	Resource Name – ICF-BS-010H	Object	Historic	AH07 (Roads/trails/ railroad grades)	2010 (R. Mitchell, ICF)	



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Table 2: Cultural Resource Projects Conducted within a 0.5-Mile Radius of the Project

Report No.	Year	Author(s)	Title	Affiliation	Resources
LA-07185	2004	Foster, John M.	Archaeological Investigation for Venice Pumping Plant Dual Force Main Project	Greenwood and Associates	19-000066
LA-11177	2008	Cappellino, Steve, Joshua Burnam, Lennie Rae Cooke, and Jack Malone	Entrance Channel Maintenance Dredging of Contaminated Sediments at Marina Del Rey Harbor - Public Draft Supplemental Environmental Assessment (SEA)	U.S. Army Corps of Engineers	
LA-00027	1974	Rozaire, Charles E.	Del Rey/Strand Environmental Impact Report	Engineering Service Corp.	
LA-00188	1976	Hector-Kaufman, Susan	Evaluation of the Area Known As Tentative Tract 31351, Los Angeles County, an Environmental Impact Report.	University of California, Los Angeles Archaeological Survey	
LA-00436	1979	Pence, Robert L.	Archaeological Assessment of the Summa Corporation Property, Culver City, Los Angeles County		19-000054 19-000059 19-000060 19-000061 19-000062 19-000063 19-000064 19-000065 19-000193 19-000203 19-000204 19-000206 19-000211 19-000212 19-000213 19- 000216 19-001018
LA-01282	1983	Padon, Beth	An Archaeological Assessment of the Playa Sol Project in the City of Los Angeles	Beth Padon	
LA-01626	1987	Woodward, Jim	Archaeological Survey of Dockweiler State Beach Los Angeles	California Department of Parks and Recreation	
LA-04868	2000	Shepard, Richard S.	Cultural Resources Records Search and Paleontologic Resources Literature Review Report for the Sempra Energy Gas Lease Sale Project Area, Playa Del Rey and a	Chambers Group, Inc.	19-000064 19-000065 19-000203 19- 000204 19-000206



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Report No.	Year	Author(s)	Title	Affiliation	Resources
			Portion of the City of Los Angeles, Los Angeles County, California		
LA-05556	1977	Tillman, Donald C.	Historic Property Survey: Vista Del Mar - Culver Boulevard to Napoleon Street	City of Los Angeles	
LA-05559	2000	Duke, Curt	Cultural Resource Assessment for AT&T Wireless Services Facility Number R319 County of Los Angeles, California	LSA Associates, Inc.	19-000066 19-001716
LA-06570	1991	Swanson, Mark T.	Playa Vista Archaeological and Historical Project, Technical Report 1. Visual and Aesthetic Impact of the Playa Vista Project on Adjacent Properties 45 Years of Age and Older.	Statistical Research, Inc.	
LA-07724	1999	Keller, Angela H.	Playa Vista Archaeological and Historical Project, Technical Report 9. Evaluation of SR10, a Nonarchaeological Assemblage in the Ballona Wetlands, Marina Del Rey, California	Statistical Research, Inc.	19-000047 19-001932 19-001933 19- 001970 19-002676
LA-07725	2001	Altschul, Jeffrey H.	Playa Vista: Archaeological Treatment Plan for CA-LAN-54	Statistical Research, Inc.	19-000054
LA-09481	1991	Altschul, Jeffrey H., Richard S. Ciolek-Torrello, Jeffrey A. Homburg, and Mark T. Swanson	Playa Vista Archaeological and Historical Project Research Design. Statistical Research Technical Series No. 29, Pt. 1.	Statistical Research, Inc	19-000029 19-000054 19-000060 19- 000062 19-000078 19-000193 19- 000211 19-001698
LA-10152	2007	Anonymous	Playa Vista Archaeological and Historical Project (PVAHP). Programmatic Agreement, Playa Vista Project, Annual Reports, September 1996 through 2007.	Statistical Research, Inc.	19-000054 19-000060 19-000062 19- 000193 19-000211 19-001932 19- 002676 19-002768 19-187548
LA-10880	2007	Trinh, Phoung	Tahiti Marina application for Department of the Army authorization	Department of the Army Corps of Engineers	19-000047 19-000337 19-001596



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Report No.	Year	Author(s)	Title	Affiliation	Resources
					19- 001698 19-186163 19-186164 19-186165
LA-11138	1987	Pierson, Larry, Shiner, Gerald, and Slater, Richard	California Outer Continental Shelf, Archaeological Resource Study: Morro Bay to Mexican Border, Final Report.	PS Associates	
LA-12989	2015	Anonymous	Survey LA, Los Angeles Historic Resources Survey: Historic Resources Survey Report Venice Community Plan Area	Historic Resources Group	
LA-13363	2016	Vader, Michael and Michael R. Bever	Ballona Wetlands Ecological Reserve Restoration Project, Los Angeles, California, Extended Phase I and Phase II Archaeological Testing Report	ESA	19-001970 19-004713 19-004714 19- 004715 19-004716 19-101357

10.2 NATIVE AMERICAN NOTIFICATION/SACRED LANDS FILE SEARCH

NAHC in Sacramento holds records of Native American sacred sites and burial sites in the SLF. NAHC also maintains records of individuals that have particular expertise and knowledge of Native American resources. NAHC was contacted with a request to conduct a SLF search for the Project. The response was received on April 15, 2020, indicating that the search results were positive, and that Gabrielino Tongva Indians of California Tribal Council should be contacted for more information. Furthermore, NAHC provided a list of Native American contacts that may have additional knowledge of cultural resources in the Project area. Native American consultation is pending coordination with USACE.

10.3 FIELD METHODS

A pedestrian survey of the Project APE was conducted on March 6, 2020, by Stantec Cultural Resources Director Mitch Marken, Ph.D., RPA, LEED. The APE was accessed via Pacific Avenue, where it terminates at the Pacific Avenue Bridge in Playa del Rey. Native soils were not visible, although imported soils with patches of grass sporadically on jetty tops were visible at select locations, as was the concrete pathway on top of portions of the channel embankment; rock construction of the jetties, and paved road surfaces. The survey was conducted on a sunny day, with an average temperature of 75 degrees Fahrenheit. Transects were walked along both jetties north and south of the bridge and over the bridge, with inspections under the bridge. The bridge, jetties, and proximal structures were photographed for further analysis.



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11.0 SURVEY RESULTS

No archaeological resources were observed during the survey. The APE does contain three built environment resources adjacent to the Project.

11.1 BALLONA CREEK NORTH AND SOUTH JETTIES AND BALLONA CREEK CHANNEL

The Ballona Creek North Jetty, initially constructed in the mid-1930s and expanded over the following decades, is located on the north side of Ballona Creek in Marina del Rey, California. The mile-long jetty assists in channelization of Ballona Creek and the protection of Marina del Rey Harbor. The Ballona Creek North Jetty consists of riprap, a combination of broken concrete blocks and jetty stone, and has a grouted cap. The Ballona Creek North Jetty is topped by a publicly accessible sidewalk and a beacon light for boats coming back to the harbor. On the Ballona Creek North Jetty there are also two viewing decks, which include concrete benches and guardrails.

The south side of the Ballona Creek Channel is supported by a shorter jetty, the Ballona Creek South Jetty, which also consists of riprap and a grouted cap (**Figures 6 through 10**).

The existing channel was largely constructed between 1933 and 1938, although various improvements to the creek occurred during the 1920s through the 1960s.



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Figure 6. View from Ballona Creek North Jetty Looking Towards Pacific Avenue Bridge and the Ballona Creek South Jetty



Figure 7. View of the Ballona Creek North and South Jetties, Looking West from the South Side of Ballona Creek



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Figure 8. View of Ballona Creek North Jetty Looking West from the top of the North Jetty



Figure 9. Rock, Concrete, and Existing Anchor Ties at Ballona Creek South Jetty



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Figure 10. Ballona Creek South Jetty, View from Ballona Creek North Jetty

11.2 MARINA DEL REY BREAKWATER

Constructed in 1963, the Marina del Rey Breakwater (**Figure 11**) is located perpendicular to the mouth of Ballona Creek and the entrance to the Marina del Rey Harbor. It absorbs and reduces the impact of ocean waves on the shore and the harbor. The 0.5-mile long detached breakwater is primarily composed of rock fill topped by large cap stones. It also has two navigational beacons: one on the north end and one on the south end.



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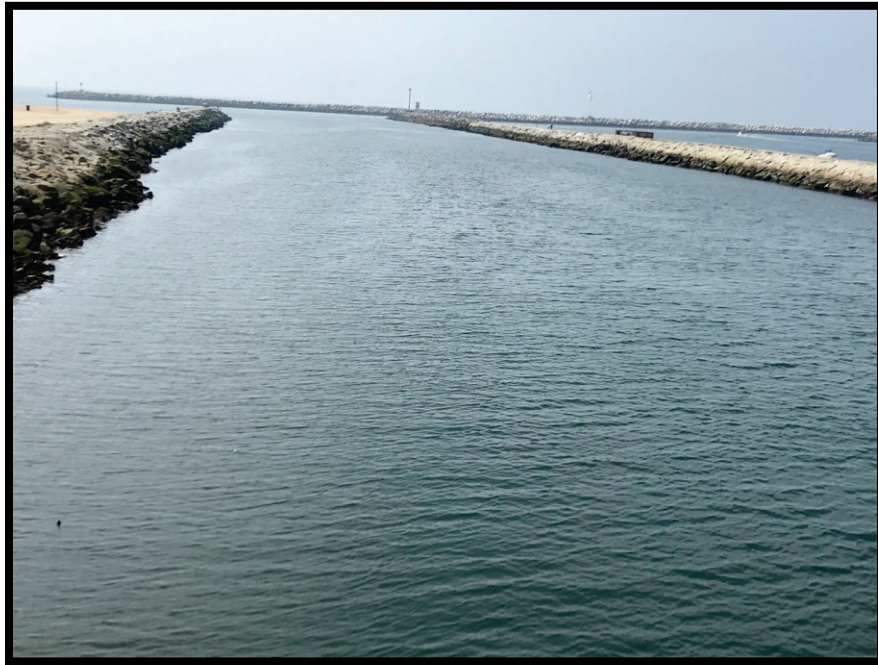


Figure 11. View of Marina del Rey Breakwater West of and Perpendicular to Ballona Channel

11.3 PACIFIC AVENUE BRIDGE

Constructed in 1928, the Pacific Avenue Bridge crosses Ballona Creek (**Figures 12 through 14**) 0.5-mile upstream from the mouth. It is a 360-foot concrete deck girder bridge for pedestrians and bicycles and is part of the Ballona Creek Bike Path. The bridge is supported by three concrete piers in the creek and concrete abutments in the jetties on the north and south ends. The piers are topped by steel bearings that are bolted to the steel girders. The steel girders support the concrete slab bridge deck. The bridge deck has concrete guardrails with rectangular openings.



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Figure 12. Ballona Creek-Pacific Avenue Bike and Pedestrian Bridge. View towards Marina del Rey



Figure 13. Pacific Avenue Bridge Support System



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Figure 14. Original Construction Detail – Pacific Avenue Bridge

12.0 HISTORIC PROPERTY (NATIONAL REGISTER OF HISTORIC PLACES) ANALYSIS

12.1 PACIFIC AVENUE BRIDGE

The Pacific Avenue Bridge was identified and evaluated in November 2013 as part of the SurveyLA historic resources survey. Constructed in 1928, the Pacific Avenue Bridge was found to be eligible for listing in the NRHP under Criterion C as an “important early bridge spanning Ballona Creek in the Playa del Rey Community” (City of Los Angeles 2013). It has an identified period of significance of 1928, which is associated with its original construction, and is noted for retaining sufficient integrity to convey its significance.²

² The bridge was also identified as eligible for listing on the CRHR and for designation as a Los Angeles HCM under Criterion 3 for both state and local designations.



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Additionally, the survey determined the bridge meets several eligibility standards:

- Retains most of the essential physical features from the period of significance
- Embodies distinctive characteristics of a type, period or method of construction
- Significant for physical design or construction, including architecture, landscape architecture, engineering, and artwork

Conclusion: The Pacific Avenue Bridge qualifies as a historic property for the purposes of Section 106 consultation.

12.2 BALLONA CREEK CHANNEL, BALLONA CREEK NORTH AND SOUTH JETTIES

12.2.1 Year 2000 Evaluation

In August 2000, Dr. Diane Kane with Caltrans prepared California Department of Parks and Recreation (DPR) 523 Forms specific to the Ballona Creek Flood Channel and Drainage System. These DPR 523 Forms include a brief description of the Ballona Creek drainage system and channel, as well as historic context covering the development of the Ballona Creek area and the Los Angeles County Flood Control program. This analysis was conducted in support of the Historic Property Survey Report for the CA-1 Widening Project.

The 2000 DPR 523 Forms reported that the Ballona Creek Flood Control and Drainage System may be a potential contributor to the discontinuous thematic historic district of Los Angeles Flood Control Dams, which was determined eligible for the NRHP under Criteria A and C in December 1999. The 2000 evaluation of the Ballona Creek system presented the following findings:

The Ballona Creek Channel does not appear significant under Criterion C, particularly in relation to the Los Angeles Flood Control Dams thematic historic district. Individually, the channel exhibits typical engineering to that period. Additionally, the channel was constructed outside the original Flood Control program and is not associated with the broader design of the Los Angeles Flood Control Dam thematic historic district.

The Ballona Creek appears to be likely significant under Criterion A for its associations with reclamation of the Ballona Lagoon and the eventual development of this portion of west Los Angeles, particularly the development of Marina del Rey. However, it was noted that the resource itself and its relationship with Marina del Rey, which occurred in the 1970s and 1980s, had not yet reached 50 years of age and did not appear to be historic at that time.

The evaluation done in 2000 by Kane noted that the Ballona Creek Channel should be re-evaluated as a potential contributor to the Los Angeles County Flood Control Dams thematic historic district once it becomes 50 years old. Bridges, jetties, culverts, basins, and other elements along the Ballona Creek Channel system were identified as associated resources but were not discussed in detail. In 2015, Daly analyzed the Ballona Creek Channel, and her conclusions are discussed below.



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12.2.2 Year 2015 Evaluation

In 2015, Pamela Daly of Daly & Associates prepared DPR 523 Form updates for the Ballona Creek Channel in support of the Ballona Wetlands Restoration Project. Specifically, the 2015 update looked at the segment of the Ballona Creek Channel between the Marina Expressway and State Route 99 to the east, extending towards the Pacific Ocean to the west. This documentation included a brief description of the segment and property history, and an updated evaluation that responds to the previous work conducted by Caltrans in 2000.

The 2015 evaluation states that the previous evaluation is based upon the premise that Marina del Rey was directly related to the channelization of Ballona Creek; however, additional information was provided that outlines that Ballona Creek was first channelized starting in 1916, and the surrounding area did undergo some development based upon reclamation activities, but the wide availability of land throughout the Los Angeles area did not create a climate where the Ballona Creek area underwent extensive development.

Daly's analysis goes further to state that the Marina del Rey development, which occurred in the 1970s and 1980s, is more related to post-war housing development and increasing shortages of developable land in the later years of the 20th century, and does not have a direct association with the development of flood control efforts in the early 20th century.

Additionally, Daly argues that most residential development that occurred in Los Angeles, as well as other parts of California, are predicated on the development of flood control measures in previous years, and, therefore, the notion that the Ballona Creek Channel has significant associations with the Marina del Rey development is unlikely. The evaluation also points out that the Los Angeles County Flood Control thematic historic district is specific to the dams themselves, as concurred upon by the State Historic Preservation Officer in 1999, and does not include the westernmost segment of the Ballona Creek Channel.

An updated evaluation of the Ballona Creek Channel was also provided. This evaluation cites the *Water Conveyance Systems in California: Historic Context Development and Evaluation Procedures* Historic Context Statement prepared by JRP Historical Consulting in partnership with Caltrans in 2000, which outlines criteria threshold guidance of water conveyance systems for NRHP eligibility. The subsequent evaluation outlines the following arguments:

- Criterion A: the Ballona Creek Channel, while funded by New Deal related programs of the 1930s, does not exemplify the era's public infrastructure projects in a way that rises to a level of significance that would qualify under this criterion.
- Criterion B: the Ballona Creek Channel has no direct associations with any prominent engineers or important persons involved in the construction of water diversion systems in the Los Angeles area.



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- Criterion C: The Ballona Creek Channel does not exemplify significant engineering or technology associated with the construction of water conveyance systems in Los Angeles or California. It is part of a larger system of typical features, which does not appear to be significant.
- Criterion D: The Ballona Creek Channel does not appear to have the capacity to yield information related to any of the associated contexts of prehistory.

Overall, the 2015 evaluation recommended that the Ballona Creek Channel was not eligible for listing on the NRHP. While evidence of concurrence is not available at this time, it is apparent from subsequent projects near the subject Undertaking that the Ballona Creek Channel has not been identified as a historic property for the purposes of Section 106 consultation, specifically the 2018 Ballona Wetlands Restoration Project, as outlined by USACE (USACE 2017).

Conclusion: The Ballona Creek Channel and associated features are not considered a historic property for the purposes of Section 106 consultation.

13.0 EFFECTS ANALYSIS

Per 36 CFR 800.5(a)(1) of the NHPA, the Criteria of Adverse Effects are applied to assess potential effects of the Undertaking on historic properties located within the associated APE:

(1) Criteria of adverse effect. An Adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property including those that may have been identified subsequent to the original evaluation of the property's eligibility for the NRHP. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.

The following analysis takes into consideration potential direct and indirect effects in relation to the integrity of historic properties located in the APE, specifically the Pacific Avenue Bridge.

13.1 PACIFIC AVENUE BRIDGE

In terms of direct and physical effects, the proposed Project would only minimally affect the Pacific Avenue Bridge. The Interceptor would be located in the creek channel and would not be directly or physically connected with the bridge in any capacity. The only impact would be the installation of monitoring equipment, which would be visible from below the bridge and would not require any major structural alterations to the components of the bridge, but rather small points of attachments at select locations that could be repaired in-kind to match the existing conditions. The bridge would be retained in its existing condition following the Project, with minimal impacts to the physical features that characterize the bridge.



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Potential indirect effects include the introduction of visual or atmospheric elements that may diminish the integrity of a property, particularly its setting and sense of place. In terms of atmospheric impacts, these would largely be temporary, and most atmospheric and audible alterations would be related to the construction of the moorings for the Interceptor™ and the trash booms. Additionally, the Interceptor™ primarily uses passive energy, particularly the directional flow of water in the channel itself to collect trash, and would not have an active mechanical component capable of producing noise that would adversely alter the existing audible conditions of the site once installed and operating.

For potential visual effects, the Interceptor™ would add a new visual element to the setting of the Pacific Avenue Bridge (**Figure 15**); however, this would not diminish the integrity of the property. First, the Pacific Avenue Bridge has been identified as significant under Criterion C for its design and architecture, specifically as an early 1920s bridge spanning Ballona Creek in the Marina del Rey area. Per the guidance included in the National Park Service' *National Register Bulletin No. 15: How to Apply the National Register Criteria for Evaluation*, the most important aspects of integrity include those related to the "physical features that characterize the type, period, or method of construction that the property represents," meaning integrity of design, workmanship, and materials (National Park Service 1995). While other aspects of setting and location are important to site-specific structures like bridges, the integral component is the relationship between the structure and the feature it was designed to cross, such as a body of water. Throughout the duration of the Project, the bridge would continue to retain its immediate relationship with Ballona Creek, which is the fundamental component to the setting of the property. The Interceptor™ would be visible from several vantage points at and near the bridge; however, the placement of the feature would be several hundred feet away and the distance would reduce any visual effects to a level that would not diminish the integrity of the property. Second, the Interceptor™ is a reversible intervention, and the existing conditions would be retained following any future removal from the channel and the associated improvements along the jetties. If removed, the placement of the Interceptor™ coupled with the temporal nature of its installation, would not result in visual impacts on the Pacific Avenue Bridge.

Conclusion: The Project would result in a No Adverse Effect on the Pacific Avenue Bridge.



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Figure 15. View from Pacific Avenue Bridge West towards Marina del Rey Breakwater.

14.0 RECOMMENDATIONS

It is unlikely that the Project would impact archaeological or tribal cultural resources. One historic property, the Pacific Avenue Bridge, is within the APE of the Project. However, the above application of the Criteria for Adverse Effects determined that the Project would not diminish the identified qualities of significance of the Pacific Avenue Bridge. We therefore recommend a Section 106 finding of No Adverse Effect to Historic Properties for the Project, as currently designed.



Ballona Creek Trash Interceptor™ Pilot Project
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Appendix A NATIVE AMERICAN HERITAGE NOTIFICATION

NATIVE AMERICAN HERITAGE COMMISSION

April 15, 2020

Mitch Marken
Stantec

Via Email to: mitch.marken@stantec.com

Re: Ballona Creek Trash Interceptor Project, Los Angeles County

Dear Mr. Marken:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were positive. Please contact the Gabrielino Tongva Indians of California Tribal Council on the attached list for more information. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: steven.quinn@nahc.ca.gov

Sincerely,


Steven Quinn
Cultural Resources Analyst

Attachment

CHAIRPERSON
Laura Miranda
LuiseñoVICE CHAIRPERSON
Reginald Pagaling
ChumashSECRETARY
Merri Lopez-Keifer
LuiseñoPARLIAMENTARIAN
Russell Attebery
KarukCOMMISSIONER
Marshall McKay
WintunCOMMISSIONER
William Mungary
Paiute/White Mountain
ApacheCOMMISSIONER
Joseph Myers
PomoCOMMISSIONER
Julie Tumamait-Stenslie
ChumashCOMMISSIONER
[Vacant]EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov



**Ballona Creek Trash Interceptor™
Pilot Project**

Preliminary Jurisdictional
Wetlands/Waters Delineation Report

October 20, 2020

Prepared for:

Los Angeles County
Public Works
900 South Fremont Avenue
Alhambra, California 91803-1331

Prepared by:

Stantec Consulting Services Inc.
290 Conejo Ridge Avenue
Thousand Oaks, California 91361

PRELIMINARY JURISDICTIONAL WETLANDS/WATERS DELINEATION REPORT

This document entitled Preliminary Jurisdictional Wetlands/Waters Delineation Report for Ballona Creek Trash Interceptor™ Pilot Project was prepared by Stantec Consulting Services Inc. ("Stantec") for the account of Los Angeles County Public Works (the "Client"). Any reliance on this document by any third party is strictly prohibited. The material in it reflects Stantec's professional judgment considering the scope, schedule and other limitations stated in the document and in the contract between Stantec and the Client. The opinions in the document are based on conditions and information existing at the time the document was published and do not take into account any subsequent changes. In preparing the document, Stantec did not verify information supplied to it by others. Any use which a third party makes of this document is the responsibility of such third party. Such third party agrees that Stantec shall not be responsible for costs or damages of any kind, if any, suffered by it or any other third party as a result of decisions made or actions taken based on this document.

Prepared by Priya Pratap
(signature)
Priya Pratap, Project Biologist

Reviewed by Lindsay McDonough
(signature)
Lindsay McDonough, Environmental Planner

Reviewed and Approved by Jared Varonin
(signature)
Jared Varonin, Principal Biologist/ Ecosystems Practice Leader



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Preliminary Jurisdictional Wetlands/Waters Delineation Report

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Executive Summary

Executive Summary

The preliminary jurisdictional delineation and investigation of jurisdictional resources was performed by Stantec biologists on February 25, 2020 and March 2, 2020 for the proposed Ballona Creek Trash Interceptor™ Pilot Project (Project). The Survey Area (SA) included the Project footprint with an additional 100-foot buffer for a total of 23.2 acres.

The purpose of this report is to provide baseline data concerning the type and extent of jurisdictional resources within and adjacent to the Project in which Los Angeles County Public Works (Public Works), on behalf of the Los Angeles County Flood Control District (Flood Control District), is collaborating with The Ocean Cleanup to construct and operate within the City of Los Angeles. Jurisdictional resources considered for this report include wetland and non-wetland Waters of the United States and Rivers and Harbors Act (RHA) Section 10 Waters, regulated by the United States Army Corps of Engineers; Waters of the State (WOTS) regulated by the Los Angeles Regional Water Quality Control Board (RWQCB); California Coastal Act (CCA) wetlands regulated by the California Coastal Commission (CCC); and the bed, bank, and channels of all lakes, rivers, and/or streams (and associated riparian vegetation), as regulated by the California Department of Fish and Wildlife (CDFW).

The SA covered 23.2 acres and the delineated aquatic resources described in the report consist of federal non-wetland Waters of the United States (14.24 acres); RHA Section 10 Waters (14.24 acres), CDFW Jurisdictional Waters (15.93 acres); Waters of the State (15.93 acres) and CCC wetlands (14.24 acres). No portion of the SA meets all the three criteria required for federal wetlands (i.e., dominance of hydrophytic vegetation, evidence of wetland hydrology, and hydric soils).

The Project includes impacts to approximately 0.023 acres of non-wetland WOTUS, RHA Section 10 Waters, WOTS, CCC wetlands, and CDFW Jurisdictional Waters. However, the Project does not involve the discharge of dredge or fill material; substantially diverting or obstructing the natural flow of Ballona Creek; substantially changing or using any material from the bed, channel, or bank of Ballona Creek; nor depositing or disposing of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into Ballona Creek; therefore, impacts to non-wetland waters of the U.S. and CDFW jurisdictional waters are not expected to occur.



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Abbreviations

BWER	Ballona Wetlands Ecological Reserve
CCA	California Coastal Act
CCC	California Coastal Commission
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CWA	Clean Water Act
EIR	Environmental Impact Report
°F	degrees Fahrenheit
FAC	Facultative
FACU	Facultative-Upland
FACW	Facultative-Wetland
MCVII	<i>Manual of California Vegetation</i> , 2nd Edition
NRCS	Natural Resources Conservation Service
OBL	Obligate
OHWM	ordinary high water mark
MCVII	<i>Manual of California Vegetation</i> , 2nd Edition
Project	Ballona Creek Trash Interceptor™ Pilot Project
Public Works	Los Angeles County Public Works
RHA	Rivers and Harbors Act
RWQCB	Regional Water Quality Control Board
SA	Survey Area
Stantec	Stantec Consulting Services Inc.
USACE	United States Army Corps of Engineers
WOTS	Waters of the State
WOTUS	Waters of the United States

BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Preliminary Jurisdictional Wetlands/Waters Delineation Report

1.0 Introduction

1.0 INTRODUCTION

1.1 PURPOSE OF THE REPORT

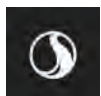
This Draft Preliminary Jurisdictional Wetlands/Waters Delineation Report presents the findings of an investigation of potentially jurisdictional features conducted by Stantec Consulting Services Inc. (Stantec) for the Los Angeles County Public Works' (Public Works') Ballona Creek Trash Interceptor™ Pilot Project (Project) in Los Angeles, California (Appendix A, Figure 1). The assessment of jurisdictional wetlands, other "waters of the U.S.," waters of the state, California Department of Fish and Wildlife (CDFW) jurisdictional waters, and California Coastal Commission (CCC) wetlands was conducted on February 25, 2020, and March 2, 2020, by Stantec biologists Rocky Brown and Priya Pratap. This assessment was conducted to determine the extent of resources under the jurisdiction of the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and CCC that occur within the Survey Area (SA), an approximately 23.2 acre area that includes the Project area and a surrounding 100-foot buffer zone (refer to Figure 2 in Appendix A for a graphical depiction of the SA).

1.2 PROJECT LOCATION

The Project is located in the City of Los Angeles, California, between the communities of Marina del Rey and Playa del Rey, approximately 1.5 miles west of CA-1 and 0.5 mile east of the Santa Monica Bay. Figure 1, Project Location Map, shows the general location of the Project. Specifically, the Project is located within an approximately 4.96-acre channelized portion of Ballona Creek, immediately southwest of the Ballona Creek-Pacific Avenue Bridge. There are two levee systems, Ballona Creek 1 Levee System (hereafter referred to as the Ballona Creek North Jetty) and Ballona Creek 3 Levee System (hereafter referred to as the Ballona Creek South Jetty) that will be used for this Project.

The Project site is currently zoned as Open Space (OS-1XL), with a corresponding Open Space general plan land use designation by the City of Los Angeles. As Ballona Creek is an urban, soft bottom flood control channel within the Project site, the Project site is considered urbanized. The Project site is characterized by the wide, concrete embankment of Ballona Creek channel trending from east-northeast (upstream) toward the west-southwest (downstream). Ballona Creek channel includes riprap which is a combination of broken concrete blocks and rock. The Ballona Creek North Jetty is topped by a publicly accessible sidewalk and beacon light for boats coming back to the harbor. There are also two (2) viewing decks with concrete benches and guardrail on top of the Ballona Creek North Jetty. The Ballona Creek South Jetty is supported by a shorter jetty on the opposite side which is covered with a jagged rock outcrop.

The area surrounding the Project site is predominantly zoned Medium Residential (to the south) and Open Space (to the north). Nearby uses include the Laguna Del Rey multi-family residential complex, Del Rey Lagoon (a lagoon and recreational space), the Ballona Wetlands Ecological Reserve (BWER), University of California Los Angeles Marina Aquatic Center, the Pacific Avenue Bridge, Dockweiler Beach



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Preliminary Jurisdictional Wetlands/Waters Delineation Report**1.0 Introduction**

(recreational and public use), and the entrance to the Marina del Rey Harbor. The Project would not be located within the BWER, which is approximately 0.22 mile to the northeast.

1.3 PROJECT DESCRIPTION

On behalf of the Los Angeles County Flood Control District (Flood Control District), Los Angeles County Public Works (Public Works) is collaborating with The Ocean Cleanup, a Dutch non-profit organization, on this pilot Project to deploy a floating, automated trash Interceptor™ system (the Interceptor™) near the mouth of Ballona Creek where it enters the Pacific Ocean. The Project would entail installation of the Interceptor™ in Ballona Creek, directly south and east of the Marina Del Rey harbor entrance and breakwater along the Pacific Ocean shoreline. Construction and installation of the Project would occur over approximately a six-month period.

The purpose of the Project is to test the efficiency of The Ocean Cleanup's Interceptor™ in capturing and collecting floating trash and debris in Ballona Creek. The Project's goal is to capture and collect trash coming down the creek to prevent it from entering and polluting the ocean and thus, protect the environment.

The floating Interceptor™ would be a single vessel moored in Ballona Creek through attachment to six moorings—four of which anchor the vessel itself and two of which anchor two in-water floating trash booms—that would be installed above the ordinary high-water mark of Ballona Creek along two existing adjacent jetties. The placement of floating trash booms (also called “barriers”) and the downstream current will cause trash drifting down Ballona Creek to be funneled into the Interceptor™. The floating debris will converge on the Interceptor™ mechanical conveyor belt, which automatically feeds the trash into a floating receptacle, thus preventing the refuse from reaching the Pacific Ocean. The Interceptor™ is expected to be deployed and in operation for up to 24 months, to encompass two storm seasons (October 15 to April 15). Figure 1 shows the Project Location.



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Preliminary Jurisdictional Wetlands/Waters Delineation Report

2.0 Existing Site Conditions

2.0 EXISTING SITE CONDITIONS

2.1 TOPOGRAPHY AND SURROUNDING LAND USES

Ballona Creek is an approximately nine-mile-long waterway that is located within the coastal plain of the Los Angeles Basin and flows through the City of Los Angeles, Culver City, and unincorporated Los Angeles County (County) and empties into the Santa Monica Bay between Playa del Rey and Marina del Rey. The Survey Area (SA), as depicted in Figure 2 in Appendix A, is located at the end of Ballona Creek, where it feeds into the Santa Monica Bay south of the Marina del Rey Harbor and Venice Beach, and north of the community of Playa del Rey and Dockweiler Beach. A photographic log for the survey is included in Appendix B and depicts representative environmental conditions within the BSA and surrounding areas.

Ballona Creek was constructed between 1935 and 1939 by the USACE as a flood risk management channel. It flows through the BWER, which is located on the coastal plain of the Los Angeles Basin at an elevation of approximately 5 to 28 feet (USACE, 1999). This basin is dominated by northwest-trending strike-slip faults including the Whittier, Newport-Inglewood, and Palos Verdes Faults. Specifically, within the Los Angeles Basin, the BWER is in a small valley referred to as the Ballona Gap. The Ballona Gap was formed by erosion, repeated sea level fluctuations, and river channel migration. The Los Angeles River flowed through this area, prior to 1825, depositing fluvial sediments (Bilodeau et al. 2007). After a major flood event in 1825, the Los Angeles River shifted southward.

The Ballona Creek watershed covers approximately 130 square miles within the Los Angeles Basin (LADPW, 2019). With headwaters in the Santa Monica Mountains, the principal tributaries to the Ballona Creek are the Benedict Canyon Channel, Sepulveda Channel (also known as Sawtelle-Westwood Channel), Centinela Creek Channel, and an immense system of underground storm drains (ESA, 2017). The Ballona Creek Watershed provides flood risk management for approximately 1.5 million residents in all or parts of the Cities of Los Angeles, Beverly Hills, Culver City, Santa Monica, Inglewood, West Hollywood, and the unincorporated County communities of Ladera Heights and View Park.¹

2.1.1 Ballona Creek Channel

Due to large scale flooding in the Los Angeles River Basin, levees and embankments were installed along both sides of Ballona Creek channel. Upstream of the confluence with Centinela Creek, Ballona Creek is a trapezoidal concrete channel confined by levees on both sides. Downstream of the confluence with Centinela Creek, the trapezoidal channel has a sediment, or “soft,” bottom with concrete side slopes until it reaches near Culver Boulevard. Downstream of Culver Boulevard, the trapezoidal channel continues to have a sediment bottom with embankments that are made of riprap with a grouted cap.

¹ Los Angeles County Public Works, Ballona Creek Watershed. Available at: <http://ladpw.org/wmd/watershed/bc/>. Accessed August 2019.



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Ballona Creek is connected to the BWER through two self-regulated tide gates, which limit the high tide levels in the wetland area (that is, they “mute” the tides).²

The mouth of Ballona Creek empties into the Santa Monica Bay south of Marina del Rey and Venice Beach, and north of the community of Playa del Rey and Dockweiler Beach. The channel mouth is approximately 295 feet wide. The elevation of the channel's bottom at the Project site ranges from -2.2 to +7.8 feet with respect to mean sea level.

2.1.2 Ballona Creek North and South Jetties (a USACE-constructed federal civil works project)

The Marina del Rey Harbor main channel and Ballona Creek are connected by the existing jetty to the north of Ballona Creek (the Ballona Creek North Jetty). The portion of Ballona Creek North Jetty that will be used for this Project is considered a navigation structure and not a levee. The USACE Los Angeles District is the local sponsor for the segment of the levee system being used in this Project. The portion of Ballona Creek South Jetty that will be used for this Project is considered a jetty near the outlet of Ballona Creek and a channel around Pacific Avenue Bridge. The channel section being used for this Project is operated and maintained by USACE. As the Project has the potential to modify, alter, and/or occupy portions of an existing USACE-constructed federal civil works project (i.e., the jetties), an authorization application under Section 408 of the Rivers and Harbors Act is being requested. In order for USACE to approve any proposed alteration requests, the proposed alterations must meet USACE standards and must not be injurious to the public interest or affect USACE's ability to meet its authorized purpose.

2.2 VEGETATION AND LAND COVERS

As defined in the *Manual of California Vegetation*, 2nd Edition (MCVII), a vegetation alliance is, “a category of vegetation classification which describes repeating patterns of plants across a landscape. Each alliance is defined by plant species composition, and reflects the effects of local climate, soil, water, disturbance, and other environmental factors” (Sawyer et al. 2009). Generally, Stantec's mapping and description of plant communities follows the classification system described in MCVII. The MCVII is generally limited to communities that are native to or naturalized within California; however, no native habitat occurs within the SA. Therefore, the vegetation community land cover types discussed below are descriptive in nature and are not specifically referenced in the MCVII. The scientific and common names of each species detailed within this report correspond to those described in the second edition of *The Jepson Manual* (Baldwin et al. 2012).

Recent technical studies for biological resources, specifically habitat and vegetation mapping, have been conducted in support of the Ballona Wetlands Restoration Project currently proposed by the CDFW. The extent of these surveys overlaps with portions of the SA. The Draft Environmental Impact Report (EIR)

² U.S. Environmental Protection Agency Region IX, Ballona Creek Wetlands Total Maximum Daily Loads for Sediment and Invasive Exotic Vegetation. Available at: https://www.waterboards.ca.gov/losangeles/water_issues/programs/tmdl/Established/Ballona/BallonaCreekWetlandsTMDL-final.pdf. Accessed August 2019.



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2.0 Existing Site Conditions

prepared for the Ballona Wetlands Restoration Project (ESA 2017) was used to define the vegetation classifications that occur within the SA that are not defined in MCVII. These classifications are described below and depicted in Figure 2 (Appendix A).

Habitats observed within the SA during the field survey primarily included common plant species and vegetation communities found in the central coast-ranges and surrounding areas. Habitat conditions within the SA were noted to be of generally good quality, with well-established communities primarily made up of native shrub and tree species. A moderate amount of non-native shrub and tree species were interspersed within the SA. Within the SA, Stantec biologists mapped one plant community defined by Sawyer et al. (2009), one additional plant community mapped by the Draft EIR for Ballona Wetlands Restoration Project (ESA 2017), and three land cover types. These are depicted in Figure 2 included in Appendix A. Small, localized areas occupied by other plant communities were also observed within the SA; however, the areas were less than the minimum mapping unit dictated by the size of the SA and thus, were not mapped.

2.2.1 Vegetation Communities**2.2.1.1 Invasive Monoculture**

Approximately 0.73 acre of this community occurs within the SA, in the upland area of Ballona Creek. In the Draft EIR for the Ballona Wetlands Restoration Project, Invasive Monoculture is described as follows:

...monocultures or very low-diversity assemblages of invasive herbs and shrubs including black mustard (Brassica nigra), crown daisy (Glebionis coronaria), wild radish (Raphanus sativus) ... pampas grass (Cortaderia spp.), carnation spurge (Euphorbia terracina), and castor bean (Ricinus communis). In addition, small, fragmented groups of non-native trees, primarily thorn tree and lollypop tree (Myoporum laetum), are included in this habitat type. Invasive monocultures are common across the BWER within many upland habitat types. However, they are most often located in areas with introduced fill (e.g., berms or upland fill areas) (ESA 2017).

Within the SA, plant species observed within this community included black mustard, crown daisy, radish, and pampas grass. Small Philippine acacia (*Acacia confusa*), tree tobacco (*Nicotiana glauca*), sweet alyssum (*Lobularia maritima*), shortpod mustard (*Hirschfeldia incana*), common sowthistle (*Sonchus oleraceus*), barley (*Hordeum* sp.), and Bermuda buttercup (*Oxalis pes-caprae*) were present and observed in this plant community.

2.2.1.2 Dune Mat Alliance (*Abronia latifolia* - *Ambrosia chamissonis* Herbaceous Alliance)

Approximately 0.41 acre of this vegetation community occurs along the southern boundary of the SA. It primarily occurs along the margins of Dockweiler State Beach, the Ballona Creek South Jetty south of Ballona Creek within the outer rocky outcrops of Ballona Creek, and the sandy beach surfaces immediately south of the creek. Within the SA, this alliance is represented by silver burr ragweed (*Ambrosia chamissonis*) and European searocket (*Cakile maritima*) as the dominant species. Lesser sea-spurry (*Spergularia marina*), common stork's-bill (*Erodium cicutarium*), prostrate knotweed (*Polygonum*



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aviculare), and ripgut brome (*Bromus diandrus*) are interspersed throughout this community. This alliance is generally found to occur in sand dunes of coastal bars, river mouths, and spits along the immediate coastline with coarse to fine-textured sands.

2.2.2 Land Cover Types**2.2.2.1 Open Water**

Approximately 13.95 acres of open water habitat occur in the Ballona Creek channel and Marina del Rey Harbor Main Channel within the SA. Ballona Creek is a flood control channel, which within the SA has riprap and grouted cap embankments and a soft sediment bottom. The Main Channel supports the passage of small and large watercrafts through the harbor. The open water habitat is generally unvegetated, although a narrow fringe of herbaceous vegetation may occasionally be seen along the banks of Ballona Creek during low tide.

2.2.2.2 Sandy Beach

Approximately 1.03 acres of this land cover type occurs within the SA and includes a small portion of northern Dockweiler State Beach. This area is heavily disturbed and used as a recreational space, including a paved bicycle path that intersects the beach. The area is dominated by fine sands and is generally unvegetated due to the level of disturbance.

2.2.2.3 Disturbed and Developed

This land cover type was used to map approximately 6.95 acres of the SA that are developed, including multi-unit residential buildings, paved and unpaved roadways and paths, the Ballona Creek North and South Jetties, landscaped areas, and developed recreational spaces. In general, these areas are unvegetated or contain ornamental vegetation. These areas are generally maintained for weed control, precluding any significant growth of non-ornamental species, but may be sparsely interspersed with ruderal pioneer plant species that readily colonize open disturbed soil. These include non-native grasses and forbs such as soft brome (*Bromus hordeaceus*), ripgut brome (*Bromus diandrus*), and Bermuda grass (*Cynodon dactylon*).

2.3 CLIMATE

The weather of coastal Los Angeles County is characteristic of the Mediterranean climate typical of southern California. It is characterized by warm, dry summers and wetter, cooler winter months with relatively low amounts of rainfall. According to data collected by the Culver City, California, weather station, the nearest active publicly accessible weather station to the SA, the annual high temperature in the region averages 72.3 degrees Fahrenheit (°F) and the annual low temperature average is 53.3°F. The region typically receives an average annual rainfall of 13.15 inches, with most of the rainfall occurring November through April. This data was collected during the period of record of 1935 to 2016 (WRCC 2020).



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2.4 HYDROLOGY AND GEOMORPHOLOGY

The Ballona Creek watershed is in Los Angeles County and includes three reaches as defined by the 1994 *Water Quality Control Plan for the Los Angeles Region* (LARWQCB 1994):

1. Reach 1 or Ballona Creek: Cochran Avenue to National Boulevard.
2. Reach 2 or Ballona Creek to Estuary: National Boulevard to Centinela Avenue.
3. Ballona Creek Estuary: Centinela Avenue to the Pacific Ocean.

Reaches 1 and 2 are upstream of the SA; the SA falls within the Ballona Creek Estuary.

The Ballona Creek watershed covers approximately 130 square miles within the Los Angeles Basin. With headwaters in the Santa Monica Mountains, the principal tributaries to the Ballona Creek are the Benedict Channel, Sepulveda Channel, and Centinela Channel and an immense system of underground storm drains (ESA 2017). Ballona Creek is an approximately nine-mile- long waterway that is located within the coastal plain of the Los Angeles Basin and flows through the City of Los Angeles, Culver City, and unincorporated Los Angeles County (County) and empties into the Santa Monica Bay between Playa del Rey and Marina del Rey. Ballona Creek flows through the BWER within the coastal plain of the Los Angeles Basin at an elevation of about 5 to 28 feet (USACE 1999).

The watershed upstream of the SA is approximately 20 percent undeveloped foothill and canyon area and 80 percent highly urbanized coastal plain, including the densely developed communities of Beverly Hills, Culver City, Hollywood, and a portion of the City of Los Angeles (USACE 2010). Following damaging flooding events in the 1930s, the Ballona Creek and its tributaries were channelized, and concrete levees were constructed (ESA 2017). The flood risk management channel provides support for approximately 1.5 million residents of the listed cities.

2.5 GEOLOGY

The SA is located within the western portion of the Peninsular Ranges Geomorphic Province (California Geological Survey 2002). This province consists of a series of northwest-trending ranges and valleys, almost parallel to faults branching from the San Andreas Fault. Although located along the coast, the underlying geologic materials are more like those found in the Sierra Nevada Mountain range, with granitic rock intruding the older metamorphic rocks. The Peninsular Ranges extend from the southern slopes of the Santa Monica and San Gabriel Mountains of the Transverse Ranges Geomorphic Province along the north and east, south into Baja California, and bounded on the southeast by the Colorado Desert (ESA 2017).

The Los Angeles Basin is in the northern portion of the province and extends south from the Santa Monica Mountains, west from the Elysian-Repetto Hills, and north from the Palos Verdes Hills to the Pacific Ocean (Bilodeau et al. 2007). Major northwest-trending strike-slip faults, such as the Whittier, Newport-Inglewood, and Palos Verdes Faults, dominate the basin. The thickness of the dominantly Miocene and Pliocene (23 to 2.5 million years before present) sedimentary fill in the central trough of the Los Angeles Basin, a structural low between the Whittier and Newport–Inglewood Faults, is estimated to be about 30,000 feet (ESA 2017).



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2.0 Existing Site Conditions

2.6 SOILS

Prior to conducting the delineation, historic soils data from the Natural Resources Conservation Service (NRCS) was used to determine potential soil types that may occur within the SA and included determining where hydric soils have historically occurred (Appendix A, Figure 3). Table 1 identifies the soils historically known to occur within the SA, and characteristics of these soils are summarized in Appendix C.

Table 1: Historic Soil Units Occurring within the Survey Area*

Map Unit Symbol	Map Unit Name	Description	Acres within the Survey Area
1100	Urban land, 0 to 2 percent slopes, dredged fill substratum	Associated with islands and spits at elevations between 0 and 20 feet; very high runoff; 0 inches to manufactured layer.	5.66
1150	Abaft-Beaches complex, 0 to 5 percent slopes	An excessively drained soil associated with dunes and beaches at elevations between 0 and 20 feet; parent material consists of alluvium and/or eolian sands; negligible runoff; sand (0 to 79 inches).	4.31
W	Water	water	10.65

* Western portions of SA, within the Pacific Ocean, are not mapped as a soil type by the NRCS. Therefore, the total acres reported in this table do not represent the total size of the SA due to the lack of available historic soils data. .



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3.0 Regulatory Background

3.0 REGULATORY BACKGROUND

The USACE generally regulates activities in Ballona Creek pursuant to Section 404 of the federal Clean Water Act (CWA) and Sections 10 and 14, codified at 33 U.S.C. § 408 (often referred to as “Section 408”), of the Rivers and Harbors Act. The CDFW regulates activities under California Fish and Game Code Sections 1600-1607. The RWQCB regulates activities under Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

As the Project occurs within the Coastal Zone, a Coastal Development Permit is being sought from CCC, which would require that the Project adhere to the policies of the California Coastal Act.

Refer to Appendix E for additional details on regulatory authorities and applicability to the Project.



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3.0 Regulatory Background

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4.0 Waters and Wetlands Delineation

4.0 WATERS AND WETLANDS DELINEATION

4.1 DELINEATION METHODOLOGY

This section describes the methods employed by Stantec during the surveys conducted on February 25, 2020, and March 2, 2020, to determine the extent of potentially jurisdictional wetlands and waters that occur within the SA. Prior to conducting the field assessment, Stantec reviewed current and historic aerial photographs, detailed topographic maps, and soil maps of the SA (USDA 2020), the National Wetlands Inventory (USFWS 2020), and local and state hydric soil lists (NRCS 2020a) to evaluate the potential jurisdictional features that may occur within the SA.

During the field assessment, hydrologic features were mapped over recent aerial photograph base maps using the ESRI Collector for ArcGIS app on an Apple iPad coupled with a Bad Elf GNSS Surveyor sub-meter external global positioning system unit (refer to Appendix A, Figure 4). Mapping was further refined in the office using ArcGIS (version 10.6) using aerial photograph base maps with an accuracy of 1 foot, and the total jurisdictional area for each regulatory jurisdiction was calculated.

4.1.1 Federal Waters (Section 404)

On April 21, 2020, the U.S. Environmental Protection Agency (EPA) and the Department of the Army (Army) published the Navigable Waters Protection Rule in the Federal Register to finalize a revised definition of “waters of the United States” under the Clean Water Act. The rule became effective on June 22, 2020. The 2020 ruling established four categories of jurisdictional waters (e.g., territorial seas and traditionally navigable waters; tributaries; lakes, ponds and impoundments; and adjacent wetlands), and specified exclusions for many water features that traditionally have not been regulated.

Where present, jurisdictional wetlands are delineated using a routine determination in accordance with the methods outlined in the *USACE Wetland Delineation Manual* and the *Arid West Supplement* and based on three wetland parameters: dominant hydrophytic vegetation, wetland hydrology, and hydric soils (Environmental Laboratory 1987; Environmental Laboratory 2011). See Tables 1 and 2 in Appendix D (Potential Geomorphic and Vegetative Indicators of OHWM for the Arid West) for a list of key physical features used to determine the OHWM identified by the *Arid West Manual*.

4.1.2 Federal Navigable Waters (Section 10)

Although Section 10 of the Rivers and Harbors Act is specific to structures within navigable waters, as defined in the Rivers and Harbors Act regulations, and not the placement of dredge and fill material, navigable waters are still delineated using the same methodology; refer to Section 4.1.1 above.

4.1.3 CDFW Jurisdictional Waters

CDFW jurisdiction is generally, under CDFW’s interpretation of the Fish & Game Code, delineated to the top of the banks of the channel and to the edge of contiguous riparian canopy and riparian habitat.



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4.0 Waters and Wetlands Delineation

Therefore, the total acreage of CDFW jurisdictional waters is often greater than the combined acreage of federal waters and wetlands. The top of the bank is determined based on changes in slope (“hinge points”) and the uppermost point is used in order to conservatively estimate the top of the bank.

4.1.4 Waters of the State

Waters of the state are defined more broadly than “waters of the United States” and generally refer to any surface water or groundwater, including saline waters, within the boundaries of the state. Waters of the state are broadly construed to include all waters within the state’s boundaries, whether private or public, including waters in both natural and artificial channels. More specifically they include the following:

- All “waters of the United States”
- All surface waters that are not “waters of the United States (e.g., non-jurisdictional wetlands)
- Groundwater
- Territorial seas

Within the SA, the extent of waters of the state mirrors that of CDFW Jurisdictional Waters and includes all portions of open water within Ballona Creek to the top of the channel bank. In addition, portions of the waters of the state within the SA overlap with mapped non-wetland Waters of the U.S.

4.1.5 California Coastal Commission Wetlands

CCC employs the USACE methodology to determine the presence of the three wetland parameters described above. However, whereas the USACE uses a three-parameter definition of wetlands, CCC regulations (California Code of Regulations [CCR] Title 14) establish a “one parameter definition” that only requires evidence of a single parameter to establish wetland conditions:

Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats.

Therefore, if an area exhibited either a dominance of hydrophytic vegetation, wetland hydrology, or hydric soils, it was characterized as a CCC wetland.

4.1.6 Federal Wetlands

4.1.6.1 Wetland Vegetation

Vegetation percent cover is visually estimated for plant species in each of the four strata (tree, sapling/shrub, herb, and woody vine), and species in each stratum are ranked based on canopy dominance (USACE 2016). Species with a total percent cover of at least 50 percent and species with 20



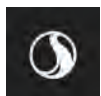
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4.0 Waters and Wetlands Delineation

percent coverage within each stratum are recorded on the Field Data Sheets (50/20 Rule). Wetland indicator status is assigned to each dominant species using the USACE Arid West Regional Wetland Plant List (2016), the California subregion of the National List of Vascular Plant Species that Occur in Wetlands: 1996 National Summary (USFWS 1997); and Wetland Plants of Specialized Habitats in the Arid West (USACE 2007). If greater than 50 percent of the dominant species from all strata are Obligate (OBL), Facultative-Wetland (FACW), or Facultative (FAC) species, the criteria for dominant hydrophytic wetland vegetation is considered met (Appendix D, Table 3, Summary of Wetland Indicator Status). Facultative Upland (FACU) species usually occur in non-wetlands, but are occasionally found in wetlands. Table 2 provides a list of plant species observed during the February 25, 2020 and March 2, 2020 surveys. Less than 50 percent of the observed plant species in the SA are OBL, FACW, or FAC species. The lack of hydrophytic vegetation prevents the SA from meeting the three-parameter threshold to be mapped as a federally jurisdictional wetland.

Table 2: Plant Species Observed in the Survey Area

Scientific Name	Common Name	Wetland Indicator Status
<i>Acacia confusa</i> *	small Philippine acacia	--
<i>Achillea millefolium</i>	common yarrow	FACU
<i>Aeonium arboreum</i> *	tree aeonium	--
<i>Agapanthus praecox</i> *	lily of the Nile	--
<i>Agave attenuata</i> *	lion's tail	--
<i>Ageratina altissima</i> *	white snakeroot	FACU
<i>Ambrosia chamissonis</i>	silver burr ragweed	--
<i>Artemisia californica</i>	California sagebrush	--
<i>Atriplex lentiformis</i>	big saltbush	FAC
<i>Baccharis pilularis</i>	coyote brush	--
<i>Bellis perennis</i> *	common daisy	--
<i>Brassica nigra</i> *	black mustard	--
<i>Bromus diandrus</i> *	ripgut brome	--
<i>Bromus hordeaceus</i> *	soft brome	FACU
<i>Cakile maritima</i> *	European searocket	FAC
<i>Camissoniopsis cheiranthifolia</i>	beach suncup	--
<i>Carissa macrocarpa</i> *	natal plum	--
<i>Carpobrotus chilensis</i> *	Chilean sea fig	FACU
<i>Carpobrotus edulis</i> *	iceplant	--
<i>Chenopodium murale</i> *	nettle-leaved goosefoot	--
<i>Cleomella arborea</i>	bladderpod	--
<i>Cortaderia selloana</i> *	pampas grass	FACU



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Scientific Name	Common Name	Wetland Indicator Status
<i>Croton californicus</i>	California croton	--
<i>Curio repens</i> *	blue chalksticks	--
<i>Cynodon dactylon</i> *	Bermuda grass	FACU
<i>Encelia californica</i>	California brittlebush	--
<i>Erodium cicutarium</i> *	common stork's-bill	--
<i>Ficus microcarpa</i> *	curtain fig	--
<i>Glebionis coronaria</i> *	crown daisy	--
<i>Heterotheca grandiflora</i>	telegraphweed	--
<i>Hirschfeldia incana</i> *	shortpod mustard	FACU
<i>Hordeum</i> sp.	barley	--
<i>Isocoma menziesii</i>	Menzie's goldenbush	FAC
<i>Juniperus horizontalis</i> *	creeping juniper	FACU
<i>Lantana camara</i> *	common lantana	FACU
<i>Lampranthus spectabilis</i> *	trailing iceplant	--
<i>Lobularia maritima</i>	sweet alyssum	--
<i>Lotus scoparius</i>	common deerweed	--
<i>Malva parviflora</i> *	cheeseweed	--
<i>Melilotus indicus</i> *	annual yellow sweetclover	FACU
<i>Nicotiana glauca</i> *	tree tobacco	FAC
<i>Oxalis stricta</i>	common yellow oxalis	FACU
<i>Oxalis pes-caprae</i> *	Bermuda buttercup	--
<i>Phoenix canariensis</i> *	Canary Island date palm	--
<i>Polygonum aviculare</i> *	prostrate knotweed	FAC
<i>Prunus persica</i> *	peach	--
<i>Raphanus sativus</i> *	cultivated radish	FACU
<i>Salicornia pacifica</i> *	Pacific pickleweed	--
<i>Sonchus oleraceus</i> *	common sow thistle	FACU
<i>Spergularia marina</i>	lesser sea spurry	OBL
<i>Strelitzia reginae</i> *	bird of paradise	--
<i>Taraxcum</i> sp.	dandelion	--
<i>Washingtonia robusta</i>	Mexican fan palm	--

* Non-native Species



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4.0 Waters and Wetlands Delineation

4.1.6.2 Wetland Hydrology

The presence of wetland hydrology is assessed by evaluating the presence of primary and secondary hydrology indicators (Appendix D, Tables 4 and 5). Wetland hydrology indicators are tiered into two categories: primary and secondary indicators. The presence of one primary indicator from either group is indicative of sufficient wetland hydrology, while two or more secondary indicators must be present to indicate sufficient wetland hydrology. Indicators are intended to be one-time observations of site conditions, representing evidence of wetland hydrology when hydrophytic vegetation and hydric soils are present (Environmental Laboratory 2011). OHWM is estimated using the boundaries of in-stream channels or the change in slope at the toe of the bank, as appropriate. Surface water, as identified as a primary indicator for wetland hydrology, was present within Ballona Creek during the February 25, 2020, and March 2, 2020, surveys.

4.1.6.3 Wetland Soils

Soils data from NRCS are referenced to determine if hydric soils have been previously documented or historically occurred in or near the SA (Appendix A, Figure 3). Based on this review, no hydric soils types occur within the SA. Tables 6 and 7 in Appendix D include a complete list of hydric soils indicators.

The SA encompasses a portion of Ballona Creek, which is channelized with concrete and riprap banks and has a soft sediment bottom. The survey was conducted at low tide, and the creek bed was inundated with a tidally influenced flow. The graded and paved paths along the SA were solid and impenetrable. As a result of these conditions, no soil test pits were dug to examine soil color or texture during the survey.

4.2 RESULTS

The National Wetlands Inventory has mapped Ballona Creek within the SA as an R1UBVx feature (Riverine, Tidal, Unconsolidated Bottom, Permanently Flooded-Tidal, Excavated) (data is from 2006) (USFWS 2020). Based on the observations conducted in the field, five types of jurisdictional waters occur within the SA associated with Ballona Creek: USACE and RWQCB-regulated non-wetland waters of the U.S., USACE Section 10-regulated navigable waters, waters of the state, CCC jurisdictional wetlands, and CDFW jurisdictional waters (Figure 4 in Appendix A). Field data sheets are provided in Appendix F. Due to existing inundation even at low tide and the presence of graded and paved banks, Stantec biologists were unable to perform soil test pits. Based on Stantec's professional opinion, the SA contains 14.24 acres of non-wetland waters of the U.S. (Section 404), CCC wetlands, and Section 10 waters; and 15.93 acres of CDFW jurisdictional waters and waters of the state.

As shown in Figure 4, the moorings would be constructed outside the limits of waters of the U.S., CCC wetlands, Section 10 waters, waters of the state, and CDFW jurisdictional waters. While the mooring chains, trash booms, and Interceptor™ would be located within the aforementioned jurisdictional limits, the Project does not involve the discharge of dredge or fill material or any other material to surrounding waters, diversion of water, or alteration of the stream bed or bank. In addition, the proposed Project would serve a beneficial purpose with respect to removing existing trash and debris from entering Santa Monica Bay, and through extension, the Pacific Ocean.



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Preliminary Jurisdictional Wetlands/Waters Delineation Report

4.0 Waters and Wetlands Delineation

Jurisdictional areas are summarized in Table 3 and described in detail below.

Table 3: Jurisdictional Features in the Survey Area*

Waters of the U.S (Section 404)		CDFW Jurisdictional Waters		Waters of the State		CCC Wetlands		USACE Section 10 Waters	
SA	Permanent Impact Area	SA	Permanent Impact Area	SA	Permanent Impact Area	SA	Permanent Impact Area	SA	Permanent Impact Area
14.24	0.023	15.93	0.023	15.93	0.023	14.24	0.023	14.24	0.023

* All reported impacts are in acres

4.2.1 Federal Wetlands

Based on Stantec's professional opinion, following an assessment of hydrology and vegetation, no portion of Ballona Creek within the SA would satisfy the three-criteria definition required to be considered federal wetlands (Environmental Laboratory 1987, 2011; USACE 2008a, b). While primary indicators of wetland hydrology (e.g., surface water and high water table) are present within the SA, the lack of hydric soils and hydrophytic vegetation prevent the SA from meeting the three parameter requirement to be mapped as a jurisdictional wetland.

4.2.2 Federal Non-Wetlands Waters

Ballona Creek is regularly inundated and subject to tidal influence throughout the SA, meeting the classification of "non-wetland waters" under USACE Section 404 jurisdiction. Furthermore, Ballona Creek is a channelized creek that is directly connected to the Pacific Ocean. Approximately 14.24 acres of federal non-wetland waters occur within the SA. The mooring chains, trash booms, and Interceptor™ would be located within approximately 0.023 acre of waters of the U.S. However, the Project does not involve the discharge of dredge or fill material that would be regulated under Section 404 of the CWA. Construction and operation of the Project is expected to require authorization by USACE under Sections 10 and 14 (33 U.S.C. 408) of the U.S. Rivers and Harbors Act.

The proposed Project does not involve discharge of fill or dredge materials into Waters of the U.S. (no Section 404 permit required); however, the RWQCB has requested submission of a Section 401 permit application. Upon review of the application, the RWQCB will determine whether to issue a Section 401 Water Quality Certification, a Waste Discharge Requirement (WDR) permit, or will determine that no permit/ authorization is required.

4.2.3 Section 10 Waters

Ballona Creek is a known navigable water of the U.S. and is therefore subject to Section 10 of the Rivers and Harbors Act. Approximately 14.24 acres of Section 10 waters occur within the SA. The mooring chains, trash booms, and Interceptor™ would be located within approximately 0.023 acre of Section 10 Waters.



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Preliminary Jurisdictional Wetlands/Waters Delineation Report

4.0 Waters and Wetlands Delineation

4.2.4 California Department of Fish and Wildlife Jurisdictional Waters

There are approximately 15.93 acres of waters of the state and CDFW jurisdictional waters within SA. The mooring chains, trash booms, and Interceptor™ would be located within approximately 0.023 acre of waters of the state and CDFW jurisdictional waters. However, the Project does not involve substantially diverting or obstructing the natural flow of Ballona Creek; substantially changing or using any material from the bed, channel, or bank of Ballona Creek; or depositing or disposing of debris, waste, or other material into Ballona Creek. Therefore, notification to CDFW pursuant to California Fish & Game Code section 1602 is not required.

4.2.5 Waters of the State

Approximately 15.93 acres of waters of the state occur within the SA. The limits of waters of the state within the SA include all non-wetland waters of the U.S. and extend to the top of the channel banks. Within the SA the limits of waters of the state mirror those of CDFW jurisdictional waters as described above. In total, the Project would impact approximately 0.023 acres of waters of the state; a portion of which overlaps with non-wetlands waters of the U.S.

4.2.6 California Coastal Commission Wetlands

The presence of primary and secondary hydrologic indicators such as Surface Water – A1, Saturation - A3, and Inundation Visible on Aerial Imagery – B7 within Ballona Creek qualifies this feature as a CCC wetland based on the CCC's one parameter definition (refer to Appendix D for additional information on these indicators). Based on Stantec's professional opinion, the proposed Project would impact the approximately 0.023 acres of CCC jurisdictional wetland within the SA.



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Preliminary Jurisdictional Wetlands/Waters Delineation Report

4.0 Waters and Wetlands Delineation

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BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Preliminary Jurisdictional Wetlands/Waters Delineation Report

5.0 Summary and Conclusions

5.0 SUMMARY AND CONCLUSIONS

The SA supports USACE and RWQCB-regulated non-wetland waters of the U.S., USACE RHA Section 10-regulated navigable waters, waters of the state, CDFW jurisdictional waters, and CCC wetlands, most of which are contained within the confines of Ballona Creek. Surface water was present within Ballona Creek during the survey events. Based on Stantec's professional opinion, following an assessment of hydrology, soil characteristics, vegetation, and the limits of the OHWM, there are approximately 14.24 acres of non-wetland WOTS./CCC wetlands/RHA Section 10 waters and 15.93 acres of WOTS and CDFW jurisdictional waters within the SA. No portion of the SA meets all the three criteria required for federal wetlands (i.e., dominance of hydrophytic vegetation, evidence of wetland hydrology, and hydric soils).

The mooring chains, trash booms, and Interceptor™ would be located within approximately 0.023 acre of WOTUS, CCC wetlands, RHA Section 10 waters, WOTS, and CDFW jurisdictional waters. However, the Project does not involve the discharge of dredge or fill material; substantially diverting or obstructing the natural flow of Ballona Creek; substantially changing or using any material from the bed, channel, or bank of Ballona Creek; or depositing or disposing of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into Ballona Creek; therefore, impacts to non-wetland waters of the U.S. and CDFW jurisdictional waters are not expected to occur.

The conclusions presented above represent Stantec's professional opinion based on our knowledge and experience with the applicable regulatory agencies, including their technical guidance documents and manuals. However, USACE, CDFW, RWQCB, and CCC have final authority in determining the status and presence of jurisdictional wetlands and waters and the extent of their boundaries.



BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Preliminary Jurisdictional Wetlands/Waters Delineation Report

5.0 Summary and Conclusions

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BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT
Preliminary Jurisdictional Wetlands/Waters Delineation Report

6.0 References

6.0 REFERENCES

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BALLONA CREEK TRASH INTERCEPTOR™ PILOT PROJECT

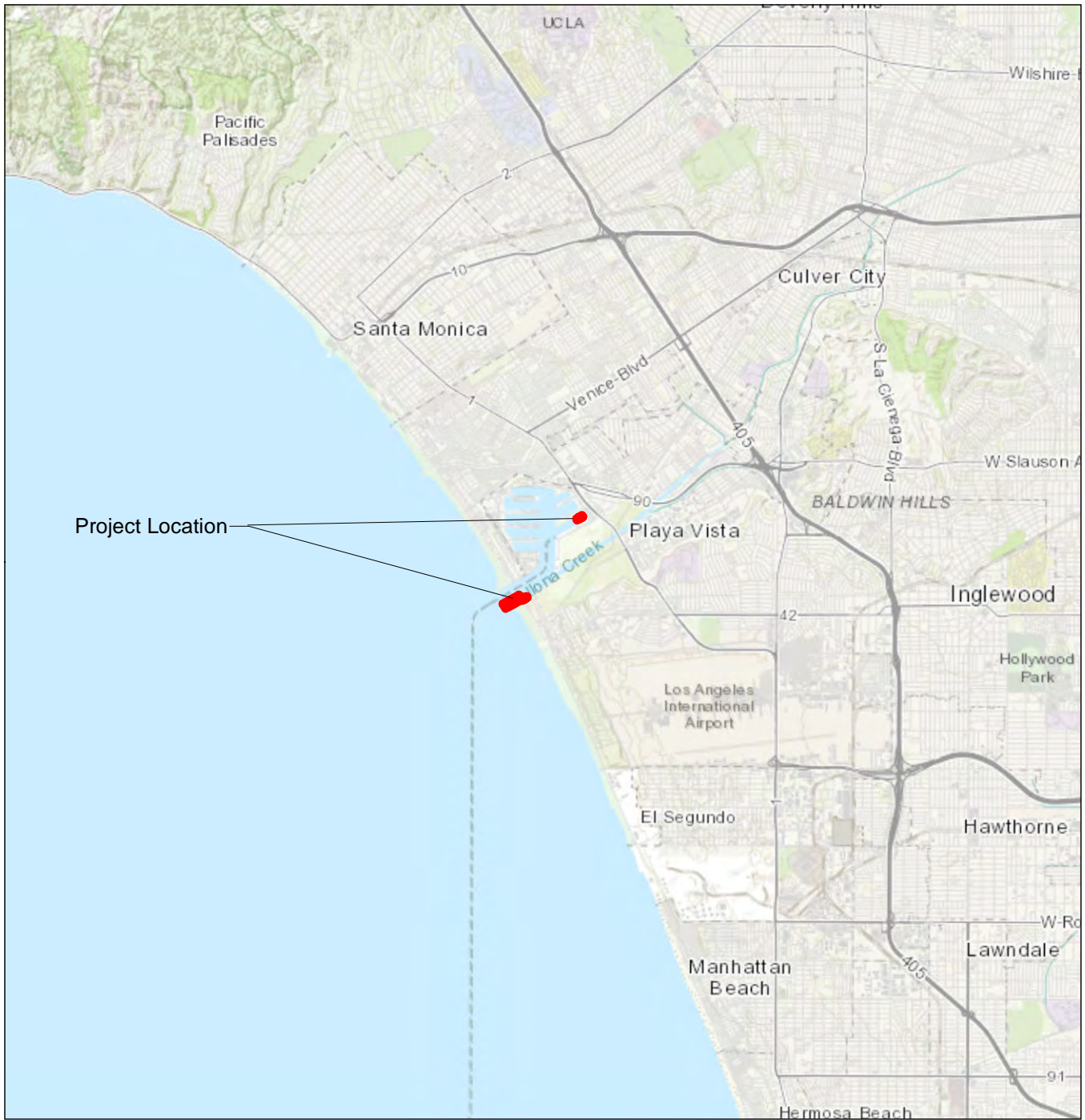
Preliminary Jurisdictional Wetlands/Waters Delineation Report

6.0 References

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Appendix A FIGURES



 Project Location

0 1 2 Miles
(At original document size of 8.5x11)
1:126,720



Project Location Prepared by DL on 2020-09-25
Ballona Creek TR by JV on 2020-09-25
Los Angeles County, California IR by ST on 2020-09-25

Client/Project 184031268

Los Angeles County Public Works
Ballona Creek Trash Interceptor Pilot Project
Preliminary Jurisdictional Delineation Report

Figure No.

1

Title

Project Location Map

Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
2. Data Sources: Stantec 2020.
3. Background: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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Jurisdictional Delineation Survey Area

Existing Bikeways

Project Footprint

Interceptor/ Mooring Chains/ Trash Boom Footprint [0.023 Acres]

Mooring Footprint [0.113 Acres]

Trash Boom

Mooring Line

Mooring Construction Staging Areas [0.37 Acres]

Interceptor Assembly Area [0.62 Acres]

Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
2. Interceptor Centroid Coordinates: 33.962071, -118.455715
3. Data Sources: Stantec 2020.
4. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
5. Only a desktop review of the Interceptor Assembly Area was performed for the 500ft Buffer.

Vegetation Communities & Land Cover Types

- Developed (6.95 Acres)
- Dune Mat Alliance (0.41 Acres)
- Ice Plant Mat Alliance (0.08 Acres)
- Invasive Monoculture (0.73 Acres)
- Open Water (13.95 Acres)
- Pickleweed Mats Alliance (0.00035 Acres)
- Sandy Beach (1.03 Acres)

0 500 1,000 Feet
(At original document size of 8.5x11)
1:12,000



Project Location

Ballona, California

Client/Project

Los Angeles County Public Works
Ballona Creek Trash Interceptor Pilot Project
Preliminary Jurisdictional Delineation Report

Figure No.

2

Title

Vegetation Communities & Land Cover Types

Prepared by DL on 2020-09-25
TR by JV on 2020-09-25
IR by ST on 2020-09-25

184031268

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- Jurisdictional Delineation Survey Area**
- Existing Bikeways
- Project Footprint**
- Interceptor/ Mooring Chains/ Trash Boom Footprint [0.023 Acres]
 - Mooring Footprint [0.113 Acres]
 - Trash Boom
 - Moring Line
 - Mooring Construction Staging Areas [0.37]
 - Interceptor Assembly Area [0.62 Acres]

- Soils Map Unit Symbol**
- 1100; Urban land, 0 to 2 percent slopes, dredged fill substratum
 - 1150; Aft-Beaches complex, 0 to 5 percent slopes
 - W; Water

0 500 1,000 Feet
(At original document size of 8.5x11)
1:12,000



Project Location: Ballona Creek, Los Angeles County, California
Prepared by DL on 2020-09-25
TR by JV on 2020-09-25
IR by ST on 2020-09-25

Client/Project: Los Angeles County Public Works
Ballona Creek Trash Interceptor Pilot Project
Preliminary Jurisdictional Delineation Report
184031268

Figure No.
3

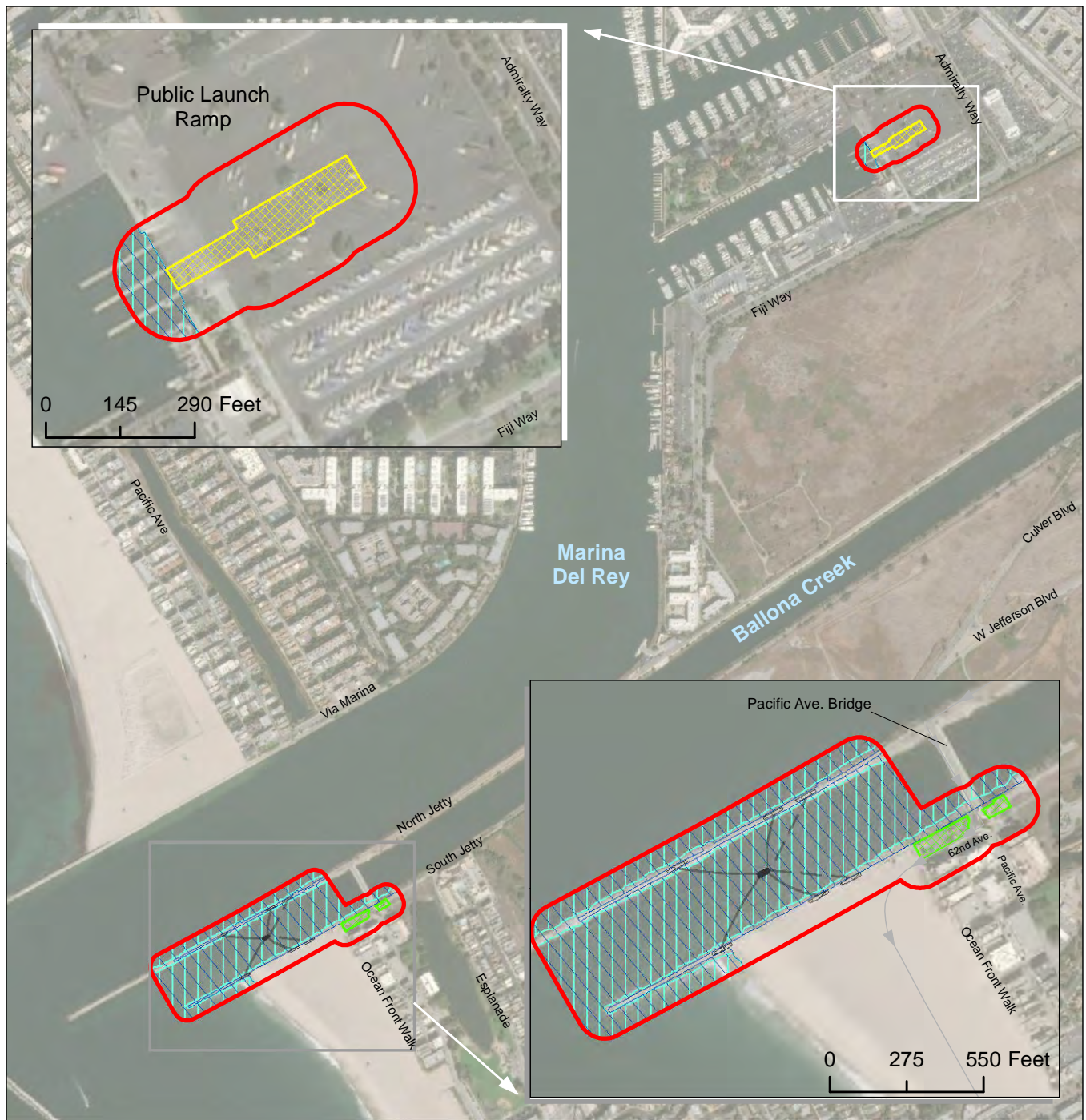
Title
Historical Soils

Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
2. Data Sources: Stantec 2020, NRCS 2020.
3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
4. Only a desktop review of the Interceptor Assembly Area was performed for the 500ft Buffer.

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 Jurisdictional Delineation Survey Area

Existing Bikeways

Project Footprint

Interceptor/ Mooring Chains/ Trash Boom Footprint [0.023 Acres]

Mooring Footprint [0.113 Acres]

Trash Boom

Mooring Line

Mooring Construction Staging Areas [0.37 Acres]

Interceptor Assembly Area [0.62 Acres]

Notes

1. Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
2. Data Sources: Stantec 2020.
3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
4. Only a desktop review of the Interceptor Assembly Area was performed for the 500ft Buffer.

Waters of the State/ CDFW Jurisdictional Waters

USACE Federal Non-Wetland "Waters of U.S."/
CCC Jurisdictional Wetlands/ Section 10 Waters

0 550 1,100 Feet
(At original document size of 8.5x11)
1:13,200



Project Location
Ballona Creek
Los Angeles County, California

Prepared by DL on 2020-09-25
TR by JV on 2020-09-25
IR by ST on 2020-09-25

Client/Project
Los Angeles County Public Works

Ballona Creek Trash Interceptor Pilot Project
Preliminary Jurisdictional Delineation Report

Figure No.

4

Title

Jurisdictional Delineation Map



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Appendix B PHOTOGRAPHIC LOG





Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 1			
Direction: North-northeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From outside the eastern boundary of the SA facing north-northeast. Depicts the manually controlled tidal gate to Ballona Creek and Del Rey Lagoon without water. Tidal gate is operated by the City of Los Angeles Recreation and Parks.			
Photograph ID: 2			
Direction: North-northeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From outside the eastern boundary of the SA facing north-northeast. Depicts the Del Rey Lagoon with water.			





Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 3			
Direction: West			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the southern bank of Ballona Creek along the graded path facing west towards the Pacific Avenue Bridge. The photo depicts the high level of bird activity along and within the creek.			
Photograph ID: 4			
Direction: Northeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the Pacific Avenue Bridge looking upstream at Ballona Creek.			





Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 5			
Direction: Southwest			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the southern end of the Pacific Avenue Bridge, looking downstream at Ballona Creek.			
Photograph ID: 6			
Direction: Northwest			
Survey Date: 2/25/2020, 3/2/2020			
Comments: Along the Ballona Creek North Jetty looking downstream of the Pacific Avenue Bridge. This photo depicts Ballona Creek on the left side of the image and Marina del Rey Harbor Main Channel as the main focal point on the right side of the image.			


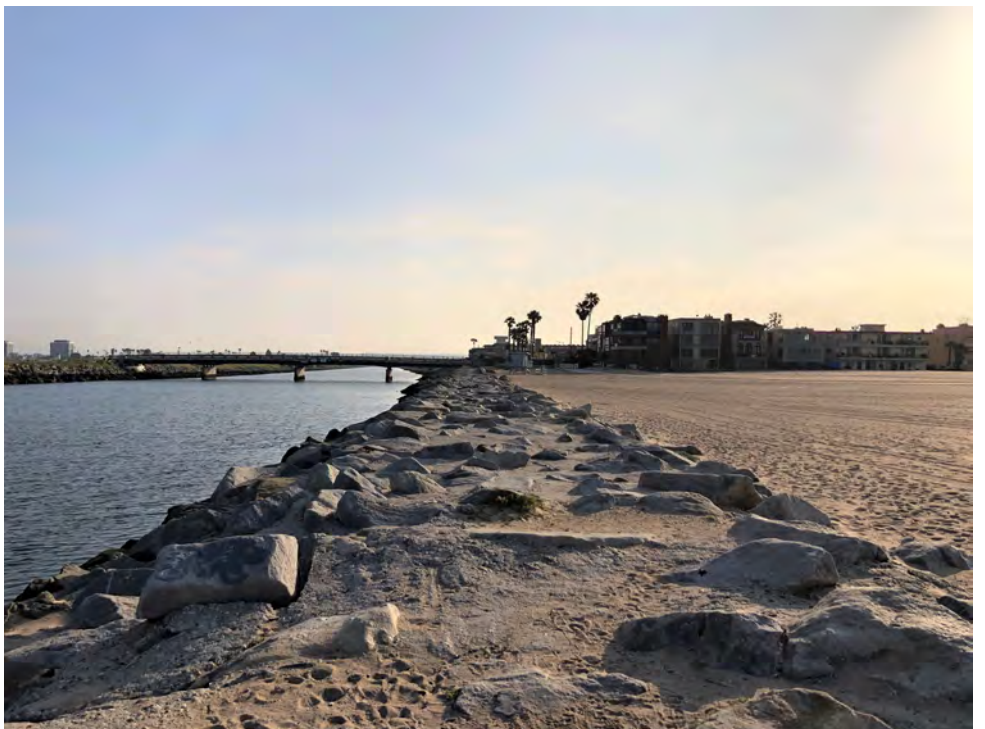


Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 7			
Direction: Northeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: Along the northern boundary of the SA. This photo depicts the paved Ballona Creek Bike Path and Marina del Rey Harbor Main Channel on the left side of the photograph.			
Photograph ID: 8			
Direction: South-southeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the Ballona Creek North Jetty adjacent to the Pacific Avenue Bridge. This photo depicts the residential development and boat ramp south of Ballona Creek.			







Photographic Log

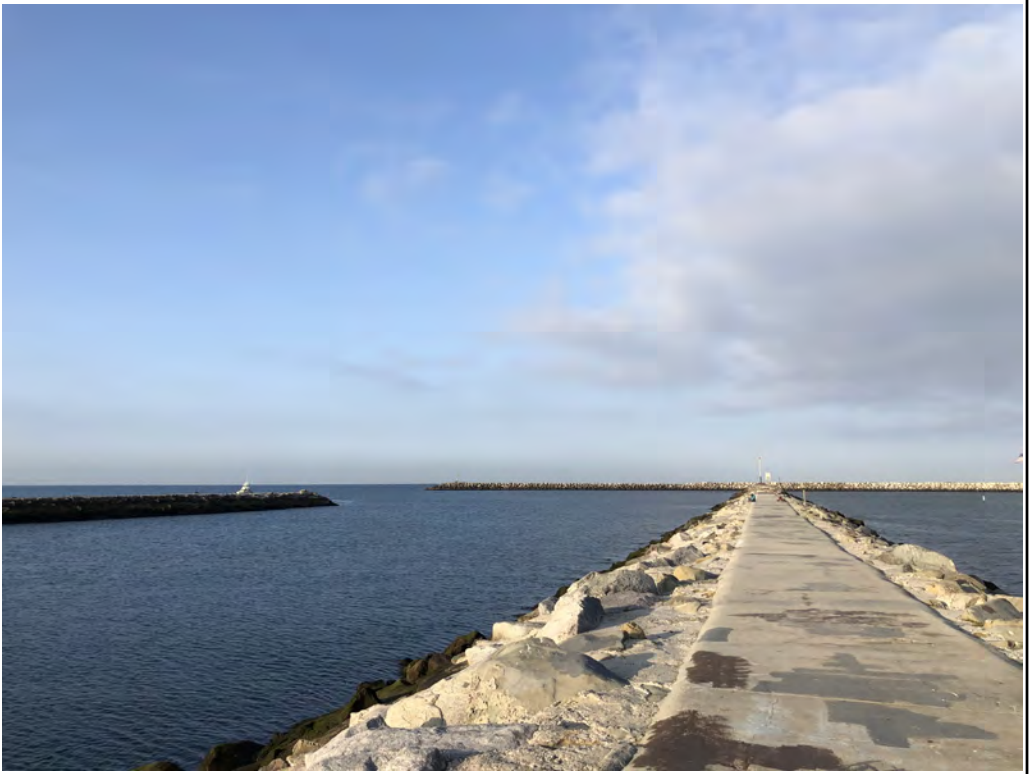

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 9			
Direction: South-southeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the Ballona Creek North Jetty near the western boundary of the SA looking towards Dockweiler State Beach and the residential units along it.			
Photograph ID: 10			
Direction: East-northeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the Ballona Creek South Jetty near the western boundary of the SA looking towards Pacific Avenue Bridge and Playa del Rey residential units along Dockweiler State Beach.			

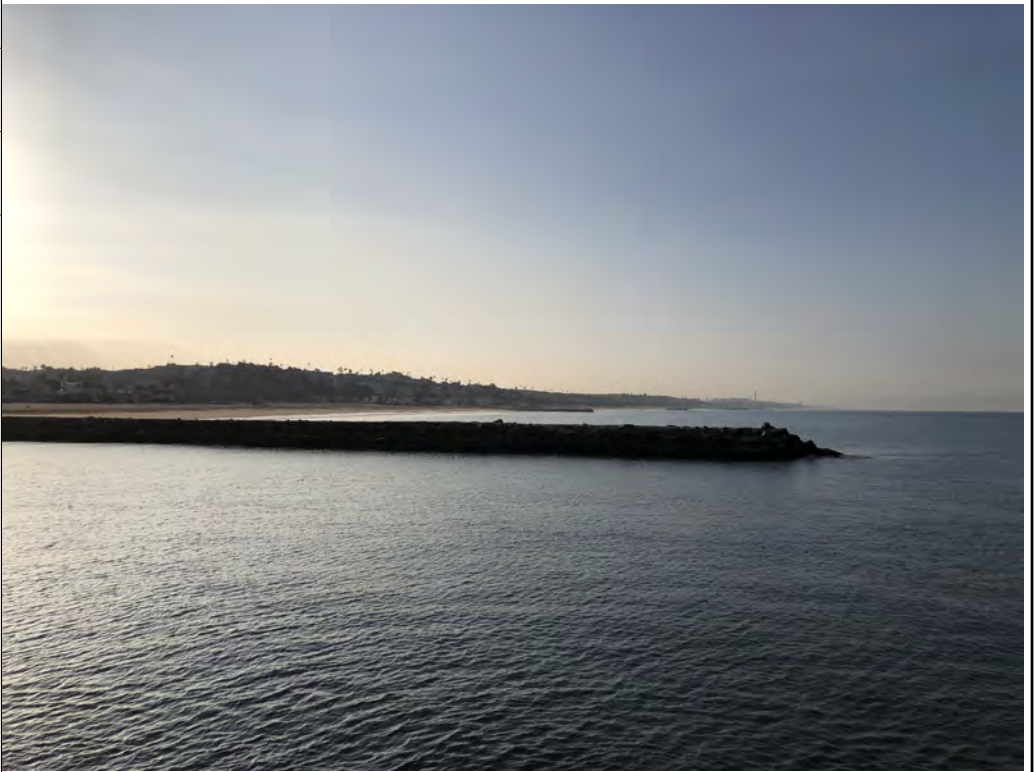
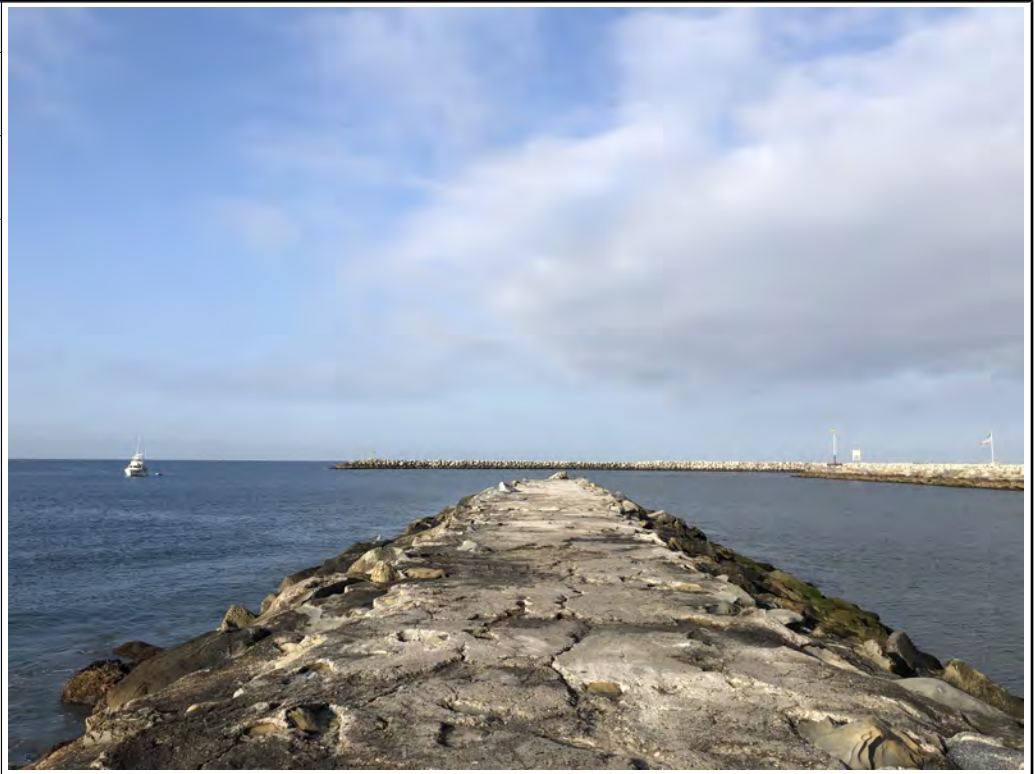


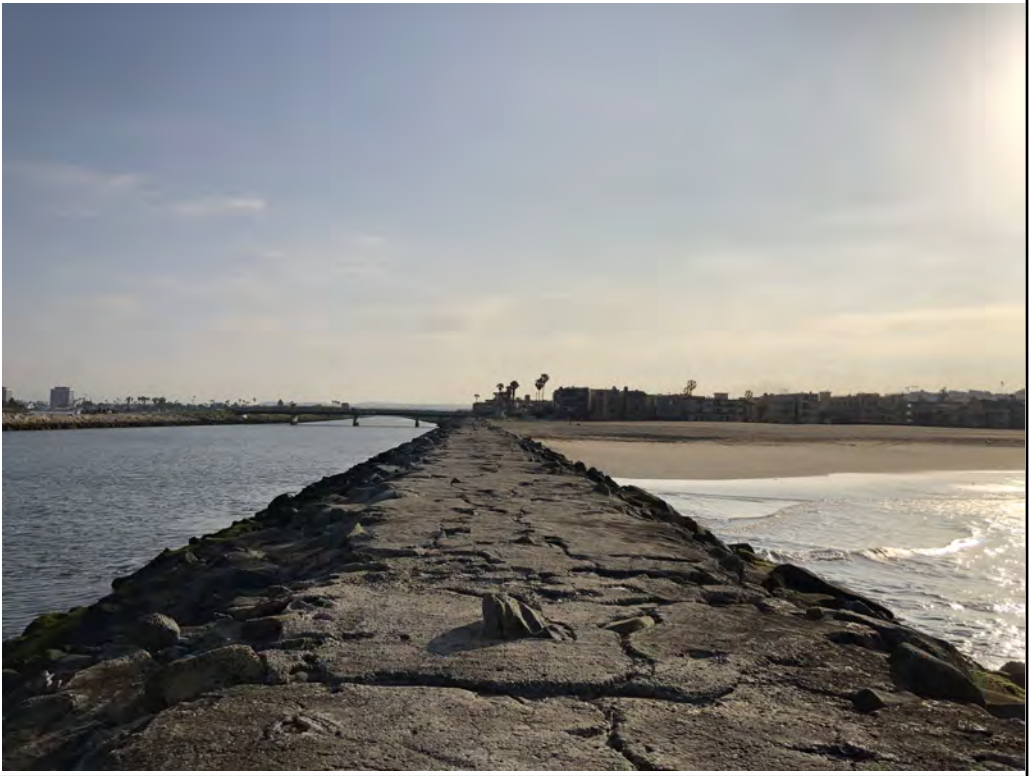

Photographic Log

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 11			
Direction: West-southwest			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the Ballona Creek mouth and South Jetty looking towards Santa Monica Bay.			
Photograph ID: 12			
Direction: Southeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the southern bank of Ballona Creek looking towards Dockweiler State Beach. The paved bike bath, residential units, and entrance to the lifeguard station are depicted.			

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 13			
Direction: West-southwest			
Survey Date: 2/25/2020, 3/2/2020			
Comments: South of Ballona Creek from the Ballona Creek South Jetty facing southwest towards Playa del Rey. The photo depicts the Dune Mat Alliance along the northern margin of Dockweiler State Beach.			
Photograph ID: 14			
Direction: East-northeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the southern bank of Ballona Creek looking towards a section of invasive monoculture south of Pacific Avenue Bridge.			

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 15			
Direction: west-southwest			
Survey Date: 3/29/2020			
Comments: Looking downstream from the Ballona Creek North Jetty (Ballona Creek Bike Path), separating Ballona Creek (on the left side) and the Marina Del Rey harbor entrance (on the right side).			
Photograph ID: 16			
Direction: east-northeast			
Survey Date: 3/29/2020			
Comments: From the Ballona Creek North Jetty looking upstream at the Pacific Avenue Bridge, with Ballona Creek on the right side of the image.			

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 17			
Direction: southeast			
Survey Date: 3/29/2020			
Comments: From the Ballona Creek North Jetty and Marina Del Rey Harbor facing southeast at the Ballona Creek South Jetty with Dockweiler Beach in the background			
Photograph ID: 18			
Direction: west			
Survey Date: 3/29/2020			
Comments: Looking downstream along the Ballona Creek South Jetty with Ballona Creek on the right side of the image and the Pacific Ocean on the left side of the image.			

Client:	Los Angeles County Public Works	Project:	Ballona Creek Trash Interceptor Pilot Project
Site Name:	Ballona Creek	Site Location:	Los Angeles County, CA
Photograph ID: 19			
Direction: east-southeast			
Survey Date: 3/29/2020			
Comments: From the Ballona Creek South Jetty facing southeast towards Playa del Rey.			
Photograph ID: 20			
Direction: south-southeast			
Survey Date: 2/25/2020, 3/2/2020			
Comments: From the northernmost margin of Dockweiler State Beach looking towards the beach. The photo depicts the Ice Plant Alliance adjacent to residential units.			

Appendix C HISTORIC SOILS INFORMATION



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

ATTACHMENT E

Custom Soil Resource Report for Los Angeles County, California, Southeastern Part



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

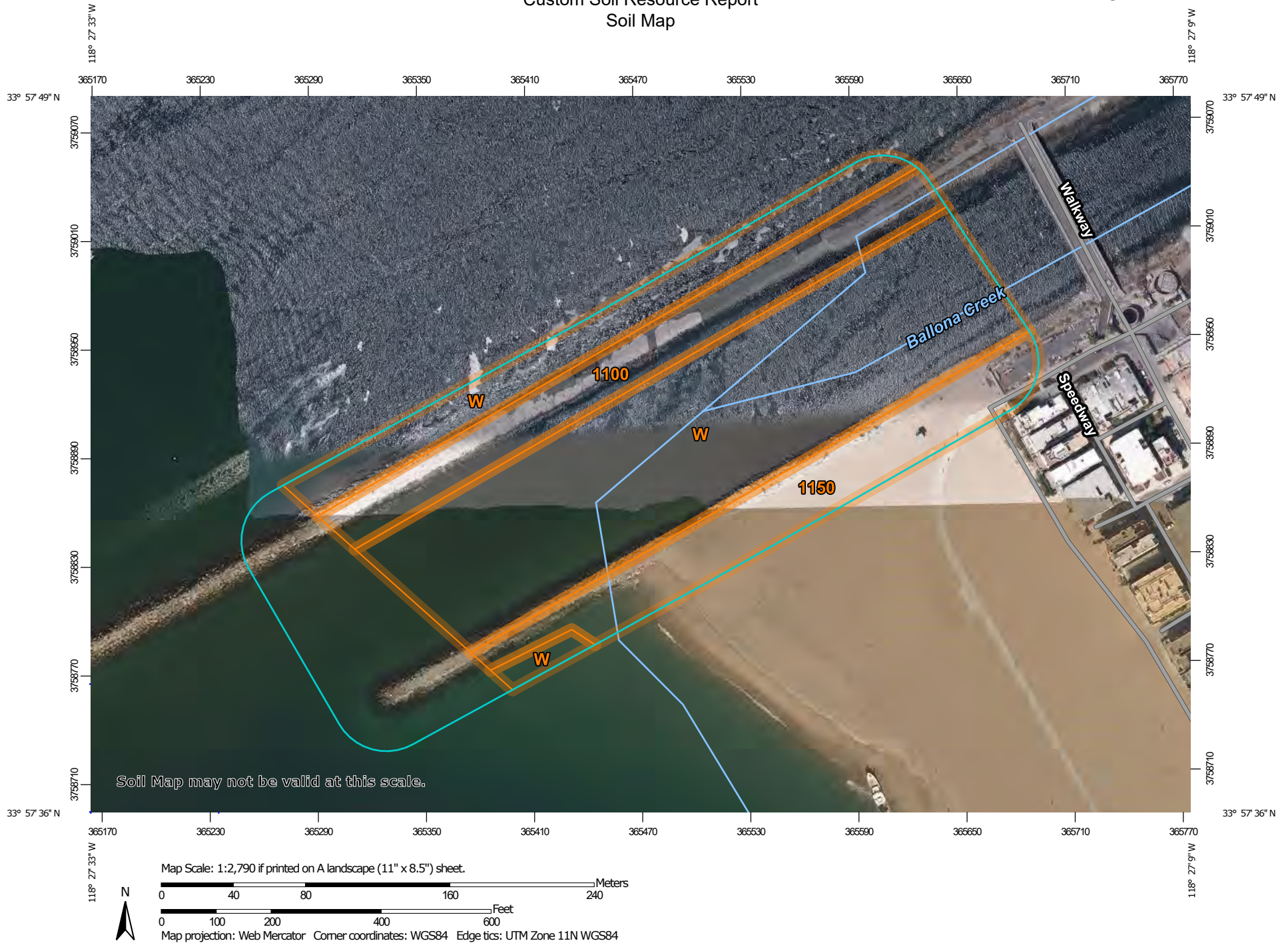
identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map


ATTACHMENT E



Custom Soil Resource Report

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)


Soils


 Soil Map Unit Polygons


 Soil Map Unit Lines


 Soil Map Unit Points

Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot


 Sinkhole

 Slide or Slip


 Sodic Spot

 Spoil Area

 Stony Spot


 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals

Transportation

 Rails


 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Los Angeles County, California, Southeastern Part
Survey Area Data: Version 7, May 27, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 23, 2014—Mar 13, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background

MAP LEGEND

MAP INFORMATION

imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
1100	Urban land, 0 to 2 percent slopes, dredged fill substratum	2.5	14.7%
1150	Abaft-Beaches complex, 0 to 5 percent slopes	2.5	14.7%
W	Water	9.6	55.9%
Totals for Area of Interest		17.2	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or

landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Los Angeles County, California, Southeastern Part

1100—Urban land, 0 to 2 percent slopes, dredged fill substratum

Map Unit Setting

National map unit symbol: 2lts6

Elevation: 0 to 20 feet

Mean annual precipitation: 13 to 15 inches

Mean annual air temperature: 63 to 64 degrees F

Frost-free period: 360 to 365 days

Farmland classification: Not prime farmland

Map Unit Composition

Urban land: 95 percent

Minor components: 5 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Urban Land

Setting

Landform: Islands, spits

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: 0 inches to manufactured layer

Runoff class: Very high

Frequency of flooding: Rare

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 8

Hydrologic Soil Group: B

Hydric soil rating: No

Minor Components

Xerorthents

Percent of map unit: 5 percent

Landform: Islands, spits

Down-slope shape: Linear

Across-slope shape: Linear

Hydric soil rating: No

1150—Abaft-Beaches complex, 0 to 5 percent slopes

Map Unit Setting

National map unit symbol: 2myv2

Elevation: 0 to 20 feet

Mean annual precipitation: 13 to 14 inches

Mean annual air temperature: 62 to 64 degrees F

Custom Soil Resource Report

Frost-free period: 360 to 365 days

Farmland classification: Not prime farmland

Map Unit Composition

Abaft and similar soils: 60 percent

Beaches: 40 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Abaft**Setting**

Landform: Dunes

Landform position (three-dimensional): Side slope, base slope, crest

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Alluvium and/or eolian sands

Typical profile

C1 - 0 to 20 inches: sand

C2 - 20 to 79 inches: sand

Properties and qualities

Slope: 0 to 5 percent

Depth to restrictive feature: More than 80 inches

Natural drainage class: Excessively drained

Runoff class: Negligible

Capacity of the most limiting layer to transmit water (Ksat): Very high (19.98 to 59.94 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Salinity, maximum in profile: Nonsaline (0.0 to 1.0 mmhos/cm)

Available water storage in profile: Low (about 3.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 6e

Hydrologic Soil Group: A

Hydric soil rating: No

Description of Beaches**Setting**

Landform: Beaches

Parent material: Beach sand

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 8

Hydrologic Soil Group: B

Hydric soil rating: No

W—Water

Map Unit Composition

Water: 100 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

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Appendix D ARID WEST INDICATOR TABLES

Table 1. Potential Geomorphic Indicators of Ordinary High Water Marks for the Arid West

(A) Below OHW	(B) At OHW	(C) Above OHW
1. In-stream dunes	1. Valley flat	1. Desert pavement
2. Crested ripples	2. Active floodplain	2. Rock varnish
3. Flaser bedding	3. Benches: low, mid, most prominent	3. Clast weathering
4. Harrow marks	4. Highest surface of channel bars	4. Salt splitting
5. Gravel sheets to rippled sands	5. Top of point bars	5. Carbonate etching
6. Meander bars	6. Break in bank slope	6. Depositional topography
7. Sand tongues	7. Upper limit of sand-sized particles	7. Caliche rubble
8. Muddy point bars	8. Change in particle size distribution	8. Soil development
9. Long gravel bars	9. Staining of rocks	9. Surface color/tone
10. Cobble bars behind obstructions	10. Exposed root hairs below intact soil layer	10. Drainage development
11. Scour holes downstream of obstructions	11. Silt deposits	11. Surface relief
12. Obstacle marks	12. Litter (organic debris, small twigs and leaves)	12. Surface rounding
13. Stepped-bed morphology in gravel	13. Drift (organic debris, larger than twigs)	
14. Narrow berms and levees		
15. Streaming lineations		
16. Desiccation/mud cracks		
17. Armored mud balls		
18. Knick Points		

Table 2. Potential Vegetation Indicators of Ordinary High Water Marks for the Arid West

	(D) Below OHW	(E) At OHW	(F) Above OHW
Hydroriparian indicators	1. Herbaceous marsh species 2. Pioneer tree seedlings 3. Sparse, low vegetation 4. Annual herbs, hydromesic ruderals 5. Perennial herbs, hydromesic clonals	1. Annual herbs, hydromesic ruderals 2. Perennial herbs, hydromesic clonals 3. Pioneer tree seedlings 4. Pioneer tree saplings	1. Annual herbs, xeric ruderals 2. Perennial herbs, non-clonal 3. Perennial herbs, clonal and non-clonal co-dominant 4. Mature pioneer trees, no young trees 5. Mature pioneer trees w/upland species 6. Late-successional species
Mesoriparian Indicators	6. Pioneer tree seedlings 7. Sparse, low vegetation 8. Pioneer tree saplings 9. Xeroriparian species	5. Sparse, low vegetation 6. annual herbs, hydromesic ruderals 7. Perennial herbs, hydromesic clonals 8. Pioneer tree seedlings 9. Pioneer tree saplings 10. Xeroriparian species 11. Annual herbs, xeric ruderals	7. Xeroriparian species 8. Annual herbs, xeric ruderals 9. Perennial herbs, non-clonal 10. Perennial herbs, clonal and non-clonal codominant 11. Mature pioneer trees, no young trees 12. Mature pioneer trees, xeric understory 13. Mature pioneer trees w/upland species 14. Late-successional species 15. Upland species
Xeroriparian indicators	10. Sparse, low vegetation 11. Xeroriparian species 12. Annual herbs, xeric ruderals	12. Sparse, low vegetation 13. Xeroriparian species 14. Annual herbs, xeric ruderals	16. Annual herbs, xeric ruderals 17. Mature pioneer trees w/upland species 18. Upland species

Table 3. Summary of Wetland Indicator Status

Category		Probability
Obligate Wetland	OBL	Almost always occur in wetlands (estimated probability >99%)
Facultative Wetland	FACW	Usually occur in wetlands (estimated probability of 67–99%)
Facultative	FAC	Equally likely to occur in wetlands/non-wetlands (estimated probability of 34–66%)
Facultative Upland	FACU	Usually occur in non-wetlands (estimated probability 67–99%)
Obligate Upland	UPL	Almost always occur in non-wetlands (estimated probability >99%)
Non-Indicator	NI	No indicator status has been assigned

Source: Reed, 1988; USFWS, 1997; USACE, 2012.

Table 4. Wetland Hydrology Indicators*

Primary Indicators	Secondary Indicators
Watermarks	Oxidized Rhizospheres Associated with Living Roots
Water-Borne Sediment Deposits	FAC-Neutral Test
Drift Lines	Water-Stained Leaves
Drainage Patterns Within Wetlands	Local Soil Survey Data

*Table adapted from 1987 USACE Manual and Related Guidance Documents.

Table 5. Wetland Hydrology Indicators for the Arid West*

	Primary Indicator (any one indicator is sufficient to make a determination that wetland hydrology is present)	Secondary Indicator (two or more indicators are required to make a determination that wetland hydrology is present)
Group A – Observation of Surface Water or Saturated Soils		
A1 – Surface Water	X	
A2 – High Water Table	X	
A3 – Saturation	X	
Group B – Evidence of Recent Inundation		
B1 – Water Marks	X (Non-riverine)	X (Riverine)
B2 – Sediment Deposits	X (Non-riverine)	X (Riverine)
B3 – Drift Deposits	X (Non-riverine)	X (Riverine)
B6 – Surface Soil Cracks	X	
B7 – Inundation Visible on Aerial Imagery	X	
B9 – Water-Stained Leaves	X	
B10 – Drainage	X	X
B11 – Salt Crust	X	
B12 – Biotic Crust	X	
B13 – Aquatic Invertebrates	X	

Table 5. Wetland Hydrology Indicators for the Arid West*

	Primary Indicator (any one indicator is sufficient to make a determination that wetland hydrology is present)	Secondary Indicator (two or more indicators are required to make a determination that wetland hydrology is present)
Group C – Evidence of Current or Recent Soil Saturation		
C1 – Hydrogen Sulfide Odor	X	
C2 – Dry-Season Water Table		X
C3 – Oxidized Rhizospheres along Living Roots	X	

*Table adapted from Regional Supplement to the USACE of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0.

Table 6. Field Indicators of Hydric Soil Conditions*

1. Indicators of Historical Hydric Soil Conditions	2. Indicators of Current Hydric Soil Conditions
a. Histosols b. Histic epipedons; c. Soil colors (e.g., gleyed or low-chroma colors, soils with bright mottles (Redoximorphic features) and/or depleted soil matrix d. High organic content in surface of sandy soils e. Organic streaking in sandy soils f. Iron and manganese concretions g. Soil listed on county hydric soils list	a. Aquic or peraquic moisture regime (inundation and/or soil saturation for *7 continuous days) b. Reducing soil conditions (inundation and/or soil saturation for *7 continuous days) c. Sulfidic material (rotten egg smell)

*Table adapted from 1987 USACE Manual and Related Guidance Documents.

Table 7. Hydric Soil Indicators for the Arid West*

Hydric Soil Indicators	Hydric Soil Indicators	Hydric Soil Indicators	Hydric Soil Indicators
A1 – Histosol	S1 – Sandy Mucky Mineral	F1 – Loamy Mucky Mineral	A9 – 1 cm Muck
A2 – Histic Epipedon	S4 – Sandy Gleyed Matrix	F2 – Loamy Gleyed Matrix	A10 – 2 cm Muck
A3 – Black Histic	S5 – Sandy Redox	F3 – Depleted Matrix	F18 – Reduced Verti
A4 – Hydrogen Sulfide	S6 – Stripped Matrix	F6 – Redox Dark Surface	TF2 – Red Parent Material
A5 – Stratified Layers	—	F7 – Depleted Dark Surface	Other (See Section 5 of Regional Supplement, Version 2.0)
A9 – 1 cm Muck	—	F8 – Redox Depressions	—
A11 – Depleted Below Dark Surface	—	F9 – Vernal Pools	—
A12 – Thick Dark Surface	—	—	—

* Table adapted from Regional Supplement to the USACE of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0. ** Indicators of hydrophytic vegetation and wetland hydrology must be present

Appendix E REGULATORY BACKGROUND

REGULATORY BACKGROUND

SECTION 404 OF THE CLEAN WATER ACT (CWA)

Section 404 of the CWA regulates the discharge of dredged material, placement of fill material, or certain types of excavation within “waters of the U.S.” (resulting in more than incidental fallback of material) and authorizes the Secretary of the Army, through the Chief of Engineers, to issue permits for such actions. Permits can be issued for individual projects (individual permits) or for general categories of projects (general permits). “Waters of the U.S.” are defined by the CWA as “rivers, creeks, streams, and lakes extending to their headwaters and any associated wetlands.” Wetlands are defined by the CWA as “areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions.”

On April 21, 2020, the U.S. Environmental Protection Agency (EPA) and the Department of the Army (Army) published the Navigable Waters Protection Rule in the Federal Register to finalize a revised definition of “waters of the United States” under the Clean Water Act. The rule became effective on June 22, 2020. The 2020 ruling established four categories of jurisdictional waters (e.g., territorial seas and traditionally navigable waters; tributaries; lakes, ponds and impoundments; and adjacent wetlands), and specified exclusions for many water features that traditionally have not been regulated.

The proposed Project does not involve discharge of fill or dredge materials into Waters of the U.S.; therefore, a Section 404 permit is not required.

SECTION 401 OF THE CWA

Section 401 of the CWA requires that any applicant for a Federal permit for activities that involve a discharge to ‘waters of the State,’ shall provide the Federal permitting agency a certification from the State in which the discharge is proposed that states that the discharge will comply with the applicable provisions under the Federal Clean Water Act. Therefore, before the USACE will issue a Section 404 or other permit, applicants intending to “discharge” to “waters of the State” must apply for and receive a Section 401 Water Quality Certification from the RWQCB. Applications to the RWQCB must include a complete CEQA document (e.g., Initial Study/Mitigated Negative Declaration) unless a CEQA exemption applies. As stated above, the proposed Project does not involve discharge of fill or dredge materials into Waters of the U.S. (no Section 404 permit required); however, the RWQCB has requested submission of a Section 401 permit application. Upon review of the application, the RWQCB will determine whether to issue a Section 401 Water Quality Certification, a Waste Discharge Requirement (WDR) permit, or that no permit/authorization is required. A CEQA statutory and categorical exemption was issued for the proposed Project by the lead agency (Los Angeles County Flood Control District).

SECTION 1602 OF THE CALIFORNIA FISH AND GAME CODE

Provisions of the California Endangered Species Act protect State-listed threatened and endangered species. The CDFW regulates activities that may result in take of individuals (i.e., take is defined as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”). Habitat degradation or modification is not expressly included in the definition of take under the California Fish and Game Code (FGC). Additionally, the FGC contains lists of vertebrate species designated as “fully protected” (FGC Sections 3511 [birds], 4700 [mammals], 5050 [reptiles and amphibians], and 5515 [fish]). Such species may not be taken or possessed.

In addition to federal and State-listed species, the CDFW also has produced a list of Species of Special Concern (SSC) to serve as a “watch list.” Species on this list are of limited distribution or the extent of their habitats has been reduced substantially, such that threat to their populations may be imminent. SSC may receive special attention during environmental review, but they do not have statutory protection.

Birds of prey are protected in California under the FGC. FGC Section 3503.5 states that it is “unlawful to ‘take’, possess, or destroy any birds of prey (in the order Falconiformes or Strigiformes) or to ‘take’, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this Code or any regulation adopted pursuant thereto.” Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered take by the CDFW. Under Sections 3503 and 3503.5 of the FGC, activities that would result in the taking, possessing, or destroying of any birds-of-prey, taking or possessing of any migratory nongame bird as designated in the MBTA, or the taking, possessing, or needlessly destroying of the nest or eggs of any raptors or non-game birds protected by the MBTA, or the taking of any non-game bird pursuant to FGC Section 3800 are prohibited.

Upon further review of the Lake and Streambed Alteration statute and regulations, and in consideration of the proposed Project’s potential impacts on the Ballona Creek flood control channel, Public Works believes that formal notification pursuant to FGC Section 1602 is not required. The proposed Project will not substantially divert or obstruct the natural flow of the Ballona Creek flood control channel; will not substantially change or use any material from the Ballona Creek flood control channel’s bed, channel, or bank; and will not deposit any debris, waste, or other material into the Ballona Creek flood control channel.

CALIFORNIA COASTAL COMMISSION AND COASTAL ACT OF 1976

The CCC has planning, regulatory, and permitting responsibilities, in partnership with local governments, over all “development” taking place within the coastal zone, a 1.5 million-acre area stretching 1,100 miles along the State’s coastline from Oregon to Mexico (and around nine offshore islands). The coastal zone extends seaward three miles, while its landward boundary varies from several miles inland in places such as the Eel River and the Elkhorn Slough, to as close as a few hundred feet from the shore in other areas.

The CCC’s enabling legislation, the Coastal Act of 1976, created a comprehensive coastal protection program grounded in partnerships between the CCC and local government jurisdictions (15 counties and 60 cities) within the coastal zone. Among the coastal resources specifically protected within the Coastal Act are public access to the coastline, wetlands and other environmentally sensitive habitat areas (ESHA), agriculture, low-cost visitor-serving recreational uses, visual resources, commercial and recreational fishing, and community character. Coastal streams and wetlands are also protected under the Coastal Act.

The Coastal Act Section 30231 defines a wetland as:

...lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

The CCC’s regulations (California Code of Regulations Title 14) establishes a “one parameter definition,” which requires evidence of a single parameter to establish wetland conditions:

Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands

can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. (14 CCR Section 13577).

The “one parameter” definition adopted by the CCC is based on the general definition used by the U.S. Fish and Wildlife (USFWS) and CDFW from the USFWS wetlands classification system first published in 1979 (Cowardin et al. 1979):

Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

The Coastal Act definition of a wetland does not distinguish between wetlands based on their quality. Therefore, under the Coastal Act, poorly functioning or degraded areas that meet the definition of wetlands are subject to wetland protection policies.

As the proposed Project is located within the Coastal Zone, a Coastal Development Permit is being submitted to the Coastal Commission for review and approval.

SECTION 14, 10 AND 408 OF THE RIVERS AND HARBORS ACT

Section 14 of the Rivers and Harbors Act (RHA), codified at 33 U.S.C. § 408 (often referred to as “Section 408”), requires that any proposed occupation or use of an existing USACE civil works project be authorized by the Secretary of the Army. An alteration refers to any action by any entity other than the USACE that builds upon, alters, improves, moves, occupies, or otherwise affects the usefulness or the structural or ecological integrity of a USACE project. USACE may grant such permission if it determines the alteration proposed will not be injurious to the public interest and will not impair the usefulness of the civil works project. This means USACE has the authority to review, evaluate, and approve all alterations to federally-authorized civil works projects to make sure they are not harmful to the public and still meet the project’s intended purposes, as mandated by congressional authorization.

As the proposed Project is located near and on top of jetties currently bordering Ballona Creek, a Section 408 permit is being submitted to the USACE for review and approval.

Section 10 of the RHA is required for work conducted in, on, or over traditionally navigable waterways. A Section 10 permit is also required for the excavation and dredging or deposition of material, as well as any obstruction or alteration of a navigable water. Work outside the limits of navigable waters may require a Section 10 permit, if the structure or work affects the course, location, condition, or capacity of the water body. Navigable waters of the U.S. are those subject to the ebb and flow of the tide shoreward to the mean high water mark and are used, or have been used in the past, to transport interstate or foreign commerce (33 C.F.R. § 329.4). This includes coastal and inland waters, lakes, rivers and streams that are navigable, and the territorial seas.

As the proposed Project area contains potential navigable waters of the U.S., a Section 10 permit is being submitted to the USACE for review and approval.

Appendix F FIELD DATA SHEETS

OHWM Datasheet (A)

Page 1 of 4

Project Site: Ballona Creek Trash Interceptor Date: 2/25/2020
 Location: Marina del Rey, CA Lat/Long: 33°57'45.61"N, 118°27'16.15"W
 Investigator(s): P. Patap, R. Brown Total # of Transects/Sample Points: 1 / n/a

General Project Site Description:

Ballona Creek is channelized w/concrete and riprap banks and a soft sediment bottom. It's a tidally influenced channel and inundated even at low tide (16:23), and is inundated most days. Sides of channel are generally vegetation free.

Describe the river or stream's condition (apparent disturbances, channel migration, in-stream structures, etc.):

Trending east to northeast upstream and west to southwest downstream, inundated w/tidally influenced flows. Marina Del Rey South jetty lines northern banks. Creek flows towards breakwater that feeds into the Pacific Ocean. Ballona Creek Bridge is a pedestrian/cycling crossing at the northeast boundary of the project. Channel approximately 40-feet wide. Debris/trash present within the channel and along the banks.

Off-site Information

Remotely sensed image(s) acquired? ☒ Yes ☐ No [If yes, attach image(s) to datasheet(s) and indicate approx. locations of transects, OHWM, and any other features of interest on the image(s); describe below] Description:

See Appendix A of report.

Hydrologic/hydraulic information acquired? ☐ Yes ☒ No [If yes, attach information to datasheet(s) and describe below.] Description:

Describe any other supporting information received/acquired:

Stream Reach Characteristics

Approximate Length of Reach: ~ 500 ft.

Water Presence: ☒ Flowing ☐ Pooled ☐ None

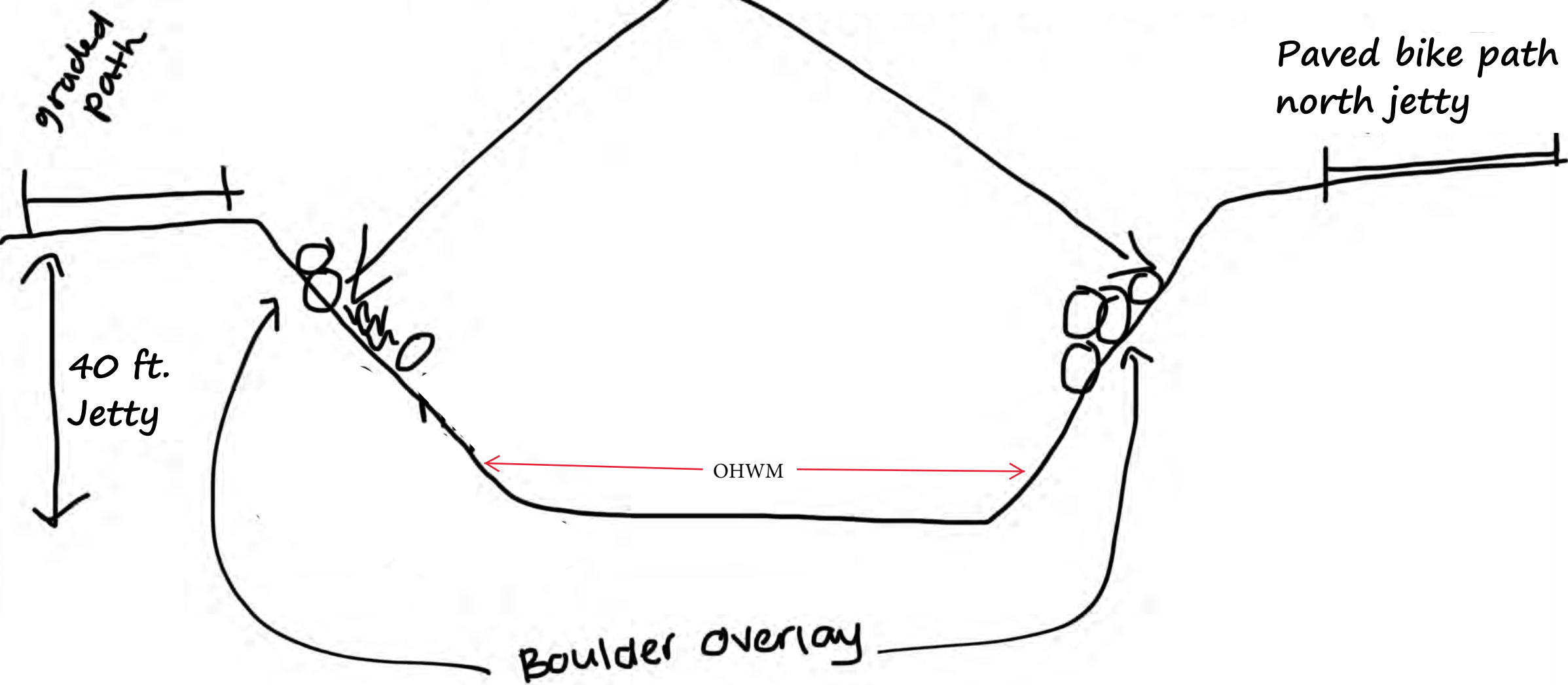
Gradient: ☒ Low (<1%) ☐ Moderate (1–4%) ☐ High (>4%) ☐ Measured _____

Reach Morphology: ☐ Bedrock ☐ Colluvial ☐ Cascade ☐ Step-pool ☒ Plane-bed ☐ Pool-riffle
☐ Dune-ripple ☐ Meandering ☐ Braided ☐ _____

Notes: Concrete lined channel with soft sediment bottom. Inundated with tidally influenced flow.

Transect: _____ Sample Point(s) along transect: n/a

Transect drawing (label sample points, OHWM locations, hydrogeomorphic units, and other features of interest): Concrete/riprap banks/side channel



Looking Downstream

OHWM Datasheet (C)

Page 3 of 4

Sample Point # _____ Lat/Long: _____ Photo #(s): _____

Sample Point Description:*Inundation at low tide, concrete/riprap lined banks and graded/paved paths atop jetties did not provide conditions for which test pits were possible.***Primary Indicators****Break in Slope:** Yes (☐ Gentle (< 30°) | ☒ Moderate (30–60°) | ☐ Sharp (> 60°) | ☐ Measured _____) ☐ No

Notes: Sample point assumed to be in the center of the channel, access to soils and aquatic areas was not possible due to depth of water.

Change(s) in Sediment Characteristics: Yes (☐ Texture | ☐ Soil Development) ☒ No*Sediment Characteristics ABOVE the Sample Point*

Sediment Not Accessible

Texture: Fine (<2mm): _____% Gravel (2mm-1cm) _____% Cobbles (1-10cm): _____% Boulders (>10cm) _____%

☐ Developed Soil Horizons

Notes:

Sediment Characteristics BELOW the Sample Point

Texture: Fine (<2mm): _____% Gravel (2mm-1cm) _____% Cobbles (1-10cm): _____% Boulders (>10cm) _____%

☐ Developed Soil Horizons

Notes:

Change(s) in Vegetation: Yes (☒ Cover Density | ☐ Growth Form Stage | ☒ Species Composition) ☐ No*Vegetation Characteristics ABOVE the Sample Point*Total Vegetation Cover: _____% Tree: _____% Shrub: _____% Herb: 25 % Bare Ground: 75 %Mean Stage of Growth Forms: ☐ Young ☒ Moderate ☐ Mature

Species Present (WIS): _____(____) _____(____) _____(____) _____(____)

Notes: Refer to Section 4 and Appendix A of JD report.

*Vegetation Characteristics BELOW the Sample Point*Total Vegetation Cover: _____% Tree: _____% Shrub: _____% Herb: _____% Bare Ground: 100 %Mean Stage of Growth Forms: ☐ Young ☐ Moderate ☐ Mature

Species Present (WIS): _____(____) _____(____) _____(____) _____(____)

Notes: Refer to Section 4 and Appendix A of JD report.

Supporting Features (check all that apply)

Feature	Above	At	Below
Drift			
Erosion/scour			
Bank undercutting			
Root exposure			
Point bars			
Water stains			
Litter removal			
Silt deposits			
Shelving			
Macro-invertebrates			

Notes: None

Does this sample point describe the OHWM? ☒ Yes ☐ No

If yes, do you have at least two primary indicators at this sample point? ☒ Yes ☐ No

Describe the reasoning and evidence for choosing (or not choosing) this sample point as the OHWM location:
OHWM was determined based on signs of water levels along the banks including vegetation lines.

Additional Notes:

Drift and Debris present

BOARD LETTER/MEMO CLUSTER FACT SHEET

☒ Board Letter

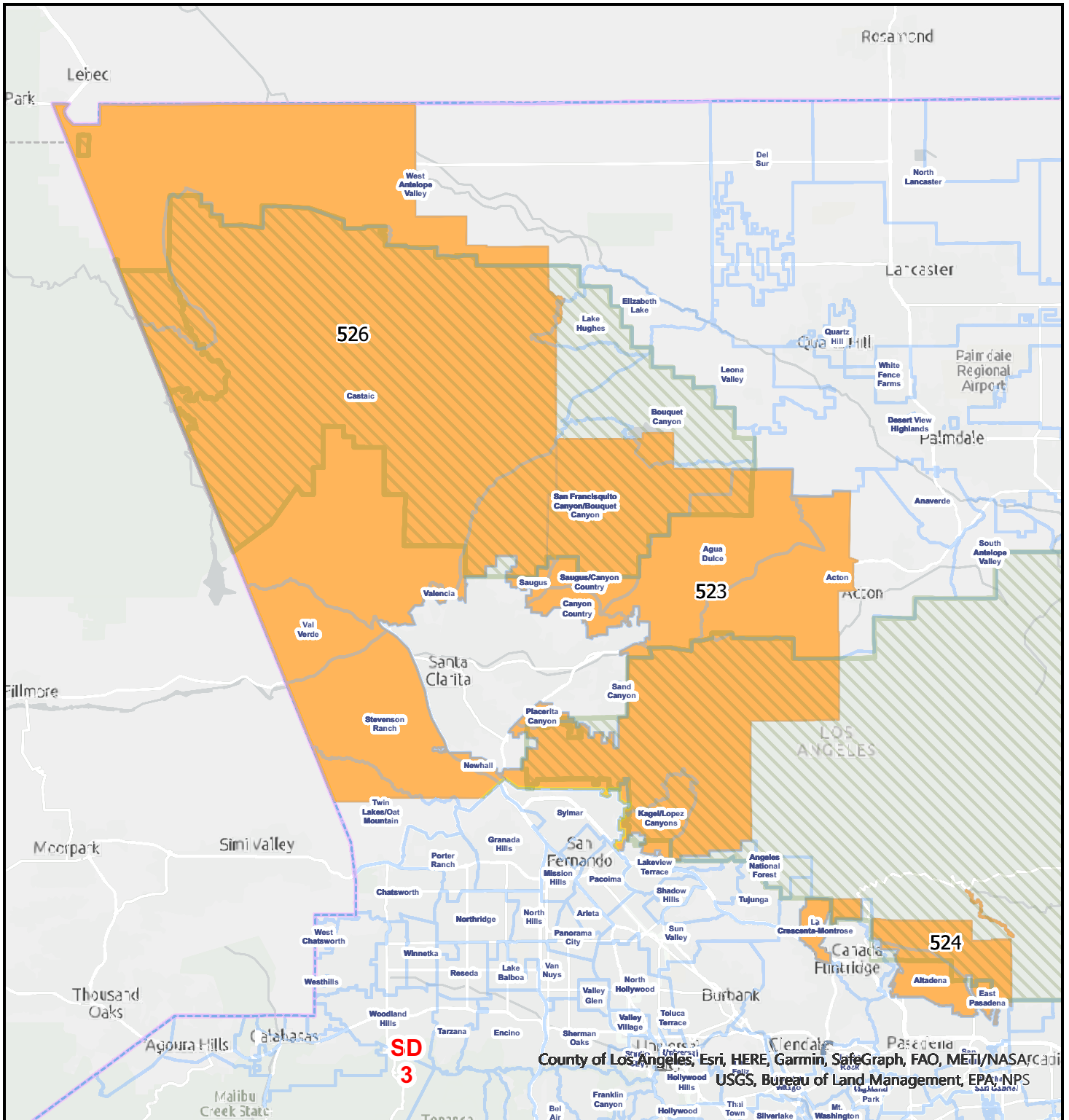
☐ Board Memo

☐ Other

CLUSTER AGENDA REVIEW DATE	3/16/2022		
BOARD MEETING DATE	4/5/2022		
SUPERVISORIAL DISTRICT AFFECTED	<input checked="" type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input type="checkbox"/> 5 th		
DEPARTMENT(S)	Public Works		
SUBJECT	Job Order Contract (JOC) Nos. 6727 through 6739 Parkway Concrete Maintenance and Guardrail Replacement		
PROGRAM			
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain why:		
DEADLINES/ TIME CONSTRAINTS	N/A		
COST & FUNDING	Total cost: \$19,300,000	Funding source: Road Fund	
	TERMS (if applicable): N/A		
	Explanation: N/A		
PURPOSE OF REQUEST	For the approval to procure 13 separate JOCs for parkway concrete maintenance and guardrail replacement work throughout the County and various cities.		
BACKGROUND (include internal/external issues that may exist including any related motions)	The procurement of these JOCs will augment Public Works' ability to effectively and efficiently maintain parkway concrete and roadway guardrail infrastructure.		
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how:		
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please state which one(s) and explain how: Board Priority #9: Poverty Alleviation Contract provisions require the contractor to comply with the Board-adopted Local and Targeted Worker Hire Policy		
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Anthony Nyivih, Deputy Director, (626) 458-4010, cell (626) 483-9181 anyivih@pw.lacounty.gov		



JOB ORDER CONTRACT PARKWAY CONCRETE MAINTENANCE MAINTENANCE DISTRICT 2



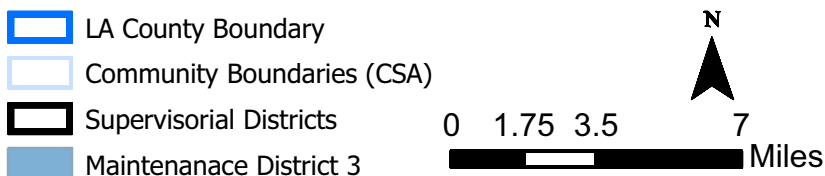
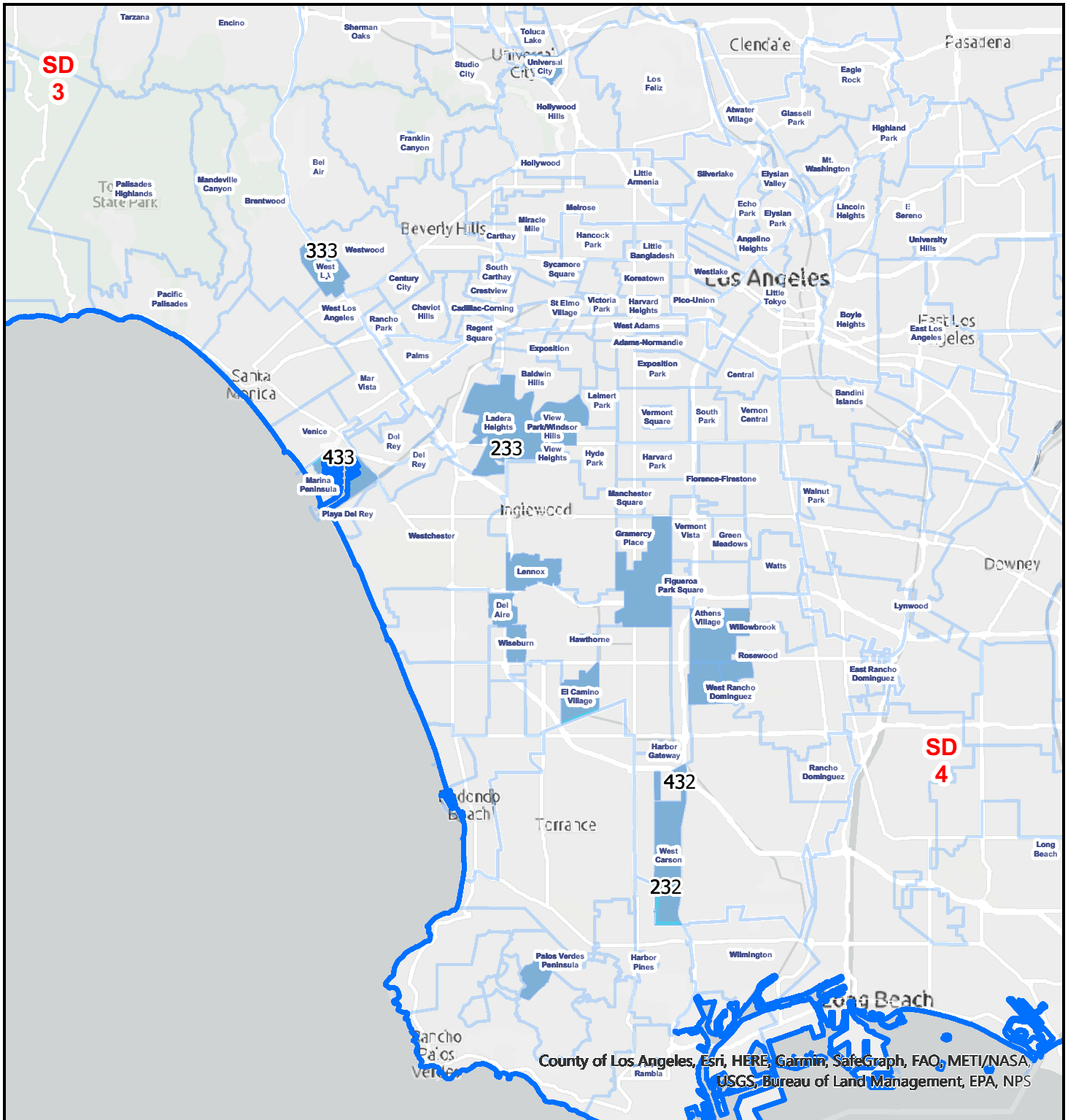
County of Los Angeles, Esri, HERE, Garmin, SafeGraph, FAO, METI/NASA, IGN, USGS, Bureau of Land Management, EPA, NPS

Data contained in this map is produced in whole or in part from the Los Angeles County Department of Public Works' digital database.

