

**CALIFORNIA COASTAL COMMISSION**

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**W 31a**

August 18, 2009

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: PETER M. DOUGLAS, Executive Director  
John Ainsworth, Deputy Director  
Al J. Padilla, Ports Coordinator

SUBJECT: Staff Recommendation on Port of Los Angeles Port Master Plan Amendment No. 25 [to add the land use designation of "General Cargo" to an existing 8 acre land area currently designated "Other"; allow a 1.2 acre landfill behind the extension of the southern end of the wharf at Berth 100, and designate "General Cargo" and "Other"]. For Commission consideration at meeting of September 9, 2009.

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**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends the Commission certify the Port of Los Angeles Master Plan Amendment No. 25, which would allow: an existing landfill to include "General Cargo" designation along with the current designation of "other"; allow a 1.2 acre landfill behind the extension of the southern end of the wharf at Berth 100, and designate "General Cargo" and "Other". The staff recommends that the Commission find that the proposed amendment conforms with and carries out the port development, water quality, and marine resource policies of Chapter 8 of the Coastal Act.

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**Substantive File Documents:**

1. Port of Los Angeles Port Master Plan (as amended), Port of Los Angeles.
2. Port of Los Angeles Port Master Plan Amendment No. 21.
3. Recirculated Draft Environmental Impact Statement/Environmental Impact Report, Berth 97-109 Container Terminal Project, Port of Los Angeles, April 30, 2009.
4. Final Environmental Impact Statement/Environmental Impact Report, Berth 97-109 Container Terminal Project, Port of Los Angeles, December 12, 2008.

**I. Port Master Plan Amendment Procedure.** Section 30716(a) and California Code of Regulations, Title 14 Section 13636 call for port master plan amendments to be certified in the same manner as provided in Section 30714 of the Coastal Act for certification of port master plans. Section 13628 of the regulations states that upon the determination of the Executive Director that the master plan amendment and accompanying materials required by Section 13628(a) are sufficient, the master plan amendment shall be deemed submitted to the Commission for purposes of Section 30714 of the Coastal Act. The subject amendment was deemed submitted on July 27, 2009. Within 90 days (October 25, 2009) of this submittal date, the Commission, after public hearing, shall certify or reject the amendment, in whole or in part. The Commission may not modify the amendment as a condition of certification. If the Commission fails to take action on the amendment submittal within the 90-day period, without a waiver of the time period by the applicant, the proposed amendment is deemed certified.

Section 30714 also states that the Commission shall certify the amendment if the Commission finds both that:

1. The certified portions of the amendment conform with and carry out the policies of Chapter 8 of the Coastal Act.
2. Where the amendment provides for development listed as appealable in Section 30715, such development is in conformity with all the policies of Chapter 3 of the Act.

The proposed amendment provides for: Redesignating 8 acres that are currently designated "Other" to include "General Cargo"; allow a 1.2 acre landfill behind the extension of the southern end of the wharf at Berth 100, and designate "General Cargo" and "Other".

The proposed amendment does not include appealable development under Section 30715. Therefore, the sole standard of review would, thus, be the policies of Chapter 8.

**II. STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolution:

**MOTION:**        *I move that the Commission certify the Port of Los Angeles Port Master Plan Amendment No. 25.*

**STAFF RECOMMENDATION OF CERTIFICATION:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Port Master Plan Amendment and adoption of the following resolution and findings. The motion to certify passes only upon an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY PORT MASTER PLAN AMENDMENT:**

The Commission hereby certifies the Port of Los Angeles Master Plan Amendment No. 25 and adopts the findings set forth below on grounds that the amendment is consistent with Chapter 8 of the Coastal Act. Certification of the amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the port master plan amendment.

**III.    FINDINGS AND DECLARATIONS**

The Commission finds and declares as follows:

**A.    Previous Commission Port Master Plan Action and Public Comments.**

The Commission certified the Port of Los Angeles Port Master Plan on March 19, 1980, and April 15, 1980. The Commission has reviewed twenty-two amendments to the master plan since that date, most recently in June 2009.

