

CALIFORNIA COASTAL COMMISSION

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April 23, 1998

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: PETER M. DOUGLAS, Executive Director
Charles Damm, Deputy Director
Larry Simon, Ports Coordinator

**SUBJECT: Staff Recommendation on Port of Long Beach Port Master Plan
Amendment No. 11 (Designation of dredged material storage disposal site).
For Commission consideration at meeting of May 14, 1998.**

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission **certify** the Port of Long Beach port master plan amendment No. 11, which designates the "Western Anchorage Dredged Material Beneficial Reuse Storage and Disposal Site" as an allowable in-water use in the Southwest Harbor Planning District (Exhibits 1-3). The staff recommends that the Commission find that the proposed amendment conforms with and carries out the port development, water quality, and marine resource policies of Chapter 8 of the Coastal Act.

I. Port Master Plan Amendment Procedure. California Code of Regulations, Title 14 Section 13636 calls for port master plan amendments to be certified in the same manner as provided in Section 30714 of the Coastal Act for certification of port master plans. Section 13628 of the Regulations states that upon the determination of the Executive Director that the master plan amendment and accompanying materials required by Section 13628(a) are sufficient, the master plan amendment shall be deemed submitted to the Commission for purposes of Section 30714 of the Coastal Act. The subject amendment was deemed submitted on April 3, 1998. Within 90 days of this submittal date, the Commission, after public hearing, shall certify or reject the amendment, in whole or in part. The Commission may not modify the amendment as a condition of certification. If the Commission fails to take action on the amendment submittal within the 90-day period, the proposed amendment is deemed certified. The 90-day period expires on July 2, 1998.

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

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

The proposed amendment provides for designating a dredged material storage and disposal site as an allowable in-water use in the Southwest Harbor Planning District. The amendment would allow the Port to permit disposal of clean dredged sediments at this location and their later dredging for beneficial reuse. The proposed water use designation does not provide for development listed as appealable in Section 30715(a) and, therefore, will be evaluated under the policies of Chapter 8 of the Coastal Act.

II. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION. I move that the Commission certify the Port of Long Beach's port master plan amendment No. 11.

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

Certification of Amendment.

The Commission hereby **certifies** the Port of Long Beach Port Master Plan Amendment No. 11 and finds, for reasons discussed below, that the amended Port Master Plan conforms with and carries out the policies of Chapter 8 of the Coastal Act. The Commission further finds that the plan amendment will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

III. FINDINGS AND DECLARATIONS.

The Commission finds and declares as follows:

A. Previous Commission Action. The Commission certified the Port of Long Beach Port Master Plan on October 17, 1978. The Commission has reviewed ten amendments to the master plan since that date, most recently in May 1997.

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

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

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

The draft "Western Anchorage Dredged Material Beneficial Re-Use Storage and Disposal Site" port master plan amendment was distributed by the Port of Long Beach for public review and comment on February 2, 1998. The only comment received was from the Coastal Commission staff. On March 16, 1998, the Board of Harbor Commissioners conducted a public hearing on the proposed amendment (no comments were received), adopted a Negative Declaration for the project, and approved the amendment.

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

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

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

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

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

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

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

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

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

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

(5) Oil refineries.

(6) Petrochemical production plants. . . .

The Port's plan amendment submittal states that the proposed water use designation does not provide for development listed as appealable in Section 30715(a), and that subsequent harbor development permits approved for dredged material disposal or removal at the site would not be appealable development under Section 30715(a). The Commission concurs and, therefore, the standard of review for the proposed amendment is Chapter 8 of the Coastal Act.

D. Summary of Proposed Plan Amendment. The Port of Long Beach proposes to amend its port master plan by obtaining Commission certification of the following:

Include the following language at the end of the [Port Master Plan] section headed Anchorage Area in Chapter IV, Section A2, Water Uses; at the end of the section headed Harbor Dredging in Chapter V, Section B1; and in the Permitted Uses section for the Southwest Harbor Planning District in Chapter VI:

"Temporary storage or permanent disposal of clean dredged material from Port of Long Beach development projects, deemed suitable for unconfined aquatic disposal and unsuitable for beach replenishment, at existing deepwater borrow sites in the Southwest Harbor Planning District up to an elevation of approximately -40 to -45 feet MLLW as shown in Figure 2."

