

# Table of Contents

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1	Introduction .....	1
1.1	EIR Process .....	1
2	Project Description.....	3
2.1	Project Objectives and Benefits .....	4
2.2	Required Approvals.....	5
3	Issues Addressed in the EIR .....	6
4	Findings of Significant Impacts, Required Mitigation Measures, and Supporting Facts .....	7
4.1	Cultural, Paleontological, and Tribal Cultural Resources.....	7
4.1.1	Historic Resources .....	7
4.1.2	Archeological Resources .....	9
4.1.3	Paleontological Resources .....	9
4.1.4	Tribal Cultural Resources and Human Remains.....	10
4.2	Hazards and Hazardous Materials .....	13
4.2.1	Release of Hazardous Materials .....	13
4.2.2	List of Hazardous Materials Sites.....	14
5	Mitigation Monitoring and Reporting Program.....	15
6	Effects Found Not to be Significant .....	16
7	Findings Regarding Feasible Alternatives .....	17
7.1	Alternative One: No Project.....	17
7.2	Alternative Two: Demolish Building and Replace with New Permanent Fire Station ...	18
7.3	Alternative Three: Demolish Building and Replace with Commercial Retail Development .....	18
7.4	Alternative Four: Preservation and Adaptive Reuse.....	19
8	Statement of Overriding Considerations .....	21
8.1	Adoption of Overriding Considerations .....	21
8.2	Benefits of the Proposed Project.....	21
8.3	Conclusion.....	23

## Appendices

Appendix A Mitigation Monitoring and Reporting Program

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# 1 Introduction

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The following findings are made for the Environmental Impact Report (EIR) State Clearinghouse Number 2019110206 (SCH No. 201911026) for the proposed Fire Station No. 9 Replacement Project (also referred to as the “proposed project” or “project”). The EIR analyzes the significant and potentially significant environmental impacts, which may occur due to the proposed project.

The project site is located at 3917 Long Beach Boulevard in the City of Long Beach and is identified as Assessor Parcel Number (APN) 7139-013-900. The site and building are owned by the City of Long Beach and encompasses approximately 5,800 square-feet, or 0.13-acre. The project site contains Long Beach Fire Station No. 9, which operated from 1938 until summer 2019 when it was vacated due to the presence of toxic mold in the building. The site is bound by Long Beach Boulevard on the east and North Virginia Road to the west and is regionally accessible from Long Beach Freeway (Interstate 710, or I-710) and San Diego Freeway (Interstate 405, or I-405). Due to the hazardous conditions of the building, the City has determined there are two potential options for site, Option A and Option B, both involving the demolition of the 5,548-square foot City-owned Fire Station No. 9 and eventual development of a permanent fire station. These two options are described further below in Section 2, *Project Description*, of this document. Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, if a Final EIR identifies significant environmental impacts, a project may not be approved until the lead agency makes written findings regarding each of the significant effects. The three possible findings identified in CEQA Guidelines Section 15091(a) are:

- Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

CEQA Guidelines Section 15092(b) provides that no agency shall approve a project for which an EIR was prepared unless either:

- The project approved will not have a significant effect on the environment, or
- The agency has eliminated or substantially lessened all significant effects where feasible as and determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to overriding concerns.

## 1.1 EIR Process

The City issued a Notice of Preparation (NOP) on November 12, 2019 and made the NOP available for review and comment for a 30-day period closing on December 12, 2019. The NOP was distributed to city, county, state and federal agencies, other public agencies, and various interested private organizations and individuals. The NOP was also submitted to the State Clearinghouse for distribution to state and responsible and trustee agencies. Six comment letters or e-mails were

received during the review period. The NOP and comments received are included in Appendix A of the Final EIR.

Based upon comments, the City's preliminary evaluation of the probable effects of the proposed project and a thorough review of the comments on the NOP, it was determined that the Draft EIR should assess environmental impacts relative to the following five resources:

- Air Quality
- Cultural, Paleontological, and Tribal Cultural Resources
- Greenhouse Gas Emissions and Energy
- Hazards and Hazardous Materials
- Noise

The Draft EIR also included other CEQA sections, including an Executive Summary, Introduction, Project Description, Analysis of Long-Term Effects, Cumulative Impacts (discussed within each of the resource sections), Effects Found Not to be Significant, and Alternatives.

The Draft EIR was circulated for a 52-day public review period (July 10, 2020, through August 31, 2020) in accordance with Section 15087 of the CEQA Guidelines. Four comment letters were received during the public review period and are responded to in Section 2, *Response to Comments*, of the Final EIR.

## 2 Project Description

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The proposed project includes two potential courses of action, Option A and Option B, both involving the demolition of the 5,548-square foot City-owned Fire Station No. 9 and eventual development of a permanent fire station. Due to the hazardous conditions of the building, the City has determined there are two potential options for site:

- Option A would remove the existing structurally impaired and deteriorated building due to the hazardous conditions created by the mold and building moisture and install a temporary modular structure to accommodate the station crew.
- Option B would also remove the existing structurally impaired and deteriorated building. However, under Option B, the site would be cleared and prepared for future development of a civic use but would remain undeveloped.