In May 2002, the Commission approved port master plan amendment No. 21 for, in part: (1) Deepening of the Main Channel, Inner Harbor Turning Basin, West Basin, East Basin, East Basin Channel, North Channel, Cerritos Channel, and selected container berths (100-102, 121-131, 136-147, 206-209, 212-221, and 226-236), from the current –50 feet MLLW depth to -53 feet; (2) dispose 4.7 million cubic yards of clean dredged material at the Pier 400 submerged storage site; and (3) 54-acre expansion of the Cabrillo Shallow Water habitat site. Dredge disposal sites for the Main Channel Deepening Project included a 43-acre fill at the Southwest Slip. The land use for 35 acres of this site was designated as general cargo. The remaining eight acres were allowed for limited use and designated as “Other” (e.g., vacant land, utilities and roadways, and areas not designated for a specific use). It is these eight acres that will be designated as “General Cargo” under this proposed amendment.

**B. Contents of Port Master Plan Amendments.**

Section 30716(a) of the Coastal Act and California Code of Regulations Title 14, Section 13656 call for Port Master Plan Amendments to be certified in the same manner as port master plans. Section 30711 of the Coastal Act provides, in part, that a port master plan shall include all the following:

1. *The proposed uses of land and water, where known.*
2. *The proposed design and location of port land areas, water areas, berthing, and navigation ways and systems intended to serve commercial traffic within the area of jurisdiction of the port governing body.*
3. *An estimate of the effect of development on habitat areas and the marine environment, a review of existing water quality, habitat areas, and quantitative and qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impacts.*
4. *Proposed projects listed as appealable in Section 30715 in sufficient detail to determine their consistency with the policies of Chapter 3 (commencing with Section 30200) of this division.*
5. *Provisions for adequate public hearings and public participation in port planning and development decisions.*

The Commission finds that the proposed Port Master Plan Amendment conforms with the provisions of Section 30711 of the Coastal Act. There are adequate details in the Port Master Plan Amendment submittal and associated materials for the Commission to make a determination of the proposed amendment's consistency with Chapter 8 policies of the Coastal Act.

The draft Port Master Plan Amendment was approved for public distribution by the Board of Harbor Commissioners on March 25, 2009. Written comments were solicited and a public hearing on the draft amendment was held during the May 7, 2009 Board of Harbor Commissioners meeting. On June 23, 2009, the Board of Harbor Commissioners approved the amendment for submittal to the Coastal Commission.

**C. Appealable Development.**

In determining the standard of review for the proposed master plan amendment, Section 30714 of the Coastal Act provides guidance and states in part that:

*The Commission shall certify the plan, or portion of the plan, if the Commission finds both of the following:*

*(a) The master plan, or certified portions thereof, conforms with and carries out the policies of this chapter.*

*(b) Where a master plan, or certified portions thereof, provide for any of the developments listed as appealable in Section 30715, the development or developments are in conformity with all policies of Chapter 3 (commencing with Section 30200).*

Section 30715(a) of the Coastal Act provides, in part, that:

*(a) ...After a port master plan or any portion thereof has been certified,... approvals of any of the following categories of development by the port governing body may be appealed to the commission:*

*(1) Developments for the storage, transmission, and processing of liquefied natural gas and crude oil in such quantities as would have a significant impact upon the oil and gas supply of the state or nation or both the state and nation. A development which has a significant impact shall be defined in the master plans.*

*(2) Waste water treatment facilities, except for those facilities which process waste water discharged incidental to normal port activities or by vessels.*

*(3) Roads or highways which are not principally for internal circulation within the port boundaries.*

*(4) Office and residential buildings not principally devoted to the administration of activities within the port; hotels, motels, and shopping facilities not principally devoted to the sale of commercial goods utilized for water-oriented purposes; commercial fishing facilities; and recreational small craft marina related facilities.*

*(5) Oil refineries.*

*(6) Petrochemical production plants....*

The port's plan amendment does not provide for development listed as appealable in Section 30715(a). Therefore, the standard of review for the proposed amendment is Chapter 8 of the Coastal Act.

#### **D. Summary of Proposed Plan Amendment.**

The Port of Los Angeles proposes to amend its port master plan by obtaining Commission certification to add the land use designation of "General Cargo" to an existing 8 acre land area currently designated "Other", located in the northwest section of the Port (Berths 97-109). The amendment will also allow a 1.2 acre landfill behind the extension of the southern end of the wharf at Berth 100, and designate "General Cargo" and "Other",

located in the northwest section of the Port and adjacent to the Turning Basin of the Main Channel.

