

**CALIFORNIA COASTAL COMMISSION**

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# Tu 12b

STAFF REPORT AND RECOMMENDATIONON CONSISTENCY CERTIFICATION

Consistency Certification	CC-56-97
Staff:	MPD-SF
File Date:	4/24/97
3 Months:	7/24/97
6 Months:	10/24/97
Hearing Date:	6/10-13/97

APPLICANT: **PORT OF LONG BEACH**

DEVELOPMENT  
 LOCATION:

Various navigation channels, Los Angeles Harbor (Exhibit 2), and offshore disposal site LA-2, 6 miles southwest of Point Fermin, Los Angeles County (Exhibit 1)

DEVELOPMENT  
 DESCRIPTION:

Five year maintenance dredging program (100,000 cu. yds. maximum), with disposal at LA-2

SUBSTANTIVE  
 FILE DOCUMENTS:

See page 8.

EXECUTIVE SUMMARY

The Port of Long Beach (Port) has submitted a consistency certification for its proposed five-year maintenance dredging program. This program is the same as the one the Commission concurred with for the previous 5-year period, which has now expired (CC-112-92).

As was the case for the previous 5-year program, the Port seeks authorization to dispose a maximum of 20,000 cubic yards (cu. yds.) per year at LA-2, and a maximum of 100,000 total cu. yds. over the five-year period. As was the case previously, prior to maintenance dredge disposal activity occurring in each year of the proposed dredging program, the Port has committed to submit to the Commission the specific details for the activity (e.g., dredge location, disposal volume, grain size analysis, and analysis of conformance with applicable "Green Book" standards for disposal at LA-2). The Port will submit

this information no less than one month prior to the commencement of dredging activity, in order to give the Commission staff adequate time to review project details and to evaluate project conformance with the standards established for the use of the LA-2 disposal site (see CD-63-90/CD-114-96). As long as the proposed dredged material disposal conforms with these standards, no additional Commission action would be required. With these commitments, the Port's dredging program is consistent with the marine resources, dredging/disposal, water quality, and commercial fishing policies of the Coastal Act (Sections 30230, 30233, 30234, 30234.5, and 30240). The project supports coastal dependent port and other boating uses and is consistent with Sections 30224, 30234, 30234.5, 30220, 30255 and 30701 of the Coastal Act. Disposal will not include sand that is suitable for beach replenishment, and the project is therefore consistent with Section 30233(b) of the Coastal Act.

#### STAFF SUMMARY AND RECOMMENDATION

##### I. STAFF SUMMARY:

A. Project Description/Background. The Port of Long Beach proposes to renew its five-year maintenance dredging program, including the authorization of disposal of suitable dredged material at EPA-designated offshore disposal site LA-2, located 6 mi. southwest of Pt. Fermin (Exhibit 1). The dredging would be within existing navigation channels (Exhibit 2) and to existing previously dredged depths. The Port seeks authorization for a maximum of 20,000 cu. yds. of disposal per year at LA-2, with a maximum of 100,000 cu. yds. over the five-year period.

In February 1993 the Commission concurred with the Port's consistency certification for its previous, similar 5-year dredging/disposal program. Under that authorization, the Port only ended up disposing of 18,200 cu. yds. over the entire 5-year period (i.e., less than a fifth of the amount authorized). For the next 5-year program, the Port has made the same commitments it made during the previous 5-year program, including commitments that: (1) only material that is clean (i.e., passing "Green Book" standards), and that is not sand and suitable for beach replenishment, would be disposed of at LA-2; (2) the Port will submit to the Commission the specific details and test results prior to disposal; and (3) the Port will not sidecast material without specific additional Commission authorization.

B. Status of Local Coastal Program. The standard of review for federal consistency certifications is the policies of Chapter 3 of the Coastal Act, and not the Local Coastal Program (LCP) or Port Master Plan (PMP) of the affected area. If the LCP or PMP has been certified by the Commission and incorporated into the CCMP (California Coastal Management Program), it can provide guidance in applying Chapter 3 policies in light of local circumstances. If the LCP or PMP has not been incorporated into the CCMP, it cannot be used to guide the Commission's decision, but it can be used as background information. The Port of Long Beach PMP has been incorporated into the CCMP.

C. Applicant's Consistency Certification. The Port of Long Beach has certified that the proposed activity complies with California's approved coastal management program and will be conducted in a manner consistent with such program.

II. STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following motion:

MOTION.

I move that the Commission concur with the Port's consistency certification.

The staff recommends a YES vote on this motion. A majority vote in the affirmative will result in adoption of the following resolution:

Concurrence

The Commission hereby concurs with the consistency certification made by the Port of Long Beach for the proposed project, finding that the project complies with and will be conducted in a manner consistent with the California Coastal Management Program.