Due to the age and architecture of the building, the station appears to be eligible for designation as a Long Beach Historic Landmark. Therefore, Fire Station No. 9 is considered a historic resource pursuant to CEQA. The station has been closed since July 2019 due to the recurrence of toxic mold in the building. Therefore, the station is uninhabitable by the Long Beach Fire Department.

To accommodate staff/operations of Fire Station No. 9, at the time of preparation and circulation of the Notice of Preparation (NOP), the City temporarily relocated Fire Station No. 9 operations to Fire Station Nos. 13 and 16, located at 2475 Adriatic Avenue and 2890 E Wardlow Road, respectively. Since the relocation of Fire Station No. 9 crew, response times to calls for help in Fire Service Area 9 have increased on average by 16 percent, and by as much as 55 percent in certain neighborhoods of the service area.

Since circulation of the NOP in November 2019, in order to continue to serve the Fire Service Area's fire and safety needs, the City Manager, or designee, has been authorized to execute any and all documents necessary, including a Standard Offer, Agreement and Escrow Instructions for Purchase of Real Estate (Agreement) for the purchase of certain real property located at 4101-4107 Long Beach Boulevard (Assessor Parcel Numbers 7139-015-010 and -017) in an amount not to exceed \$2,350,000. This site has been identified as a potential location for the new Fire Station No. 9.

An Administrative Use Permit (AUP) was approved by the Zoning Administrator on July 13, 2020 for an interim location for Fire Station No. 9 until a new station can be built. The AUP approval includes the reuse of an existing structure at the former Boeing Fitness Center at 2019 East Wardlow Road. The application includes the reuse of an existing building for Fire Station No. 9 fire personnel occupation and the construction of two freestanding canopies (approximately 1,400-square-feet and 450-square-feet) for use as fire apparatus bays. This interim location permits fire personnel to occupy an independent facility rather than co-locating at existing Fire Station Nos. 13 and 16. The 2019 East Wardlow location fulfills the immediate need for a temporary fire station while interim and long-term plans and approval process including the future of the current Fire Station No. 9 project site are completed. The City has entered into a limited term lease for the interim site for a maximum of three years. The two options under consideration for the proposed project are described below.

### **Option A: Demolition of Fire Station and Replacement with Modular Structure**

Under Option A, after the removal of the existing Fire Station No. 9, the City would construct a temporary modular structure on the site to accommodate Fire Station No. 9 operations. The temporary structure would house the existing six-person Fire Station No. 9 crew. No additional crewmembers would be added as part of the proposed project. The new modular structure would be single-story and approximately 70 feet in width and 80 feet in length and 4,080 square feet. Two off-site parking spaces are currently available for use by station employees, and an additional three on-site parking spaces would be provided as part of the project. The modular structure would include an apparatus bay where response vehicles would be stored. The new structure would house operations for up to five years while a larger permanent replacement structure is built off-site (the site of the replacement structure has not yet been identified and is not a part of this project).

Fire Station No. 9 would be removed and implementation of the new temporary modular would occur over approximately six months. Removal of Fire Station No. 9 would include demolition and removal of 480 tons of building material, excavation to a depth of approximately four feet, and 703 cubic yards (CY) of soil export, which would be hauled from the project site over a four-day period using haul trucks with a 16 CY capacity. Construction activities would be limited to weekdays between 7:00 a.m. and 7:00 p.m. in accordance with the City of Long Beach Municipal Code. All construction equipment would be staged on-site. Construction is anticipated to commence in Fall 2021 (November) and last for approximately six months through Spring 2022.

### **Option B: Demolition of Fire Station for a Future Use**

Under Option B, the existing Fire Station No. 9 facility would be removed, and the project site would be cleared and remain undeveloped, with the site prepared for a future civic use. The potential future use of the project site has not been identified and is not part of this EIR. The project site would receive a two-inch mulch covering to inhibit grass growth and minimize maintenance. Under Option B, demolition and grading activities would be the similar to Option A, including the removal of 480 tons of building material. However, under Option B, construction would disturb soil to a maximum depth of one foot below grade. Similar to Option A, materials would be hauled from the project site. Demolition and grading activities would be limited to weekdays between 7:00 a.m. and 7:00 p.m. in accordance with the City of Long Beach Municipal Code. All equipment would be staged on-site. Construction is anticipated to commence in Fall 2021 (November) and would be completed by the end of December 2021.