The uses permitted at the 8 acre site, located at the northernmost edge of Berths 97-109, and the 1.2 acre fill, located at Berth 100, would be “General Cargo” and “Other” (rail yard, roadways, utilities, etc.), which are the Port Master Plan use designations that permit container and container support operations. The new landfill will be used to improve container operations by allowing the integration of the Berth 100 wharf extension and the permitted backland development of the container terminal. Fill would be obtained from surplus clean fill located on site, which was previously analyzed in the Channel Deepening Project EIR.

The filling of the 1.2 acres allowed under this amendment would result in the loss of approximately 1.2 acres of outer harbor habitat. The loss of marine habitat due to the outer harbor fill would be unavoidable since the project is infeasible without the landfill. To compensate for the loss of marine resources, the Port intends to apply mitigation credits from the Harbor Landfill Mitigation Credit Account and/or the port’s Bolsa Chica mitigation account. These mitigation credit accounts were established through interagency memorandum of agreements and Port Master Plan Amendments to create mitigation credits through the funding of wetland restoration projects in the harbor and at the Bolsa Chica lowlands. Impacts to marine resources and mitigation credits are discussed in Section 3 and 4 below.

#### **E. Conformance with the Coastal Act.**

In order for the Commission to certify the proposed amendment, the Commission must determine that the amendment conforms to the following Chapter 8 policies of the Coastal Act. The following sections discuss the proposed development and its conformance with the applicable Chapter 8 policies.

#### **1. Allowable Development**

Section 30705 of the Coastal Act states:

*(a) Water areas may be diked, filled, or dredged when consistent with a certified port master plan only for the following:*

- (1) Such construction, deepening, widening, lengthening, or maintenance of ship channel approaches, ship channels, turning basins, berthing areas, and facilities as are required for the safety and the accommodation of commerce and vessels to be served by port facilities.*
- (2) New or expanded facilities or waterfront land for port-related facilities.*
- (3) New or expanded commercial fishing facilities or recreational boating facilities.*
- (4) Incidental public service purposes, including, but not limited to, burying cables or pipes or inspection of piers and maintenance of existing intake and outfall lines.*

- (5) *Mineral extraction, including sand for restoring beaches, except in biologically sensitive areas.*
- (6) *Restoration purposes or creation of new habitat areas.*
- (7) *Nature study, mariculture, or similar resource-dependent activities.*
- (8) *Minor fill for improving shoreline appearance or public access to the water.*

Section 30708(c) states in part that:

*All port-related developments shall be located, designed, and constructed so as to:*

...

*(c) Give highest priority to the use of existing land space within harbors for port purposes, including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities.*

The Port Master Plan states that the objective of the plan is to:

*...consistently develop, expand, alter the port in both the short-term period and long-range period for purposes of commerce, navigation, fisheries, port-dependent activities and general public recreation...*

The amendment will allow for adding general cargo as a permitted use to eight acres currently designated as "Other"; and allow for a 1.2-acre fill behind the extension of the southern end of the wharf at Berth 100 as part of the Berths 97-109 Container Terminal Project.

The new land use designation for the 8 acres and the 1.2-acre landfill are minor additions to the operation of the container backland as a whole, but will allow the existing terminal to become more efficient through better use of space. The Commission, therefore, finds that the proposed dredging and landfills, for the accommodation of commerce and vessels to be served by port facilities, is for port-related facilities and is allowable under Section 30705(a) and 30708(c).

## **2. Project Need.**

Section 30701 of the Coastal Act states:

*The Legislature finds and declares that:*

*(a) The ports of the State of California, including the Humboldt Bay Harbor, Recreation, and Conservation District, constitute one of the state's primary economic and coastal resources and are an essential element of the national maritime industry.*

*(b) The location of the commercial port districts within the State of California, including the Humboldt Bay Harbor, Recreation, and Conservation District, are well established, and for many years such areas have been devoted to transportation and commercial, industrial, and manufacturing uses consistent with federal, state and*