III. FINDINGS AND DECLARATIONS:

The Commission finds and declares as follows:

A. Marine Resources/Dredging/Commercial Fishing/Ports.

1. Coastal Act Policies

The Coastal Act provides a number of applicable policies addressing marine resource protection, dredging and disposal operations, and prioritization of coastal dependent, coastal related, and other water oriented activities (such as port facilities, commercial and recreational fishing, and recreational boating), as follows:

[30230] Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

[30233] (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible

less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

[30224] Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

[30234] Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

[30234.5] The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

[30220] Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

[30255] Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

[30701] 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.

## 2. Commission Review of LA-2 Site Designation

In analyzing the Port's consistency certification, the Commission will rely heavily on: (1) the findings it adopted in reviewing the Port's previous 5-year maintenance dredging program (CC-112-92); and (2) the findings it adopted in reviewing EPA's consistency determinations for the LA-2 site designation (CD-63-90/CD-114-96). All these findings are hereby incorporated by reference into the subject findings. The following discussion summarizes the main points from these previous Commission analyses:

... [T]he designation of LA-2 was intended, for the most part, to support the dredging needs of the Ports of Los Angeles and Long Beach, its tenants (which include commercial and recreational fishing boats, ship building and repair, cargo transportation, and recreational boating), the U.S. Navy, the Corps of Engineers (Corps), and some of the recreational harbors in the area. ... [T]he LA-2 site designation supported these coastal-dependent activities and was consistent to the maximum extent practicable with Coastal Act Sections 30220, 30224, 30234, 30255, 30260, and 30701.

... [D]redged material disposal has the potential to adversely affect marine species, including those that are recreationally and commercially valuable. The Coastal Act provides for the protection of these resources, as discussed in the above quoted provisions of Sections 30230, 30253, 30234, ... [and] 30705(c).... Thus, while supporting the need for dredging, the Commission was concerned about the impact of the proposed designation on recreational and commercial fishing resources of the coastal zone. Even though the LA-2 site is located in an area that is valuable for commercial and recreational fishing, it was used for dredged material disposal for 11 years without apparently reducing fishing values. Despite the lack of historic conflict, the Commission was concerned about potential impacts to fishing resources.

To address this concern, and because of the inadequacy of historic monitoring of the LA-2 site, the Commission negotiated with EPA to provide an initial 5-year authorization, at the end of which time EPA would bring back detailed monitoring results before the Commission would concur with further, long-term use of LA-2. EPA complied with this agreement and recently brought the consistency determination to the Commission for the permanent site designation (CD-114-96), with the monitoring results it had compiled. In concurring with this consistency determination for the permanent designation of LA-2, on February 7, 1997, the Commission concluded:

In conclusion, the Commission's evaluation of the final monitoring plan indicates that the effect from designation and use of LA-2 on fishery resources is not significant. The Commission bases its conclusion on an evaluation of physical oceanography, benthic resources, and fish catches near LA-2. Therefore, the Commission finds that the continued use of LA-2 is consistent with the fisheries policies of the CCMP.

Finally, the Commission noted in reviewing the original designation of LA-2 that if the ongoing monitoring program showed adverse environmental impacts, EPA would implement management directives to reduce the impacts. Options for such measures consist of:

regulating the quantities and types of material and times, rates, and methods of disposing material and enforcing permit requirements; implementing changes in site use. Examples of this last measure (site use changes) include: limiting the amount of dredged material disposal at the site; reconfiguring site boundaries; restricting disposal to specific locations within the dump site; re-evaluating bioaccumulation testing and analytical procedures; restricting timing of disposal; and limiting designation of site to a finite time and evaluating alternative disposal sites.

These management measures remain available should future monitoring indicate any adverse effects are occurring.

### 3. Alternatives

The alternatives analysis is the same as it was for the previous 5-year dredging program (CC-34-92). The excerpts below from the Commission's findings in CC-112-92 summarize this analysis:

The Port has 4 options for disposal of maintenance-dredged material: disposal at an EPA-approved ocean dump site (LA-2), disposal at an approved landfill, sidecast disposal, and beach replenishment. Maintenance dredging of existing navigation channels (to existing or previously authorized depths) is exempt from Commission review; however the disposal of this material may or may not trigger Commission review, depending on the type of disposal. Disposal at LA-2 triggers the need for the subject consistency certification, based on the fact that it needs a federal (Corps) permit, and it potentially affects the coastal zone, as elaborated on by the Commission in reviewing CD-63-90. ... [In that consistency determination, the Commission found:]

One of the more significant limitations on dredging is the problem associated with disposal of the dredged material. However, in the Los Angeles area there are several options for disposal of dredge spoils. In the past, much of the material dredged from channels in the Ports of Los Angeles and Long Beach has been used as fill for port expansion, and this use, most likely, will continue in the future. Additionally, some of the material dredged in this area of Southern California is used for beach replenishment. Even though there appear to be feasible options for dredged material disposal,

and ocean disposal site is necessary because among other considerations, it is not always feasible to use dredged material for port expansion or beach replenishment; the grain size of the material may not be suitable for those uses, and a port expansion activities may not coincide with dredging activities. Therefore, an ocean dredged material disposal site is needed to support dredging activities necessary for coastal dependent uses such as transportation of cargo, commercial and sports fishing, recreational boating, and other port related activities. Therefore, the Commission finds that the proposed designation will support high priority uses protected by the CCMP.