## **2.1 Project Objectives and Benefits**

The proposed project includes the following objectives:

- Removal of structurally impaired and deteriorated Fire Station No. 9, located at 3917 Long Beach Boulevard, City of Long Beach
- Return Fire Station No. 9 equipment and personnel to its service area in order to help meet the Long Beach Fire Department response time goal of six minutes and 20 seconds for structure fires and six minutes for Advance Life Support
- Provide a fire station in compliance with applicable Building Code requirements and with National Fire Prevention Association (NFPA) standards for fire station design, including the provision of facilities for all genders

- Removal of a potential threat to public health and safety issue, which includes, but is not limited to, mold spores associated with substantial structural water damage that require invasive remediation techniques
- Removal of a vacant building that could attract criminal activity and other nuisances
- Ensure that the City’s historic and cultural heritage values are considered regarding the removal and/or remediation of the Fire Station No. 9 building

Pursuant to Section 21082.4 of the State CEQA Guidelines statute, “In describing and evaluating a project in an environmental review document prepared pursuant to this division, the lead agency may consider specific economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of a proposed project and the negative impacts of denying the project.” The proposed project would provide the following benefits:

- Removal of a vacant structure that could attract nuisance/criminal behavior to the area
- Provision of a safe and healthy workplace for the Fire Station No. 9 crewmembers
- Restore operation of Fire Station No. 9 within the Fire Service Area No. 9 service area in order to help meet Long Beach Fire Department response time goals

## 2.2 Required Approvals

In accordance with Sections 15050 and 15367 of the State CEQA Guidelines, the City is the designated Lead Agency for the proposed project and has principal authority and jurisdiction for CEQA actions and project approval. Responsible Agencies are those agencies that have jurisdiction or authority over one or more aspects associated with the development of a proposed project and/or mitigation. Trustee Agencies are State agencies that have jurisdiction by law over natural resources affected by a proposed project.

The proposed project would require adoption by the Long Beach Planning Commission/City Council and the following discretionary approvals:

- Site Plan Review for design review of the temporary modular structure (Option A)
- Administrative Use Permit for the operation of an institutional use in the CCA Zoning District (Option A)
- Standards Variance for development standards for the temporary modular structure (Option A)
- Demolition Permit to allow for the demolition the existing on-site Fire Station No. 9 building (Option A and Option B)
- CEQA Approval and certification of EIR (Option A and Option B)

In addition, ministerial permits, including grading permits, building permits, and public works permits, would be issued by the City to allow site preparation and construction of the proposed project (Options A and B) and off-site project infrastructure connections. The proposed project would require the following ministerial approvals:

- Demolition Permit to allow for removal of the existing on-site Fire Station No. 9 building
- Public Works Permits to allow for the modification of driveways, sidewalks, and other site improvements within the public right-of-way
- Building Permits to allow for the construction of the temporary modular structure

No approvals by responsible or trustee agencies have been identified for the proposed project.

### 3 Issues Addressed in the EIR

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Based on the analysis presented in the NOP and the information provided in the comments to the NOP, the following environmental topics were analyzed in the Draft EIR:

- Air Quality
- Cultural, Paleontological, and Tribal Cultural Resources
- Greenhouse Gas Emissions and Energy
- Hazards and Hazardous Materials
- Noise

During preparation of the Draft EIR, it was determined that the project would have a less than significant impact or no impact associated with the following resource topics:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Geology and Soils (except Paleontological Resources)
- Greenhouse Gas Emissions and Energy
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Services Systems
- Wildfire

## 4 Findings of Significant Impacts, Required Mitigation Measures, and Supporting Facts

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The Draft EIR concluded that environmental issue areas with potentially significant impacts were Cultural, Paleontological, and Tribal Resources and Hazards and Hazardous Materials. Impact categories that had potentially significant impacts are listed below. For each of these issues, the findings, mitigation measures, and supporting facts are presented below.

The Draft EIR analysis determined that mitigation would not be required under the following thresholds, as potential project impacts would be less than significant:

- Air Quality
- Greenhouse Gas Emissions (GHG) and Energy

Discussion of Air Quality and GHG and Energy are not discussed further in this section of the document.

### 4.1 Cultural, Paleontological, and Tribal Cultural Resources

#### 4.1.1 Historic Resources

- **Potential Impact.** The proposed project includes demolition of the existing Fire Station No. 9 building which was constructed in 1938. The Historic Resource Evaluation (Appendix D of the Draft EIR) found that the existing building is ineligible for listing in the National Register of Historic Places (NRHP) and California Register of Historic Resources (CRHR) due to a lack of integrity, but is eligible for designation as a local Long Beach Historic Landmark under Criterion A in the area of Institutional Development, as it represents the partnership between the City and Works Progress Association that was created to rebuild and add public services after the 1933 earthquake. As such, the building is considered a historic resource in accordance with CEQA.

According to CEQA (Section 21084.1), a project that may cause a substantial adverse change in the significance of an historic resource is a project that may have a significant effect on the environment. Substantial adverse change is defined as demolition, destruction, relocation, or alteration activities that would impair the significance of the historic resource.

- **Finding.** Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- **Facts in Support of Finding.** The project site and existing building cannot accommodate Fire Station No. 9 crew due to the unsafe conditions posed by the building and the inability of the project site and existing structure to comply with NFPA standards, which include restroom facilities for both genders and ADA-compliant access. Due to the size constraints of the project site and building deficiencies, rehabilitating the existing building for continued use as a fire

station at this location is not feasible. In addition, the temporary relocation of Fire Station No. 9 crew to locations outside of the Fire Service Area has resulted in increased response times. The proposed project would provide the opportunity for Fire Station No. 9 to temporarily return to the project site and Fire Service Area in the event that a new, modern station elsewhere within the Fire Service Area is not constructed in a timely manner. Mitigation measures have been proposed to reduce impacts to historic resources, as discussed below, but are not capable of mitigating significant impacts to a less than significant level.