*local regulations. Coastal planning requires no change in the number or location of the established commercial port districts. Existing ports, including the Humboldt Bay Harbor, Recreation, and Conservation District, shall be encouraged to modernize and construct necessary facilities within their boundaries in order to minimize or eliminate the necessity for future dredging and filling to create new ports in new areas of the state.*

Section 30706 of the Coastal Act states:

*In addition to the other provisions of this chapter, the policies contained in this section shall govern filling seaward of the mean high tide line within the jurisdiction of ports:*

*(a) The water area to be filled shall be the minimum necessary to achieve the purpose of the fill.*

The Coastal Act policies require that any approved landfill be the minimum necessary in order to achieve the purpose of the project. In this regard, the Commission has required that the port demonstrate the need for any proposed landfill through the use of a well-documented and conservative approach to justify the requested landfill acreage.

As stated by the Port, the purpose of the amendment is to allow adding general cargo as a permitted use to eight acres currently designated as "Other"; and allow for a 1.2-acre fill behind the extension of the southern end of the wharf at Berth 100 as part of the Berths 97-109 Container Terminal Project.

The Port has previously indicated that the Port of Los Angeles handled 4.99 million TEUs (twenty-foot equivalent units) in fiscal year 2002, an increase of 137 percent from fiscal year 1990. Forecasts project that the port will continue to experience significant growth as overall trade with Asia grows, primarily due to trade with China, and the port's rail operations enter a new phase with the completion of the Alameda Corridor Transportation Project. According to forecasts, by the year 2020, cargo throughput at the San Pedro Bay ports is estimated to exceed 12 million TEUs, more than tripling current cargo flows (Mercer/DRI 1998).

For the Port to accommodate this increasing flow of international cargo, additional cargo handling facilities are necessary. Additional cargo handling capacity is typically created through expansion of existing facilities or construction of new facilities on available land or new landfill sites. Where possible, the Port has acquired private land areas within the Harbor District and surrounding area to accommodate the construction of new facilities on existing land area. Without a major landfill, the Port is attempting to increase the operating efficiencies within the Port by reuse of existing parcels of land and minor land fills. In addition, the Port has administered a policy of consolidating ancillary uses and oil operations located throughout the Harbor District to allow expansion of existing marine terminals. The Port has also been constructing on-dock and near-dock rail yards and other rail related infrastructure improvements to limit congestion and improve the

movement of cargo through the terminals and the Port. As available land areas within the San Pedro Harbor District are developed for marine cargo terminal purposes, landfill projects, such as those that would be allowed by this amendment, will postpone the need for future major landfill expansion projects within the Port or other areas of the State.

The proposed landfill is the minimum necessary to expand the existing terminals and increase operating efficiencies within the existing port. The Commission, therefore, finds, that the proposed landfill will be the minimum necessary in order to achieve the purpose of the project, will provide additional area for a high priority port use and will be consistent with Section 30701(a) and (b) and 30706(a) of the Coastal Act. Furthermore, the Commission also finds that the use of surplus clean fill material located on site as landfill for the project, minimizing ocean disposal, conforms with Section 30708(d), which states in part that port-related development shall provide for other beneficial uses consistent with public trust. The Commission and other state and federal regulatory agencies that review port development and expansion in southern California consistently urge the Port of Los Angeles (and other ports and agencies that dredge in coastal waters) to pursue alternatives to ocean dumping.

### **3. Water Quality**

Section 30705 of the Coastal Act provides in part that:

(c) Dredging shall be planned, scheduled, and carried out to minimize disruption to fish and bird breeding and migrations, marine habitats, and water circulation. Bottom sediments or sediment elutriate shall be analyzed for toxicants prior to dredging or mining, and where water quality standards are met, dredge spoils may be deposited in open coastal water sites designated to minimize potential adverse impacts on marine organisms, or in confined coastal waters designated as fill sites by the master plan where such spoil can be isolated and contained, or in fill basins on upland sites. Dredge material shall not be transported from coastal waters into estuarine or fresh water areas for disposal.