The Southwest Harbor Planning District is an open water area lying south of the Navy Mole and water depths range from -21 to -72 feet mean lower low water (MLLW; Exhibit 2). A portion of this area of the harbor was dredged 30-35 years ago to provide sediments suitable for construction of port landfills and other projects. The amendment site consists of two former borrow pits and adjacent deep harbor bottom totaling approximately 220 acres. The borrow sites range in depth from -60 to -70 feet MLLW and overlap all or part of anchorages C5, C6, C11, C12, C14, and a small portion of anchorages B-10 and C4, where ocean-going vessels anchor while waiting for berths or taking on supplies. Currently, the controlling water depth at the anchorages is approximately -40 feet MLLW, although each anchorage includes areas with depths as great as -70 feet MLLW. As a result, raising the bottom elevation to -41 feet MLLW will not affect the use of these anchorages, will not adversely affect maritime transportation, and will not create a hazard to navigation. Under this amendment, clean sediments could be deposited in the pits up to the elevation of the surrounding grade (-41 to -45 feet MLLW) and would also be used to form a gently sloped (1:20) berm on the eastern end of the site (Exhibit 3). The Port estimates that the total capacity of the site is approximately five million cubic yards.

The Port states in its submittal that before any dredged material could be placed at this location it would be tested and approved by the U.S. Environmental Protection Agency for unconfined ocean disposal, and also found not suitable for beach replenishment. In addition, environmental documentation and a Harbor Development Permit from the Board of Harbor Commissioners would be required before disposal or removal of dredged material from the site could occur. As noted in Section C of this report, harbor development permit decisions on placement of the material in the pit would not be appealable to the Coastal Commission. The Port states that placement and removal activities at the site would occur on an infrequent basis, on the average of one activity per year. The probable first use of the site would be for placement of clean material later this year from the upcoming Queensgate Main Channel Deepening project (approved by the Commission in 1995). The material from this project

would occupy most of the storage capacity at the site; there are no immediate plans for the reuse of this material.

The reason for the proposed amendment centers on the concept of beneficial reuse of dredged materials. Current and proposed port-related development projects (such as the aforementioned Queensgate Deepening project) often generate large quantities of dredged material as channels and berthing areas are created and/or deepened to accommodate larger cargo vessels. Oftentimes the dredged material is clean sand, but of a grain size which is too fine to be suitable for beach replenishment (fine sands are too easily washed off the beach on which they are placed). However, these fine sands may hold potential for other beneficial uses. For example, the Port of Long Beach anticipates constructing landfills that could use dredged materials in the future, but not within the time frame of its current dredging projects. The Los Angeles Regional Contaminated Sediment Task Force may identify confined aquatic disposal as one management alternative for handling contaminated sediments; this alternative would require clean capping material that could be obtained from dredging projects. Finally, it is possible that the U.S. Environmental Protection Agency could select capping (using clean dredged materials) as a remedial action for managing contaminated sediments off the Palos Verdes Shelf (Los Angeles County).

These are examples of beneficial re-use of the dredged materials. Up to now, if a specific beneficial re-use site is not available at the time dredged materials are generated, they are typically, and permanently, disposed at the LA-2 or LA-3 ocean disposal sites. The Port of Long Beach proposes to amend its Port Master Plan to designate a portion of the existing borrow sites within the Southwest Harbor Planning District as a clean dredged materials storage and disposal site for dredged sediments that have been generated by Port of Long Beach development projects, deemed suitable for unconfined aquatic disposal, and unsuitable for beach replenishment. The site would be used for the temporary storage or permanent disposal of clean dredged material for which no immediate beneficial re-use is possible but that could later be used for structural fill, clean cover, or other beneficial uses. The sediments would have to be tested and found suitable by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency for ocean disposal. No contaminated sediments (those deemed unsuitable for ocean disposal) would be placed in the storage and disposal sites. Removal of materials from the storage and disposal site would be limited to only the materials placed at the site.