Disposal of the material at a landfill site within the Port and authorized by the Commission in an approved Port Master Plan or Plan Amendment would not entail the need for further Commission review. Sidecasting of the material (placement of dredged spoils in the harbor adjacent to the channels from which they were dredged) would require Commission review, as it would not be consistent with the Port Master Plan as certified by the Commission.... The proper forum for review of that alternative would be a Port Master Plan amendment. Beach replenishment would, of course, be the preferred option where the material is suitable; however material dredged from channels in the Ports of L.A./Long Beach would normally not be suitable for beach replenishment.

The proposal before the Commission in this consistency certification is for authorization of disposal at LA-2; sidecasting, while allowed in the Corps permit under limited circumstances, is not before the Commission for authorization. Based on an agreements between the Port and the Commission staff, any proposed sidecasting of material ... will not occur unless the Port has received authorization by the Commission for such sidecasting through a Port Master Plan amendment.

#### 4. Conclusion

In concurring with the permanent site designation for LA-2 (CD-114-96), the Commission has determined that disposal of suitable (i.e., clean, non-beach-compatible) material at LA-2 would be consistent with the above-cited policies of the Coastal Act.

The Port has agreed that it will notify the Commission staff when it conducts tests for disposal operations, and that the Commission staff will receive all copies of test results, as well as annual monitoring reports specifying the quantity of material disposed of at LA-2, evidence that the material has been disposed of at the proper location, and other relevant information. For on-going projects the Port will submit this information no less than one month prior to the commencement of the dredging activity, in order to give the Commission staff adequate time to review the project's details and evaluate its conformance with the the "Green Book" standards and the other provisions of this consistency certification and consistency determinations CD-63-90 and CD-114-96. As long as the dredged material disposal conforms with these standards and commitments, the Commission finds that no additional Commission action would be required. The Port has further agreed it will not sidecast

material unless the Commission certifies a Port Master Plan Amendment for that type of disposal. With these commitments and assurances by the Port, the Commission concludes that the proposed 5-year dredging program is consistent with the applicable marine resource, dredging and disposal, water quality, commercial and recreational fishing, and port policies (Sections 30230, 30233, 30224, 30234, 30234.5, 30220, 30255 and 30701) of the Coastal Act.

B. Sand Resources. As stated in the previous discussion above, Section 30233(b) of the Coastal Act provides, in part, that where dredge material is suitable, it should be used to replenishment beaches or be placed within littoral sand systems. As further stated above, the Commission's retention of project-by-project test results will enable the Commission to assure that any material suitable for beach disposal will not be disposed of at LA-2. The Commission therefore finds that the Port's proposal is consistent with the sand resource policy (30233(b)) of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS:

1. Consistency Certification CC-34-92 (POLB 5-Year maintenance dredging program).
2. Consistency Determination CD-114-96 (EPA, Extension of LA-2 Site Designation).
3. Consistency Determination CD-63-90 (EPA, LA-2 Site Designation).
4. Consistency Certification CC-125-96 (POLA 5-Year maintenance dredging program).
5. Consistency Certification CC-112-92 (POLA 5-Year maintenance dredging program).
6. "Site Management and Monitoring Results for the LA-2 Ocean Dredged Material Disposal Site," MEC Analytical Systems, Inc., Draft Final Report, September 1966.
7. Port Master Plan, Port of Long Beach.



