

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT AND RECOMMENDATION
ON CONSISTENCY CERTIFICATION

Consistency Certification No.	CC-84-98
Staff:	LJS-SF
File Date:	7/27/98
3 months:	10/27/98
6 months:	1/27/99
Commission Meeting:	10/13-16/98

APPLICANT: Port of Long Beach

DEVELOPMENT
LOCATION:

LA-2 Ocean Disposal Site, seven miles south of Long Beach, Los Angeles County (Exhibit 1)

DEVELOPMENT
DESCRIPTION:

Disposal of up to 25,000 cubic yards of clean sediment dredged from the Port of Long Beach.

SUBSTANTIVE FILE DOCUMENTS:

1. Negative Declaration for Port of Long Beach Berths J245-J247 Deepening Project, June 1998.
2. Port of Long Beach Port Master Plan (as amended through May 1998).
3. Consistency Determination CD-63-90 (EPA; designation of LA-2 offshore disposal site).
4. Consistency Determination CD-114-96 (EPA; designation of LA-2 offshore disposal site).
5. Consistency Certification CC-146-96 (Port of Long Beach; disposal of West Basin dredged sediments at LA-2)

EXECUTIVE SUMMARY

The Port of Long Beach has submitted a consistency certification for disposal of up to 25,000 cubic yards of clean dredged material at the EPA-designated LA-2 ocean disposal site. The material will be dredged from the Port's Southeast Basin as part of a deepening

project at berths J245-J247. The sediments underwent full chemical and bioassay testing and were found suitable for unconfined ocean disposal at LA-2. The fine-grained sediments are not suitable for beach replenishment. The proposed project will not result in any significant adverse effects on the coastal zone, and therefore the project is consistent with the marine resources, water quality, port, and commercial and recreational fishing policies of the California Coastal Management Program (Sections 30230, 30233, 30234, 30220, 30224, 30255, and 30701 of the Coastal Act).

STAFF SUMMARY AND RECOMMENDATION:

I. Project Description.

The Port of Long Beach proposes to dispose up to 25,000 cubic yards of clean dredged material at the EPA-designated LA-2 offshore disposal site (Exhibits 1 and 2). The material will be dredged from the Port's Southeast Basin as part of a deepening project at berths J245-J247 (Exhibit 3). The latest generation of container ships require a depth of -50 feet mean lower low water (MLLW) throughout their berthing area. Currently, water depths at the Pacific Container Terminal at berths J245-J247 range from -40 to -50 feet MLLW. The Port will deepen this area to a uniform -50 feet MLLW to ensure the safe berthing of large container ships. The sediments to be dredged underwent full chemical and bioassay testing and were found suitable for unconfined ocean disposal at LA-2; beach replenishment is precluded by the fine grain size of the sediments. Dredging and disposal operations are scheduled to occur in early 1999 and will last two to three months.

II. 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 California Coastal Management Program (CCMP), 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 is certified and incorporated into the CCMP.

III. 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.

IV. Staff Recommendation.

The staff recommends that the Commission adopt the following motion:

MOTION: I move that the Commission concur with the Port of Long Beach'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 is consistent with the California Coastal Management Program.

V. Findings and Declarations.

The Commission finds and declares as follows:

A. **Dredging and Filling.** Section 30233 of the Coastal Act provides the following in relevant part:

(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.

....

The disposal of the dredged materials needs to be examined for consistency with Section 30233 of the Coastal Act. Under Section 30233, fill of open coastal waters, including disposal of dredge materials, is limited to those cases where the proposed project is an allowable use, is the least damaging alternative, and where mitigation measures have

been provided to minimize environmental impacts. The proposed disposal activity arises from a deepening project at berths J245-J247 in the Port of Long Beach. The disposal of dredged materials from the expansion and maintenance of port berthing facilities is an allowable use under Section 30233(a)(1) and (2). The proposed disposal location is an EPA-approved disposal site, and is the least damaging alternative for disposal of clean dredged materials (the dredged sediments are not suitable for beach replenishment due to their fine grain size). As discussed below, the project will have no significant impacts on coastal resources and no additional mitigation measures (beyond the standard conditions attached to the Corps of Engineers permit for disposal at LA-2) are necessary. Therefore, the Commission finds that the proposed project is consistent with the dredge and fill policies of the California Coastal Management Program (Section 30233 of the Coastal Act).