Finally, in a related action taken in August 1995, the Commission concurred with a determination made by the Executive Director that Port of Long Beach port master plan amendment No. 7 was de minimis in nature. That amendment designated the permanent placement of clean dredged material suitable for ocean disposal and unsuitable for beach replenishment as an allowable use at an existing borrow pit located in the Long Beach Main Navigation Channel, just east of the borrow pit which is the subject of this amendment (Exhibit 2). The capacity of that site is approximately two million cubic yards and is currently scheduled to accept material from the Queens Gate Deepening project later this

year. The Commission found that disposal of clean dredge material in the Main Channel borrow pit would not generate significant adverse impacts on marine habitat or resources.

E. Conformance with the Coastal Act. In order for the Commission to certify the proposed amendment, the Commission must determine that the amendment conforms to the following Chapter 8 policies of the Coastal Act:

Section 30701.

The Legislature finds and declares that:

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

(b) The location of the commercial port districts within the State of California, including the Humboldt Bay Harbor, Recreation, and Conservation District, are well established, and for many years such areas have been devoted to transportation and commercial, industrial, and manufacturing uses consistent with federal, state, and local regulations. Coastal planning requires no change in the number or location of the established commercial port districts. Existing ports, including the Humboldt Bay Harbor, Recreation, and Conservation District, shall be encouraged to modernize and construct necessary facilities within their boundaries in order to minimize or eliminate the necessity for future dredging and filling to create new ports in new areas of the state.

Section 30705.

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

(1) Such construction, deepening, widening, lengthening, or maintenance of ship channel approaches, ship channels, turning basins, berthing areas, and facilities as are required for the safety and the accommodation of commerce and vessels to be served by port facilities.

(2) New or expanded facilities or waterfront land for port-related facilities.

(3) New or expanded commercial fishing facilities or recreational boating facilities.

(4) Incidental public services purposes, including, but not limited to, burying cables or pipes or inspection of piers and maintenance of existing intake and outfall lines.

- (5) Mineral extraction, including sand for restoring beaches, except in biologically sensitive areas.
 - (6) Restoration purposes or creation of new habitat areas.
 - (7) Nature study, mariculture, or similar resource-dependent activities.
 - (8) Minor fill for improving shoreline appearance or public access to the water.
- (b) The design and location of new or expanded facilities shall, to the extent practicable, take advantage of existing water depths, water circulation, siltation patterns, and means available to reduce controllable sedimentation so as to diminish the need for future dredging.
- (c) Dredging shall be planned, scheduled, and carried out to minimize disruption to fish and bird breeding and migrations, marine habitats, and water circulation. Bottom sediments or sediment elutriate shall be analyzed for toxicants prior to dredging or mining, and where water quality standards are met, dredge spoils may be deposited in open coastal water sites designated to minimize potential adverse impacts on marine organisms, or in confined coastal waters designated as fill sites by the master plan where such spoil can be isolated and contained, or in fill basins on upland sites. Dredge material shall not be transported from coastal waters into estuarine or fresh water areas for disposal.
- (d) For water areas to be diked, filled, or dredged, the commission shall balance and consider socioeconomic and environmental factors.

Section 30706.

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

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

(c) The fill is constructed in accordance with sound safety standards which will afford reasonable protection to persons and property against the hazards of unstable geologic or soil conditions or of flood or storm waters.

(d) The fill is consistent with navigational safety.

Section 30708.

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

(a) Minimize substantial adverse environmental impacts.

(b) Minimize potential traffic conflicts between vessels.

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

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

(e) Encourage rail service to port areas and multicompany use of facilities.

1. Water Quality and Marine Resources. The Port of Long Beach's adopted Negative Declaration for the proposed amendment addresses the potential for adverse effects on water quality and marine resources at and adjacent to the project site:

The proposed use would have no effect on water quality, since water movements would not be affected nor would new sources of water column pollutants be introduced. Placement and removal of sediments would temporarily alter water quality at the site, but the alterations would be short term and of limited spatial extent. Dredging and placement operations would be conducted in accordance with permits issued by the Regional Water Quality Control Board for the specific projects that deliver and remove sediments, thus insuring that water quality standards and criteria would not be violated. Accordingly, operation of the site would have no adverse impacts.

...