*(d) For water areas to be diked, filled, or dredged, the commission shall balance and consider socioeconomic and environmental factors.*

Section 30706 of the Coastal Act provides in part that:

*In addition to the other provisions of this chapter, the policies contained in this section shall govern filling seaward of the mean high tide line within the jurisdiction of ports:*

*(a) The water area to be filled shall be the minimum necessary to achieve the purpose of the fill.*

*(b) The nature, location, and extent of any fill, including the disposal of dredge spoils within an area designated for fill, shall minimize harmful effects to coastal resources, such as water quality, fish or wildlife resources, recreational resources, or sand transport systems, and shall minimize reductions of the volume, surface area, or circulation of water. . . .*

Section 30708 of the Coastal Act provides in part that:

*All port-related developments shall be located, designed, and constructed so as to:*

*(a) Minimize substantial adverse environmental impacts.*

*. . .*

*(d) Provide for other beneficial uses consistent with the public trust, including, but not limited to, recreation and wildlife habitat uses, to the extent feasible. . . .*

Water quality issues associated with development under this amendment are examined in this staff report from two perspectives: (1) water quality protection measures associated with project construction; and (2) analysis of the water quality-related reports (sediment disposal decisions, circulation and water quality modeling, and post-project water quality monitoring).

a) Water Quality protection measures

The associated SEIS/SEIR documented the existing water quality conditions in the Port of Los Angeles, and examined the potential project impacts and proposed mitigation measures. Those documents are incorporated by reference into this report.

Water quality would be affected during fill operations, due primarily to increases in turbidity, decreases in dissolved oxygen, increases in nutrients, and increases in contaminants in the immediate vicinity of operations. These localized water column impacts will in turn affect fish and marine birds in the project area. However, any adverse effects will be limited due to the nature of the fill materials, the short-term nature of the water column changes, and the ability of fish and birds to avoid the turbidity plumes generated by project operations.

The development proposed under this amendment would be subject to Federal and State water quality protection measures, including:

- An amended, Clean Water Act Section 401 -Certification from the RWQCB for dredging and filling activities that contains conditions including standard Waste Discharge Requirements (WDR).

- Monitoring to ensure that return water flow from disposal of dredge material behind landfill dikes meets RWQCB requirements for settleable solids and toxic pollutants.

Additionally, the Port of Los Angeles is subject to the requirements of the Los Angeles County Storm Water Permit for operation of Port facilities and the Construction Activities Storm Water General Permit for Port construction activities. The Port is actively involved in ensuring compliance with these NPDES permits, including (1) participation by various Port divisions in storm drain maintenance activities, street sweeping, implementation of BMPs, spill response activities, etc.; (2) ongoing participation in various City-wide and regional task forces (including the Dominguez Channel Watershed Advisory Committee, the LA Region Contaminated Sediment Task Force) to facilitate interagency coordination and remain current on applicable storm water regulations and activities; (3) periodic training of Port employees, contractors and tenants to ensure compliance; (4) development of guidance documents for use by Port employees, contractors and tenants to ensure permit compliance; (5) inspection of construction sites by Port inspectors to ensure compliance with construction BMPs; (6) application of the recently adopted SUSMP criteria in the design of Port facilities to capture and treat the first 0.75 inches of rainfall from storm events; and (7) active participation in various studies to support Total Maximum Daily Load (TMDL) development in the harbor area, including the Dominguez Channel.

In conclusion, the Commission finds that the development proposed by this amendment will generate only minor, short-term effects on water quality and marine resources in the Port of Los Angeles. With the proposed mitigation measures required through the State and Federal permitting processes, and compliance with those standards, the adverse effects on water quality and marine habitat will not be significant and the proposed amendment is consistent with Sections 30705, 30706, and 30708 of the Coastal Act.

#### **4. Environmentally Sensitive Habitat.**

Section 30705 of the Coastal Act states in part:

*(b) The design and location of new or expanded facilities shall, to the extent practicable, take advantage of existing water depths, water circulation, siltation patterns, and means available to reduce controllable sedimentation so as to diminish the need for future dredging.*

*(c) Dredging shall be planned, scheduled, and carried out to minimize disruption to fish and bird breeding and migrations, marine habitats, and water circulation. Bottom sediments or sediment elutriate shall be analyzed for toxicants prior to dredging or mining, and where water quality standards are met, dredge spoils may be deposited in open coastal water sites designated to minimize potential adverse impacts on marine organisms, or in confined coastal waters designated as fill sites by the master plan where such spoil can be isolated and contained, or in fill*

*basins on upland sites. Dredge material shall not be transported from coastal waters into estuarine or fresh water areas for disposal.*