B. Water Quality and Marine Resources: Section 30230 of the Coastal Act states that:

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.

Section 30231 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In analyzing the consistency certification submitted by the Port of Long Beach, the Commission incorporates by reference the findings it adopted in reviewing EPA's LA-2 site designation consistency determination (CD-63-90) and the subsequent five-year redesignation consistency determination (CD-114-96); those findings address the coastal resource protection issues raised by the disposal of dredged material at LA-2.

The proposed project involves the disposal at LA-2 of up to 25,000 cubic yards of dredged sediment from the Port of Long Beach's berth deepening project. LA-2 is located approximately seven miles south of the Port in water depths ranging from 380 to 1060 feet. The primary concern regarding ocean disposal of dredged material is the presence and level of contamination in the sediments, and the impacts that any contaminants present could have on marine resources. Evaluation of the sediments, including chemical and bioassay tests, indicates that the sediments comply with the

"Green Book" standards (Evaluation of Dredged Material Proposed for Ocean Disposal -- Testing Manual, Environmental Protection Agency and the Corps of Engineers, February, 1991), and is suitable for unconfined ocean disposal.

While the project will result in minor, short-term impacts to existing benthic habitat, the disposal area will recolonize over several years. Turbidity increases will be localized and short-term. The Commission previously found that these types of impacts are not significant when it concurred with other dredge material disposal operations at LA-2 and at other southern California EPA-designated ocean disposal sites. In conclusion, the proposed disposal of clean dredge materials at LA-2 will not significantly affect coastal marine resources. Therefore, the Commission finds that the proposed project is consistent with the marine resources and water quality protection policies of the California Coastal Management Program (Sections 30230, 30231, and 30233 of the Coastal Act).

C. Recreational and Commercial Fishing. The Coastal Act states in Section 30234 that:

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.

Section 30234.5 states that:

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

Section 30220 states that:

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

Section 30224 states that:

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.

In its 1997 redesignation of the LA-2 ocean disposal site, the Commission examined the previous twenty years of disposal activity at LA-2 and adopted the following findings regarding commercial and recreational fishing at and near LA-2:

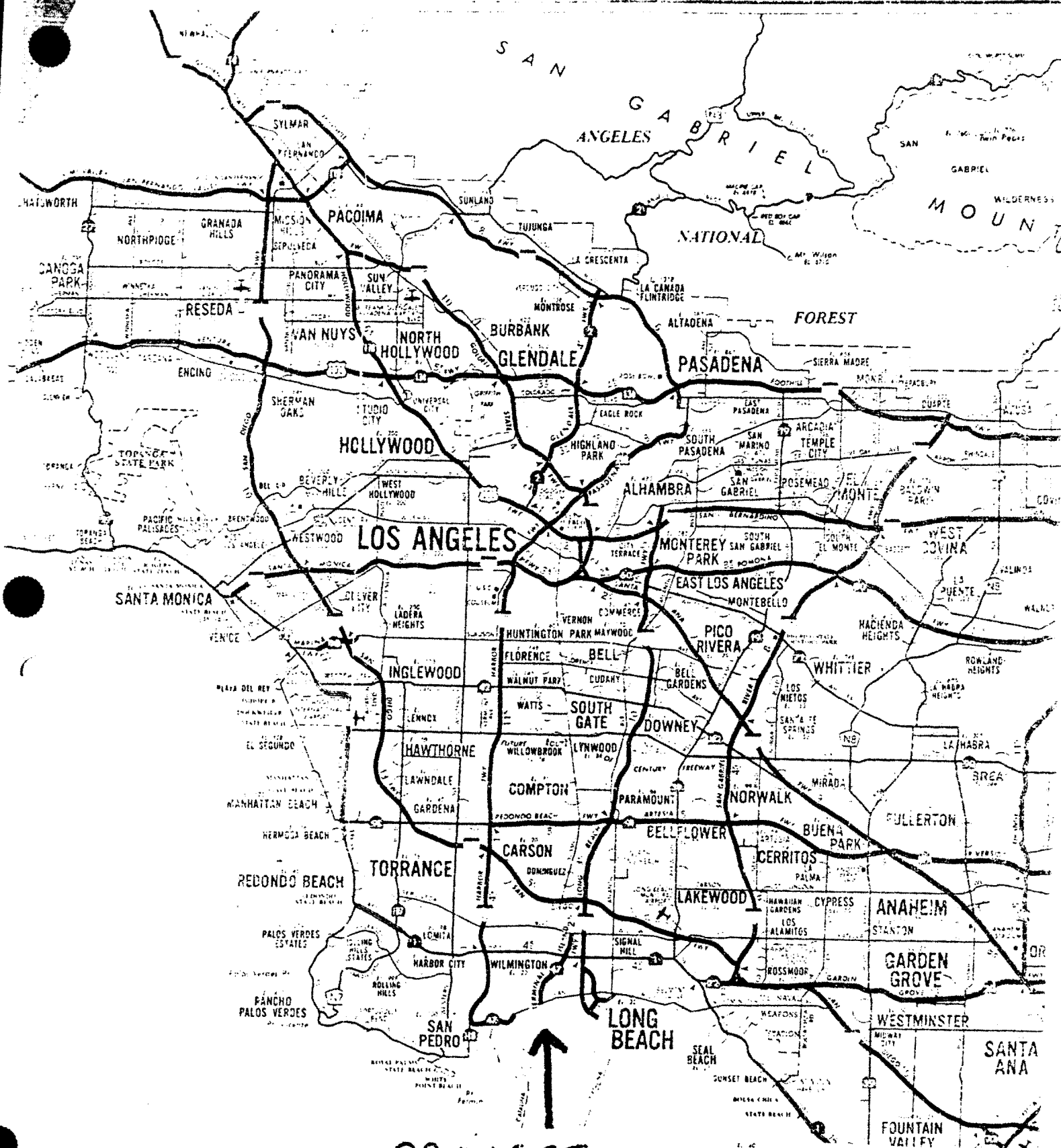
The Commission's interest in the effect of the use of the disposal site on benthic resources and on turbidity at and near LA-2 is generated by concern over the effect of the site on economically, recreationally, and biologically important fish species. It appears from the data presented so far that the designation of LA-2 has not affected fishery resources of the area. To provide further evidence of this conclusion, EPA conducted an analysis of recreational and commercial fish catch to determine if use of LA-2 has caused a noticeable reduction of fish catches as compared to trends of the region. Based on these studies, EPA concludes that dredged material disposal at LA-2 has not caused any significant effect on recreational and commercial fish catches.

With the Commission's 1997 concurrence in the redesignation of the LA-2 ocean disposal site, the proposed disposal of up to 25,000 cubic yards of clean dredged material at LA-2 will not generate significant adverse effects on commercial or recreational fishing. The disposal site is located seven miles from shore and disposal activities will not affect public access to or recreational use of the offshore area. Therefore, the Commission finds that the proposed project is consistent with the commercial and recreational fishing and boating policies of the California Coastal Management Program (Sections 30234, 30234.5, 30220, and 30224 of the Coastal Act).

D. Sand Supply. The Coastal Act provides for protection of sand supply in the littoral system. Specifically, Section 30233(b) states that:

(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.

The Port of Long Beach proposes to dispose up to 25,000 cubic yards of clean dredged material at the LA-2 ocean disposal site seven miles offshore from Long Beach. Since water depths at this site range between 380 and 1060 feet, the material would not be available for beach replenishment after disposal. Physical analysis of the sediments to be dredged and disposed indicates that the material is not suitable for beach replenishment or nearshore placement due to the predominately small grain size of the material. Wave energy would move this fine material off the beach and out of the littoral system if the material were placed on the beach or in the nearshore zone. Therefore, the Commission finds that the dredged materials are not suitable for beach replenishment and that the proposed disposal at LA-2 is consistent with the sand supply policies of the California Coastal Management Program (Section 30233 of the Coastal Act).



PROJECT
SITE

HUNTINGTON BL

EXHIBIT NO. 1

APPLICATION NO.

