PETE WILSON, Governor

### CALIFORNIA COASTAL COMMISSION

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#### STAFF REPORT AND RECOMMENDATION

#### **ON CONSISTENCY DETERMINATION**

Consistency Determina	ation No. CD-172-97
Staff:	LJS-SF
File Date:	12/15/1997
45th Day:	1/29/1998
60th Day:	extended to 3/30/1998
<b>Commission Meeting:</b>	3/10/1998

# **FEDERAL AGENCY:** Corps of Engineers

DEVELOPMENT LOCATION:

Offshore of the Port of Los Angeles (Exhibits 1 and 2)

DEVELOPMENT DESCRIPTION:

Constructing a rock reef using natural, hard-bottom materials dredged from the outer one-half mile of the main approach channel to the Port of Los Angeles, approximately three miles offshore. This project would modify previously-concurred with consistency determinations (CD-2-97 and CD-57-92) that provided for deepening the approach channel and disposing dredged materials at Pier 400, the Cabrillo shallow water habitat, and the LA-2 ocean disposal site.

### **SUBSTANTIVE FILE DOCUMENTS:**

1. CD-002-97

2. CD-057-92

- 3. Port of Los Angeles master plan amendment No. 17 (April 1997)
- 4. Port of Los Angeles master plan amendment No. 15 (October 1996)

5. Port of Los Angeles master plan amendment No. 12 (April 1993)

# **EXECUTIVE SUMMARY**

The Corps of Engineers proposes to modify its under-construction Deep Draft Navigation Improvement (DDNI) project located in the Port of Los Angeles (POLA) and San Pedro Bay. The Commission previously concurred with two Corps consistency determinations and three POLA port master plan amendments for DDNI-related channel deepening, landfill construction, and marine habitat mitigation projects. The Corps now proposes to modify the previously-concurred with deepening of the outer one-half mile of the main approach channel (approximately three miles offshore) by disposing between 260,000-780,000 cubic yards of dredged, hard bottom materials at a 62-acre site one-half mile east of the approach channel, rather than at the LA-2 ocean disposal site. The rock reef modules would be placed in 70-foot-deep water and would rise approximately six to ten feet above the seafloor. The purpose for the change in disposal sites is to relocate and conserve recently-discovered rock within the approach channel which serves as a natural reef and supports a recreational fishery within and adjacent to the approach channel.

The proposal is consistent with the marine resource policies of the California Coastal Management Program (CCMP; Sections 30230 and 30233 of the Coastal Act) because the project maintains marine resources, is an allowable dredging and fill activity, is the least environmentally damaging alternative for disposal of the dredged rock material, and will not generate significant adverse effects on marine habitat. The proposal is consistent with the recreational fishing policies of the CCMP (Sections 30220 and 30234.5 of the Coastal Act) because it recognizes the value of a recreational fishing area located within and adjacent to the main approach channel project site, and proposes to relocate rather than eliminate the rocky bottom material that supports an existing recreational fishery.

# **STAFF SUMMARY AND RECOMMENDATION:**

# I. Project Description.

The Los Angeles District of the U.S. Army Corps of Engineers (Corps) proposes to modify its under-construction Deep Draft Navigation Improvement (DDNI) project located in the Port of Los Angeles (POLA) and San Pedro Bay (Exhibits 1-3). The DDNI project involves deepening navigation channels, including the main approach channel extending from the San Pedro Breakwater seaward to the three-mile limit, and disposing the dredged material at the Port of Los Angeles' Pier 400 landfill, the expanded Cabrillo shallow water habitat, and/or the LA-2 ocean disposal site. The Commission concurred

with two Corps of Engineers consistency determinations for the DDNI project and subsequent modifications (CD-57-92 and CD-2-97, respectively), and has certified three POLA port master plan amendments (Nos. 12, 15, and 17) for landfill construction and marine habitat mitigation. In all these previous actions, the Commission found the channel deepening activities consistent with the marine resource, recreation, and commercial fishing policies of the California Coastal Management Program. Deepening the approach channel to -63 feet mean lower low water (MLLW) was completed in September 1997, and further deepening to the DDNI project depth of -81 feet MLLW commenced immediately thereafter and is scheduled for completion in January 2000.

The Corps now proposes to modify the DDNI project by constructing a reef from between 260,000-780,000 cubic yards of natural, hard-bottom material to be dredged from the outer end of the main approach channel to the Port of Los Angeles (rather than disposing the materials at LA-2) in order to avoid potential adverse impacts to sportfishing (Exhibits 4 and 5). The Supplemental Environmental Assessment (SEA) for the proposed DDNI project modification states that:

In early August [1997], the Sportfishing Association of California (SAC) met with the Corps and POLA to discuss concerns regarding dredge operations at the outer approach channel to Pier 400 in or near the area known as Horseshoe Kelp (Figure 5). This area supports successful sportfishing catch including the approved approach channel where there are areas of high relief and hard substrate. The SAC requested the Corps and POLA to examine the possibility of either relocating the approach channel to avoid areas of hard bottom or relocate the rock material to be dredged to neighboring areas, allowing the new areas to serve as reefs to the benefit of their industry, rather than disposing of it at LA-2. Due to safety issues, a channel realignment was determined not feasible. Hence, the Corps, POLA and SAC have been investigating the potential for relocating dredge material to nearby sites which mutually benefit all interested parties.

Following the initial meeting, a task force was formed with the goal of determining the physical and administrative/regulatory feasibility of constructing reef structure(s) using rock to be dredged from the outer approach channel. Participants included the Corps, POLA, EPA, National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), California Coastal Commission (CCC), SAC, and Anglers Unlimited of Southern California.

This group met on two occasions (i.e., August 27, 1997 and October 29, 1997) and generally concluded that use of the rock material from the Outer Approach Channel, approximately 200,000 to 600,000 cubic meters (cm) [260,000 to 780,000 cubic

yards], as reef structure will be a beneficial use since it will conserve local sportfishing opportunities and capacity at LA-2 for other fine-grain dredge material.

As a result of these meetings, the following siting criteria for material disposal were identified:

- The location(s) must be in close proximity to areas having some existing relief and historical value for sportfishing.
- The site location must be within the local jurisdiction (within approximately three miles of the San Pedro Breakwater) to allow for CDFG management. (The CDFG will eventually adopt and manage the reefs.)
- The area(s) should preferably be of a size to allow for future expansion with the addition of suitable reef materials at the discretion of CDFG.
- The bottom topography in the proposed disposal area(s) must be flat (i.e., not include areas of existing rocky relief or of high biological value).
- The bottom must be firm so rock material will not sink into bottom sediments. Material disposal must include predominantly rock of two feet in diameter (although some smaller material is anticipated), with the goal of insuring that interstitial spaces be maintained in reef structure.

Based on these criteria, the SAC proposed general areas that may be suitable for the establishment of artificial reef modules. The overall sites are shown on Figure 6 (i.e., "A" and "B"). Each site is approximately 62 acres (250,000 square meters).

On November 8, 9, and 10, 1997, a bathymetric survey was conducted in the areas proposed by the SAC to confirm the bottom topography meets requirements stated above.

On November 20, 1997, a sidescan and magnetometer survey was conducted to identify the potential for cultural resources to be located in the proposed reef siting areas (for additional information see Section 3.5 and Appendix D).

On November 25, 1997, a marine biological survey was conducted to inventory and assess overall biological resources and productivity in the proposed siting areas (for additional information see Section 3.2 and Appendix E).

The SEA then summarizes the selection of the reef disposal site and reef construction activities:

**Reef Site A.** Based on preliminary analyses, Site A appears to be a suitable site. Site A is approximately 62 acres in size and shown in Figure 9. To further assess the suitability of this area additional surveys were conducted for the evaluation. Surveys

> included bathymetry, magnetometer and sidescan sonar (cultural), and biological reconnaissances. From a cultural basis, the site is acceptable (Appendix D). From a bathymetric and marine biological basis, the site was determined not feasible based on survey findings. The area was surveyed by CDFG and MEC Consultants (1997) on November 25, 1997. Survey findings (Appendix E) indicate the area consists of an equal mix of sand and rock and is characterized as having moderate rock relief (about 10 feet in height). This site contains a lot of existing natural reef material, which has been determined to be of high value for biological resources (Parker, CDFG, personal communication, December 10, 1997). Based on CDFG recommendations (Appendix F), this site was eliminated from further consideration.