The proposed storage and disposal site is located in a remote area of the outer harbor characterized by a soft, silty-sand sediment, good water quality, and a low level of environmental contamination. The site constitutes approximately three percent of the

area of the outer harbor soft-bottom habitat. The biological community of the borrow pits would be typical of the outer harbor as a whole, since the pits were formed 30-35 years ago when the first major harbor landfill were built.

The biological community of the outer harbor has been described by MBC (1984), MEC (1988), and SAIC (1997). The benthic infauna (burrowing animals living in the sediment) is dominated by polychaete worms, amphipod crustaceans, and molluscs. Mobile epifauna (organisms living on the sediment surface) include spider crabs and shrimp. Both the infauna and epifauna serve as a food resource for bottom-dwelling fish, the most abundant of which are white croaker, queenfish, California tonguefish, basket-weave cusk-eel, and California halibut. Abundant pelagic fish include northern anchovy, Pacific sardine, queenfish, Pacific butterfish, and various atherinids (silversides, jacksmelt). The only sensitive, rare, or endangered species that may commonly visit the site are brown pelicans, which use the nearby Middle Breakwater as a resting spot. The site is not known to be a significant feeding, spawning, or nursery area for any sensitive species.

Placement of sediment would cause burial of the existing soft-bottom benthic organisms and temporary displacement of bottom-associated fish and large invertebrates. The magnitude of the effect would depend upon the amount of material being placed. Fish would move back into the area immediately after the placement operation, and benthic organisms would colonize the newly-placed material over the ensuing months and years, leading to the re-establishment of the benthic community within approximately two to three years. Removal of sediments for beneficial re-use would have similar, short-term impacts on the biological assemblages of the site. Organisms in the surface sediments would be destroyed, and underlying sediments would be exposed for recolonization. This cycle of placement and removal could result in a state of chronic disturbance at the site if the events are sufficiently close in time. The likely scenario, however, is that the disturbance will be periodic and infrequent, as major dredging and development projects arise. Benthic organisms would continue to live in the site sediments, producing a generally productive habitat.

In view of the relatively small area affected and the periodic nature of the disruption, the proposed use is expected to have an insignificant effect on plant and animal resources.

The Port concluded in its amendment submittal that the proposed allowable use designation for dredged material placement and removal at the outer harbor borrow pit site is consistent with the policies of Chapter 8 of the Coastal Act because: (1) it provides for the construction of port facilities to accommodate commerce and vessels, and (2) it minimizes harmful effects to coastal resources by only allowing the placement of clean dredged materials at the designated site.

The proposed amendment does not, in and of itself, permit any dredged material disposal or removal to occur at the borrow pit site in the outer harbor; instead, the amendment designates those activities as allowable uses under the port master plan and allows the Port of Long Beach to issue harbor development permits for dredging and disposal at the site. The Commission must determine whether the proposed uses conform to the applicable Chapter 8 policies of the Coastal Act. The amendment is consistent with Section 30701 of the Coastal Act in that the beneficial reuse of dredged materials will support the modernization and construction of cargo facilities within the Port. In addition, the potential disposal and dredging at the project site is an allowable use under Section 30705(a)(1) and will take advantage of existing water depths in the Port (Section 30705(b)).

The proposed amendment would permit activities that may generate short-term, adverse effects on marine habitat and resources, primarily as a result of increased water column turbidity during and immediately after disposal or removal operations. Adverse effects on benthic organisms will be more long-lasting due to disturbance of the seafloor at the project site after disposal or removal operations, and because several years of recolonization are necessary before the benthic community returns to normal. However, activities permitted by the amendment will minimize disruption to marine habitat due to the infrequent nature of disposal and/or removal, will only use clean dredged materials suitable for ocean disposal, and will be limited to an existing borrow pit site where dredged materials can be isolated and contained. In addition, any disposal or removal activity would be preceded by preparation of the necessary California Environmental Quality Act documentation, issuance of harbor development permits, and issuance of Corps of Engineers and Regional Water Quality Control Board permits (including standard dredging and disposal conditions to protect water quality and marine resources). Therefore, the Commission finds that the proposed amendment designating disposal and removal of clean dredged material unsuitable for beach replenishment as an allowable use at the outer harbor borrow pit would not generate significant, adverse impacts on water quality or marine resources and is consistent with Sections 30705(c), 30706(b), and 30708(a) of the Coastal Act.