CC-84-98

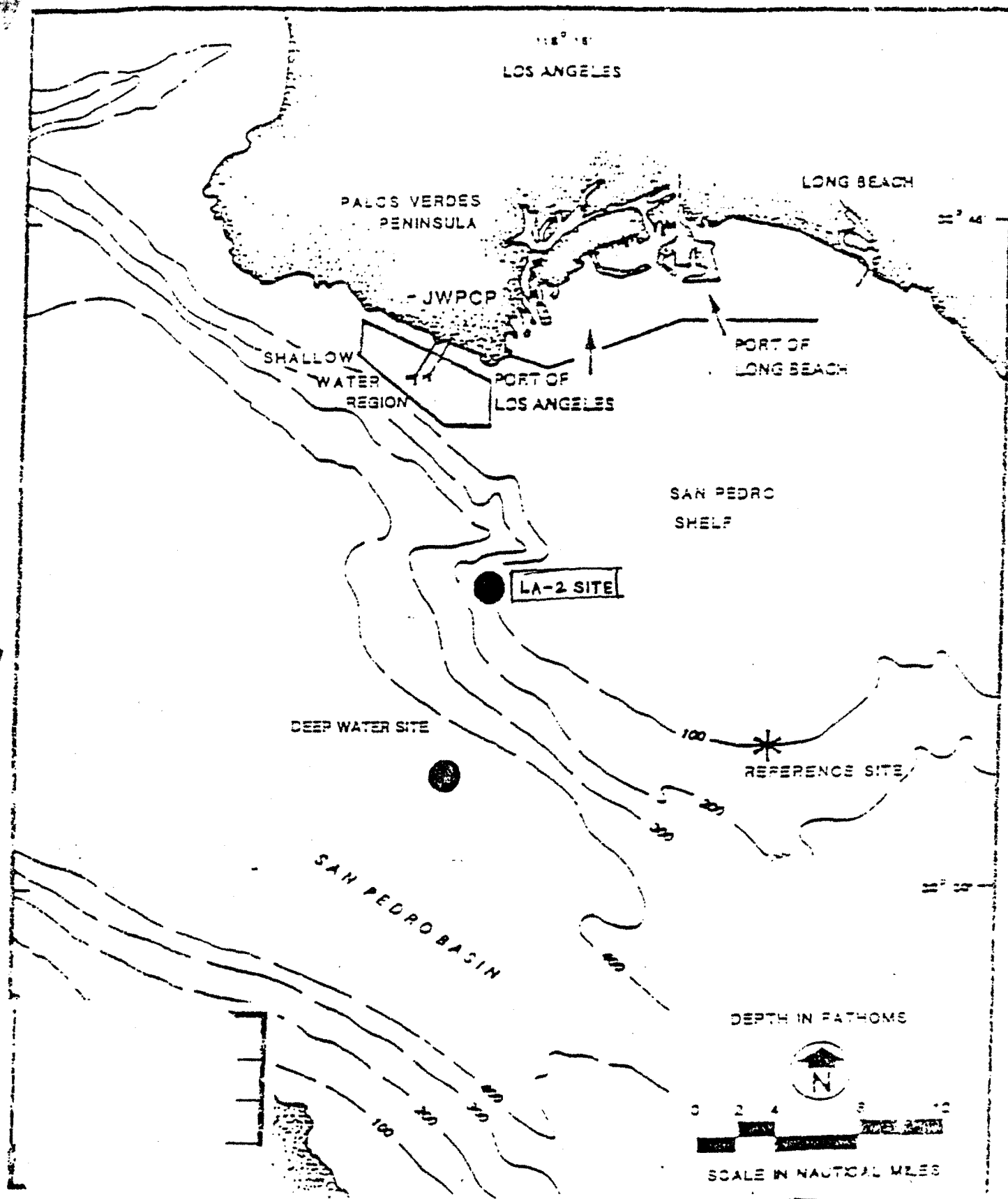
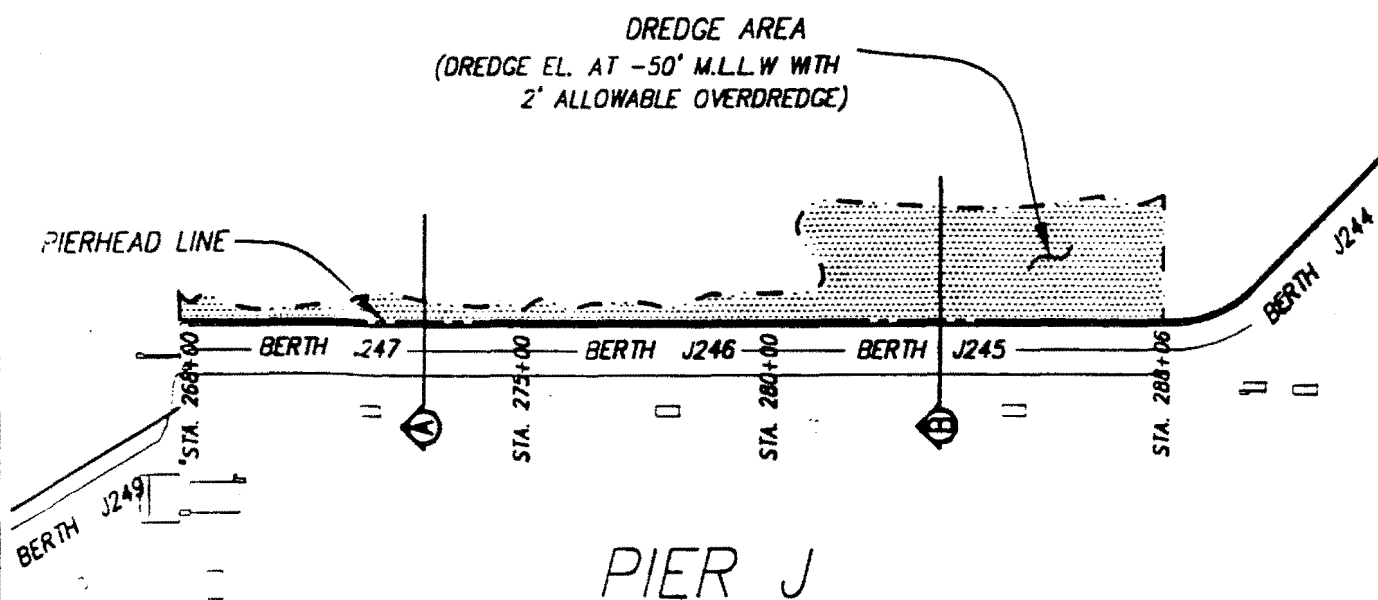
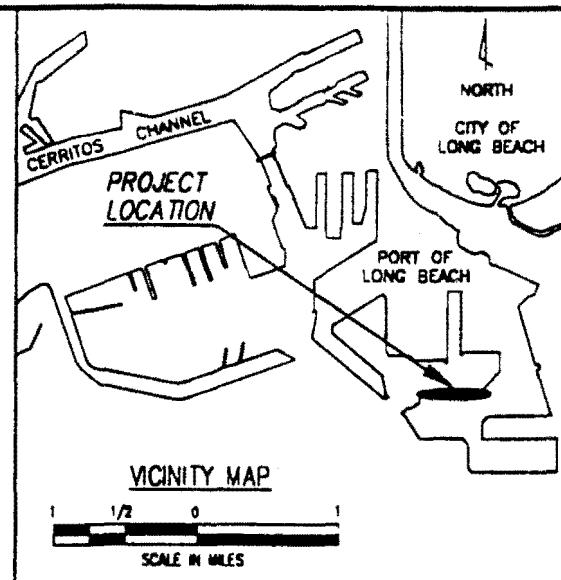


FIGURE 1-1. MAP OF THE PROJECT AREA

EXHIBIT NO. 2
 APPLICATION NO.
 CC-84-98



PLAN
(SCALE: 1" = 400')

98025

SCALE 1" = 400' DATE 2/98
DRAWN JYC
DESIGNED JYC
PROJ. MGR. AAS
SECT. HEAD. RRR

THE PORT OF LONG BEACH
PIER J, BERTHS 245 - 247
BERTH DEEPENING DREDGING PROJECT
PLAN

EXHIBIT NO. 3
APPLICATION NO.

CC-84-98

California Coastal Commission