**Reef Site B.** Based on preliminary analyses, Site B appears to be a suitable site. Site B, approximately 62 acres in size, is shown in Figure 10. This site was assessed also for suitability, based on bathymetry, magnetometer and sidescan sonar (cultural) and biological reconnaissance surveys. Of the total area surveyed, approximately 60 acres have been determined suitable for the placement of reef modules. A potential cultural resource anomaly (probable shipwreck) was detected during the survey (Appendix D), and it will be avoided. Hence, a 165 foot (50 meter) buffer will be provided around the structure to protect the site. From a bathymetric and marine biological basis, the site is acceptable too (Appendices G and F). This site is characterized by a mix of sand and cobble, with limited rock relief.

**Reef Sites A and B**. Based on preliminary analyses, Site A is not an acceptable site, based on existing fishery values, while Site B appears to be a suitable site.

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Construction activities associated with the proposed reef modules will remain essentially unchanged from other Stage 2 elements. General activities associated with the construction aspects of the authorized project are presented in the SFEIS for the Stage 2 (Corps 1996) and are generally summarized below for the reef modules.

As dredging occurs outside the breakwaters, it can be conducted with diesel hopper, hydraulic/cutterhead, and/or clamshell dredges. It is anticipated that a clamshell with a hopper dredge will be used for the construction of the reef modules. The clamshell dredge will be used to place material in the hopper. Then, a decision will be made to either transport the material to the proposed reef site ("B") or LA-2. (Material will be considered appropriate for placement at Site B if it consists of clean rock of two feet (or greater) in diameter and is unsuitable structural fill; it is estimated that 200,000 to 600,000 cm [260,000 to 780,000 cubic yards] of material may be transported to Site B.) For disposal at Site B, the hoppers will be opened and material released. The hopper load is estimated to cover a footprint of

> approximately 100 feet by 300 feet, with a maximum pile height of 3 feet (Shak, Corps, personal communication, December 10, 1997). A reef module will consist of two to three hopper loads. Based on recommendations from CDFG (Parker, personal communication, December 10, 1997), reef modules shall be placed so that a distance of at least one open module exists between each created module.

Dredging at the outer approach channel near Horseshoe Kelp and construction of one or more reef modules at Reef Site B using suitable dredged rock is scheduled to occur between March and May 1998.

### II. Status of Local Coastal Program.

The standard of review for federal consistency determinations is the policies of Chapter 3 of the Coastal Act, and not the Local Coastal Program (LCP) of the affected area. If the Commission certified the LCP and incorporated it into the CCMP, the LCP can provide guidance in applying Chapter 3 policies in light of local circumstances. If the Commission has not incorporated the LCP into the CCMP, it cannot guide the Commission's decision, but it can provide background information. The Commission has NOT INCORPORATED the City of Los Angeles LCP into the CCMP.

### III. Federal Agency's Consistency Determination.

The Corps of Engineers has determined the project to be consistent to the maximum extent practicable with the California Coastal Management Program.

### IV. Staff Recommendation:

The staff recommends that the Commission adopt the following motion:

MOTION. I move that the Commission concur with the Corps of Engineers' consistency determination.

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 determination made by the Corps of Engineers for the proposed project, finding that the project is consistent to the maximum extent practicable with the California Coastal Management Program.

# VI. Findings and Declarations:

The Commission finds and declares as follows:

A. Marine Resources. Section 30230 of the Coastal Act provides 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 30233 of the Coastal Act provides in part that:

(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. . . .

The Corps of Engineers' consistency determination examines how the proposed disposal of dredged rock to relocate a reef from the main approach channel to an adjacent site is consistent with the above-referenced marine resource policies:

General marine biological losses to be incurred at the dredge site (outside the harbor) are presented in Section 4D of the DDNI FEIS/FEIR. As habitat will remain deep water habitat, only short term impacts are expected. It is expected that species utilizing rocky substrate located in the approach channel to be dredged will relocate in nearby rocky habitats. Impacts have been determined to be insignificant. Disposal impacts at LA-2 have been determined to be insignificant, pursuant to the SFEIS.

Although marine biological impacts have been determined to be insignificant, the Corps has been recently informed that a portion of the channel to be dredged is heavily utilized by sport fisherman (Section 30220). The sport fisherman have indicated the area of impact currently provides good habitat for calico bass, sandbass, white sea bass, sculpin, barracuda, and bonito. The habitat is characterized by low relief, rocky substrate. Due to the potential loss of fishery

opportunities, the Corps and POLA have been coordinating these issues with a local task force to develop a plan that provides additional sport fishing opportunities; the Corps will construct one or more reef modules at Site B (Figure 6 of the attached SEA).

Based on the task forces' agreement, the proposed site should ideally be situated near existing biologically productive reefs on a firm, flat, barren, sandy bottom. By locating the proposed reef modules near existing reefs, reef colonization is anticipated to occur more rapidly than by placing the structure on a barren area of sandy flats and the overall rocky habitat will be greater in size than existing conditions, allowing for more species diversity and abundance. To site the reefs, a marine biological survey was conducted to characterize the overall area (MEC 1997). The proposed site ("B") has been characterized with little or no relief and near existing biologically productive reefs. (A habitat and species profile are provided in Appendix E of the attached SEA.)

It is anticipated that over time, the long term fishery resources will not be significantly different than they currently are due to the implementation of this project. The POLA will monitor the site by diver transect within one year of project construction to assess overall fish utilization.

Reinitiation of Section 7 of the Endangered Species Act (ESA) is not required for Stage 2 modifications. Measures outlined in the Biological Opinion (BO) on the DDNI project will be implemented during construction. If construction activities significantly change from what is described in the SEA and the BO is determined invalid, reinitiation will be required.

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By creating the proposed reef modules, it appears that disposal of rock at the proposed reef site may result in a beneficial use of dredge material (i.e., providing additional capacity for fine-grain materials to be disposed at LA-2) and an improvement over the original project design (i.e., providing additional sportfishing opportunities).

Disposal will have impacts on marine habitats that are unavoidable. Although topographic changes will be permanent (rock will be placed to create low relief (modules ranging in height between 6 and 10 feet) mounds), they are not expected to result in significant impacts on the oceanographic regime (i.e., water circulation/sediment patterns). As rock is placed, water quality impacts will likely

> occur during construction in the form of turbidity plumes extending down current from the placement sites. Although turbidity is expected to be minimal, as material will consist of predominantly rock, some turbidity will occur as a result from any fine-grain material present with the rock. The turbidity plume may extend between 500 and 1,000 feet from the placement site; it will sink with time and distance from the point of origin (Moffat & Nichol 1995, Corps 1992 and 1995). If activities occur under intense wave conditions (which are not anticipated), turbidity may extend 4,000 feet from the placement site. High wave action will tend to increase mixing and dilution of the plume while currents, some induced by wind, will elongate the plume. The extent of the plume will depend on factors such as composition (grain size) of the sediments dredged in each load and the time interval between the end of hopper filling and disposal. Material placement is not expected to reduce DO concentrations to below 5 mg/l. Release of nutrients, metals, and organic chemicals from the settling dredged material is expected to have negligible impacts on water quality considering the relatively low concentrations of these substances found in the sediments to be dredged. Impacts on water quality are expected to be intermittent over disposal, localized to the vicinity of the proposed reef sites, and not significant because dredging/disposal activities will be conducted subject to the controls of the Section 401 permit stipulations required for Stage 2 (Appendix D of the attached SEA) and the Section 404(b)(1) Analysis (Appendix E of the attached SEA). Long-term exceedances of water quality limits are not expected and impacts on marine life will be insignificant. Although oceanographic and water quality impacts will be adverse during construction, they are not expected to be significant and do not require additional measures.

The Commission previously concurred with dredging to deepen the main approach channel and with disposal of the dredged material at Pier 400 and the Cabrillo shallow water habitat (both in the Port of Los Angeles) and at the LA-2 ocean disposal site (CD-57-92 and CD-2-97). The Commission found that these activities were consistent with Sections 30230 and 30233(a)(1) and (b) of the Coastal Act in that the approach channel is a port facility, the disposal sites are designated for such activity, and the dredging and disposal operations were designed to protect marine resources.