Enclosure 3



JOB ORDER CONTRACT PARKWAY CONCRETE MAINTENANCE MAINTENANCE DISTRICT 3

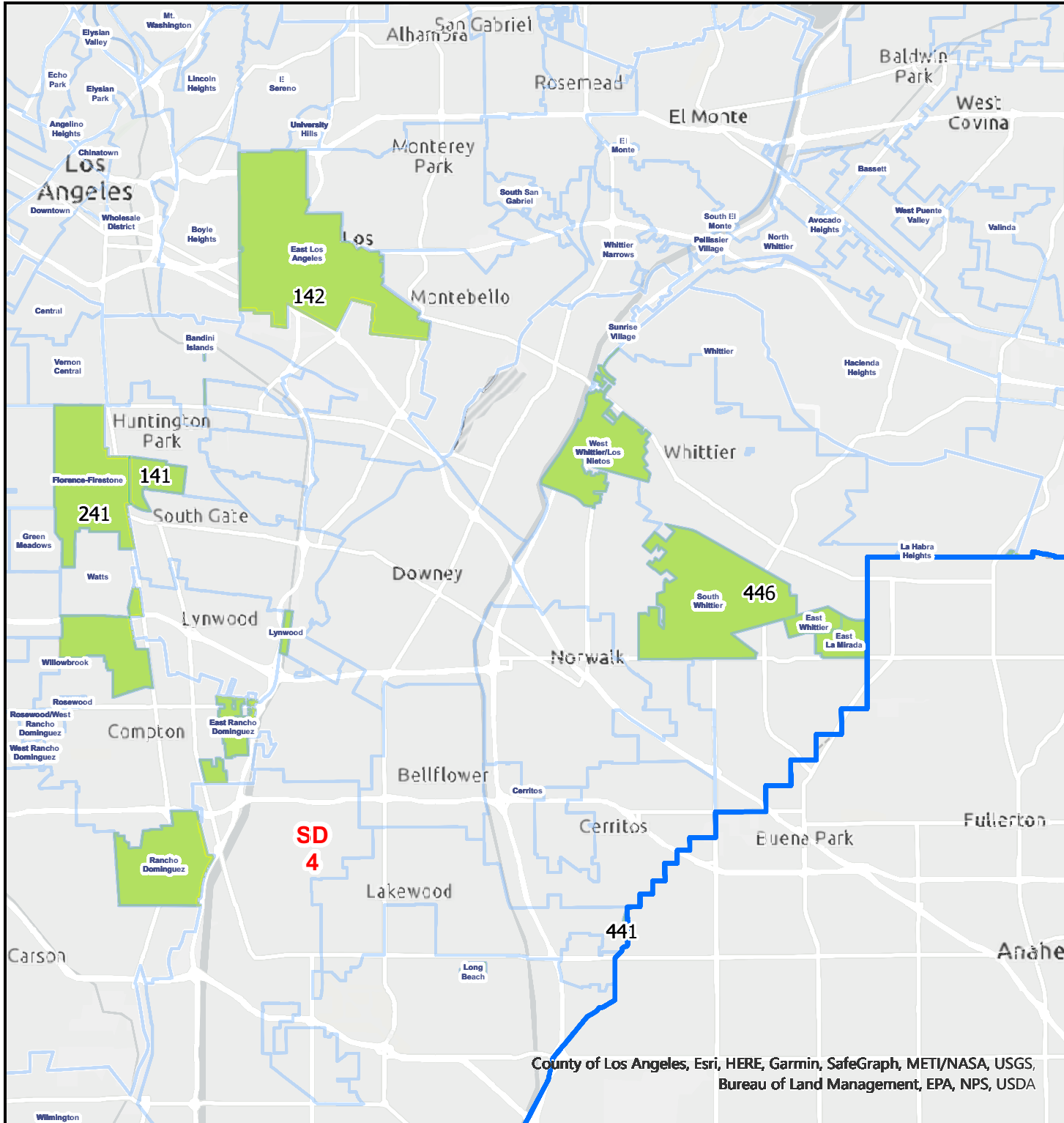


Data contained in this map is produced in whole or in part from the Los Angeles County Department of Public Works' digital database.

Enclosure 3



JOB ORDER CONTRACT PARKWAY CONCRETE MAINTENANCE MAINTENANCE DISTRICT 4



County of Los Angeles, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA

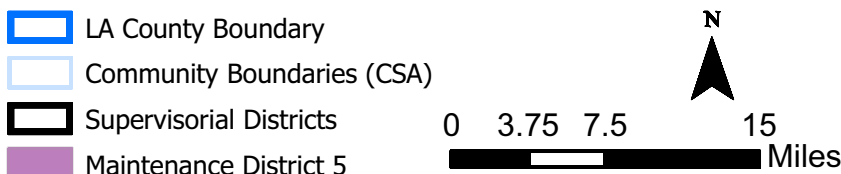
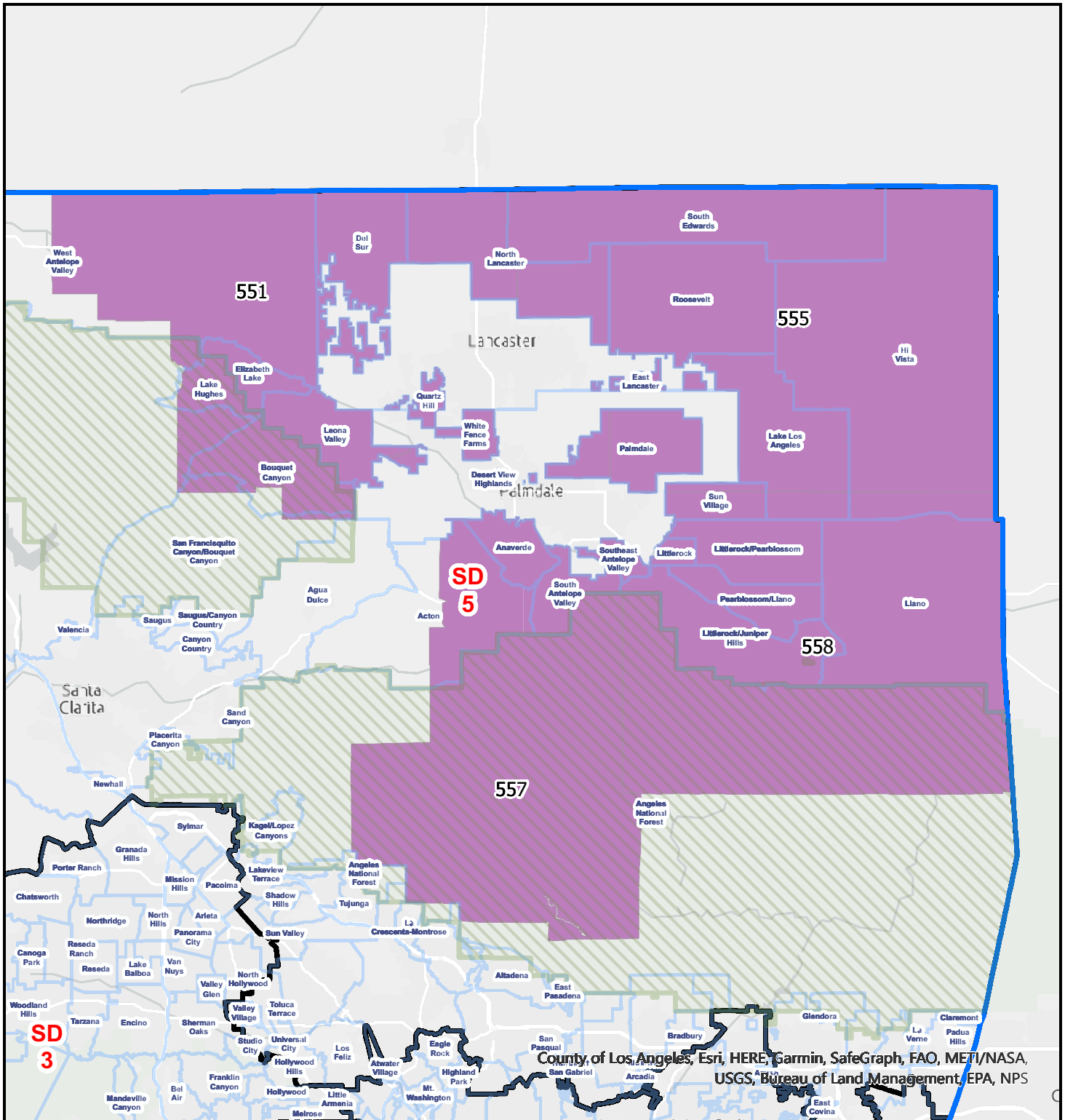
LA County Boundary	
Community Boundaries (CSA)	
Supervisorial Districts	
Maintenance District 4	

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Enclosure 3



JOB ORDER CONTRACT PARKWAY CONCRETE MAINTENANCE MAINTENANCE DISTRICT 5

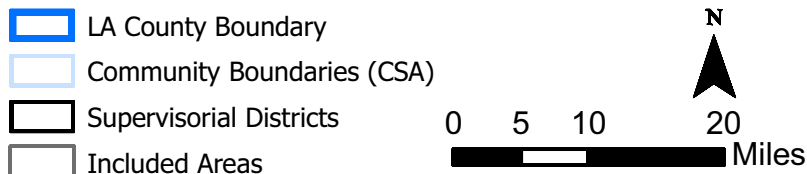
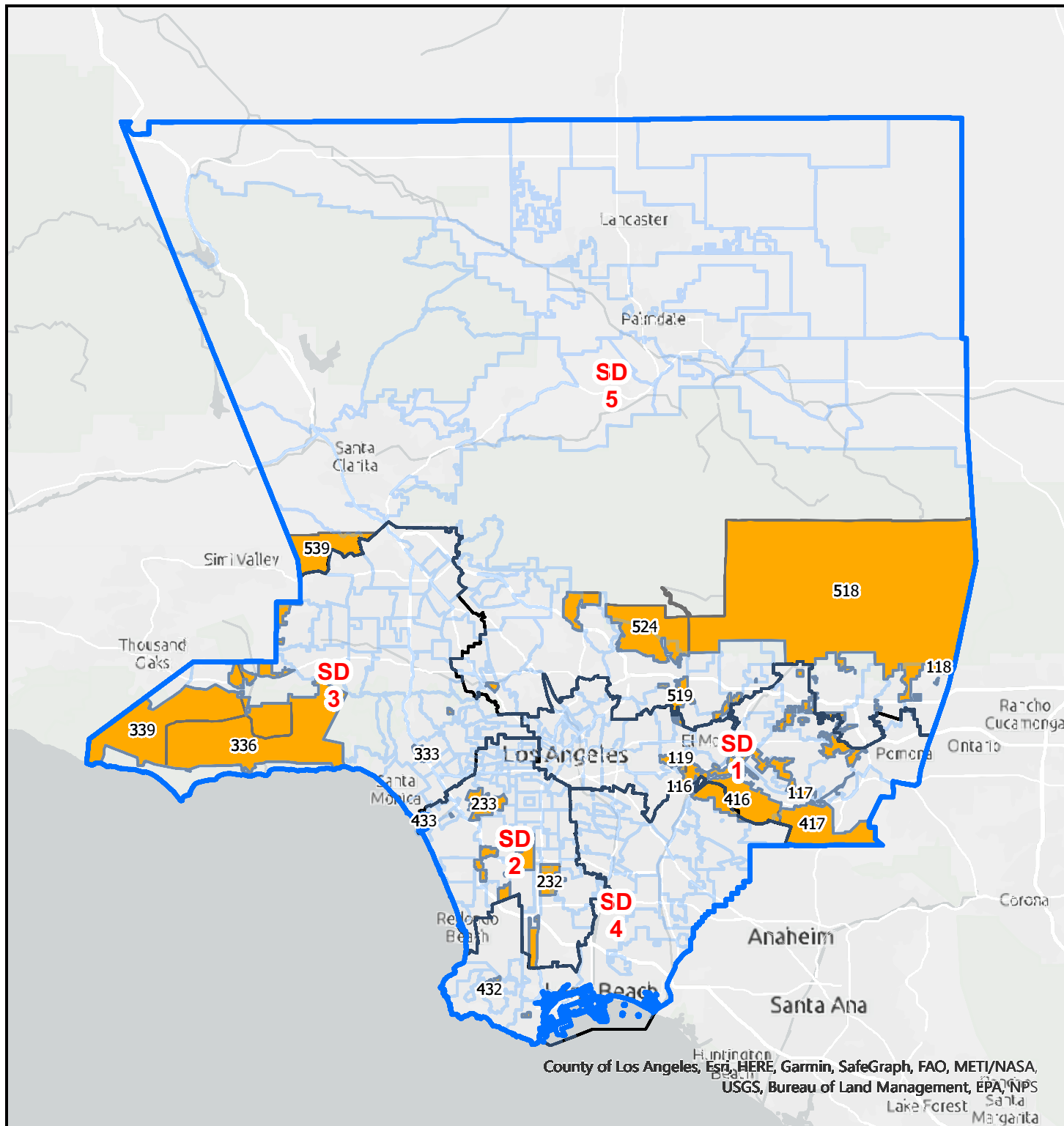


Data contained in this map is produced in whole or in part from the Los Angeles County Department of Public Works' digital database.

Enclosure 3



JOB ORDER CONTRACT GUARDRAIL REPLACEMENT SOUTH COUNTY



Data contained in this map is produced in whole or in part from the Los Angeles County Department of Public Works' digital database.

Enclosure 3



MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

April 5, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**CONSTRUCTION CONTRACT
TRANSPORTATION CORE SERVICE AREA
ADOPT, ADVERTISE, AND AWARD
JOB ORDER CONTRACT NOS. 6727 THROUGH 6739
PARKWAY CONCRETE MAINTENANCE AND GUARDRAIL REPLACEMENT
IN VARIOUS CITIES, UNINCORPORATED COMMUNITIES,
AND FACILITIES COUNTYWIDE
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

Public Works is seeking Board approval to procure 11 separate Job Order Contracts for work involving parkway concrete maintenance and two separate Job Order Contracts for guardrail replacement in various cities, unincorporated communities, and various facilities countywide and Board approval of 12 parkway concrete maintenance projects, which may be completed using Job Order Contracts.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the 12 proposed parkway concrete maintenance projects are categorically exempt from the provisions of the California Environmental Quality Act and that the award of Job Order Contract Nos. 6727 through 6739 do not constitute projects under the California Environmental Quality Act for the reasons stated in this Board letter and in the record of the projects.

2. Adopt the Job Order Contract Unit Price Books and Specifications that are on file in Project Management Division III of Public Works for work involving parkway concrete maintenance and roadway guardrail replacement.
3. Delegate authority to the Director of Public Works or his designee to advertise and award 13 separate Job Order Contracts, Nos. 6727 through 6739, to each of the lowest responsible bidders with responsive bids for a 12-month term. The Job Order Contracts are for a not to exceed amount ranging from \$500,000 to \$3,000,000 per contract.
4. Find pursuant to State Public Contract Code, Section 3400 (b) that it is necessary to specify the designated items identified by specific brand name in order to obtain a necessary item that is only available from one source.
5. Delegate authority to the Director of Public Works or his designee to determine whether the bid of the apparent responsible contractor with the lowest apparent responsive bid is, in fact, responsive and, if not responsive, to determine which apparent responsible contractor submitted the lowest responsive bid.
6. Delegate authority to the Director of Public Works or his designee to execute the Job Order Contracts in the form previously approved by County Counsel and to establish the effective date following receipt of approved Faithful Performance and Labor and Material Bonds and insurance certificate filed by the contractors.
7. Delegate to the Director of Public Works or his designee the following authority in connection with these contracts: (1) extend the date and time for the receipt of bids consistent with the requirements of State Public Contract Code, Section 4104.5; (2) allow substitution of subcontractors and relief of bidders upon demonstration of the grounds set forth in State Public Contract Code, Sections 4100 et seq., and 5100 et seq., respectively; (3) accept any project assigned by work order under these contracts upon the project's final completion; and (4) release retention money withheld consistent with the requirements of State Public Contract Code, Sections 7107 and 9203.
8. Authorize the Director of Public Works or his designee to issue work orders to the selected contractors in an aggregate per Job Order Contract amount not to exceed the maximum amount of each Job Order Contract for parkway concrete maintenance and guardrail replacement.

9. Approve each of the 12 proposed parkway concrete maintenance projects for an aggregate total cost estimate not to exceed \$20,000,000.
10. Authorize the Director of Public Works or his designee to use Job Order Contracts for the 12 proposed parkway concrete maintenance projects.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will find that the parkway concrete maintenance projects (Enclosure 1) are exempt from the California Environmental Quality Act (CEQA) and allow Public Works to procure contractors through Job Order Contracts (JOC) to enhance Public Works' ability to effectively and efficiently maintain parkway concrete improvements and roadway guardrails. Specifically, the work involves the removal and replacement of damaged curb and gutter; sidewalk, driveways and curb ramps; replacing damaged sections of guardrail; guardrail end treatments; crash cushions; and the performance of other incidental and appurtenant work. The work will be performed in various unincorporated communities, as well as various city streets and County facilities countywide in support of ongoing operations.

JOC is a flexible and cost-effective unit price contracting method for performing maintenance work. The State Public Contract Code allows JOCs to be valid for one year. This process reduces administrative requirements and lowers administrative costs while meeting State and County procurement requirements.

Public Works utilizes guardrail JOCs to perform the majority of damaged guardrail and end-treatment repairs and/or replacements. Approximately 1,200 linear feet of guardrail and 15 end-treatments are repaired throughout various unincorporated communities in Los Angeles County using JOCs annually. JOCs provide an alternative method of constructing repairs to augment the use of our County force account labor. Due to heavily competing priorities for the use of these force account resources, many guardrail repairs may be delayed and not be completed within established timeframes. In these situations, JOCs provide for equitable and timely repair of these necessary roadway safety items.

Public Works utilizes parkway concrete JOCs to repair curb, gutter, sidewalk, driveway, and curb ramps. Each year, approximately 15,000 linear feet of curb and gutter and 150,000 square feet of sidewalk throughout various unincorporated communities of the Los Angeles County are repaired using JOCs. This contracting method has helped improve the mobility and access for constituents within unincorporated County areas while reducing approximately one-third of Public Works' parkway concrete program backlog.

Public Works recommends that the Board authorize Public Works to award the JOCs following bid review and determination of the lowest responsive and responsible bidders. The 13 JOCs are for a not-to-exceed amount ranging from \$500,000 to \$3,000,000 each with an aggregate amount of \$19,300,000 (Enclosure 2). The 13 proposed JOCs will be used to deliver the 12 proposed parkway concrete maintenance projects, other parkway maintenance and guardrail repair projects (Enclosure 3) and may be used to deliver other projects approved by the Board.

Public Works also recommends that the Board approve each of the projects listed in Enclosure 1 and authorize Public Works to use JOCs to deliver these projects. These projects may be delivered using the JOCs approved in this Board letter or may be delivered using JOCs that have been previously approved by the Board.

The majority of the work orders issued under these contracts will be constructed in Fiscal Year 2022-23.

Implementation of Strategic Plan Goals

These recommendations support the County Strategic Plan: Strategy III.3, Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability, and Objective III.3.2, Manage and Maximize County Assets, by supporting ongoing efforts to manage and improve public infrastructure assets.

FISCAL IMPACT/FINANCING

Projects that are authorized under JOCs 6727 through 6739 and the 12 listed projects (Enclosure 1) may be ordered for and subsequently funded by various funds administered by Public Works. The largest expenditure is anticipated to be derived from the Road Fund (B03 - Services and Supplies, Capital Assets-Infrastructure). Sufficient funds for each JOC work order will be made available in the appropriate fund prior to authorizing the work. For projects within cities, the costs will be collected through the provisions of the General Service Agreement.

The 13 JOCs are for a not-to-exceed amount ranging from \$500,000 to \$3,000,000 each with an aggregate amount of \$19,300,000.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

These contracts will be advertised in accordance with Sections 20125 and 20392 of the State Public Contract Code.

State Public Contract Code Section 3400 allows a product to be designated by specific brand name for several purposes, one of which is in order to obtain a necessary item that is only available from one source as is the case here; if the awarding authority makes a finding and language is included in the Notice Inviting Bids. The Notice Inviting Bids includes language describing this finding.

A list of specific brand names and qualified purposes in accordance with the State Public Contract Code is provided in Enclosure 4.

The contract awards will comply with applicable Federal and State requirements and Board policies and mandates. The contract documents will require the contractor to comply with these same requirements, policies, and mandates. The construction contract will be in the form previously reviewed and approved as to form by County Counsel.

As required by the Board Policy No. 5.140, information such as defaulted contracts with the County, complaints filed with the Contractors State License Board, labor violations, and debarment actions will be considered before a contract is awarded.

The JOC Unit Price Books and Specifications include the contractual provisions, methods, and material requirements necessary for these contracts and are on file with Public Works.

The 12 listed projects will be carried out through Board-approved JOCs and/or JOCs, which may be subsequently approved by the Board. Public Works will use the Board approved Unit Price Books and Specifications, including the contractual provisions, methods, and material requirements necessary for these projects that are on file with Public Works.

Documents related to award of these contracts will be available at Los Angeles County Public Works, Project Management Division III, 900 South Fremont Avenue, 8th Floor, Alhambra, CA 91803.

ENVIRONMENTAL DOCUMENTATION

The recommended actions to award these JOCs are not projects pursuant to CEQA because they are an organizational or administrative activity of government that will not result in direct or reasonably foreseeable indirect physical changes to the environment that are excluded from the definition of projects by Section 15061 (b) (3) of the CEQA Guidelines.

The 12 proposed projects are categorically exempt from CEQA. Each of these projects consists of replacing or repairing damaged sidewalks, curbs, and gutters, and retrofitting sidewalk ramps to comply with Americans with Disability Act requirements. Each of the projects falls under a class of projects that have been determined not to have a significant effect on the environment in that they meet the criteria set forth in Section 15301 (c) of the State CEQA Guidelines and Class 1 (x) of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G.

The implementation of additional work orders under these JOCs will be subject to prior determination and documentation by Public Works that the work is exempt from CEQA. The type of work to be performed under these JOCs is generally anticipated to be exempt under Section 15301, Class 1, of the CEQA Guidelines, as well as Class 1 of the County Environmental Document Reporting Procedures. In the event the work under the work orders is not exempt, the Board will be requested to approve the appropriate environmental finding and documentation prior to implementation of work.

Upon the Board's approval of this action, Public Works will file a Notice of Exemption with the Registrar-Recorder/County Clerk in accordance with Section 15062 of the CEQA Guidelines.

CONTRACTING PROCESS

These contracts will be contracted on an open-competitive bid basis.

An award by the Director of each JOC will be made upon review of the bids. Each JOC will be awarded to a responsible contractor who submits the lowest responsive bid meeting the criteria established by the Board and the State Public Contract Code.

Contract provisions require the contractors to comply with the Board-adopted Local and Targeted Worker Hire Policy.

To increase contractor awareness of Public Works' program to contract work out to the private sector, this project will be listed on both the County's "Doing Business with the County" and "Do Business with Public Works" websites for open bids:

<http://www.lacounty.gov/business/doing-business-with-the-county>

<http://pw.lacounty.gov/general/contracts/opportunities>

Also, the contract solicitation will be advertised through web-based and social media platforms, including Twitter.

In addition, in order to increase opportunities for small businesses, Public Works will be coordinating with the Office of Small Business at the Department of Consumer and Business Affairs to maximize outreach, as well as offering preferences to Local Small Business Enterprises, Social Enterprises, and Disabled Veteran Business Enterprises in compliance with Los Angeles County Code, Chapters 2.204, 2.205, and 2.211.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The use of these contracts will expedite the completion of parkway concrete maintenance and guardrail replacement projects throughout various cities and unincorporated communities in Los Angeles County. Work from these contracts will improve mobility and access for constituents while maintaining safety.

The Honorable Board of Supervisors
April 5, 2022
Page 8

CONCLUSION

Please return an adopted copy of this letter to Public Works, Project Management Division III.

Respectfully submitted,

MARK PESTRELLA, PE
Director of Public Works

MP:SRB:ml

Enclosures

c: Chief Executive Office (Chia-Ann Yen)
County Counsel
Executive Office
Internal Services Department (Countywide Contract Compliance)

ENCLOSURES 1-4
April 5, 2022

**CONSTRUCTION CONTRACT
TRANSPORTATION CORE SERVICE AREA
ADOPT, ADVERTISE, AND AWARD
JOB ORDER CONTRACT NOS. 6727 THROUGH 6739
PARKWAY CONCRETE MAINTENANCE AND GUARDRAIL REPLACEMENT
IN VARIOUS CITIES, UNINCORPORATED COMMUNITIES,
AND FACILITIES COUNTYWIDE
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

LARGE ENCLOSURES WILL BE PROVIDED VIA LINK

BOARD LETTER/MEMO CLUSTER FACT SHEET

☒ Board Letter

☐ Board Memo

☐ Other

CLUSTER AGENDA REVIEW DATE	3/16/2022		
BOARD MEETING DATE	4/5/2022		
SUPERVISORIAL DISTRICT AFFECTED	<input checked="" type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input type="checkbox"/> 5 th		
DEPARTMENT(S)	Public Works		
SUBJECT	On-Call Traffic Signal Construction Fiscal Year 2021-22 Contract		
PROGRAM	Road and County Lighting Maintenance Districts		
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain why:		
DEADLINES/ TIME CONSTRAINTS	N/A		
COST & FUNDING	Total cost: \$4,100,000	Funding source: Road Fund and County Lighting Maintenance District Funds	
	TERMS (if applicable):		
	Explanation:		
PURPOSE OF REQUEST	Approve the proposed project and specifications, and authorize Public Works to execute a contract to deliver the project.		
BACKGROUND (include internal/external issues that may exist including any related motions)	The proposed On-Call Construction Contract is to install or modify traffic signals, street lights, and all appurtenant work, such as electrical equipment, pavement, poles, etc. Various project scope and locations will be established as priorities and needs are determined. Locations will be in various unincorporated communities and split jurisdiction intersections in the Los Angeles Basin and Santa Clarita Valley.		
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how:		
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please state which one(s) and explain how: Board Priority No. 9: Poverty Alleviation. Contract provisions require the contractor to comply with the Board-adopted Local and Targeted Worker Hire Policy.		
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Steve Burger, Deputy Director, (626) 458-4018, cell (626) 476-9847 sburger@pw.lacounty.gov		





MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460
IN REPLY PLEASE
REFER TO FILE:

April 5, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**CONSTRUCTION CONTRACT
TRANSPORTATION CORE SERVICE AREA
ADOPT, ADVERTISE, AND AWARD CONSTRUCTION CONTRACT
ON-CALL TRAFFIC SIGNAL CONSTRUCTION
PROJECT ID NO. TDS0001782
IN VARIOUS UNINCORPORATED COMMUNITIES AND
SPLIT JURISDICTION INTERSECTIONS
IN THE LOS ANGELES BASIN AND SANTA CLARITA VALLEY
(FISCAL YEAR 2021-22)
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

Public Works is seeking Board approval to procure a construction contract for the On-Call Traffic Signal Construction Fiscal Year 2021-22 contract for work in various unincorporated communities and split jurisdiction intersections in the Los Angeles Basin and Santa Clarita Valley.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the proposed project is exempt from the California Environmental Quality Act for the reasons stated in this Board letter and in the record of the project.

2. Approve the project and adopt the plans and specifications that are on file in Project Management Division III of Public Works for the On-Call Traffic Signal Construction Fiscal Year 2021-22 at an estimated construction contract cost between \$2,700,000 and \$4,100,000
3. Instruct the Executive Officer of the Board of Supervisors to advertise for bids in accordance with the Instruction Sheet for Publishing Legal Advertisement and which are to be received before 11 a.m. on May 3, 2022, in accordance with the Notice Inviting Bids.
4. Find pursuant to State Public Contract Code Section 3400 (b) that it is necessary to specify the following designated items by specific brand name in order to match other products in use on a particular public improvement either completed or in the course of completion.
5. Delegate authority to the Director of Public Works or his designee to determine whether the bid of the apparent responsible contractor with the lowest apparent responsive bid is, in fact, responsive and, if not responsive, to determine which apparent responsible contractor submitted the lowest responsive bid.
6. Delegate authority to the Director of Public Works or his designee to award and execute a construction contract for the On-Call Traffic Signal Construction Fiscal Year 2021-22 with the responsible contractor with the lowest responsive bid within or less than the estimated cost range of \$2,700,000 and \$4,100,000.
7. Delegate to the Director of Public Works or his designee the following authority in connection with this contract: (1) extend the date and time for the receipt of bids consistent with the requirements of State Public Contract Code, Section 4104.5; (2) allow substitution of subcontractors and relief of bidders upon demonstration of the grounds set forth in State Public Contract Code, Sections 4100 et seq. and 5100 et seq., respectively; (3) approve and execute change orders within the same monetary limits delegated to the Director of Public Works or his designee under Section 2.18.050 of the Los Angeles County Code; (4) accept the project upon its final completion; and (5) release retention money withheld consistent with the requirements of State Public Contract Code, Sections 7107 and 9203.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will find that the project is exempt from the California Environmental Quality Act (CEQA) and allow Public Works to install and modify traffic signals and streetlights and perform other incidental and appurtenant work on an on-call basis in various unincorporated communities and split jurisdiction intersections in the Los Angeles Basin and Santa Clarita Valley (see Enclosure A). For split jurisdiction intersections, Public Works will gain concurrence and commitment from the city or cities either by formal agreement, requiring Board approval, a County-City cooperative agreement, or City Services Request.

Public Works has utilized on-call contractors in prior years to provide efficient construction of traffic signal and street lighting infrastructure. The number of project locations has not been finalized, but the contract is expected to accommodate approximately 10 to 12 locations in the Los Angeles Basin and 2 to 4 locations in Santa Clarita Valley based on prior contract performance.

This construction contract will be for a period of one year on an on-call basis.

Project locations will be identified as needed throughout the duration of the contract. Construction is anticipated to begin June 2022.

Implementation of Strategic Plan Goals

These recommendations support the County Strategic Plan: Strategy III.3, Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability, Objective III.3.2, Manage and Maximize County Assets. The recommended actions support ongoing efforts to manage and improve public infrastructure assets.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The estimated construction contract cost to complete this project is in the range of \$2,700,000 to \$4,100,000. The total project cost is estimated to be \$4,500,000. In addition to the construction contract cost, the total project cost includes the preparation of plans and specifications, construction engineering, inspection, contract administration, change order contingency, environmental compliance, and other County services.

Funding for this project is included in the Road (B03) and various County Lighting Maintenance Districts Funds Fiscal Year 2021-22 Budgets. For split jurisdiction intersections, the city or cities will finance their respective jurisdictional shares of the project cost under a County-City Cooperative Agreement or City Services Request.

If an unanticipated need to perform services in the following year occurs, future funding will be requested through the annual budget process. In addition, should an unanticipated need arise in other Public Works operating funds, the work will be financed from the appropriate fund. Total expenditures for these services will not exceed the amount approved by the Board.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

This project will be advertised in accordance with Section 20392 of the State Public Contract Code.

The State Public Contract Code Section 3400 allows a product to be designated by specific brand name for several purposes, one of which is in order to match other products in use on a particular public improvement either completed or in the course of completion, if the awarding authority makes a finding and language is included in the Notice Inviting Bids. The Notice Inviting Bids includes language making the required finding under Section 3400.

A list of specific brand names and qualified purposes in accordance with the State Public Contract Code is provided in Enclosure B.

The contract award will comply with applicable Federal and State requirements and Board policies and mandates. The contract documents will require the contractor to comply with these same requirements, policies, and mandates. The construction contract will be in the form previously reviewed and approved as to form by County Counsel.

As required by Board Policy No. 5.140, information such as defaulted contracts with the County, complaints filed with the Contractors State License Board, labor violations, and debarment actions will be considered before a contract is awarded.

ENVIRONMENTAL DOCUMENTATION

The proposed project is exempt from CEQA. The project to perform modification of existing traffic signal system, installation of new traffic signal systems, reconstruction of existing roadways, and maintenance of existing roadway facilities is within a class of projects that have been determined not to have a significant effect on the environment, which meets the criteria set forth in Section 15301 (c) of the State CEQA Guidelines and Class 1 (x), Subsections 4, 5, 14, and 22 of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G. In addition, based on the proposed project records, it will comply with all applicable regulations, and there are no cumulative impacts, unusual circumstances, damage to scenic highways, listing on hazardous waste site lists compiled pursuant to Government Code Section 65962.5, or indications that it may cause a substantial adverse change in the significance of a historical resource that would make the exemption inapplicable.

CONTRACTING PROCESS

Contract provisions require the contractor to comply with the Board-adopted Local and Targeted Worker Hire Policy.

To increase contractor awareness of Public Works' program to contract work out to the private sector, this project will be listed on both the County's "Doing Business with the County" and "Do Business with Public Works" websites for open bids:

<http://www.lacounty.gov/business/doing-business-with-the-county>

<http://pw.lacounty.gov/general/contracts/opportunities>

Also, the contract solicitation will be advertised through web-based and social media platforms, including Twitter.

In addition, in order to increase opportunities for small businesses, Public Works will be coordinating with the Office of Small Business at the Department of Consumer and Business Affairs to maximize outreach, as well as offering preferences to Local Small Business Enterprises, Social Enterprises, and Disabled Veteran Business Enterprises in compliance with Los Angeles County Code, Chapters 2.204, 2.205, and 2.211.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

When the project is completed, it will have a positive impact by improving traffic flow and safety for motorists and pedestrians.

CONCLUSION

Please return an adopted copy of this letter to Public Works, Project Management Division III.

Respectfully submitted,

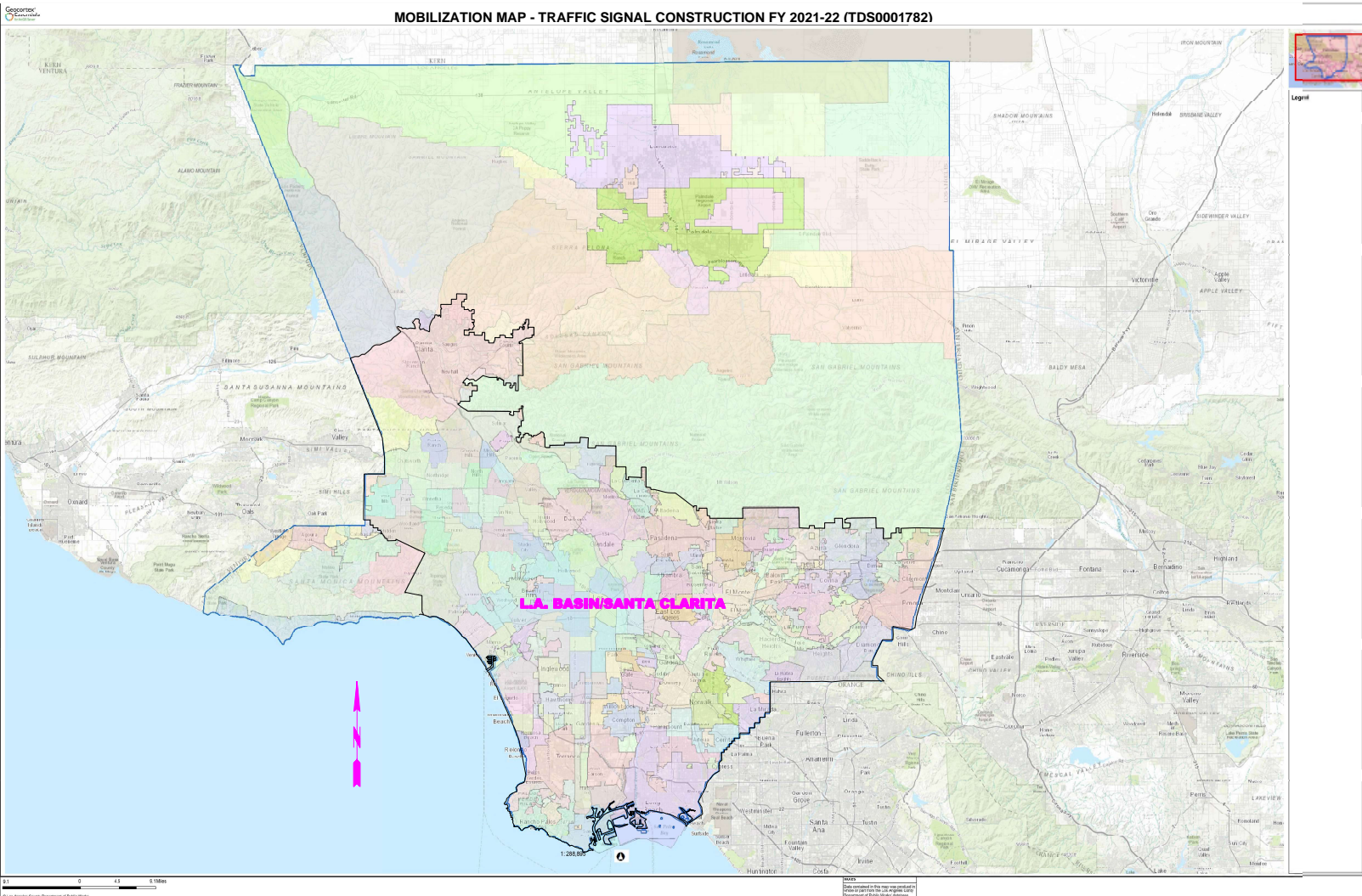
MARK PESTRELLA, PE
Director of Public Works

MP:SRB:dw

Enclosures

c: Chief Executive Office (Chia-Ann Yen)
County Counsel
Executive Office
Internal Services Department (Countywide Contract Compliance)

ON-CALL TRAFFIC SIGNAL CONSTRUCTION, FISCAL YEAR 2021-22
PROJECT ID NO. TDS0001782



ON-CALL TRAFFIC SIGNAL CONSTRUCTION, FISCAL YEAR 2021-22
PROJECT ID NO. TDS0001782
LIST OF SPECIFIC BRAND NAMES IN ACCORDANCE WITH
STATE PUBLIC CONTRACT CODE SECTION 3400

	Item/Category	Manufacturer	Model	Purpose
1	Contemporary Series, Octagonal Concrete Poles	Ameron	Type 1 C1	In order to match other products in use on County facilities either completed or in the course of completion.

BOARD LETTER/MEMO CLUSTER FACT SHEET

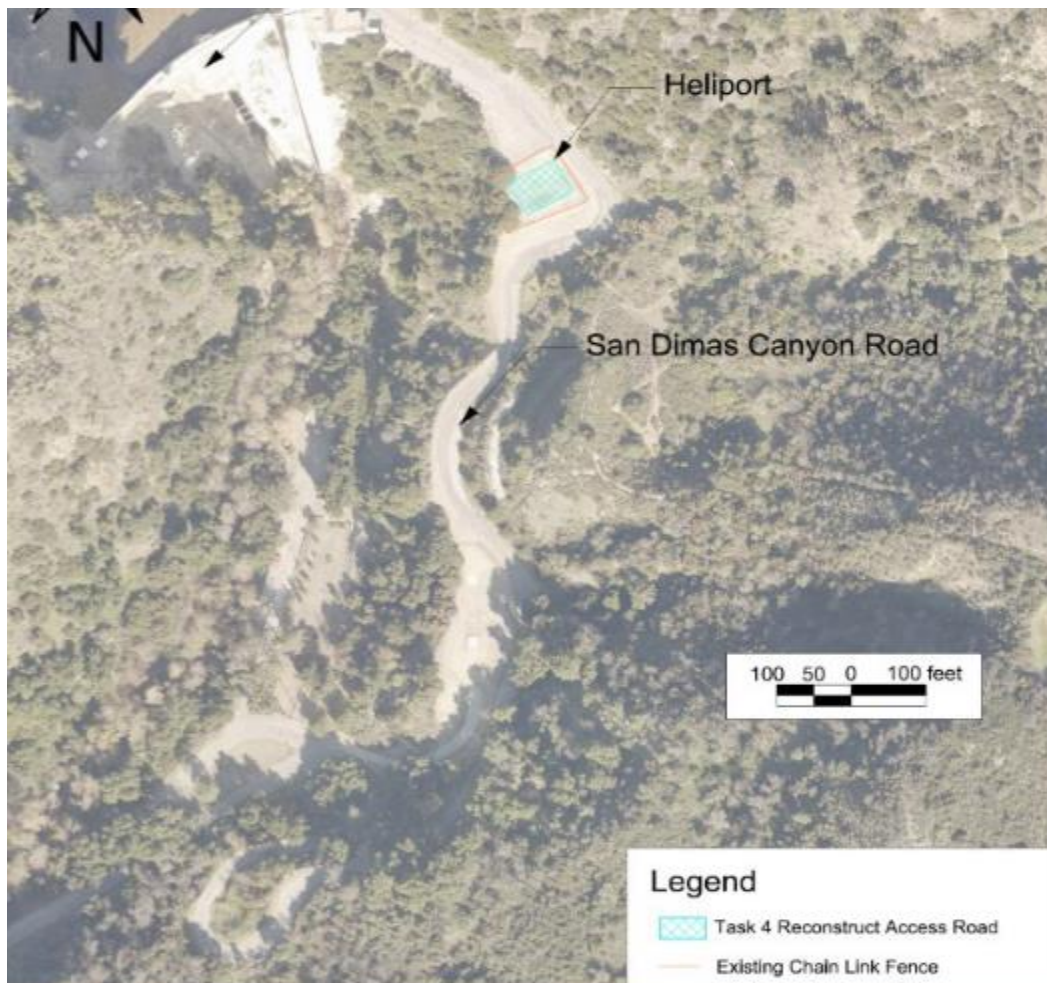
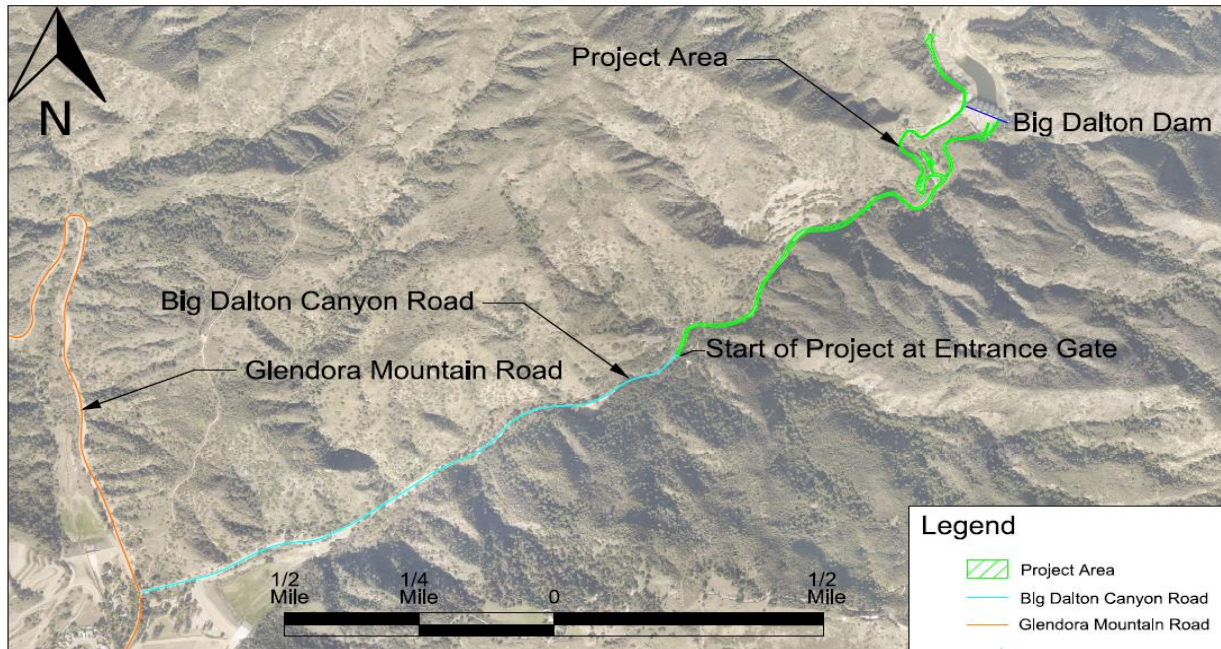
☒ Board Letter

☐ Board Memo

☐ Other

CLUSTER AGENDA REVIEW DATE	3/16/2022		
BOARD MEETING DATE	4/5/2022		
SUPERVISORIAL DISTRICT AFFECTED	<input type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input checked="" type="checkbox"/> 5 th		
DEPARTMENT(S)	Public Works		
SUBJECT	Adopt, Advertise, and Award the Big Dalton and San Dimas Dams Access Improvements Project		
PROGRAM	Flood Control District Fund		
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain why:		
DEADLINES/ TIME CONSTRAINTS	Regulatory permits expire in spring 2023 and have limited windows for completion of the project construction.		
COST & FUNDING	Total cost: \$9,250,000		Funding source: Flood Control District Fund
	TERMS (if applicable): N/A		
	Explanation: Up to \$9,250,000 is the estimated construction contract for Board approval. Total project cost is \$12,000,000 with County Services.		
PURPOSE OF REQUEST	To obtain Board approval to procure a construction contract for the Big Dalton and San Dimas Dams Access Improvements Project in the City of Glendora and in the Angeles National Forest.		
BACKGROUND (include internal/external issues that may exist including any related motions)	<p>The project will include reconstructing the access road to the dam, replacing a culvert with a new bridge, constructing a heliport, and other essential maintenance repairs at Big Dalton Dam and constructing a heliport at San Dimas Dam. The project improvements will ensure safe and reliable access for maintenance and inspection of the dam and will support critical flood control operations, flood risk management, and emergency response. It is anticipated the work will start in September 2022 and be completed in September 2023.</p> <p>Project meetings have occurred with stakeholders. No community concerns are expected.</p>		
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how:		
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please state which one(s) and explain how: This project supports the Board's priority of Sustainability by improving resiliency, longevity, and operational effectiveness of existing infrastructure.		
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Keith Lilley, Deputy Director, (626) 458-4012, cell (626) 320-9841 klilley@pw.lacounty.gov		

BIG DALTON AND SAN DIMAS DAMS ACCESS IMPROVEMENTS PROJECT





MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

April 5, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**CONSTRUCTION CONTRACT
WATER RESOURCES CORE SERVICE AREA
ADOPT, ADVERTISE, AND AWARD
BIG DALTON AND SAN DIMAS DAMS ACCESS IMPROVEMENTS PROJECT
PROJECT ID NO. FCC0001277
IN THE CITY OF GLENDORA
AND IN THE ANGELES NATIONAL FOREST
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)**

SUBJECT

Public Works is seeking Board approval to procure a construction contract for the Big Dalton and San Dimas Dams Access Improvements Project in the City of Glendora and the Angeles National Forest.

**IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF
THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

1. Find that the proposed project is exempt from the California Environmental Quality Act for the reasons stated in this Board letter and in the record of the project.
2. Approve the project and adopt the plans and specifications that are on file in Project Management Division III of Public Works for Big Dalton and San Dimas Dams Access Improvements Project, which includes building and operating one

heliport at Big Dalton Dam and one heliport at San Dimas Dam, at an estimated construction contract cost between \$6,750,000 and \$10,250,000.

3. Instruct the Executive Officer of the Board of Supervisors to advertise for bids in accordance with the Instruction Sheet for Publishing Legal Advertisement and which are to be received before 11 a.m. on May 10, 2022, in accordance with the Notice Inviting Bids.
4. Find pursuant to State Public Contract Code, Section 3400 (b), that it is necessary to specify the designated items by specific brand name in order to obtain a necessary item that is only available from one source.
5. Delegate authority to the Chief Engineer of the Los Angeles County Flood Control District or his designee to determine whether the bid of the apparent responsible contractor with the lowest apparent responsive bid is, in fact, responsive and, if not responsive, to determine which apparent responsible contractor submitted the lowest responsive bid.
6. Delegate authority to the Chief Engineer of the Los Angeles County Flood Control District or his designee to award and execute a construction contract for the Big Dalton and San Dimas Dams Access Improvements Project with the responsible contractor with the lowest responsive bid within or less than the estimated cost range of \$6,750,000 and \$10,250,000 or that exceeds the estimated cost range by no more than 15 percent if additional and appropriate funds have been identified.
7. Delegate to the Chief Engineer of the Los Angeles County Flood Control District or his designee the following authority in connection with this contract: (1) extend the date and time for the receipt of bids consistent with the requirements of State Public Contract Code, Section 4104.5; (2) allow substitution of subcontractors and relief of bidders upon demonstration of the grounds set forth in State Public Contract Code, Sections 4100 et seq. and 5100 et seq., respectively; (3) approve and execute change orders within the same monetary limits delegated to the Director of Public Works or his designee under Section 2.18.050 of the Los Angeles County Code; (4) accept the project upon its final completion; and (5) release retention money withheld consistent with the requirements of State Public Contract Code, Sections 7107 and 9203.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will find that the proposed project is exempt from California Environmental Quality Act (CEQA) and allow Public Works to reconstruct the access road, replace a culvert with a new bridge, construct a heliport, and perform other essential maintenance repairs (such as reconstructing a sluiceway inlet structure, replacing a down drain, air-placed concrete, repairing a catch basin, and upgrading a security gate) around Big Dalton Dam, a Flood Control District facility located in the City of Glendora, and construct a heliport at San Dimas Dam, a Flood Control District facility located in the Angeles National Forest (see Enclosure A).

The project will improve resilient access to Big Dalton and San Dimas Dams for increased operational efficiency, enhanced dam safety, and strengthened reliability of flood risk management and emergency response. The project also contains priority work to mitigate damage which occurred in the 2021/22 storm season.

It is anticipated the work will start in September 2022 and be completed in September 2023.

Implementation of Strategic Plan Goals

These recommendations support the County Strategic Plan: Strategy III.3, Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability, Objective III.3.2, Manage and Maximize County Assets, by supporting ongoing efforts to manage and improve public infrastructure assets.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The estimated construction contract cost to complete this project is in the range of \$6,750,000 and \$10,250,000. The total project cost is estimated to be \$13,000,000. In addition to the construction contract cost, the total project cost includes the preparation of plans and specifications, construction engineering, inspection, contract administration, change order contingency, environmental compliance, and other County services.

Funding for this project is included in the Flood Control District Fund (B07-Capital Assets-Infrastructure) Fiscal Year 2021-22 Budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

This project will be advertised in accordance with Section 20991 of the State Public Contract Code.

The State Public Contract Code Section 3400 allows a product to be designated by specific brand name for several purposes, one of which is in order to obtain a necessary item that is only available from one source, if the awarding authority makes a finding and language is included in the Notice Inviting Bids. The Notice Inviting Bids includes language describing these findings.

A list of specific brand names and qualified purposes in accordance with the State Public Contract Code is provided in Enclosure B.

The contract award will comply with applicable Federal and State requirements and Board policies and mandates. The contract documents will require the contractor to comply with these same requirements, policies, and mandates. The construction contract will be in the form previously reviewed and approved as to form by County Counsel.

As required by Board Policy No. 5.140, information such as defaulted contracts with the County, complaints filed with the Contractor's State License Board, labor violations, and debarment actions will be considered before a contract is awarded.

Documents related to award of this contract will be available at Los Angeles County Public Works, Project Management Division III, 900 South Fremont Avenue, 8th Floor, Alhambra, CA 91803.

ENVIRONMENTAL DOCUMENTATION

The proposed project is exempt from CEQA. The project to reconstruct an existing access road, replace an existing culvert with a new bridge, construct two heliports, and perform other essential maintenance repairs (such as reconstructing a sluiceway inlet structure, replacing a down drain and air-placed concrete, repairing a catch basin, and upgrading a security gate), is within a class of projects that have been determined not to have a significant effect on the environment, which meets the criteria set forth in Section 15301 (c), (d), (m); Section 15302; and Section 15303 (e) of the State CEQA Guidelines and Class 1 (m), (n), (o), (w), and (x); Subsections 7, 13, 16, 17, and 22; Class 2; and Class 3 (b) of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G. In addition, based on the proposed project records, it will comply with all applicable regulations, and there are no cumulative impacts, unusual circumstances,

damage to scenic highways, listing on hazardous waste site lists compiled pursuant to Government Code Section 65962.5, or indications that it may cause a substantial adverse change in the significance of a historical resource that would make the exemption inapplicable.

CONTRACTING PROCESS

In accordance with the Board's consolidated Local and Targeted Worker Hire Policy, the contract documents will require that at least 30 percent of the total California craft worker hours for construction of the project be performed by Local Residents and at least 10 percent be performed by Targeted Workers facing employment barriers.

To increase contractor awareness of Public Works' program to contract work out to the private sector, this project will be listed on both the County's "Doing Business with the County" and "Public Works' Business Opportunities" websites for open bids:

<http://www.lacounty.gov/business/doing-business-with-the-county>

<http://pw.lacounty.gov/general/contracts/opportunities>

Also, the contract solicitation will be advertised through web-based and social media platforms, including Twitter.

In addition, in order to increase opportunities for small businesses, Public Works will be coordinating with the Office of Small Business at the Department of Consumer and Business Affairs to maximize outreach, as well as offering preferences to Local Small Business Enterprises, Social Enterprises, and Disabled Veteran Business Enterprises in compliance with Los Angeles County Code, Chapters 2.204, 2.205, and 2.211.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

When the project is completed, it will have a positive impact by improving flood control access and emergency response at critical flood control facilities. Approval of these actions will benefit Public Works by allowing the Los Angeles County Flood Control District to ensure the safety of communities downstream of the dam through consistent and reliable operations.

The Honorable Board of Supervisors
April 5, 2022
Page 6

CONCLUSION

Please return an adopted copy of this letter to Public Works, Project Management Division III.

Respectfully submitted,

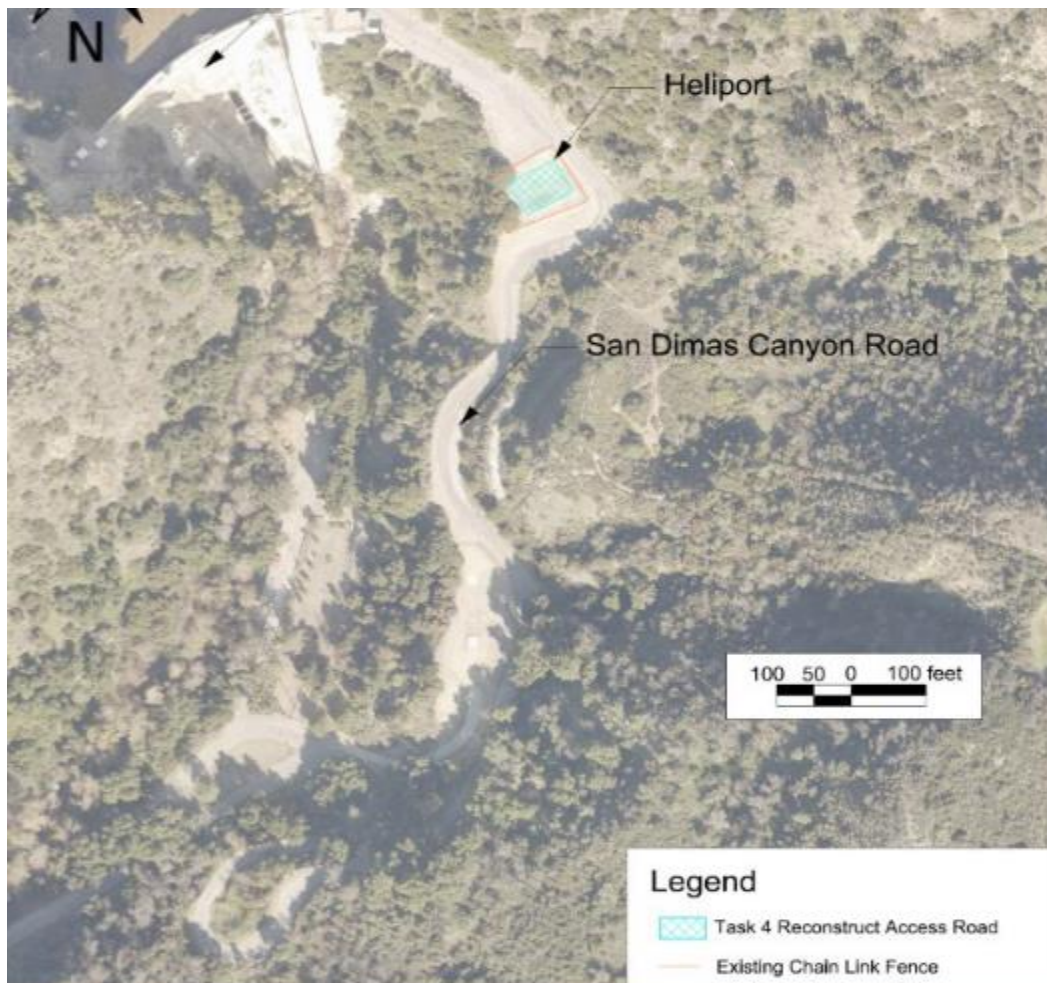
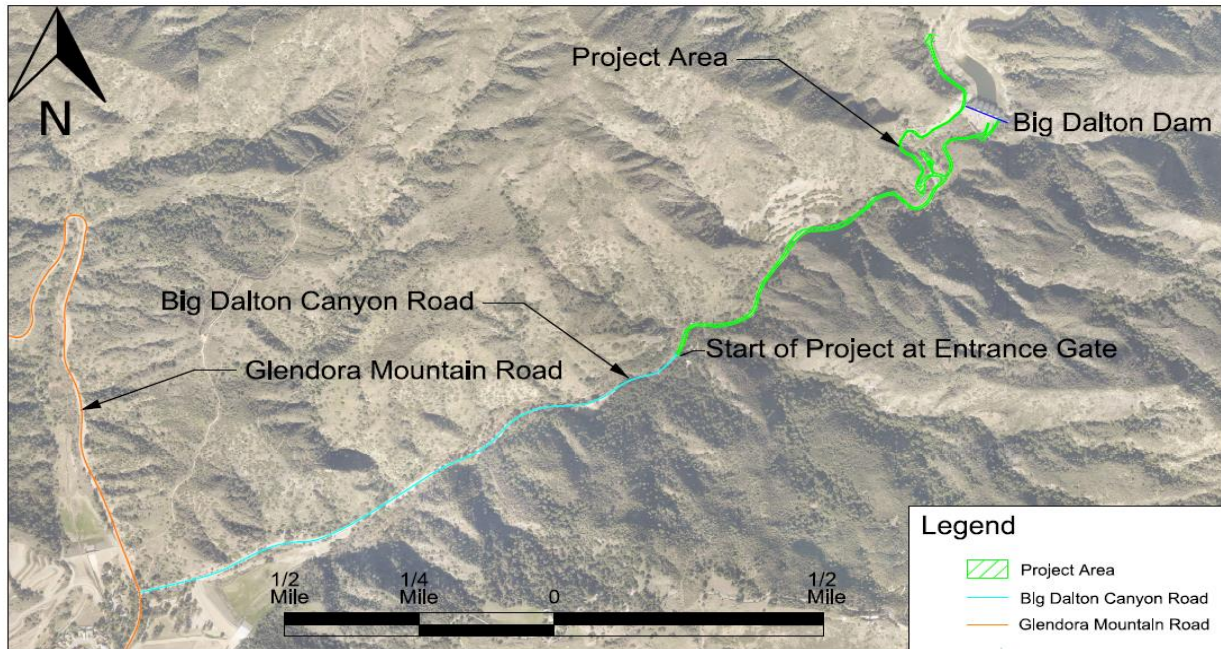
MARK PESTRELLA, PE
Director of Public Works

MP:SB:ja

Enclosures

c: Chief Executive Office (Chia-Ann Yen)
County Counsel
Executive Office
Internal Services Department (Countywide Contract Compliance)

BIG DALTON AND SAN DIMAS DAMS ACCESS IMPROVEMENTS PROJECT



**ADOPT, ADVERTISE, AND AWARD CONSTRUCTION CONTRACT FOR THE
BIG DALTON AND SAN DIMAS DAMS ACCESS IMPROVEMENTS PROJECT
PROJECT ID NO. FCC0001277**

**LIST OF SPECIFIC BRAND NAMES IN ACCORDANCE WITH STATE PUBLIC
CONTRACT CODE SECTION 3400**

	Item/Category	Manufacturer	Model	Purpose
1	Emergency Key Switch	Knox	Knox Dual Switch Model 3503	(Purpose Item #3) In order to obtain a necessary item that is only available from one source. This item will provide consistency across multiple facilities to improve safety.