The proposed project would include the following mitigation measures:

*CR-1 Building Recordation*

Archival documentation of as-built and as-found condition shall be prepared for Fire Station No. 9 building at 3917 Long Beach Boulevard prior to demolition. Prior to issuance of demolition permits, the Department of Public Works shall ensure that documentation of the buildings and structures proposed for demolition is completed that follows the general guidelines of Historic American Building Survey (HABS)-level III documentation. The documentation shall include high resolution digital photographic recordation, a historic narrative report, and compilation of historic research. The documentation shall be completed by a qualified professional who meets the standards for history, architectural history, or architecture as set forth by the Secretary of the Interior's Professional Qualification Standards (36 CFR, Part 61). The original archival-quality documentation shall be offered as donated material to the Billie Jean King Main Library, Historical Society of Long Beach, and the Long Beach Firefighter's Museum to make it available for current and future generations. Archival copies of the documentation also would be submitted to the City of Long Beach Department of Public Works, where it would be available to local researchers.

*CR-2 Interpretive Plaque*

An interpretive plaque discussing the history of the building, its significance, and important details and features shall be installed at the site of Fire Station No. 9. The plaque shall be installed on a publicly accessible outdoor location. The plaque shall include images and details from the Historic American Building Survey (HABS) documentation and any collected research pertaining to the historic property. The content shall be prepared by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualification Standards for History and/or Architectural History (36 CFR, Part 61). Installation of the plaque shall be completed within one year of the date of completion of the proposed project.

*CR-3 Salvage Plan*

Historic architectural features and materials from Fire Station No. 9 shall be offered to architectural salvaging organizations. The Department of Public Works shall seek the guidance of Long Beach Heritage to identify the appropriate organizations and provide guidance on the salvaging process. An inventory with brief descriptions of salvageable items shall be created to provide to architectural salvaging organizations.

Implementation of Mitigation Measures CR-1 through CR-3 would minimize significant impacts to the historic resource to the maximum extent feasible. However, demolition of Fire Station No. 9 would be considered a **significant and unavoidable impact**.

## 4.1.2 Archeological Resources

- **Potential Impact.** Though the project site has been previously disturbed and is almost entirely paved, unanticipated discovery of archaeological resources during project-related ground-disturbing activities could result in significant impacts if not properly managed.
- **Finding.** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as identified in the Final EIR.
- **Facts in Support of Finding.** The proposed project would include the following mitigation measure:

### *CR-4 Unanticipated Discovery of Archaeological Resources*

If archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work such as data recovery, excavation, Native American consultation, and archaeological monitoring may be warranted to mitigate any significant impacts to cultural resources.

Through the monitoring of ground disturbance and evaluation of any unidentified archaeological resources, should they be discovered, implementation of Mitigation Measure CR-4 would reduce impacts to previously unidentified archaeological resources to a **less than significant level**.

## 4.1.3 Paleontological Resources

- **Potential Impact.** Though the project site has been previously disturbed and is almost entirely paved, unanticipated discovery of paleontological resources during project-related ground-disturbing activities could result in significant impacts if not properly managed.
- **Finding.** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as identified in the Final EIR.
- **Facts in Support of Finding.** The proposed project would include the following mitigation measure:

### *CR-5 Unanticipated Discovery of Paleontological Resources*

In the event an unanticipated fossil discovery is made during the course of project development, then in accordance with SVP (2010) guidelines, it is the responsibility of any worker who observes fossils within the project site to stop work in the immediate vicinity of the find and notify a qualified professional paleontologist who shall be retained to evaluate the discovery, determine its significance and if additional mitigation or treatment is warranted (SVP 2010). Work in the area of the discovery will resume once the find is properly documented and authorization is given to resume construction work. Any significant paleontological resources found during construction monitoring will be prepared, identified, analyzed, and permanently curated in an approved regional museum repository.

Through the monitoring of ground disturbance and evaluation of any unidentified paleontological resources, should they be discovered, implementation of Mitigation Measure

CR-5 would reduce impacts to previously unidentified paleontological resources to a **less than significant level**.

#### 4.1.4 Tribal Cultural Resources and Human Remains

- **Potential Impact.** The project site has been previously disturbed and is almost entirely paved; therefore, the likelihood of encountering surficial tribal cultural resources or human remains is low. However, during tribal consultation, the Gabrieleno Band of Mission Indians – Kizh Nation (Kizh Nation) noted that the project site is approximately 4,000 feet south of Rancho Los Cerritos, which was the historic site of the tribal village, *Tevaaxa'anga*. While there is no evidence that tribal cultural resources exist on the surface of the project site, it is possible that previously unknown tribal cultural resources associated with the historic village at Rancho Los Cerritos could exist in undisturbed soils on the site. Unanticipated discovery of tribal cultural resources during project-related ground-disturbing activities could result in significant impacts if not properly managed.
- **Finding.** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as identified in the Final EIR.
- **Facts in Support of Finding.** The proposed project would include the following mitigation measures determined through consultation with the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government:

##### *CR-6 Retain a Native American Monitor*

The lead agency shall retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the project location. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting tribal cultural resources.