After submittal of the subject consistency determination, an issue was raised by Heal the Bay (Exhibit 6) as to whether the Commission is now reviewing a DDNI project modification (adding reef site B to the list of DDNI project dredge material disposal sites, currently comprised of Pier 400, the Cabrillo habitat, and LA-2), or whether the Commission needs to re-open its original consistency determination decision (CD-57-92) on the DDNI project. Under the federal consistency provisions (Section 930.44), if a project is being carried out in a manner different than initially described, the Commission

may "reopen" the case. Section 930.44 of the federal consistency regulations provides for reopening in the event of changed projects or circumstances; this section provides in part:

(b) The State agency shall request that the Federal agency take appropriate remedial action following a serious disagreement resulting from a State agency objection to a Federal activity which was: (1) Previously determined to be consistent to the maximum extent practicable with the State's management program, but which the State agency later maintains is being conducted or is having a coastal zone effect substantially different than originally proposed and, as a result, is no longer consistent to the maximum extent practicable with the State's management program ...[emphasis added]

In its original consistency determination the Corps did not adequately address the effects of the proposed DDNI project on marine habitat and fisheries at the outer end of the Main Approach Channel due to the fact that the presence of hard-bottom habitat was not documented at that time. Therefore, the Commission could reasonably consider the new information regarding the presence of hard-bottom habitat, and the recreational fishery this habitat supports, as supporting the view that the effects of the DDNI project are different from those described in the original consistency determination (CD-57-92). Consequently, pursuant to the above-quoted regulatory provision, the Commission could decide to "reopen" its consistency review of the project.

However from a practical perspective this review would boil down to the question of whether the currently-proposed reef adequately mitigates the "new" or "newly described" project impacts. To address this substantive concern, Commission staff requested additional analysis from the Corps, which was provided and subsequently reviewed by the Commission staff biologist, as well as the National Marine Fisheries Service. The Corps' additional analysis is contained in Exhibit 7. This analysis concludes that the reefs being created provide more biologically and commercially/recreationally valuable habitat than the habitat and fisheries opportunities being affected by the project. This analysis also looks at the fundamental question of alternatives, to attempt to determine whether there is a potential alternative channel alignment which could avoid the impact on fisheries altogether. It concludes there is no such "avoidance" alternative. The Commission staff biologist and the National Marine Fisheries Service have reviewed the Corps' supplemental analysis, and both have concluded the project more than offsets or mitigates the DDNI project's recently-discovered fishery impacts. The Corps has also presented a convincing analysis that the existing alignment of the main approach channel is the safest route into the Port of Los Angeles, and that there is no navigationally safe, feasible alternative which would avoid fisheries impacts. Since from a practical perspective the Coastal Act issues have been adequately resolved, the Commission

determines that it is unnecessary to formally take an additional action to "reopen" the original consistency determination.

The proposed modification to the disposal component of the DDNI project does not affect the Commission's previous allowable use findings for the DDNI project dredging and disposal. The Corps is now proposing a <u>beneficial reuse</u> of approximately 260,000-780,000 cubic yards of dredged rock from the approach channel. Rather than dispose the material at LA-2, the rock will be used to create one or more reef modules. The Commission must therefore determine whether this new disposal option is consistent with Sections 30230 and 30233 of the Coastal Act.

The Commission concurs with the conclusion reached by Corps and the Port of Los Angeles that the beneficial reuse of the natural rocky material at the outer end of the approach channel to create one or more reef modules is preferable to disposing it at the LA-2 deep-water disposal site. Over the years, the Commission has consistently urged the Corps and the Port to minimize the volume of dredged material taken to LA-2, in part to minimize potential adverse impacts on recreational and commercial fishing and to encourage beneficial reuse of dredged sediments. By implementing the proposed modification, impacts to marine resources from deepening the approach channel will be minimized (beyond the environmental commitments previously agreed to by the Corps and the Port as a part of the DDNI project) with the transportation of the rock materials to Reef Site B, east of the approach channel. Rock disposal here will improve the original DDNI project design by protecting recreational fishing opportunities in the area and by minimizing disposal at LA-2.

The Port of Los Angeles has agreed to implement a five-year biological monitoring program to assess fish utilization at the reef site (Exhibit 8). A monitoring plan will be developed by the Port with the guidance of the National Marine Fisheries Service, California Department of Fish and Game, and Coastal Commission staff, and monitoring reports will be prepared midway through the project and at the end of the five-year project. The area to be monitored will be within the new rock habitat areas created and will include benthic and fish resources transects.

The California Department of Fish and Game supports placing dredged rock material at Reef Site B and stated in a December 12, 1997, letter to Commission staff (Exhibit 9) that:

Given the presence of natural reefs and scattered rock substrate in the general vicinity, new reefs placed on these sites should be colonized and begin developing communities similar to natural reefs relatively quickly.

The elimination of the rock reef in the approach channel represents an adverse impact to marine habitat, but that impact is not considered significant given that: (1) the areal extent of rock reef outside of the approach channel which will remain undisturbed greatly exceeds the rock area within the channel; (2) the volume of rock to be relocated from the approach channel to the adjacent disposal site will create a reef area equal to or greater than the reef area in the approach channel, as the volume of rock to be dredged includes rock presently below the ocean floor; and (3) the floor of the main approach channel will still be comprised of hard bottom material after deepening to -81 feet MLLW, and this material will over time recolonize with benthic organisms. The disposal of dredged rock at Reef Site B will generate temporary, minor adverse impacts on water quality due to turbidity plumes, and there will be a permanent loss of sandy bottom habitat at the sites of the approximately 0.5 to 0.75-acre reef modules. However, the relocated rock reefs (the exact number of which will be determined by the volume of rock uncovered by the deepening of the approach channel to -81 feet MLLW) will continue to provide a more diverse and valuable habitat type, and the loss of sandy bottom habitat is not a significant nor adverse impact. Therefore, the Commission finds that the proposed modification to the DDNI project is consistent with Chapter 30230 of the Coastal Act.

The proposed project modification involves the placement of rock in the marine environment, and must therefore meet the three tests of Section 30233(a) of the Coastal Act. The first test identifies allowable uses for filling of the marine environment, and Section 30233(a)(1) allows filling for expanded port facilities. The Port of Los Angeles' main navigation approach channel, extending between the San Pedro Breakwater and the three-mile limit, is a port facility, and the Commission previously determined in CD-2-97 and CD-57-92 that deepening the approach channel and disposing of 1.5 million cubic yards of dredged material at the LA-2 ocean disposal site were allowable uses under Section 30233(a)(1). The Commission determines that the project modification to dispose approximately 260,000-780,000 cubic yards of rock dredged from the approach channel: (1) does not change the fact that the previously-approved dredging and disposal operation is designed to expand a port facility, and (2) is likewise an allowable use under Section 30233(a)(1).

The second test of Section 30233(a) requires the Commission to determine that the proposed filling is the least damaging feasible alternative. In its 1996 Final Supplemental Environmental Assessment for modifications to the Stage 2 DDNI project (concurred with by the Commission in CD-2-97), the Corps submitted the following list of alternatives for dredge material disposal for the DDNI project:

- No Action
- Beach Nourishment
- Shallow Water Habitat Expansion
- POLA Borrow Pits

- Sidecasting
- LA-2 Ocean Disposal Site

When the presence of the rocky bottom materials, and their importance to an existing recreational fishery, was confirmed in the summer of 1997, the Corps developed two other disposal alternatives: Reef Site A (west of the approach channel) and Reef Site B (east of the approach channel), each of which is approximately 62 acres in size. After a reconnaissance dive survey, it was determined that Reef Site A was not a suitable disposal site due to the presence of natural rock reef material of high biological value. Disposing the dredged rock at this site would likely result in adverse impacts to existing rock reefs. Reef Site B was found to be a mix of sand and cobble, with limited rock relief and a water depth of approximately 70 feet. Disposing dredged rock at this site to create 0.5 to 0.75-acre reef modules at one or more locations, and extending six to ten feet above the seafloor, will complement the existing reefs in Site A and at other locations in the immediate vicinity, and is a beneficial reuse of dredged material that otherwise would be lost to the LA-2 deepwater site.

The alternative analysis grew more complicated when in late December 1997 the Commission learned of concerns expressed by the U.S. Coast Guard regarding potential project impacts on vessel navigation safety. In response to those concerns, the Corps of Engineers postponed action on its consistency determination from the January to the February Commission meeting in order to allow the Corps time to meet with the Coast Guard and attempt to resolve this issue. The concerns were not resolved and so prior to the February Commission meeting, the Corps extended the time deadline for Commission action on the consistency determination to March 30, 1998, and the matter was postponed to the March Commission meeting. (Exhibits 10-12 are Coast Guard letters on this issue.) During the past month, staff from the Corps and the Port of Los Angeles have held several discussions and/or meetings with representatives from the Coast Guard, the recreational fishing community, port pilots, California DFG, the Los Angeles Harbor Safety Committee, and Commission staff in an effort to resolve concerns over potential project impacts on navigation safety in and adjacent to the main approach channel.