BOARD LETTER/MEMO CLUSTER FACT SHEET

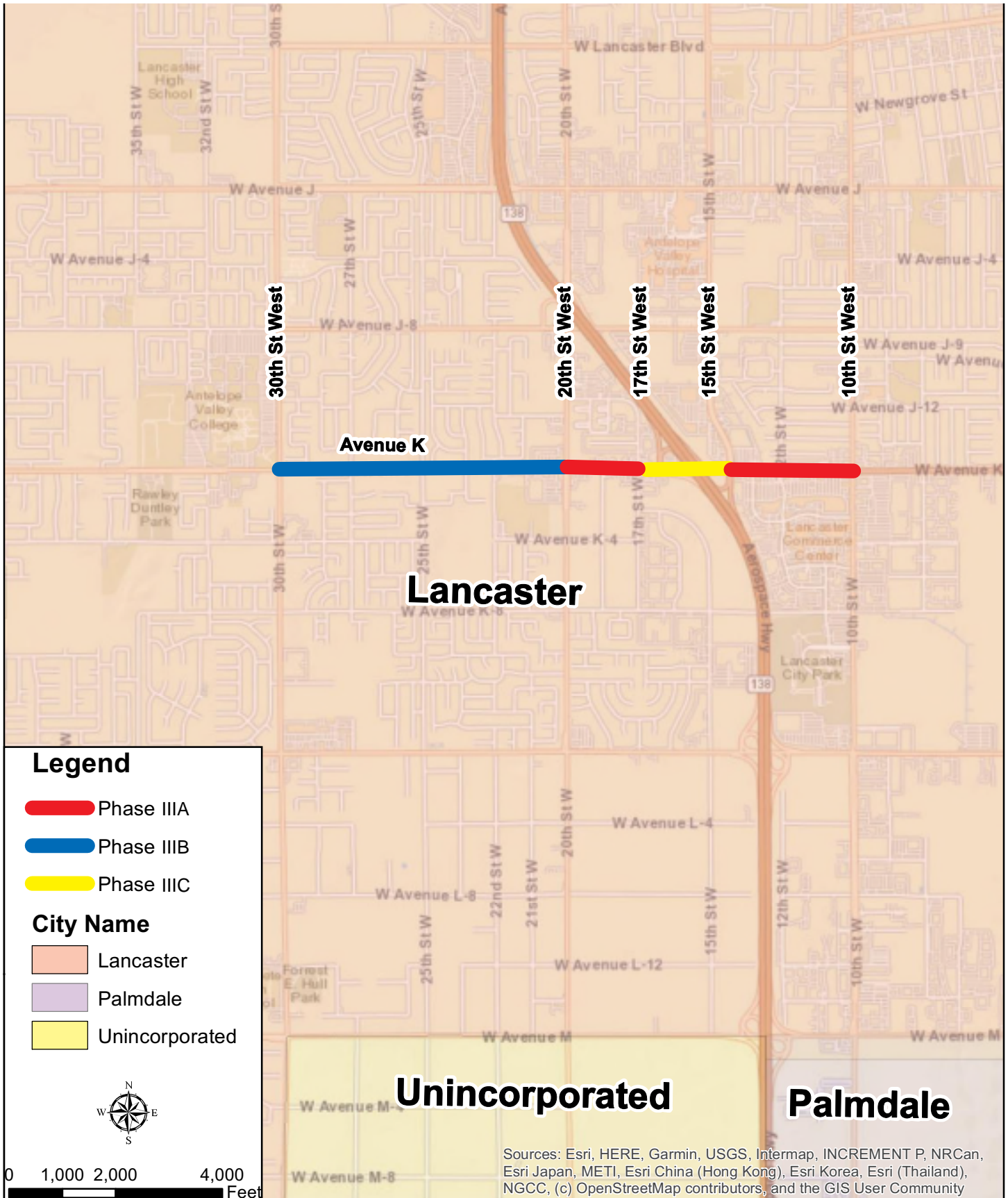
☒ Board Letter

☐ Board Memo

☐ Other

CLUSTER AGENDA REVIEW DATE	3/16/2022	
BOARD MEETING DATE	4/5/2022	
SUPERVISORIAL DISTRICT AFFECTED	<input type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input checked="" type="checkbox"/> 5 th	
DEPARTMENT(S)	Public Works	
SUBJECT	Avenue K Transmission Water Main Project	
PROGRAM	Los Angeles County Waterworks District No. 40, Accumulative Capital Outlay	
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain why:	
DEADLINES/ TIME CONSTRAINTS	Phase IIIA must be completed by July 2023 to meet City of Lancaster's requirements and avoid conflicts with the City's overlapping road reconstruction project.	
COST & FUNDING	Total cost: \$5,500,000	Funding source: Los Angeles County Waterworks District No. 40 Accumulative Capital Outlay Fund
	TERMS (if applicable):	
	Explanation: Up to \$5,500,000 is the estimated construction contract for Board approval. Total project cost is \$6,400,000 with County services.	
PURPOSE OF REQUEST	Approve Avenue K Transmission Water Main Phases IIIA, IIIB, and IIIC and certify the California Environmental Quality Act Negative Declaration Addendum. Advertise Phase IIIA of the project, and authorize the Director of Public Works to execute a construction contract with the responsible contractor with the lowest responsive bid.	
BACKGROUND (include internal/external issues that may exist including any related motions)	Phase IIIA will install 4,000 feet of 36-inch water main along Avenue K in the City of Lancaster. The proposed transmission main will improve water pressures during peak water demand in Waterworks District No. 40. Public Works will notify residents within the project vicinity prior to the start of construction. No community concerns are anticipated. Phases IIIB and IIIC (totaling 6,800 feet of additional 36-inch water main) will be constructed separately at a later date.	
EQUITY INDEX OR LENS WAS UTILIZED	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please explain how: The project will improve water supply resiliency in a community ranked in the Los Angeles County Healthy Places Index 25th Percentile (includes 60 health indicators, including demographics, social and economic characteristics, health conditions, and health behaviors).	
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please state which one(s) and explain how: Board Priority No. 7: Sustainability. The project will increase water system reliability for domestic use and fire protection. This infrastructure investment will better enable the water system to adapt to changing demands and climate stresses.	
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Keith Lilley, Deputy Director, (626) 458-4012, cell (626) 320-9841 klilley@pw.lacounty.gov	

Avenue K Transmission Water Main Los Angeles County Waterworks District No. 40, Antelope Valley





MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

April 5, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**CONSTRUCTION CONTRACT
WATER RESOURCES CORE SERVICE AREA
APPROVE AVENUE K TRANSMISSION WATER MAIN PHASES IIIA, IIIB, AND IIIC
ADOPT, ADVERTISE, AND AWARD
AVENUE K TRANSMISSION WATER MAIN PHASE IIIA
PROJECT ID NO. WWD4004012
IN THE CITY OF LANCASTER
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)**

SUBJECT

Public Works is seeking Board approval to procure a construction contract for the Avenue K Transmission Water Main Project in the City of Lancaster.

IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40, ANTELOPE VALLEY:

1. Certify that the Second Addendum to the previously adopted Negative Declaration for the approved Avenue K Transmission Water Main Project, which includes Phases IIIA, IIIB, and IIIC; has been completed in compliance with the California Environmental Quality Act and reflects the independent judgment and analysis of the County; find that the Board has reviewed and considered the information contained in the Second Addendum with the Negative Declaration and previous

Addendum as applicable prior to approving the project; and adopt the Second Addendum.

2. Approve Phases IIIA, IIIB, and IIIC of the Avenue K Transmission Water Main Project.
3. Adopt the plans and specifications that are on file in Project Management Division III of Public Works for the Avenue K Transmission Water Main Phase IIIA Project at an estimated construction contract cost between \$3,700,000 and \$5,500,000.
4. Instruct the Executive Officer of the Board of Supervisors to advertise for bids for Phase IIIA in accordance with the Instruction Sheet for Publishing Legal Advertisement and which are to be received before 11 a.m. on May 3, 2022, in accordance with the Notice Inviting Bids.
5. Delegate authority to the Director of Public Works or his designee to determine whether the Phase IIIA bid of the apparent responsible contractor with the lowest apparent responsive bid is, in fact, responsive and, if not responsive, to determine which apparent responsible contractor submitted the lowest responsive bid.
6. Delegate authority to the Director of Public Works or his designee to award and execute a construction contract for the Avenue K Transmission Water Main Phase IIIA Project with the responsible contractor with the lowest responsive bid within or less than the estimated cost range of \$3,700,000 and \$5,500,000 or exceeds the estimated cost range by no more than 15 percent, if additional and appropriate funds have been identified.
7. Delegate to the Director of Public Works or his designee the following authority in connection with this contract: (1) extend the date and time for the receipt of bids consistent with the requirements of State Public Contract Code, Section 4104.5; (2) allow substitution of subcontractors and relief of bidders upon demonstration of the grounds set forth in State Public Contract Code, Sections 4100 et seq. and 5100 et seq., respectively; (3) approve and execute change orders within the same monetary limits delegated to the Director of Public Works or his designee under Section 2.18.050 of the Los Angeles County Code; (4) accept the project upon its final completion; and (5) release retention money withheld consistent with the requirements of State Public Contract Code, Sections 7107 and 9203.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will adopt the Second Addendum to the Negative Declaration for Phases IIIA, IIIB, and IIIC of the project and allow Public Works to complete Phase IIIA, which will install approximately 4,000 feet of 36-inch water main along Avenue K between 10th Street West and 15th Street West and 17th Street West to 20th Street West in the City of Lancaster (see Enclosure).

The project will improve system reliability in the region by reducing pressure fluctuations.

It is anticipated that construction for approved Phase IIIA of the project will start in October 2022 and be completed in March 2023 to meet City requirements and avoid conflicts with the City's overlapping road reconstruction project.

After obtaining the necessary permits, Public Works will return to the Board for approval to advertise and award Phases IIIB and IIIC, which includes installation of approximately 5,000 feet and 1,800 feet, respectively, of 36-inch water main adjacent to Phase IIIA.

Implementation of Strategic Plan Goals

These recommendations support the County Strategic Plan: Strategy III.3, Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability, Objective III.3.2, Manage and Maximize County Assets, by supporting ongoing efforts to manage and improve public infrastructure assets.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The estimated construction cost to complete Phase IIIA of the approved project is in the range of \$3,700,000 and \$5,500,000. The total cost of Phase IIIA is estimated to be \$6,400,000. In addition to the construction contract cost, the total cost of Phase IIIA includes the preparation of plans and specifications, materials testing and reporting, survey, traffic control, inspection, contract administration, change order contingency, and other County services.

Funding for this Phase IIIA is included in the Los Angeles County Waterworks District No. 40, Antelope Valley, Accumulative Capital Outlay Fund (N64) Fiscal Year 2021-22 Budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Phase IIIA of the approved project will be advertised in accordance with Section 20602 of the State Public Contract Code.

The contract award will comply with applicable Federal and State requirements and Board policies and mandates. The contract documents will require the contractor to comply with these same requirements, policies, and mandates. The construction contract will be in the form previously reviewed and approved as to form by County Counsel.

As required by Board Policy No. 5.140, information such as defaulted contracts with the County, complaints filed with the Contractors State License Board, labor violations, and debarment actions will be considered before a contract is awarded.

Documents related to award of this contract will be available at Los Angeles County Public Works, Project Management Division III, 900 South Fremont Avenue, 8th Floor, Alhambra, CA 91803.

ENVIRONMENTAL DOCUMENTATION

On July 29, 2008, the Board approved the Negative Declaration for the Avenue K Transmission Water Main, Phases I to IV Project. The Negative Declaration found that the project will not have a significant effect on the environment in accordance with the provisions of the California Environmental Quality Act (CEQA). On June 12, 2018, the Board adopted an Addendum for Phase IV of the previously adopted Negative Declaration. In accordance with Sections 15162 and 15164 (b) of the State CEQA Guidelines, a Second Addendum to the Negative Declaration identified three phases for previous Phase III. Phases IIIA, IIIB, and IIIC had minor changes including pipe size and slight location changes that do not result in any significant effect on the environment. There are no changes to the project or to the circumstances under which the project is undertaken that require further review under the CEQA.

The location of documents and other materials constituting the record of the proceedings upon which the Board's decision is based in this matter can be viewed online at <https://pw.lacounty.gov/www/web/SystemImprovements/DistrictNo40.aspx> or in person at Los Angeles County Public Works, Waterworks Division, 1000 South Fremont Avenue, Building A9-East, 4th Floor Alhambra, CA 91803. The custodian of such documents and materials is Waterworks Division, Capital Projects Design and Development Services Section.

The required fee, if any, to the California Department of Fish and Wildlife was paid for the previously adopted Negative Declaration.

Upon the Board's adoption of the project as revised, Public Works will file a Notice of Determination with the Registrar-Recorder/County Clerk in accordance with Section 21152 (a) of the California Public Resources Code and will post the Notice of Determination to its website in accordance with Section 21092.2.

CONTRACTING PROCESS

In accordance with the Board's consolidated Local and Targeted Worker Hire Policy, the contract documents will require that at least 30 percent of the total California craft worker hours for construction of the project be performed by Local Residents and at least 10 percent be performed by Targeted Workers facing employment barriers.

To increase contractor awareness of Public Works' program to contract work out to the private sector, this project will be listed on both the County's "Doing Business with the County" and "Do Business with Public Works" websites for open bids:

<http://www.lacounty.gov/business/doing-business-with-the-county>

<http://pw.lacounty.gov/general/contracts/opportunities>

Also, the contract solicitation will be advertised through web-based and social media platforms, including Twitter.

In addition, in order to increase opportunities for small businesses, Public Works will be coordinating with the Office of Small Business at the Department of Consumer and Business Affairs to maximize outreach, as well as offering preferences to Local Small Business Enterprises, Social Enterprises, and Disabled Veteran Business Enterprises in compliance with Los Angeles County Code, Chapters 2.204, 2.205, and 2.211.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Phases IIIA, IIIB, and IIIC facilitates delivery of regional infrastructure improvements and, when completed, will have a positive impact by ensuring water supply reliability in the region by reducing pressure fluctuations, thereby protecting the health and safety of existing customers.

The Honorable Board of Supervisors
April 5, 2022
Page 6

CONCLUSION

Please return an adopted copy of this letter to Public Works, Project Management Division III.

Respectfully submitted,

MARK PESTRELLA, PE
Director of Public Works

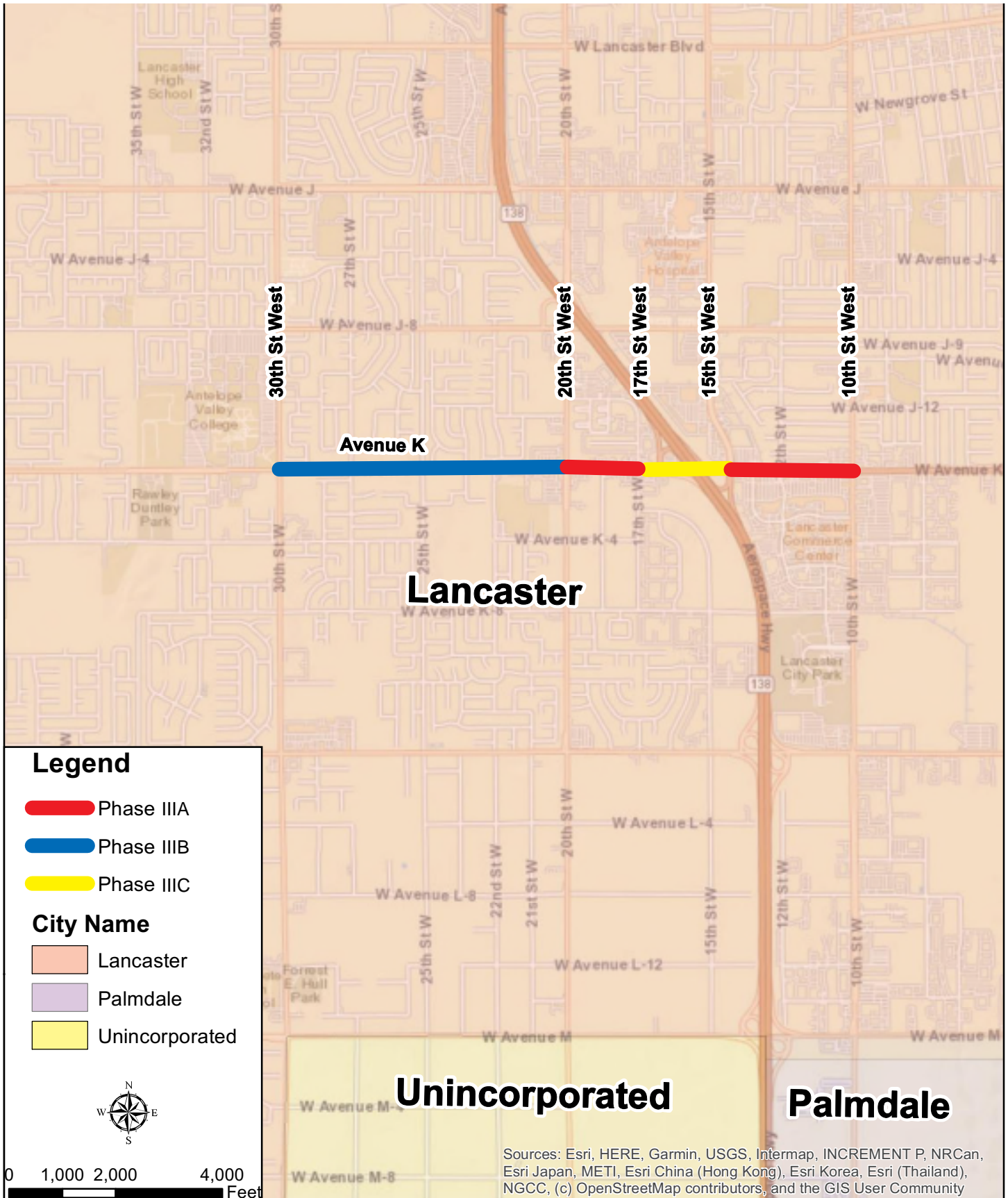
MP:SB:ja

Enclosure

c: Chief Executive Office (Chia-Ann Yen)
County Counsel
Executive Office
Internal Services Department (Countywide Contract Compliance)

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Avenue K Transmission Water Main Los Angeles County Waterworks District No. 40, Antelope Valley



BOARD LETTER/MEMO CLUSTER FACT SHEET

☒ Board Letter

☐ Board Memo

☐ Other

CLUSTER AGENDA REVIEW DATE	3/16/2022		
BOARD MEETING DATE	4/5/2022		
SUPERVISORIAL DISTRICT AFFECTED	<input checked="" type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input type="checkbox"/> 5 th		
DEPARTMENT(S)	Public Works		
SUBJECT	PUBLIC CONTRACTING AND ASSET MANAGEMENT CORE SERVICE AREA CONSTRUCTION-RELATED CONTRACT AWARD CONSULTANT SERVICES AGREEMENT FOR ON-CALL REAL ESTATE, TITLE, ACQUISITION, AND RELOCATION ASSISTANCE SERVICES FOR FEDERAL AND NON-FEDERAL FUNDED PROJECTS (ALL SUPERVISORIAL DISTRICTS) (3 VOTES)		
PROGRAM	N/A		
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain why:		
DEADLINES/ TIME CONSTRAINTS	N/A		
COST & FUNDING	Total cost: \$1,200,000	Funding source: Various Public Works Funds	
	TERMS (if applicable): An initial term of 3 years plus two 1-year extension options, commencing upon full execution of the agreement.		
	Explanation: Financing for this consultant services agreement is included in various Public Works funds Fiscal Year 2021-22 Budgets. Funding to finance future contract years will be requested through the annual budget process. When the need arises for services under this contract, financing for the required on-call real estate, title, acquisition, and relocation assistance services will be made from the appropriate fund. Total expenditures for these services, however, will not exceed the amount approved by the Board of Supervisors.		
PURPOSE OF REQUEST	Award and authorize delegated authority to the Director of Public Works or his designee, to execute a consultant services agreement with Paragon Partners Consultants, Inc., to provide on-call real estate, title, acquisition, and relocation assistance services for various Federal and non-Federal funded County projects throughout the County of Los Angeles. The contract will commence upon execution by the County with an initial term of 3 years plus two 1-year extension options for a total contract term of 5 years. The maximum contract amount is \$1.2 million for the 5-year term.		
BACKGROUND (include internal/external issues that may exist)	The consultant services agreement will allow Public Works to rapidly provide on-call real estate, title, acquisition, and relocation assistance services for various Federal and non-Federal funded County projects. The agreement will ensure that adequate resources are available to provide real estate, title, acquisition, and relocation assistance		

including any related motions)	services, not only for various Public Works administered infrastructure improvement projects, but also to accommodate requests for these services from other County departments.
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how:
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please state which one(s) and explain how: This recommendation supports the Board Directed Priority of Sustainability, with the Our County Sustainability Plan as the foundation. The Sustainability Priority focuses on working towards the vision of making the County healthier, more livable, economically stronger, more equitable, and more resilient. The recommended actions will improve the economic and social well-being of our communities while maximizing and leveraging resources.
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Shari Afshari, Deputy Director, (626) 458-4008, safshari@pw.lacounty.gov



MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: **SMP-8**

April 5, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**CONSTRUCTION-RELATED CONTRACT
PUBLIC CONTRACTING AND ASSET MANAGEMENT CORE SERVICE AREA
AWARD CONSULTANT SERVICES AGREEMENT
ON-CALL REAL ESTATE, TITLE, ACQUISITION, AND
RELOCATION ASSISTANCE SERVICES FOR FEDERAL
AND NON-FEDERAL FUNDED PROJECTS
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

Public Works is seeking Board approval to award and authorize the Director of Public Works or his designee to execute a consultant services agreement with Paragon Partners Consultants, Inc., for on-call real estate, title, acquisition, and relocation assistance services to be utilized for various Federal and non-Federal funded County projects for a 3-year term plus two 1-year extension options.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the proposed action is not a project pursuant to the California Environmental Quality Act for the reasons stated in this Board letter.

2. Award and delegate authority to the Director of Public Works or his designee to execute a consultant services agreement with Paragon Partners Consultants, Inc., to provide on-call real estate, title, acquisition, and relocation assistance services for various Federal and non-Federal funded County projects throughout the County of Los Angeles. The contract will commence upon execution by the County of Los Angeles with an initial term of 3 years plus two 1-year extension options for a total contract term of 5 years. The maximum contract amount is \$1.2 million for the 5-year term.
3. Delegate authority to the Director of Public Works or his designee to administer the agreement and, at the discretion of the Director of Public Works or his designee, to exercise the two 1-year extension options to extend the term of the contract based upon project demands and level of satisfaction with services provided.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to award a consultant services agreement that will allow Public Works to rapidly provide on-call real estate, title, acquisition, and relocation assistance services for various Federal and non-Federal funded County projects, such as road repair, bridge retrofit, storm drain and flood control channel repair, multi-use trail and bikeway projects, and pump station projects.

The agreement will ensure that adequate resources are available to provide real estate, title, acquisition, and relocation assistance services, not only for various Public Works administered infrastructure improvement projects, but also to accommodate requests for these services from other County departments. The agreement supplements existing real estate, title, and acquisition staff and also provides specialized real estate relocation assistance services.

Implementation of Strategic Plan Goals

These recommendations support the County Strategic Plan: Strategy II.1, Drive Economic and Workforce Development in the County; Objective II.1.2, Support Small Businesses and Social Enterprises; Strategy III.3, Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability; and Objective III.3.2, Manage and Maximize County Assets by improving the economic and social well-being of our communities while maximizing and leveraging resources.

FISCAL IMPACT/FINANCING

The maximum not-to-exceed contract amount is \$1.2 million. The contract is for an initial 3-year term plus two 1-year extension options for a total maximum term of 5 years. Should additional work be required that exceeds the amount authorized, Public Works will return to the Board of Supervisors for approval.

It is expected that the initial 3-year term for the agreement will start during Fiscal Year 2021-22. Financing for this consultant services agreement is included in various Public Works funds Fiscal Year 2021-22 Budgets, but primarily from the Flood Fund and Road Fund. Funding to finance future contract years will be requested through the annual budget process. When the need arises for services under this contract, financing for the required real estate, title, acquisition, and relocation assistance services will be made from the appropriate fund. Total expenditures for these services, however, will not exceed the amount approved by the Board.

When services are required to meet technical and schedule requirements of a specific project, a separate scope of work and work order will be negotiated and authorized within contract limitations.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

A standard consultant services agreement for Federal or non-Federal funded projects, in the form previously approved by County Counsel, will be used. The consultant services agreements will contain terms and conditions in compliance with the Chief Executive Office and the Board's requirements. The consultant services agreements will contain terms and conditions in compliance with the Board's ordinances, policies, and programs. The agreement also includes a provision requiring the consultant firms to track subcontractor's utilization of Local Small Business Enterprise, Disabled Veterans Business Enterprise, and Social Enterprise Businesses.

The Community Business Enterprises' participation was not included in the solicitation as it conflicts with Federal regulations. Instead, these agreements include a Disadvantaged Business Enterprise goal of 21 percent participation, which was reviewed and approved by the California Department of Transportation.

The consultant was selected upon final analysis and consideration without regard to race, creed, gender, or color.

The enclosed Proposers' Utilization Participation and Community Business Enterprise Program Information for On-Call Real Estate, Title, Acquisition, and Relocation Assistance Services for Federal and non-Federal Funded Projects (Enclosure A) reflects the consultants' minority participation and the Community Business Enterprises' participation data.

ENVIRONMENTAL DOCUMENTATION

The recommended actions are not a project pursuant to the California Environmental Quality Act (CEQA) because they are activities that are excluded from the definition of a project by Section 15378(b)(5) of the CEQA Guidelines. The proposed action to award an as-needed consultant services agreement for anticipated future projects is an administrative activity of the government that will not result in direct or indirect changes to the environment. Public Works will return to the Board, as necessary, for consideration of appropriate environmental documentation pursuant to CEQA prior to commencement of activities under the agreement that may constitute a project under CEQA.

CONTRACTING PROCESS

On February 4, 2020, Public Works issued a Request for Proposals (RFPs) for on-call real estate, title, acquisition, and relocation assistance services for Federal and non-Federal funded projects. The enclosed RFP notification was posted on the County's "Doing Business with the County" website (Enclosure B), Public Works' "Do Business with Public Works" website, and Twitter.

In addition, advertisements were placed in the *Los Angeles Daily Journal*, *Los Angeles Sentinel*, and *La Opinión* newspapers. Also, Public Works informed 1,415 Local Small Business Enterprises, 797 Community Business Enterprises, 158 Social Enterprises, and 159 Disabled Veteran Owned Business Enterprises about this business opportunity. Thirteen firms registered on the "Public Works Contract Opportunities" website for this RFP.

On March 10, 2020, eight firms submitted proposals. One of the eight firms, HDR Engineering, withdrew its proposal. An evaluation committee, composed of Public Works' technical staff, evaluated the remaining seven proposals as outlined in the RFP, including technical expertise, proposed work plan, experience, personnel, qualifications, price, and understanding of the work requirements. Based on the evaluation of the proposals, Interwest Consulting Group, Inc., was selected as the highest rated firm to provide the required services and was recommended to the Board for contract award. However, prior to the execution of the contract, some of Interwest Consulting Group's subconsultants had difficulty completing the Federal forms, and Interwest Consulting Group withdrew its proposal. Accordingly, Public Works began negotiations with the next highest rated firm,

Paragon Partners Consultants, Inc., to provide the required services. Public Works has determined that Paragon Partners Consultants, Inc.'s proposed rates for performing the services are reasonable.

The three-year contracting history for the selected firm is on file with Public Works.

Public Works has evaluated and determined that Los Angeles County Code Chapter 2.201 (Living Wage Program) does not apply to the recommended agreement. This agreement is exempt from the requirements of Proposition A of Los Angeles County Code Chapter 2.121 because the services are required on a part-time and intermittent basis. Public Works notified the Union of this solicitation.

The consultant services agreement includes a cost-of-living adjustment provision in accordance with the Board's Policy No. 5.070 (Multi-Year Services Contract Cost-of-Living Adjustments).

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no impact on current County services or projects as a result of authorizing the recommended consultant service agreement. This agreement will provide necessary on-call real estate, title, acquisition, and relocation assistance services for Federal and non-Federal funded projects in an efficient manner by enhancing the delivery of Public Works and County projects.

The Honorable Board of Supervisors
April 5, 2022
Page 6

CONCLUSION

Please return one adopted copy of this letter to Public Works, Survey/Mapping & Property Management Division.

Respectfully submitted,

MARK PESTRELLA, PE
Director of Public Works

MP:GE:ml

Enclosures

c: Auditor-Controller (Accounting Division–Asset Management)
Chief Executive Office (Chia-Ann Yen)
County Counsel
Executive Office

ENCLOSURE A

**PROPOSERS' UTILIZATION PARTICIPATION AND COMMUNITY BUSINESS ENTERPRISE PROGRAM INFORMATION FOR
ON-CALL REAL ESTATE TITLE, ACQUISITION, AND RELOCATION ASSISTANCE SERVICES FOR FEDERAL-FUNDED AND NON
FEDERAL-FUNDED PROJECTS**

SELECTED FIRM

	Proposer Name	Local SBE	SBE	Minority	Women	Disadvantaged	DisabledVet
1	Paragon Partners Consultants, Inc.		x		x		

NON-SELECTED FIRMS

	Proposer Name	Local SBE	SBE	Minority	Women	Disadvantaged	DisabledVet
1	Briggs Field Services, Inc.			x		x	
2	Del Richardson & Associates, Inc.	x	x	x	x	x	
3	Overland, Pacific & Cutler, LLC						
5	Prima Service, Inc.			x	x	x	
6	Win Win Consulting, Inc.		x			x	x

*Information provided by proposers in response to the Request for Proposal. On final analysis and consideration of award, vendors were selected without regard to race, creed, gender, or color.

**PROPOSERS' UTILIZATION PARTICIPATION AND COMMUNITY BUSINESS ENTERPRISE PROGRAM INFORMATION FOR
ON-CALL REAL ESTATE TITLE, ACQUISITION, AND RELOCATION ASSISTANCE SERVICES FOR FEDERAL-FUNDED AND NON
FEDERAL-FUNDED PROJECTS**

FIRM INFORMATION*		Paragon Partners Consultants, Inc.
BUSINESS STRUCTURE		Inc.
CULTURAL/ETHNIC COMPOSITION		NUMBER/% OF OWNERSHIP
OWNERS/PARTNERS	Black/African American	0
	Hispanic/Latino	0
	Asian or Pacific Islander	0
	American Indian	0
	Filipino	0
	White	2
	<i>Female (included above)</i>	1
MANAGER		NUMBER
	Black/African American	1
	Hispanic/Latino	2
	Asian or Pacific Islander	0
	American Indian	0
	Filipino	0
	White	16
<i>Female (included above)</i>	3	
STAFF	Black/African American	4
	Hispanic/Latino	8
	Asian or Pacific Islander	6
	American Indian	1
	Filipino	0
	White	37
	<i>Female (included above)</i>	32
Total No. of Employees		77
COUNTY CERTIFICATION		
CBE		Y
LSBE		N
OTHER CERTIFYING AGENCY		WBENC

*Information provided by proposers in response to the Request for Proposal. On final analysis and consideration of award, vendors were selected without regard to race, creed, gender, or color.

ENCLOSURE B



(/LACoBids/)

[Home \(/LACoBids/\)](#)

+ Solicitation Detail

Solicitation Number:	BRC0000011		
Title:	On-Call Real Estate Title, Acquisition, and Relocation Assistance Services for Federal-Funded and Non-Federal-Funded Projects		
Department:	Public Works		
Bid Type:	Service	Bid Amount:	\$1,200,000.00
Commodity:	RIGHT OF WAY SERVICES-TITLE, APPRAISAL, NEGOTIATION, CLOSING, RELOCATION, CONDEMNATION, ETC.		
Description:	<p>The County of Los Angeles Department of Public Works is requesting proposals from qualified firms to provide on-call real estate title, acquisition, and relocation assistance services for federal-funded and non federal-funded projects located throughout the County of Los Angeles.</p> <p>Optional Pre-Proposal Conference: A pre-proposal conference to answer questions concerning the project will be held on Thursday February 13, 2020 at 10:00 a.m., at the Public Works Building located at 900 South Fremont Avenue, Alhambra, CA 91803 in Conference Room A. Subconsultants are not required to attend.</p> <p>Please use the link below to download this Request for Proposals. It is strongly recommended that you register for this solicitation to ensure you receive Notices to Proposers when any update to this solicitation is made. To view, print, or download RFP documents, please visit the following site:</p> <p>http://dpw.lacounty.gov/general/contracts/opportunities/</p> <p>Proposals must be addressed and submitted to the Department of Public Works, 900 South Fremont Avenue, Alhambra, California 91803, Cashier's Office, located on the Mezzanine Level, on/or before 2:00 p.m., March 10, 2020. Proposals received after the deadline will not be accepted.</p>		

Less

Open Day:	2/4/2020	Close Date:	3/10/2020 12:00:00 PM
Contact Name:	Rori Rubio	Contact Phone:	(626) 458-2584
Contact Email:	rrubio@dpw.lacounty.gov		
Last Changed On:	2/4/2020 2:33:19 PM		
Attachment File (0):	📎 Click here to download attachment files.		



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BOARD LETTER/MEMO CLUSTER FACT SHEET

☒ Board Letter

☐ Board Memo

☐ Other

CLUSTER AGENDA REVIEW DATE	March 16, 2022		
BOARD MEETING DATE	April 5, 2022		
SUPERVISORIAL DISTRICT AFFECTED	<input type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input checked="" type="checkbox"/> 4 th <input type="checkbox"/> 5 th		
DEPARTMENT(S)	Public Works		
SUBJECT	State Route 91/Interstate 605/Interstate 405 Corridor Amendment 4 to Agreement 76954		
PROGRAM	N/A		
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain why:		
DEADLINES/ TIME CONSTRAINTS			
COST & FUNDING	Total cost: \$100,000	Funding source: Measure R Local Return Funds	
	TERMS (if applicable): \$20,000 per year for the next 4 fiscal years		
	Explanation:		
PURPOSE OF REQUEST	To allow the County to continue to participate in the development of a Major Corridor Study for the State Route 91/Interstate 605/Interstate 405 transportation corridor.		
BACKGROUND (include internal/external issues that may exist including any related motions)	Gateway Cities Council of Governments and County executed Agreement 76954 on March 10, 2009, and three amendments to allow the County to continue to participate in the development of a Major Corridor Study for the State Route 91/Interstate 605/Interstate 405 transportation corridor (SR 91/I-605/I-405). The administration and planning activities related to the SR 91/I-605/I-405 are still ongoing. Therefore, Amendment 4 is needed for the County to finalize the development of SR 91/I-605/I-405 corridor, improve traffic conditions, and enhance safety.		
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how:		
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please state which one(s) and explain how: Sustainability SR 91 projects will improve infrastructures and create complete streets, median landscaping, and planting trees in the parkways for communities, including clean renewable power stations.		
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Steve Burger, Assistant Deputy Director, (626) 458-4018, sburger@pw.lacounty.gov		



MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

April 5, 2022

IN REPLY PLEASE

REFER TO FILE: **TPP-0**

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**TRANSPORTATION CORE SERVICE AREA
STATE ROUTE 91/INTERSTATE 605/INTERSTATE 405
MAJOR CORRIDOR STUDY
AMENDMENT 4 TO COUNTY – GATEWAY CITIES
COUNCIL OF GOVERNMENTS AGREEMENT 76954
LOS ANGELES COUNTY – GATEWAY CITIES COUNCIL OF GOVERNMENTS
UNINCORPORATED COMMUNITIES OF WHITTIER
(SUPERVISORIAL DISTRICTS 4)
(3 VOTES)**

SUBJECT

This action is to approve Amendment 4 to Agreement 76954 between the Los Angeles County and Gateway Cities Council of Governments to allow Los Angeles County to continue to participate in the development of a Major Corridor Study for the State Route 91/Interstate 605/Interstate 405 transportation corridor.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the recommended action is not a project under the California Environmental Quality Act for the reasons stated in this Board letter and the record.
2. Approve and instruct the Chairman to sign Amendment 4 to Agreement 76954 between the County of Los Angeles and the Gateway Cities Council of Governments for Los Angeles County to pay an annual assessment of \$20,000 in each of Fiscal Years 2022-23 thru 2025-26 to finance its proportional share of the administrative and planning activities to be performed by the Gateway Cities Council of Governments' staff toward a Major Corridor Study for the State Route 91/Interstate 605/Interstate 405 transportation corridor.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended action will find that it is not subject to the California Environmental Quality Act and request the Chair to execute Amendment 4 to Agreement 76954 between the County and Gateway Cities Council of Governments (GCCOG) to allow the County to continue its membership on the State Route 91/Interstate 605/Interstate 405 (SR 91/I-605/I-405) Corridor Cities Committee and the SR 91/I-605/I-405 Corridor Technical Advisory Committee. Amendment 4 also provides for the County to pay GCCOG an annual assessment of \$20,000 in each of Fiscal Years 2022-23, 2023-24, 2024-25, and 2025-26 for its proportional share of the administrative and planning activities to be performed by GCCOG staff toward the Major Corridor Study for the SR 91/I-605/I-405 transportation corridor.

Implementation of Strategic Plan Goals

The recommendation supports the County Strategic Plan: Strategy II.3, Make Environmental Sustainability our Daily Reality, and Strategy III.3, Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability. The recommended action allows continual collaborative efforts between the County and various agencies to undertake a transportation study for the improvement of travel conditions for SR 91/I-605/I-405 transportation corridor that may ultimately result in projects that will enhance safety, thereby improving the quality of life for the corridor users and the surrounding communities.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

Funding for the annual assessment of \$20,000 will be made available in the Fourth Supervisorial District's Transportation Improvement Program in the Measure M Local Return Fund (CN2 – Services and Supplies) Budget. The \$20,000 required for Fiscal Years 2022-23, 2023-24, 2024-25, and 2025-26 will be requested through the annual budget process.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The enclosed amendment is approved as to form by County Counsel and was executed by the GCCOG on January 5, 2022.

On July 5, 2006, the Board approved Agreement 75748 that provided the County to (a) become a member of the SR 91/I-605 Corridor Cities Committee and the SR 91/I-605 Corridor Technical Advisory Committee in order to provide policy assistance, guidance, and direction to the GCCOG; (b) implement a SR 91/I-605 Corridor Assessment Needs Study; and (c) pay an assessment in the amount of \$20,000 for the County's proportional share of the SR 91/I-605 Corridor Assessment Needs Study. GCCOG completed and approved the SR 91/I-605 Corridor Assessment Needs Study that recommended the study for the SR 91/I-605/I-405 transportation corridor.

On March 10, 2009, the Board approved implementation of Agreement 76954 that provided the County to pay up to \$100,000 in assessments to finance its proportional share of the cost of the study through June 30, 2011. The Board subsequently approved two amendments that provided for the County to contribute an additional amount of \$80,000 for its proportional share of the costs of this study through June 30, 2015.

On January 5, 2016, the Board approved Amendment 3 between the County and GCCOG providing for the County to pay an annual assessment of \$20,000 in each Fiscal Years 2015-16, 2016-17, 2017-18, 2018-19, and 2019-20 to finance its proportional share of the administration and planning activities to be performed by GCCOG staff during the preparation of Major Corridor Study. The Board also authorized the Director of Public Works or his designee to extend the term of the amendment for 2 additional years through Fiscal Year 2021-22.

The parties wish to continue to provide administrative and planning activities related to the transportation corridor after the term of Amendment 3 expires at the end of Fiscal Year 2021-22.

ENVIRONMENTAL DOCUMENTATION

The proposed action is not subject to the California Environmental Quality Act because it is an activity that is excluded from the definition of a project by Section 15378(b)(5) of the State California Environmental Quality Act Guidelines. This proposed action would create a government funding mechanism that does not involve any commitment to a specific project that may result in a potentially significant physical impact on the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There is no impact to current services. The study will provide recommendations to facilitate goods movement, improve travel conditions, and enhance safety along the SR 91/I-605/I-405 transportation corridor that is of general interest to the County and will

The Honorable Board of Supervisors
April 5, 2022
Page 4

ultimately result in projects that will improve travel conditions, increase safety, enhance the mobility of vehicular, bicycle, and pedestrian traffic in the area.

CONCLUSION

Please return one adopted copy of this letter and two originals of the implementation agreements to Public Works, Transportation Planning and Programs Division.

Respectfully submitted,

MARK PESTRELLA, PE
Director of Public Works

MP:MER:yr

Enclosure

c: Chief Executive Office (Chia-Ann Yen)
County Counsel (Julia C. Weissman)
Executive Office

AMENDMENT 4 TO AGREEMENT 76954

THIS AMENDMENT 4 TO AGREEMENT 76954 (hereinafter referred to as AMENDMENT), is made and entered into by and between the GATEWAY CITIES COUNCIL OF GOVERNMENTS, a California joint powers authority (hereinafter referred to as GCCOG), and the COUNTY OF LOS ANGELES, a political subdivision of the State of California (hereinafter referred to as COUNTY):

WITNESSETH:

WHEREAS, GCCOG has entered into an agreement with the cities along the State Route 91/Interstate 605/Interstate 405 Corridor to conduct a Major Corridor Study to examine potential improvements to the corridors (hereinafter referred as MCS); and

WHEREAS, GCCOG and COUNTY have heretofore executed GCCOG, COUNTY Agreement 76954, dated March 10, 2009 (hereinafter referred to as AGREEMENT), to allow the COUNTY to participate in the development of the MCS; and

WHEREAS, under the terms of AGREEMENT, COUNTY agreed to pay the COG's assessments of up to \$100,000 to finance its proportional share of the projected costs of the MCS through June 30, 2011; and

WHEREAS, COUNTY and GCCOG have heretofore executed Amendment 1 to the AGREEMENT, on November 01, 2011, to extend the term of the Implementation agreement to Fiscal Years 2011-12 and 2012-13; and

WHEREAS, COUNTY agreed to pay an annual assessment of Twenty Thousand and 00/100 Dollars (\$20,000.00) in Fiscal Years 2011-12 and 2012-13 to finance its proportional share of the projected costs of the MCS; and

WHEREAS, COUNTY and GCCOG have heretofore executed Amendment 2 to the AGREEMENT, on August 20, 2013, to allow the COUNTY to continue to participate in the development of the MCS through Fiscal Years 2013-14 and 2014-15; and

WHEREAS, COUNTY and GCCOG have heretofore executed Amendment 3 to the AGREEMENT, on January 5, 2016, to extend the term of the AGREEMENT from Fiscal Years 2015-16 thru 2021-22; and

WHEREAS, the administration and planning activities related to the MCS are still ongoing; and

WHEREAS, an extension of the term of the AGREEMENT is beneficial to and in the general interest of GCCOG and COUNTY; and

NOW, THEREFORE, in accordance with Section (9) c., of AGREEMENT, GCCOG and COUNTY mutually agree to amend the AGREEMENT as follows:

Section 2 of the AGREEMENT is deleted in its entirety and replaced with the following:

Section. 2. Costs of Study: COUNTY has paid GCCOG the amount of Three Hundred Twenty Thousand and 00/100 Dollars (\$320,000.00) for COUNTY'S proportional share of the costs of the MCS through December 31, 2021. COUNTY agrees to pay to GCCOG an annual assessment in the amount of Twenty Thousand and 00/100 Dollars (\$20,000.00) in each of Fiscal Years 2022-23 thru 2025-26 upon demand by GCCOG to finance its proportional share of the projected costs of the planning and administrative activities to be performed by GCCOG staff during the preparation of the MCS. Said demand will consist of a billing invoice prepared by GCCOG at the beginning of the fiscal year and delivered to County.

Section 3 of the AGREEMENT is deleted in its entirety and replaced with the following

Section 3. Term: The term of this AGREEMENT shall remain and continue in effect until completion of the MCS or June 30, 2026, whichever is earlier.

In all other respects, the provisions of AGREEMENT shall remain in full force and effect.

[illegible]

IN WITNESS WHEREOF, the parties hereto have caused this AMENDMENT to AGREEMENT be executed by their respective officers duly authorized by the GATEWAY COUNCIL OF GOVERNMENTS on January 5, 2022, and by the COUNTY OF LOS ANGELES on _____, 2022.

COUNTY OF LOS ANGELES

By _____
Chair, Board of Supervisors

ATTEST:

CELIA ZAVALA
Executive Officer of
The Board of Supervisors

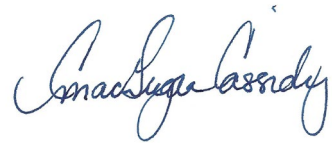
By _____
Deputy

APPROVED AS TO FORM:

RODRIGO A. CASTRO-SILVA
County Counsel

By Julia C. Weissman
Deputy

GATEWAY CITIES COUNCIL
OF GOVERNMENTS



By _____
Cinde MacGugan-Cassidy, President

ATTEST:



Nancy Pfeffer, Secretary

APPROVED AS TO FORM


Ivy M. Tsai, Legal Counsel

P:\csgpub\CITY\Cities-Uninc Areas\Gateway Cities\Gateway COG\I-91 605 405 Amendment\I-91 Amend 4 TO AGREEMENT 76954.doc

BOARD LETTER/MEMO CLUSTER FACT SHEET

☒ Board Letter

☐ Board Memo

☐ Other

CLUSTER AGENDA REVIEW DATE	3/16/2022								
BOARD MEETING DATE	4/5/2022								
SUPERVISORIAL DISTRICT AFFECTED	<input type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input checked="" type="checkbox"/> 5 th								
DEPARTMENT(S)	Public Works								
SUBJECT	Los Angeles County Waterworks District No. 36, Val Verde, Letter of Agreement with Los Angeles County Metropolitan Transportation Authority								
PROGRAM	Water Resources CSA								
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain why:								
DEADLINES/ TIME CONSTRAINTS	Temporary water main relocation is expected to start April 2022.								
COST & FUNDING	<table border="1" style="width: 100%;"> <tr> <td>Total cost: \$265,000</td><td>Funding source: Accumulative Capital Outlay (N47) Fund</td></tr> <tr> <td colspan="2">TERMS (if applicable): Reimbursement to be paid in three (3) progress payments over three years in Fiscal Years 2022-23, 2023-24, and 2024-25.</td></tr> <tr> <td colspan="2">Explanation:</td></tr> </table>			Total cost: \$265,000	Funding source: Accumulative Capital Outlay (N47) Fund	TERMS (if applicable): Reimbursement to be paid in three (3) progress payments over three years in Fiscal Years 2022-23, 2023-24, and 2024-25.		Explanation:	
Total cost: \$265,000	Funding source: Accumulative Capital Outlay (N47) Fund								
TERMS (if applicable): Reimbursement to be paid in three (3) progress payments over three years in Fiscal Years 2022-23, 2023-24, and 2024-25.									
Explanation:									
PURPOSE OF REQUEST	Public Works is seeking Board approval to execute an agreement with the Los Angeles County Metropolitan Transportation Authority (LACMTA) to temporarily relocate approximately 300 feet of a Los Angeles County Waterworks District No. 36, Val Verde (District), 12-inch diameter water main that is in conflict with LACMTA's Interstate 5 North County Enhancements Project. The work is necessary to accommodate the bridge widening at Castaic Creek while maintaining this critical water supply main operational.								
BACKGROUND (include internal/external issues that may exist including any related motions)	The District owns, operates, and maintains water mains and appurtenances along Castaic Creek Bridge. Caltrans issued a notice ordering the District to relocate facilities that are in conflict with the Castaic Creek Bridge widening portion of LACMTA's Project. LACMTA and the District negotiated an agreement as allowed by the Streets and Highway Code.								
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how:								
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please state which one(s) and explain how: Board Priority No. 7: Sustainability - LACMTA's project will add high-occupancy vehicle, truck climbing, and auxiliary lanes to Interstate 5 for transportation improvements that will enhance safety and mobility of people and goods.								
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Keith Lilley, Deputy Director, (626) 458-4012, cell (626) 320-9841, klilley@pw.lacounty.gov .								



MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

April 5, 2022

IN REPLY PLEASE

REFER TO FILE:

WW-0

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**WATER RESOURCES CORE SERVICE AREA
LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 36, VAL VERDE
LETTER OF AGREEMENT WITH THE LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION AUTHORITY FOR THE
INTERSTATE 5 NORTH COUNTY ENHANCEMENTS PROJECT
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)**

SUBJECT

Public Works is seeking Board authorization to execute a Letter of Agreement between the Los Angeles County Waterworks District No. 36, Val Verde, and the Los Angeles County Metropolitan Transportation Authority.

**IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF
THE LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 36, VAL VERDE:**

1. Acting as a responsible agency consider the Final Environmental Impact Report/Environmental Assessment with Finding of No Significant Impact for the Interstate 5 High-Occupancy Vehicle/Truck Lanes Project State Route 14 to Parker Road prepared and adopted by the State of California Department of Transportation as lead agency for the project, which includes the temporary relocation of a water main at Castaic Creek; certify that the Board has independently reviewed and considered and reached its own conclusions regarding the environmental effects of the Los Angeles County Waterworks District No. 36's, Val Verde, approvals related to the project as shown in the

Final Environmental Impact Report/Environmental Assessment with Finding of No Significant Impact; and adopt the Environmental Commitment Record, (serving as a Mitigation Monitoring Program for the County's proposed action) as applicable for the project, finding that the Environmental Commitment Record/Mitigation Monitoring Program is adequately designed to ensure compliance with the mitigation measures during project implementation.

2. Delegate authority to the Director of Public Works or his designee to execute the Letter of Agreement.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will consider the Final Environmental Impact Report/Environmental Assessment with Finding of No Significant Impact (FEIR-FONSI) prepared by the State of California Department of Transportation (Caltrans) as lead agency under the California Environmental Quality Act (CEQA) for the Interstate 5 (I-5) High-Occupancy Vehicle (HOV)/Truck Lanes Project State Route 14 to Parker Road; adopt a Mitigation Monitoring Program; and to authorize the execution of the Letter of Agreement in a form substantially similar to the enclosed agreement.

The execution of this agreement will obligate the Los Angeles County Metropolitan Transportation Authority (LACMTA) to temporarily relocate approximately 300 feet of a Los Angeles County Waterworks District No. 36, Val Verde (District), 12-inch diameter water main, currently located along the footing of the southerly freeway bridge abutment, that is in conflict with LACMTA's I-5 North County Enhancements Project. The work is necessary to accommodate the bridge widening at Castaic Creek while maintaining this critical water supply main operational. LACMTA shall be responsible for procuring a contract and administering the contractor and construction of the work. The District will reimburse LACMTA for costs of construction.

Implementation of Strategic Plan Goals

These recommendations support the County Strategic Plan: Strategy III.3, Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability and Objective III.3.2, Manage and Maximize County Assets by supporting ongoing efforts to manage and improve public infrastructure assets.

FISCAL IMPACT/FINANCING

This action will have no impact to the County General Fund.

The District shall reimburse LACMTA for construction costs incurred in association with the proposed temporary water main relocation. The estimated construction cost for this work is \$239,000. Reimbursement will be for the actual construction cost of work that has been approved by the District. Reimbursement shall be in three (3) progress payments over 3 years and shall not exceed \$265,000, unless, and until separate approval is given by the Board.

Funding for this project is included in the District's Fiscal Year 2022-23 Accumulative Capital Outlay (N47) Fund Budget. Financing for Fiscal Years 2023-24 and 2024-25 will be made available through the annual budget process.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The District owns, operates, and maintains water mains and appurtenances along Castaic Creek Bridge. Caltrans issued a Notice to Owner, dated June 11, 2019, ordering the District to relocate facilities that are in conflict with the Castaic Creek Bridge widening portion of LACMTA's project. The water mains are located within the existing State right of way and the District could not prove rights superior to those of the State.

LACMTA and the District subsequently negotiated an agreement as allowed by the Streets and Highway Code Section 706. In the case of any utility which is not financially able to bear the costs of removal or relocation, the department may by agreement provide for the work to be done on condition that the utility's portion of the costs be repaid to the department over a period of time not exceeding 10 years. The Letter of Agreement will be substantially similar to the Letter of Agreement enclosed and will be approved as to form by County Counsel prior to execution by each party.

ENVIRONMENTAL DOCUMENTATION

The District is acting as a responsible agency for I-5 HOV/Truck Lanes Project from State Route 14 to Parker Road because we are executing the Letter of Agreement for work required by the project. Caltrans, as lead agency, prepared and approved a FEIR-FONSI on September 1, 2009.

The FEIR-FONSI identified the temporary relocation of a water main at Castaic Creek and proposed coordination with affected utilities to address specifics of the relocations.

Approximately 300 feet of 12-inch bypass will be installed from downstream of the Castaic Creek Pump Station to the existing 12-inch water main on the west side of the Castaic Creek Bridge. Segments of the temporary bypass will be constructed with 4 feet of cover in the creek bed. The bypass will remain in place for approximately 3 months, while the new bridge abutment is constructed. Upon completion of the bridge widening, 225 feet of concrete-encased 12-inch steel water main will be reconstructed over the new bridge abutment footing and placed back into permanent service at approximately the same location as the original. The work will take place within Caltrans' right of way and there is a temporary construction easement outside of the right of way to enable completion of the work. The work is within the disturbance limit studied for environmental impacts.

The FEIR-FONSI was prepared and certified by Caltrans in compliance with CEQA and an electronic copy is on file with the Clerk of the Board. Adoption of the Environmental Commitment Record (as a Mitigation Monitoring Program as applicable), included as an attachment to the FEIR-FONSI, by the Board will ensure that all impacts of the project to be carried by LACMTA will remain below the level of significance.

The location of the documents and other materials constituting the record of the proceedings upon which the Board's decision is based in this matter is Los Angeles County Public Works, Waterworks Division, 1000 South Fremont Avenue, Building A9-East, 4th Floor, Alhambra, California 91803. The custodian of such documents and materials is Waterworks Division's Capital Projects and Development Services Section Senior Civil Engineer. The documents and records are also available at <https://dpw.lacounty.gov/wwd/web/SystemImprovements/DistrictNo36.aspx>.

Upon the Board's approval of the recommended actions, Public Works will file a Notice of Determination with the Los Angeles County Registrar-Recorder/County Clerk in accordance with Section 21152 of the California Public Resources Code and will post the Notice of Determination to its website pursuant to Section 21092.2.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no negative impact on current County services or projects during the performance of the recommended action.

The Honorable Board of Supervisors
April 5, 2022
Page 5

CONCLUSION

Please return an adopted copy of this letter to Public Works, Waterworks Division.

Respectfully submitted,

MARK PESTRELLA, PE
Director of Public Works

MP:AJ:cg

Enclosure

c: Chief Executive Office (Chia-Ann Yen)
County Counsel (Lauren Dods, Tiffani Shin)
Executive Office



February 1, 2022

Russ Bryden
Assistant Deputy Director
Los Angeles County Waterworks Districts
P.O. Box 1460
Alhambra, CA 91802-1460

LETTER OF AGREEMENT

**LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 36, VAL VERDE AND LACMTA
I-5 NORTH COUNTY ENHANCEMENTS PROJECT ("PROJECT" or "I-5NCEP")**

This Letter of Agreement ("LOA") is made and entered into, effective _____, 2022, by and between the Los Angeles Waterworks District No. 36, Val Verde ("District") and the Los Angeles County Metropolitan Transportation Authority ("LACMTA"), for the relocation of District's twelve inch water main located at Castaic Creek Bridge, in accordance with the terms of this LOA and the scope of work depicted and described in Exhibit A (the "Work") of this LOA. District and LACMTA are hereinafter sometimes referred to as "Party" or collectively as "Parties."

The construction of the Work shown on Exhibit A and described in this LOA will be performed by LACMTA or a LACMTA designated contractor ("Contractor"), whose selection has been made in accordance with all applicable LACMTA procurement requirements. Exhibit A is included in Metro's contract documents for the I-5 North County Enhancement Project. The parties acknowledge that the I-5NCEP Project is a LACMTA project, and that the Work described in this LOA is made necessary as a result of LACMTA's project.

As depicted and described in more detail in Exhibit A, the Project will install approximately 300 feet 12-inch bypass within Castaic Creek to temporarily replace the existing main located along the southerly freeway bridge abutment which is in conflict with the I-5NCEP. The bypass will connect from the existing 12-inch watermain downstream of the Castaic Creek Pump Station to the existing 12-inch watermain on the west side of the Castaic Creek Bridge. The bypass will remain in place while the new Castaic Creek Bridge abutment(s) are constructed. The permanent concrete-encased 12-inch water main will be reconstructed over the new abutment footing and placed back into service within three months per LACMTA estimates and the temporary bypass will be removed within the same timeframe. LACMTA shall keep the District promptly apprised of any changes in the timeline.

District may inspect the Work at times to be mutually coordinated in advance between District and LACMTA. District's representative for construction inspection coordination is Jim Namminga, whose contact information is jnamming@dpw.lacounty.gov. LACMTA's contact for the construction inspection coordination is Darrell Mckenzie, whose contact information is MckenzieDa@metro.net. LACMTA and its Contractor shall abide by Specifications included in Exhibit A for the construction. The I-5NCEP Project is within and around Caltrans' Right-of-Way (ROW) and State Highway System and portions of the Work are within Caltrans ROW. As such, construction of Work within Caltrans' ROW is subject to oversight and permitting by Caltrans. It shall be LACMTA's sole responsibility to coordinate with Caltrans and to obtain at its cost any required Caltrans permits, authorizations or similar for purposes of the Work or I-5NCEP.

Deviations from the design in Exhibit A initiated by either LACMTA or District shall be agreed upon in writing by both Parties. No work under said deviation shall commence prior to written approval by both Parties.

ARTICLE 1 – LACMTA AND DISTRICT RESPONSIBILITIES/DUTIES

District has prepared and approved the designs and scope of work depicted and described in Exhibit A attached hereto as of the date hereof. LACMTA is responsible for the procurement, award, contract, and administration of the Contractor and construction of the Work in accordance with Exhibit A and all applicable laws, rules and regulations, including without limitation, the Public Contract Code. The Contractor shall implement the Work, obtain any permits required to perform the Work. A copy of the permits shall be provided at the District's request. LACMTA shall cause the Contractor to include the District, and its directors, officers, agents and employees, as indemnified parties to the same extent as LACMTA, and as additional insureds for purposes of all insurance that LACMTA is requiring of the Contractor. District shall be responsible for all costs associated with the construction of the Work that have been approved by District.

LACMTA or its Contractor shall submit a Notice of Completion to the District within 30 days of the completion of the Work and schedule a final inspection. Prior to completion and acceptance of the Work by the District, LACMTA's Contractor shall maintain the watermain in accordance with the Specifications in Exhibit A. After acceptance of the Work by the District and turnover, maintenance of the water main will be the sole responsibility of the District.

ARTICLE 2 – PAYMENT

District shall reimburse LACMTA for all costs associated with the Work on the basis of actual bid price for the Work and any related changes encountered during construction that are approved by District. District shall reimburse LACMTA for the actual cost of construction in three (3) progress payments to be made on June 30, 2023, June 30, 2024, and the later of June 30, 2025 or the date of acceptance of the Work by the District. The total cost of the Work, excluding any cost

related to District-approved changes necessitated during construction that is owed to LACMTA by the District for the Work is estimated to be two hundred thirty-nine thousand_ dollars (\$239,000). Notwithstanding any other provision of this LOA, the total amount to be reimbursed by District to LACMTA for the Work shall in no event exceed two hundred sixty-five thousand dollars (\$265,000) unless and until separate approval is given by the District's governing body.

At least 30 days prior to each scheduled progress payment, LACMTA shall submit to the District an invoice with supporting documentation for the expenditures incurred and indicated on the invoice. District shall endeavor to review each invoice within 30 days. District may request from LACMTA and LACMTA shall provide any additional information, as District may reasonably deem necessary to review and approve the invoice. Upon District's approval of invoices, District shall reimburse LACMTA within 30 calendar days of such approval. If District has any concerns about an invoice, the parties shall meet and confer to resolve such concerns.

ARTICLE 3 – INDEMNIFICATION

In contemplation of the provisions of Section 895.2 of the California Government Code imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement as defined by Section 895 of the Government Code, each Party to this LOA, pursuant to the authorization contained in Sections 895.4 and 895.6 of the Government Code, hereby agrees to and shall indemnify and hold harmless the other Party, and its elected officials, officers, agents and employees from and against any and all claims, damages, losses, liabilities, costs and expenses (including reasonable attorneys' and expert witness fees and costs) relating to acts or omissions of the indemnitor, its officers, agents, employees or contractors arising out of or incidental to the performance of any of the provisions of this LOA. Neither Party assumes liability for the acts or omissions of persons other than each Party's respective officers, agents, employees or contractors. In the event judgment is entered against the parties because of joint or concurrent negligence of the parties, or their officers, agents, employees, or contractors, an apportionment of liability to pay such judgment shall be made by a Court of competent jurisdiction. This section shall survive termination or expiration of the LOA.

ARTICLE 4 – NOTICE

Other than communications regarding the Work design and construction plan approval process, which is addressed above on the first page of this LOA, any notice or communication to be given between the Parties regarding the this LOA shall be given in writing by (a) email transmission (if acknowledged as received by the recipient) (b) personal delivery, (c) reputable overnight delivery service with proof of delivery, or (d) United States Mail, postage prepaid, registered or certified mail, return receipt requested, sent to the intended addressee at the address set forth below (which notice information may be modified by either Party by written notice given to the other Party):

LACMTA: Los Angeles County
Metropolitan Transportation Authority
1 Gateway Plaza Mail Stop 99-17-5
Los Angeles, CA 90012
Attn: Paul Sullivan
Project Manager
Email: SullivanPa@metro.net

District: Los Angeles County Waterworks Districts
Post Office Box 1460
Alhambra, CA, 91802 -1460
Attn: Russ Bryden
Assistant Deputy Director
Email: rbryden@dpw.lacounty.gov
Telephone: 626-300-3300

ARTICLE 5 - RELATIONSHIP OF THE PARTIES

The parties are, and shall at all times remain as to each other, wholly independent entities. No Party to this LOA shall have power to incur any debt, obligation or liability on behalf of the other Party unless expressly provided to the contrary by this LOA. No employee, agent or officer of a Party shall be deemed for any purpose whatsoever to be an agent, employee or officer of the other Party to this LOA.

ARTICLE 6 – AMENDMENT

The terms and provisions of this LOA may not be amended, modified or waived, except by an instrument in writing signed by all of the parties hereto.

ARTICLE 7 - TERM

This LOA shall expire upon the later of (1) the acceptance of the Work by District and turnover of the water main as described in Article 1 above, or two (2) payment of the final installment of the progress payments from District to LACMTA.

ARTICLE 8 – ENTIRE AGREEMENT

This LOA constitutes the entire agreement of the parties with respect to the subject matter hereof.

LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 36, VAL VERDE

By: _____
Russ Bryden
Assistant Deputy Director

Date: _____

APPROVED AS TO FORM:

RODRIGO A. CASTRO-SILVA
County Counsel

By: _____
Tiffani Shin
Deputy County Counsel

Date: _____

LOS ANGELES COUNTY METROPOLITAN
TRANSPORTATION AUTHORITY

By: _____
Bryan Pennington
Interim Chief Program Management
Officer

Date: _____

EXHIBIT A

A detailed vicinity map of the Los Angeles metropolitan area. The map shows major freeways, highways, and local roads. Key geographical features include the San Gabriel Mountains, San Gabriel Reservoir, and the Pacific Ocean. The project area is circled in the northwest, near Lancaster and Palmdale. A north arrow is located at the bottom center of the map.