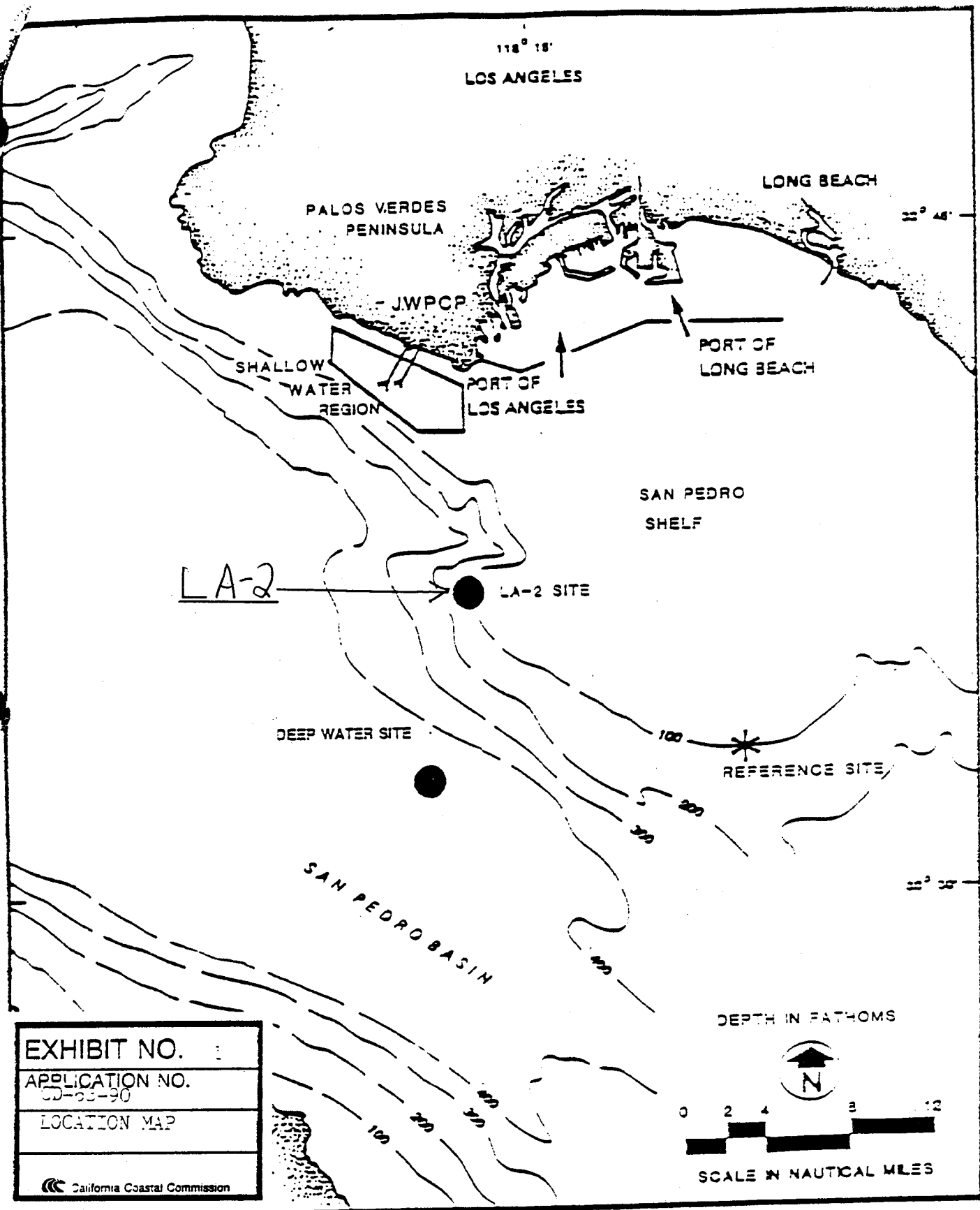
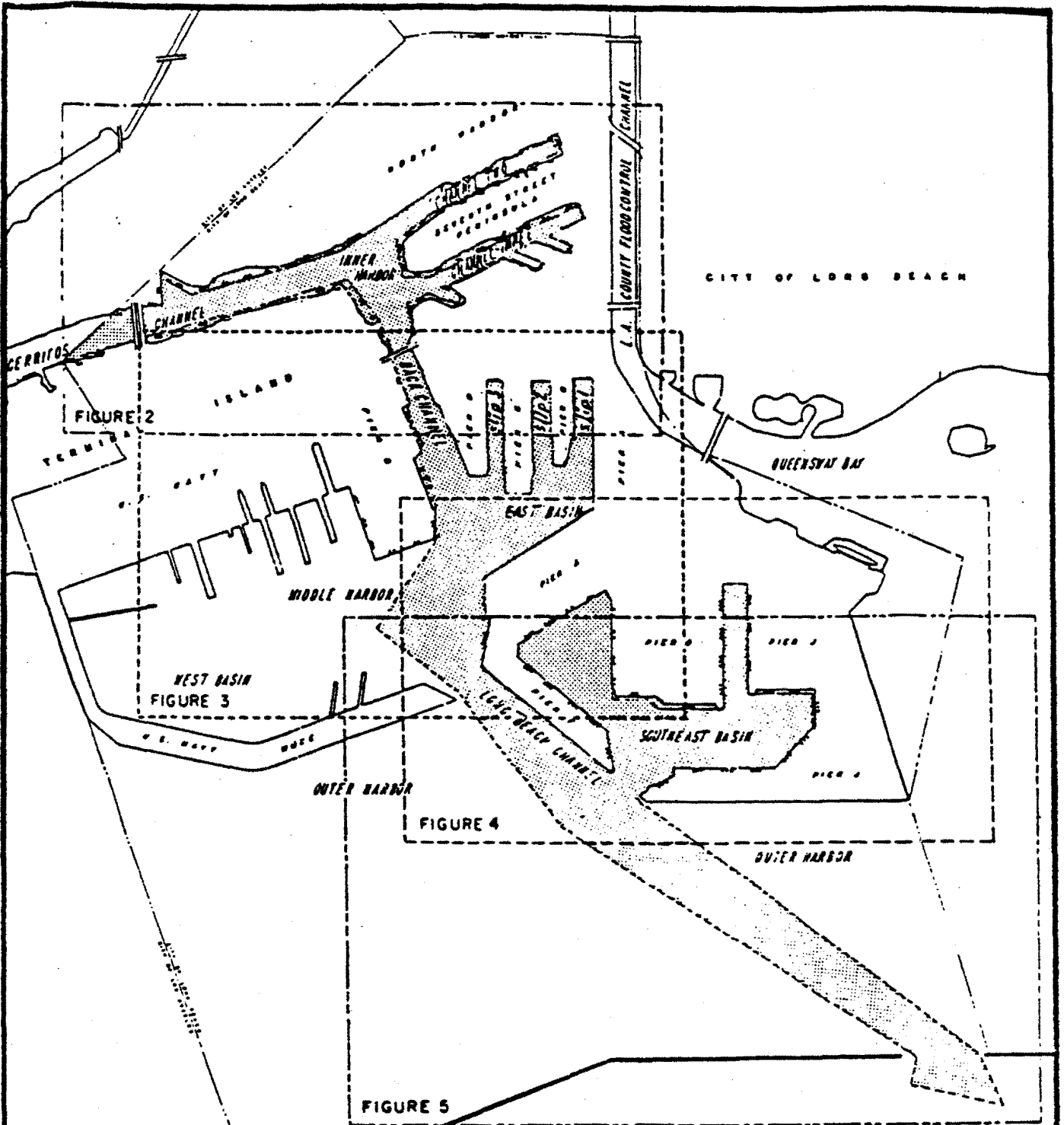