In its most recent letter to the Corps and the Port (dated February 2, 1988; Exhibit 13), the Coast Guard identified three unresolved navigation safety issues: (1) will the construction of the reef lead to an increase in congestion in the area of the reef? (2) will the reef pose a grounding hazard for vessels? and (3) will the reef create hazard(s) for special activities that presently occur, or are reasonably expected to occur, in or near this area? Commission staff spoke with the Coast Guard's Captain of the Port for the Los Angeles-Long Beach Harbor on February 18 regarding the Coast Guard's current position on the project. The Coast Guard stated that issues No. 2 and 3 (above) had been satisfactorily resolved and that progress was occurring on resolving issue No. 1. The Corps of Engineers' environmental manager for the project notified Commission staff on

February 19 that significant progress to resolve issue No. 1 was made at a multi-agency meeting held on February 18, and that all parties, including the Coast Guard, appear to be moving toward agreement on placing the dredged rock material at Reef Site B.

The proposed modification to the DDNI project involves transporting hard bottom material from the outer end of the main approach channel to a location approximately one-half mile east of and one mile short of the terminus of the channel in order to conserve material that supports an existing recreational fishery in the vicinity of the channel. The Commission has not received any documentation from any of the involved parties demonstrating that the proposed relocation of dredged rock material from the approach channel to Reef Site B will lead to an increase in vessel congestion at the latter location, or an increase in navigation hazards within or adjacent to the main approach channel. Instead, the project will reduce the level of recreational fishing now occurring in the main approach channel to a location approximately one-half mile east of the channel, which should lead to an improvement in vessel navigation safety in this area. Therefore, the Commission finds that disposal of the dredged rock from the approach channel to create rock reef modules is the least damaging feasible alternative for this disposal component of dredged materials associated with the DDNI project.

The final test of Section 30233(a) requires the Commission to consider mitigation for adverse impacts to the marine environment. The proposed project modification does not require mitigation because it will not generate adverse effects on marine resources. The project involves the disposal/relocation of dredged rock materials from the POLA main approach channel to an approximately 70-foot-deep site east of the channel to create one or more rock reefs, rather than at the LA-2 ocean disposal site. As a result, the project modification will avoid adverse impacts to the marine environment by providing naturally-occurring hard substrate for benthic recolonization and support of fish communities. The areal extent of rock reefs and hard-bottom materials on either side of the approach channel will continue to support the existing recreational fishery during the period of recolonization. Therefore, the Commission finds that the project will not affect marine resources and no additional mitigation is necessary. In conclusion, the project is consistent with the allowable use, alternative, and mitigation tests of Section 30233(a), and the Commission finds that the project is consistent with the allowable use, alternative, and mitigation tests of Section 30233(a),

B. <u>Recreational Fishing</u>. Section 30220 of the Coastal Act provides 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 30234.5 provides that:

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

The Commission previously determined in CD-57-92 and CD-2-97 that the dredging and disposal operations associated with the DDNI project were consistent with the recreational and commercial fishing policies of the CCMP. While DDNI project dredging and disposal operations would generate adverse impacts on marine resources and habitat at and adjacent to project locations, the impacts on recreational and commercial fishing were determined to be minor and temporary. However, in August 1997 the Corps notified the Commission about new information regarding recreational fishing activities at the outer end of the approach channel. The Corps' consistency determination states that:

The Corps has been recently informed that a portion of the approach channel to be dredged (i.e., the area known as Horseshoe Kelp) is heavily utilized by sport fisherman (Section 30230 below). Hence, the Corps and POLA have been working together with an inter-agency task force to assess potential effects on sport fishing opportunities/catch successes. To minimize potential effects on the sport fishing industry, the Corps will provide additional opportunities by constructing one or more reef modules at Reef Site B (Figure 6 and Section 2.2.2 of the attached SEA). Although temporary impacts may occur on the sports fishing industry over construction, the reef modules are expected to colonize quickly by species utilizing neighboring rocky habitats; no long term fishing impacts are anticipated (Section 30230 below).

The SEA additionally states that:

During construction, it is anticipated that species utilizing rocky substrate located in the channel to be dredged will relocate to neighboring rocky habitats. It is expected these fish (and other species) will be available for catch at neighboring systems. It is likely that local recreation sports fishermen will fish other local reefs during construction and while the new reefs colonize. Because other fishing opportunities will be available and fish will likely relocate to neighboring rocky communities, short term recreation impacts are not considered significant. As the reef is expected to colonize quickly by species utilizing neighboring rocky habitats, no long term impacts are anticipated (Section 3.2).

The Sportfishing Association of California (SAC) met with the Corps and the Port of Los Angeles to discuss alternatives to deepening that portion of the approach channel that contained high relief and hard substrate, and to identify a feasible solution that would conserve the fishery habitat while allowing the under-construction DDNI project to remain on schedule. The Corps and the Port demonstrated that relocating or realigning

the approach channel to avoid the rock reef areas were not feasible alternatives. The existing alignment of the main approach channel is the safest route into the Port of Los Angeles. Relocating the rock materials from the approach channel to a nearby site for reuse as a reef rather than disposing them at the LA-2 deepwater site soon became the focus of efforts to further minimize the impact of deepening the approach channel on recreational fishing. The Corps, Port of Los Angeles, U.S. EPA, National Marine Fisheries Service, U.S. Fish and Wildlife Service, California Department of Fish and Game, Sportfishing Alliance of California, Anglers Unlimited of Southern California, and Coastal Commission staff worked together to develop a feasible dredging, relocation, and construction plan for the rocky materials located at the end of the approach channel. The SAC submitted a letter at the January Commission meeting supporting the proposed project (Exhibit 14).

The Commission finds that the proposal to create one or more rock reefs at Reef Site B using the natural, hard-bottom materials dredged from the approach channel will minimize impacts to recreational fishing from this component of the DDNI project. Adverse effects on the water column due to increased turbidity during and after dredging and disposal to relocate the reef will be temporary and not significant, and relocation of the rocky materials from the approach channel will not generate significant adverse affects on marine habitat at the Reef Site B disposal area. The areal extent of rock reef outside of the approach channel will continue to support the recreational fishery during and after the relocation of the rock within the approach channel. The proposal, a modification to the previously-concurred-with DDNI project, serves to complement the environmental commitments made by the Corps to minimize project impacts on marine resources and recreational activities within and adjacent to DDNI project sites, in this case the outer one-half mile of the main approach channel to the Port of Los Angeles. In conclusion, the Commission finds that the project modification recognizes and protects fishing activities and is consistent with the recreational fishing policies of the CCMP.

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California Coastal Commission







2701 Ocean Park Blvd., Suite 150 Santa Monica CA 90405 310.581.4188 fax 310.581.4195 htb@healthebay.org www.healthebay.org/healthebay

January 10, 1998

California Coastal Commission 45 Fremont Street, Suite 2000 San Francisco, CA 94105

Re: CD-172-97 which is item Tu 10f

Dear Commissioners:

On behalf of Heal the Bay, a non-profit environmental group with over 10,000 members dedicated to making Santa Monica Bay and Los Angeles County coastal waters safe and healthy again for people and marine life, I am making the following comments on the Port of Los Angeles' (POLA) proposed dredging project for the approach channel.

The decision before the Commission appears to be an easy one. Should the Commission modify the dredging project for the approach channel so that POLA and the Army Corps of Engineers (Corps) will use the dredged hard bottom substrate to create artificial reefs or should the project remain the same as approved? Heal the Bay is struck by the fact that the staff report summarily dismisses the issue of allowing dredging of hard bottom habitat to begin with. The hard bottom habitat, as is stated on pages three and seven of the staff report, is a known productive fisheries habitat for calico bass, sandbass, white sea bass, sculpin, barracuda and bonito. Hard bottom habitat in the Los Angeles County area is rare with only the Palos Verdes Shelf, Horseshoe Kelp and vicinity, and Malibu as areas with significant habitat. In addition, hard bottom habitats serve as forage, shelter and nesting sites for a diverse and abundant assemblage of organisms, including a wide variety of invertebrates.

In August of 1997, the Sportfishing Association of California (SAC) brought this issue to the attention of the Corps and POLA. The suggestion to realign the approach channel was determined infeasible due to safety issues. Commission staff appears to agree with this decision. As members of the public, we are left with no information on which to judge whether or not this recommendation is valid. Any dredging project that destroys hard bottom habitat is unconscionable in an area where hard bottom habitat is relatively scarce and under constant fishing and pollution pressures.

The major question we have for the Commission, the Corps, and EPA is, when did these agencies know when this project was going to destroy significant hard bottomed habitat outside the harbor? Also, did the Commission make their consistency determinations in 1992 and 1997 and master plan amendment approvals in 1993, 1996, and 1997 with full knowledge of the scope and environmental impacts of the project? And did the Commission review or sign off on the SFEIS (Corps, 1996) for Stage 2 of the project,



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and did the SFEIS adequately describe the impacts to hard bottom substrate and the local fisheries?