LENGTH OF 12" PERMANENT WATERMAIN	224 FT
LENGTH OF 12" TEMPORARY BYPASS	304 FT
MAX STATIC PRESSURE	248 PSI
PRESSURE ZONE	1,598
DISTRIBUTION MAP SHEET NO.	L-17

WATER MAIN SPECIFICATIONS
SPEC 36-3
SPEC 4196

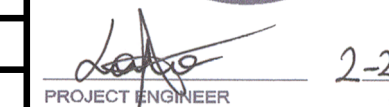
PROPOSED WATER MAIN
EXISTING WATER MAIN
EXISTING SEWER AND MANHOLE
EXISTING CABLE LINE
EXISTING GAS LINE
EXISTING TELEPHONE LINE
EXISTING ELECTRICAL UNDERGROUND
STREET CENTER LINE
PROPERTY LINE
RIGHT OF WAY LINE
EXISTING A.C. PAVING
EXISTING CHAIN LINK FENCE
GATE VALVE
INTERCONNECTION
ELBOW, FLANGED
CONNECTIONS: FLANGE, BELL, MJ, FLEX, ADAPTOR

SHT NO.	DESCRIPTION
1	GENERAL NOTES, TITLE SHEET, SHEET INDEX, LEGEND, VICINITY AND LOCATION MAPS
2	TEMPORARY WATERMAIN BYPASS PLAN AND PROFILE
3	PERMANENT WATERMAIN RELOCATION PLAN AND PROFILE

N.T.S.
T.G. PAGE 4459, H-5



RECOMMENDED
BY Tracey Jarillo 2/25/19
DATE

[illegible]

**WATERMAIN RELOCATION
AT CASTAIC CREEK**
GENERAL NOTES, TITLE SHEET, SHEET INDEX,
LEGEND, VICINITY AND LOCATION MAPS

PROJ ID	PCA Y536337	SPEC WWD 36-85	SHEET 1 OF 3
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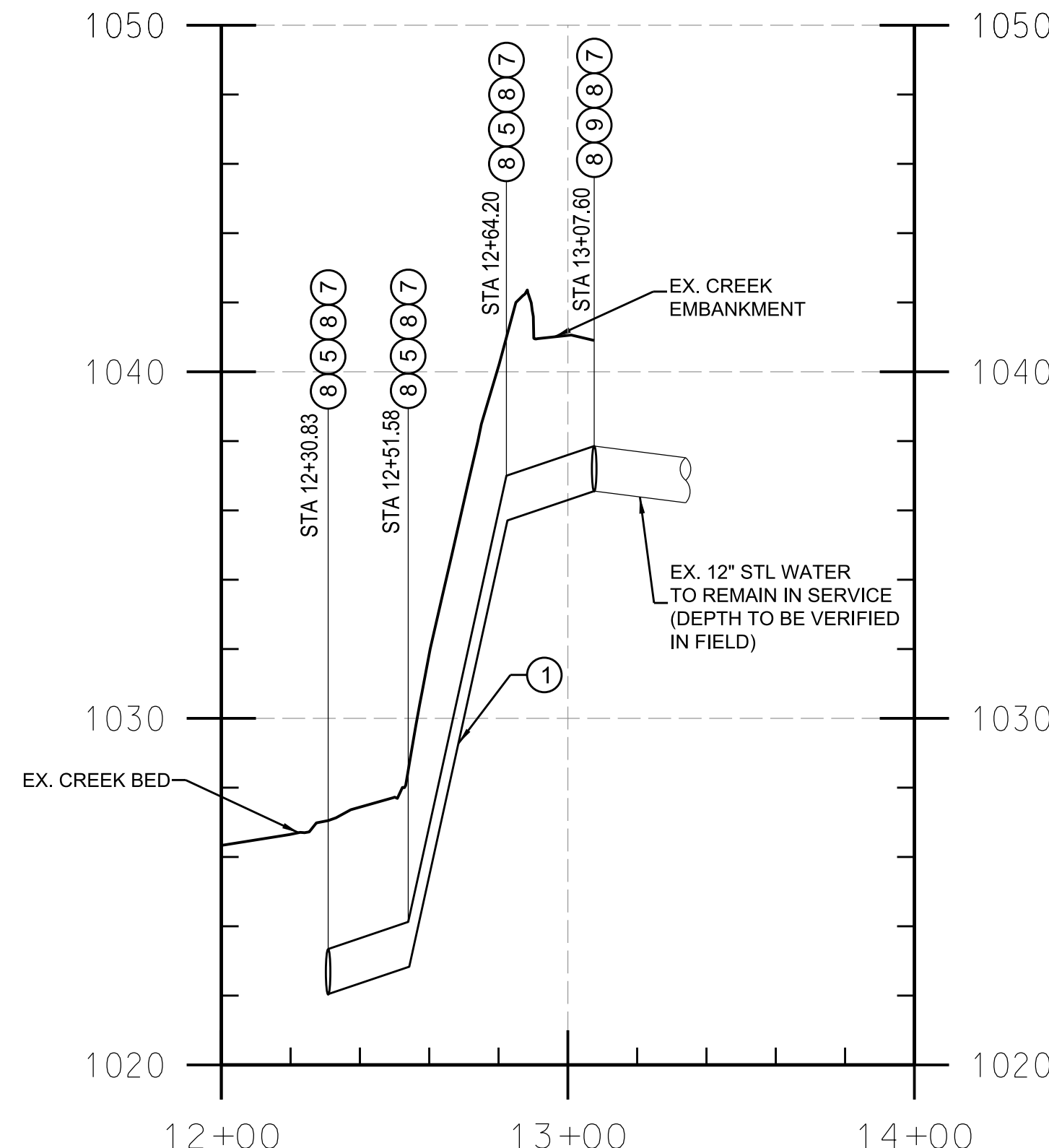
FILE NAME
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DATE LAST SAVED:
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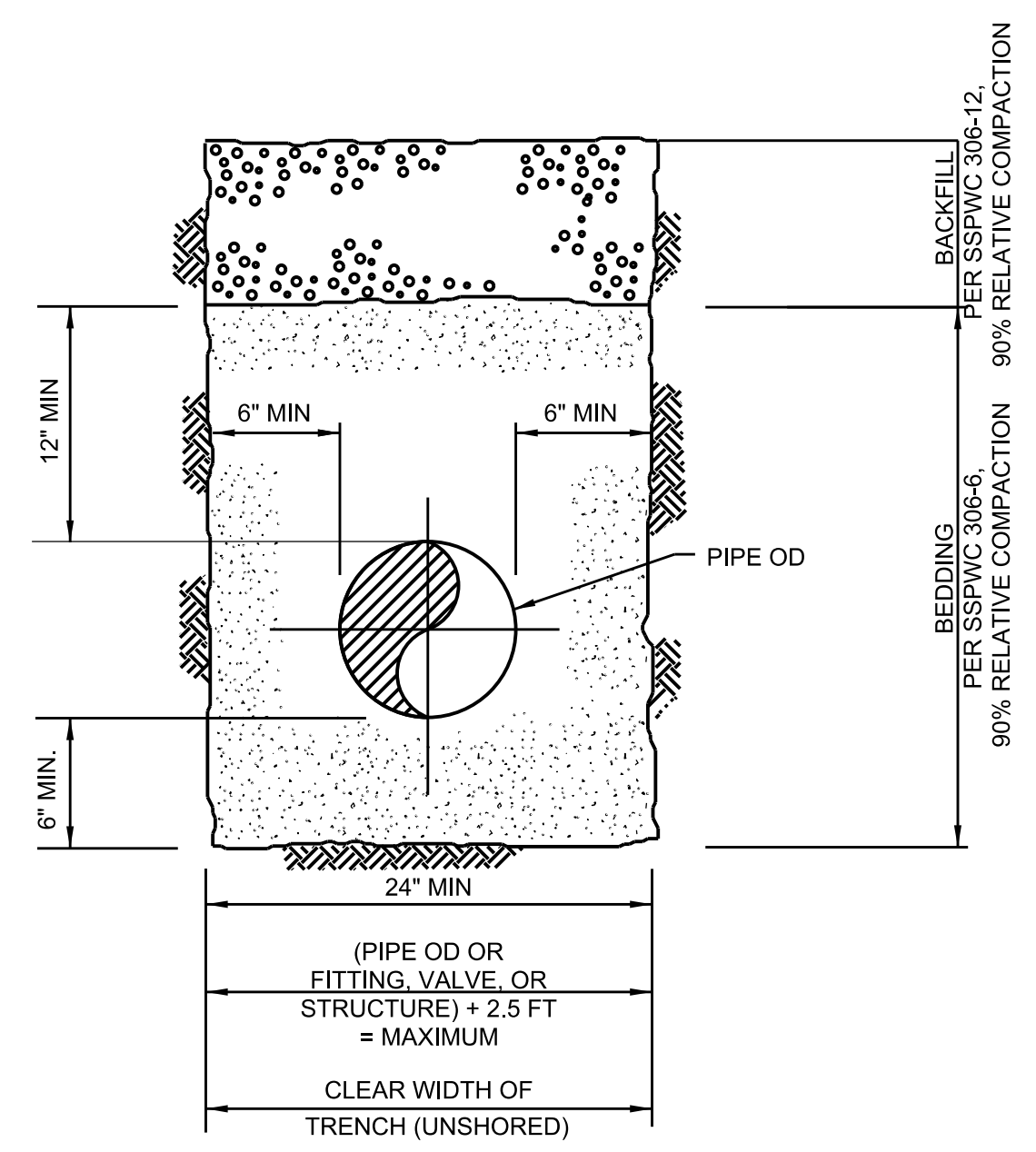
CHECKER
S. MALKIN

DESIGNER
L. AWAD

DRAFTER
J. COLWELL

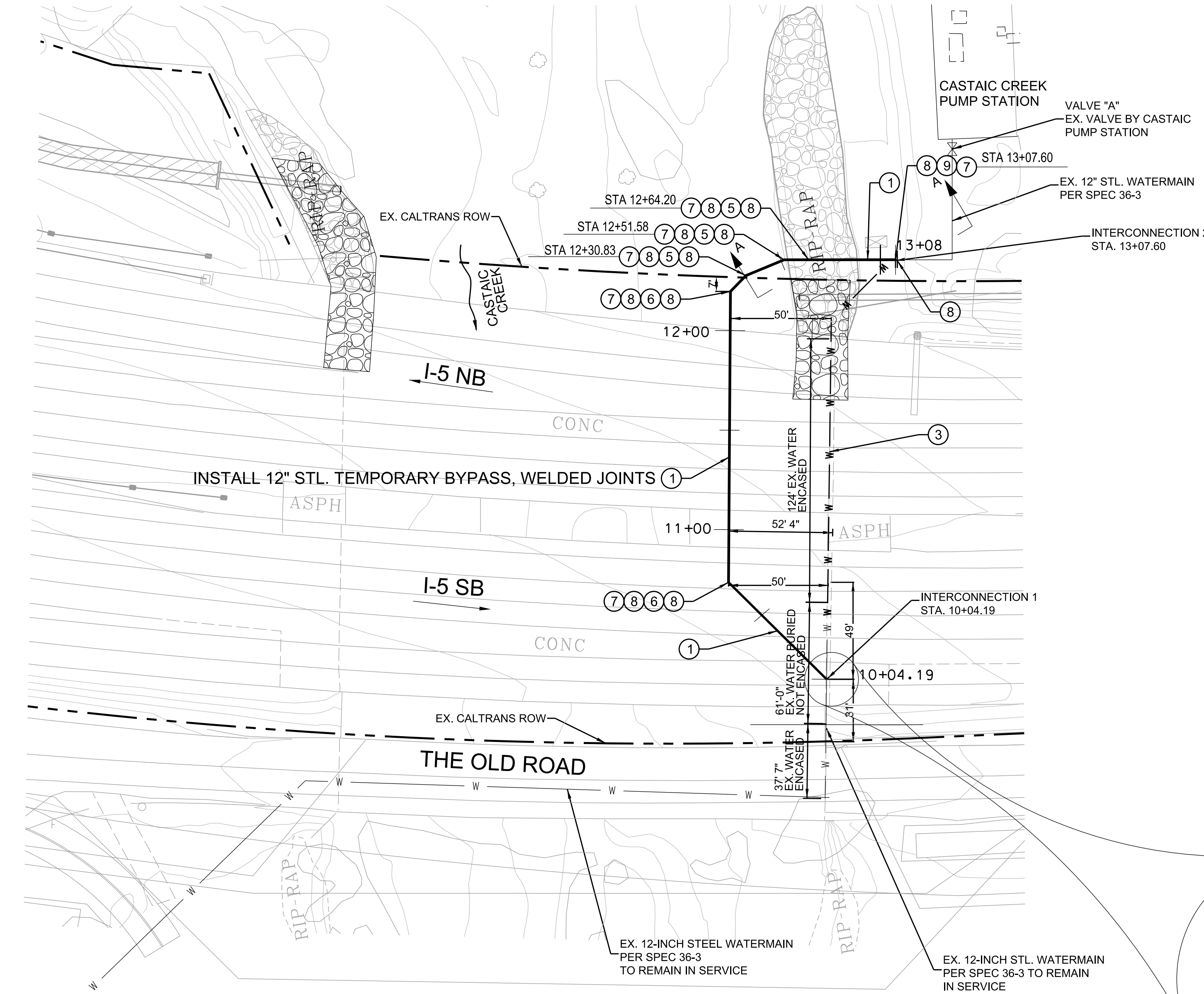


SECTION A-A
SCALES: HORIZ. 1" = 40'
VERT. 1" = 4'



GENERAL NOTE:
THE DEPTH OF COVER OVER THE PIPE SHALL BE MEASURED VERTICALLY FROM THE TOP OF THE PIPE WITH REFERENCE TO AN APPROVED, IMPROVED GUTTER FLOWLINE. WHERE THERE IS NO IMPROVED GUTTER FLOWLINE, USE THE ELEVATION OF A PROPOSED ADJACENT FLOWLINE AS THE REFERENCE ELEVATION.

TRENCH DETAIL
NOT TO SCALE

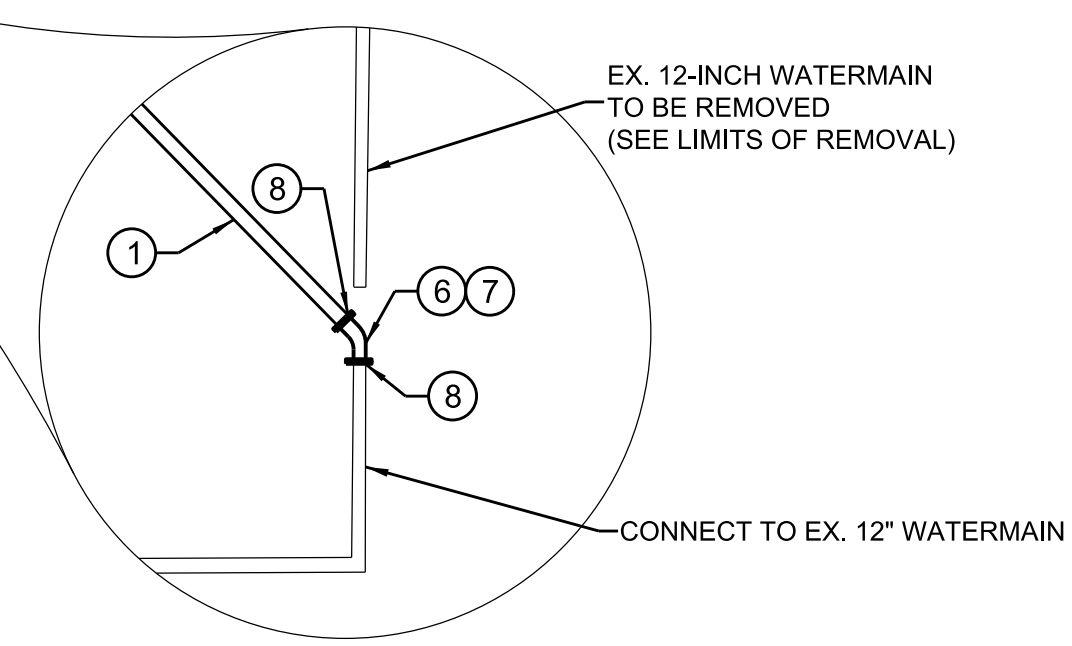


PLAN
SCALE: HORIZ. 1" = 40'

INTERCONNECTION NOTE 1:
AFTER COMPLETION OF THE WATER MAIN INSTALLATION, SATISFACTORILY COMPLETING BACTERIOLOGICAL AND PRESSURE TESTS, AND DEWATERING THE PIPELINE IN ACCORDANCE WITH SECTION W OF THE SPECIFICATION, AND AFTER VALVES "A", "B" AND "C" HAVE BEEN CLOSED BY AGENCY PERSONNEL, THE CONTRACTOR UNDER AGENCY SUPERVISION SHALL REMOVE ADEQUATE LENGTH OF EXISTING WATERMAIN, AND COMPLETE THE INTERCONNECTION IN THE CREEK BED PAST THE ENCASED PORTION AS SHOWN ON THE PLANS. THE CONTRACTOR SHALL NOTIFY ALL AFFECTED AGENCY CUSTOMERS AND THE FIRE DEPARTMENT NO LESS THAN 24 HOURS PRIOR TO LOSS OF SERVICE. MAXIMUM SHUTDOWN TIME SHALL NOT EXCEED 3 HOURS.

INTERCONNECTION NOTE 2:
AFTER COMPLETION OF THE WATER MAIN INSTALLATION, SATISFACTORILY COMPLETING BACTERIOLOGICAL AND PRESSURE TESTS, AND DEWATERING THE PIPELINE IN ACCORDANCE WITH SECTION W OF THE SPECIFICATION, AND AFTER VALVES "A", "B" AND "C" HAVE BEEN CLOSED BY AGENCY PERSONNEL, THE CONTRACTOR UNDER AGENCY SUPERVISION SHALL REMOVE ADEQUATE LENGTH OF EXISTING WATERMAIN, AND COMPLETE THE INTERCONNECTION ON TOP OF THE CREEK EMBANKMENT AS SHOWN ON THE PLANS. THE CONTRACTOR SHALL NOTIFY ALL AFFECTED AGENCY CUSTOMERS AND THE FIRE DEPARTMENT NO LESS THAN 24 HOURS PRIOR TO LOSS OF SERVICE. MAXIMUM SHUTDOWN TIME SHALL NOT EXCEED 3 HOURS.

MATERIALS LIST (THIS SHEET ONLY)	
NO.	DESCRIPTION
1	12" STEEL TEMPORARY BYPASS, 0.25" MIN. WALL, CML & CMC, WELDED JOINTS
2	NOT USED
3	EX. 12" STL WATERMAIN, TO BE REMOVED
4	NOT USED
5	12" 22.5" STEEL ELBOW, 0.25" MIN. WALL, FLG'D CL 300, CML & CMC
6	12" 45" STEEL ELBOW, 0.25" MIN. WALL, FLG'D CL 300, CML & CMC
7	CONCRETE THRUST BLOCK PER LACWD STD PLAN W-21
8	12" STL SLIP ON WELD FLANGE, CL 300
9	12" FABRICATED STEEL ELBOW, 0.25" MIN. WALL, FLG'D CL 300, CML & CMC



DATE		NO.	INITIALS	DESCRIPTION
REVISIONS				

PROJECT ENGINEER: *Lara Awad* DATE: 2-25-19

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS WATERWORKS DISTRICT NO. 36, VAL VERDE			
WATERMAIN RELOCATION AT CASTAIC CREEK TEMPORARY WATERMAIN BYPASS PLAN AND PROFILE			
PROJ ID	PCA Y536337	SPEC WWD 36-85	SHEET 2 OF 3

FILE NAME: Watermain Relocation at Castaic Creek.dgn
DATE LAST SAVED: 2/25/2019
CHECKER: S. MALKI
DESIGNER: L. AWAD
DRAFTER: J. COLWELL

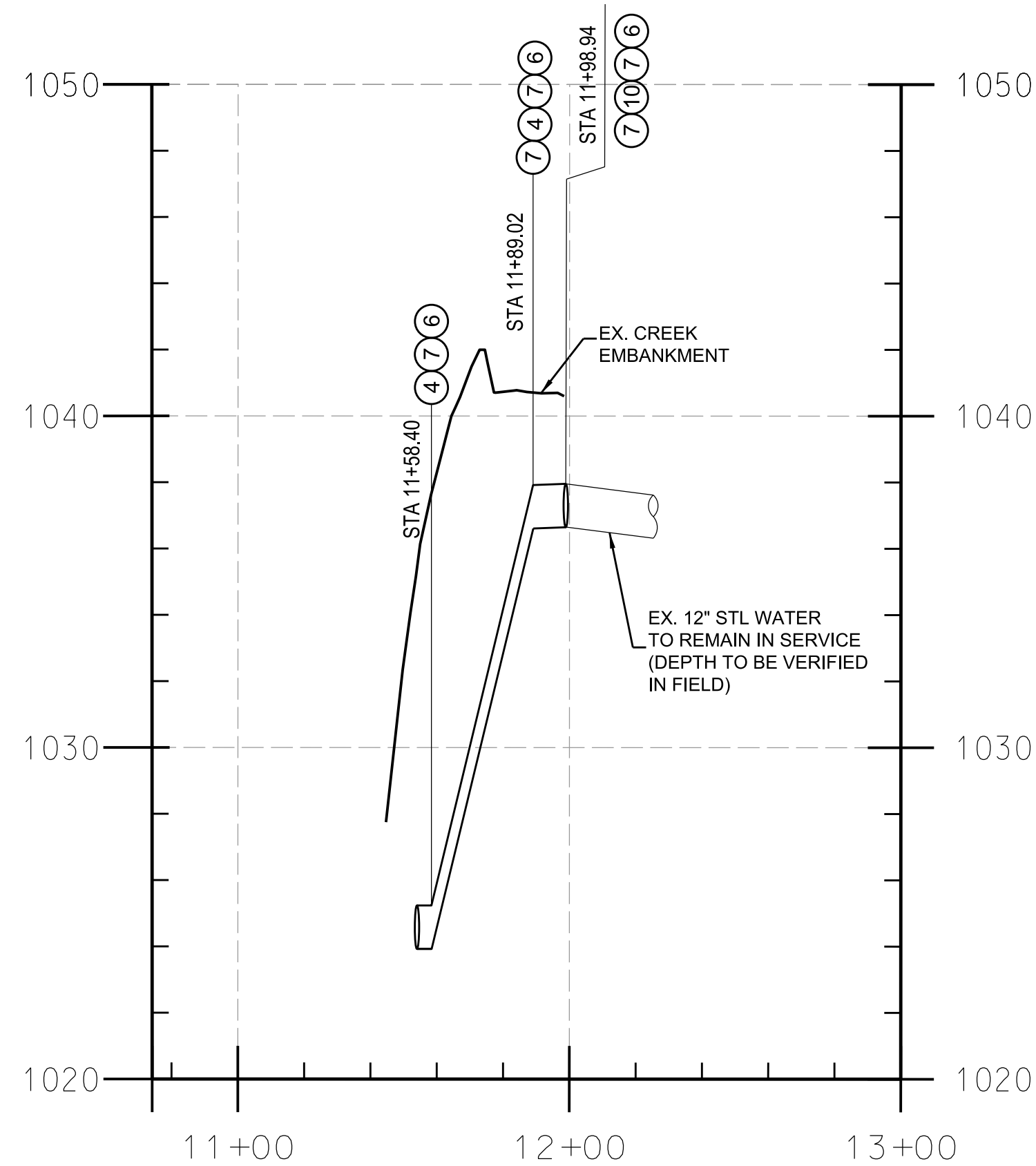
FILE NAME
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DATE LAST SAVED:
2/25/2019

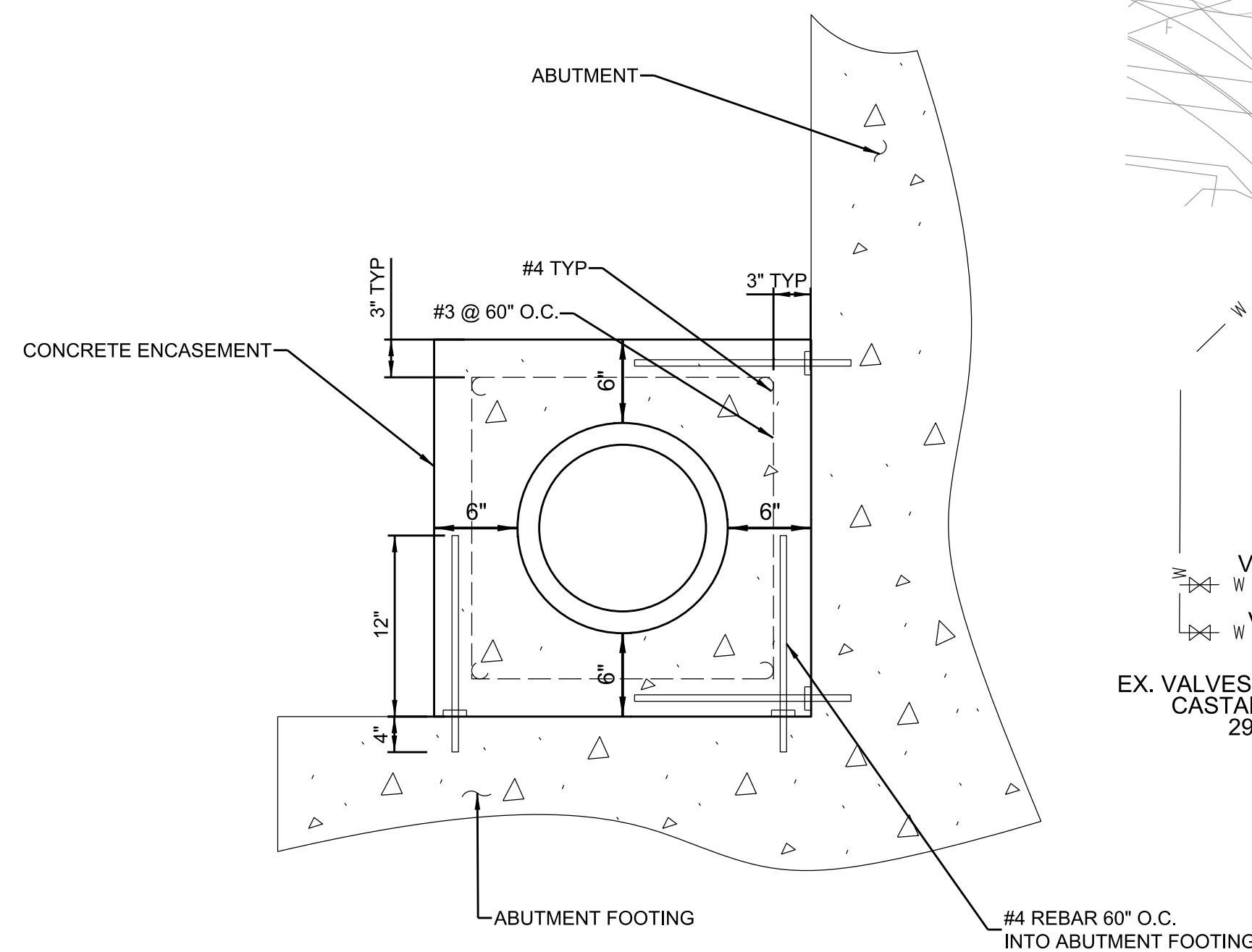
CHECKER
S. MALKI

DESIGNER
L. AWAD

DRAFTER
J. COLWELL

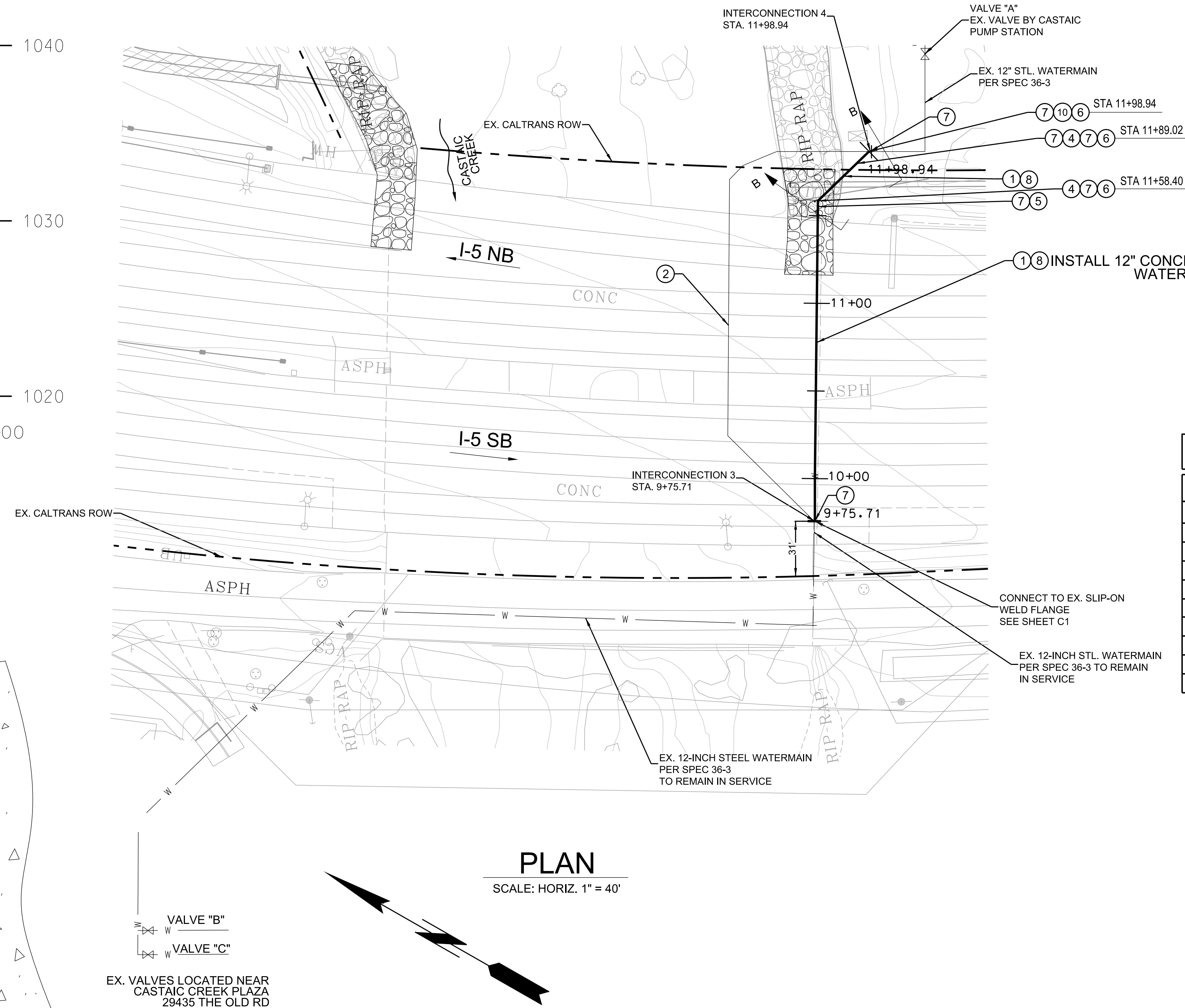


SECTION B-B
SCALES: HORIZ. 1" = 40'
VERT. 1" = 4'



PIPE ENCASEMENT DETAIL
NOT TO SCALE

2
C2/C2



PLAN

SCALE: HORIZ. 1" = 40'

INTERCONNECTION NOTE 3:

AFTER COMPLETION OF THE WATER MAIN INSTALLATION, SATISFACTORILY COMPLETING BACTERIOLOGICAL AND PRESSURE TESTS, AND DEWATERING THE PIPELINE IN ACCORDANCE WITH SECTION W OF THE SPECIFICATION, AND AFTER VALVES "A","B" AND "C" HAVE BEEN CLOSED BY AGENCY PERSONNEL, THE CONTRACTOR UNDER AGENCY SUPERVISION SHALL REMOVE ADEQUATE LENGTH OF EXISTING WATERMAIN, AND COMPLETE THE INTERCONNECTION IN THE CREEK BED AS SHOWN ON THE PLANS. THE CONTRACTOR SHALL NOTIFY ALL AFFECTED AGENCY CUSTOMERS AND THE FIRE DEPARTMENT NO LESS THAN 24 HOURS PRIOR TO LOSS OF SERVICE. MAXIMUM SHUTDOWN TIME SHALL NOT EXCEED 3 HOURS.

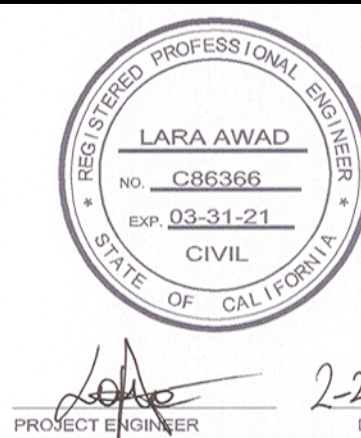
INTERCONNECTION NOTE 4:

AFTER COMPLETION OF THE WATER MAIN INSTALLATION, SATISFACTORILY COMPLETING BACTERIOLOGICAL AND PRESSURE TESTS, AND DEWATERING THE PIPELINE IN ACCORDANCE WITH SECTION W OF THE SPECIFICATION, AND AFTER VALVES "A","B" AND "C" HAVE BEEN CLOSED BY AGENCY PERSONNEL, THE CONTRACTOR UNDER AGENCY SUPERVISION SHALL REMOVE ADEQUATE LENGTH OF EXISTING WATERMAIN, AND COMPLETE THE INTERCONNECTION ON TOP OF THE CREEK EMBANKMENT AS SHOWN ON THE PLANS. THE CONTRACTOR SHALL NOTIFY ALL AFFECTED AGENCY CUSTOMERS AND THE FIRE DEPARTMENT NO LESS THAN 24 HOURS PRIOR TO LOSS OF SERVICE. MAXIMUM SHUTDOWN TIME SHALL NOT EXCEED 3 HOURS.

MATERIALS LIST (THIS SHEET ONLY)

NO.	DESCRIPTION
1	12" STEEL WATERMAIN, 0.25" MIN. WALL, CML & EPOXY COATED, WELDED JOINTS
2	EX. 12" STL TEMPORARY BYPASS (SEE SHEET 2), TO BE REMOVED
3	NOT USED
4	12" 22.5" STEEL ELBOW, 0.25" MIN. WALL, FLG'D CL 300, CML & CMC
5	12" 45" STEEL ELBOW, 0.25" MIN. WALL, FLG'D CL 300, CML & CMC
6	CONCRETE THRUST BLOCK PER LACWD STD PLAN W-21
7	12" STL SLIP ON WELD FLANGE, CL 300
8	CONCRETE ENCASEMENT FOR STEEL PIPE PER DETAIL 2
9	12" GATE VALVE, FLG'D CL 250, W/ADJ. VALVE BOX PER LACWD W-15
10	12" FABRICATED STEEL ELBOW, 0.25" MIN. WALL, FLG'D CL 300, CML & CMC

DATE	NO.	INITIALS	DESCRIPTION
REVISIONS			



COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS WATERWORKS DISTRICT NO. 36, VAL VERDE			
WATERMAIN RELOCATION AT CASTAIC CREEK PERMANENT WATERMAIN RELOCATION PLAN AND PROFILE			
PROJ ID	PCA Y536337	SPEC WWD 36-85	SHEET 3 OF 3

PUBLIC WORKS

LOS ANGELES COUNTY

WATERMAIN RELOCATION AT CASTAIC CREEK

SPECIAL PROVISIONS

SECTION W – WATER SYSTEMS

The following Special Provisions supplement and amend the Standard Specifications for Public Works Construction, 2018 Edition. As a reference convenience, these Special Provisions have been arranged into a format which parallels the Standard Specifications.



Prepared By:

Lara Awad

02-25-2019

Date

Reviewed By:

Lara Awad

2/25/19

Date

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PART 2 – CONSTRUCTION MATERIALS

SECTION 201 – CONCRETE, MORTAR, AND RELATED MATERIALS

201–1 PORTLAND CEMENT CONCRETE.

201–1.1 Requirements. (Page 55 of the SSPWC)

201–1.1.3 Concrete Specified by Special Exposure.

Add the following:

Special Exposure shall include exposure to sea water and oil field brine.

Deleterious chemicals are considered present when the chlorides and bromides exceed 15,000 PPM (1.5%) or the soil resistivity is less than 10,000 ohms centimeters. The limits of these conditions, based on laboratory test data and the above criteria, will be shown on the Plans.

Add the following subsections:

201–1.1.7 Air-Entrained Concrete for Piles, Anchor Blocks, Pipe Supports and Thrust Blocks.

Concrete for cast-in-place piles, anchor blocks, pipe supports, grooved coupling supports, and thrust blocks shall be class 560-C-3250 (U.S. Standard Measures) in accordance with Subsection 201–1.1.1, with Type V Portland cement in accordance with Subsection 201–1.2.1, and shall contain air-entraining and low range water reducing admixtures.

201–1.1.8 High Early Strength Concrete for Underground Structures.

The Contractor shall provide concrete mix designs for all high early strength concrete applications which meet the specified strength requirements.

Under paved streets, high early strength concrete shall be used in the construction of all cast-in-place structures in open trenches.

If sulfate or seawater conditions exist, a water reducing-accelerating admixture will not be allowed.

High early strength in 3250 psi (23 MPa) concrete shall be attained by the use of an Agency-approved water-reducing admixture, or by the use of a concrete mix which has a

minimum of 660 pounds (390 kg) of either Type II or V cement per cubic yard (cubic meter). Rapid Hardening Hydraulic Cement per 201-1.2 may also be used.

The following requirements apply to high early strength in 4000 psi (28 MPa) compressive strength concrete:

The concrete shall attain a 7 day (9 day where Type V cement is required) strength such that the average of any three consecutive compressive strength tests shall be equal to or greater than 4000 psi (28 MPa), and not more than 10 percent of the tests shall be less than 4000 psi (28 MPa). No test shall be less than 85 percent of 4000 psi (28 MPa).

The concrete shall include a minimum of 610 pounds (360 kg) to a maximum of 750 pounds (445kg) of either Type II or V cement per cubic yard (cubic meter) and an Agency-approved water-reducing admixture.

Prequalification of the mix for high early strength in 4000 psi (28 MPa) concrete by trial batching will not be required.

201-1.2 Materials. (Page 61 of the SSPWC)

201-1.2.1 Cement.

a) Portland Cement

Add the following to the second paragraph:

The certificate shall be sent to the Materials Engineering Section, Geotechnical and Materials Engineering Division, 4th Floor, Los Angeles County Department of Public Works, 900 South Fremont Avenue, P.O. Box 1460, Alhambra, CA 91802-1460.

201-1.3 Proportioning.

201-1.3.2 Combined Aggregate Gradings.

Replace Table 201–1.3.2 with the following:

Sieve Size	Percentage Passing Sieves						
	Grading A	Grading B	Grading C	Grading CSP	Grading D	Grading E	Grading S
2" (50 mm)	100	100	-	-	-	-	-
1-1/2" (37.5 mm)	95–100	95–100	100	100	-	-	-
1" (25.0 mm)	64–80	80–96	95–100	98–100	-	-	-
3/4" (19.0 mm)	55–71	64–80	77–93	85–98	100	100	-
3/8" (9.5 mm)	37–53	40–52	50–70	67–80	92–100	90–100	100
No. 4 (4.75 mm)	32–42	35–46	39–51	46–65	42–60	60–80	95–100
No. 8 (2.36 mm)	25–35	28–38	31–41	38–54	33–47	50–70	75–90
No. 16 (1.18 mm)	18–28	21–31	22–32	27–40	22–38	33–53	55–75
No. 30 (600 µm)	10–18	10–20	12–22	15–27	17–25	19–35	30–50
No. 50 (300 µm)	3–9	3–10	3–15	3–15	6–15	5–15	10–25
No. 100 (150 µm)	0–4	0–4	0–15	0–7	1–6	2–7	2–10
No. 200 (75 µm)	0–2	0–2	0–2	0–3	0–3	0–4	0–5

201–1.3.3 Concrete Consistency.

Add the following after the last paragraph:

Any concrete specified by compressive strength per Subsection 201–1.1.4 having a slump greater than 6 inches (150 mm) will be rejected. If the Engineer determines that a slump greater than 6 inches (150 mm) is required, it shall be accomplished through the use of an Agency-approved high range, water reducing admixture (ASTM C494, Type F) which shall be submitted to the Engineer for approval.

201–2 REINFORCEMENT FOR CONCRETE.

201–2.2 Steel Reinforcement. (Page 69 of the SSPWC)

201–2.2.1 Reinforcing Steel.

Add the following after the first sentence:

All steel, except longitudinal steel for design pipe, box conduit, open channels, tunnel lining, and transition structures are to be constructed per Standard Plans 341, 342, 343, 344, 345 or 346. Open channel transition structures and special structures shall be Grade 60 billet steel conforming to ASTM A-615. Unless specified otherwise, steel for cast-in-

place piles, anchor blocks, pipe supports, grooved coupling supports, and thrust blocks shall also be Grade 60 billet steel conforming to ASTM A-615.

201–2.4 Samples for Testing.

201–2.4.1 General.

Add the following:

Unless otherwise specified, certified mill test reports along with the manufacturer's written certification per 4–5 and truck bills of lading are required in lieu of a physical test. The Contractor shall send the aforementioned documents for each truckload of steel to the attention of the Office Engineer specified in 3–8 of Section G of the Special Provisions. The certified mill test reports shall include the name and location of the mill at which the steel was produced. An additional report shall be furnished to the Engineer prior to installation for each heat or size of reinforcing steel.

201–5 CEMENT MORTAR.

201–5.1 General. (Page 73 of the SSPWC)

Add the following after the last paragraph:

Unless specified otherwise, cement mortar for water distribution facilities shall be Class "E" and Class "A", respectively.

SECTION 206 – MISCELLANEOUS METAL ITEMS

206–1 STRUCTURAL STEEL, RIVETS, BOLTS, PINS, AND ANCHOR BOLTS.

206–1.1 Requirements. (Page 128 of the SSPWC)

206–1.1.1 General.

Replace the entire subsection with the following:

All steel, the class of which is not definitely designated in the Specifications or on the Plans, shall be structural steel and shall conform to the following requirements:

- 1) Structural tubing shall conform to ASTM A 53, Grade B.

- 2) All other structural steel shall conform to ASTM A 36.
- 3) Anchor bolts shall conform to ASTM A 36 or A 307. Carbon Steel stud bolts shall comply with ANSI/ASTM A 193, Grade B7. Carbon steel stud nuts shall comply with ASNI/ASTM A 194, Class 2H, Oil Quenched.
- 4) All exposed bolts shall be coated per subsection 212-12 of these Specifications.

Steel manufactured by the acid Bessemer process shall not be used.

All structural steel and miscellaneous metal shall be coated per Section 310-PAINTING of these Special Provisions. Surfaces shall be prepared by power tool cleaning or abrasive blasting. The final color shall be approved by the Engineer.

SECTION 209 – PRESSURE PIPE

209–2 STEEL PIPE AND FITTINGS.

209–2.1 General. (Page 194 of the SSPWC)

Replace the first sentence with the following:

This subsection specifies steel pipe, 4-inch diameter and larger, for the transmission and distribution of water under pressure.

Refer to Los Angeles County Waterworks Districts (LACWD) Standard Plan W-35 for steel pipe joint details.

209–2.2 Fabricated Steel Pipe and fittings.

209–2.2.1 Materials.

Replace the Table 209–2.2.1 with the following table:

TABLE 209–2.2.1

Item	Material	Reference Specification/Requirements
Pipe	Manufacturing Standards	Butt or offset-butt electrically welded straight- or spiral-seam steel cylinders, shop fabricated from steel or plates conforming to AWWA C200 for pipe 6" (150mm) and larger
		4", when required shall conform to the requirements of AWWA C200
	Design Standards	Conform to AWWA M11
	NSF Certification Material	NSF 61 certification required for potable water pipe
		Steel plates used to manufacture fabricated steel pipe shall conform to the physical and chemical properties listed in <i>ASTM A283 Grade D</i> . <i>Design stress shall not exceed 16,500 psi.</i>
		Steel sheets used to manufacture fabricated steel pipe shall conform to the physical and chemical properties listed in <i>ASTM A1011 Grade 33 or 36</i> . <i>Design stress shall not exceed 16,500 psi.</i>
	Size	As shown on the Plans Net inside diameter after interior lining shall equal or exceed nominal pipe diameter with tolerance of minus ¼"
	Minimum Wall Thickness	Where the Plans do not show thickness, submit design and supporting calculations prepared by the manufacturer in accordance with AWWA M11 using a maximum design working stress of ½ the yield stress for the grade of steel used in pipe fabrication. Compute wall thickness using pressure equal to 150 psi.(1.0MPa) or the design pressure shown on the plans, whichever is greater. No pipe 4" (100mm) and larger outside buildings or vaults shall have a wall thickness less than 10 gauge (3.4mm) No pipe 4" (100mm) and larger inside buildings or vaults shall have a wall thickness less than 3/8" (9.5mm)

	Markings	<p>Mark each special and each length of straight pipe at bell end to identify:</p> <ul style="list-style-type: none"> • Manufacturer's name or mark • Type of steel • Design pressure • Diameter and weight of pipe or special
	Lengths	<p>Maximum pipe length of 42' (13m). Shorter lengths may be used to facilitate curves or fit horizontal or vertical alignment.</p>
Lining and Exterior Coating (Required on exposed steel surfaces and ring joints)	Cement-Mortar Interior Lining and Exterior Coating	<p><i>Conform to AWWA C205 and AWWA C602 using Type II/V cement with the following exceptions.</i></p> <p><i>§4.2.1.3, "Ribbon Mesh Reinforcement" shall not apply.</i></p> <p><i>§4.3.1, "Cleaning Surfaces" shall be amended as follows "The interior and exterior surfaces of pipe to which cement mortar will be applied shall be cleaned immediately before applying mortar. Remove loose scale, loose rust, and accumulations of dirt and debris. Remove oil and grease using a volatile solvent.</i></p> <p><i>§4.4.2 "Thickness" shall be amended to read "The cement-mortar thickness shall be no less than the following: 5/16" for</i></p> <p><i>20"</i></p> <p><i>§4.5.3 "Thickness" shall be amended to read "Thickness shall be at least 1 inch with no minimum tolerance."</i></p> <p><i>§4.5.5.2 "Spiral Wire" shall apply except the wire reinforcing shall be held as near taut as permits uniform mid-coating thickness embedment while the cement-mortar coating is being applied.</i></p> <p><i>§4.7.2.1 "Material shall apply except that cement shall be a fast-curing cement such as "Speedcrete", "Rapidset" or Agency-accepted equal.</i></p> <p><i>§6.1 "General" shall be amended to read "Repair portions of lining or coating damaged during delivery in accordance with §4.4.6."</i></p> <p><i>Where a curing compound is used to facilitate curing of cement-mortar lining or coating, the curing compound shall be applied to the cement mortar immediately after placing the mortar. The curing time of cement mortar so cured shall be 7 days. Curing compound used shall conform to AWWA C205 Section 4.2.6. Curing compounds for linings shall be NSF61-listed.</i></p> <p><i>One test sample shall be taken for each 25 lengths of pipe lined, but no less than 3 test samples. Cure test samples under conditions identical to curing of pipe lining from which they were taken.</i></p> <p>Prior to pipe manufacture, submit documentation showing calibration of cement-mortar batching equipment (including water measurement) has occurred during the previous 6 months.</p> <p>Trim lining as necessary to allow full operation of butterfly or check valves at connections to steel pipe.</p> <p>Line exposed portions of pipe interior with hand-applied epoxy conforming to 212-12.</p>

		Trim coating 6" to 12" (150mm-300mm) above grade on spools penetrating to daylight or vault interiors.
	Cold-Applied Tape Exterior Coatings	Conform to AWWA C209 for exterior coating of specials, connections, and fittings Conform to AWWA C214 for steel pipeline coatings
	Liquid-Epoxy Interior Lining and Exterior Coating of Above-Ground Pipe	Conform to AWWA C210 and 212-12
	Fusion-Bonded Epoxy Interior Lining and Exterior Coating of Above-Ground Pipe	Conform to AWWA C213 and 212-12
	Extruded Polyolefin Exterior Coatings	Conform to AWWA C215 for extruded coatings Conform to AWWA C216 for heat-shrinkable cross-linked coatings
Joints	Field Welded Lap Joints are required for steel pipe except where otherwise shown on	Conform to AWWA C200 Section 4.13. Design for maximum interior pipe lining gap joint of ½" (12.5mm) after joint assembly measured from ends of interior lining of pipe sections being joined.
	Bell and Spigot Ends with Rubber Gaskets	Conform to AWWA C200 Section 4.13. Design for maximum interior pipe lining gap joint of ½" (12.5mm) after joint assembly measured from ends of interior lining of pipe sections being joined. <i>Where bell-and-spigot gasket joints are used, welding for thrust restraint may be reduced to 240° of arc centered on the soffit.</i>
	Ends Prepared for Mechanical-Coupled Field Joints	Conform to AWWA C200 Section 4.13. Square cut or beveled with no burrs. Outside surfaces where coupling seats shall be free of indentations, projections, or roll marks to ensure watertight seal. Pipe ends shall have tolerances within limits required by mechanical coupling manufacturer. <i>Grooved-end steel pipe nipples shall be at least 12" long, and shall be welded to the pipe cylinder before applying lining and coating materials. Field welding of grooved-ended nipples is prohibited. Dimensions of grooves shall conform with requirements of coupling manufacturer.</i>

	Plain Ends with Butt Straps for Field Welding	Conform to AWWA C200 Section 4.13. Design for maximum interior pipe lining gap joint of ½" (12.5mm) after joint assembly measured from ends of interior lining of pipe sections being joined. For pipe less than 24" (600mm) nominal diameter, furnish butt straps with a 4" (100mm) diameter hand hole, complete with screwed cap or plug, suitable for use in "pointing" the interior joint lining after installation of the joint.
	Flanged Joint	Conform to AWWA C207 Faced and dimensioned in accordance with ASME/ANSI B16.5 for the pressure class shown on the Plans or specified in the Special Provisions <i>Flanges installed below ground shall be flat-faced or plain-faced and suitable for use with full-faced gaskets.</i>
Bell Joint Gaskets	Material	Conform to AWWA C300 Section 4.4.11 and 4.5.4
	Material for Hydrocarbon Applications and Contaminated	NBR (Nitrile) (acrilobutadiene), Fluorel or FKM (Viton) fluorocarbon
	Gasket Age	<180 Days old or < 2 years old but retested prior to installation
Flange Gaskets	Material	Refer to 212–2.7
Fittings	Material	Same steel as pipe
	Standards	Conform to AWWA C208 <i>Special sections shall be of same material, size, joint type, and pressure class as adjoining pipe.</i>
	Flanged Fittings	Conform to ASTM/ANSI B16.5 <i>For flange drilling patterns refer to 212–2.3.</i>
	Collar, Wrapper Plate, or Crotch Plate Design for Exterior Coatings	Conform to AWWA M11
	Interior Linings	Use same coating as adjacent pipe, as specified above Use same linings as adjacent pipe, as specified above

209–2.2.2 Submittals.

Add the following:

A Certificate of Compliance conforming to 4–5 shall be submitted to the Engineer with each delivery. The certificate shall include the reference specification(s) and/or requirements that are applicable to the item(s).

Add the following subsections:

209–2.2.7 Fittings.

Welding fittings shall conform to ANSI B-16.9. Minimum thickness shall be greater than or equal to the thickness of the adjoining pipe.

Screwed fittings shall be steel and shall comply with ANSI B-16.4.

Steel flanged fittings shall be butt-welding type (with companion weld-on flanges) conforming in all respects to AWWA C207 and ANSI B-16.1 or B-16.2. Fittings to be installed in soil or concrete shall have flat or plain-faced flanges. Flanges shall be ANSI Class 300, unless otherwise shown on the Plans.

Cast steel fittings shall have protective linings and coatings as set forth in Table 209–2.2.1. Cast-steel fittings shall be exterior coated with enamel or the manufacturer's recommended coating prior to being cement-mortar coated.

209–2.3 Mill-Type Steel Pipe. (Page 196 of the SSPWC)

209–2.3.1 Materials.

Replace the Table 209–2.3.1 with the following table:

TABLE 209–2.3.1

Item	Material	Reference Specification/ Requirements
Pipe	Manufacturing Standards	Furnace-welded electrically welded, or seamless steel pipe conforming to AWWA C200 for pipe 6" (150mm) and larger or ANSI B36.10 for pipe smaller than 6" (150mm) or for pipe with wall thickness specified by strength or schedule on the Plans.
	Design Standards	Conform to AWWA M11
	NSF Certification	NSF 61 certification required for potable water pipe
	Material	ASTM A53 Grade A or B, ASTM A134 (steel plate per ASTM A283 Grades C or D or A36), ASTM A135, or ASTM A139
	Size	As shown on the Plans
		Conform to dimensional tolerances of AWWA C200 for pipe ≥6" (150mm) identified on plans by class, gauge, or decimal wall thickness.
		Conform to <i>API 5L</i> or ANSI B36.10 for pipe smaller than 6" (150mm) or for pipe with wall thickness specified on the Plans by strength or wall-thickness schedule.
	Minimum Wall Thickness	Where the Plans do not show thickness, submit design and supporting calculations prepared by the manufacturer in accordance with AWWA M11 using a maximum design working stress of ½ the yield stress for the grade of steel used in pipe fabrication. Compute wall thickness using pressure equal to 150 psi.(1.0MPa) or the design pressure shown on the plans, whichever is greater.

Lining and Exterior Coating (Required on exposed steel surfaces and ring joints)		No pipe 4" (100mm) and larger outside buildings or vaults shall have a wall thickness less than 10 gauge (3.4mm)
		No pipe 4" (100mm) and larger inside buildings or vaults shall have a wall thickness less than 3/8" (9.5mm)
	Markings	Mark each special and each length of straight pipe at bell end to identify: <ul style="list-style-type: none"> • Manufacturer's name or mark • Type of steel • Design pressure • Diameter and weight of pipe or special • Proper location of pipe by reference to layout schedule
	Lengths	Furnish in single random lengths, double random lengths, or in specified cut lengths
		For single random lengths, average length shall be not less than 17.5' (5.3m) and no piece shall be shorter than 9' (2.7m)
		For double random lengths, average length shall be not less than 35' (5.3m), not less than 10% of pieces shall be shorter than 26.25' (8.0m), and no piece shall be shorter than 14' (2.7m)
		specified cut lengths, the actual pipe length shall not vary from the specified length by more than 1/8" (3mm)
	Cement-Mortar Interior Lining and Exterior Coating	Conform to AWWA C205 and AWWA C602 using Type II/V cement. Refer to Table 209-2.2.1 for exceptions to AWWA C205.
		Trim lining as necessary to allow full operation of butterfly or check valves at connections to steel pipe
		Line exposed portions of pipe interior with hand-applied epoxy conforming to 212-12
		Trim coating 6" to 12" (150mm-300mm) above grade on spools penetrating to daylight or vault interiors
	Cold-Applied Tape Exterior Coatings	Conform to AWWA C209 for exterior coating of specials, connections, and fittings Conform to AWWA C214 for steel pipeline coatings
	Liquid-Epoxy Interior Lining and Exterior Coating of Above-Ground Pipe	Conform to AWWA C210 and 212-12
	Fusion-Bonded Epoxy Interior Lining and Exterior Coating of Above-Ground Pipe	Conform to AWWA C213 and 212-12
	Extruded Polyolefin Exterior Coatings	Conform to AWWA C215 for extruded coatings Conform to AWWA C216 for heat-shrinkable cross-linked coatings

SECTION W

Joints	Ends Prepared for Mechanical-Coupled Field Joints	<p>Conform to AWWA C200 Section 4.13.</p> <p>Square cut or beveled with no burrs. Outside surfaces where coupling seats shall be free of indentations, projections, or roll marks to ensure watertight seal. Pipe ends shall have tolerances within limits required by mechanical coupling manufacturer.</p> <p><i>Grooved-end steel pipe nipples shall be at least 12" long, and shall be welded to the pipe cylinder before applying lining and coating materials. Field welding of grooved-ended nipples is prohibited. Dimensions of grooves shall conform with requirements of coupling manufacturer.</i></p>
	Field- Butt Welded Joints	<p>Pipe with wall thickness 15/64" (6.0mm) or greater intended for field butt welding. Bevel pipe on outside, inside, or both sides as shown or specified.</p> <p>Bevel angle shall be 30° to 35° measured from plane perpendicular to pipe axis. Width of root face at pipe end shall be 1/32" to 3/32" (0.8mm - 2.3mm)</p>
	Flanged Joint	<p>Forged steel conforming to ASTM A181. Faced and dimensioned in accordance with ASME/ANSI B16.5 for the pressure class shown on the Plans or specified in the Special Provisions.</p> <p><i>Flanges installed below ground shall be flat-faced or plain-faced and suitable for use with full-faced gaskets.</i></p> <p>Threads for screwed flanges and companion pipe ends shall conform to ASME/ANSI B1.20.1.</p> <p>Pipe ends for welding neck flanges shall be beveled.</p>
Flange Gaskets	Material	Refer to 212-2.7
Fittings	Material	Same steel as pipe.
	Standards	<p>Manufacture from mill-type steel pipe in accordance with ASME/ANSI B16.9.</p> <p><i>Minimum thickness shall be equal to or greater than adjoining pipe thickness.</i></p>
	Flanged Fittings	<p>Conform to ASTM/ANSI B16.5</p> <p><i>For flange drilling patterns refer to 212-2.3.</i></p>
	Steel Butt-Welding Fittings	Conform to ASTM/ANSI B16.9
	Forged Steel Fittings, Socket Welded and Threaded	Conform to ASTM/ANSI B16.11
	Exterior Coatings	<p>Use same coating as adjacent pipe, as specified above</p> <p>For cement-coated fittings, coat with enamel or manufacturer's recommended coating prior to cement-mortar coating.</p>
	Interior Linings	Use same linings as adjacent pipe, as specified above

Steel plates or sheets used in the manufacture of fabricated steel pipe shall comply with ASTM A-1011/1011M or ASTM A-283 Grade D with a minimum yield point strength of 33,000 psi. Design Stress shall not exceed 16,500 psi.

209–2.3.2 Submittals.

Replace the entire subsection with the following:

Prior to fabricating pipe, the Contractor shall submit, in accordance with 3–8, a certified laboratory report stating the type of steel, and the physical and chemical properties for each heat number of the steel used in fabricating the pipe.

A Certificate of Compliance conforming to 4–5 shall be submitted to the Engineer with each delivery. The certificate shall include the reference specification(s) and/or requirements that are applicable to the item(s).

209–7 PIPELINE IDENTIFICATION.**209–7.2 Requirements.**

Replace the entire subsection with the following:

Warning tape for the temporary pipe shall be metal detectable with a minimum width of 6 inches. The tape shall be blue with the following message printed in a contrasting color, repeated at intervals not to exceed 5 feet:

CAUTION LACWD
WATER LINE BELOW

SECTION 210 – PAINT AND PROTECTIVE COATINGS**210–1 PAINT.****210–1.5 Paint Systems. (Page 206 of the SSPWC)**

Add the following after Table 210–1.5:

Zinc-Rich Primer, Organic Vehicle Type

Zinc-rich primer shall conform to State Specification 8010–31A-36.

Pre-Treatment, Vinyl Wash Primer

Vinyl wash primer shall conform to State Specification 8010–31A-27.

White Tint Base Vinyl Finish Coat

Finish coat shall conform to State Specification 8010–31A-35, tinted a gray color. A sample of the paint color or a color chip shall be submitted to the Engineer in accordance with 3–8 of Section G.

SECTION 211 – MATERIAL TESTS

211–1 COMPACTION TESTS.

211–1.1 Laboratory Maximum Density. (Page 213 of the SSPWC)

Replace the second and third paragraphs with the following:

Compaction tests will be performed in accordance with ASTM D 1557 using the appropriate procedure based on the materials gradation where applicable. The Engineer may specify another procedure within this test; require the use of another test procedure; or specify a specific compaction method to be used where this test is not applicable.

All reported maximum densities shall be based on dry unit weight. However, the Engineer may modify the procedure in ASTM D 1557, to calculate a relative compaction at the site based on adjusted laboratory maximum wet density to give the Contractor an indication of the achieved relative compaction. The adjusted laboratory maximum wet density will be calculated as follows:

211–1.3 Relative Compaction. (Page 213 of the SSPWC)

Replace the entire subsection with the following:

The words "Relative Compaction" shall mean the ratio of the field dry density to the laboratory maximum dry density expressed as a percentage.

SECTION 212 – WATER AND SEWER SYSTEM VALVES AND APPURTENANCES

212–1 GENERAL.

212–1.1 Submittal Package.

Replace the first row of the Table 212–1.1 with the following:

TABLE 212–1.1

Submittal	Description
Shop Drawings	Required for all valves and stops

212–2 FLANGED AND THREADED CONNECTIONS.**212–2.3 Flange Drilling.**

Replace Table 212–2.3 with the following table:

TABLE 212–2.3

Working Pressure	Material	Required Drilling Pattern
150–250 psi	Ductile Iron Flanges	ASME/ANSI B16.42 Class 150
	Steel Flanges	AWWA C207 Class E
250–300 psi	Ductile Iron Flanges	ASME/ANSI B16.42 Class 300
	Steel Flanges	AWWA C207 Class F or ASME/ANSI B16.5 Class 300

212–2.5 Flange Coupling, and Harness Bolts, Nuts, and Washers.**212–2.5.3 Applications in Corrosive, High-Chloride, or Saltwater Environments.**

Add the following after Table 212–2.5.3:

Specially coated bolts (blue bolts) for corrosive environments shall conform to the following:

Surface preparation shall include the following:

- Blasting with 120 grit aluminum oxide
- Application of aerocote (nickel) primer
- Baking

Coating shall be multiple coats of one mil thick fluoropolymer with the following physical properties:

Tensile Strength	2,000 – 4,000 psi
Elongation	35 to 50%
Water Absorption	0.03%
Continuous Service Temperature	500° F / 260° C
Intermittent Service Temperature	550° F / 285° C
Pencil Hardness	H to 6H
Dielectric Strength	1,200 to 2,000 V/MIL
Coefficient of Friction	0.02 to 2.00
Wear Resistance (K-Factor)	6 to 8
Salt Spray (ASTM B-117)	Up to 3000 Hrs. (no effect)

Coated Bolts shall be “Tripac 2000 Blue Coating System”, “Metal Coatings Corp. Fluorokote#1”, or Agency approved equal.

Add the following subsection:

212–2.5.6 General.

Stud bolts and nuts may be used for all flanges instead of bolts and nuts.

All washers shall be of the same material as the nuts. Stainless steel fasteners shall not be used unless otherwise shown on the plans.

Bolts threaded by more than 1 inch shall be No. 8 pitch thread series.

Coated bolts (blue bolts) shall be used on all above ground flanges, combination air valves and hydrants per Subsection 212–2.5.

Stud bolts and bolts shall be of such length that after assembly the threaded end extends not less than two threads and not more than ¾-inch beyond the outward face of the nut.

Underground bolting shall be protected against corrosion in accordance with Subsection 306–8.12.

212–2.7 Flange Gaskets. (Page 222 of the SSPWC)**212–2.7.1 General.**

Replace the second, third, and fourth paragraph with the following:

Gaskets for use with flat-faced flanges shall be full-faced. All gaskets for flanged joints shall be cloth-inserted rubber 1/16-inch thick with boltholes punched. Gaskets subject to WWP above 150 psi shall be 1/8 inch thick cloth-inserted Neoprene with tensile strength of 1500 psi and a “Shore A” hardness of 70 with boltholes punched.

Add the following:

Gaskets shall be:

"Crane Company, Cloth-Inserted Rubber", "Biltrite", "Garlock", "Thermoseal", "Tripac", or Agency approved equal. For high-pressure installations, "Tripac 2000" or Agency approved equal.

212–2.8 Dissimilar Materials. (Page 222 of the SSPWC)**212–2.8.2 Insulation of Threaded Connections.**

Add the following:

Insulating bushings for use on service connection clamps or weld-on couplings shall be a nylon dielectric, with a heavy hexagon head and type Iron Pipe Straight (I.P.S.) thread.

Insulating bushings shall be as manufactured by "Corrosion Control Products Co"., "Mayco", or Agency approved equal.

212–8 COUPLINGS.

Add the following subsection:

212–8.6 Flexible Couplings, Adaptors, Etc.

Flexible couplings (including transition, reducing, etc.), and adapters (including flange-to-bell, flange-coupling, etc.) shall be designed for not less than the WWP of the water main to which they will connect. All flanges, bells, sleeves, etc., shall be of the same

pressure class and appropriate size and shape as the water main or fitting to which they will connect. Sleeves shall have tapered ends to facilitate entry of the connecting pipe. Gaskets, rubber rings, bolts, and other minor items recommended by the manufacturer for proper assembly and operation of the couplings and adapters shall be included.

All rubber materials shall conform to 212-17.

Cast-iron couplings and adapters shall be installed for underground applications. Steel couplings and adapters shall be installed in vaults or meter boxes for above ground applications.

Bolts installed underground shall be stainless steel and shall be protected against corrosion in accordance with 306-8.12 of these Special Provisions.

On all interior and exterior ferrous material surfaces of the flexible couplings, after irregularities, burrs, and grease have been removed, and immediately after sandblasting to white metal followed by air blowing to remove dust, a 10 mil or thicker coat of holiday free, high impact, nonshattering, high adhesion, tasteless, odorless, nontoxic, epoxy resin shall be evenly applied in accordance with the manufacturer's instructions and AWWA C550. The epoxy resin shall be "Scotchcote No. 302", "Keysite 740", or Agency approved equal.

Couplings and adapters shall be protected with a coating system identical to that of the adjoining pipe and fittings. If adjoining pipe and fittings are not protected, couplings and adapters shall be coated in accordance with 212-2.5.3, or as specified on the Plans.

Couplings and adapters shall be of the following manufacture:

Flexible couplings by Dresser, Style 38, Smith Blair, or Agency approved equal.

Flanged coupling adapters by "Dresser" style 127, "Smith Blair" model 912, "Romac", or Agency approved equal.

Transition coupling adapters by "Dresser" style 153, "Smith Blair" model 441, "Romac", or Agency approved equal.

212-17 PEROXIDE - CURED EPDM RUBBER MATERIAL.

Rubber materials in contact with potable water shall be peroxide cured EPDM. This includes but is not limited to air combination valves, all types of control valves, resilient seat gate valves, butterfly valves, flexible expansion joints, flange coupling adapter joints, sleeve couplings, push-on pipe joints, and pipe fitting joints. The aforementioned paragraph supersedes all other referenced materials for items listed above.

**212-18 NATIONAL SANITATION FOUNDATION (NSF)
COMPLIANCE.**

All products including pipes, fittings, valves, and coatings in contact with potable water shall comply with NSF/ANSI 61 Drinking Water System Components-Health Effects standards and the requirements of the Safe Drinking Water Act.

PART 3 – CONSTRUCTION METHODS

SECTION 300 – EARTHWORK

SECTION 303 – CONCRETE AND MASONRY CONSTRUCTION

303–1 CONCRETE STRUCTURE.

303–1.2 Subgrade for Concrete Structures. (Page 333 of the SSPWC)

Add the following after the first paragraph:

Concrete shall be placed against original ground or compacted backfill as specified herein. Excavation shall be to the elevations specified on the Plans, with the bottom of the excavation carefully shaped to fit the bottom of the structure.

In the event the Contractor excavates below the specified elevation, the Contractor shall either backfill to the specified elevation using 330-B-23 (560-B-3250) concrete or backfill to 16 inches (50mm) above the specified elevation such that not less than 90 percent compaction is achieved and then trim to the specified elevation.

Where original ground is below the specified elevation, the Contractor shall place compacted fill to 6 inches (150mm) above the specified elevation such that not less than 90 percent compaction is achieved and then trim to the specified elevation.

303–1.3 Forms. (Page 333 of the SSPWC)

Add the following to the third paragraph:

End bulkhead forms for bridge decks, edge of deck forms and curb forms shall be constructed true to the specified lines, grades, and dimensions. Pour strips will not be permitted at these locations.

Replace subparagraph (b) of the eleventh paragraph with the following:

- b. If concrete is placed against shoring, such shoring shall be closely fitted and all points shall be outside the concrete lines shown on the Plans. Those surfaces against which the concrete is to be placed shall be faced with building paper, plywood, or other suitable materials approved by the Engineer. Unless otherwise specified

herein, all shoring shall be removed, but not until at least 7 days after placing concrete, or until the concrete has attained a compressive strength of 2,000 psi (14 MPa).

Care shall be taken in removing sheeting so as to avoid damaging the concrete. Voids left by the removal of shoring components shall be backfilled with material having a sand equivalent of not less than 30 and consolidated by jetting to the satisfaction of the Engineer.

303–1.6 Falsework. (Page 336 of the SSPWC)

303–1.6.1 General.

Replace the first sentence with the following:

The Contractor shall, where required by the Plans or the Special Provisions, submit per 3–8 working drawings of the falsework proposed to be used.

303–1.7 Placing Reinforcement. (Page 336 of the SSPWC)

303–1.7.1 General.

Delete the first paragraph. Add the following after the second paragraph:

Concrete chairs or blocks shall attain a 28-day compressive strength of 3250 psi (24MPa) or to the requirements prescribed for Class "A" mortar per Subsection 201–5.1. In either case, the concrete chairs or blocks shall be water-cured per 303–1.10.

The Contractor shall insure that the dowels for bridge sidewalks, curbs, and barrier railings remain tight and on the intended alignment. Any damage to or loss of bond of the dowels caused by the Contractor's operations shall be repaired by the Contractor to the satisfaction of the Engineer. When dowels are placed in drilled holes, the Contractor shall first fill the hole with epoxy adhesive and then insert the dowel to insure positive bonding.

Reinforcing steel that extends from previously placed concrete into new construction shall be cleaned and free of any coating which would be likely to destroy, reduce or impair its proper bonding with the new concrete.