Section 30706 of the Coastal Act states in part:

*In addition to the other provisions of this chapter, the policies contained in this section shall govern filling seaward of the mean high tide line within the jurisdiction of ports... (b) The nature, location, and extent of any fill, including the disposal of dredge spoils within an area designated for fill, shall minimize harmful effects to coastal resources, such as water quality, fish or wildlife resources, recreational resources, or sand transport systems, and shall minimize reductions of the volume, surface area, or circulation of water.*

Section 30708 of the Coastal Act states in part:

*All port-related developments shall be located, designed, and constructed so as to...a) Minimize substantial adverse environmental impacts.*

The Port of Los Angeles's EIS/EIR for the Berth 97-109 Container terminal Project for the proposed amendment addresses the potential for adverse effects on marine resources. The EIS/EIR states that the fill would permanently cover approximately 1.2 acres of existing rocky and soft-bottom marine substrate. The proposed landfill would require the placement of approximately 1.2 acres of fill. Fill will consist of approximately 24,000 cubic yards of fill. Fill effects include direct mortality from organisms being buried by fill rock, and possible temporary localized effects to nearby biota due to turbidity.

This "outer-harbor" location is not considered significant foraging areas for terns or pelicans, and the related turbidity effects that will occur due to the filling in these areas are not expected to adversely affect either species. The project area is not considered significant habitat area for any sensitive fish or wildlife species. No foraging is known or expected to occur in the proposed project area.

The 1.2-acre landfill will result in a net loss of approximately 1.2 acres of "outer-harbor" marine habitat. According to the Port, the loss of marine habitat would be unavoidable since the project is infeasible without the landfill and all other alternatives are infeasible or more environmentally damaging. Alternatives would require new landfills in previously undisturbed areas to accommodate the cargo terminal. To compensate for the loss of marine resources, the Port intends to apply mitigation credits from the Harbor Landfill Mitigation Credit Account approved by the Coastal Commission. The Harbor Landfill Mitigation Credit Account was created through the Port's participation in a multi-agency wetland restoration at the Bolsa Chica lowlands. The Commission approved the Port landfill mitigation credit account in Port Master Plan Amendment No. 8 (Port of Long Beach). Under PMPA No. 8, mitigation credits would be obtained by the Port through funding of land acquisition and wetland restoration at the Bolsa Chica lowlands. The Port's participation created a total of 267 acres of landfill mitigation credits (Port Master Plan

Amendments No.8 and No.10) to be used for future landfill projects. The Commission found that the proposed wetland restoration project at Bolsa Chica would adequately compensate for marine resource losses that would occur from landfill projects within the port.

Under the Landfill Mitigation Credit Account agreement, the Port can use the mitigation credits at a ratio of 1:2 for “inner-harbor” landfills and 1:1 for “outer-harbor” landfills. The proposed landfill site involves “outer-harbor” area. The proposed “outer-harbor” loss of 1.2 acres will require .1.2 acres of the available Bolsa Chica mitigation credits based on the “outer-harbor” mitigation ratio of 1:1. This will reduce the remaining available mitigation credits in the account to a total of approximately 110 acres, once the landfill project is constructed. Therefore, the mitigation credit supply is adequate to meet the mitigation requirement demand of the project. The Commission finds that as mitigated, the adverse effects on marine resources will not be significant and the amendment is consistent with Sections 30230, 30231, and 30240(b) of the Coastal Act.

The proposed amendment would permit activities that would generate adverse effects on marine habitat and resources, primarily as a result of loss of marine habitat due to filling. Adverse effects on existing marine life and habitat will be permanent due to filling and the loss of habitat area. However, the Port, based on the Commission approved mitigation ratios, will use 1.2 mitigation credits that have been accumulated through the Bolsa Chica Harbor Landfill Mitigation Credit Account. The use of mitigation credits for port landfill projects has been approved by the Commission as proper mitigation for loss of habitat within the Ports. The Commission has found that by purchasing mitigation credits for the restoration of Bolsa Chica wetlands, adverse landfill impacts on marine habitat would be minimized and would provide numerous beneficial uses consistent with the public trust. The Commission, therefore, finds, that the proposed landfill will be consistent with Section 30705(b)(c) and 30706(b) of the Coastal Act.