If the Commission made these determinations and approvals with full knowledge of the scope of hard bottom habitat destruction, then shame on you for approving the project, let alone without any substantial mitigation requirements. Obviously the time to comment on the SFEIS (Heal the Bay never received a copy, which seems strange since we commented on the FEIS/EIR in 1992) and CD-2-97 has long passed, so there may be little opportunity to substantially modify the proposed project. Heal the Bay agrees that the creation of artificial reefs at Site B is substantially better than dumping the rocky material at LA-2, but it certainly is not biologically preferable to the avoidance of aware of the full scope and habitat impacts of the approach channel dredging, then please require POLA and the Corps to complete a more substantial review of the channel alignment to determine if these significant impacts can be avoided.

Additional information that may convince you that the project requires further environmental review is as follows:

- The Final EIS/EIR entitled Deep Draft Navigation Improvements, Los Angeles and Long Beach Harbors. San Pedro Bay, California (1992) did not describe any significant dredging of hard bottom habitat outside the Harbor. In the Project Description, Alternatives Analysis, Oceanographic Resources and Water Quality, and Biological Resources sections, there was no discussion of the need for substantial dredging of hard bottom substrate outside the Harbor. Therefore, any determination that the dredging activity had insignificant impacts on biological resources was inaccurate because the document only examined impacts to soft bottom habitat.
- The Sportfishing Association of California didn't meet with the Corps and POLA until August 1997, well after the SFEIS was approved and the Commission approved CD-002-97. The lateness of this meeting leads one to conclude that the impacts of the project on the sportfishery was never adequately assessed as part of the NEPA/CEQA process. This is confirmed on page 11 of the staff report. The report states, "When the presence of the rocky bottom materials, and their importance to the recreational fishery, was confirmed earlier this year ...."

In addition, the Supplemental Environmental Assessment (SEA) that just came out in In addition, the Supplemental Environmental Assessment (SEA) that just came out in the last couple of months, was not attached to the staff report. The SEA statement that, "the reef structure will be a beneficial use since it will conserve local sportfishing "the reef structure ..." is unsubstantiated in the staff report and we strongly disagree with this conclusion.

• The staff member for the project, Larry Simone, is ill and was unavailable to answer questions on the project. Other commission staff were unable to answer Heal the Bay's questions.

EX.6, CONT.

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- Not that his opinion is required for any Commission decision, but Heal the Bay finds it alarming that UCLA professor Dr. Richard Ambrose was not consulted on this project. As you know, the Commission often consults Dr. Ambrose on those projects with significant impacts to marine resources, especially those that involve the creation of artificial reefs - a particular area of expertise.
- The 60th day after submission of the Consistency Determination request by the project proponents does not occur until February 13, 1998, about the time for the next Commission meetings.

In conclusion, Heal the Bay believes that the Pier 400, Stage 2 Approach Channel dredging project will cause irreparable harm to the organisms that thrive on the rocky bottom substrate that will be dredged. After reviewing the staff report and the 1992 FEIS/EIR, it is obvious that the impacts of this project on marine fisheries were never adequately assessed during the NEPA/CEQA process. Heal the Bay urges the Commission to postpone their Consistency Determination until such time that staff can confirm that there is no further opportunity to mitigate the impacts of this project by realigning the approach channel or by requiring additional mitigation of the impacts on rocky bottom and fishery habitat.

If the Commission has no legal ability to modify the project or to require additional mitigation because of their prior Consistency Determination in 1997, then a significant productive habitat will be destroyed without any mitigation requirements. For this project, it sure doesn't seem like the Coastal Act and the CZMA were applied in a manner to protect significant marine resources. Projects of this magnitude with obvious significant impacts to marine resources, should receive the utmost scrutiny.

Sincerely,

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Mark .

Mark Gold, D.Env. Executive Director

EX. 6, CONT.

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### ERRATA SHEET

### I. Authorized Project.

The Port of Los Angeles/Long Beach Harbors Deep Draft Navigation Improvements (DDNI) project was authorized by the Water Resources Development Act of 1988, as amended, Public Law 100-676, and enacted on November 17, 1988. The Port of Los Angeles/Long Beach Harbors DDNI project Record of Decision was signed on January 21, 1994 by G. Edward Dickey, Acting Assistant Secretary of the Army (Civil Works). The authorized project consists of deepening and modifying the ship channel to 81 feet below mean lower low water (MLLW) and disposing project dredge materials in 582 acres of outer harbor landfill.

The Final Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR) (U.S. Army Corps of Engineers (Corps), Los Angeles District and Port of Los Angeles (POLA) 1992) documents impacts associated with the DDNI project. Based on the assessment, a detailed mitigation plan was developed and implemented for Stage 1, and conceptual plans for Stage 2.

A Final Supplement to the DDNI FEIS/FEIR, Stage 2 Construction, Los Angeles Harbor Deepening, Los Angeles and Long Beach Harbors, San Pedro Bay, California was prepared to document Stage 2 design refinements, alternatives, and mitigation measures, circulated for public review, and approved with a Finding of No Significant Impact on November 22, 1996 by Robert L. Davis, Colonel, Corps, District Engineer. This supplement permitted disposal of approximately 1.5 million cubic yards of clean, structurally unsuitable materials at LA-2, an Environmental Protection Agency (EPA) approved ocean disposal site. Approximately 500,000 cubic yards of material may be disposed on annual basis at LA-2. The Corps and POLA agreed with the EPA that in the event that beneficial disposal sites become available for material placement over the life of the project, these additional sites will be considered upon request for use at that time.

### II. Project Background.

In early August, the Sportfishing Association of California (SAC) met with the Corps and POLA to discuss potential concerns regarding dredge operations at the outer approach channel to Pier 400 in or near the area known as Horseshoe Kelp (Figure 5, SEA). This area supports sportfishing catch including the approved outer approach channel where there are areas of relief and hard substrate.

The SAC requested the Corps and POLA to realign the outer approach channel to avoid areas of hard bottom. It was explained to the SAC that during the development of the DDNI project, an array of potential project alignments were evaluated. Different ship channel alignments were considered during the feasibility/planning phase of the project to determine the safest approach alignment for the large tankers entering the POLA and then turning either east or west once inside Angels Gate. The overall best approach for these larger less maneuverable vessels is to



approach Angels Gate at a 90 degree angle. An approach angled further to the northwest (that might avoid hard bottom) would require less dredging, but would require additional maneuvering of large tanker vessels outside of Angels Gate. An approach angled further to the southeast (that would likely go through the middle of the Horseshoe Kelp area) would result in somewhat better approach then from the northeast, but the channel would need to be much longer than it currently is and involve more dredging. Based on surveys completed to date and data from local fisherman, a minor adjustment of the channel would still result in disturbance of hard bottom. As a practical matter, Stage 1 of the channel has already been completed, which resulted in dredging the approach channel to -63 feet MLLW to a distance of one mile seaward from the breakwater. Any channel realignment at this point in the project would therefore require redredging of the Stage 1 component along a new alignment and resulting in more dredge disposal (and a less safe approach) or placing a bend in the approach channel which is not acceptable.

Based on the information provided above, it was agreed that the realignment of the channel configuration was not feasible; therefore, the SAC, Corps and POLA discussed the feasibility of relocating rocky material to be dredged to neighboring areas. As the rocky material would allow new areas to serve as reefs, which would benefit the sportfishing industry' and reduce the overall amount of material to be disposed of at LA-2, we decided to further analyze this alternative. Hence, the Corps, POLA, EPA, National Marine Fisheries Service, U.S. Fish and Wildlife Service, California Department of Fish and Game (CDFG), California Coastal Commission, SAC, and Anglers Unlimited of Southern California met on several occasions to investigate the potential for relocating rock dredge material to nearby sites which mutually benefit all interested parties. Two sites were proposed, based on site selection criteria provided by the SAC and the resource agencies (Section 1.2, SEA), and are shown on Figure 6 (SEA).

**Reef Site A.** Site A is approximately 80 acres in size and shown in Figure 9 (SEA). To further assess the suitability of this area additional surveys were conducted for the evaluation. Surveys included bathymetry, magnetometer and sidescan sonar (cultural), and biological reconnaissances. From a cultural basis, the site is acceptable (Appendix D, SEA). From a bathymetric and marine biological basis, the site was determined not feasible based on survey findings. The area was surveyed by CDFG and MEC Consultants (1997) on November 25, 1997. Survey findings (Appendix E, SEA) indicate the area consists of an equal mix of sand and rock and is characterized as having moderate rock relief (about 10 feet in height). This site contains a lot of existing natural reef material, which has been determined to be of relatively higher value for biological resources (Parker, CDFG, personal communication, December 10, 1997). Based on CDFG recommendations (Appendix F, SEA), this site was eliminated from further consideration.