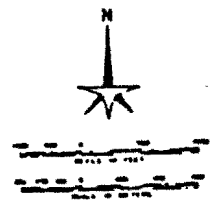
FIGURE 1-1. MAP OF THE PROJECT AREA

JWPCP: LOS ANGELES COUNTY JOINT WATER POLLUTION CONTROL PROJECT

EXHIBIT NO.	1
APPLICATION NO.	CC-56-97



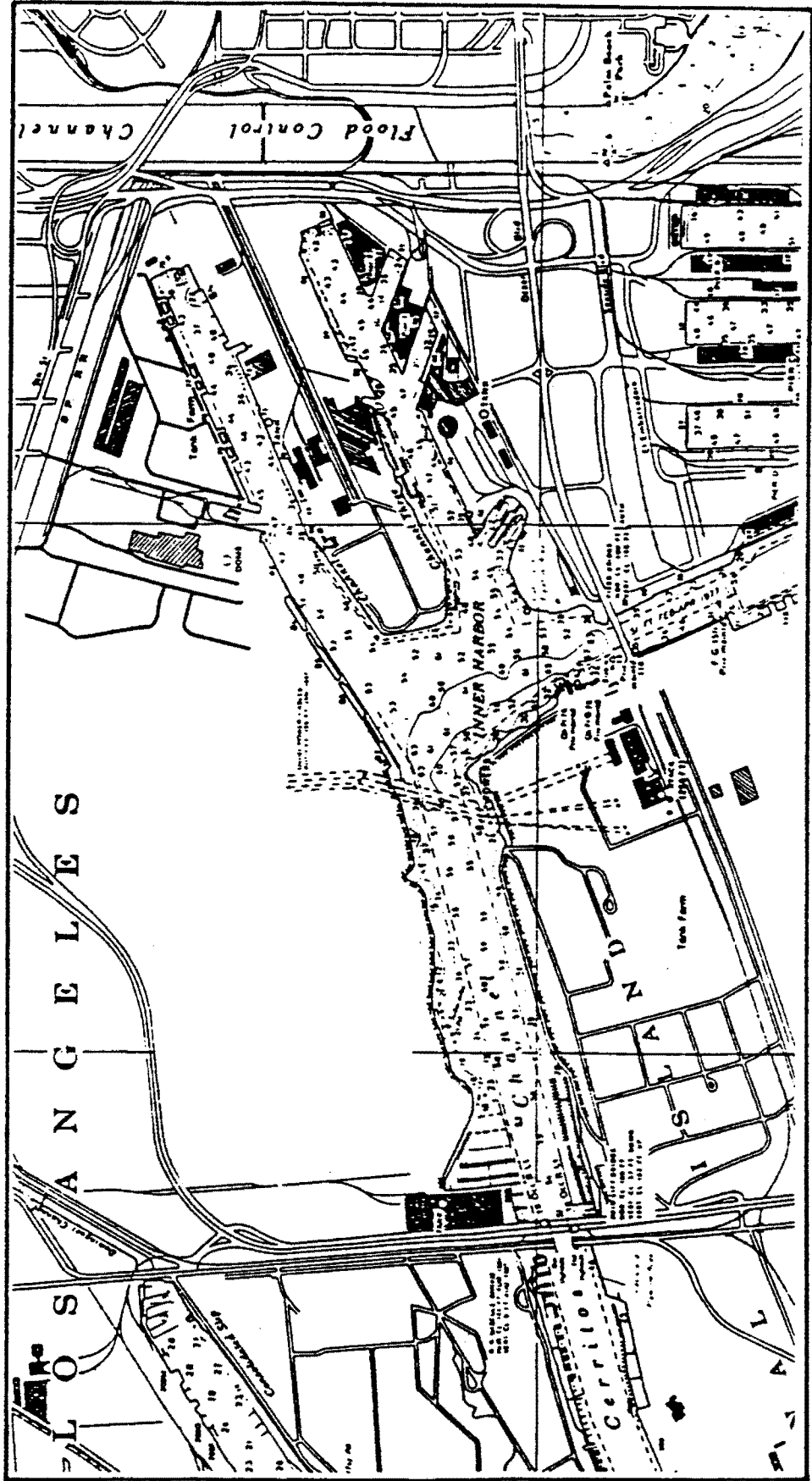
# OVERALL MAINTENANCE DREDGING SCHEME



MAINTENANCE DREDGE AREAS

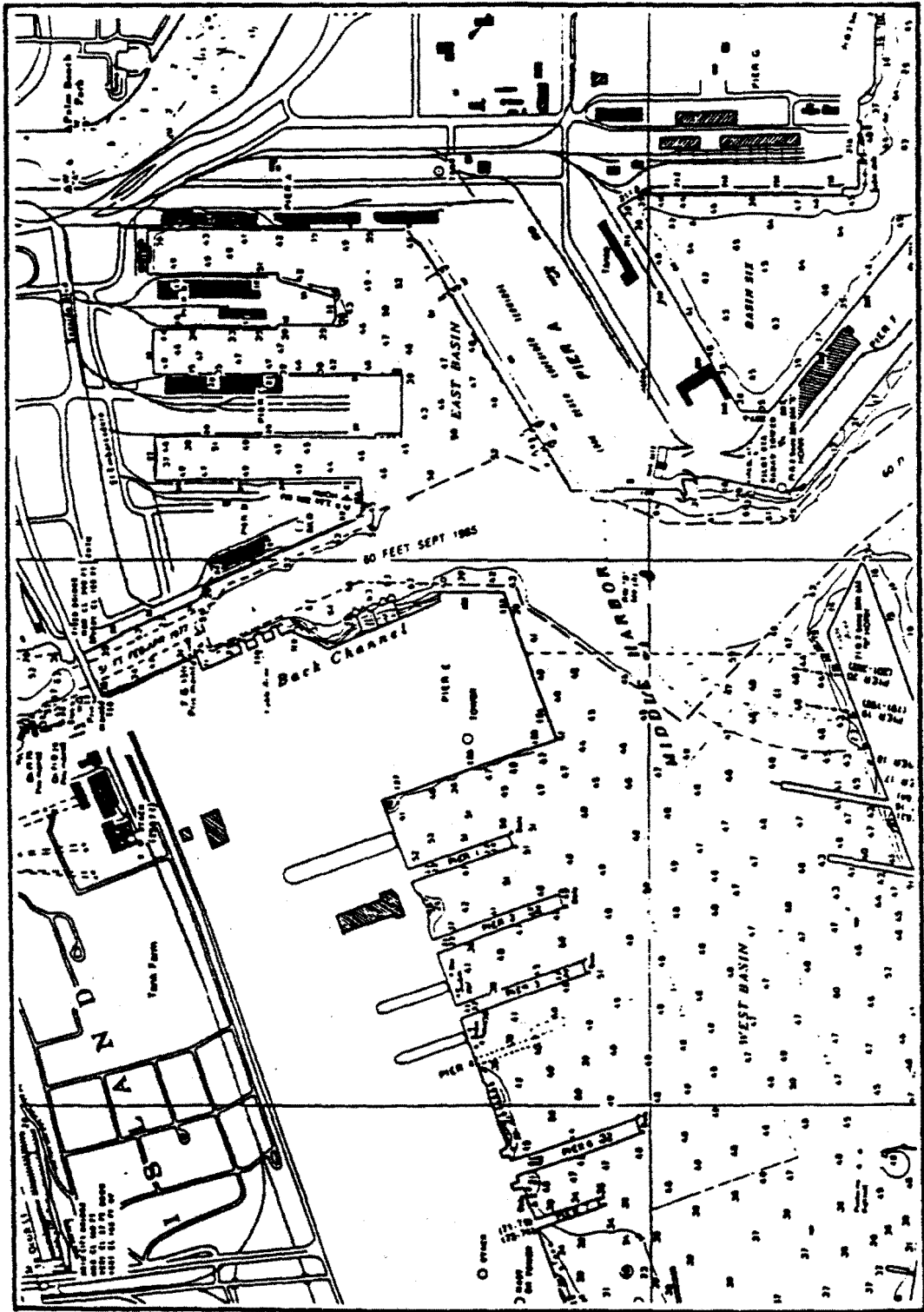
EXHIBIT NO. 2
APPLICATION NO.
CC-56-97
California Coastal Commission