Old reinforcement that is to project into new work shall be straightened or bent to conform to the requirements of the Plans. Any damaged reinforcing steel that is to be left

in place and is to be repaired by welding shall be welded in accordance with the provisions of the American Welding Society Publication, AWS D12.1, "Recommended Practices for Welding Reinforcing Steel, Metal Inserts, and Connections in Reinforced Concrete Construction". The weld shall be sufficient to develop the full strength of the bar.

303–1.7.2 Splicing.

Replace the entire subsection with the following:

Splices of bars shall be made only where shown on the Plans or approved by the Engineer. Where bars are spliced, the splices shall be staggered. The length of lapped splices shall be as follows: Reinforcing bars size No. 6 (20M), or smaller, shall be lapped 32 diameters of the smaller bar joined; reinforcing bars sizes Nos. 7, 8 and 9 (25M and 30M) shall be lapped at least 49 diameters of the smaller bar joined; and reinforcing bars size Nos. 10 and 11 (35M) shall be lapped at least 60 diameters of the smaller bar joined. Reinforcing bars sizes Nos. 14 and 18 (45M and 55M) shall not be spliced by lap.

Splicing shall be accomplished by placing the bars in contact with each other and wiring them together.

Welding of reinforcing steel smaller than Nos. 14 and 18 (45M and 55M) will not be permitted unless otherwise shown on the Plans or directed by the Engineer. Welding, when permitted, shall conform to AWS D1.4 and utilize reinforcing bars conforming to ASTM designation A706.

Radiographic examinations shall be performed by the Contractor at its own expense on at least 25 percent of all full penetration butt-welded splices. For each weld found to be defective, a retest shall be made plus one additional splice as selected by the Engineer shall be examined radiographically by the Contractor.

All radiographs shall be submitted to the Engineer with a radiographic report and a certificate of compliance.

Each radiographed splice shall be identified on each radiograph. The radiograph identification and marking system shall be established by the Contractor and approved by the Engineer before radiographic inspection begins.

Welders, welding operators, and tackers shall be prequalified in accordance with the specifications of AWS D1.4 and shall produce written evidence of qualification

satisfactory to the Engineer. Written approval of the documentation by the Engineer is required.

303–1.8 Placing Concrete. (Page 338 of the SSPWC)

303–1.8.1 General.

Replace the second sentence of the first paragraph with the following:

Equipment having components made of aluminum or magnesium alloys which will be in contact with plastic concrete during mixing, transporting or pumping of portland cement concrete shall not be used.

Replace the second paragraph with the following:

Prior to placing any structure concrete, all forms, surfaces of previously placed concrete and reinforcing steel shall be wetted and the free water removed.

Add the following:

Concrete not placed within 10 minutes from the time of leaving the mixer shall be remixed before pouring. Any concrete not poured within a 15-minute interval after mixing shall be wasted.

303–1.8.2 Grouting.

Delete the entire subsection:

303–1.8.3 Depositing.

Add the following:

When poured monolithically, top slabs of box sections shall not be poured until the concrete in the walls has been consolidated and settlement has occurred. Vibration of the concrete in the top slab shall be conducted in such a manner as to insure that vibrators penetrate into the concrete previously placed in the walls.

303–1.8.4 Consolidating.

Replace the first sentence of the third paragraph with the following:

The number of vibrators employed shall be of sufficient size to consolidate the concrete being placed within 15 minutes after it has been placed into the forms.

303–1.8.6 Joints.

Add the following after the third paragraph:

Before placing fresh concrete, all construction joints shall be thoroughly wetted. Joints which are approximately horizontal, except expansion or contraction joints, shall be covered with 1 inch (25mm) of mortar consisting of one part cement to 2 1/2 parts sand. The quantity of water used shall be only that required to produce a mixture with a consistency comparable to that of the fresh concrete.

Water stops for reinforced concrete conduits and structures, where called for on the Plans, shall be of the type specified on the Plans or in the Special Provisions.

303–1.8.9 Concrete Deposited Under Water.

Replace the first sentence of the first paragraph with the following:

Structure concrete shall not be placed in or under water unless conditions render it impossible or inadvisable in the opinion of the Engineer to dewater the excavations. If such conditions exist, the Contractor shall deposit underwater, by means of a tremie or underwater bottom-dump bucket, a layer of concrete of sufficient thickness to thoroughly seal the cofferdam or excavation. After sufficient time has elapsed to insure adequate strength in the concrete seal, the excavation or cofferdam shall be dewatered and the top of the concrete cleaned of all scum, laitance and sediment. Before structure concrete is deposited, local high spots shall be removed as necessary to provide proper clearance for reinforcing steel.

303–1.10 Curing. (Page 344 of the SSPWC)

Replace the first paragraph with the following:

As soon after completion of the specified finishing operations as the condition of the concrete will permit without danger of consequent damage thereto, all exposed surfaces shall be sprayed with a curing compound per 201–4. Concrete may be cured by the use of earth, sand or burlap kept continuously wet when such method is approved by the Engineer.

Bridge decks shall be sprayed with a curing compound before being continuously wet cured. The vertical surfaces of concrete barrier railings on bridges shall not be sprayed with a curing compound if the forms were in place for 12 hours or more.

303–1.12 Payment. (Page 345 of the SSPWC)

Add the following after the second paragraph:

Should the Contractor request and obtain permission to use admixtures for its own benefit, the Contractor shall furnish such admixtures and incorporate them in the concrete mixture at its own expense and no additional compensation will be allowed therefore.

Should the Engineer direct the Contractor to incorporate any admixtures in the concrete when their use is not required by the Specifications, furnishing the admixtures and adding them to the concrete will be paid for as Extra Work.

Add the following after the last paragraph:

All costs involved in modifying structures to be constructed per Standard Plans in accordance with the notes and/or details of the modifications shown on the Plans shall be considered as included in the Contract Unit Prices for the various structure items to be constructed per Standard Plans unless otherwise specified.

SECTION 306 – OPEN TRENCH CONDUIT CONSTRUCTION

306–3 TRENCH EXCAVATION.

306–3.1 General. (Page 389 of the SSPWC)

Add the following:

Trenching shall not begin until sufficient labor, materials, and equipment are on hand to continue the Work without delay.

Use of trench digging machinery will be permitted except in places where machine operation may, in the Engineer's option, cause damage to waterways, trees, utilities, surface improvements, buildings, or existing structures above or below ground, in which case hand methods shall be employed.

Handling of materials, laying, blocking, and jointing of pipe shall be in accordance with AWWA C604 and AWWA C600 where applicable. Pipe and accessories shall be handled with care to avoid damage. The Contractor, at no additional cost to the Agency, shall replace damaged pipe which cannot be repaired per 209–2.2. The interior of all pipe and accessories shall be kept free from dirt and foreign matter at all times.

Refer to County Waterworks Districts Standard Plan W-46 for pipe trench construction.

Refer to County Waterworks Districts Standard Plan W-49 for public safety requirements around open-trench areas.

Refer to County Waterworks Districts Standard Plan W-50 for minimum separation requirements between water mains and sewers.

306–3.2 Removal of Surface Improvements.

Add the following:

Sewer lines and water lines shall be jacked or tunneled under all concrete curbs, gutters, cross gutters, driveways and sidewalks, or upon approval of the Engineer, such surface improvements may be removed and replaced in accordance with the appropriate Standard Plans unless otherwise specified.

306–3.3 Removal and Abandonment of Existing Conduits and Structures.

Add the following:

Unless otherwise specified, all costs involved in the abandonment of conduits and structures shall be considered as included in the various items of work.

Existing water mains and water distribution facilities shall be abandoned in accordance with the Plans and general construction notes. In addition, the Contractor shall remove and properly dispose of all abandoned above-ground pipelines. Following removal of the pipelines, the Contractor shall fill any holes, and clean and restore the area to a neat and orderly condition.

306–3.4 Minimum and Maximum Pipe Zone Trench Width.

Add the following:

The minimum and maximum width of trench permitted shall be as indicated on the Plans or Standard Plan W-46. In any case, the trench width shall be ample to allow at least 6 inches of select backfill material to be placed on each side of the pipe and appurtenances, to permit the pipe to be laid and jointed properly, and to allow proper placement and compaction of backfill.

306–3.5 Maximum Length of Open Trench.

Replace the entire subsection with the following:

Open trench, as referred to herein, shall be defined as all excavations which have not been completely backfilled (including attaining required relative compaction) as required elsewhere in these Specifications, and in which neither temporary nor permanent resurfacing has been placed.

For purposes of this subsection, pavement breaking in advance of excavation is considered a part of the excavation and, as such, is a part of the open trench.

- a. **Case 1, Prefabricated Pipe:** The Contractor shall regulate its rate of excavation so that the length of open trench along any one heading shall not exceed that specified in the following table:

Depth of Cover in Feet (Meters)	Maximum Allowable Trench Length in Multiples of Length of Pipe Actually Laid in a Single Day
0 to 5 (1.5)	7
Over 5 (1.5) to 10 (3.0)	8
Over 10 (3.0) to 15 (4.5)	9
Over 15 (4.5)	10

In the event additional curing time is necessary for poured-in-place concrete structures, these structures will not be considered in the calculation of the maximum allowable trench length but shall be backfilled and the trench restored using either temporary or permanent resurfacing as soon as the required concrete compressive strengths have been attained.

The length completed in a single day shall be defined as the daily average length completed during the five immediately preceding working days exclusive of placement of resurfacing (temporary or permanent) and restoration of other existing improvements. Where more than one line is shown on the Plans, an operation which moves progressively from one line to another shall be considered a single heading. The depth of cover, as referred to in this subsection, shall be the average distance from the top of the completed structure to the ground surface computed from measurements at equal intervals along the conduit constructed during the five immediately preceding working days.

Additional length of open trench may be permitted by the Engineer for such circumstances as unusual dewatering operations, setting of piles in advance of excavation, or in the event of unforeseen conditions, should it be considered to be in the best interests of the Agency.

The length of open trench shall be further limited by the conditions and restrictions of any excavation permit required by another jurisdictional agency.

Add the following subsection:

306-3.7 Trench Depth.

Except where necessary to slope the water main upward to join an existing water main, the trench depth shall be as shown on the Plans and in Standard Plan W-46. The following requirements shall also apply:

The bedding underlying the pipe shall be select bedding material. This bedding material shall be deposited in the trench by the Contractor conforming to subsections 217-1 and 306-6. Where rock, caliche, etc., exists in the trench bottom, the Contractor shall over excavate the trench and shall deposit select bedding material to a minimum thickness (after compaction) of 6 inches below the pipe, unless otherwise indicated on the Plans.

Trench bottom, where existing at less than 90 percent relative compaction, shall be densified by the Contractor to at least said 90 percent for a depth of at least 12 inches.

306-5 DEWATERING. (PAGE 391 OF THE SSPWC)

Add the following:

Removal of groundwater shall be performed to a level sufficiently below the structure subgrade to ensure a firm and stable subgrade for the construction of the structure. All costs for such dewatering shall be considered as included in the prices in the Bid for the various items of work unless otherwise specified in the Special Provisions.

306-6 BEDDING.

306-6.5 Placement and Compaction.

306-6.5.1 General. (Page 393 of the SSPWC)

Replace the first sentence with the following:

The material in the bedding zone shall be placed, and densified by mechanical compaction.

Add the following:

Depressions in the trench bottom shall be used to accommodate valves, fittings, pipe bells, etc., in order that the pipe barrel uniformly rests on bedding material.

Replace the third paragraph with the following:

Water densification methods such as jetting shall not be used to compact bedding.

Add the following subsection:

306-6.5.3 Pipe Laying.

All steel pipes shall be installed with steel fittings.

Bolts shall be tightened with a torque wrench to within either the least upper limits specified by the manufacturers of the various components being bolted, or limits determined by the Contractor which will safely withstand hydraulic test pressures and other forces.

Bolts or stud bolts shall not be used to pull flanges into alignment.

The Contractor shall provide all necessary caulking materials.

306-8 PREFABRICATED PRESSURE PIPE.

306-8.3 Steel Pipe. (Page 411 of the SSPWC)

Add the following:

Refer to County Waterworks Districts Standard Plan W-35 for steel pipe joint construction.

306-8.3.2 Installation.

306-8.3.2.2 Welded Joints.

Replace the first paragraph with the following:

Welds to fabricated pipe shall be made in accordance with the requirements of the applicable Reference Specifications under which the pipe is fabricated. All shop and field welding, whether manual or by machine, shall be as specified in AWWA C200 and constructed in accordance with AWWA C206 and the following:

Add the following to g):

The Contractor shall repair cement mortar lining held back for welding operation in accordance with Standard Plan W-35.

When welding joints of weld bell pipe, the cement mortar lining of the joint shall be allowed to cure a minimum of 45 minutes before beginning to weld the joint. Care shall be taken to insure that the heat of welding does not damage the cement mortar lining and coating. If, in the opinion of the Engineer, the interior lining has been damaged during welding, the joints shall be cut out and reconnected using a butt-strap and hand hole in accordance with Standard Plan W-35.

Add the following:

- i) Welds shall develop a tensile strength in kips equal to that of adjoining parent metal.
- j) Tack welds shall be removed if required by the Engineer.

- k) Fillet welds shall have full penetration into the corner of the fillet and shall be obtained with a minimum cutting back of the edge of the outside sheet. Fillet welds shall be of the size specified herein or shown on the Plans, and shall have a thickness of not less than that of the thinnest member to be joined.
- l) Certification of weld test specimens shall be submitted to the Engineer prior to commencing work. Delay in pipe fabrication due to delay in submittal of test specimens shall not be cause for a time extension nor be a basis for Extra Work.

Add the following subsections:

306–8.3.2.4 Qualifications For Welding Operators.

Manual welders shall be qualified in accordance with the latest revision of Section IX of the ASME Boiler Construction Code entitled, "Welding Qualifications" or under the Standard Qualification Procedure of the American Welding Society.

All welding operators shall be qualified under paragraph U-69 of ASME Code for Unfired Pressure Vessels, or Paragraph W.451 of API-ASME Code for Unfired Pressure Vessels for Petroleum Liquids and Gases, or under the Standard Qualification Procedure of the American Welding Society.

306–8.3.2.5 Welding Filler Material.

Electrodes for manual welding shall conform to the American Welding Society Standards. All welding electrodes shall be subject to the approval of the Engineer.

306–8.3.4 Acceptance Testing of Mortar Lining.

Prior to acceptance, the Contractor shall repair the following:

- a) Cracks 1/16 to 1/4 inch in width regardless of length.
- b) Failed lining areas less than 100 square inches with no dimension greater than 12 inches in length.
- c) Incomplete or failed joint patches.

The Contractor shall submit to the Engineer the locations and methods of repair in accordance with 3–8. Upon inspection, the Engineer will determine if the repair is acceptable.

Installed pipe spools will be rejected for any of the following:

- a) Cracks wider than 1/4 inch in width.
- b) Failed lining areas of more than 100 square inches or 12 inches in length.
- c) More than one repair, not including joint patches, has been performed on a pipe spool.
- d) Delamination or disbonding from host pipe.
- e) Segregation, honeycombing, voids, slugs, or sand pockets in lining.

The Contractor shall immediately remove and replace rejected pipe spools upon notification by the Engineer.

The Contractor shall perform video inspection in accordance with 313–1 of these Special Provisions for the purposes of progress quality assurance inspection and final inspection.

- a) Be performed in no more than 1,000 foot lengths for all pipe installed unless otherwise approved by the Engineer.
- b) Be performed after installing pipe and compacting backfill but prior to placing base or hot mix asphalt concrete pavement in the trench.
- c) Use inspection equipment that provides the Engineer means to accurately measure crack widths and the dimensions of deficient Work for the full circumference.
- d) Produce a comprehensive inspection video record of the pipe, identifying lining deficiencies, that is submitted to the Engineer.
- e) Allow the Agency 4 Working Days to review the submitted information prior to restarting pipeline construction.

Progress quality assurance inspection acceptance shall be considered a tentative acceptance. Final acceptance will be made only when the Work has been completed pursuant to 6–8.

306–8.8 Valves, Hydrants, and Appurtenances. (Page 419 of the SSPWC)**306–8.8.3 Thrust Blocks.**

Replace the entire subsection with the following:

Thrust blocks of plain concrete or reinforced concrete shall be constructed in accordance with Standard Plan W-21 at all fittings (except blind flanged outlets on water main), at all dead ends, at all valves (except fire hydrant valves, and any valve solidly connected to another valve in the line of pipe where the other valve already has a thrust block). Concrete and steel reinforcement for the thrust block shall comply with Subsection 201–1 and 201–2.

The Contractor shall design and construct the thrust blocks in accordance with conditions encountered in the trench to prevent movement of valves, fittings, dead-end plugs, caps, or adjacent pipe sections when subjected to pressure testing. Thrust blocks for steel pipe shall be in accordance with AWWA M11.

The repair or replacement of pipe and appurtenances damaged during the required test due to insufficient backfill or thrust blocks shall be at the Contractor's expense.

Thrust blocks shall be formed so that the concrete clears all bolts and is only in contact with the bearing surface of the valve, plug, or fitting to be restrained.

Thrust blocks for caps or plugs shall be poured separately from thrust blocks for adjacent fittings, and shall be formed, using 45 pound tar paper so that they can be removed in the future without disturbing the adjacent block.

The Contractor shall submit complete working drawing of all thrust blocks and anchors, as well as calculations for special supports and anchors on all cross country and/or above-ground pipes.

306–8.8.3.1 Design Criteria for Thrust Blocks.

For pipelines 12" diameter and smaller, refer to County Waterworks Districts Standard Plan W-21 Table I for minimum bearing areas.

For dead-end thrust blocks, refer to County Waterworks Districts Standard Plan W-22.

For pipelines larger than 12" diameter, use the following design criteria:

Soil bearing pressure – Use value shown in applicable soils report. If no soils report is available, use maximum allowable soil bearing pressures shown on County Waterworks Districts Standard Plan W-21 Table II.

Pipeline pressure – Use maximum of test pressure or working pressure shown on Plans.

Factor of safety – Use 1.5 factor of safety.

Submit Working Drawings and calculations for thrust blocks designed by Contractor.

306–8.9 Pipeline Pressure Testing, Disinfection, and Commissioning.

306–8.9.2 Hydrostatic Pressure Test. (Page 421 of the SSPWC)

Replace the entire subsection with the following:

Waterworks facilities installed by the Contractor shall be hydrostatically tested, at no additional costs to the Agency, upon completion of laying, jointing, and necessary backfilling and thrust blocking, allowing for a seven day minimum cure of all cement, mortar, and concrete or a two day cure of all cement mortar and concrete made with high early strength Portland cement. A field pressure/leakage test report shall be completed and submitted to the Agency for each section tested.

Pipe shall not be charged with water until the mortar has cured for a minimum of two days.

Prior to applying test pressure, each completed section of pipeline shall be completely flushed in strict compliance with the specifications of AWWA C-651, filled with water using the total available pressure, and allowed to stand 48 hours to allow trapped air to escape and the pipe lining to obtain sufficient water by absorption. The pressure shall thereupon be increased to and maintained as constantly as possible at the required test pressure for the duration of the test.

Where there is a difference in elevation between the ends of a section of pipe being tested, the minimum test pressure for each section of pipe shall apply at the high end of that section being tested. Each section of water main between main line valves shall be individually pressure tested for four hours. No testing will be allowed against existing potable systems or valves. The Contractor shall provide necessary plugs, backflow

prevention device, and fittings to avoid cross-connection to existing potable systems. Each section tested shall include all fire hydrants up to the fire hydrant head, all service connections up to the meter stop, all blind flanges, plugs, thrust blocks, and all air vacuum release valves. If there are no convenient permanent outlets required in the design of the section, the Contractor shall provide and install construction plugs, as described in 306–8.9.2.1 to facilitate exhausting air and applying and reading test pressure to the section. Any leakage observed, including leakage through main line valves, which shall remain off during the test, shall be repaired before proceeding with the test.

Allowable leakage shall be computed in conformance with AWWA C600, Section 4.1, for each section tested, by the formula:

$$L = \frac{SD \sqrt{P}}{148,000} \quad \begin{matrix} \text{(English} \\ \text{Units)} \end{matrix} \quad \text{or} \quad L = \frac{SD \sqrt{P}}{794,800} \quad \begin{matrix} \text{(Metric} \\ \text{Units)} \end{matrix}$$

L = Allowable leakage, in gallons (liters) of water per hour (in section being tested).

S = Length of pipe being tested, in feet (meters).

D = Nominal diameter of main line section being tested, in inches (millimeters).

P = Average test pressure of the main line section being tested, in psi (kPa).

No leakage will be accepted for steel pipe with welded joints.

Leakage shall be determined in the presence of the Engineer by measuring the volume required to be injected to maintain test pressure during the test period.

The Contractor, at their own expense, shall do all work necessary to locate and repair leaks or other defects which may develop during the test. The Contractor shall perform all excavation, backfill, pavement removal, pavement replacement, and other work necessary to attain leakage within acceptable limits.

Steel pipe joints which are determined by the Engineer to have moved during the field pressure test shall be repaired. Such repair shall consist of reinstalling the coating and lining systems so that they are continuous, including field installation of a hand hole to facilitate making lining repairs and fillet welding around the bell with the aid of a welding ring. Said hand hole shall consist of a 4-inch tap into the pipe over which is welded a 4-inch half coupling having internal threads. After the interior mortar joint and lining are repaired and cured, the half coupling shall be fitted with an iron plug (threaded) and the joint and hand

hole shall be pressure tested. The exterior coating system shall be extended to cover the hand hole and plug.

No section of water main will be accepted until and unless the leakage from each section of water main tested is less than the above-computed quantity of leakage.

The Contractor shall submit a certificate attesting to the accuracy of the pressure gauge and the volumetric measuring device before and after the test.

The Contractor shall provide all necessary piping, fittings, blind flanges, calibrated pressure and volumetric gauges, filling and air exhaust lines, pressure pumps, power, labor, transportation, and other equipment, materials, and labor necessary to fill, test, or empty the pipeline section being tested. The volumetric gauges shall read in gallons.

The field pressure and leakage test shall be performed prior to disinfecting the pipeline system.

306–8.9.2.1 Construction Plugs.

If required for performing the water pressure and leakage tests, each section of water main between main line valves shall be provided with two construction plugs. These plugs shall be installed immediately adjacent to each valve at the end of a water main section, so that when the valves are closed, all air can be released from the water main section between the valves, the water main section can be flushed, the water can be sampled, pressure can be applied, and water can be added to the water main section. The plug size shall conform to the requirements of AWWA C-651.

Plugs shall be offset from the valve end of the water main section and shall be a proper size, 1½-inch minimum, screw plug installed at the top of the water main using a double strap service clamp or a weld-on (thred-o-let) coupling. Plugs shall be left uncovered until otherwise directed by the Engineer. The plugs, couplings, or straps, shall then be coated with two inches of the same material as for the water main before backfilling.

306–8.9.4 Disinfection.

306–8.9.4.1 General.

Add the following:

Before being placed in service, all new water mains, service connections, fire hydrants, and appurtenances shall be disinfected in accordance with the provisions of AWWA C651, including Section 4.8, backflow protection, except that the chlorine residual remaining in the water after standing 24 hours in the water main shall not be less than 50 PPM, and water samples shall not be taken until at least 24 hours have elapsed.

After the Contractor has achieved the required chlorine residual at the end of the 24-hour period, they shall promptly dechlorinate the heavily chlorinated water with a proper neutralizing chemical such as sulfur dioxide (see Appendix B of AWWA C651). The Contractor shall flush the waste water from the water main until measurements show the chlorine concentration in the water leaving the main is no higher than that generally prevailing in the source supply. Disposal of the heavily chlorinated water shall comply with all applicable laws and requirements of Federal, State, County, or other local regulatory agencies.

The Agency will be responsible for the collection, transportation, and delivery of the source supply and water main water sample(s) to the Agency's Laboratory for bacteriological analysis(es). The Contractor shall not handle the water samples.

If any of the results of the initial sets of samples from the Work are reported "positive" by the Agency's Laboratory, the Contractor shall then repeat the flushing and disinfection process, and new sets of samples shall be collected by Agency staff for analyses. The process shall be repeated until bacteriological reports of analyses are reported "negative" for two consecutive sets of samples from each location, taken at least 24 hours apart in accordance with provisions of AWWA C651. Following successful bacteriological testing, the Contractor shall make the interconnections within 5 working days. The Contractor shall not connect the Work to the existing water system until permission to proceed is obtained from the Engineer.

The Contractor shall not be liable for the first two "sets of samples" from each location. However, the Contractor shall be liable for the cost of all additional analyses after the first two "sets of samples" for each location. The term "sets of samples", is as interpreted from Section 7.1 "Standard Conditions" of AWWA C651.

Add the following subsections:

306–8.11 Pipe Cutting.

The Contractor shall cut pipe in a neat and workman-like manner, without damage to the pipe and pipe lining and so as to leave a smooth end.

306–8.12 Corrosion Protection.

All materials provided and installed under these Special Provisions shall be protected from corrosion. All portions of major items of work shall be lined and coated as specified herein and as shown on the Plans or Standard Plans. Adjoining appurtenances shall be similarly lined and coated unless otherwise specified.

All underground appurtenances shall be cement coated with a minimum of 1 inch mortar. For underground appurtenances buried in corrosive soil use Densotape or Trenton tape wax coating. Items which are used underground, such as carbon steel bolts and nuts, and on which it is not possible to replace or repair the specified coating, shall be given a heavy field coat of hot asphalt enamel and wrapped with an electrical insulating tape or given a coating acceptable to the Agency. Prior to any such placing or repair, a description of the materials and methods to be used shall be submitted to the Agency for approval per Subsection 3–8.

Carbon steel flange bolts, straight flexible coupling bolts, flange coupling adapter bolts, and similar carbon steel bolts, studs, washers, and nuts used underground shall be coated as follows when installed adjacent to the following type of pipe:

TYPE OF PIPE**TYPE OF PROTECTION**

Cement-mortar coated steel pipe

Cement-mortar coating, 1 inch thick

306–8.13 Interconnections.

The Contractor shall completely install and test new water main in accordance with these Special Provisions prior to making the interconnection. All interconnections of new water mains to the existing water system shall be done under observation of the Engineer.

The Contractor shall remove interfering portions of existing water mains, valves, fittings, plugs, blind flanges, thrust blocks, and appurtenances in the presence of the Engineer.

The Contractor shall notify the Engineer in writing, two working days in advance, that they are prepared with all labor, material, equipment, and necessary preliminary work. Agency personnel will close existing valves as needed.

The Contractor shall notify all affected Agency customers and the fire department no less than 24 hours prior to the loss of service. Maximum shutdown shall not exceed three hours.

306–8.14 Valve Operation.

Upon completion of the Work, the Contractor shall verify that all new valves remain fully open unless otherwise noted on the Plans. Valves labeled on the Plans to remain normally closed (NC) shall be accompanied by a piece of redwood lumber 2-inch x 4-inch x length of valve can less 6 inches. The pieces of wood shall be painted red with the letters "NC" painted in white on top. The letters shall be 1 inch or larger in size.

306-8.15 Encasement.

Placing of concrete encasement around the pipe shall be accomplished in such a manner that will prevent flotation of, or damage to, the pipe. The pipe shall be supported on concrete blocks at approximately 6 foot spacing. During pouring, the concrete shall be thoroughly vibrated to ensure the filling of all voids with concrete under the bottom and under the haunches of the pipe.

306-8.16 Payment.

The Contract Unit Prices in the Bid for “CONCRETE PIPE ENCASEMENT” shall include full compensation for furnishing and placing concrete, anchor rods or rebar, epoxy adhesive, and for all labor, equipment, materials and other related items necessary to complete the work. This Bid item will be measured to the line and dimensions shown on the plans or as directed in the field by the Engineer.

306–12 BACKFILL.

306–12.1 General. (Page 436 of the SSPWC)

Add the following after the first paragraph:

Water densification methods such as jetting shall not be used to compact the backfill.

Whenever fill or backfill is specified to be placed and no method of placement is indicated, it shall mean that the material may be placed by mechanical compaction methods per 306–12.3.

Add the following after the second paragraph

For reinforced concrete box or other cast-in-place structures within street right-of-way where the cover is 3 feet (900mm) or less, the backfill 1 foot (300mm) immediately above the structure shall conform to Type B bedding per 306–6, except that the sand equivalent value shall not be less than 30. However, at the Contractor's option, crushed miscellaneous base per 200–2.4 may be placed

Add the following after seventh paragraph:

Compaction requirements shall be in accordance with 306–12.4.2 of these Special Provisions.

306–12.3 Mechanically Compacted Trench Backfill. (Page 437 of the SSPWC)

306–12.3.1 General.

Add the following after the first paragraph:

During the placement of backfill by mechanical compaction methods around utilities, the use of other than hand-held vibratory plates or tamping equipment will not be permitted within 1 foot (300mm) of any utility.

Mechanical compaction methods of placement below 1 foot (300mm) over the top of pipe conduits shall be limited to the use of hand-held vibratory plates or tamping equipment. The use of impact or roller type compaction equipment will not be allowed for placement of the backfill below 1 foot (300mm) over the top of the pipe.

Mechanical compaction methods of placement shall not include a sheepfoot wheel mounted on a backhoe within the top 3 feet (0.9m) of the pipe or one-half of the internal diameter of the pipe, whichever is greater.

306–12.3.2 Compaction Requirements.

Replace the entire subsection with the following:

Mechanically compacted trench backfill shall be densified to the following minimum relative compaction:

- a) 90 percent relative compaction.
- b) 95 percent relative compaction where required by 301-1.3.

306–12.4 Jetted Trench Backfill. (Page 438 of the SSPWC)

Remove the entire section.

Add the following subsection:

306–12.6 Facilities Identification.

The Contractor shall install warning tape conforming to Subsection 209–7 in the backfill above all buried pipe including water mains, hydrant laterals, flush-out laterals, air release valve laterals, and other appurtenances. The warning tape shall be continuous, centered directly over the pipe, 18 to 24 inches beneath the finished grade, but in no case closer than 18 inches above the top of the pipe unless otherwise directed by the Engineer. Full compensation for this work shall be considered as included in the cost of the applicable pipe item.

306–15 PAYMENT.

306–15.1 General. (Page 442 of the SSPWC)

Replace items a), b), c), e), g), j), l), m), n), and o) with the following, and add items p) to t) to the following:

- a) all wyes, tees, bends, couplings and fittings, and specials shown on the Plans
- b) the closing or removing, and dewatering of abandoned conduit and structures
- c) interconnections to existing watermain
- d) removal and dewatering of interfering portions of existing pipelines
- e) the control of ground and surface waters
- g) furnishing, placing and joining pipe
- a) pressure testing, and dewatering of the pipeline for pressure testing
- l) disinfection, sample collection and delivery, and dewatering of the pipeline for disinfection
- m) providing and placing of compacted backfill including all costs of drying, blending, transporting, and importing backfill
- n) asphalt concrete pavement within the trench clear width as shown on the Pipe Trench Detail and permanent resurfacing

- o) all other incidentals necessary to construct the pipe or conduit, complete in place, unless otherwise specified
- p) providing and placing facility identification tape
- q) all required and necessary thrust blocks
- r) the removal and replacing of existing pavement
- s) providing and placing bedding
- t) the transportation of salvaged materials

Payment for the proper removal and disposal of temporary bypass will be made at the lump sum Bid Price for "BYPASS REMOVAL".

Add the following:

No separate or additional payment will be made for the removal and replacement of rejected pipe spools.

SECTION 310 – PAINTING

310–1 GENERAL. (PAGE 457 OF THE SSPWC)

Add the following:

All paint furnished by the Contractor shall be delivered to the Project site in sealed containers bearing labels identifying the manufacturer and the brand, or other approved means of identifying type and quality.

310–1.1 Weather Conditions. (Page 457 of the SSPWC)

Replace the second sentence of the first paragraph with the following:

Except as provided herein, painting will not be permitted when weather conditions are such that the atmospheric temperature is at or below 40°F, when the relative humidity is greater than 70 percent, when the surface temperature is less than 5°F above the dew-point, or when freshly painted surfaces may become damaged by wind, rain, fog, or condensation, or when it can be anticipated that the atmospheric temperature will drop below 40°F during the drying period.

Add the following:

The day's painting and full curing time, as defined by the paint manufacturer, shall be completed in advance of the forecasted time at which temperatures will reach the dew point, in order to permit the film sufficient drying time prior to the formation of moisture. Dew point and temperature forecasts shall be per NOAA on the following website: <http://graphical.weather.gov/sectors/southcalifornia.php#tabs>.

310–1.4 Protection of Work. (Page 457 of the SSPWC)

Add the following as the second paragraph:

All coatings shall be stored in enclosed structures to protect them from weather and excessive heat or cold. Emulsion type coatings shall be protected from freezing. Stored paints and liquids shall be kept covered and precautions taken for prevention of fire. Flammable coatings or paint must be stored to conform to city, county, and state safety codes for flammable coating or paint materials. Empty or open paint containers, and soiled or oily rags, shall be removed from the site at the end of each day's work.

Add the following to the end of the third paragraph:

The Contractor shall remove all misplaced paint, such as splatter on factory finished equipment or concrete work before acceptance of the Work by the Agency.

310–5 PAINTING VARIOUS SURFACES. (PAGE 462 OF THE SSPWC)

Add the following subsections:

310–5.6 Painting Pipe and Appurtenances.

The exterior metal surfaces of all steel pipe, fittings, and other appurtenances either above ground or in vaults, except where otherwise indicated on the Plans, or in these Special Provisions, shall be prepared and painted to protect against corrosion, and to blend in with or to stand out against the background. Preparation and painting shall be done after all welding, brazing, and adjusting is completed. Gap between vault wall and PVC vent pipe shall be filled with plastic sealing compound, General Sealants, Inc. 9.57 or Agency approved equal.

Surfaces to be painted shall be commercially blast-cleaned in accordance with Subsection 310–2.5 unless otherwise specified on the Plans or in these Special Provisions.

No paint shall be applied to copper or brass, except fire hydrant heads, and then not on any threads or operating stems.

310–5.6.1 Materials.

All paint products used under these Special Provisions shall be products of the same manufacturer. The Contractor shall use products of the same manufacturer for all coats unless otherwise specified in these Special Provisions or approved by the Engineer.

Products specified are those which have been evaluated for the specific service. Requests for product substitution shall be approved in writing by the Agency prior to the date of bid. Product substitutes shall have a successful five year record on projects of a similar nature.

All materials shall be delivered to the Project site in their original, unopened containers bearing the manufacturer's name, brand, and batch number. They shall not be used until and shall not be used until approved by the Agency. The Agency will reject materials exceeding the storage life recommended by the manufacturer.

Surfaces to receive protective or decorative materials shall be coated or painted in conformance with the applicable systems specified.

310–5.7.1 Epoxy Coating of Encased Steel Water Main

Pipe Epoxy Coating - The exterior metal surface of the pipelines, pipe supports, structural steel supports, and all exposed piping and appurtenances shall be protected from corrosion by preparing and epoxy coating them in accordance with these Special Provisions.

Surface preparation - SSPC - SP6 / NACE3 commercial blast

Coating shall consist of a primer, intermediate coat, and top coat as follows:

Primer - Tnemec 90–97, Tnemec-Zinc, 3.0 mils minimum dry film thickness.

Intermediate Coat - Tnemec No. 69 Hi-Build Epoxoline II, 5.0 mils minimum dry film thickness.

Top Coat - Tnemec No. 69 Hi-Build Epoxoline II, 5.0 mils minimum dry film thickness. Color selection shall be specified by the Agency at the shop drawing submittal stage.

Equivalent coating materials shall be as manufactured by Sherwin Williams, PPG, Kop-Coat, Engard, or an Agency approved equal.

At any location where the specified coating changes from cement mortar to the paint system described herein, the cement mortar shall be extended a minimum of 2-in to overlap the paint.

310-5.9 Applicable Standards.

All coating and painting shall conform to the applicable standards of the National Association of Corrosion Engineers and the Society for Protective Coatings Manual. Material applied prior to approval of surface by the Inspector shall be removed and re-applied to the satisfaction of the Inspector at the expense of the Contractor.

All work shall be performed by skilled craftsmen qualified to perform the required work in a manner comparable with the best standards of practice. Continuity of personnel shall be maintained and transfers of key personnel shall be coordinated with the Engineer.

The Contractor shall provide a supervisor at the work site during cleaning and application operations. The supervisor shall have the authority to sign change orders, coordinate work, and make decisions pertaining to the fulfillment of their contract.

Dust, dirt, oil, grease, or any foreign matter that will affect the adhesion or durability of the finish must be removed by washing with clean rags dipped in a grease solvent and wiped with clean rags. Slag and weld metal accumulation and spatters shall be removed by chipping and grinding. All sharp edges shall be preened, ground, or otherwise blunted. Delaminated metal areas shall be scraped and ground smooth, or repaired with weld-on steel patches as determined by the Engineer.

Painting systems include surface preparations, prime coatings, intermediate coatings, and finish coatings.

The Contractor's coating and painting equipment shall be designed for application of materials specified and shall be maintained in first class working condition. Compressors shall have suitable traps and filters to remove water and oils from the air. The Contractor's equipment shall be subject to approval of the Engineer.

310-5.10 Exposure.

Specified coating shall be applied within 4 hours of the surface preparation to prevent oxidation from exposure. If, in the opinion of the Engineer, rusting has occurred within the 4 hour period, the area shall be blast cleaned back to bare metal at no additional expense to the Agency.

310–5.11 Drying Time.

The Contractor shall, as a minimum, observe the between-coat drying periods stated in the printed instructions of the coating manufacturer.

310–5.12 Regulatory Requirements.

In addition to requirements specified elsewhere for environmental protection, it shall be the responsibility of the Contractor to supply coating materials that conform to all restrictions and regulations of the California Air Resources Board (CARB), South Coast Air Quality Management District (SCAQMD), the California Department of Health Services (CaDOHS), and to the Local Fire Department. Upon receipt of Notice to Proceed, the Contractor shall supply the Agency with the required Material Safety Data Sheet (MSDS) and/or other pertinent manufacturer's documentation regarding the safety of the proposed coating materials.

310–5.13 Maintenance of Painting Equipment.

All equipment shall be maintained in good order and shall be comparable to that described in the printed instructions of the coating manufacturer. All equipment shall be cleaned before and after use with the appropriate cleaning solution indicated by the coating manufacturer.

310–5.14 Thinning.

The Contractor shall not add thinner to any paint product without prior approval of the Engineer and the paint manufacturer. Only thinner manufactured by the paint manufacturer will be allowed if thinning is approved. Any deviation must be pre-approved by the Engineer.

310–5.15 Quality Control.

a) Inspection

All work performed under these Special Provisions shall be subject to inspection in the following manner:

- 1) The Contractor shall obtain approval of all surface preparation from the Engineer, including dust removal, prior to application of any coating.
- 2) The Contractor shall obtain approval of each coat from the Engineer prior to applying the next coat. The Contractor shall repair or recoat areas found to contain runs, overspray, roughness, or other signs of improper application.
- 3) Upon completion of painting operations, holiday detection shall be performed on all surfaces (100%).
- 4) Adequate illumination shall be provided while work is in progress. Whenever required by the Inspector, the Contractor shall provide additional illumination and necessary supports to cover all areas to be inspected. The level of illumination necessary for inspection purposes shall be determined by the inspector.

Wherever there is exposure or possible exposure to heavy metals or silica dust at the creek crossing sites, the Contractor shall, for not more than 3 Agency personnel: (1) provide, clean, and replace protective work clothing and (2) provide access to hygiene facilities. The providing, cleaning, and replacing of protective work clothing, and hygiene facilities shall conform to the provisions of subsections (g), "Protective Work Clothing and Equipment," and (i), "Hygiene Facilities and Practices," of Section 1523.1, "Lead," of the Construction Safety Orders.

The protective clothing and access to hygiene facilities shall be provided during exposure or possible exposure to heavy metals or silica dust at the creek crossing sites and application of the undercoats of paint.

Protective work clothing and hygiene facilities shall be inspected and accepted by the Engineer before being used by Agency personnel.

The protective work clothing shall remain the property of the Contractor at the completion of the contract.

All costs for compliance with the requirements of this section shall be included in the prices bid for the various water main sizes.

All damaged, abraded, and/or rewelded areas shall be repainted to meet the specified requirements. In areas where the specified dry-film thickness is not developed, the Contractor shall apply additional coats as required to produce it, at no additional cost to the Agency.

b) Surface Preparation

Surface preparation will be based upon comparison with: "Pictorial Surface Preparation Standards of Painting Steel Surfaces," SSPC-VIS 1, ASTM Standard D 220; "Standard Method of Evaluating Degree of Rusting on Painted Steel Surface," SSPC-VIS 2-82, VIS 2 ASTM Standard D 610; "Visual Standard for Surfaces of New Steel Airblast Cleaned with Sand Abrasive," NACE Standard TM-01. Anchor profile for prepared surfaces shall be measured by use of a nondestructive instrument such as a Keane-Tator Surface Profile Comparator.

To facilitate inspection, the Contractor shall on the first day of sandblasting operations, sandblast a metal panel to the standard specified. The plate shall be one-eighth of an inch (3.75 mm) stock and shall measure a minimum of 8 ½ inches by 11 inches (215 mm x 280 mm). After mutually agreeing a specific panel meets the requirement of the specification, it shall be initialed by the Contractor and the Engineer and coated with a clear non-yellowing finish. Panel shall be utilized by the Inspector throughout the duration of sandblasting operations.

c) Thickness Testing

Thickness of coatings and paint shall be checked with a non-destructive, magnetic-type thickness gauge. Coating integrity of all coated surfaces shall be tested with an approved inspection device. Nondestructive holiday detectors shall not exceed 67½ volts or the voltage recommended by the manufacturer of the coating system. All pinholes shall be marked, repaired in accordance with these Special Provisions, and retested. No pinholes or other irregularities will be permitted in the final coating.

In cases of dispute concerning measurements of film thickness or holidays, those made by or for the Agency shall predominate. Wide variations in the measured values of film thickness shall be cause for remeasurement and verification with a micrometer or other approved measuring instrument.

d) Inspection Devices

The Contractor shall provide and maintain inspection devices in good working condition for detection of holidays and measurement of dry-film thickness until final acceptance of coating and painting.

The Contractor shall provide U. S. Department of Commerce, National Bureau of Standards certified thickness calibration plates to test accuracy of dry-film thickness gauge and certified instrumentation to test accuracy of holiday detectors.

Dry-film thickness gauges shall be made available for use by the Engineer at all times until final acceptance of coating and painting. Holiday detection devices shall be operated by the Contractor in the presence of the Engineer.

e) Acceptable Devices

Acceptable devices include, but are not limited to, K-D "Bird Dog" nondestructive holiday detection for coatings to 20 mils dry-film thickness, Tinker-Rasor Models AP and AP-W holiday detectors for coatings in excess of 20 mils dry film thickness, and "Inspector" units for dry-film thickness gauging. Inspection devices shall be operated in accordance with manufacturer's instructions.

f) Warranty Inspection

Warranty inspection shall be conducted during the eleventh month following completion of all coating and painting work. All personnel present at the Pre-Job Conference shall attend this inspection. All defective work shall be repaired in accordance with these Special Provisions and to the satisfaction of the Agency or its appointed representative, all at no additional cost to the Agency.

310-5.22 Application of Coatings.

a. General

The Agency shall approve all surface preparation including dust removal prior to application of any coating.

All coating shall be done by, or under, the direct supervision of personnel having at least three years experience applying similar type coatings. Coatings shall be applied in strict accordance with the instructions of the manufacturer of the coating being applied.

Coating and paint application shall conform to the requirements of Steel Structures Painting Council Paint Application Specifications SSPC-PA1, latest revision, for “Shop, Field, and Maintenance Painting” and National Association of Corrosion Engineers recommended practices.

Each application of coating or paint shall be applied evenly, free of brush marks, sags, or runs, with no evidence of poor workmanship. Care shall be exercised to avoid lapping on hardware or moving parts. Coating and paint shall be sharply cut to lines. Finished surfaces shall be free from defects or blemishes.

Protective coverings or drop cloths shall be used to protect floors, fixtures, and equipment. Care shall be exercised to prevent coating or paint from being spattered onto surfaces which are not to be coated. Surfaces from which material cannot be removed satisfactorily shall be recoated or repainted as required to produce a finish satisfactory to the Agency.

When two coats of coating or paint are specified after the primer coat, the first coat shall contain sufficient approved color additive to act as an indicator of coverage or the two coats must be of contrasting colors.

All welds and irregular surfaces, including all bolts, nuts, corners, edges, etc., shall receive a brush coat of the specified product prior to application of the first complete coat.

Items Located at the Creek Crossings

Provide surface preparation as specified for this condition.

Remove all grease or oil from surfaces to be painted with a solvent approved by the coating manufacturer.

All surfaces to be coated shall be clean and dry.

All coatings shall be applied using hand application methods. Spray painting will not be permitted.

Apply coating as provided for in the materials part of these Special Provisions.

No paint or primer material shall be allowed to enter any stream or streambed.

310–5.23 Cleanup.

Upon completion of the work, all staging, scaffolding, sand, and containers shall be removed from the site or destroyed in a manner approved by the Agency. Coating or paint spots and oil or stains upon adjacent surfaces shall be removed and the job site cleaned. All damage to surfaces, including the pipeline exterior surfaces, resulting from the work shall be cleaned, repaired, or refinished to the satisfaction of the Engineer at no cost to the Agency.

Add the following section:

SECTION 313 – PIPELINE VIDEO**313–1 VIDEO INSPECTION.**

After pipe joints have been lined with concrete mortar and cured, the Contractor, in the presence of the Engineer, shall video record the constructed pipeline. The quality of the video shall be sufficient as to determine the condition of the pipe lining. The video shall include 360-degree views of each joint and a log, which notes the location of each joint. The Contractor shall submit a DVD together with their monthly progress estimate, for review and approval. All original recordings, log sheets, and reports will become the property of the Agency. The Contractor shall repair all deficiencies noted on the video prior to the Agency's acceptance of the project.

Full compensation for providing all labor, material, tools, equipment, and incidentals; and, for doing all work involved in providing the DVD shall be included in the Contract Lump Sum price in the Bid for "VIDEO INSPECTION".

BOARD LETTER/MEMO CLUSTER FACT SHEET

☒ Board Letter

☐ Board Memo

☐ Other

CLUSTER AGENDA REVIEW DATE	3/16/2022	
BOARD MEETING DATE	4/5/2022	
SUPERVISORIAL DISTRICT AFFECTED	<input type="checkbox"/> All <input type="checkbox"/> 1 st <input checked="" type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input type="checkbox"/> 5 th	
DEPARTMENT(S)	Public Works	
SUBJECT	Memorandum of Agreement for Contract Services to Construct Wellhead Treatment System at Sativa Water System Well No. 5	
PROGRAM		
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain why:	
DEADLINES/ TIME CONSTRAINTS	N/A	
COST & FUNDING	Total cost: \$3,517,000	Funding source: \$1,860,000 from Proposition 1 IRWM grant funds and \$1,657,000 from the Sativa Water System Fund.
	TERMS (if applicable):	
	Explanation:	
PURPOSE OF REQUEST	Request delegated authority to the Director of Public Works or his designee to negotiate and execute a Memorandum of Agreement between the County of Los Angeles and the Water Replenishment District of Southern California (WRD) for the reimbursement of funds to WRD for costs associated with the procurement and construction of a wellhead treatment system at Sativa Water System Well No. 5 to remove manganese from the water; and find that the proposed action is not a project in accordance with the California Environmental Quality Act.	
BACKGROUND (include internal/external issues that may exist including any related motions)	The Sativa Water System Well No. 5 has high levels of manganese that exceed the State Secondary Drinking Water Standards. The County has adopted a plan to design and construct a treatment system to reduce manganese levels to acceptable amounts and restore groundwater production capacity at Sativa Water System Well No. 5, thereby reducing demands for imported water supplies. WRD will assist in the procurement and construction of the wellhead treatment facility. This Memorandum of Agreement will allow the County to reimburse funds to the WRD for costs and fees associated with the wellhead treatment system.	
EQUITY INDEX OR LENS WAS UTILIZED	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how: The project will benefit severely disadvantaged communities by improving water quality and lowering cost to produce water.	
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please state which one(s) and explain how: Board Priority No. 7: Sustainability - The wellhead treatment system will enhance water quality and increase water supplies, thereby making the County more resilient. Additionally, the treatment system will make the County economically stronger by reducing the County's reliance on expensive imported water supplies.	
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Keith Lilley, Deputy Director, (626) 458-4012, cell (626) 320-9841, klilley@pw.lacounty.gov .	



MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

April 5, 2022

IN REPLY PLEASE

REFER TO FILE:

WW-0

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**WATER RESOURCES CORE SERVICE AREA
MEMORANDUM OF AGREEMENT
TO CONSTRUCT WELLHEAD TREATMENT FACILITY
AT SATIVA WATER SYSTEM WELL NO. 5
(SUPERVISORIAL DISTRICT 2)
(3 VOTES)**

SUBJECT

Public Works is seeking Board approval to authorize the Director of Public Works to execute a Memorandum of Agreement with the Water Replenishment District of Southern California.

IT IS RECOMMENDED THAT THE BOARD ACTING AS THE INTERIM ADMINISTRATOR AND SUCCESSOR AGENCY OF THE SATIVA WATER SYSTEM:

1. Find that the proposed action is not a project in accordance with the California Environmental Quality Act for the reasons stated in this Board letter.
2. Delegate authority to the Director of Public Works or his designee to negotiate and execute a Memorandum of Agreement between the County of Los Angeles and the Water Replenishment District of Southern California for the reimbursement of funds to the Water Replenishment District of Southern California for costs and fees associated with the procurement and construction of a wellhead treatment system at Sativa Water System Well No. 5 to remove manganese from the water.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to allow the County of Los Angeles to obtain delegated authority to execute the Memorandum of Agreement (MOA) with the Water Replenishment District of Southern California (WRD).

On November 1, 2018, the State Water Resources Control Board issued an Administrative Order, which dissolved the former Sativa Los Angeles County Water District's Board of Directors and appointed the County as the Interim Administrator of Sativa, pursuant to Health and Safety Code Section 116687.

On February 13, 2019, the Local Agency Formation Commission for the County of Los Angeles adopted Resolution No. 2019-02RMD, which, among other things, (1) dissolved Sativa Los Angeles County Water District and (2) appointed the County as the "successor agency" for Sativa Water System, succeeding to all of the rights, duties, and obligations of Sativa Water System, pursuant to Health and Safety Code Section 116687.

The Sativa Water System Well No. 5 has high levels of manganese that exceed the State Secondary Drinking Water Standards for manganese. The County has adopted a plan to design and construct an oxidation-filtration treatment system to reduce manganese levels to acceptable amounts and restore groundwater production capacity at Sativa Water System Well No. 5. The treated water from this system would be stored in a 48,000-gallon steel tank, pumped by the booster pump system, and distributed to customers through the existing pipe connection. Once completed, operation of the new treatment system will enable the County to fully utilize groundwater allocation from Sativa Water System Well No. 5.

WRD was formed in 1959 to manage the groundwater replenishment and groundwater quality activities for the 43 cities that overlie the Central and West Coast Basins and is actively pursuing actions to increase the availability of reliable and cost-effective groundwater to the residents and businesses in this region of Southern Los Angeles County. WRD performs scientific studies of the Central and West Coast Basins to pursue actions necessary to protect and enhance the available supply of high-quality groundwater as well as to assist other public entities where such assistance furthers WRD's overall mission of securing needed water supplies for the region.

WRD and the County have identified a means of expediting the County's recovery of groundwater pumping capacity at Sativa Water System Well No. 5 for which WRD will assist in the procurement and construction of a wellhead treatment facility at Sativa Water System Well No. 5, thereby reducing demands for imported water supplies. The wellhead

treatment facility will allow the County to improve the water quality of the water that is served to customers in the Sativa Water System. The estimated total cost for the procurement and construction of the Manganese Treatment System is \$3,517,000.

Implementation of Strategic Plan Goals

These recommendations support the County Strategic Plan: Strategy II.3, Make Environmental Sustainability our Daily Reality and Objective II.3.1, Improve Water Quality, Reduce Water Consumption, and Increase Water Supplies; and Strategy III.3, Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability and Objective III.3.1, Maximize Revenue, and Objective III.3.2, Manage and Maximize County Assets. The wellhead treatment system will enhance water quality and increase water supplies, thereby improving the quality of life for residents of the County of Los Angeles. Additionally, the treatment system will maximize revenue by reducing the County's reliance on expensive imported water supplies.

FISCAL IMPACT/FINANCING

The overall cost for the procurement and construction of the wellhead treatment facility is \$3,517,000. The project will be fully funded with \$1,860,000 from Proposition 1 Integrated Regional Water Management Implementation grant funds and \$1,657,000 from the Sativa Water System Fund. The \$1,657,000 will be reimbursed as part of the purchase price when the Sativa Water System is sold to Suburban Water Systems via the Asset Purchase Agreement that was entered into as of April 20, 2021, and is currently pending final approval by the California Public Utilities Commission. Funding for this project is included in the Sativa Water System Fund (CN3 – Services and Supplies) Fiscal Year 2021-22 Budget and was requested in the 2022-23 Budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The MOA with the WRD will be substantially similar to the MOA enclosed and will be approved as to form by County Counsel prior to execution by each party.

ENVIRONMENTAL DOCUMENTATION

The proposed action is not a project pursuant to the California Environmental Quality Act (CEQA) because it is an activity excluded from the definition of a project under Section 15378(b) of the CEQA Guidelines. Execution of the MOA is an administrative activity of the government, which will not result in direct or indirect physical changes to the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no adverse impact on current County services. The execution of the MOA will allow the County to reimburse funds to the WRD for costs and fees associated with the procurement and construction of the wellhead treatment installation.

CONCLUSION

Please return an adopted copy of this letter to Public Works, Waterworks Division.

Respectfully submitted,

MARK PESTRELLA, PE
Director of Public Works

MP:RB:cg

Enclosure

c: Chief Executive Office (Chia-Ann Yen)
County Counsel (Warren Wellen)
Executive Office

**MEMORANDUM OF AGREEMENT
BETWEEN COUNTY OF LOS ANGELES AND WATER REPLENISHMENT DISTRICT
OF SOUTHERN CALIFORNIA FOR INSTALLATION OF WELLHEAD TREATMENT
AT SATIVA WATER SYSTEM WELL NO. 5**

This Memorandum of Agreement (MOA) is made and entered into this ____ day of _____ 2021 (the "Effective Date") by and between the WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA ("WRD"), a water replenishment district organized and operating pursuant to the Water Replenishment District Act, California Water Code, Division 18, Section 60000 - 60622) and the COUNTY of LOS ANGELES ("County") for procurement of contract services to construct a wellhead treatment system at Sativa Water System Well No. 5. WRD and the County are collectively referred to herein as "Parties" and individually as "Party".

WHEREAS, on November 1, 2018, the State Water Board issued an Administrative Order, which dissolved the former Sativa Los Angeles County Water District's Board of Directors and appointed the County as the Interim Administrator of Sativa Water System, pursuant to Health and Safety Code section 116687; and

WHEREAS, on February 13, 2019, the Local Agency Formation Commission (LAFCO) for the County of Los Angeles adopted Resolution No. 2019-02RMD (LAFCO Resolution), which among other things (1) dissolved Sativa Los Angeles County Water District and (2) appointed the County as the "successor agency" for Sativa Water System, succeeding to all of the rights, duties, and obligations of Sativa Water System, pursuant to Health and Safety Code section 116687; and

WHEREAS, the Sativa Water System Well No. 5 has high levels of manganese that exceed the State Secondary Drinking Water Standards for manganese. The County has adopted a plan to design and construct an oxidation-filtration treatment system to restore groundwater production capacity at Sativa Water System Well No. 5. The treated water from this system would be stored in the 48,000 gallon steel tank, pumped by the booster pump system, then distributed to customers through the existing pipe connection; and

WHEREAS, once completed, operation of the new treatment system will enable the County to fully utilize groundwater allocation from Sativa Water System Well No. 5; and

WHEREAS, WRD was formed in 1959 to manage the groundwater replenishment and groundwater quality activities for the 43 cities that overlie the Central and West Coast Basins and is actively pursuing actions to increase the availability of reliable and cost-effective groundwater to the residents and businesses in this region of southern Los Angeles County; and

WHEREAS, WRD performs scientific studies of the Central and West Coast Basins to pursue actions necessary to protect and enhance the available supply of high-quality groundwater, as well as to assist other public entities where such assistance furthers WRD's overall mission of securing needed water supplies for the region; and

WHEREAS, WRD and the County have identified a means of expediting the County's recovery of groundwater pumping capacity at Sativa Water System Well 5, for which WRD will assist in the procurement and construction of a wellhead treatment facility at Sativa Water System Well 5, thereby reducing demands for imported water supplies. The County will reimburse WRD for all costs related to its assistance under this MOA.

NOW, THEREFORE, in consideration of the provisions herein contained, WRD and the County hereby agree as follows:

1. WRD Services Provided:

A. WRD shall provide to the County procurement of construction services as set forth in Attachment A (Scope of Work) to construct a wellhead treatment system at Sativa Water System Well 5 to be located at the Sativa Water System Well 5 site (the "Project"). Provision of these services shall be subject to the reimbursement provisions and various covenants as set forth in this MOA.

B. All subcontracting of materials and services under this MOA shall be done in accordance with WRD's purchasing and contracting operating policies, WRD's Administrative Code, unless otherwise indicated herein, and all applicable laws of the State of California. Execution of a construction services contract for construction of the Project is subject to approval by WRD's Board of Directors.

2. Representations and Covenants of the County: the County hereby represents and warrants that it:

A. Is able and has the legal and financial authority to pursue the Project pursuant to the terms of this MOA.

B. Shall perform all activities necessary to comply with its requirements as Lead Agency under the California Environmental Quality Act; shall obtain all necessary permits to construct and operate the new wellhead treatment system; and be ultimately responsible for meeting any and all drinking water quality standards.

C. Shall cooperate with WRD and WRD's consultants and/or contractors in the performance of the Scope of Work provided in Attachment A including providing necessary data and information and reasonable access to the Sativa Water System Well 5.

D. Shall in good faith render timely reviews and approvals for work products by WRD or its contractors.

E. Shall assist WRD with contract administration services to oversee the work of WRD's contractors.

3. Ownership and Responsibilities:

A. The County shall be the sole responsible party for the Project facilities. WRD shall have no ownership rights, title, security interest, or other interest in the Project facility.

B. The County shall bear the final responsibility for operating and maintaining the Project in accordance with all applicable local, state, and federal laws. WRD shall have no responsibilities for operation and maintenance of the Project.

4. Coordination and Schedule:

A. WRD and the County Contract Administrator shall hold regular project coordination meetings to establish and review Project Schedule and coordinate work efforts. At the coordination meetings, each Party shall advise the other of the status of their respective work efforts, including any anticipated slippage of the Project Schedule milestones, coordination issues, and changes in scope or Project organization, and shall agree to revise and update the Project Schedule if deemed reasonable. A preliminary Project Schedule is provided in Attachment B.

B. WRD and the County acknowledge that time is of the essence for performance under this MOA and agree to diligently pursue their respective work efforts in accordance with the agreed upon Project Schedule. Nonetheless, the time scheduled for completion of any task undertaken pursuant to this MOA may be modified or delayed, at no penalty. In case of a delay, the delaying Party will notify the other Party within 48 hours of the delay and strive to complete the work in an expeditious manner.

5. Maximum Amount Payable: The maximum amount payable under this MOA shall be three-million dollars (\$5,000,000), which includes an overhead budget for the cost of services provided by WRD staff to supervise and administer all construction contract work performed under this MOA. The total cost of all services provided under this MOA shall not exceed the maximum amount payable without the prior written authorization of the County, and the cost of supervision and administration shall not exceed the overhead budget without the prior written authorization of the County Contract Administrator, which shall not be unreasonably withheld. WRD shall promptly notify the County Contract Administrator when it determines that the continuation of authorized services would likely exceed the amounts indicated above. The County shall pay to WRD the full costs of all agreed-upon services provided for the Project, including all costs incurred for services provided by WRD staff, attorneys' fees, and consultants, to supervise and administer all contract work. The phrase "agreed-upon services" shall include all services provided by any contractor, subcontractor, or supplier awarded a contract under this MOA and in compliance with all specifications, terms, and conditions set forth in said contract(s).

6. Billings and Payments: For services performed and costs incurred by WRD under this MOA, including services performed by any of its contractors, WRD shall invoice the County monthly for the actual costs of labor, equipment, materials, and other services as agreed upon by the County contract administrator. Invoices submitted by WRD shall include the following information:

- A. Company name, address, and vendor code number as registered on the County vendor database

- B. Date of invoice
- C. Invoice number
- D. Contract number
- E. Summary of work performed, and services provided including, but not limited to, quantity of completed work, its respective unit cost and total cost of each service
- F. Taxes
- G. Total amount of invoice
- H. Supporting documentation of costs, including copies of invoices, receipts, and/or WRD summary of labor expenditures including copies of timesheets and applicable labor rates
- I. Approval signature block for County Contract Administrator

The County shall make payments to WRD within forty-five (45) days of receipt of the completed invoice. Payments shall be mailed to:

The Water Replenishment District of Southern California
Finance Department
4040 Paramount Boulevard
Lakewood, California 90712
Attention: _____

7. Indemnification:

A. Each Party hereby agrees to hold harmless the other Party, its Supervisors, commissioners, directors, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, costs and fees of litigation) of every nature, kind or description, which may be brought against, or suffered or sustained by, either Party, its Supervisors, commissioners, directors, officers, employees and agents, caused by, or alleged to have been caused by, the negligence, intentional tortious act or omission, or willful misconduct by the other Party. Either Party may avail itself of any and all remedies available in equity or at law for any and all losses, claims, or damages of any nature whatsoever arising from the negligent acts, errors, omissions, or willful misconduct of the contractor, consultant, or supplier and their subcontractor(s),

subconsultant(s) or their officers, employees, or agents in the performance of any services or work pursuant to this MOA.

B. WRD shall contractually require all consultants and contractors performing services under this MOA to fully indemnify the County, its Board of Supervisors, and its officers, agents and employees, alongside WRD. WRD shall also contractually require all consultants and contractors performing services under this MOA to obtain and maintain the following insurance:

1. General Liability Insurance with a combined single limit of not less than \$2 million including Broad form property damage, premises and operations, personal injury, independent contractors, products and completed operations, and Sudden and Accidental Pollution. The policy shall have a provision that the contractor's insurance is primary, and any insurance carried by WRD or the County shall be non-contributory. The policy shall also contain a provision for severability of interest in favor of WRD and the County.

2. Workers' Compensation insurance including Employer's Liability in the amount of \$1 million. The policy shall also provide a waiver of subrogation in favor of WRD and the County.

3. Automobile Liability insurance with a combined single limit of not less than \$1 million for all owned, hired, and non-owned automobiles used in the performance of the work by the consultant(s) or contractor(s).

Each policy shall additionally insure the County, its Board of Supervisors, and its officers, agents and employees, on each and every policy of liability insurance that consultant and/or contractor maintains, and for professional consultants, mandatorily to include Professional Liability Insurance A Certificate of Insurance for all coverages, including Professional Liability, with Additional Insured status, shall be provided to the County before any such work may start. The County Contract Administrator will review all of WRD's agreements and contracts with consultants, contractors and/or suppliers offering services for the Project prior to their execution to determine that such documents conform with Provision 7, Indemnification, of this MOA. Parties agree that in the event that any contractor and/or consultant fails to agree to or maintain compliance

with the terms in this Section, WRD may terminate its agreement with the contractor/consultant. In the event that termination of an agreement with a contractor/consultant results in a need to rebid the Project, the County will pay all costs associated therewith.

8. Independence of the Parties: In performance of their work under this MOA, all employees of each Party are solely employees of that Party and not the agents or employees of the other Party.

9. Work of Consultants: WRD shall have no contractual relationship with or obligation to any consultant or contractor of the County relative to the design, procurement, construction, or installation of site infrastructure; permitting; or any other necessary services associated with the Project not described in Attachment A. The County will pay directly to its consultants and contractors all costs associated for such work as approved by the County Contract Administrator. However, the County agrees that any and all plans or other documents prepared by any consultant or contractor hired by the County shall be consistent with and conform to the document configuration requirements of WRD for designs, plans and/or other documents prepared for the construction of the Project.

10. Termination: Either Party may terminate this MOA with good cause by providing 90 calendar days' written notice to the other Party. Either Party may, by written notice to the other Party, terminate this MOA at its own discretion, or when conditions encountered during the work make it impracticable to proceed, or when either Party is prevented from proceeding with the MOA by unforeseeable natural causes, by law, or by official action of a public authority. In the event of termination, the County shall reimburse WRD for all costs incurred or encumbered as of the date of termination. After a termination notice is provided, WRD shall cease all further expenditures on the Project except as approved by the County Contract Administrator, and Parties shall account for all funds expended through termination of the MOA.