##### *CR-7 Professional Standards*

Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

*CR-8 Unanticipated Discovery of Tribal Cultural Resources*

Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource”, time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources.

Pursuant to Public Resources Code Sections 21083.2(b), preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All tribal cultural resources shall be returned to the Tribe.

Any historic archaeological material that is not Native American in origin shall be curated at a public, nonprofit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.

*CR-9 Unanticipated Discovery of Human Remains and Associated Funerary Objects*

Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.

*CR-10 Resource Assessment and Continuation of Work Protocol*

Upon discovery of human remains, the tribal and/or archaeological monitor/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the discovery location. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further

disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

*CR-11 Kizh-Gabrieleno Procedures for Burials and Funerary Remains*

If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

*CR-12 Treatment Measures*

Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

Mitigation Measures CR-6 through CR-12 would provide for monitoring during ground disturbing activities and the proper handling of any inadvertently discovered tribal cultural resources, human remains, or funerary objects. With implementation of mitigation, impacts to tribal cultural resources and human remains would be **less than significant**.

## 4.2 Hazards and Hazardous Materials

### 4.2.1 Release of Hazardous Materials

- **Potential Impact.** The proposed project would involve demolition of the existing building on the project site. The Hazardous Materials Technical Study reported that a previous study of the building (HSA 2017d; available in Appendix E of the Draft EIR) documented the presence of lead-based paint (LBP) on the ceiling of the kitchen (Rincon Consultants 2020; see Appendix E). Furthermore, the report indicated that eight suspect asbestos samples were collected; however, none of the plaster or drywall materials sampled were determined to contain asbestos-containing materials (ACMs). Additionally, the HSA report indicated that due to the age of the structure, hidden or unknown suspect ACMs, LBP, or other hazardous materials may be uncovered during building demolition, renovation, and maintenance activities (HSA 2017d; available in Appendix E). If improperly conducted, the demolition and disposal of building materials that could contain LBP and ACMs could create a hazard to the public or environment.
- **Finding.** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as identified in the Final EIR.
- **Facts in Support of Finding.** The proposed project would include the following mitigation measures to reduce potential impacts related to hazardous materials:

#### *HAZ-1 Lead-based Paint*

Project work with materials that could contain Lead Based Paint (LBP) shall be monitored under the direction of a Certified Industrial Hygienist (CIH) who a Certified Lead Project Designer. The CIH shall confirm workers on site have received appropriate training and adhere to safety requirements during construction activities. All contractors shall be provided with and be responsible for following the required if suspect hazardous materials are identified during demolition (e.g., stop work, remove workers onsite, and notify the CIH). If LBP is found to be present, standard handling and disposal practices for LBP shall be implemented pursuant to Occupational Safety and Health Administration (OSHA) regulations.

#### *HAZ-2 Suspect Asbestos Containing Materials*

Prior to the issuance of a demolition permit, the City shall obtain a letter from a qualified asbestos abatement consultant that no Asbestos Containing Materials (ACMs) are present in the building. If ACMs are found to be present, the materials shall be abated in compliance with South Coast Air Quality Management District (SCAQMD) Rule 1403, as well as other applicable State and Federal rules and regulations. Only asbestos trained and certified abatement personnel shall be allowed to perform asbestos abatement activities onsite. All ACMs removed from the onsite structure shall be hauled and disposed offsite by a transportation company certified to handle asbestos and hazardous materials.

Mitigation Measures HAZ-1 and HAZ-2 would ensure that OSHA and SCAQMD regulations pertaining to LBP and ACMs are adhered to during project construction activities and would ensure that demolition of the existing building would not pose a significant to the public or environment during construction. With implementation of mitigation, impacts related to the release of hazardous materials would be **less than significant**.

## 4.2.2 List of Hazardous Materials Sites

- **Potential Impact.** According to the results of the Hazardous Materials Technical Study, the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Rincon Consultants 2020; see Appendix E of the Draft EIR). However, City of Long Beach Fire Prevention Bureau records indicate there could be a cement-filled historical underground storage tank (UST) on the project site. Records indicate that there is not an open or historic Leaking Underground Fuel Tank case associated with the project site. However, closure documentation for the former UST located on the project site was not provided by the City of Long Beach Fire Protection Bureau, nor was there information available as to whether a new UST was installed at the time of the 1988 historical tank closure event. Without further investigation and remediation activities, the potential presence of a UST on the project site could create a hazard to the public or environment if undiscovered soil contamination has occurred.
- **Finding.** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as identified in the Final EIR.
- **Facts in Support of Finding.** The proposed project would include the following mitigation measures to reduce potential impacts related to the potential UST on the project site:

### *HAZ-3 Underground Storage Tank Investigation and Closure*

A potholing investigation in the vicinity of the historical underground storage tank (UST) shall be conducted and/or a geophysical survey of the site shall be conducted. If a UST is found onsite, the City shall apply for a permit for tank removal at least one month prior to demolition activities. UST(s) found onsite shall be removed under regulatory oversight of the Long Beach Fire Prevention Bureau. Additionally, the City may require that the tank also be permitted for its prior installation. During tank removal activities, a minimum of two excavation sidewall and bottom soil matrix confirmation samples shall be collected to evaluate potential onsite impacts associated with the UST(s).