<sup>1</sup>The SAC mentioned that the rocky habitat created by the Stage 1 Pier 400 landfill dike has improved overall fishing opportunities and catch within San Pedro Bay. They noticed a significant increase in catch of see basses and halibut. Sea basses, surfperches, rockfishes, sculpins, wrasses, sargo, garibaldi, opaleye, seniorita, and half moons are all common fishes associated with hard bottom habitats of southern California. Hence, it is likely that the rocky habitat supports a healthy community of diatoms, algae, mussels, hydroids, and invertebrates. Although halibut are typically associated with soft bottom habitat, it is likely that the increased forage opportunities provided by the rocky habitat have increased the overall abundance of the halibut population in the bay.

EX. ; CONT.

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<u>Reef Site B</u>. Site B, approximately 80 acres in size, is shown in Figure 10. This site was assessed also for suitability, based on bathymetry, magnetometer and sidescan sonar (cultural) and biological reconnaissance surveys. Of the total area surveyed, approximately 72 acres have been determined suitable for the placement of reef modules. A potential cultural resource anomaly (probable shipwreck) was detected during the survey (Appendix D, SEA), and it will be avoided. Hence, a 165 foot (50 meter) buffer will be provided around the structure to protect the site. From a bathymetric and marine biological basis, the site is acceptable (Appendices G and F, SEA). This site is characterized by a mix of sand and cobble, with limited rock relief.

### III. Project Description.

Based on our agreement with the EPA and recognizing potential fishing opportunity losses and sports fishery concerns, the Corps has prepared this SEA to assess the feasibility and impacts of relocating rock from the outer approach channel to Site B. The hard bottom (i.e. rocky) areas located in the outer approach channel has been estimated to cover approximately 57 acres. Rock volumes are estimated at approximately 390,000 cubic yards. Hard bottom areas, located in the outer approach channel, are shown in Figures 7 and 8 (SEA). Rock will be placed to create reef modules at Site B, approximately 72 acres, as described in Section 2.2.2 (SEA).

### IV. Project Biological Inventory and Site Impacts.

The local sport fisherman have indicated that the Horseshoe Kelp area, approximately 6,000 acres, provides good habitat for calico bass, sand basses, white sea bass, sculpin, barracuda, and bonito (Strasser, SAC, 1997). Sportfishing areas in the Horseshoe Kelp area are characterized by areas of low (a couple feet) relief, hard bottom habitat. Although the overall area is fished, sportfishing areas supported by low relief, hard bottom habitat are shown on the following figure (Strasser, SAC, 1998).

As shown on the figure, Site A supports sportfishing activities (Strasser, SAC, 1998) and is characterized by low relief, hard bottom, rocky substrate (Appendix E, SEA). Site B, dominated predominantly by sand and cobble with limited rock relief (Appendix E, SEA), supports less sportfishing activities (Strasser, SAC, 1998). Areas neighboring Site B, characterized by low relief, hard bottom habitat, support fishing opportunities (Strasser, SAC, 1998). Although the hard bottom area located in the outer approach channel (Figures 7 and 8, SEA) has not been dived on by marine biologists, it is assumed the habitat is similar in form and function to that found at Site A, as it too supports sportfishing activity. Based on engineering calculations, the hard (rocky) bottom area located in the outer approach channel is estimated to cover approximately 57 acres of surface area, approximately 1 percent of the total rocky habitat existing in the Horseshoe Kelp area. Due to the overall size of the Horseshoe Kelp area and areas known to be fished by the sportfishing industry, as shown on the following figure, the loss of less than 1 percent of the total area, the area located in the outer approach channel, is not judged to be a significant impact on fishing opportunities or the sportfishing industry. PLANNING DIVISION

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EX. CONT.

Rock removal activities will disturb approximately 57 acres of hard bottom habitat as the channel is deepened to the authorized depth. The encrusting community existing on the habitat will be lost. Motile invertebrates and fish may survive as they move away from project disturbances. Other temporary impacts are likely to include noise and water quality impacts. Turbidity impacts will be minimal, as the intent of this project modification is to place only rocky material at Site B. Thus, these impacts will be expected to be similar in nature, but less than those presented in the original and supplement to the DDNI project FEIS/FEIR. Following construction, a new channel floor will exist at -81 feet MLLW. It is expected that the new floor and side slopes will consist of a rocky substrate as the previously dredged area consisted of a rocky substrate. Because the area consists of a rocky substrate, it is anticipated that the clamshell will create relief on the side slopes and channel floor as it dredges the material from the channel. Relief along the channel floor and side slopes is expected to vary by  $\pm 2$  feet. The resultant habitat will provide an additional acre of low relief, rocky habitat. It is likely that this area will be colonized by the neighboring hard bottom community, as the side slopes will provide a migration corridor to the channel floor. In general, colonization of the new area will likely follow a sequence that has been well documented on hard bottom/artificial reef habitats in Southern California. Additional documentation on species colonization is provided in Section 3.2 (SEA).

In addition, the rock to be dredged from the channel will be used to create rock modules in the neighboring area. Rock modules will be placed over approximately 72 acres. It is estimated that between 261,000 and 785,000 cy of rocky material may be available in the outer approach channel and placed at Site B. However, it is more likely that on the order of 390,000 cy of rocky material covers the 57 acre area shown on Figures 7 and 8 (SEA). If 390,000 cy of rocky material are dredged approximately 65 reef modules can be created at a height of 6 feet. With this volume of rock, the total rocky surface area will add on the order of 10 acres of surface area. Overall, there will be a net gain of deep water, rocky-subtidal habitat associated with this project alternative. As the rock modules are placed more interstitial spaces will be created by the proposed designs than currently exist on the hard bottom habitat located in the outer approach channel. Because reef modules will be placed with open-space between each module, additional ecotone benefits will occur as species migrate from one reef module to another. These additional ecotone benefits may result with an overall increase of species diversity and density. Species colonization of the new rocks will likely follow a sequence that has been well documented on hard bottom/artificial reef habitats in Southern California (Section 3.2, SEA). Other temporary impacts related to oceanography and marine resources are provided in Sections 3.1 and 3.2 (SEA), respectively.

Temporary sportfishing impacts and biological impacts will occur due to construction activities. Biological impacts will likely include water column (i.e. quality) impacts and the temporary loss of habitat. Construction impacts will be temporary and adverse, but not significant. As the new areas colonize, long term impacts will be beneficial to the overall biological community as a net gain of hard bottom habitat will be created. Construction of the reef modules will provide an improvement over the original project design (i.e. maintaining current sportfishing opportunities in the local area and additional capacity for fine-grained materials to be disposed at LA-2). Thus, this project feature will not create a long term significant adverse impact on the sportfishing industry or the biological resources in the Horseshoe Kelp area. 2/98 THU 13:30 FAA 2134324204

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Richard J. Riordan, Mayor City of Los Angeles

Board of Harbor Commissioners

Leland Wong, President

Carol L. Rowen, Vice President

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Frank M. Sanchez, Ph.D

Ionathan Y Thomas

John M. Wilson

Larry A. Keller Executive Director Mr. Peter Douglas **Executive Director** California Coastal Commission 45 Fremont Street, Suite 2000 San Francisco, CA 94105-2219

Dear Mr. Douglas:

February 4, 1998

### SUBJECT: REEF CONSTRUCTION USING REEF MATERIAL DREDGED FROM PIER 400 APPROACH CHANNEL (CD-172-97) -**BIOLOGICAL MONITORING**

In regard to the above CD, it has been requested that there be additional biological monitoring of the rock habitat created by disposing of rock material dredged from the approach channel to Pier 400. Following discussions with Councilwoman Galanter's Office and other parties, including Heal the Bay, we are prepared to conduct additional monitoring of this site within the following parameters:

- The monitoring will occur over a five-year period as prescribed in a monitoring plan to be developed with the guidance of the National Marine Fisheries Service, California Department of Fish and Game and your staff.
- The area to be monitored will be within the new rock habitat area created and will include benthic and fish resources transects.
- Two Monitoring Reports will be prepared; one at approximately midway through the project, and the second at the end of the monitoring period.
- The cost of this monitoring should be the minimum necessary to fulfill the proposed monitoring plan but in any case shall not exceed \$300,000.