11. Notices: Any notice or communication given under this MOA shall be effective when faxed or deposited, postage prepaid, with the United States Postal Service and addressed to the Parties as follows:

Los Angeles County Public Works

LACPW Agreement No. XXXXXX

subcontracts, and performance of services pursuant to this MOA, in their original form, including but not limited to, reports, documents, deliverables, employee time sheets, accounting procedures and practices, records of financial transactions, and other evidence, regardless of form (e.g., machine readable media such as disk, tape, etc.) or type (e.g., databases, applications software, database management software, utilities, etc.), sufficient to properly reflect all costs claimed to have been incurred and services performed pursuant to this MOA. If WRD, its consultant(s), contractor(s), supplier(s) or their subconsultant(s), subcontractor(s) and/or supplier(s), are required to submit cost or pricing data in connection with this MOA, WRD must maintain all records and documents necessary to permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used. All records shall be retained and shall be subject to examination and audit by County personnel or by County's agents (herein after "Authorized Auditors"), for a period of not less than four (4) years following final payment made by the County hereunder or the expiration date of this MOA, whichever is later.

B. WRD shall make said records or to the extent accepted by the Authorized Auditors, photographs, micro-photographs, etc. or other authentic reproductions thereof, available to the Authorized Auditors at WRD's offices at all reasonable times and without charge. The Authorized Auditors will have the right to reproduce, photocopy, download, transcribe, and the like any such records. Any information provided by WRD on machine-readable media shall be provided in a format accessible and readable by the Authorized Auditors. WRD shall not, however, be required to furnish the Authorized Auditors with commonly available software.

C. WRD, its consultant(s), contractor(s), supplier(s) or their subconsultant(s), subcontractor(s) and/or supplier(s), as applicable to the services provided under this MOA, shall be subject at any time with fourteen (14) calendar days' prior written notice to audits or examinations by Authorized Auditors, relating to all billings and to verify compliance with all MOA requirements relative to practices, methods, procedures, performance, compensation, and documentation.

D. Examinations and audits will be performed using generally accepted auditing practices and principles and applicable County, State, and Federal government audit standards. For consultants, contractors, subconsultants, subcontractors, and suppliers that utilize or are subject to the Federal Acquisition Regulation (FAR), Part 30 and 31, et seq. accounting procedures, or a portion thereof, examinations and audits will utilize such information.

E. To the extent that the Authorized Auditor's examination or audit reveals inaccurate, incomplete or non-current records, or records are unavailable, the records shall be considered defective.

F. Consistent with standard auditing procedures, the County will provide WRD fifteen (15) calendar days to review the Authorized Auditor's examination results or audit and respond to the County prior to the examination's or audit's finalization and public release.

G. WRD shall contractually require all of its consultant(s), contractor(s), supplier(s) and their subconsultant(s), subcontractor(s) and supplier(s) performing services under this MOA to comply with the provisions of this section by inserting this Provision 15 in each professional services agreement and construction services contract and by contractually requiring each consultant and contractor to insert this Provision 15 in any of its subconsultant(s) and/or subcontractor(s) contract(s) related to services under this MOA. In addition, WRD and its consultant(s), contractor(s), and supplier(s) shall also include the following language in their respective subconsultant, subcontractor, and/or suppliers' contract(s):

“The Los Angeles County is a third-party beneficiary of the foregoing audit provision. The benefits of the audit provision shall inure solely for the benefit of the County. The designation of the County as a third-party beneficiary of the audit provision shall not confer any rights or privileges on WRD, its consultant(s), contractor(s), supplier(s), and their subconsultant(s), subcontractor(s), and/or supplier(s) or any other person/entity.”

In the event any contractor/consultant/supplier hired by WRD for purposes of this MOA fails to comply with the terms of this Section, and the County is required to conduct an audit of any work performed in connection to this MOA, notwithstanding the maximum amount payable set forth in Section 6 of this MOA, the County shall pay all costs associated with the audit, and any of WRD's costs, including legal fees, to obtain the information required for the County's audit.

H. The provisions of this section shall survive expiration or termination of this MOA.

16. Entire Memorandum of Agreement: This writing contains the entire MOA of the Parties relating to the subject matter hereof; and the Parties have made no agreements, representations, or warranties either written or oral relating to the subject matter hereof which are not set forth herein. Except as provided herein, this MOA may not be modified or altered without formal amendment thereto.

17. Authority: Each person signing this MOA represents that he or she has the authority to do so on behalf of the Party for whom he or she is signing. Both Parties acknowledge and agree that each was represented by legal counsel during negotiation and execution of this MOA. IN WITNESS WHEREOF, the Parties hereto have caused this Memorandum of Agreement to be executed in duplicate as of the Effective Date.

**WATER REPLENISHMENT DISTRICT OF
SOUTHERN CALIFORNIA**

Signature
John D.S. Allen

Print Name
President, Board of Directors

Title

Signature

Print Name
Secretary, Board of Directors

Title

**Approved as To Form
Leal Trejo APC**

Attorneys for the Water Replenishment
District of Southern California

LOS ANGELES COUNTY
PUBLIC WORKS

Date: _____ By: _____

APPROVED AS TO FORM:

RODRIGO A. CASTRO-SILVA
County Counsel

By _____
Deputy

ATTACHMENT A
SCOPE OF WORK
PROCUREMENT AND CONSTRUCTION SERVICES FOR THE
SATIVA WELL 5 WELLHEAD TREATMENT FACILITY

In 2018, Los Angeles County (LA County) took over operations and interim administration of the Sativa water system. LA County has secured State funding for a wellhead treatment system at Sativa Well 5. An oxidation-filtration treatment project is proposed to remove the manganese from the water. LA County agrees to work together with the Water Replenishment District of Southern California (WRD) for managing the procurement and construction of the treatment system.

The proposed facilities include an iron manganese filtration system with an air compressor and two reaction vessels, a sodium bisulfite chemical system, an additional gas cylinder, a 20,000-gallon backwash settling tank, a 48,000-gallon steel tank, two 750 gpm booster pumps, yard piping, a backwash pump, and a decant return pump. The project will take groundwater pumped from Well #5 through the chlorination and sodium bisulfite chemical systems before entering the iron manganese filtration system. With the second gas cylinder, an additional 2 mg/L of chlorine will be provided for the iron manganese filtration system. Treated water from this system would be stored in the 48,000-gallon steel tank, pumped by the booster pump system, then distributed to customers through the existing pipe connection.

By constructing a wellhead treatment system for Sativa Well 5, LA County will be able to produce Sativa water system's groundwater entitlement and reduce the need for imported supply. To assist LA County with this Project, the following services will be performed by the designated Parties:

WRD:

1. WRD and LA County will review the draft bid package submitted for the wellhead treatment project and provide comment and once approved, WRD will release the bid. Both WRD and LA County will review bid packages and mutually agree upon the lowest responsive and responsible bidder. The Parties will strive to hire competent contractors to complete the work required under the bid package. The successful bidder will enter into an agreement with WRD for the wellhead treatment procurement and installation work.
2. WRD will manage the contract with the wellhead treatment system contractor and will pay all invoices after review and acceptance by the LA County, in compliance with the agreement between WRD and the wellhead treatment contractor.

3. WRD will submit monthly invoices to LA County to recover all costs from the contractor and WRD's administrative costs including legal review and incidentals (reproduction costs, travel expenses, etc.).

Wellhead Treatment Contractor (under contract with WRD):

1. Procure and construct a wellhead treatment system at Sativa Well 5, in accordance with the terms and requirements of the bid package. The CONTRACTOR shall furnish, install, test, and place into service the new manganese treatment filter system and pumps as shown and/or specified in the Contract Documents, complete and operable.
2. Provide information for completing as-constructed wellhead treatment completion documents and/or drawings, in accordance with the terms and requirements of the bid package.
3. Restore the site to final conditions in compliance with current building codes and regulatory requirements, in accordance with the terms and requirements of the bid package.
4. Provide insurance coverage in the amount necessary to satisfy the requirements of WRD and LA County, in accordance with the terms and requirements of the bid package.
5. Guarantee for a period of one year after project completion and acceptance by the LA County and WRD that all equipment, materials, and the quality of the work are free from defects, in accordance with the terms and requirements of the bid package.

LA County:

1. Pay all WRD invoices related to this MOA as reviewed and approved by the LACPW within 45 days of receipt of the complete invoice.
2. Obtain California Environmental Quality Act compliance documents, National Pollution Discharge Elimination System permit(s), and easements, and right-of-entry.
3. Provide to WRD the project design and construction specifications, including general provisions.
4. Take sole responsibility for identifying subsurface conditions, any changed or differing site conditions of any kind when promptly notified by WRD or its contractor and finalizing the location of each well.
5. Provide written permission or right-of-entry to WRD's contractor for ingress and egress and performing construction activities on LACPW property.
6. Jointly with WRD, review the work of the wellhead treatment contractor and determine whether the work has been completed according to the contract specifications, whether the work should be accepted, and whether to record a Notice of Completion.

7. Assist WRD with administering the construction services contract with WRD's wellhead treatment contractor, including reviewing, and responding to requests for information and changes, issuing change orders, reviewing invoices, and authorizing payments. Review contractor's submittals and inspect work product.
8. Ensure wellhead treatment system completion is in accordance with the construction contract specifications and applicable standards.
9. After WRD and LA County have agreed and provided the contractor a written acceptance of the Project, LA County will take ownership of the completed Project. —LA County may place into service portions of the completed work before final completion of the project. Such placing into service any completed portion of the work, which may include the installation of additional equipment and infrastructure, shall not relieve the contractor of any of its responsibility to protect, care for, and complete all aspects of the work until final completion and acceptance of the entire project.
10. Identify any warranty defects and provide request to WRD for any required enforcement of the contractor's guarantee for repair of any defective items covered during the warranty period.

BOARD LETTER/MEMO CLUSTER FACT SHEET

☒ Board Letter

☐ Board Memo

☐ Other

CLUSTER AGENDA REVIEW DATE	3/16/2022		
BOARD MEETING DATE	4/5/2022		
SUPERVISORIAL DISTRICT AFFECTED	<input type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input checked="" type="checkbox"/> 4 th <input type="checkbox"/> 5 th		
DEPARTMENT(S)	Public Works		
SUBJECT	Rancho Los Amigos South Campus Sports Center		
PROGRAM	N/A		
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain why:		
DEADLINES/ TIME CONSTRAINTS	Board letter must be filed by April 5, 2022, in order to execute a lease agreement with the City of Downey by end of April 2022.		
COST & FUNDING	Total cost: \$12,590,000	Funding source: \$10,000,000 from the Fourth Supervisorial District net County cost, and \$2,590,000 from the City of Downey's Housing and Urban Development Community Development Block Grant Section 108 Loan.	
	TERMS (if applicable): N/A		
	Explanation:		
PURPOSE OF REQUEST	Public Works is seeking Board approval of the revised project budget and appropriation adjustment, to authorize the Chief Executive Office to execute a funding agreement amendment, and to negotiate and enter into a lease agreement with the City of Downey for the previously approved Rancho Los Amigos South Campus Sports Center Project.		
BACKGROUND (include internal/external issues that may exist including any related motions)	<p>On December 10, 2019, a design-build agreement was executed with Ohno Construction Company. During the project design phase, the City of Downey requested that the electrical service from Southern California Edison at Gardendale Street be underground in lieu of overhead. In January 2021, while the project was under construction, the City requested the concession stand that was previously designed at the City's direction for prepackaged food sales be a food preparation commercial kitchen. After receiving cost estimates from the design-builder, the total estimated cost for these scope changes, including County soft costs, is \$470,000.</p> <p>Pursuant to the Option to Lease Agreement, the City of Downey has agreed to pay the County \$470,000 for these scope changes. An amended funding agreement with the City will be executed. With these scope changes, the revised total project budget will now be \$12,590,000.</p> <p>At project completion, the City of Downey will exercise its option to execute a lease agreement with the County.</p>		

	On June 13, 2017, the project was presented to the public at a Downey City Council Meeting. This presentation included the number and type of sports fields the project will have, and the Downey Rose Float Association facility will be included in the lease agreement. The public response was positive, and the City Council voted to move forward with the project.
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how:
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please state which one(s) and explain how:
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Anthony Nyivih, Deputy Director, (626) 458-4010, anyivih@pw.lacounty.gov



MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE:

April 5, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**CONSTRUCTION-RELATED CONTRACT
CONSTRUCTION MANAGEMENT CORE SERVICE AREA
RANCHO LOS AMIGOS SOUTH CAMPUS SPORTS CENTER
APPROVE REVISED TOTAL PROJECT BUDGET
AUTHORIZE FUNDING AGREEMENT AMENDMENT
AUTHORIZE LEASE AGREEMENT
APPROVE APPROPRIATION ADJUSTMENT
SPECS. 7434; CAPITAL PROJECT NO. 69798
(SUPERVISORIAL DISTRICT 4)
(4 VOTES)**

SUBJECT

Public Works is seeking Board approval of the revised project budget and appropriation adjustment, to authorize the Chief Executive Office to execute a funding agreement amendment, and to negotiate and enter into a lease agreement with the City of Downey for the previously approved Rancho Los Amigos South Campus Sports Center Project.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the proposed increase in project budget, execution of the proposed funding agreement amendment and lease agreement with the City of Downey, and related actions are within the scope of the previously approved exemption from the California Environmental Quality Act; and that the revisions to the project scope are also exempt from the California Environmental Quality Act for the reasons stated in this Board letter and in the record of the proposed activities.

2. Find that, pursuant to Government Code Section 26227, the five-acre Rancho Los Amigos South Campus property located at 7651 Gardendale Street in the City of Downey is not needed for County purposes.
3. Find that, pursuant to Government Code Section 26227, the Rancho Los Amigos South Campus Sports Center Project is necessary to meet the social needs of the County and serve public purposes, which benefit the County, and that the Rancho Los Amigos South Campus property be used to carry out the programs, upon terms and conditions determined by the Board are in the best interests of the County and the general public.
4. Approve the increase of the total project budget from \$12,120,000 to \$12,590,000 for the Rancho Los Amigos South Campus Sports Center Project, Capital Project No. 69798, contingent on the payment of \$470,000 from the City of Downey pursuant to an amended funding agreement.
5. Approve and authorize the Chief Executive Officer or her designee to execute, amend, and carry out the terms of a funding agreement amendment with the City of Downey for its contribution of \$470,000 to fund the City requested scope changes that include underground in lieu of overhead electrical service and upgrades to the concession stand.
6. Approve the Fiscal Year 2021-22 appropriation adjustment to transfer \$470,000 from the City of Downey to the Rancho Los Amigos South Campus Sports Center Project, Capital Project No. 69798.
7. Approve and authorize the Chief Executive Officer or her designee to execute a lease, in a form approved by County Counsel, and consistent with the terms set forth herein when all the Option to Lease Agreement conditions have been fulfilled.
8. Authorize and direct the Chief Executive Officer or her designee to execute any other ancillary documentation necessary to effectuate the proposed lease and to take actions necessary and appropriate to implement the proposed lease including, without limitation, exercising early termination rights and any options to extend.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will find that the proposed increase in the project budget, the execution of the proposed lease agreement, funding agreement amendment, and related actions are within the scope of the previous finding of exemption under the California Environmental Quality Act (CEQA); that the proposed revisions to the project scope are also exempt under CEQA; approve the revised project budget; and authorize the Chief Executive Officer (CEO) to execute, amend, and carry out the terms of a funding agreement amendment and lease agreement with the City of Downey.

Project Background

The Rancho Los Amigos South Campus (RLASC) Sports Center Project is located at 7651 Gardendale Street in the City of Downey. The project, currently under construction, is on a five-acre site, which will include three multipurpose sports fields, sports lighting, restrooms, a concession stand, an equipment storage room, office space for staff, and a surface parking lot. When completed, this facility will be leased to and operated by the City.

On November 22, 2016, the Board established and approved the RLASC Sports Center Project, with a maximum project cost of \$10,000,000 for design, construction, and all project management costs. The Board also authorized CEO to negotiate and execute an Option to Lease Agreement with the City.

On October 26, 2018, the Option to Lease Agreement was executed, which grants the City the exclusive option to lease property upon completion of the project. This agreement also stipulates the basic terms of the future lease agreement and includes the City being responsible for all maintenance, replacement, and operational costs during the lease term. This agreement also requires the City to reimburse the County for project costs beyond the County's maximum funding commitment of \$10,000,000. In addition, pursuant to the agreement, the City shall be responsible for all maintenance, replacement, and operational costs during the lease term.

On April 30, 2019, following a design-build solicitation and selection process, the Board approved a revised total project budget of \$12,120,000; the award of a design-build contract to Ohno Construction Company; and authorized CEO to execute, amend, and carry out the terms of a funding agreement with the City.

Revised Total Project Budget

On December 10, 2019, a design-build agreement was executed with Ohno Construction Company. During the project design phase, the City requested that the electrical service from Southern California Edison at Gardendale Street be underground in lieu of overhead. In January 2021, while the project was under construction, the City requested that the concession stand that was previously designed for prepackaged food sales be upgraded to a food preparation commercial kitchen. After receiving cost estimates from the design-builder, the total estimated cost for these scope changes, including County soft costs, is \$470,000.

Pursuant to the Option to Lease Agreement, the City has agreed to pay the County \$470,000 for these scope changes. An amended funding agreement with the City will be executed. With these scope changes, the revised total project budget will now be \$12,590,000 (see Enclosure A).

Lease Agreement Terms

At project completion, the City will exercise its option to execute a lease agreement with the County. The material terms and conditions of the lease agreement are described in Enclosure B.

Implementation of Strategic Plan Goals

These recommendations support the County Strategic Plan: Strategy II.2, Support the Wellness of our Communities, Objective II.2.2, Expand Access to Recreational and Cultural Opportunities and Objective II.2.4, Promote Active and Healthy Lifestyles. The proposed RLASC Sports Center Project supports these goals by providing a facility that will offer various recreational programs and services to the local community and serve a social need that benefits the County and its residents.

FISCAL IMPACT/FINANCING

The proposed revised total project cost estimate of \$12,590,000 includes predesign, design, construction, change order contingency, design completion allowance, jurisdictional approvals, consultant services, and County services (see Enclosure A).

Pursuant to the Option to Lease Agreement, the City will reimburse the County for project cost beyond \$10,000,000. On October 10, 2019, the funding agreement was executed, and the City provided their reimbursement of \$2,120,000 to the County on April 28, 2021, funded by a Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Section 108 Loan.

The RLASC Sports Center revised total project budget of \$12,590,000 is funded with \$10,000,000 from the Fourth Supervisorial District net County cost, and \$2,120,000 from the City's HUD CDBG Section 108 Loan. The additional \$470,000 will also be funded from the City's HUD CDBG Section 108 Loan.

Approval of the Fiscal Year 2021-22 appropriation adjustment (see Enclosure C) will transfer \$470,000 from the City to the RLASC Sport Center Project, Capital Project No. 69798, to fund the remaining project expenditures.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

California Government Code Section 26227 sets forth that the Board may appropriate and expend money from the general fund to establish County programs or to fund other programs deemed by the Board to be necessary to meet the social needs of the population of the County including, but not limited to, the areas of health.

The Board may contract with other public agencies to operate those programs that the Board determines will serve public purposes.

In the furtherance of those programs, the Board may make available to a public agency, any real property of the County, which is not and, during the time of possession, will not be needed for County purposes, to be used to carry out the programs, upon terms and conditions determined by the Board to be in the best interests of the County and the general public. The Board may finance or assist in the financing of the acquisition or improvement of real property and furnishings to be owned or operated by any public agency, to carry out the programs, through a lease, without complying with any other provisions of this code relating to acquiring, improving, leasing, or granting the use of or otherwise disposing of County property.

The RLASC Sports Center Project shall provide for a much-needed sports center for the community in the City and include three synthetic turf or grass multipurpose sports fields of various sizes to support competition of youth through high school level of competition. The lease agreement is authorized and shall be entered into, pursuant to the authority granted under Government Code Section 26227.

ENVIRONMENTAL DOCUMENTATION

On November 22, 2016, the Board determined the RLASC Sports Center Project was categorically exempt from CEQA pursuant to Sections 15301 (I), 15331, and 15332 of the State CEQA Guidelines, and Class 1 (h) of the County's Environmental Document Reporting Procedures and Guidelines. A Notice of Exemption was filed on November 22, 2016.

On April 30, 2019, the Board determined that revisions to the original project were also categorically exempt pursuant to Sections 15301 (I) and 15311 (a) of the State CEQA guidelines, and Class 1 (h) and 11 (d) of the County's Environmental Document Reporting Procedures and Guidelines. A Notice of Exemption was filed on May 6, 2019.

The proposed revised budget, execution of a funding agreement amendment and a lease agreement with the City, and related recommendations are within the scope of the Board's previous findings of exemption for the previously approved project. The revised project scope, which includes undergrounding of electrical lines and changes to the previously approved concession stand, are also exempt under the same exemptions from CEQA previously determined by the Board for the project, which include Sections 15301 (h) and (I), 15311 (a), 15331, and 15332 of the State CEQA Guidelines; Classes 1 (h) and 11 (d) of the County's Environmental Document Reporting Procedures and Guidelines (County Guidelines); and as well as Section 15302 (d) of the State CEQA Guidelines and Class 2 (f) of the County Guidelines, which apply to the conversion of overhead electrical utility distribution facilities to underground.

Upon the Board's approval of the recommended actions, Public Works will file a Notice of Exemption with the Register-Recorder/County Clerk in accordance with Public Resources Code Section 21152.

CONTRACTING PROCESS

The cost of the revised scope of work will be accommodated through the contract amendment process with the design-builder, Ohno Construction Company, under the existing design-build agreement.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no impact on current County services or projects during the performance of the recommended actions.

CONCLUSION

Please return one adopted copy of this Board letter to Public Works, Project Management Division II.

Respectfully submitted,

MARK PESTRELLA, PE
Director of Public Works

MP:VY:cl

Enclosures

c: Auditor-Controller
Chief Executive Office (Capital Programs Division)
County Counsel
Executive Office

**CONSTRUCTION-RELATED CONTRACT
CONSTRUCTION MANAGEMENT CORE SERVICE AREA
RANCHO LOS AMIGOS SOUTH CAMPUS SPORTS CENTER
APPROVE REVISED TOTAL PROJECT BUDGET
AUTHORIZE FUNDING AGREEMENT AMENDMENT
AUTHORIZE LEASE AGREEMENT
APPROVE APPROPRIATION ADJUSTMENT
SPECS. 7434; CAPITAL PROJECT NO. 69798
(SUPERVISORIAL DISTRICT 4)
(4 VOTES)**

PROJECT SCHEDULE

Project Activity	Previously Adopted Completion Date	Revised Completion Date
Scoping Documents	3rd QTR 2017	3rd QTR 2017
Design-Build Award	2nd QTR 2019	2nd QTR 2019
Construction:		
Substantial Completion	1st QTR 2021	2nd QTR 2022
Project Acceptance	2nd QTR 2021	2nd QTR 2022

PROJECT BUDGET

Budget Category	Board Approved Budget	Impact of this Action	Revised Budget
Construction	\$10,135,000	\$435,000	\$10,570,000
Plans and Specifications	\$220,000	\$0	\$220,000
Consultant Services	\$330,000	\$0	\$330,000
Miscellaneous Expenditures	\$65,000	\$0	\$65,000
Jurisdictional Reviews	\$145,000	\$5,000	\$150,000
County Services	\$1,225,000	\$30,000	\$1,255,000
Total	\$12,120,000	\$470,000	\$12,590,000

**CONSTRUCTION-RELATED CONTRACT
CONSTRUCTION MANAGEMENT CORE SERVICE AREA
RANCHO LOS AMIGOS SOUTH CAMPUS SPORTS CENTER
APPROVE REVISED TOTAL PROJECT BUDGET
AUTHORIZE FUNDING AGREEMENT AMENDMENT
AUTHORIZE LEASE AGREEMENT
APPROVE APPROPRIATION ADJUSTMENT
SPECS. 7434; CAPITAL PROJECT NO. 69798
(SUPERVISORIAL DISTRICT 4)
(4 VOTES)**

LEASE AGREEMENT MATERIAL TERMS AND CONDITIONS

- Rent: The annual rent during the term of the Lease shall be \$1.
- Term: The initial term of the Lease shall be 20 years with 2 options of 5 years each to extend the Lease term to a maximum of 30 years.
- Operating Costs: During the term of the Lease, the City of Downey shall operate (including all project programming), replace, and maintain the project and the Rose Float Association buildings at its sole cost.
- Capital Contributions: During the term of the Lease, the City shall make annual financial contributions to a capital improvement account, which contributions shall in no event be less than \$75,000 per year and not-to-exceed \$3,000,000 in the aggregate.
- Joint Use: The Lease shall specify a protocol providing the County reasonable rights to joint use of the project; provided, however, that the County's exercise of its rights shall be contingent on the provision of ample advanced notice and shall not take precedence over prior-scheduled use of the project by the City, other governmental agencies, or third party persons or organizations. The Rancho Los Amigos National Rehabilitation Center anticipates using the fields on average 1-3 hours per week during the daytime. The Rancho Los Amigos National Rehabilitation Center will schedule these outings with a minimum 1 week notice and the City shall honor such scheduling requests to the extent the facility has not already been booked.
- Liability Protection for County: The Lease shall require that the City require all third parties using the property execute a Use Agreement in a form approved by the County that includes appropriate insurance and a release of liability provision minimizing the County's liability exposure. Notwithstanding the foregoing, the parties acknowledge that the Lease will include an indemnification provision pursuant to which the City will indemnify the County against claims made by non-County users of the project whether or not they have signed the User Agreement.
- Furniture, Fixtures, and Equipment: The Lease shall require that the City have responsibility for costs, maintenance, and repair of furniture, fixtures, and equipment,

including removable soccer goals, removable football uprights, temporary/removable bleachers, field striping, restroom paper stock, and sporting equipment.

- Utility Costs: The Lease shall require that the City pay all utility costs for the project and the Rose Float Association buildings during the Lease term.
- Security: The Lease shall require the City's provision of security to the project at its sole cost during the term.
- Condition of the Property: The property will be provided for lease in its as is condition. The City has inspected the property and the County's documentation related to the property's condition with respect to environmental, toxics, and hazardous materials, and on that basis, the City has satisfied itself that the property is suitable for its intended use as a parks and recreation facility. As part of the construction activity for the multipurpose sports complex, the County will remediate the property of the known contaminants identified in the Addendum for Site Assessment Reports, Rancho Los Amigos Hospital Area 8, dated February 1, 2018. Included in the remediation, the County will employ an environmental consultant who will provide the following:
 - Prepare a soil removal plan that outlines the methods to be used for the mitigation of soils that will have clean-up goals where there will be no exceedances above the current residential regional screening levels. The mitigation work is expected to consist of excavation, verification sampling, and off-site disposal if impacted soil is encountered. A draft soil removal plan will be provided to the City for its review and concurrence.
 - Observe the mitigation work and collect soil samples for verification. The mitigation report is to be performed in accordance with the soil removal plan.
 - Prepare a completion report that documents the mitigation work conducted. The report will compare the analytical results for verification samples with the clean-up goals presented in the soil removal plan to demonstrate that the clean-up goals have been met. This completion report will be provided to the City upon completion of the clean-up efforts.
 - The County's environmental consultant will provide reliance letters to the City for the current site assessment reports and for the reports prepared during the mitigation work.
- Availability of the Float Buildings: In the event the Float Buildings become vacant during the term of the Lease, the parties will negotiate in good faith to amend the Lease such that the Float Buildings portion of the property may be used by the City on terms agreed to by the Parties hereto.
- Additional Matters: Any additional matters included in a Lease or other instrument related to the Lease shall be consistent with the terms set forth in this Agreement unless otherwise mutually agreed by the Parties.

PINK

BA FORM 11162021

BOARD OF SUPERVISORS
OFFICIAL COPY

April 05, 2022

COUNTY OF LOS ANGELES

REQUEST FOR APPROPRIATION ADJUSTMENT

DEPARTMENT OF CHIEF EXECUTIVE OFFICER

AUDITOR-CONTROLLER:

THE FOLLOWING APPROPRIATION ADJUSTMENT IS DEEMED NECESSARY BY THIS DEPARTMENT. PLEASE CONFIRM THE ACCOUNTING ENTRIES AND AVAILABLE BALANCES AND FORWARD TO THE CHIEF EXECUTIVE OFFICER FOR HER RECOMMENDATION OR ACTION.

ADJUSTMENT REQUESTED AND REASONS THEREFORE

FY 2021-22

4 - VOTES

SOURCES

USES

VARIOUS CAPITAL PROJECTS

RANCHO LOS AMIGOS SO CAMPUS SPORTS CENTER

A01-CP-91-R404-65099-69798

INTERGOVERNMENTAL REVENUE / CAPITAL PROJECTS

INCREASE REVENUE

470,000

VARIOUS CAPITAL PROJECTS

RANCHO LOS AMIGOS SO CAMPUS SPORTS CENTER

A01-CP-6014-65099-69798

CAPITAL ASSETS - B & I

INCREASE APPROPRIATION

470,000

SOURCES TOTAL

\$ 470,000

USES TOTAL

\$ 470,000

JUSTIFICATION

Reflects an increase in appropriation funded by the City of Downey's Housing and Urban Development Community Development Block Grant to fund additional scope of work at the Rancho Los Amigos Sports Center Project.

James Yun

Digitally signed by James Yun
Date: 2022.02.16 14:21:10 -08'00'

AUTHORIZED SIGNATURE

JAMES YUN, MANAGER, CEO

BOARD OF SUPERVISOR'S APPROVAL (AS REQUESTED/REVISED)

REFERRED TO THE CHIEF
EXECUTIVE OFFICER FOR---

ACTION



RECOMMENDATION

AUDITOR-CONTROLLER

BY

Lan Sam

Digitally signed by Lan Sam
Date: 2022.02.17 10:35:06
-08'00'

B.A. NO. 098

DATE

2/17/22



APPROVED AS REQUESTED



APPROVED AS REVISED

CHIEF EXECUTIVE OFFICER

BY

Amir Alam

Digitally signed by Amir
Alam
Date: 2022.02.22 11:07:58
-08'00'

DATE

2/22/22

BOARD LETTER/MEMO CLUSTER FACT SHEET

☒ Board Letter

☐ Board Memo

☐ Other

CLUSTER AGENDA REVIEW DATE	3/16/2022			
BOARD MEETING DATE	4/5/2022			
SUPERVISORIAL DISTRICT AFFECTED	<input type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input checked="" type="checkbox"/> 5 th			
DEPARTMENT(S)	Regional Park and Open Space District			
SUBJECT	Approval of the recommended actions will allocate an amount not to exceed \$750,000 in Excess Funds, available to the Fifth Supervisorial District pursuant to the Los Angeles County Safe Neighborhood Parks Proposition of 1996, to the Los Angeles Arboretum Foundation for the Visitor Plaza Project.			
PROGRAM	Not Applicable			
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain why: Not Applicable			
DEADLINES/ TIME CONSTRAINTS	Not Applicable			
COST & FUNDING	<table border="1" style="width: 100%;"> <tr> <td>Total cost: \$ 750,000</td> <td>Funding source: Excess Funds</td> </tr> </table> TERMS (if applicable): Not Applicable Explanation: Not Applicable		Total cost: \$ 750,000	Funding source: Excess Funds
Total cost: \$ 750,000	Funding source: Excess Funds			
PURPOSE OF REQUEST	Approval of the recommended actions will allocate an amount not to exceed \$750,000 in Excess Funds, available to the Fifth Supervisorial District pursuant to the Los Angeles County Safe Neighborhood Parks Proposition of 1996 (1996 Proposition A), to the L.A. Arboretum Foundation for the Visitor Plaza Project. The proposed project consists of expansion of Arrival Plaza entrance, restoration of 1956 gatehouse in Welcome Pavilion, enhancements to Welcome Plaza, accessible parking and path of travel in South Lot.			
BACKGROUND (include internal/external issues that may exist including any related motions)	Authorize the Director of the Department of Parks and Recreation, or her designee, in her capacity as Director of the Los Angeles County Regional Park and Open Space District, to award a grant when applicable conditions have been met and to administer the grant as of the date of award and pursuant to guidelines in the Proposition A Grants Administration Manual for Specified, Per Parcel, and Excess Funds Projects; otherwise, funds shall remain in the Excess Funds account.			
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how: Not Applicable			
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please state which one(s) and explain how: Not Applicable			

DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Karla Perez, Management Analyst, 626-588-5032, kperez@rposd.lacounty.gov
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LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT

1000 S. Fremont Avenue, Unit #40
Building A-9 East, Ground Floor
Alhambra, CA 91803
(626) 588-5060

RPOSD.LACounty.gov

April 5, 2022

The Honorable Board of Directors
Los Angeles County
Regional Park and Open Space District
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Directors:

**ALLOCATE EXCESS FUNDS AVAILABLE TO THE FIFTH SUPERVISORIAL
DISTRICT AND AUTHORIZE AWARD AND ADMINISTRATION OF AN EXCESS
FUNDS GRANT TO LOS ANGELES ARBORETUM FOUNDATION
FOR THE VISITOR PLAZA PROJECT
(FIFTH DISTRICT) (3-VOTES)**

SUBJECT

Approval of the recommended actions will allocate an amount not to exceed \$750,000 in Excess Funds, available to the Fifth Supervisorial District pursuant to the Los Angeles County Safe Neighborhood Parks Proposition of 1996, to the Los Angeles Arboretum Foundation for the Visitor Plaza Project.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that the proposed actions are not subject to the California Environmental Quality Act for the reasons cited herein.
2. Allocate \$750,000 in Excess Funds, available to the Fifth Supervisorial District for a grant to the Los Angeles Arboretum Foundation for the Visitor Plaza Project.
and,

3. Authorize the Director of the Department of Parks and Recreation, or her designee, in her capacity as Director of the Los Angeles County Regional Park and Open Space District, to award a grant when applicable conditions have been met and to administer the grant as of the date of award and pursuant to guidelines in the Proposition A Grants Administration Manual for Specified, Per Parcel, and Excess Funds Projects; otherwise, funds shall remain in the Excess Funds account.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTIONS

Approval of the recommended actions will allocate an amount not to exceed \$750,000 in Excess Funds, available to the Fifth Supervisorial District pursuant to the Los Angeles County Safe Neighborhood Parks Proposition of 1996 (1996 Proposition A), to the Los Angeles Arboretum Foundation for the Visitor Plaza Project (Project).

The proposed Project will consist of the following amenities:

- The Arrival Plaza will expand the current entrance and include featured plantings that highlight regionally iconic plants.
- The Welcome Pavilion will restore the historic 1956 gatehouse with four admission ticket windows, including one ADA accessible window, and give more prominence and access to the membership office.
- The Welcome Plaza will be improved to include enhancements, such as a visitor information kiosk, adjacent seating, restrooms, and beverage hospitality, to better connect visitors with the educational experiences, botanical diversity, and family adventures of the Arboretum landscape.
- The South Lot Improvements will create accessible parking and an accessible path of travel from the existing South Parking Lot to the new Arrival Plaza.

The total estimated cost for the Project is \$8,100,000, which will be fully funded by the recommended \$750,000 in Excess Funds available to the Fifth Supervisorial District pursuant to the 1996 Proposition A; and other funding sources, collectively \$3,003,500 in Charitable Foundation, \$4,214,163 in Individual Gifts, and \$132,337 from the Los Angeles Arboretum Foundation.

It is also recommended that the Director of the Department of Parks and Recreation (Director), or her designee, in her capacity as Director of the Los Angeles County Regional Park and Open Space District (RPOSD), be authorized to award the grant when applicable conditions have been met. Applicable conditions include grantee qualifications, consistency between the Project and requirements of 1996 Proposition A, and the grantee agreement with California Environmental Quality Act (CEQA) requirements for the Project. It is further recommended that the Director be authorized to administer the grant pursuant to the Grants Administration Manual previously approved by your Board.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommended actions further the Board-approved County Strategic Plan Goal I, Make Investments that Transform Lives, by expanding access to historical information and Goal III, Realizing Tomorrow's Government Today, by highlighting histories of populations that have been historically underserved.

FISCAL IMPACT/FINANCING

Sufficient appropriation, in the amount of \$750,000, is budgeted in the RPOSD Available Excess Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The 1996 Proposition A included a method and process for determining, in each fiscal year, the amount of funds available in the following fiscal year to fund capital improvement projects in addition to the amounts specifically identified for projects in the Safe Neighborhood Parks Propositions of 1992 and 1996. The recommended Excess Funds grant will be funded from the Excess Funds available to the Fifth Supervisorial District from prior years as no Excess Funds were declared in Fiscal Year 2021-22.

The 1996 Proposition A requires that agencies to which funds were allocated under the Safe Neighborhood Parks Propositions of 1992 and 1996 encumber all such funds prior to receiving grants of Excess Funds. The Los Angeles Arboretum Foundation meets this requirement.

On March 19, 2019, your Board approved the Proposition A Grants Administration Manual to govern the administration of RPOSD grants. The Grants Administration Manual will appropriately govern the administration of the recommended grant as well.

ENVIRONMENTAL DOCUMENTATION

The proposed actions are not subject to CEQA in that the actions do not meet the definition of a project according to Section 15378 (b)(2) of the State CEQA Guidelines, because the actions are administrative activities of government grants.

All projects funded by RPOSD are required to comply with CEQA as a condition of the grant. The lead agency is responsible for preparing the appropriate environmental documentation for its project. The Department of Parks and Recreation is the lead agency for the proposed Project.

The Honorable Board of Directors
April 5, 2022
Page 4

CONTRACTING PROCESS

A Project Agreement will be entered into and administered under authority delegated to the Director and pursuant to the Grants Administration Manual approved by your Board in 2019 only if all applicable conditions of the grant have been met. The Project Agreement will be approved as to form by County Counsel.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The recommended actions will have no impact on any other projects funded by RPOSD. The recommended Project will expand access to historical information in public spaces in the Fifth Supervisorial District.

CONCLUSION

Please instruct the Executive Officer-Clerk of the Board to return one adopted copy of this action to the Chief Executive Office, Capital Projects Division, and to the Department of Parks and Recreation.

Respectfully submitted,

Norma E. García-González
Director

CA:AJ

c: Chief Executive Office
County Counsel
Executive Office, Board of Supervisors

BOARD LETTER/MEMO CLUSTER FACT SHEET

☒ Board Letter

☐ Board Memo

☐ Other

CLUSTER AGENDA REVIEW DATE	3/16/2022		
BOARD MEETING DATE	4/19/2022		
SUPERVISORIAL DISTRICT AFFECTED	<input checked="" type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input type="checkbox"/> 5 th		
DEPARTMENT(S)	Regional Planning		
SUBJECT	Disaster Recovery Ordinance		
PROGRAM			
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain why:		
DEADLINES/ TIME CONSTRAINTS			
COST & FUNDING	Total cost:	Funding source:	
	\$0.00		
	TERMS (if applicable):		
	Explanation: Adoption of the Ordinance will not result in additional costs to the County.		
PURPOSE OF REQUEST			
BACKGROUND (include internal/external issues that may exist including any related motions)	See attachments.		
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain how:		
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please state which one(s) and explain how: The Ordinance supports Board Priority #4 Homelessness. The Ordinance will reduce homelessness after a disaster by establishing regulations for temporary housing and the replacement of residences and businesses. The Ordinance supports Board Priority #7 Sustainability. The Ordinance supports County resiliency after a disaster by establishing regulations that encourage the recovery of businesses, residences, and property.		
DEPARTMENTAL CONTACTS	Name, Title, Phone # & Email: Adrienne Ng Department of Regional Planning, Ordinance Studies Section		

	(213) 974-6432 ang@planning.lacounty.gov
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Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

April 19, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**HEARING ON THE DISASTER RECOVERY ORDINANCE
PROJECT NUMBER PRJ2021-002912-(1-5)
ADVANCE PLANNING CASE NUMBER RPPL2021007888
(ALL SUPERVISORIAL DISTRICTS) (3-VOTES)**

SUBJECT

The recommended actions are to approve the Disaster Recovery Ordinance, Project Number PRJ2021-002912-(1-5) and Advance Planning Case Number RPPL2021007888, (Ordinance or Project). The Ordinance amends Title 22 - Planning and Zoning of the County Code to expand existing regulations for temporary housing for residents displaced by a disaster and establish procedures for the replacement or reestablishment of uses, buildings, and structures damaged or destroyed by a disaster. The Ordinance applies to the unincorporated areas of Los Angeles County. A project summary is included as Attachment 1 and the draft Ordinance is included as Attachment 2.

IT IS RECOMMENDED THAT YOUR BOARD, AFTER THE PUBLIC HEARING:

1. Find that the Project is exempt from California Environmental Quality Act (CEQA) for the reasons stated in this Board letter and in the record of the Project;
2. Indicate its intent to approve the Ordinance as recommended by the Regional Planning Commission (RPC); and

320 West Temple Street • Los Angeles, CA 90012 • 213-974-6411 • TDD: 213-617-2292

   @LACDRP | planning.lacounty.gov

3. Instruct County Counsel to prepare the necessary final documents for the Ordinance and submit to the Board for consideration.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

According to the National Risk Index published by Federal Emergency Management Agency, Los Angeles County is at risk of future disasters and is vulnerable to emergencies. In recent history, several events in Los Angeles County that have caused significant property damage, destroyed homes and communities, and displaced thousands of residents, including: Sylmar Earthquake (1971), Whittier Narrows Earthquake (1987), Northridge Earthquake (1994), Station Fire (2009), Woolsey Fire (2018), and Lake and Bobcat Fires (2020). The County of Los Angeles must establish procedures and regulations that support community resilience and recovery from future disasters and emergencies.

The Director of the Department of Regional Planning (Department) initiated the Ordinance in accordance with Chapter 22.244 (Ordinance Amendments) of the Los Angeles County Code. The Ordinance enables the County of Los Angeles and the Department to be proactive after a disaster by modernizing and establishing a consistent set of regulations in Title 22 for recovery after any future disaster in the unincorporated areas of Los Angeles County. The Ordinance supports community resilience in Los Angeles County by allowing residents to remain in their communities during the rebuilding process or while planning for alternatives to rebuilding and by encouraging the recovery of businesses and properties after a disaster.

On October 27, 2021, the RPC held a public hearing to consider the Ordinance and recommended that the Board of Supervisors (Board) consider and adopt the Ordinance with changes. The summary of proceedings for the RPC public hearing is included as Attachment 3 and the resolution approved by the RPC is included as Attachment 4.

After the RPC public hearing, the Department revised the Ordinance for clarity and consistency, as shown in Attachment 2.

Key Components

The Ordinance includes the following key components:

Implementation

The Department may implement the Ordinance only after the Governor of the State of California or the Board has formally declared an emergency for a disaster. Once a declaration of emergency is made, the Director can implement the Ordinance with a map of the area where the regulations apply, specific to the disaster. Once implemented, regulations are valid for two years and can be extended for up to five years in total.

Temporary Housing and Accessory Structures

The Ordinance expands existing regulations in Title 22 for temporary housing, including permissible types, size, duration, and accessory structures. The Ordinance allows temporary housing and accessory structures on properties that contained a legally established single-family residence, accessory dwelling unit, caretaker's residence, or farmworker dwelling unit. The Ordinance allows recreational vehicles, manufactured homes, and mobilehomes as temporary housing and specifies the maximum size permitted. The Ordinance does not specify a minimum size for temporary housing, therefore temporary housing of any size up to the maximum size is permissible, including tiny homes.

Replacement of Buildings and Structures

The Ordinance establishes regulations for the repair or replacement of buildings or structures damaged or destroyed by a disaster. Buildings and structures may be replaced as like-for-like or smaller than like-for-like. If a replacement building or structure does not comply with the regulations in the Ordinance, then such building or structure is required to comply with current Title 22 application requirements and development standards.

Reestablishment of Uses

The Ordinance establishes regulations for uses that were damaged or destroyed by a disaster.

Waiver of Permit Requirements

The Ordinance waives discretionary permit requirements for oak trees, significant ecological areas, and grading for temporary housing and replacement of buildings or structures that comply with the regulations in the Ordinance that ensure protected oak trees and resources within significant ecological areas are not negatively impacted during the disaster recovery process.

Other Amendments to Title 22

The Ordinance reorganizes, updates, and clarifies existing countywide and area specific disaster recovery regulations in Title 22.

Additional Staff Recommendations

The Department made revisions to the Ordinance in addition to the changes instructed by the RPC at the October 27, 2021 public hearing. The revisions are shown in Attachment 5. Revisions include reorganizing and clarifying provisions on implementation and deleting redundant terms and requirements.

Implementation of Strategic Plan Goals

The Ordinance is consistent with and supportive of the goals, policies, and principles of the Los Angeles County General Plan, including: Policy ED 2.8, to streamline the permit

review process and other entitlement processes for businesses and industries and Policy C/NR 1.2, to protect and conserve natural resources, natural areas, and available open spaces.

FISCAL IMPACT/FINANCING

Adoption of the Ordinance will not result in additional costs to the County.

LEGAL REQUIREMENTS

In addition to the public hearing conducted by the RPC on October 27, 2021, a public hearing before the Board is required pursuant to Chapter 22.244 of the County Code and Section 65856 of the Government Code. Required notice was given pursuant to the procedures and requirements set forth in Chapter 22.244 of the County Code.

ENVIRONMENTAL DOCUMENTATION

The Project is statutorily exempt from CEQA pursuant to Public Resources Code section 21080(b)(3), Public Resources Code section 21080(b)(4), and CEQA Guidelines section 15269(c) because the Ordinance provides necessary tools for displaced persons to obtain temporary housing; rebuild, repair, or replace damaged or destroyed buildings or structures; and reestablish uses damaged or destroyed in a declared emergency.

Upon your Board's approval of the recommended actions, the Department will file a Notice of Exemption with the County Clerk in accordance with section 21152 of the Public Resources Code.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the Ordinance will not significantly impact County services.

For further information, please contact Adrienne Ng at (213) 974-6432 or ang@planning.lacounty.gov.

Respectfully submitted,

AMY J. BODEK, AICP
Director of Regional Planning

AJB:CC:BD:AN:el

Attachments:

1. Project Summary
2. Draft Ordinance
3. RPC Summary of Proceedings
4. RPC Resolution
5. RPC Draft Ordinance (Redlined)

c: Executive Office, Board of Supervisors
 Chief Executive Office
 County Counsel
 Fire Department
 Public Works

S_AP_04192022_BL_DISASTER RECOVERY ORDINACE

**COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING**

PROJECT SUMMARY

PROJECT DESCRIPTION:	Disaster Recovery Ordinance: Amendment amends Title 22 - Planning and Zoning of the County Code to expand existing regulations for temporary housing for residents displaced by a disaster and establish procedures for the replacement or reestablishment of uses, buildings, and structures damaged or destroyed by a disaster. The Disaster Recovery Ordinance applies to the unincorporated areas of Los Angeles County.
REQUEST:	Approval and adoption of the Disaster Recovery Ordinance.
LOCATION:	Countywide (unincorporated areas)
STAFF CONTACT:	Adrienne Ng, (213) 974-6432
RPC HEARING DATE(S):	October 27, 2021
RPC RECOMMENDATION:	Approval and recommendation to the Board to consider adoption of the Disaster Recovery Ordinance.
MEMBERS VOTING AYE:	Duarte-White, Louie, Moon, Shell
MEMBERS VOTING NAY:	None
MEMBERS ABSENT:	None
MEMBERS ABSTAINING:	None
KEY ISSUES:	The Disaster Recovery Ordinance amends Title 22 - Planning and Zoning of the County Code to expand existing regulations for temporary housing for residents displaced by a disaster, to establish procedures for the replacement of buildings, and to establish procedures for structures and the reestablishment of uses damaged or destroyed by a disaster. Key components include: implementation, temporary housing and accessory structures, replacement of buildings and structures,

reestablishment of uses with discretionary entitlements, waiver of permit requirements, and other amendments to Title 22.

MAJOR POINTS FOR:

The Disaster Recovery Ordinance: (1) establishes procedures and regulations that support community resilience and recovery from future disasters and emergencies, (2) relieves the County of Los Angeles from initiating and adopting separate urgency ordinances for Title 22 after each disaster, and (3) is timely and necessary because of Los Angeles County's past experiences with natural disasters and potential for future natural disasters.

MAJOR POINTS AGAINST:

The disaster recovery process entails numerous federal, state, and County agencies. The Disaster Recovery Ordinance and the Department of Regional Planning are only one part of the disaster recovery process. If other changes to the County's disaster recovery process are necessary, they must be undertaken by numerous County agencies.

The Disaster Recovery Ordinance allows up to five years for temporary housing and the rebuilding of structures. Five years may not be enough time to obtain permits to begin the rebuilding process. Other jurisdictions allow up to three years for disaster recovery. The County's experience with the Woolsey and Lake and Bobcat Fire show that up to five years is an appropriate time limit.

ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code to modernize regulations in Title 22 for disaster recovery in the unincorporated areas of Los Angeles County.

SECTION 1. Section 22.14.040 is hereby amended to read as follows:

Section 22.14.040 - D.

...

Disability rehabilitation and training center. A facility that provides specialized services for a person with a disability such as, but not limited to, developmental, orthopedic, or sensory motor disability, or for the social, personal, or economic habilitation or rehabilitation of a person with such disability. Such services may include, but are not limited to: day and residential care facilities, personal, psychological, and socio-legal counseling, physical and special education, employment, job placement, speech therapy, vocational training, and transportation.

Disaster Recovery. The following terms are defined solely for Chapter 22.256 (Disaster Recovery):

Disaster. A wildfire, flood, earthquake, or other natural or human caused event, which damages or destroys structures or property and which displaces persons, that forms the basis for a State of Emergency declared by the Governor of the State of California or a local emergency or state of emergency declared and ratified by the Board.

Evidence of displacement. A driver's license or other government-issued identification card, property tax bill, utility bill, or similar document that demonstrates that a person lived in a dwelling unit that was destroyed or rendered uninhabitable by a disaster.

Like-for-like replacement. Rebuild, repair, or replacement of a structure that is in the same location, floor area, size, height, and bulk, and is covering the same building footprint as the previously existing legally established structure.

Person displaced by a disaster. A person whose dwelling unit is destroyed or rendered uninhabitable by a disaster.

Domestic animal. An animal which is commonly maintained in residence with humans.

...

SECTION 2. Section 22.102.040 is hereby amended to read as follows:

22.102.040 - Exemptions.

...

Q. Temporary housing for persons displaced by a disaster or the rebuilding of structures damaged or destroyed by a disaster, in accordance with Chapter 22.256 (Disaster Recovery), Chapter 22.252 (Woolsey Fire Disaster Recovery), Chapter 22.254 (Lake and Bobcat Fires Disaster Recovery), or Section 22.336.070.O (Rebuilding after Disaster).

SECTION 3. Section 22.174.030 is hereby amended to read as follows:

22.174.030 - Applicability.

...

B. Exemptions. This Chapter shall not apply to:

...

7. Temporary housing for persons displaced by a disaster or rebuilding structures damaged or destroyed by a disaster, in accordance with Chapter 22.256 (Disaster Recovery), Chapter 22.252 (Woolsey Fire Disaster Recovery), Chapter 22.254 (Lake and Bobcat Fires Disaster Recovery), or Section 22.336.070.O (Rebuilding after Disaster).

SECTION 4. Section 22.246.080 is hereby deleted in its entirety.

SECTION 5. Section 22.252.050 is hereby amended to read as follows:

22.252.050 - Rebuilding Damaged or Destroyed Structures.

...

L. In addition to the one-year length of temporary housing allowed, pursuant to Section 22.256.070 (Temporary Housing in Disaster Areas)~~46.080 of the County Code~~, the Director may grant up to three one-year time extensions for a maximum duration of four years, not to exceed the life of this urgency ordinance; and

...

SECTION 6. Section 22.254.050 is hereby amended to read as follows:

22.254.050 - Rebuilding Damaged or Destroyed Structures.

...

L. In addition to the one-year length of temporary housing allowed, pursuant to Section 22.256.070 (Temporary Housing in Disaster Areas)~~46.080~~, the Director may

grant up to three one-year time extensions for a maximum duration of four years, not to exceed the life of this urgency ordinance; and

...

Section 7. Chapter 22.256 is hereby added to read as follows:

Chapter 22.256 DISASTER RECOVERY

22.256.010 Purpose.

22.256.020 Definitions.

22.256.030 Implementation.

22.256.040 Temporary Housing.

22.256.050 Rebuilding Damaged or Destroyed Structures.

22.256.060 Waiver of Certain Permit Requirements.

22.256.070 Temporary Housing in Disaster Areas.

22.256.010 Purpose.

This Chapter establishes procedures and regulations for temporary housing for persons displaced by a disaster and rebuilding legally established structures damaged or destroyed by a disaster.

22.256.020 Definitions.

Specific terms used in this Chapter are defined in Division 2 (Definitions), under "Disaster Recovery."

22.256.030 Implementation.

A. Applicability.

1. The Director may implement Section 22.256.040 (Temporary Housing), Section 22.256.050 (Replacement of Damaged or Destroyed Structures), or Section 22.256.060 (Waiver of Certain Permit Requirements) only after a disaster in which a State of Emergency is declared by the Governor of the State of California or a local emergency or state of emergency is declared and ratified by the Board.

2. To implement Section 22.256.040 (Temporary Housing), Section 22.256.050 (Rebuilding Damaged or Destroyed Structures), or Section 22.256.060 (Waiver of Certain Permit Requirements), the Director shall issue a written statement and identify the area of applicability on a map. The area of applicability shall be limited to within the boundary of the disaster. Such statement and map shall be kept on file with the Department, made available to the public, and provided to the Board.

B. Application Filing Time Period.

1. The time period established for filing an application for temporary housing shall be two years following the declaration of a State of Emergency for a disaster by the Governor of the State of California or the declaration and ratification of a local emergency or state of emergency for a disaster by the Board.

2. The time period established for the filing of an application for rebuilding damaged or destroyed structures shall be two years following the declaration of a State of Emergency for a disaster by the Governor of the State of California or the declaration and ratification of a local emergency or state of emergency for a disaster by the Board.

C. Permit Duration.

1. Any permit approved for temporary housing shall expire two years following the declaration of a State of Emergency for a disaster by the Governor of the State of California or the declaration and ratification of a local emergency or state of emergency for a disaster by the Board.

2. Any permit approved for rebuilding damaged or destroyed structures shall expire two years following the declaration of a State of Emergency for a disaster by the Governor of the State of California or the declaration and ratification of a local emergency or state of emergency for a disaster by the Board.

D. Extension of Application Filing Time Period and Permit Duration. The Director may grant up to three one-year extensions to the time periods specified in Subsections B and C, for a maximum cumulative duration of five years, if the Director determines that additional time is necessary because systemic delays beyond the control of the property owner have occurred affecting financing or construction.

E. Indemnification. Prior to approval of an application for temporary housing or of an application to rebuild a structure damaged or destroyed by a disaster in conformance with this Section, the property owner shall be required to submit a signed document that shall indemnify and hold harmless the County, its officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in a Very High Fire Hazard Severity Zone.

F. Exception. This Chapter shall not apply in the Coastal Zone.

22.256.040 Temporary Housing.

Notwithstanding any contrary provisions in this Title 22, recreational vehicles, manufactured homes, and mobilehomes, as defined in Sections 18010, 18007, and 18008 of the California Health and Safety Code, respectively, shall be permitted as temporary housing subject to the following standards:

A. Temporary housing shall be permitted only on a lot where a legally established dwelling unit was damaged or destroyed by a disaster, limited to a single-family residence, an accessory dwelling unit, a caretaker's residence, or a farmworker dwelling unit.

B. Temporary housing shall be permitted only for a person displaced by a disaster that lived in a dwelling unit within the previous 12 months before such dwelling unit was destroyed or rendered uninhabitable by a disaster. Applicants shall provide evidence of displacement, to the satisfaction of the Director, to substantiate their eligibility to file an application under this Section.

C. The Director shall not accept an application for temporary housing until, to the satisfaction of the County, the lot has been cleared of debris, rubble, ash, hazardous waste, or other items of private property that otherwise constitute a threat to the public health, safety, or general welfare.

D. Temporary housing shall be limited to one unit per dwelling unit that was damaged or destroyed by a disaster.

E. The structure used as temporary housing shall not exceed a maximum floor area of 1,500 square feet or the floor area of the legally established dwelling unit that was damaged or destroyed by a disaster, whichever is smaller.

F. One temporary storage structure, not to exceed 450 square feet and 10 feet in height, shall be permitted with any permitted temporary housing.

G. Temporary housing and temporary storage structures shall be located on the existing building site or graded area of the lot on which the damaged or destroyed dwelling unit was located.

H. A minimum distance of six feet shall be required between temporary housing and any other building, habitable structure, or temporary storage structure on the same lot.

I. All structures used for temporary housing shall contain sleeping, cooking, bathing, and sanitary facilities.

J. Temporary housing shall be connected to a permanent source of potable water approved by the County.

K. Temporary housing shall be connected to a wastewater disposal system approved by the County.

L. Temporary housing shall be connected to an electrical source approved by the County.

M. Except as otherwise authorized by this Section, temporary housing shall comply with all other requirements of this Title 22.

N. For the purposes of Section 22.140.670 (Occupied Recreational Vehicle Parking During a County Declared Shelter Crisis), temporary housing authorized pursuant to this Section shall not be considered a legally established single-family residence.

O. All temporary housing and temporary storage structures authorized pursuant to this Section shall be removed within 24 hours of the expiration date established in accordance with Section 22.256.030.C.1 or Section 22.256.030.D, as applicable.

P. Temporary housing and temporary storage structures authorized pursuant to this Section shall be removed within 30 days after the issuance of the certificate of occupancy for any dwelling unit built on the subject property.

22.256.050 Rebuilding Damaged or Destroyed Structures.

Notwithstanding any community standards district, specific plan, or any other applicable regulation in this Title 22, structures damaged or destroyed by a disaster shall be permitted and rebuilt subject to the following standards:

A. Structures damaged or destroyed by a disaster shall be rebuilt as like-for-like replacement or smaller than like-for-like replacement in accordance with the following:

1. Where modifications to structures are required by Title 26 (Building Code) or Title 32 (Fire Code), as determined by the Director of Public Works or the Fire Department, such modifications shall be no greater than necessary to accommodate such modification, and in any case, such modification shall not exceed either the floor area, size, height, or bulk of the damaged or destroyed buildings or structures by more than 10 percent.

2. Structures rebuilt smaller than like-for-like replacement shall be smaller than the previously existing legally established structure in floor area, size,

height, and bulk and shall be located within the same building footprint and building envelope as the previously existing legally established structure.

B. The height of any rebuilt structure shall not exceed the maximum height limit of this Title 22 or the previously existing legally established structure, as applicable.

C. Any rebuilt structure located within a required yard or setback shall not encroach further into any required yard requirement or setback.

D. Any rebuilt structure located within a significant ridgeline protection area shall not encroach further into the protected zone of the significant ridgeline.

E. Relocation of any rebuilt structure shall be approved by the Director where:

1. Due to changes in topography or alteration of drainage features, including but not limited to creeks, streams, and waterways, resulting from mudslides or other forms of debris flows caused by a disaster;

2. Where the legally established structure damaged or destroyed by a disaster was nonconforming due to standards, and such minor relocation of the rebuilt structure will result in compliance with current Title 22 standards; or

3. Where such relocation of the rebuilt structure will result in equal to or fewer impacts to protected oak trees, significant ridgelines, SEAs, or SEA Resources; and

4. The rebuilt structure is within the same general area of the previously existing legally established structure.

F. Where the entitlement which established the use occupying the damaged or destroyed structure remains valid and in full force and effect, the rebuilt structure shall comply with all previous conditions of approval.

G. For a use that required a Conditional Use Permit (Chapter 22.158) at the time that such use was established and no such Conditional Use Permit exists or has expired, this Section shall not apply and a Conditional Use Permit must be obtained for the use prior to rebuilding structures or to resuming operations.

H. Accessory structures that are necessary to prevent further damage or destruction to the lot or remaining structures shall be permitted. Such accessory structures, such as fences, retaining walls, utilities, or poles for temporary power, shall comply with all applicable standards of this Section and this Title 22.

I. Except as otherwise authorized by this Section, temporary housing shall comply with all other requirements of this Title 22.

J. After structures are rebuilt in accordance with this Section, all future development on the lot shall be subject to all applicable requirements of this Title 22.

K. The replacement of any nonconforming use, building, or structure in accordance with this Section shall not be construed to extend any termination date set forth in Chapter 22.172 (Nonconforming Uses, Buildings and Structures).

22.256.060 Waiver of Certain Permit Requirements.

A. Oak Tree Permits. Activities related to temporary housing, in accordance with Section 22.256.040 and rebuilding of damaged or destroyed structures, in

accordance with Section 22.256.050, are not subject to Chapter 22.174 (Oak Tree Permits), subject to the following:

1. Waiver of applicability of Chapter 22.174 applies only to oak trees where a legally established structure was located within the protected zone of a protected oak tree on the day that it was damaged or destroyed by a disaster.

2. Temporary housing, rebuilt structures, and related site activities shall not result in the encroachment into the protected zone of a protected oak tree not otherwise described in Subsection A.1.

3. Temporary housing, rebuilt structures, and related site activities shall not result in the removal of any protected oak tree.

4. Protected oak trees within 200 feet of proposed construction, grading, landfill, or other activity shall be fenced and protected during site activities to the satisfaction of the Director, including:

a. For protected oak trees that have retained their canopy after a disaster, the protected zone is established according to whichever has the greatest area:

i. The area within the dripline of a protected oak tree extending therefrom to a point at least five feet outside of the dripline; or

ii. The area within 15 feet from the trunk of a protected oak tree.

b. For protected oak trees that have lost all of their canopy due to the disaster, the County shall presume that such trees are alive for at least two years

following the disaster. For such trees, the protected zone is established as the area within the radius extending 18 inches per one inch of trunk diameter. Trunk diameter shall be measured four and one-half feet above the natural grade.

c. For protected oak trees that have lost part of their canopy due to a disaster, the County shall presume that such trees are alive for at least two years following the disaster. For such trees, the protected zone is established according to the following:

i. Where the canopy remains, as measured by Subsection A.4.a; and

ii. Where the canopy has been lost, as measured in accordance with Subsection A.4.b.

d. Chain link fencing not less than four feet in height shall be installed around the protected zone of protected oak trees in order to restrict storage, machinery storage, and access during rebuilding activities. Said fencing shall be in place prior to commencement of any activity on the subject property. Said fencing shall remain in place throughout the entire period of development and shall not be removed until rebuilding activities have concluded.

e. Any excavation or grading allowed within the protected zone of a protected oak tree shall be limited to hand tools or small hand-power equipment; and

f. Utility trenching shall avoid encroaching into the protected zone of a protected oak tree on its path to and from any structure.

5. Removal of any protected oak tree damaged by a disaster is prohibited for two years following the disaster, unless such tree poses a danger to people or property as determined by the County Forester or unless an Oak Tree Permit (Chapter 22.174) is obtained. The Director shall reduce the two-year time period to not less than one year if the rainfall in the disaster area in the winter or spring following the disaster is greater than the average rainfall for such winter or spring and the Department Biologist or County Forester determines that the protected oak tree is dead.

6. Activities that damage, encroach, or remove protected oak trees not otherwise authorized by this Subsection A shall be subject to Chapter 22.174, including, but not limited to, requiring a retroactive Oak Tree Permit and requirements to plant replacement oak trees at a ratio determined by the Review Authority.

B. Significant Ecological Areas. Activities related to temporary housing, in accordance with Section 22.256.040, and rebuilding of damaged or destroyed structures, in accordance with Section 22.256.050, are not subject to Chapter 22.102 (Significant Ecological Areas), subject to the following:

1. Waiver of applicability of Chapter 22.102 applies only to significant ecological areas and SEA Resources where a legally established structure was located in a significant ecological area on the day the structure was damaged or destroyed by a disaster.

2. Temporary housing, rebuilt structures, and site activities shall result in equal to or fewer impacts to the significant ecological area or SEA Resources.

3. All priority biological resources shall be avoided and protected during site activities.

4. Activities that impact the significant ecological area or damage or remove SEA resources not otherwise authorized by this Subsection B shall be subject to Chapter 22.102, including, but not limited to, requiring a retroactive SEA review or permit.

C. Grading. Activities related to temporary housing, in accordance with Section 22.256.040, and the rebuilding of structures damaged or destroyed by a disaster, in accordance with Section 22.256.050, are not subject to Chapter 22.158 (Conditional Use Permit) for grading and a haul route subject to the following:

1. Waiver of any requirement in this Title 22 where a Conditional Use Permit (Chapter 22.158) is required for grading or haul route applies only to where a legally established structure was damaged or destroyed by a disaster.

2. The Director shall approve only the minimum amount of grading required to restore the lot to a pre-disaster state or prepare the lot for rebuilding of structures damaged or destroyed by a disaster. For purposes of determining the minimum amount of grading, justification by the project Soils Engineer, Geologist, or Civil Engineer may be required by the Director and may be subject to verification by Public Works, Building and Safety Division.

3. Any such grading activities shall provide erosion control best management practices to the satisfaction of the Director of Public Works.

4. Any requirement in this Title 22 that prohibits the commencement of grading operations during the rainy season (from October 15 through April 15) shall not apply.

22.256.070 Temporary Housing in Disaster Areas.

Notwithstanding any other provision of this Title 22, where an existing residence is damaged or destroyed by a major disaster, such as fire, flood, or earthquake, so declared by the Governor of the state of California during the previous six months, a mobile home may be used as a residence on the same lot or parcel of land by the owner and his family for a period not to exceed one year. This Section authorizes only the temporary replacement of a damaged or destroyed residence and not an increase in the number of living quarters permitted on the property. This Section shall not apply where the Director has implemented regulations for a specific disaster in accordance with Section 22.256.030 (Implementation).

Section 8. Section 22.336.070 is hereby amended to read as follows:

22.336.070 - Community-Wide Development Standards.