### *HAZ-4 Soil Management Plan*

If soil contamination is found onsite at actionable levels, a Soil Management Plan (SMP) shall be prepared and, if required, approved by the Los Angeles Regional Water Quality Control Board. Soil brought to the surface by grading, excavation, trenching, or backfilling shall be managed in accordance with applicable provisions of state and federal law. The SMP shall include health and safety information for workers and posted on-site for the general public and would inform the various contractors and workers of the presence of soil impacted with petroleum hydrocarbons and the appropriate measures to safely deal with the soil.

Mitigation Measures HAZ-3 and HAZ-4 would provide for the proper investigation of the UST potentially located on the project site and, if present, for its removal and the remediation of any soil contamination associated with the historical UST. With implementation of these mitigation measures, the proposed project would not pose a significant hazard to the public or environment and impacts would be **less than significant**.

## 5 Mitigation Monitoring and Reporting Program

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Pursuant to Public Resources Code Section 21081.6, the City has adopted a detailed mitigation and monitoring reporting program (MMRP) for the proposed project. The program is designed to ensure that all mitigation measures provided in Section 4, *Findings of Significant Impacts, Required Mitigation Measures, and Supporting Facts*, are implemented on a timely basis as the proposed project is implemented. The MMRP is located in Appendix A of this document.

## 6 Effects Found Not to be Significant

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CEQA Guidelines Section 15128 require that an EIR contain a brief statement disclosing the reasons why various possible significant effects of the project were found not to be significant, and therefore would not be discussed in detail in the EIR. Chapter 5, *Effects Found Not to be Significant*, of the Final EIR identified the following issue areas that would not be impacted by the project:

- Aesthetics
- Agriculture and Forestry Resources
- Biological Resources
- Geology and Soils (except Paleontological Resources)
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems
- Wildfire

## 7 Findings Regarding Feasible Alternatives

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CEQA Guidelines Section 15126.6(a) requires that an EIR “describe a range of reasonable alternatives to the project, or to the location of this project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.”

The alternatives to the proposed project are assessed in Chapter 7, *Alternatives*, of the Draft EIR in terms of their ability to meet the objectives of the proposed project and eliminate or reduce its significant environmental effects. The following alternatives were considered and analyzed in the EIR:

- Alternative One: No Project
- Alternative Two: Demolition of Fire Station No. 9 and Construction of New Permanent Fire Station Onsite
- Alternative Three: Demolish the Structure and Develop with Commercial Retail Development
- Alternative Four: Preservation and Adaptive Reuse Alternative

### 7.1 Alternative One: No Project

Alternative One assumes that the proposed project would not occur, and the existing Fire Station No. 9 located at 3917 Long Beach Boulevard would remain on-site. The existing fire station building would remain vacant and no ground disturbance or demolition would occur. In accordance with LBMC Chapter 18.21, Maintenance of Long-Term Boarded and Vacated Buildings, the site and building would be maintained, including landscaping, exterior paint, and mold. Under this alternative, significant impacts to historic resources would be avoided. Mold and potentially hazardous building materials are expected to remain, and implementation of Mitigation Measures HAZ-1 and HAZ-2 would still be required in order to protect the health of contractors engaging in spot remediation activities at the site. In addition, Mitigation Measures HAZ-3 and HAZ-4 would be required in order to determine whether an abandoned UST exists on the project site and provide for the proper handling of the potential UST and any contamination as needed.

- **Finding.** Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- **Facts in Support of Findings.** Under Alternative One, the building would remain uninhabitable, the vacant structure could attract criminal and nuisance activities, and Fire Service Area 9 response times would not be restored. Therefore, Alternative One would not meet the primary objectives of the proposed project. This determination is further supported by ongoing criminal and nuisance issues that have characterized other vacant City buildings in recent history. For example, Old City Hall has had numerous break ins, copper and wire theft, and unauthorized encampments occur in the last several months, which creates substantial safety issues and cleanup and security costs for the City. Maintaining the vacant Fire Station No. 9 building could result in similar issues. For these reasons, the City finds that this alternative is infeasible and less desirable than the proposed project and rejects this alternative.

## 7.2 Alternative Two: Demolish Building and Replace with New Permanent Fire Station

Under Alternative Two, Fire Station No. 9 would be demolished, and a permanent replacement fire station would be constructed. Demolition and construction of this alternative would take approximately three years to complete, during which time Fire Station No. 9 would be required to operate out of a temporary, offsite facility. Implementation of the same mitigation measures for cultural resources (i.e., Mitigation Measures CR-1 through CR-12) would be required under this alternative; however, significant impacts to a historic resource would remain. Hazardous materials removal (i.e., Mitigation Measures HAZ-1 through HAZ-4) would also be required during construction activities under this Alternative.

