

## CALIFORNIA COASTAL COMMISSION

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April 19, 2007

**TO:** Commissioners and Interested Persons

**FROM:** Peter M. Douglas, Executive Director  
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**SUBJECT:** Presentation by Port of Los Angeles on the Batiquitos Lagoon restoration project in San Diego County and California least tern nesting and foraging in the Port of Los Angeles.

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**INTRODUCTION.** Dr. Ralph Appy, Director of Environmental Management at the Port of Los Angeles, will present information on the Batiquitos Lagoon restoration project in San Diego County, and on endangered California least tern nesting and foraging activities in the Port of Los Angeles. The Batiquitos Lagoon project served as mitigation for the loss of marine habitat due to landfill construction in the Port of Los Angeles beginning in the mid-1990s. Construction and management of California least tern nesting habitat and foraging waters in the Port has been required, in part, as mitigation for Port landfill and terminal development since the mid-1980s. The purpose of the Port presentation is to document the success of the Batiquitos Lagoon restoration project and California least tern management in the Port, and to demonstrate how both have served as successful mitigation for Port development affecting marine habitat and endangered species. In addition, this briefing will provide the Commission with useful background and baseline information on Port mitigation programs in advance of future Port landfill and marine habitat enhancement projects which are anticipated to come before the Commission in late 2007 or early 2008.

**HISTORY – Batiquitos Lagoon.** In 1991, the Commission approved a coastal development permit application (6-90-219) submitted by the City of Carlsbad for restoration and enhancement of Batiquitos Lagoon on the northern San Diego County coastline. The Commission found that approval of the permit application did not endorse or approve any program for the application of mitigation credits to Port of Los Angeles landfill projects in San Pedro Bay. However, the Commission did acknowledge that approximately 380 mitigation credits should be available for

Port of Los Angeles mitigation purposes due to the Commission-approved restoration plan and the enhancement of lagoon and wetland resources that would occur from implementation of the restoration project. A formal determination of potential mitigation credits from the restoration project was deferred to a future date when the Commission would review a proposal for new port landfills and associated mitigation plans.

In October 1992 the Commission concurred with a federal consistency determination submitted by the Corps of Engineers for the massive Pier 300/Pier 400 federal channel deepening and landfill construction project in the Port of Los Angeles. In April 1993 the Commission certified the related Port Master Plan Amendment No. 12 for the Pier 300/Pier 400 landfill and terminal development project. As a part of this certification, the Commission found that the aforementioned Batiquitos Lagoon restoration project would adequately mitigate for the first increment (approximately 383 acres) of the Port's proposed Pier 400 landfill. The Commission determined that the restoration project would return tidal influence to Batiquitos Lagoon, would allow for natural expansion of the adjacent saltmarsh, and would improve habitat for threatened and endangered species using these habitats. The Commission found that while the mitigation project would not precisely replace lost deep-water habitat affected by proposed Port landfills, the completed project would provide for the restoration of an integrated ecosystem providing habitat for fish, birds, and benthic organisms, and would provide significant benefits to fishery resources to be adversely affected by Port landfills. Monitoring of the restored lagoon complex was included in the project to ensure that standards for measuring restoration success were met and – if necessary – remedial actions were implemented to achieve long-term success.

HISTORY – California Least Tern. The California least tern breeds from April through August at nesting sites along the Pacific shoreline from San Francisco Bay to lower Baja California. Coastal development in the 20<sup>th</sup> century eliminated most of the least tern's nesting areas in California, resulting in a dramatic decline in its population. The least tern was listed as endangered under the federal Endangered Species Act in 1970 and under the California Endangered Species Act in 1971. Nesting activity by the least tern within the Port of Los Angeles has been formally documented since 1973. Least terns nested on new, vacant landfill areas within the port from the late 1970s through 2001 and the Port protected and monitored those areas. The current least tern nesting site, approximately 15 acres on the southeastern tip of Pier 400, is managed by the Port under a Memorandum of Agreement with the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and California Department of Fish and Game. The least tern forages over water at numerous locations throughout the Port.

Since the mid-1980s the Commission has concurred with several Corps of Engineers consistency determinations for federal navigation channel deepening and has certified several Port of Los Angeles port master plan amendments for landfill construction and terminal development. In most of these actions, the Commission adopted findings that included protection of existing least tern nesting and foraging areas or – as mitigation for unavoidable impacts from harbor development – the creation of new nesting and foraging areas (e.g., new shallow water habitat areas in the outer harbor by raising the seafloor using dredged materials from channel deepening). The Commission also required monitoring of least tern nesting and foraging activities within the Port.