We look forward to your concurrence with CD-172-97 and all the benefits accruing from this beneficial use of dredge material. If you have any questions please contact Dr. Ralph Appy at (310) 519-3497.

Sincerely,

RRY A. KELLER Executive Director

EXHIBIT NO APPLICATION NO. California Coestal Commission

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CALIFORNIA

COASTAL COMMISSION

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California Coastal Commission February 4, 1998

cc: Russ Kaiser (Corps of Engineers) Bob Hoffman (National Marine Fisheries Service) Steven John (U.S. Environmental Protection Agency) Jack Fancher (U.S. Fish and Wildlife Service) Dave Parker (California Department of Fish and Game) Honorable Ruth Galanter (City of Los Angeles, 6th Council District) Mark Gold (Heal the Bay) Bob Fletcher (Sportfishing Association) Page 2

EX. 8, CONT.

#### STATE OF CALIFORNIA-THE RESOURCES AGENCY

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PETE WILSON, Gaverau

EXHIBIT NO. APPLICATION NO.

DEPARTMENT OF FISH AND GAME	•		
Marine Resources Division	Post-It* Fax Note 7671	Date/2/17 # of > 2	
Southern Operations 30 Golden Shore. Suite 50	TO Russ Kaiser	From Dave Parley	
Long Beach, CA 90802	CONDEPL CO.E.	CDF6	
(562) 590-5129	Phone #	Phone 562 580-5729	
	Fax (20) 452-4204	Corrifer delay!	
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December 12, 1997

Mr. Larry Simone California Coastal Commission Energy and Ocean Resources Division 45 Fremont St., Suite 2000 San Francisco, CA 94105

Dear Mr. Simone:

On November 25, 1997 the Department of Fish and Game's Artificial Reef Project staff participated in dive surveys, with divers from Marine Ecological Consultants (MEC) contracted by the Port of Los Angeles (POLA), of two sites in the Horseshoe Kelp area proposed for placement of dredged rock from a POLA channel deepening project. The purpose of these surveys was to qualitatively assess the sites' physical and biological characteristics as they relate to suitability as new reef sites. Site A was to the west and site B to the east of the entrance channel which will be dredged. These two sites had been chosen based on prior side-scan sonar surveys and input from commercial passenger fishing vessel (CPFV) operators. Three transects, one each at two diagonal corners and in the center, were conducted at each site. Detailed observations are contained in a report prepared for POLA by MEC.

characteristics of the two sites differ Substrate Site A contains a series of rock strata significantly. forming numerous low relief reef outcrops separated by bands of coarse sand, shell debris and small cobble. Site B consists predominantly of coarse sand and shell debris with only scattered cobble and a few larger rocks and small boulders. Sand depths at both sites are relatively shallow at one half meter, or less, and should provide good support for new reefs. Fish, invertebrate, and algal biota are dominated by those species associated with rock substrate and are more abundant at Site A with its numerous reefs than Site B which contains only scattered cobble and rocks.

Based on the results of these dive surveys, we recommend that Site B, with its predominantly sandy substrate, be selected for placement of appropriate dredged rock material to form new reefs. Site A should not be used due to the presence of numerous natural reefs which would likely be damaged or covered by placement of large quantities of new rock. It is possible that other sites in the vicinity of Site A might be acceptable, pending similar surveys, if a need for a site in the area west of the channel still exists. Given the presence of natural reefs and scattered rock substrate in the general vicinity, new reefs placed on these sites should be colonized and begin developing communities similar to natural reefs relatively quickly.

I hope that this recommendation will assist you in the required permit modifications for this project. If you should have any questions or need more information, please contact me at the above number.

Sincerely,

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David O. Parker Senior Biologist, Marine Region

cc: Ralph Appy, POLA Russ Kaiser, COE



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PLANNALING DIVISION

Eleventh District (Pow)

510-437-5838

U.S. Department of Transportation United States Coast Guard

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Commander (Pow) Eleventh Ceast Guard District Jossit Guard Island Alameda, CA 84501-8100 Staff Symbol: (Pow) Phone: (510) 437-2934 FAX: (510) 437-5836 KU V U 2

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16500 Ser: Pow 024-98 January 16, 1998

Mr. Russell L. Kaiser Environmental Manager U.S. Army Corps of Engineers Los Angeles District P.O. Box 532711 Los Angeles, CA 90053-2325

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FAX TRANSMIT	TAL Present
Ryss KAISER	ANNE BUCKHARDT
ACOE LA DIST	(50)437-2978
(213)452-42.03	(570) 437-5836
NSN 7540-01-317-7388 5099-101	GENERAL SERVICES ADMINISTRATION

Dear Mr. Kaiser,

After further discussion with ACOE and POLA representatives, I am satisfied that Site B poses no reduction in the bail-out options for the Very Large Crude Carriers (VLCC) as they make their approach to Angels Gate. The bathymetry information provided by the ACOE indicates that any VLCC that departs from the dredged channel will run aground immediately, striking the already existing rock ridges long before they encounter the proposed rock mounds in Site B.

Information to date, from the POLA, ACOE and one member of the Sportfishing Association of California (SAC), indicates that the proposed construction of rock mounds in Site B will not increase fishing significantly, if at all, in this area. Information from other customers in this busy and important harbor may indicate otherwise.

Both the Cartain of the Port and I have received questions and concerns from the maritime community regarding how this proposed modification will impact safe navigation. I highly recommend that this and any future modifications to the Pier 400 Project be presented to the Los Angeles Harbor Safety Committee so that all interested parties are afforded the opportunity to ask questions and express their concerns. Timely notification to all members will help ensure all issues are resolved prior to submission to the California Coastal Commission for a Consistency Determination.

Sincerely, RPE

Commander, U. S. Coast Guard Chief, Waterways Management Branch By direction of the District Commander

Copy: (1) Coast Guard Marine Safety Office Los Angeles/Long Beach (2) Coast Guard Aids to Navigation Team Los Angeles/Long Beach

EXHIBIT NO. 10 APPLICATION NO.	P
CD-172-97	
California Coastal Commission	

J.5. Department of Transportation

United States Coast Guard



U.S. Coast Guard Marine Safety Office/Group Los Angeles-Long Beach Long Basch, UA subur Staff Symbol: CO Phone: (562) 980-4429 Fax: (552) 980-4415 Larry

16600 Jan 21, 1998

Mr. John Foxworthy P-400 Project Manager Port of Los Angeles 425 S. Palos Verdes St. San Padro, CA 90731

Mr. Russell L. Kaiser Environmental Menager U.S. Army Corps of Engineers Los Angeles District Los Angeles, CA 90053-2325

Dear Sirs,

I want to expand on the comments provided by Commander Sharpe in his letter of January 16, 1998 regarding the proposed fish reef outside Los Angeles Harbor. Since Last week, when Coast Guard representatives met with Army Corps of Engineers, Port of Los Angeles and Los Angeles Sportfishing representatives, I have been contacted by several maritime company executives who believe your project presents serious navigational risks. Though the Coast Guard representatives concluded after studying the project that less navigational risk is involved than initially thought, we noted the absence of input from the maritime community.

It is clear that the maritime community including members of the Harbor Safety Committee, Chevron, both pilot organizations and Crowley are frustrated and disappointed that they were not afforded an opportunity to provide comments on this project. Unfortunately, this is not a new issue as the timely involvement of the maritime community with respect to navigation safety has been lacking in several major waterway construction projects over the past several years. The Coast Guard has, upon being notified of such projects, taken a proactive approach in facilitating navigational risk assessment ensuring significant input from the maritime community including the Harbor Safety Committee. These efforts have resulted in the development of navigational risk mitigation measures and/or adjustments to project design and sequencing. We are convinced that an inclusive process increases awareness, leads to a safer and more informed outcome and builds trust and productive relationships within the maritime community.

It is in all of our best interests to ensure that an inclusive process is applied in this project as well. The Coast Guard will not be able to support a process that does not appropriately involve the maritime community. There is a good deal of misinformation and mistrust surrounding this project. I believe it necessary for the ACOE and POLA to present the project to the Harbor Safety Committee and take steps to solicit input from tanker, tug & barge, heavily laden dry bulk (coal, petroleum coke) and other deep draft shipping companies who may not know of the proposed reef.

EXHIBIT NO. 1	
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CD-172-97	
California Coastal Commission	

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16600 Jan 21, 1998

I understand the next Coastal Commission hearing is February 3rd at which point you intend to obtain a consistency determination for the project. The next general Harbor Safety Committee meeting is February 4th. Obviously, this presents a timing challenge given your intended timetable and the need to adequately address maritime community concerns prior to project approval. Please advise me of your intended actions and if you would like assistance or advice on how to include appropriate members of the maritime community in this process.