- **Finding.** Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- **Facts in Support of Findings.** Alternative Two would fulfill most of the project objectives such as removing a building with structurally impaired and deteriorated conditions; however, due to the size constraints of the project site, it is infeasible to construct a fire station at this location that complies with NFPA standards for fire station design. Therefore, Alternative Two would not meet all of the objectives of the proposed project. In addition, Alternative Two would not reduce or avoid the significant impacts to historic resources and hazardous materials identified for the proposed project. For these reasons, the City finds that this alternative is infeasible and less desirable than the proposed project and rejects this alternative.

## 7.3 Alternative Three: Demolish Building and Replace with Commercial Retail Development

Under Alternative Three, the Fire Station No. 9 building located at 3917 Long Beach Boulevard would be demolished and the project site would be developed with commercial retail uses of similar scale to the existing retail surrounding the project site. Demolition and construction of this alternative would take approximately one year, during which time Fire Station No. 9 would continue to operate at an interim location while a new permanent location for Fire Station No. 9 is identified. Implementation of the same mitigation measures for cultural resources (i.e., Mitigation Measures CR-1 through CR-12) and hazardous materials removal (i.e., Mitigation Measures HAZ-1 through HAZ-4) would be required during construction activities.

- **Finding.** Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- **Facts in Support of Findings.** Alternative Three would achieve some project objectives, such as removal of a structurally impaired and vacant building which could attract nuisance activities and pose a health threat but would not achieve the project objectives of returning Fire Station No. 9 equipment and personnel to its service area in order to help meet the Long Beach Fire Department response time goal and constructing a replacement structure that meets the NFPA standards for fire station design. In addition, Alternative Three would not reduce or avoid the significant impacts to historic resources and hazardous materials identified for the proposed

project. For these reasons, the City finds that this alternative is infeasible and less desirable than the proposed project and rejects this alternative.

## 7.4 Alternative Four: Preservation and Adaptive Reuse

Under Alternative Four, the City would complete a rehabilitation and adaptive reuse of Fire Station No. 9. It is assumed that under Alternative Four the building would be repurposed with a use that is permitted under the site land use and zoning designations, such as small-scale office or retail. The Preservation and Adaptive Reuse Alternative would include the necessary repairs to remediate the existing mold issues as well as other repairs to bring the structure up to California Building Code standards for historic properties pursuant to LBMC Chapter 18.50, including the appropriate occupancy for the new use. The additional scope of improvements, beyond mold remediation, that would occur include modifications for the new use as well as the repair of any potential structural issues and abatement of any lead and ACMs within the structure and any potential contamination present in nearby soil due to the historic UST on the site.

Rehabilitation would be completed in conformance with the Secretary of the Interior Standards for Treatment of Historic Properties (U.S. Department of the Interior 2017) and in accordance with the California Historic Building Code (2016), including fire protection, structural integrity, ingress/egress, methods of construction and plumbing, equipment and ventilation, which allows for more flexible application of building regulations when rehabilitating a historic resource. It is assumed that all identified character-defining features of the building would be repaired and maintained in-situ to the highest degree feasible. Construction under this alternative would last for approximately eight months. Under Alternative Four, significant impacts to historic resources would be reduced or avoided. However, due to the unknown extent of mold within the building and the potentially extensive construction activities required for remediation, Alternative Four still has the potential for significant impacts on a historic resource, if remediation compromises the integrity of character-defining features.

Implementation of mitigation measures related to Tribal Cultural Resources and Paleontological Resources (i.e., Mitigation Measures CR-4 through CR-12) would be required during any ground disturbing activities. In addition, mitigation measures related to hazardous materials removal (i.e., Mitigation Measures HAZ-1 through HAZ-4) would be required during construction activities. This Alternative would reduce significant impacts, though potentially not to a less than significant level depending on the extent of remediation required, and would achieve some project objectives by repairing and adaptively reusing a structurally impaired and vacant building which could attract nuisance activities and pose a health threat but would not achieve the rest of the project objectives including returning Fire Station No. 9 to its service area and providing a fire station in compliance with applicable Building Code requirements and with National Fire Prevention Association (NFPA) standards.

- **Finding.** Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- **Facts in Support of Findings.** Alternative Four would achieve some project objectives, such as removal of a structurally impaired and vacant building which could attract nuisance activities and pose a health threat and would potentially reduce or avoid impacts to historic resources. However, it would not achieve the project objectives of returning Fire Station No. 9 equipment and personnel to its service area in order to help meet the Long Beach Fire Department

**Fire Station No. 9 Replacement Project**

response time goal and constructing a replacement structure that meets the NFPA standards for fire station design. Because Alternative Four would not achieve all of the basic project objectives, the City finds that this alternative is infeasible and less desirable than the proposed project and rejects this alternative.

## 8 Statement of Overriding Considerations

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As discussed in Section 4, *Findings of Significant Impacts, Required Mitigation Measures, and Supporting Facts*, the Final EIR concludes that the proposed project, even with incorporation of all feasible mitigation measures and consideration of alternatives, would have a significant impact on historic resources.