## **5. Recreation**

Section 30706(b) of the Coastal Act provides:

*In addition to the other provisions of this chapter, the policies contained in this section shall govern filling seaward of the mean high tide line within the jurisdiction of ports:*

*(b) The nature, location, and extent of any fill, including the disposal of dredge spoils within an area designated for fill, shall minimize harmful effects to coastal resources, such as water quality, fish or wildlife resources, recreational resources, or sand transport systems, and shall minimize reductions of the volume, surface area, or circulation of water. . .*

Section 30708 of the Coastal Act provides, in part:

*All port-related developments shall be located, designed, and constructed so as to:*

*(a) Minimize substantial adverse environmental impacts.*

...

*(d) Provide for other beneficial uses consistent with the public trust, including, but not limited to, recreation and wildlife habitat uses, to the extent feasible. . . .*

The proposed project modifications and final design decisions must be consistent with the aforementioned recreational resource policies of the Coastal Act. The proposed filling modifications that would occur would not generate adverse effects on recreational activities in the Port. The landfill site is not a recreation areas due to the existing cargo and industrial activities that occur in this area. No existing public access or recreation areas will be eliminated or created by the proposed project modifications. On-water recreational boating will be restricted in the immediate areas of active filling, and some inconvenience to recreational boaters traveling within the harbor will occur during project construction, but these restrictions would be temporary and are not considered significant impacts. Therefore, the Commission finds that the proposed amendment is consistent with the commercial and recreational fishing and boating policies of Sections 30706(b) and 30708(a)(d) of the Coastal Act.

## **6. Risk Management Plan**

Section 30708(a) of the Coastal Act requires that all port-related developments be located, designed and constructed so as to minimize substantial adverse environmental impacts. The Commission certified the Ports' Risk Management Plan (RMP) in November 1983. The certified RMP is to be used for the siting of new hazardous liquid cargo facilities and any proposed modification, expansion or relocation of existing hazardous liquid cargo facilities in a manner that minimizes or eliminates risks to life and property in and around the port through the physical separation of hazards and "vulnerable resources". Vulnerable resources are defined in the RMP as significant residential, recreational and working populations, and facilities that have high economic value or are critical to the economy or national defense.