The Commission also finds that the concept of beneficial reuse of dredged sediments on the scale proposed by the Port of Long Beach (sediments that would typically be dumped at the LA-2 ocean disposal site) conforms with Section 30708(d) of the Coastal Act, which states in part that port-related development shall provide for other beneficial uses consistent with the public trust. The Commission and other state and federal regulatory agencies that review port development and expansion in southern California consistently urge the Port of Long Beach (and other ports and agencies that dredge in coastal waters) to pursue alternatives to ocean dumping of clean dredged sediments deemed unsuitable for beach replenishment. Reuse of dredged sediments has occurred when channel dredging coincided with landfill construction (for instance, the Pier J expansion in the Port of Long Beach and the Pier 300 and 400 projects in the Port of Los Angeles). However, in situations when the ports undertake a stand-alone dredging project (either maintenance or deepening), clean dredged sediments typically go to the LA-2 or LA-3 ocean disposal sites due to an absence of

alternative upland or in-water disposal sites or because construction schedules for separate dredging and landfill projects cannot be coordinated.

The Commission now has the opportunity to certify a proposal that could lead to the conservation of clean, dredged sediments for future beneficial reuse. While not without some adverse, short-term impacts on marine resources at the sediment storage site (as noted earlier in this report), the proposal would also generate: (1) benefits to the marine environment by reducing the volume of dredged materials dumped at the LA-2 and LA-3 ocean disposal sites; (2) benefits to the Port from having a readily available source of construction-grade landfill material for port-related developments; and (3) benefits to regulatory agencies that may need clean capping materials for remediating contaminated offshore sites or constructing confined aquatic disposal sites. In conclusion, the Commission finds that the proposed amendment provides support for future high-priority, port-related development, provides for the beneficial use of coastal resources within the Port of Long Beach, and conforms with Section 30708(d) of the Coastal Act.