...

~~O. Rebuilding after Disaster. In the instance of a catastrophic event(s) destroying structures throughout the Santa Monica Mountains, resulting in the declaration of a State of Emergency or Declaration of Disaster by the County or other relevant government entities, the following standards will facilitate the establishment of temporary housing for residents affected by the disaster and facilitate the process for~~

~~rebuilding structures damaged or destroyed by the disaster, while protecting the public health and safety of the residents within the declared emergency or disaster area.~~

~~1. Temporary Housing. Notwithstanding any contrary provisions in this Title 22, recreational vehicles, as defined in section 18010 of the California Health and Safety Code, in addition to mobile homes and manufactured homes, as defined in sections 18007 and 18008 of the California Health and Safety Code, respectively, shall be permitted as temporary housing subject to the following standards:~~

~~a. Temporary housing shall be permitted only on a lot or parcel of land where a legally established single-family residence or legally established employee housing was irreparably damaged or destroyed by disaster;~~

~~b. Temporary housing units shall be exempt from the permitting requirements listed in Section 22.102;~~

~~c. Any structure used as temporary housing may not exceed a maximum floor area of 2,200 square feet;~~

~~d. Temporary housing shall be located on the existing building site or graded area of the parcel on which the destroyed or damaged home or employee housing was located;~~

~~e. Temporary housing may only be occupied by the property owner(s) and household members who reside with them;~~

~~f. Temporary housing to replace employee housing shall be limited to employees who work on-site;~~

~~g. All structures used for temporary housing must contain sleeping, cooking, bathing, and sanitary facilities;~~

~~h. Temporary housing must be connected to a permanent source of potable water approved by the County;~~

~~i. Temporary housing must be connected to a wastewater disposal system approved by the County;~~

~~j. Temporary housing must be connected to an electrical source approved by the County;~~

~~k. Where temporary housing is used to replace legally-established employee housing, more than one structure may be used. The temporary housing shall be designed to accommodate no more than the number of employees who lived on-site before the disaster;~~

~~l. In addition to the one-year length of temporary housing allowed, pursuant to Section 22.246.080 of the County Code, the Director may grant a time extension for up to an additional three one-year time extensions for a maximum duration of four years; and~~

~~m. All temporary housing structures shall be removed within 24 hours of the expiration date listed on the temporary housing approval.~~

~~2. Rebuilding Damaged or Destroyed Structures. Notwithstanding Chapter 22.336 of the County Code, structures destroyed by disaster may be replaced and any development standard or regulation that prohibits or delays said reconstruction~~

~~may be waived by the Director, subject to a Ministerial Site Plan Review and the following:~~

~~a.—— Replacement of a destroyed structure and waiver of development standards and regulations applies only to the reconstruction of structures that were legally established prior to the disaster;~~

~~b.—— Structures irreparably damaged or destroyed by the disaster will be reconstructed as a like-for-like replacement and shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent to accommodate building code compliance and where there are no new impacts to S1 or S2 habitat;~~

~~c.—— The height of a rebuilt structure shall not exceed the height maximum outlined by the underlying zone, CSD standard, or condition of approval, as applicable;~~

~~d.—— Structures located within the significant ridgeline protection area shall not be expanded, shall only be constructed as a like-for-like replacement, and shall not encroach further into the protected zone of the significant ridgeline;~~

~~e.—— Where a previous entitlement(s) that established the use occupying the destroyed structure remains valid and in full effect, the rebuilt structure(s) shall comply with any previous conditions of approval;~~

~~f.—— For use(s) that required a Conditional Use Permit at the time it was originally legally established, and no such Conditional Use Permit exists or has~~

~~previously expired, then the use(s) must obtain a Conditional Use Permit prior to reconstruction or resuming operations;~~

~~g.—— Minor relocations of replacement structures may be authorized due to changes in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) resulting from mudslides and other forms of debris flows and consistent with other applicable standards and regulations; and~~

~~h.—— After completion of like-for-like reconstruction of structures destroyed in the disaster, all future development on site will be subject to all applicable requirements within Title 22 of the County Code.~~

~~3.—— Waiver of Permitting Requirements. Notwithstanding Chapter 22.174 (Oak Tree Permits) of the County Code, activities related to demolition and reconstruction of structures eligible under this Subsection are not subject to the County's Oak Tree Permit requirements, subject to and except for, the following:~~

~~a.—— Waiver of applicability of Chapter 22.174 applies only to legally established structures located within the protected zone of an oak tree on the day the structure was destroyed by disaster;~~

~~b.—— Structures to be reconstructed within the protected zone of a protected oak tree will be a "like-for-like replacement" of legally established structures irreparably damaged or destroyed by disaster;~~

~~c.—— Reconstruction does not result in new encroachments into the protected zone of subject oak tree or the removal of said tree;~~

d. ~~Subject oak trees shall be fenced off and protected during construction activities; and~~

e. ~~Reconstruction activities that irreparably harmed oak trees shall be subject to Section 22.174, including, but not limited to, requiring a retroactive Oak Tree Permit and requirements to plant replacement oak trees at a ratio determined by the Hearing Officer.~~

4. ~~Grading Standards.~~

a. ~~Structures to be rebuilt shall not be subject to the standards of Section 22.336.060.I.6, which prohibit the commencement of grading operations during the rainy season (from October 15 through April 15). Said grading activities shall provide erosion control to the satisfaction of Public Works;~~

b. ~~Notwithstanding Section 22.336.060.I, grading projects related to the rebuilding of structures destroyed by disaster shall abide by the following permitting requirement: Grading required for a like-for-like rebuild, that exceeds 5,000 cubic yards of total cut plus total fill material, shall not require a Conditional Use Permit (Chapter 22.158) and shall instead be processed with a Site Plan Review (Chapter 22.186). Only the minimum amount of grading required to prepare the lot for rebuilding the fire-damaged structures will be allowed. For purposes of determining the minimum amount of grading, justification by the project Soils Engineer, Geologist, and/or Civil Engineer will be required and be subject to verification by Public Works, Building and Safety Division; and~~

~~c. Notwithstanding Section 22.336.060.I.5, a haul route for off-site transport of 1,000 or more cubic yards of cut or fill shall be permitted with a Ministerial Site Plan Review (Chapter 22.186).~~

~~5. Vineyard Standards. Applications requesting to re-establish vineyards destroyed by the 2018 Woolsey Fire shall comply with all applicable standards for new vineyards in Subsection Y, below.~~

O. Rebuilding after a Disaster. Where the Director has implemented Chapter 22.256 (Disaster Recovery), the following shall also apply:

1. Modifications to any rebuilt structure shall comply with Section 22.256.060 (Waiver of Certain Permit Requirements) and shall also cause no new impacts to S1 or S2 habitat.

2. In addition to Section 22.256.060.C (Grading), grading shall comply with the following:

a. Structures to be rebuilt shall not be subject to the standards of Section 22.336.060.I.6, which prohibit the commencement of grading operations during the rainy season (from October 15 through April 15). Said grading activities shall provide erosion control to the satisfaction of Public Works.

b. Notwithstanding Section 22.336.060.I, grading projects related to the rebuilding of structures destroyed by disaster that exceed 5,000 cubic yards of total cut plus total fill material shall not require a Conditional Use Permit (Chapter 22.158) and shall be permitted with a ministerial review.

c. Notwithstanding Section 22.336.060.I.5, a haul route for off-site transport of 1,000 or more cubic yards of cut or fill shall be permitted with a ministerial review.

3. Vineyard Standards. Applications requesting to re-establish vineyards destroyed by the 2018 Woolsey Fire or destroyed by any future disaster shall comply with all applicable standards for new vineyards in Subsection Y, below.

...

**SUMMARY OF PROCEEDINGS
REGIONAL PLANNING COMMISSION
PROJECT NUMBER PRJ2021-002912-(1-5)
CASE NUMBER RPPL2021007888-(1-5)
DISASTER RECOVERY ORDINANCE**

October 27, 2021 Regional Planning Commission Hearing

On October 27, 2021, the Regional Planning Commission (RPC) conducted a duly-noticed public hearing to consider the Disaster Recovery Ordinance (Ordinance). The Ordinance is an amendment to Title 22 - Planning and Zoning of the County Code to expand existing regulations for temporary housing for residents displaced by a disaster and establish procedures for the replacement or reestablishment of uses, buildings, and structures damaged or destroyed by a disaster. The Ordinance applies to the unincorporated areas of Los Angeles County.

Before the public hearing, Regional Planning staff (staff) provided an overview of the Ordinance. Staff recommend additional changes to the Ordinance, including the applicability of the Ordinance in the Coastal Zone, which will be addressed in a separate effort. Two persons testified at the public hearing. A representative from the Acton Town Council commented on the limited scope of the Ordinance, the County's response after a disaster, the placement of temporary housing, and the requirements for indemnification. A representative for Climate Resolve commented that the Ordinance include a reference to Title 31 - Green Building Standards Code of the County Code. Staff responded to several of the comments made during public testimony. Staff provided an overview of the County's emergency response process and of the one-stop center, which was initiated after the Woolsey Fire and Lake and Bobcat Fires. Staff noted that replacement and rebuilding of structures must comply with all current County and California Building Codes, of which the County and California Green Building Codes are a part of, and that these codes are regulated by Public Works.

The RPC stated that the Ordinance was timely and necessary because of Los Angeles County's past experiences with natural disasters and potential for future natural disasters. The RPC questioned staff on the time limit set in the Ordinance. Staff stated that temporary housing is limited to a maximum of five years because temporary housing is not meant to be permanent housing.

After discussion, the RPC directed staff to add accessory dwelling units to the types of dwelling units that are eligible for temporary housing and to ensure that tiny homes are permissible as temporary housing. The RPC closed the public hearing and with a vote of (4-0), adopted the resolution to recommend that the Board of Supervisors consider and adopt the Ordinance with revisions recommended by staff and by the RPC.

**RESOLUTION
REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
DISASTER RECOVERY ORDINANCE
PROJECT NUMBER: PRJ2021-002912-(1-5)
CASE NUMBER: RPPL2021007888**

WHEREAS, the Regional Planning Commission of the County of Los Angeles conducted a duly noticed public hearing on October 27, 2021 to consider the Disaster Recovery Ordinance, an amendment to Title 22 (Planning and Zoning) of the Los Angeles County Code to expand existing regulations for temporary housing for residents displaced by a disaster and to establish procedures for the replacement of buildings and structures and the reestablishment of uses damaged or destroyed by a disaster.

WHEREAS, the Regional Planning Commission finds as follows:

1. The County of Los Angeles ("County") adopted separate urgency ordinances amending Title 22 for disaster recovery after the 2018 Woolsey Fire and the 2020 Lake and Bobcat Fires because existing regulations in Title 22 did not adequately support or address recovery from disasters.
2. The Federal Emergency Management Agency's National Risk Index ranked Los Angeles County as the county highest at risk of natural disasters in the United States.
3. Los Angeles County is at risk of disasters and is vulnerable to emergencies. Thus, the County must establish procedures and regulations that support community resilience and recovery from future disasters and emergencies.
4. In accordance with Chapter 22.244 (Ordinance Amendments), the Director of the Department of Regional Planning initiated the Disaster Recovery Ordinance ("Ordinance") to modernize regulations in Title 22 for disaster recovery for the unincorporated areas of Los Angeles County.
5. The Ordinance relieves the County from initiating and adopting separate urgency ordinances for Title 22 after any future disaster.
6. The Ordinance expands regulations in Title 22 for temporary housing.
7. The Ordinance establishes regulations in Title 22 for the repair or replacement of buildings and structures damaged or destroyed by a disaster and the reestablishment of uses damaged or destroyed by a disaster.

REGIONAL PLANNING COMMISSION RESOLUTION	Page 2 of 4
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8. The Ordinance streamlines approval for temporary housing and replacement of buildings and structures through a ministerial review and by waiving discretionary permit requirements for oak trees, significant ecological areas, and grading, provided the impacts to these resources are limited to previously impacted areas by the building or structure before the disaster.
9. The Ordinance reorganizes, updates, and clarifies existing countywide and area specific disaster recovery regulations in Title 22.
10. At the public hearing, Department of Regional Planning staff recommended revisions to the Ordinance. The revisions include clarifications and language consistent with the Board's February 11, 2020 motion to "prepare and submit amendments to Los Angeles County Code Title 21 - Subdivisions and Title 22 - Planning and Zoning, intended to reduce damage to life and property from wildfires."
11. The Ordinance supports community resilience in Los Angeles County after a disaster. The Ordinance reduces the displacement of residents after a disaster by allowing residents to remain in their communities during the rebuilding process or while planning for alternatives to rebuilding. The Ordinance encourages the recovery of businesses and other properties after a disaster by establishing procedures and regulations that encourage the replacement of buildings and structures and the reestablishment of uses.
12. The Ordinance is consistent with and supportive of the goals, policies, and principles of the Los Angeles County General Plan, including: Policy ED 2.8, to streamline the permit review process and other entitlement processes for businesses and industries and Policy C/NR 1.2, to protect and conserve natural resources, natural areas, and available open spaces.
13. The Ordinance is consistent with and supportive of the County of Los Angeles Strategic Plan Goal II, to foster vibrant and resilient communities.
14. Approval of the Ordinance will be in the interest of the public health, safety, and general welfare and in conformity with good zoning practice.
15. The Ordinance is consistent with other applicable provisions of Title 22.
16. Pursuant to Chapter 22.244 (Ordinance Amendments), a public hearing notice was published in 14 local newspapers countywide, including the Spanish-language newspaper La Opinión. The public hearing notice and materials were posted on the Department of Regional Planning's website and promoted through social media.

REGIONAL PLANNING COMMISSION RESOLUTION	Page 3 of 4
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17. The Ordinance is statutorily exempt from state and local California Environmental Quality Act (CEQA) guidelines pursuant to Public Resources Code section 21080(b)(3), Public Resources Code section 21080(b)(4), and CEQA Guidelines section 15269(c).

THEREFORE, BE IT RESOLVED THAT the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

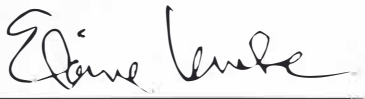
1. That the Board hold a public hearing to consider the Disaster Recovery Ordinance;
2. That the Board find that the Disaster Recovery Ordinance is exempt from the provisions of the California Environmental Quality Act for the reasons in the record;
3. That the Board determine that the Disaster Recovery Ordinance is compatible with and supportive of the goals and policies of the Los Angeles County General Plan and County of Los Angeles Strategic Plan; and
4. That the Board adopt the Disaster Recovery Ordinance.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission on the County of Los Angeles on October 27, 2021.

Elida Luna

Elida Luna, Commission Services
County of Los Angeles
Regional Planning Commission

APPROVED AS TO FORM: OFFICE OF THE COUNTY COUNSEL

By 

Elaine Lemke
Assistant County Counsel
County of Los Angeles

REGIONAL PLANNING COMMISSION RESOLUTION	Page 4 of 4
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VOTE:

Concurring: Duarte-White, Louie, Moon, Shell

Dissenting: None

Abstaining: None

Absent: None

Action Date: October 27, 2021

ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code to modernize regulations in Title 22 for disaster recovery in the unincorporated areas of Los Angeles County.

SECTION 1. Section 22.14.040 is hereby amended to read as follows:

Section 22.14.040 - D.

...

Disability rehabilitation and training center. A facility that provides specialized services for a person with a disability such as, but not limited to, developmental, orthopedic, or sensory motor disability, or for the social, personal, or economic habilitation or rehabilitation of a person with such disability. Such services may include, but are not limited to: day and residential care facilities, personal, psychological, and socio-legal counseling, physical and special education, employment, job placement, speech therapy, vocational training, and transportation.

Disaster Recovery. The following terms are defined solely for Chapter 22.256

(Disaster Recovery):

Disaster. -A wildfire, flood, earthquake, or other natural or human caused event, which damages or destroys buildings, structures, or property and which displaces persons, that forms the basis for a State of Emergency declared by the Governor of the State of California or a local emergency or state of emergency declared and ratified by the Board.

~~Displaced person. A person whose dwelling unit is destroyed or rendered uninhabitable by a disaster.~~

Evidence of displacement. - A driver's license or other government-issued identification card, property tax bill, utility bill, or similar document that demonstrates that a person lived in a dwelling unit that was destroyed or rendered uninhabitable by a disaster.

Like-for-like replacement. -Rebuild, repair, or replacement of a ~~building or~~ structure that is in the same location, floor area, size, height, and bulk, and is covering the same building footprint as the previously existing legally established ~~building or~~ structure.

~~Person displaced by a disaster. A person whose dwelling unit is destroyed or rendered uninhabitable by a disaster.~~

Domestic animal. An animal which is commonly maintained in residence with humans.

...

SECTION 2. Section 22.102.040 is hereby amended to read as follows:

22.102.040 - Exemptions.

...

Q. Temporary housing for persons displaced by a disaster or the ~~replacement of buildings or rebuilding of~~ structures damaged or destroyed by a disaster, in accordance with Chapter 22.256 (Disaster Recovery), Chapter 22.252 (Woolsey Fire Disaster Recovery), Chapter 22.254 (Lake and Bobcat Fires Disaster Recovery), or

Section 22.336.070.O (Rebuilding after Disaster), or other such ordinance adopted by the County for disaster recovery that includes temporary housing for persons displaced by a disaster or for the replacement of legally established buildings or structures damaged or destroyed by a disaster.).

Section 3. Section 22.172.020 is hereby amended to read as follows:

22.172.020 – Regulations Applicable.

...

K. The provisions of Chapter 22.256 (Disaster Recovery), Chapter 22.252 (Woolsey Fire Disaster Recovery), Chapter 22.254 (Lake and Bobcat Fires Disaster Recovery), Section 22.336.070.O (Rebuilding after Disaster), or other such ordinance adopted by the County for the replacement of legally established buildings or structures damaged or destroyed by a disaster shall not be construed to extend the termination date of such nonconforming uses, buildings, and structures.

L. The provisions of this Section shall not be construed to extend the termination date of such nonconforming uses, buildings, and structures.

SECTION 43. Section 22.174.030 is hereby amended to read as follows:

22.174.030 - Applicability.

...

B. Exemptions. This Chapter shall not apply to:

...

7. Temporary housing for persons displaced by a disaster or the replacement of buildings or rebuilding structures damaged or destroyed by a disaster, in accordance

with Chapter 22.256 (Disaster Recovery), Chapter 22.252 (Woolsey Fire Disaster Recovery), Chapter 22.254 (Lake and Bobcat Fires Disaster Recovery), or Section 22.336.070.O (Rebuilding after Disaster), or other such ordinance adopted by the County for disaster recovery that includes temporary housing for persons displaced by a disaster or for the replacement of legally established buildings or structures damaged or destroyed by a disaster.).

SECTION 54. Section 22.246.080 is hereby deleted in its entirety.

SECTION 65. Section 22.252.050 is hereby amended to read as follows:

22.252.050 - Rebuilding Damaged or Destroyed Structures.

...

L. In addition to the one-year length of temporary housing allowed, pursuant to Section 22.256.070 (Temporary Housing in Disaster Areas) ~~46.080~~ of the County Code, the Director may grant up to three one-year time extensions for a maximum duration of four years, not to exceed the life of this urgency ordinance; and

...

SECTION 76. Section 22.254.050 is hereby amended to read as follows:

22.254.050 - Rebuilding Damaged or Destroyed Structures.

...

L. In addition to the one-year length of temporary housing allowed, pursuant to Section 22.256.070 (Temporary Housing in Disaster Areas) ~~46.080~~, the Director may grant up to three one-year time extensions for a maximum duration of four years, not to exceed the life of this urgency ordinance; and

...

Section 87. Chapter 22.256 is hereby added to read as follows:

Chapter 22.256 DISASTER RECOVERY

22.256.010 Purpose.

22.256.020 Definitions.

22.256.030 Implementation.

22.256.040 Temporary Housing.

22.256.050 ~~Replacement of~~Rebuilding Damaged or Destroyed Structures.

22.256.060 Waiver of Certain Permit Requirements.

22.256.070 Temporary Housing in Disaster Areas.

22.256.010 Purpose.

This Chapter establishes procedures and regulations for temporary housing for persons displaced by a disaster, ~~for the replacement of and rebuilding~~ legally established ~~buildings or structures damaged or destroyed by a disaster, and for the reestablishment of uses~~ damaged or destroyed by a disaster.

22.256.020 Definitions.

Specific terms used in this Chapter are defined in Division 2 (Definitions), under "Disaster Recovery."

22.256.030 Implementation.

A. Applicability.

1. The Director may implement Section 22.256.040 (Temporary Housing), Section 22.256.050 (Replacement of Damaged or Destroyed Structures), or Section 22.256.060 (Waiver of Certain Permit Requirements) only after a disaster in which a State of Emergency is declared by the Governor of the State of California or a local emergency or state of emergency is declared and ratified by the Board.

2. To implement Section 22.256.040 (Temporary Housing), Section 22.256.050 (~~Replacement of~~Rebuilding Damaged or Destroyed Structures), or Section 22.256.060 (Waiver of Certain Permit Requirements), the Director shall issue a written statement ~~in writing~~ and identify the area of applicability on a map. The area of applicability shall be limited to within the boundary of the disaster ~~in which a State of Emergency is declared by the Governor of the State of California or a local emergency or state of emergency is declared and ratified by the Board.~~ Such statement and map shall be kept on file with the Department ~~and be~~, made available to the public, ~~and provided to the Board.~~

B. Application ~~Requirements.~~Filing Time Period.

1. The time period established for ~~the filing of~~ an application for temporary housing shall be two years following the declaration of ~~any disaster for which a local emergency has been declared by the Governor of the State of California or Emergency for a disaster by the Governor of the State of California or the declaration and ratification of a local emergency or state of emergency is declared and ratified for a disaster~~ by the Board.

2. The time period established for the filing of an application for ~~the replacement of rebuilding~~ damaged or destroyed ~~buildings or~~ structures shall be two years following the declaration of ~~anya State of Emergency for a disaster for which a local emergency has been declared~~ by the Governor of the State of California or ~~the declaration and ratification of a local emergency or state of emergency is declared and ratified for a disaster~~ by the Board.

C. Permit Duration.

1. Any permit approved for temporary housing shall expire two years following the declaration of ~~any a State of Emergency for a disaster for which a local emergency has been declared~~ by the Governor of the State of California or ~~the declaration and ratification of a local emergency or state of emergency is declared and ratified for a disaster~~ by the Board.

2. Any permit approved for ~~replacement of rebuilding~~ damaged or destroyed ~~buildings or~~ structures shall expire two years following the declaration of ~~any a State of Emergency for a disaster for which a local emergency has been declared~~ by the Governor of the State of California or ~~the declaration and ratification of a local emergency or state of emergency is declared and ratified for a disaster~~ by the Board.

D. Extension of Application Filing ~~Time Period~~ and Permit Duration.

1. ~~The Director may grant up to three one-year extensions to the time periods specified in Subsections B and C, for a maximum cumulative duration of five years, if the Director determines that additional time is necessary to reduce the displacement of persons due to a disaster~~ because systemic delays beyond the control

of the property owner have occurred affecting financing or construction ~~or that the property owner has made substantial progress toward the replacement of damaged or destroyed buildings or structures.~~

E. Indemnification. Prior to approval of an application for temporary housing or ~~of an application to repair or replace~~ rebuild a structure damaged or destroyed by a disaster in conformance with this Section, the property owner shall be required to submit a signed document that shall indemnify and hold harmless the County, its officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in a Very High Fire Hazard Severity Zone.

F. Exception. ~~Section 22.256.040 (Temporary Housing), Section 22.256.050 (Replacement of Damaged or Destroyed Structures), or Section 22.256.060 (Waiver of Certain Permit Requirements) shall not apply in the Coastal Zone. Disaster recovery in the Coastal Zone shall be subject to the regulations set forth in the applicable Local Coastal Program.~~ This Chapter shall not apply in the Coastal Zone.

22.256.040 Temporary Housing.

Notwithstanding any contrary provisions in this Title 22, recreational vehicles, manufactured homes, and mobilehomes, as defined in Sections 18010, 18007, and 18008 of the California Health and Safety Code, respectively, shall be permitted as temporary housing subject to the following standards:

A. Temporary housing shall be permitted only on a lot where a legally established dwelling unit was damaged or destroyed by a disaster, limited to a single-family residence, an accessory dwelling unit, a caretaker's residence, or a farmworker dwelling unit.

B. Applications for temporaryTemporary housing shall be permitted only be filed byfor a person displaced personby a disaster that lived in a dwelling unit within the previous 12 months before such dwelling unit was destroyed or rendered uninhabitable by a disaster. Applicants shall provide evidence of displacement, to the satisfaction of the Director, to substantiate their eligibility to file an application under this Section.

C. The Director shall not accept an application for temporary housing until, to the satisfaction of the County, the lot has been cleared of debris, rubble, ash, hazardous waste, or other items of private property that otherwise constitute a threat to the public health, safety, or general welfare.

D. Temporary housing shall be limited to one unit per dwelling unit that was damaged or destroyed by a disaster.

E. The structure used as temporary housing shall not exceed a maximum floor area of 1,500 square feet or the floor area of the legally established dwelling unit that was damaged or destroyed by a disaster, whichever is smaller.

F. One temporary storage structure, not to exceed 450 square feet and 10 feet in height, shall be permitted wherewith any permitted temporary housing-is permitted.

G. Temporary housing and temporary storage structures shall be located on the existing building site or graded area of the lot on which the damaged or destroyed dwelling unit was located.

H. A minimum distance of six feet shall be required between temporary housing and any other building, habitable structure, or temporary storage structure on the same lot.

I. All structures used for temporary housing shall contain sleeping, cooking, bathing, and sanitary facilities.

J. Temporary housing shall be connected to a permanent source of potable water approved by the County.

K. Temporary housing shall be connected to a wastewater disposal system approved by the County.

L. Temporary housing shall be connected to an electrical source approved by the County.

M-M. Except as otherwise authorized by this Section, temporary housing shall comply with all other requirements of this Title 22.

N. For the purposes of Section 22.140.670 (Occupied Recreational Vehicle Parking During a County Declared Shelter Crisis), temporary housing authorized pursuant to this Section shall not be considered a legally established single-family residence.

NO. All temporary housing and temporary storage structures authorized pursuant to this Section shall be removed within 24 hours of the expiration date

established in accordance with Section 22.256.030.C.1 or Section 22.256.030.D, as applicable.

OP. Temporary housing and temporary storage structures authorized pursuant to this Section shall be removed within 30 days after the issuance of the certificate of occupancy for any dwelling unit built on the subject property.

22.256.050 Replacement of ~~Buildings or Structures~~ Damaged or Destroyed

Notwithstanding any community standards district, specific plan, or any other applicable regulation in this Title 22, ~~buildings or~~ structures damaged or destroyed by a disaster shall be permitted and ~~replaced~~ rebuilt subject to the following standards:

A. ~~Replacement of buildings or structures damaged or destroyed by a disaster and waiver of development standards and regulations as specified in Section 22.256.060 (Waiver of Certain Permit Requirements) apply only to the replacement of buildings or structures that were legally established prior to the disaster.~~

B. ~~Buildings or structures~~ Structures damaged or destroyed by a disaster shall be rebuilt as like-for-like replacement or smaller than like-for-like replacement in accordance with the following:

1. ~~Buildings or structures damaged or destroyed by a disaster may be rebuilt as a like-for-like replacement.~~ Where modifications to ~~the buildings or~~ structures are required by Title 26 (Building Code) or Title 32 (Fire Code), as determined by the Director of Public Works or the Fire Department, such modifications shall be no greater than necessary to accommodate such modification, and in any case, such modification

shall not exceed either the floor area, size, height, or bulk of the damaged or destroyed buildings or structures by more than 10 percent; ~~or.~~

2. ~~Buildings or structures damaged or destroyed by a disaster may be~~ Structures rebuilt smaller than like-for-like replacement ~~where the replacement buildings or structures is~~ shall be smaller than the previously existing legally established buildings or structures if the replacement building or structure is in the same location; is equal to or less than their floor area, size, height, and bulk; and ~~a~~ shall be located within the same building footprint and building envelope as the previously existing legally established ~~building or~~ structure.

CB. The height of any ~~replacement building or~~ rebuilt structure shall not exceed the maximum height limit of this Title 22 or ~~the~~ previously existing legally established ~~building or~~ structure, as applicable.

DC. Any ~~replacement building or~~ rebuilt structure located within a required yard or setback shall not encroach further into any required yard requirement or setback.

ED. Any ~~replacement building or~~ rebuilt structure located within a significant ridgeline protection area shall not encroach further into the protected zone of the significant ridgeline.

~~F. Minor relocation~~ E. Relocation of any ~~replacement building or~~ rebuilt structure ~~may~~ shall be approved by the Director ~~where:~~

1. Due to changes in topography or alteration of drainage features ~~(e.g., including but not limited to creeks, streams, and waterways, etc.)~~ resulting from mudslides or other forms of debris flows caused by a disaster;

2. Where the legally established ~~building or~~ structure damaged or destroyed by a disaster was nonconforming due to standards, and such minor relocation of the ~~replacement building or rebuilt~~ structure will result in compliance with current Title 22 standards; or

3. Where such ~~minor~~ relocation of the ~~replacement building or rebuilt~~ structure will result in equal to or fewer impacts to protected oak trees, significant ridgelines, SEAs, or SEA Resources; and

4. ~~Such minor relocations shall be consistent with all other applicable standards and regulations of this Section and this Title 22~~The rebuilt structure is within the same general area of the previously existing legally established structure.

GF. Where the entitlement which established the use occupying the damaged or destroyed ~~building or~~ structure remains valid and in full force and effect, the ~~replacement building or rebuilt~~ structure shall comply with all previous conditions of approval.

HG. For a use that required a Conditional Use Permit (Chapter 22.158) at the time that such use was established and no such Conditional Use Permit exists or has expired, this Section shall not apply and a Conditional Use Permit must be obtained for the use prior to ~~replacement of buildings or rebuilding~~ structures or to resuming operations.

IH. Accessory structures that are necessary to prevent further damage or destruction to the lot or remaining structures ~~may~~shall be permitted. Such accessory

structures, such as fences, retaining walls, utilities, or poles for temporary power, shall comply with all applicable standards of this Section and this Title 22.

I. Except as otherwise authorized by this Section, temporary housing shall comply with all other requirements of this Title 22.

J. After ~~the completion of replacement buildings or structures are rebuilt in~~ accordance with this Section, all future development on the lot shall be subject to all applicable requirements of this Title 22.

K. ~~Notwithstanding Section 22.172.020.G.2, nonconforming uses, buildings, or structures may be replaced in accordance with this Section. This Section shall not be interpreted as authorizing the continuation~~The replacement of ~~aany~~ nonconforming use, building, or structure ~~beyond the time limits~~in accordance with this Section shall not be ~~construed to extend any termination date~~ set forth in Chapter 22.172 (Nonconforming Uses, Buildings and Structures) ~~that were applicable to the use, building, or structure prior to the disaster that necessitated the declaration of the emergency.~~

22.256.060 Waiver of Certain Permit Requirements.

A. Oak Tree Permits. ~~Notwithstanding Chapter 22.174 (Oak Tree Permits), activities~~Activities related to temporary housing, in accordance with Section 22.256.040, and ~~replacement~~rebuilding of ~~buildings~~damaged or destroyed structures, in accordance with Section 22.256.050, are not subject to Chapter 22.174, ~~(Oak Tree Permits),~~ subject to ~~and except for~~ the following:

1. Waiver of applicability of Chapter 22.174 applies only to oak trees where a legally established ~~building or~~ structure was located within the protected zone of a protected oak tree on the day that it was damaged or destroyed by a disaster.

2. Temporary housing ~~and replacement buildings or structures may be placed in the protected zone of a protected oak tree in the location described in Subsection A.1.~~

3. ~~Temporary housing, replacement buildings or, rebuilt~~ structures, and related site activities shall not result in the encroachment into the protected zone of a protected oak tree not otherwise described in Subsection A.1.

43. Temporary housing, ~~replacement buildings or rebuilt~~ structures, and related site activities shall not result in the removal of any protected oak tree.

54. Protected oak trees within 200 feet of proposed construction, grading, landfill, or other activity shall be fenced and protected during ~~the replacement of buildings or structures and~~ site activities to the satisfaction of the Director, including:

a. For protected oak trees that have retained their canopy after a disaster, the protected zone is established according to whichever has the greatest area:

i. The area within the dripline of a protected oak tree extending therefrom to a point at least five feet outside of the dripline; or

ii. The area within 15 feet from the trunk of a protected oak tree.

b. For protected oak trees that have lost all of their canopy due to the disaster, the County shall presume that such trees are alive for at least two years following the disaster. For such trees, the protected zone is established as the area within the radius extending 18 inches per one inch of trunk diameter. Trunk diameter shall be measured four and one-half feet above the natural grade.

c. For protected oak trees that have lost part of their canopy due to a disaster, the County shall presume that such trees are alive for at least two years following the disaster. For such trees, the protected zone is established according to the following:

i. Where the canopy remains, as measured by Subsection A.54.a; and

ii. Where the canopy has been lost, as measured in accordance with Subsection A.54.b.

d. Chain link fencing not less than four feet in height shall be installed around the protected zone of protected oak trees in order to restrict storage, machinery storage, and access during replacementrebuilding activities. Said fencing shall be in place prior to commencement of any activity on the subject property. Said fencing shall remain in place throughout the entire period of development and shall not be removed until replacementrebuilding activities have concluded.

e. Any excavation or grading allowed within the protected zone of a protected oak tree shall be limited to hand tools or small hand-power equipment; and

f. Utility trenching shall avoid encroaching into the protected zone of a protected oak tree on its path to and from any structure.

65. Removal of any protected oak tree damaged by a disaster is prohibited for two years following the disaster, unless such tree poses a danger to people or property as determined by the County Forester or unless an Oak Tree Permit (Chapter 22.174) is obtained. The Director may shall reduce the two-year time period to not less than one year if the rainfall in the disaster area in the winter or spring following the disaster is greater than the average rainfall for such winter or spring and the Department Biologist or County Forester determines that the protected oak tree is dead.

76. Activities that damage, encroach, or remove protected oak trees not otherwise authorized by this Subsection A shall be subject to Chapter 22.174, including, but not limited to, requiring a retroactive Oak Tree Permit and requirements to plant replacement oak trees at a ratio determined by the Review Authority.

B. Significant Ecological Areas. Notwithstanding Chapter 22.102 (Significant Ecological Areas), activitiesActivities related to temporary housing, in accordance with Section 22.256.040, and replacementrebuilding of buildingsdamaged or destroyed structures, in accordance with Section 22.256.050, are not subject to Chapter 22.102, (Significant Ecological Areas), subject to-and except for the following:

1. Waiver of applicability of Chapter 22.102 applies only to significant ecological areas and SEA Resources where a legally established building-or structure was located in a significant ecological area on the day the-building-or structure was damaged or destroyed by a disaster.

2. Temporary housing and replacement use, buildings, or structures may be placed in the location described in Subsection B.1.

3. Temporary housing, replacement of buildings or, rebuilt structures, and site activities shall result in equal to or fewer impacts to the significant ecological area or SEA Resources.

43. All priority biological resources shall be avoided and protected during site activities.

54. Activities that impact the significant ecological area or damage or remove SEA resources not otherwise authorized by this Subsection B shall be subject to Chapter 22.102, including, but not limited to, requiring a retroactive SEA review or permit.

C. Grading. Activities related to temporary housing, in accordance with Section 22.256.040, and the rebuilding of structures damaged or destroyed by a disaster, in accordance with Section 22.256.050, are not subject to Chapter 22.158 (Conditional Use Permit) for grading and a haul route subject to the following:

1. Notwithstanding Waiver of any requirement in this Title 22 where a Conditional Use Permit (Chapter 22.158) is required for grading, the Director may establish the amount of grading that may be permitted where the Director has implemented regulations for a specific disaster in accordance with Section 22.256.030.A or haul route applies only to where a legally established structure was damaged or destroyed by a disaster.

2. The Director shall approve only the minimum amount of grading required to restore the lot to a pre-disaster state or prepare the lot for ~~the replacement building or structure~~ rebuilding of structures damaged or destroyed by a disaster. For purposes of determining the minimum amount of grading, justification by the project Soils Engineer, Geologist, or Civil Engineer may be required by the Director and may be subject to verification by Public Works, Building and Safety Division.

3. Any such grading activities shall provide erosion control best management practices to the satisfaction of the Director of Public Works.

4. Any requirement in this Title 22 that prohibits the commencement of grading operations during the rainy season (from October 15 through April 15) shall not apply.

22.256.070 Temporary Housing in Disaster Areas.

Notwithstanding any other provision of this Title 22, where an existing residence is damaged or destroyed by a major disaster, such as fire, flood, or earthquake, so declared by the Governor of the state of California during the previous six months, a mobile home may be used as a residence on the same lot or parcel of land by the owner and his family for a period not to exceed one year. This Section authorizes only the temporary replacement of a damaged or destroyed residence and not an increase in the number of living quarters permitted on the property. This Section shall not apply where the Director has implemented regulations for a specific disaster in accordance with Section 22.256.030 (Implementation).

Section 98. Section 22.336.070 is hereby amended to read as follows:

22.336.070 - Community-Wide Development Standards.

...

~~O. Rebuilding after Disaster. In the instance of a catastrophic event(s) destroying structures throughout the Santa Monica Mountains, resulting in the declaration of a State of Emergency or Declaration of Disaster by the County or other relevant government entities, the following standards will facilitate the establishment of temporary housing for residents affected by the disaster and facilitate the process for rebuilding structures damaged or destroyed by the disaster, while protecting the public health and safety of the residents within the declared emergency or disaster area.~~

~~1. Temporary Housing. Notwithstanding any contrary provisions in this Title 22, recreational vehicles, as defined in section 18010 of the California Health and Safety Code, in addition to mobile homes and manufactured homes, as defined in sections 18007 and 18008 of the California Health and Safety Code, respectively, shall be permitted as temporary housing subject to the following standards:~~

~~a. Temporary housing shall be permitted only on a lot or parcel of land where a legally established single-family residence or legally established employee housing was irreparably damaged or destroyed by disaster;~~

~~b. Temporary housing units shall be exempt from the permitting requirements listed in Section 22.102;~~

~~c. Any structure used as temporary housing may not exceed a maximum floor area of 2,200 square feet;~~

d. ~~Temporary housing shall be located on the existing building site or graded area of the parcel on which the destroyed or damaged home or employee housing was located;~~

e. ~~Temporary housing may only be occupied by the property owner(s) and household members who reside with them;~~

f. ~~Temporary housing to replace employee housing shall be limited to employees who work on-site;~~

g. ~~All structures used for temporary housing must contain sleeping, cooking, bathing, and sanitary facilities;~~

h. ~~Temporary housing must be connected to a permanent source of potable water approved by the County;~~

i. ~~Temporary housing must be connected to a wastewater disposal system approved by the County;~~

j. ~~Temporary housing must be connected to an electrical source approved by the County;~~

k. ~~Where temporary housing is used to replace legally-established employee housing, more than one structure may be used. The temporary housing shall be designed to accommodate no more than the number of employees who lived on-site before the disaster;~~

l. ~~In addition to the one-year length of temporary housing allowed, pursuant to Section 22.246.080 of the County Code, the Director may grant a~~

~~time extension for up to an additional three one-year time extensions for a maximum duration of four years; and~~

~~m. All temporary housing structures shall be removed within 24 hours of the expiration date listed on the temporary housing approval.~~

~~2. Rebuilding Damaged or Destroyed Structures. Notwithstanding Chapter 22.336 of the County Code, structures destroyed by disaster may be replaced and any development standard or regulation that prohibits or delays said reconstruction may be waived by the Director, subject to a Ministerial Site Plan Review and the following:~~

~~a. Replacement of a destroyed structure and waiver of development standards and regulations applies only to the reconstruction of structures that were legally established prior to the disaster;~~

~~b. Structures irreparably damaged or destroyed by the disaster will be reconstructed as a like-for-like replacement and shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent to accommodate building code compliance and where there are no new impacts to S1 or S2 habitat;~~

~~c. The height of a rebuilt structure shall not exceed the height maximum outlined by the underlying zone, CSD standard, or condition of approval, as applicable;~~

d. ~~Structures located within the significant ridgeline protection area shall not be expanded, shall only be constructed as a like-for-like replacement, and shall not encroach further into the protected zone of the significant ridgeline;~~

e. ~~Where a previous entitlement(s) that established the use occupying the destroyed structure remains valid and in full effect, the rebuilt structure(s) shall comply with any previous conditions of approval;~~

f. ~~For use(s) that required a Conditional Use Permit at the time it was originally legally established, and no such Conditional Use Permit exists or has previously expired, then the use(s) must obtain a Conditional Use Permit prior to reconstruction or resuming operations;~~

g. ~~Minor relocations of replacement structures may be authorized due to changes in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) resulting from mudslides and other forms of debris flows and consistent with other applicable standards and regulations; and~~

h. ~~After completion of like-for-like reconstruction of structures destroyed in the disaster, all future development on-site will be subject to all applicable requirements within Title 22 of the County Code.~~

3. ~~Waiver of Permitting Requirements. Notwithstanding Chapter 22.174 (Oak Tree Permits) of the County Code, activities related to demolition and reconstruction of structures eligible under this Subsection are not subject to the County's Oak Tree Permit requirements, subject to and except for, the following:~~

a. ~~Waiver of applicability of Chapter 22.174 applies only to legally established structures located within the protected zone of an oak tree on the day the structure was destroyed by disaster;~~

b. ~~Structures to be reconstructed within the protected zone of a protected oak tree will be a "like-for-like replacement" of legally established structures irreparably damaged or destroyed by disaster;~~

c. ~~Reconstruction does not result in new encroachments into the protected zone of subject oak tree or the removal of said tree;~~

d. ~~Subject oak trees shall be fenced off and protected during construction activities; and~~

e. ~~Reconstruction activities that irreparably harmed oak trees shall be subject to Section 22.174, including, but not limited to, requiring a retroactive Oak Tree Permit and requirements to plant replacement oak trees at a ratio determined by the Hearing Officer.~~

4. ~~Grading Standards.~~

a. ~~Structures to be rebuilt shall not be subject to the standards of Section 22.336.060.I.6, which prohibit the commencement of grading operations during the rainy season (from October 15 through April 15). Said grading activities shall provide erosion control to the satisfaction of Public Works;~~

b. ~~Notwithstanding Section 22.336.060.I, grading projects related to the rebuilding of structures destroyed by disaster shall abide by the following permitting requirement: Grading required for a like-for-like rebuild, that exceeds 5,000~~

cubic yards of total cut plus total fill material, shall not require a Conditional Use Permit (Chapter 22.158) and shall instead be processed with a Site Plan Review (Chapter 22.186). Only the minimum amount of grading required to prepare the lot for rebuilding the fire-damaged structures will be allowed. For purposes of determining the minimum amount of grading, justification by the project Soils Engineer, Geologist, and/or Civil Engineer will be required and be subject to verification by Public Works, Building and Safety Division; and

c. Notwithstanding Section 22.336.060.1.5, a haul route for off-site transport of 1,000 or more cubic yards of cut or fill shall be permitted with a Ministerial Site Plan Review (Chapter 22.186).

5. Vineyard Standards. Applications requesting to re-establish vineyards destroyed by the 2018 Woolsey Fire shall comply with all applicable standards for new vineyards in Subsection Y, below.

O. Rebuilding after a Disaster. In the instance of a disaster and whereWhere the Director has implemented Chapter 22.256 (Disaster Recovery), procedures and regulations for temporary housing for persons displaced by a disaster and for the replacement of legally established buildings and structures damaged or destroyed by a disasterthe following shall comply with Chapter 22.256 and this Subsection O. also apply:

1. Modifications to any replacementrebuilt structure shall comply with Section 22.256.060 (Waiver of Certain Permit Requirements) and shall also cause no new impacts to S1 or S2 habitat.

2. In addition to Section 22.256.060.C (Grading), grading shall comply with the following:

a. Structures to be rebuilt shall not be subject to the standards of Section 22.336.060.I.6, which prohibit the commencement of grading operations during the rainy season (from October 15 through April 15). Said grading activities shall provide erosion control to the satisfaction of Public Works.

b. Notwithstanding Section 22.336.060.I, grading projects related to the rebuilding of structures destroyed by disaster ~~shall abide by the following permitting requirement: Grading required for a like-for-like rebuild, that exceedsexceed~~ 5,000 cubic yards of total cut plus total fill material, shall not require a Conditional Use Permit (Chapter 22.158) and shall ~~instead be processed~~ permitted with a ministerial review.

c. Notwithstanding Section 22.336.060.I.5, a haul route for off-site transport of 1,000 or more cubic yards of cut or fill shall be permitted with a ministerial review.

3. Vineyard Standards. Applications requesting to re-establish vineyards destroyed by the 2018 Woolsey Fire or destroyed by any future disaster shall comply with all applicable standards for new vineyards in Subsection Y, below.

...

BOARD LETTER/MEMO CLUSTER FACT SHEET

☒ Board Letter

☐ Board Memo

☐ Other

CLUSTER AGENDA REVIEW DATE	3/16/2022	
BOARD MEETING DATE	4/19/2022	
SUPERVISORIAL DISTRICT AFFECTED	<input type="checkbox"/> All <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input checked="" type="checkbox"/> 3 rd <input type="checkbox"/> 4 th <input type="checkbox"/> 5 th	
DEPARTMENT(S)	Regional Planning	
SUBJECT	Local Coastal Program Amendment-Resource Dependent Uses, such as Low Impact Campground- Ramirez Canyon	
PROGRAM	N/A	
AUTHORIZES DELEGATED AUTHORITY TO DEPT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
SOLE SOURCE CONTRACT	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain why:	
DEADLINES/ TIME CONSTRAINTS	Coastal Commission Certification of the County's LCP Amendment (Resource Dependent Uses) expires on January 27, 2023. Action by the Board to adopt the amendment would need to occur prior to this date or the certification will lapse, and the amendment process would need to begin anew.	
COST & FUNDING	Total cost: \$ N/A	Funding source: N/A
	TERMS (if applicable):	
	Explanation:	
PURPOSE OF REQUEST	Seeking authorization to schedule the project for public hearing.	
BACKGROUND (include internal/external issues that may exist including any related motions)	Amendment to the Santa Monica Mountains Local Coastal Program as a result of the decision in Ramirez Canyon Preservation Fund V. California Coastal Commission filed on June 4, 2014 with judgement filed on September 26, 2017 (trial court decision). The County of Los Angeles was a Real Party in Interest. The amendment revises certain policies and provisions related to the standard of review under which resource dependent uses, such as low-impact campgrounds, may be established in H1 and H2 habitat (sensitive habitats). Three revised LUP policies and one revised LIP provision will replace those that were ordered to be set aside by the trial court decision. All other policies and provisions of the certified LUP and LIP remain in full force and effect.	
EQUITY INDEX OR LENS WAS UTILIZED	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No N/A	
SUPPORTS ONE OF THE NINE BOARD PRIORITIES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No No. 1 (Alliance for Health Integration), No. 7 (Sustainability), and No. 8 (Anti-Racism, Diversity, and Inclusion): By providing opportunities for low-cost, resource dependent uses such as hiking, nature observation or educational programs, and low-impact camping, all County residents, regardless of socioeconomic background, will have the ability to improve physical, mental, and emotional wellbeing through outdoor recreation and access to natural spaces in the Santa Monica Mountains Coastal Zone.	

DEPARTMENTAL CONTACTS	Martin Gies, AICP, Principal Regional Planner, Coastal Development Services, (213) 974-0051, mgies@planning.lacounty.gov
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Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

April 19, 2022

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**HEARING ON THE SANTA MONICA MOUNTAINS LOCAL COASTAL PROGRAM
AMENDMENT - RAMIREZ CANYON**

PROJECT NO. 2019-000224-(3)

ADVANCE PLANNING PROJECT NO. RPPL2019000396

**SANTA MONICA MOUNTAINS PLANNING AREA
(THIRD SUPERVISORIAL DISTRICT) (3-VOTES)**

SUBJECT

This item is an amendment to the Santa Monica Mountains Local Coastal Program (LCP), including the Land Use Plan (LUP) and Local Implementation Program (LIP), that the Department of Regional Planning (Department) prepared because of the decision in Ramirez Canyon Preservation Fund v. California Coastal Commission. This amendment revises certain LUP policies and LIP provisions to update the standard of review under which resource dependent uses, such as low-impact campgrounds, may be established in H1 and H2 habitats (Project).

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

- Find the Project exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State and local CEQA Guidelines;
- Indicate the Board of Supervisors (Board) intent to approve the Project (Advance Planning Project No. RPPL2019000396);

- Instruct County Counsel to prepare a resolution adopting the policy revisions to the Santa Monica Mountains LUP included in the Project; and
- Instruct County Counsel to prepare an ordinance with the necessary findings adopting the revisions to the Santa Monica Mountains LIP included in the Project.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The LCP is comprised of two portions, the LUP and the LIP. On February 18, 2014, the Board considered both the LUP and LIP portions of the LCP, approved both portions and directed the LCP to be transmitted to the California Coastal Commission (CCC) for consideration. The LUP portion of the LCP was approved with suggested modifications by the CCC at their April 10, 2014, hearing. The LIP portion of the LCP was approved with suggested modifications by the CCC at their July 10, 2014, hearing.

On August 26, 2014, the Board held a public hearing to consider the CCC's suggested modifications to the proposed LUP and LIP. At the public hearing, the Board adopted a resolution acknowledging receipt of and accepting the CCC's suggested modifications to the LCP. The Executive Director of the CCC determined the County's action accepting the suggested modifications to be legally adequate, and the CCC concurred with this determination on October 10, 2014, resulting in effective certification of the LCP.

The Ramirez Canyon Preservation Fund filed a petition for writ of mandate on June 4, 2014, in the Superior Court of the County of Los Angeles after the CCC's April 2014 action on the LUP. The petition alleged that the CCC's approval of the LUP violated Section 30240 of the Coastal Act by permitting campgrounds within Environmentally Sensitive Habitat Areas (ESHA). It further alleged that campgrounds are not a resource-dependent use and the support facilities necessary for a campground are likely to disturb the plant and animal life within ESHA. The petition was amended following CCC's July 2014 action on the LIP. The hearing took place on August 17, 2017, with the final decision recorded on September 26, 2017.

The Superior Court decision determined that the CCC's interpretation of Coastal Act Section 30240 to permit low-impact campgrounds in ESHA as a resource-dependent use is correct as a matter of law. The court further found that those LUP policies and LIP provisions that require low-impact campgrounds to avoid impacts to sensitive habitat to the maximum extent feasible are inconsistent with Section 30240 of the Coastal Act, which requires that resource dependent uses in ESHA must avoid significant disruption of habitat values. The court ordered that the policies and provisions permitting low-impact campgrounds in H1 and H2 habitats based on the standard of avoiding impacts to the maximum extent feasible must be set aside as void and reconsidered by the CCC. On December 14, 2018, the CCC considered and approved the proposed amendments to the LCP resulting from the court order.

Three revised LUP policies and one revised LIP provision will replace those that were ordered to be set aside. All other policies and provisions of the certified LUP and LIP will remain in full force and effect.

Implementation of Strategic Plan Goals

The Project promotes Goal 1: Make Investments that Transform Lives, of the County Strategic Plan by ensuring that development activities are compatible with undisturbed portions of the Santa Monica Mountains, maintain the biological integrity of the Santa Monica Mountains while also allowing for the continued enjoyment of this natural area by all County residents.

Further, the Project promotes Goal 2: Foster Vibrant and Resilient Communities, of the County's Strategic Plan by ensuring that the natural environment is maintained in a self-sustaining capacity.

Finally, the Project promotes Goal 3: Realize Tomorrow's Government Today, of the County's Strategic Plan by revising adopted County policies and ordinances to set a direction for the preservation and enjoyment of the Santa Monica Mountains.

FISCAL IMPACT/FINANCING

The approval of the Project should not result in any significant costs to the County as it will revise the standard of review under which certain land uses may be established in H1 and H2 habitats and will not result in any direct physical action.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On December 14, 2018, the CCC considered and approved the proposed amendments to the LCP resulting from the trial court decision and remanded the proposed changes to the County for consideration.

On September 24, 2019, the Board held a public hearing to consider the proposed amendments. At the public hearing the Board heard testimony raising concerns related to low-impact campgrounds from constituents residing in the Santa Monica Mountains. The Board weighed those concerns and proposed amendments to the LIP, in addition to those proposed by the CCC, to address the concerns. The Board further proposed an additional change in the LUP regarding parking for low-impact campgrounds.

On December 10, 2019, the Board adopted a resolution that approved the LUP and LIP amendments from the September 24, 2019, public hearing and directed the LCP to be transmitted to the CCC for consideration.

On July 7, 2021, the CCC considered and approved the subject LCP amendments with two suggested modifications. The CCC provided a letter dated July 13, 2021, stating that the

resolution of certification is contained in the findings of the CCC staff report and addendum for its July 7, 2021 hearing, dated June 24, 2021, and July 6, 2021, respectively. The suggested modifications as approved by the CCC are attachments to the July 13, 2021, letter.

ENVIRONMENTAL DOCUMENTATION

The Project is exempt from the requirements of CEQA pursuant to State CEQA Guidelines Section 15251(f). In accordance with this Section and California Public Resources code 21080.5, the preparation, approval, and certification of local coastal programs do not require an environmental document because it is a certified state regulatory program.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The approval of the Project is not anticipated to have a negative impact on current services or other Projects as the proposed LCP amendments will not result in changes to the volume of work experienced by the Department.

For further information, please contact Martin Gies, AICP of the Coastal Development Services Section at (213) 974-0051 or mgies@planning.lacounty.gov.

Respectfully submitted,

Amy J. Bodek, AICP
Director of Regional Planning

AJB:DD:MG:RG:MAG:lm

Attachments:

1. July 13, 2021, CCC letter to LA County Regional Planning
2. CCC Final Suggested Modifications for County of Los Angeles SMMLCP Amendment

c: Executive Office, Board of Supervisors
Assessor
Chief Executive Office
County Counsel
Public Works

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-2801
VOICE (805) 585-1800
FAX (805) 641-1732



July 13, 2021

Amy Bodek, Planning Director
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

RE: County of Los Angeles Santa Monica Mountains Local Coastal Program
Amendment No. LCP-4-MMT-19-0166-1 (Resource Dependent Uses)

Dear Ms. Bodek:

On July 7, 2021 the Coastal Commission approved the subject LCP Amendment with two (2) suggested modifications. The Commission's resolution of certification is contained in the findings of the staff report and addendum dated June 24, 2021 and July 6, 2021, respectively. The suggested modifications as approved by the Commission on July 7, 2021 are attached to this correspondence.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above, the Commission's certification with suggested modifications *shall expire six months* from the date of the Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development required pursuant to Article 17, Section 2 are legally adequate

to satisfy any specific requirements set forth in the Commission's certification order.

- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object to the Executive Director's determination. If a majority of the Commissioners present object to the Executive Director's determination and find that the local government action does not conform to the provisions of the Commission's action to certify the Local Coastal Program Amendment, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.
- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

The Commission and staff greatly appreciate the County's consideration of this matter.

Authorized on behalf of the California Coastal Commission by:

John Ainsworth
Executive Director

By: 
Walt Deppe
Coastal Program Analyst

cc: Kevin Finkel, Los Angeles County Department of Regional Planning
Rob Glaser, Los Angeles County Department of Regional Planning
Luis Duran, Los Angeles County Department of Regional Planning

FINAL SUGGESTED MODIFICATIONS

County of Los Angeles Santa Monica Mountains Local Coastal Program Amendment No. LCP-4-MMT-19-0166-1 (Resource Dependent Uses)

A. SUGGESTED MODIFICATIONS TO THE LOCAL IMPLEMENTATION PLAN

The language currently certified in the County's Santa Monica Mountains Local Implementation Plan is shown in straight type. The County's proposed amendment language to the certified Local Implementation Plan is shown in ~~strikeout~~ and underline. Language approved by the Commission to be deleted is shown in ~~double-strikeout~~. Language approved by the Commission to be inserted is shown in double underline.

Suggested Modification No. 1

22.44.630 Definitions.

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"Campground, low-impact" means an area of land designed or used for "carry-in, carry-out" tent camping accessed by foot or wheelchair, ~~including~~ and may include associated support facilities ~~such as, where appropriate, picnic areas, potable water, self-contained chemical or composting restrooms, shade trees, water tanks, portable fire suppression apparatus, and fire-proof cooking stations,~~ but as defined in accordance with the standards in Subsection M.2.c of Section 22.44.1920 and excluding any structures for permanent human occupancy and excluding roads. Low-impact campgrounds constitutes a resource-dependent use.

"Camping, carry-in, carry-out" means camping in which campers arrive at a campground by foot or other non-motor vehicle transportation from associated parking areas, ADA compliant drop-off areas, trails or bikeways, rely upon only that which can be carried to the site, and leave nothing behind at the campground upon departure.

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Suggested Modification No. 2

22.44.1920 Development Standards.

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M. Resource-dependent Uses. Resource-dependent uses are uses that are dependent on SERAs to function. Resource-dependent uses include: nature observation, research/education, habitat restoration, interpretive signage, and passive recreation, including horseback riding, low-impact campgrounds, picnic areas, public accessways, and hiking trails, but excluding trails for motor vehicles. Residential or commercial uses are not resource-dependent uses.

1. Resource-dependent uses are allowed in H1 habitat, H2 habitat, and H3 habitat, including H1 habitat buffer and H1 habitat quiet zone buffer, where sited and designed to avoid significant disruption of habitat values, consistent with the following development standards and all other applicable standards of the LIP.

2. Development Standards.

a. Resource-dependent uses shall be sited and designed to avoid ~~or minimize adverse impacts to~~ significant disruption of habitat values in H1 and H2 habitat and to minimize all impacts to other habitat to the maximum extent feasible. The development shall be the minimum design necessary to accommodate the use and avoid significant disruption of habitat value in order to minimize adverse impacts to H1 and H2 habitat;

b. Accessways to and along the shoreline that are located in H1 or H2 habitat shall be sited, designed, and managed to avoid ~~and/or significant disruption of habitat values, including by protecting~~ marine mammal hauling grounds, seabird nesting and roosting sites, sensitive rocky points and intertidal areas, and coastal dunes. Inland public trails shall be located, designed, and maintained to avoid ~~or minimize impacts to significant disruption of habitat values in H1 or and H2 Habitat areas and to protect~~ other coastal resources, by utilizing established trail corridors or other disturbed areas, following natural contours to minimize grading, and avoiding naturally vegetated areas with significant native plant species to the maximum extent feasible. Trails shall be constructed in a manner that minimizes grading and runoff;

c. Low-impact campgrounds shall be located, designed, and maintained to avoid ~~or minimize impacts to significant disruption of habitat values in H1 or and H2 Habitat areas, and and Low impact campgrounds~~ must also avoid or minimize impacts to other coastal resources, by utilizing Such campgrounds shall utilize established disturbed areas where feasible, following natural contours to minimize grading, and avoiding naturally vegetated areas with significant native plant species to the maximum extent feasible. Such campgrounds shall be located a minimum of ~~50-100~~ 50 feet from the top bank of all streams or from the outer edge of riparian vegetation, whichever is the most protective of biological resources as determined by the staff biologist or the ERB unless those areas are developed and/or disturbed by historic uses (e.g., recreation). Access to low-impact campgrounds ~~shall~~ may be supported by parking areas and designated ADA drop-offs that may be located in H2 habitat areas, where it is infeasible to site such facilities in H3 habitat areas;

i. Development and Operational Standards. Low-impact campgrounds shall comply with all of the following:

- In addition to the locational criteria above, campsites shall be sited near or along existing or proposed trails or access routes to supporting parking areas.
- Firepits, fires, flammable devices, and smoking shall be prohibited at all low-impact campgrounds.
- Pets shall be prohibited in low-impact campgrounds.

- Low-impact campground capacity shall be based on site-specific evidence and, if located in H1 or H2 habitat areas, shall in no event ~~shall~~ exceed four tents and shall be limited to no more than 12 persons.
- Camping is prohibited when hazardous conditions exist (e.g. when during "red-flag" wildfire warnings or flash flood warnings are issued by the National Weather Service) days.
- Campers are limited to a maximum length of stay of 14 days.
- ~~Campground management staff shall inspect the low impact campground at least once per day, including on red flag days when camping is otherwise prohibited.~~

ii. Where the following support facilities for Low-impact campgrounds may be supported by the following facilities, and if established, are proposed in H1 or H2 habitat areas, they must be consistent with the included standards:

- Parking and Drop-Off Areas. Parking areas and designated ADA drop-offs shall be located in H3 habitat areas, where feasible, but may be established in H2 habitat areas, where it is infeasible to site such facilities in H3 habitat areas. Parking areas and designated ADA drop-offs are prohibited in H1 habitat areas. Trash receptacles may be provided in parking or drop-off areas.
- Restroom Facilities. Restroom facilities shall be single-stall, self-contained, and of a chemical or composting type. They shall be located no closer than 100 feet from streams as measured from the outer edge of riparian vegetation or from the top of bank if there is no riparian vegetation present. They shall not be permanently affixed to a foundation or the ground and cannot have associated plumbing infrastructure. These limitations shall not apply to restroom facilities located outside of H1 and H2 habitat areas. All waste materials shall be disposed of off-site. All restroom facilities shall be consistent with the height, colors, and materials required by this LIP. No more than one such facility is allowed per low-impact campground.
- Fencing. All fencing shall be wildlife permeable (see definition in Section 22.44.630). Placement of fencing is limited to the perimeter of the campground or where necessary to protect nearby sensitive habitat.
- Water Storage. ~~Water storage tanks for use in fire suppression or as an on-site potable water supply shall be located within the boundaries of an established low-impact campground.~~ Water storage tanks for use as an on site potable water supply may be located within the boundaries of an established low-impact campground. Said storage tanks within a campground shall not be permanently affixed to the ground or other permanent structure, shall be easily moved, and emptied and filled outside of the campsite or H1 habitat areas. Water storage tanks within a campground shall be limited to no more than three, 55-gallon containers. There shall be no plumbing infrastructure built or associated with water dispensing facilities. These limitations shall not apply to water storage facilities located outside of H1 and H2 habitat areas.
- Signage. Informational and interpretative signage that identifies the low-impact campground, directs hikers to nearby trail(s), or identifies local floral/fauna, is allowed. The signage must be located within the perimeter of an authorized

- low-impact campground or along an authorized trail near a low-impact campground. Signs shall not be attached to a permanent foundation.
- Fireproof Cooking Stations. Fireproof cooking stations may be installed for use at low-impact campgrounds but are limited to one per tent site and full instructions for their operation shall be provided. Campers would be required to utilize only designated fireproof cooking stations provided at each approved campsite, which shall be designed of nonflammable materials and capable of being enclosed vertically on three sides (leaving one side open for cooking operations). Only cold-camping apparatus with no open flames, such as flame-less cook-stoves and lanterns, are allowed. Use of any type of liquid fuel (alcohol, kerosene, unleaded gasoline, white gas, mentholated Spirit, etc), canister fuel (propane, butane, etc), wood, wax or any other type of combustible material for cooking or lighting shall be expressly prohibited. Prospective campers shall be informed of the “no flame” policy upon reserving and/or registering for use of low-impact camping facilities and shall be put on notice that unauthorized use of fire-related camping and cooking apparatus specifically prohibited by the “no flame” policy will be cause for confiscation of such devices and/or expulsion of visitors from low-impact camp facilities. Signs shall be posted to explain the “no flame” policy and low-impact campgrounds will be periodically patrolled to enforce the policy.
 - Fire extinguishers or other portable fire suppression equipment may be stored on ~~temporary stands~~ within a low-impact campground and shall not be attached to a permanent foundation.

iii. All coastal development permits for low-impact campgrounds shall include the following conditions of approval:

- Permittee shall prepare a drainage and runoff pollution control plan for the low-impact campground and associated support facilities. Said plan shall be provided to the Directors of Regional Planning and Public Works for their review and sign off prior to the operation of the low-impact campground.
- Permittee shall prepare a reservation/registration and operations/maintenance plan for the low-impact campground. Said plan shall include, at a minimum, details regarding the reservation system to be used for the campground, a requirement that campers register prior to using campground facilities, a log of each camper's contact and travel information, and campground monitoring and maintenance parameters. The plan shall include a campground-specific inspection plan with criteria for how frequently campground management staff shall inspect the campground and shall include a system to determine when camping will be prohibited in relation to “red-flag” wildfire warning days or other emergency conditions. The camper log shall include the name, phone number, arrival date and departure date (length of stay), and a log of each camper's origin before reaching the campground and their destination upon leaving the campground. The plan shall include provisions for informing prospective campers of the “no flame” policy upon reserving and/or registering for use of low-impact camping facilities and putting them on notice that unauthorized use of fire-related camping and cooking apparatus

- specifically prohibited by the “no flame” policy will be cause for confiscation of such devices and/or expulsion of visitors from low-impact camp facilities. The maintenance parameters shall detail the disposal and refilling of potable water storage facilities and the maintenance of on-site restroom facilities, and strategies for securing support facility elements from vandalism or theft. The plan shall be submitted to the Director for review and approval prior to the operation of the low-impact campground.
- Permittee shall prepare an emergency management plan. Said plan shall include, at a minimum, a camper notification system and campground evacuation procedures in the event of an emergency. Said plan shall also include details such as the nearest evacuation shelter and evacuation route(s). The plan shall be submitted to the Director for review and sign off prior to the operation of the low-impact campground.

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