CEQA Guidelines Section 15093 requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

When the lead agency approves a project which would result in the occurrence of significant effects which are identified in the Final EIR, but are not avoided or substantially lessened by the adoption of all feasible mitigation measures and alternatives, the lead agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The Statement of Overriding Considerations shall be supported by substantial evidence in the record.

Pursuant to CEQA Section 21081 and CEQA Guidelines Section 15093, the City adopts the following Statement of Overriding Considerations regarding the unavoidable significant impacts on historic resources outlined in the Final EIR for the Fire Station No. 9 Replacement Project and the anticipated benefits associated with the proposed project.

In approving the proposed project, the City has weighed the benefits of the project against the significant adverse impact identified in the Final EIR that has not been lessened through mitigation to a less than significant level. The City hereby determines that benefits of the project outweigh the unmitigated adverse impact and that project should be approved. The City finds that to the extent that the identified significant adverse impact has not been avoided, there are specific economic, legal, social, technological and other considerations which support approval of the project.

### 8.1 Adoption of Overriding Considerations

The City adopts this Statement of Overriding Considerations and finds that (a) the project has substantially lessened all significant impacts of the project where feasible, and (b) the remaining unavoidable impacts of the project are acceptable in light of the economic, legal, social, technological and other considerations set forth herein, as the benefits of the project outweigh the significant adverse impacts of the project. The City finds that each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefit of the project outweighs the significant adverse environmental impact. These matters are supported by substantial evidence in the record that includes but is not limited to the Final EIR, staff reports and analysis, and other documents referenced in this Statement of Overriding Considerations and its adopting resolution.

### 8.2 Benefits of the Proposed Project

The City finds that the project’s unavoidable potential significant environmental impact to historic resources is outweighed by the considerable benefits outlined below:

- **Removal of a vacant structure that could attract nuisance/criminal behavior to the area**

The maintenance of a vacant building represents an ongoing cost and upkeep as well as public safety concern. This determination is further supported by ongoing criminal and nuisance issues that have characterized other vacant City buildings in recent history. For example, Old City Hall located at 333 West Ocean Boulevard has had numerous break ins, copper and wire theft, and unauthorized encampments occur in the last months, which creates substantial safety issues and cleanup and security costs for the City.

The North Health Facility, located at 6335 Myrtle Avenue, also experienced similar issues when the facility was unoccupied for renovations. The facility experienced multiple break-ins, which required expenditures to board up access points where individuals were trespassing and getting into the building. Even after boarding activities were completed, break ins continued to occur with staff responses to examine the damage and board up windows and doors. The Police Department and contracted security company also responded to trespassing activities due to silent alarms during break-ins. The Health Department also was dispatched to provide resources to individuals experiencing homelessness who had occupied a portion of the patio area.

Maintaining the vacant Fire Station No. 9 building could result in similar issues with no public benefit. Unlike other above mentioned City assets, due to the hazardous conditions created by the mold and building moisture, it is imperative that City staff and public safety personnel monitoring and responding to nuisance activity at the vacant building are protected from being exposed to hazards that exist in the deteriorated structure.

- **Provision of a safe and healthy workplace for the Fire Station No. 9 crewmembers**

The existing building is not suitable for use as a healthy workplace, whether that be for Fire Station No. 9 or for employees of an alternate use (adaptive reuse). The existing building is structurally impaired and deteriorated due to the hazardous conditions created by the mold and building moisture. Removal of the building would address a potential threat to public health and safety, which includes, but is not limited to, mold spores associated with substantial structural water damage that require invasive remediation techniques.

If the adaptive reuse of the building was sought, required remediation compromises the integrity of character-defining features. Due to the unknown extent of mold within the building and the potentially extensive construction activities required for remediation, the building would approach and/or exceed the threshold for demolition, which would represent a significant impact on a historic resource.

The demolition of the structure would allow for a healthy workplace to be installed in the future, whether that is under Option A or under approval of a new civic use onsite in the future.

- **Restore operation of Fire Station No. 9 within the Fire Service Area No. 9 service area in order to help meet Long Beach Fire Department response time goals**

The interim location for Fire Station No. 9 at 2019 East Wardlow Road permits fire personnel to occupy an independent facility rather than co-locating at existing Fire Station Nos. 13 and 16. The 2019 East Wardlow location fulfills the immediate need for a temporary fire station while interim and long-term plans and approval process including the future of the current Fire Station No. 9 project site are completed. Option A would allow the fire station to resume on a temporary basis. Option B would not propose the immediate reuse as a fire station but would provide the ability to accommodate a civic use onsite.

## 8.3 Conclusion

The City has considered the information contained in the record of administrative proceedings on the proposed project and has weighed the above outlined benefits of the project against the unavoidable adverse environmental impact to historic resources identified in the Final EIR. The City hereby determines that, based on the substantial evidence in the record before it, these benefits outweigh the unavoidable significant environmental impact of the proposed project, and further determine that this environmental impact is acceptable. Therefore, the City approves the project.

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# Appendix A

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Mitigation Monitoring and Reporting Program