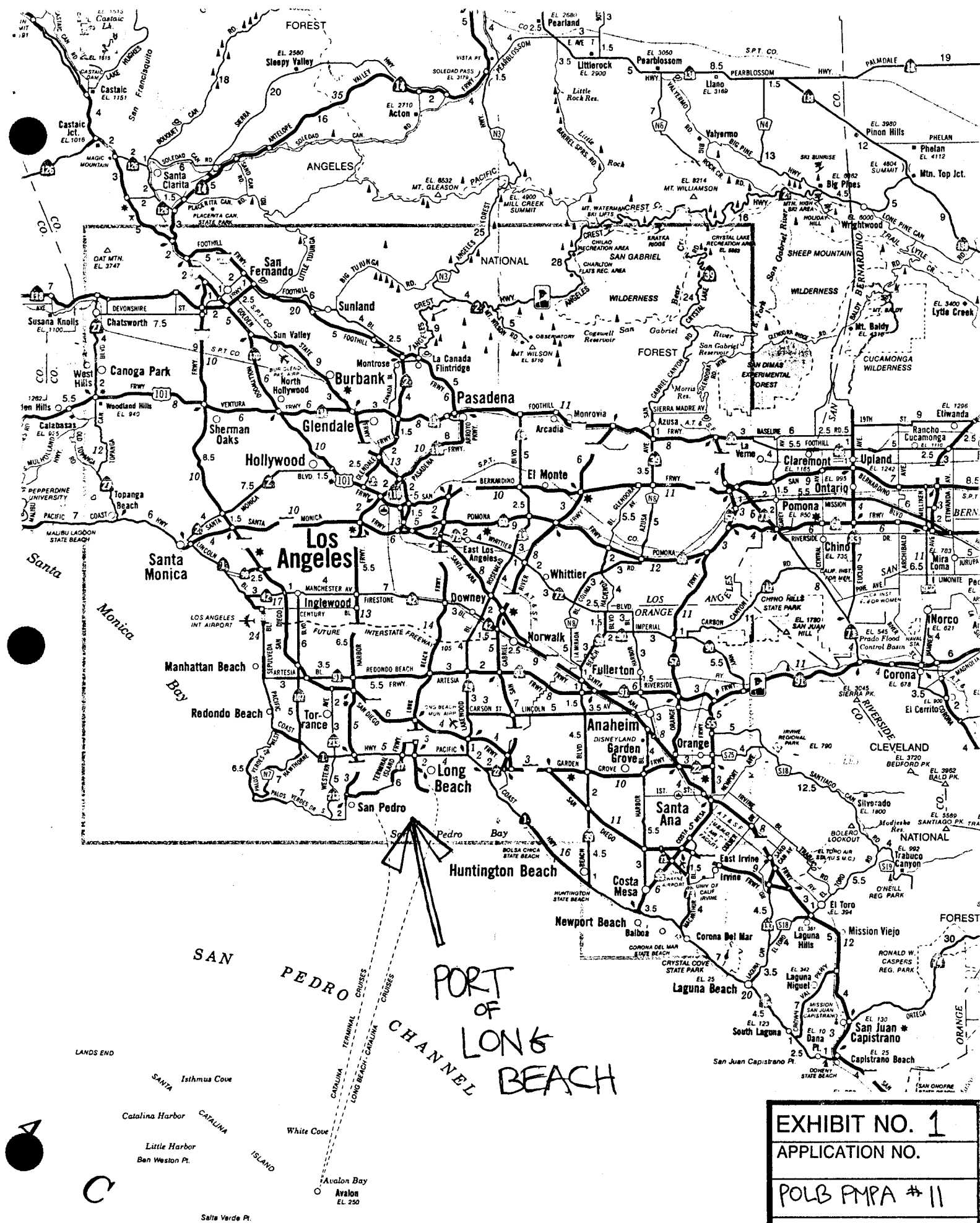
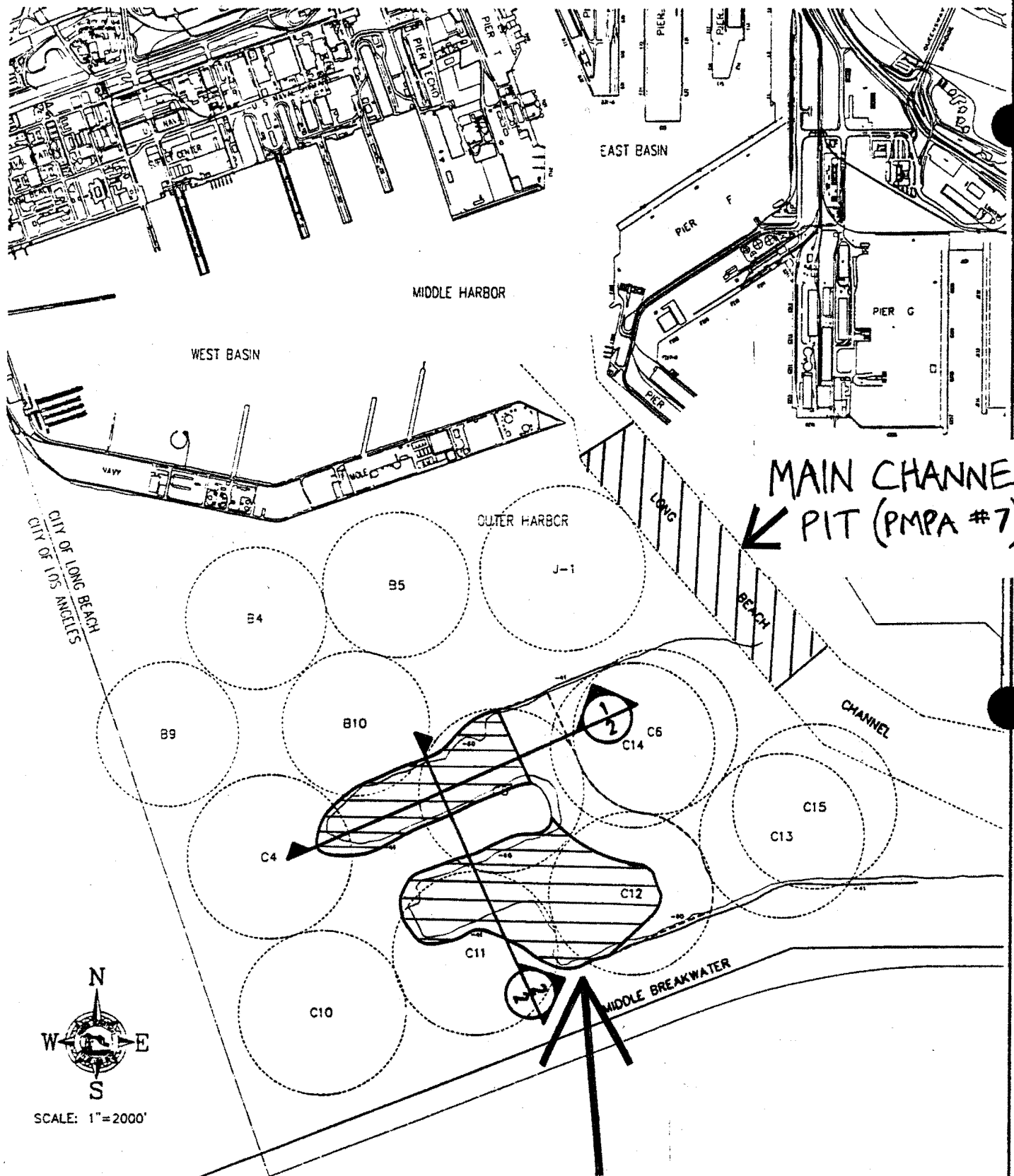