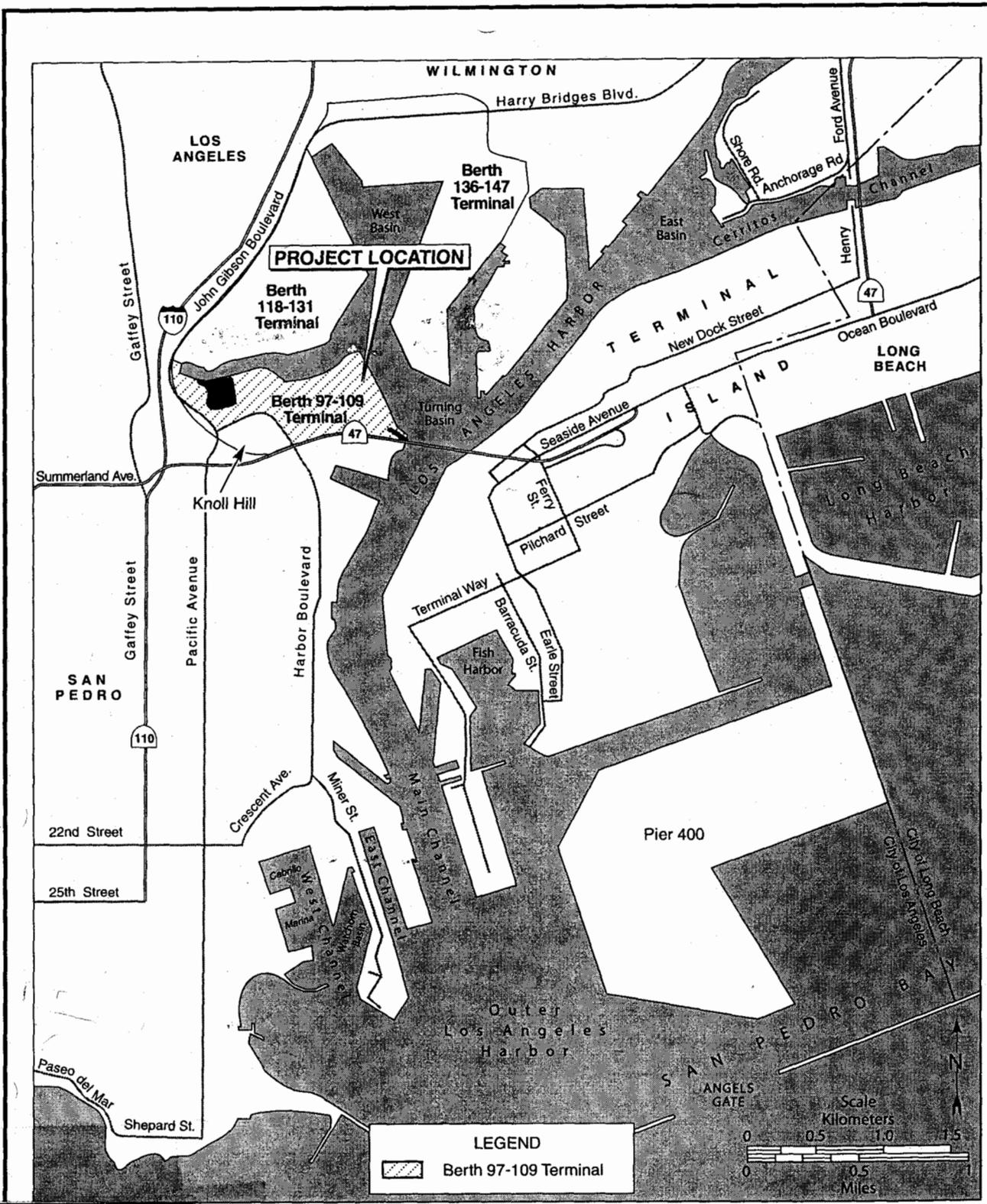
The risk to "vulnerable resources" from hazardous materials is analyzed by determining the area in which people would be hurt and property would be damaged if a "worst case" accident occurred. The area where "vulnerable resources" could be injured or damaged by a worst case accident is called a "hazard footprint". The boundary of a hazard footprint is determined by calculating the distance at which impacts of the worst probable events will be reduced to levels that are not likely to cause injury or property damage.

This generally does not allow placement of vulnerable resources within a hazard footprint. The design criteria of the RMP recognizes that there are situations where vulnerable resources may be located within a hazard footprint area. Under these situations, application of additional protection measures such as the installation of an approved early warning system, development of a comprehensive emergency evacuation plan, or personal training, may be required.

In the Port's analysis of the project, there were no hazard footprints in the vicinity of the proposed project and the proposed cargoes that would be handled at the proposed expansions of existing marine cargo terminals would not include hazardous liquid bulk facilities and the terminals will not create any new hazardous liquid cargo facilities. Therefore, the Commission finds that the proposed project will be consistent with the Port's RMP and will minimize substantial adverse environmental impacts consistent with Section 30708(a) of the Coastal Act.

**7. Consistency with the California Environmental Quality Act (CEQA).**

The California Environmental Quality Act (CEQA) requires less environmentally damaging alternatives to be considered and the imposition of mitigation measures to lessen significant adverse effects that may result from the proposal. The Commission finds that for the reasons discussed in this report, all adverse effects have been mitigated to a level of insignificance; thus, there are no additional feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts. The Commission further finds that the proposed Port Master Plan Amendment will not result in significant environmental effects within the meaning of the California Environmental Quality Act.



**EXHIBIT NO. 1**

Application Number  
*PLA+PMPA-25*

*Vicinity Map*  
California Coastal Commission

**Figure ES-1**  
Project Site and Vicinity  
Berth 97-109 Container  
Terminal Project EIS/EIR

**CH2MHILL**

**Land Use Designation:  
General Cargo (8 Acres)**

**Land Use Designations:  
General Cargo & "Other"  
(1.2 Acre Landfill)**

John S. Gibson Blvd

Gaffy St

1st St

Main Channel

Terminal Way

EXHIBIT NO. 2
Application Number PLA-PMPA-25
Site Plan
California Coastal Commission

al #2



Harbor Department, Planning & Research  
Map Produced 8/2008