> Sincerely, G. F. WRIGHT Captain, U. S. Coast Guard Captain of the Port Los Angeles-Long Beach, CA

Copy:

LA-LB Harbor Safety Committee members Los Angeles Pilots, Bill Boland Long Beach Pilots, Tom Jacobsen Chevron Shipping, Steve Swinburn Crowley Marine, Jim Macaulay California Coastal Commission, Suzanne Rogalin

EX. 11, CONT.

**U.S. Department** of Transportation

**United States** Coast Guard



Commanding Officer U.S. Coast Guard Marine Safety Office/Group Los Angeles-Long Beach

165 N. Pico Avenue Long Beach, CA 90802 Staff Symbol: PSS Phone: (562) 980-4454 Fax: (562) 980-4415

P.01/01

562 980 4415



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#### Subj: NAVIGATIONAL SAFETY MEETING - 29 JAN 98 - ARTIFICIAL REEF

In December, 1997 the U.S. Army Corps of Engineers, in cooperation with the Port of Los Angeles, issued a Supplemental Environmental Assessment (EA) for the Pier 400 Stage II Construction Project. This document includes a proposal for constructing an artificial fish reef (essentially man-made fish The proposed location of the reef is approximately 2 habitat). 2.5 nautical miles from the federal breakwater and slightly east of the extended Los Angeles approach channel (scheduled to begin construction in March, 1998).

The construction of the artificial fish reef is scheduled for a consistency determination hearing by the California Coastal Commission on February 3rd in San Diego. The Coast Guard and the maritime community have expressed concerns over the impacts of this project on safe navigation. Some of the Coast Guard concerns were addressed in a recent meeting, however, the meeting did not include members of the maritime community. Consequently, the Coast Guard will facilitate a meeting between the project sponsors and the maritime community on Thursday January 29th at 1300. The location for the meeting is the Army Corps of Engineers Construction trailer located at 772 Tuna Street, Terminal Island.

During the meeting, project sponsors will present more information on the project. Maritime users will be afforded an opportunity to ask questions and present their concerns.

Should you have any questions or need more information, please contact me at the above telephone number.

Sincerely, T. WHITEMAN

Lieutenant, U. S. Coast Guard Chief, Port Safety and Security Division By direction of the Captain of the Port Los Angeles-Long Beach, CA

EXHIBIT NO. 12	
APPLICATION NO.	
CD-172-97	
	-

U.S. Department of Transportation

United States Coast Guard



Commanding Officer U.S. Coast Guard Marine Safety Office/Group Los Angeles-Long Beach

USCG MSO LA/LB

562 980 4415 P.02/03 165 N. Pico Avenue Long Beach, CA 90802 Staff Symbol: CO Phone: (562) 980-4429 Fax: (562) 980-4416

nlld

APPLICATION NO

16600 Feb 02, 1998

Mr. Russell L. Kaiser Environmental Manager U.S. Army Corps of Engineers Los Angeles District Los Angeles, CA 90053-2325 Mr. John Foxworthy P-400 Project Manager Port of Los Angeles 425 S. Palos Verdes St. San Pedro, CA 90731

Dear Sirs,

My letter of January 21, requested the maritime community have an opportunity to meet with Army Corps of Engineers and Port of Los Angeles representatives regarding their proposal to construct an artificial fish reef outside Los Angeles Harbor. At the request of project sponsors, the Coast Guard helped facilitate this meeting on January 29th.

We hoped this dialogue would lead to consensus among maritime community representatives, project sponsors and the Coast Guard regarding any possible affects on navigational safety. Additionally, we believed that this cooperative process would stimulate ideas and solutions for eliminating or reducing any navigational safety risks inherent in this project. While additional information about the project was provided, navigational concerns remained.

Since that meeting, I've received and reviewed a copy of the California Coastal Commission Addendum to Staff Recommendation on this project dated January 28, 1998. This addendum references earlier Coast Guard correspondence and states "that the Coast Guard does not now believe the project will present a navigational hazard". This statement is not accurate. To clarify, the Coast Guard position is that there are unresolved navigational safety issues. This position was reflected in all previous Coast Guard correspondence and did not change as a result of the most recent meeting. The main issues are summarized below:

1. Will the construction of the reef lead to an increase in congestion in the area of the reef? If so, will this create a safety issue for vessels crossing the extended approach channel from Long Beach to the northbound traffic lanes or other vessels transiting the area (ie. tug and tows, deep draft vessels approaching/departing LA's extended channel)?

The documentation provided in the Supplemental Environmental Assessment does not address this issue and no universal opinion was reached at the meeting of January 29th. It should be noted that the plans to adjust aids to navigation and vessel traffic routing as a result of the new extended approach channel are underway, but not finalized.

16600 Feb 02, 1998

### 2. Will the reef pose a grounding hazard for vessels?

The documentation in the Supplemental Environmental Assessment does not fully address this issue. While some information on bottom topography appears in the Environmental Assessment, it does not specifically state the minimum depth of the reef after construction. Verbally, project sponsors indicated that the depth of the completed reef would not be less than the depth in surrounding areas. This commitment led to a consensus that the project would not pose a grounding hazard. This verbal commitment should be solidified in writing to avoid any misunderstanding.

3. Will the reef create hazard(s) for special activities that presently occur, or are reasonably expected to occur, in or near this area?

Tug and barge operators expressed that the reef may cause an increased probability in their towlines being fouled on the ocean floor when they adjust the length of the tow. Deep draft vessels arriving from sea are in the process of reducing speed, establishing communications and queuing for pilot embarkation. The embarkation of pilots takes place in the general vicinity of the proposed reef site and vessels are less maneuverable during this process. Any clustering of fishing vessels near these operations may increase the probability of collision.

The Department of Fish and Game Artificial Reef Program Representative present at the January 29th meeting and involved in earlier meetings between project sponsors and Sportfishing Representatives implied that the physical characteristics of the reef described at earlier meetings may have been somewhat different those described at the January 29th meeting. It seems that features most desirable to fisherman are least desired by mariners.

In view of the above I cannot, at this juncture, support the reef project. It has seemed to me all along that since we learned of this project on December 22, 1997 that an alternate site might better meet stakeholders concerns. A permanent structure located near the entrance of this country's busiest port complex must be subjected to a full analysis of its impacts on navigation.

Sincerely. G. F. WRICHT

Captain, U. S. Coast Guard Captain of the Port Los Angeles-Long Beach, CA

Copy: Cal. Coastal Commission Chair - Rusty Areias Cal. Coastal Commission Executive Director - Peter Douglas Harbor Safety Committee members Cal. Dept. of Fish & Game - Dennis Bedford U.S. Coast Guard D11 (pow)

EX. 13, CONT.

TO 14159045400

# SPORTFISHING ASSOCIATION OF CALIFORNIA



2917 CANON STREET SAN DIEGO, CALIFORNIA 92106 (619) 226-6455 FAX (619) 226-0175

ROBERT C. PLETCHER

January 7, 1998

W. A. NOTT PRESIDENT-EMERITUS

lu 10.

P.82/02

California Coastal Commission Energy and Coastal Resources Division 45 Fremont Street, Suite 2000 San Francisco, CA 94105 Attn: Larry Simon

Dear Commissioners:

In early August, 1997, the Sportfishing Association of California (SAC) met with the Corps of Engineers (COE), Port of Los Angeles (POLA) California Department of Fish & Game (DFG), Coastal Commission staff, EPA staff and others in an attempt to mitigate for what would clearly have been a significant loss of near shore fishing opportunity that would have resulted from the completion of the DDNI project.

Thanks to the efforts of your staff and others, the Corps of Engineers is now proposing to modify its project and utilize some portion of the hard bottom dredge material to create new sportfishing grounds. Your agenda item Tu 10f, Consistency Determination No. CD-172-97, would allow the aforementioned modification of the DDNI project and provide the sportfishing industry with mitigation for the loss of those valuable fishing grounds. SAC is in strong support of this project modification, and would urge the Commission to concur with your Staff Recommendation, found on page 6 of the Coastal Commission Staff Report.

The sportfishing fleet operating half-day and three-quarter day trips from the ports of San Pedro and Long Beach are on very tight schedules, and have a very limited radius of distance within which they can operate and still provide their passengers with sufficient fishing time. The Horseshoe Kelp has for decades provided productive fishing, and the loss of a portion of those grounds with no mitigation would have been a severe blow to the industries' future health. For this reason SAC again encourages you to support your staff recommendation and provide the sportfishing industry with the long term opportunities that would result from the modified project CD-172-97.

Sincerely

Fletcher, President