EXHIBIT NO. 1
APPLICATION NO.
POLB PMPA # 11
California Coastal Commission



WESTERN ANCHORAGE DREDGED MATERIAL BENEFICIAL RE-USE STORAGE AND DISPOSAL SITE

REV. 3/21/78

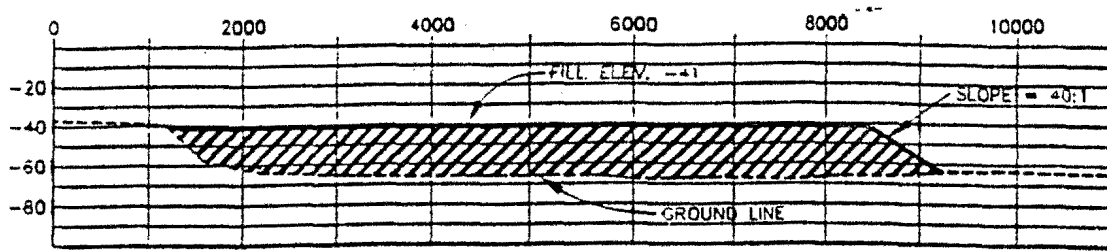
FIG. C-1 (ORIGINALLY AIR 1 WAD 1/7/71)



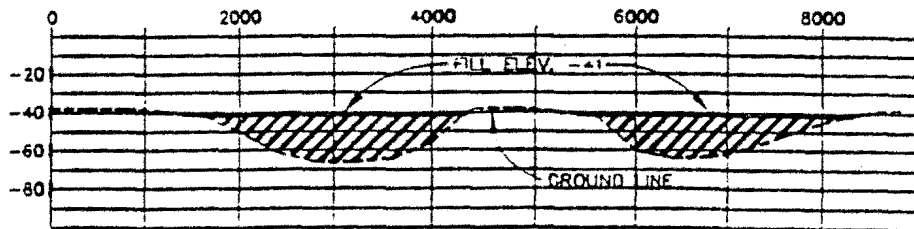
THE PORT OF LONG BEACH

925 HARBOR PLAZA P.O. BOX 570 LONG BEACH CALIFORNIA 90801

EXHIBIT NO. 2
APPLICATION NO.
POLB PMPA #11



SECTION 1



SECTION 2

SCALE: 1" = 2000' H
1" = 100' V

Figure 3

Temporary Storage and Disposal Sites



THE PORT OF LONG BEACH

925 HARBOR PLAZA P.O. BOX 570 LONG BEACH CALIFORNIA 90801

EXHIBIT NO. 3

APPLICATION NO.

POLB PMPA #11

California Coastal Commission