FIGURE 1



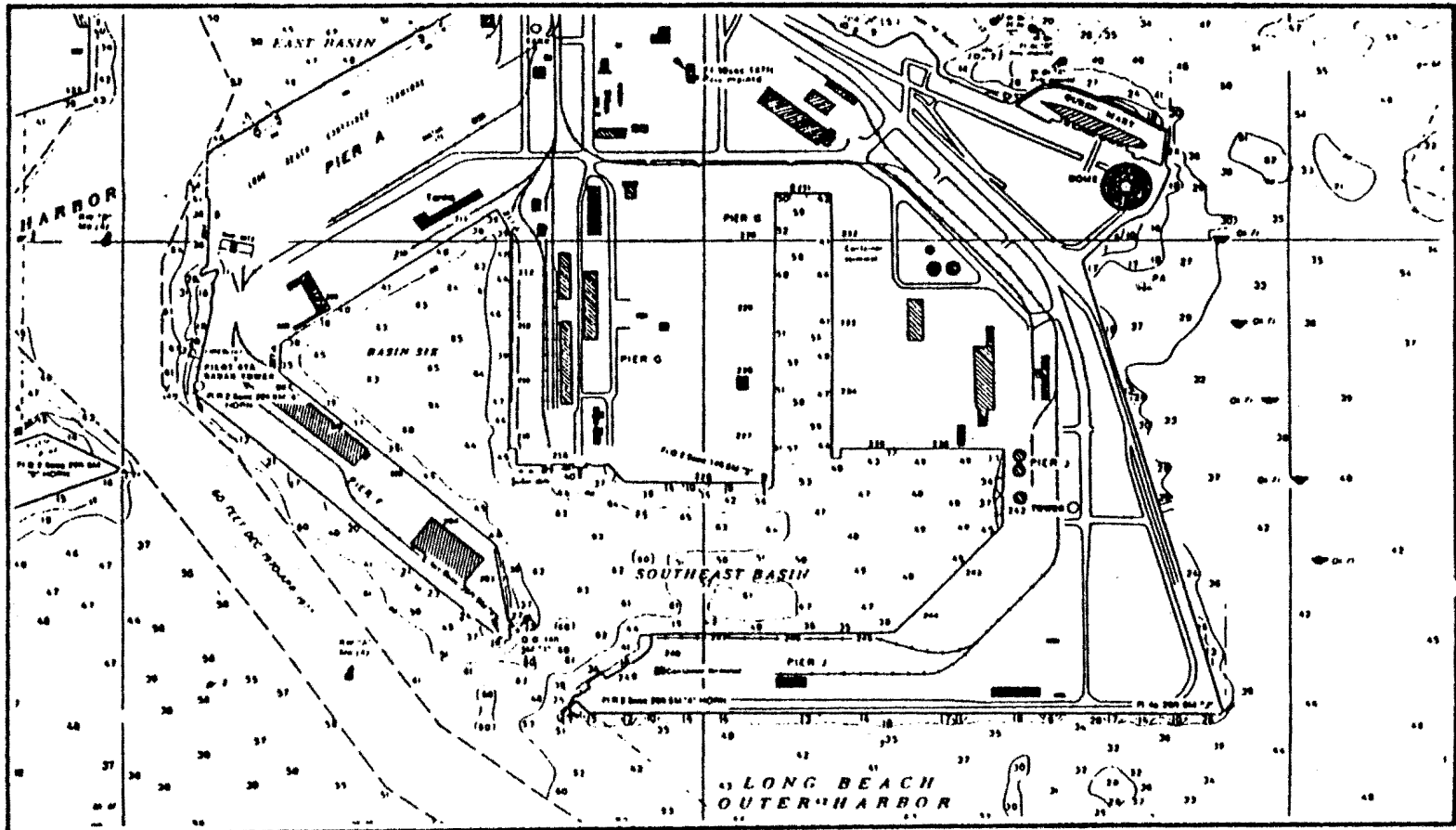
**MAINTENANCE DREDGING  
FIGURE 2**

EX. 2 P. 2



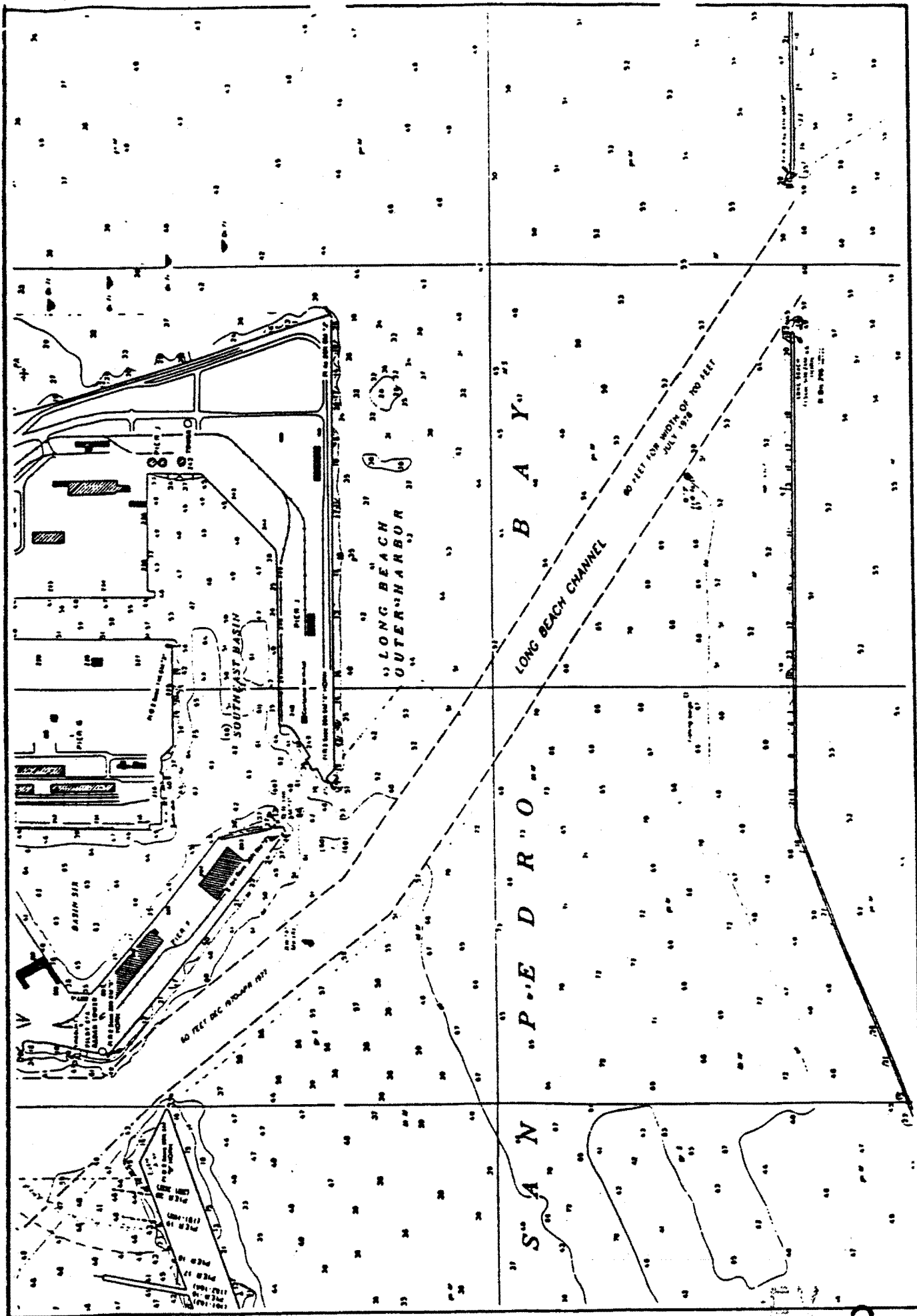
**MAINTENANCE DREDGING  
FIGURE 3**

0203



**MAINTENANCE DREDGING  
FIGURE 4**

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MAINTENANCE DREDGING  
FIGURE 5