

CALIFORNIA COASTAL COMMISSION

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April 26, 2018

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: JOHN AINSWORTH, EXECUTIVE DIRECTOR

SUBJECT: PORT OF HUENEME DE MINIMIS PORT MASTER PLAN AMENDMENT NO. PMP-4-PHM-18-0003-1 (Deep-Draft Berth Maintenance and Dredging) FOR COMMISSION REVIEW AT ITS MEETING OF MAY 9-11, 2018

The Coastal Act was amended January 1, 1995 to provide for a more streamlined method to review amendments to port master plans (PMP). Section 30716(c) allows the Executive Director to make a determination that a proposed PMP Amendment is de minimis if the proposed amendment: 1) has no impact, either individually or cumulatively, on coastal resources; 2) is consistent with the policies of Chapter 3; and 3) does not propose any change in land use or water use or any change in the allowable use of property. Section 30716(c) requires the port governing body to notice the proposed de minimis LCP amendment 21 days prior to submitting it to the Executive Director either through: 1) publication in a newspaper of general circulation; 2) posting onsite and offsite the area affected by the amendment; or 3) direct mailing to owners of contiguous property. If the Executive Director makes the determination that the proposed amendment qualifies as a "de minimis" amendment and finds the public notice measures have been satisfied, such determination is then reported to the Commission for its concurrence.

The proposed project was the subject of a Subsequent Initial Study-Mitigated Negative Declaration (MND), under the California Environmental Quality Act. On March 13, 2017, the Board of Commissioners adopted the MND in Resolution No. 1169. A public hearing on the proposed PMP amendment was held and the Board of Commissioners adopted the amendment on April 9, 2018. The amendment request was received in the Commission office and deemed submitted on April 26, 2018.

PROPOSED AMENDMENT

The Oxnard Harbor District proposes minor revisions to the certified Port Master Plan (PMP) to allow for the deepening of the deep-draft berths from -35 MLLW to -40 MLLW, maintenance dredging of these berths, and maintenance of the associated wharves. Specifically, the proposed amendment would delete language in Section III-C-3a of the Existing Land and Water Uses and Facilities Section that designates the depth of the deep-draft berths as -34 MLLW and which indicates that the identified depth of -34 MLLW is sufficient to accommodate the largest of vessels. Additionally, language in Section III-D of the Proposed Land and Water Uses Section is proposed to be modified to indicate that deepening of the deep-draft berths to a depth of -40 MLLW and maintenance dredging may be required to accommodate vessel access. Lastly, Section III-D-3 of the Proposed Land and Water Uses Section is proposed to be modified to also indicate that berth deepening is necessary to provide vessel access from the Federal Channel to the Port deep water berths and to indicate that periodic maintenance dredging of the approach channel, entrance channel, and berths, as well as wharf maintenance, will be required.

The proposed amendment would not change any land or water designations or uses within the Port. The purpose of the proposed amendment is to facilitate continued use of the deep water berths by deep-draft vessels. Currently, deep-draft vessels calling on the Port are required to light load and work around tide cycles due to insufficient water depths. Deepening of the berths would allow for the Port to more efficiently accommodate deep-draft vessels and minimize vessel safety concerns. Maintenance dredging and wharf maintenance would also facilitate the continued use of the deep-draft berths.

The Board of Commissioners action that approves and conveys the proposed de minimis amendment is attached. The amendment was properly noticed through posting notice of the proposed amendment and copies of the proposed text at publically accessible locations at the Port and on the Port's website. The proposed amendment was included on the Board of Commissioners agenda, and time was allotted to public comment during that meeting. Written public comment was not received, and no individuals spoke at the Commissioners' meeting.

The following section contains a brief explanation of the purpose for or intent of the changes and the reasons why the subject amendment is de minimis pursuant to Section 30716(c) of the Coastal Act.

DISCUSSION

The PMP contains policies and objectives relating to current and future land and water uses for the commercial areas of the Port under the authority of the Oxnard Harbor District. Specifically, Section C of the PMP identifies the Existing Land and Water Uses and Facilities, and Section D identifies the Proposed Land and Water Uses. The Existing Land and Water Uses and Facilities Section discuss the uses of the Port in 1979, which was when the PMP was originally certified. This section designates Berths 1 and 2 at Wharf 1, along the waterside of Parcel 5, as the primary deep water berths. This section also designates the depth of the berths at -34 MLLW and describes that a depth of -34 MLLW is sufficient to accommodate the largest of vessels. As a component of the subject amendment, the Harbor District proposes to delete this language, and instead add detail regarding appropriate future depths of the deep-draft berths in the Proposed Land and Water Uses Section.

Specifically, the Harbor District proposes to modify the Proposed Land and Water Uses Section to designate the appropriate depth of the deep-draft berths at -40 MLLW and to allow for maintenance dredging, as well as maintenance of the wharf structures. As mentioned above, currently, deep-draft vessels calling on the Port are required to light load and work around tide cycles due to the insufficient water depth of -35 MLLW. Deepening of the berths would allow for the Port to more efficiently accommodate deep-draft vessels within their deep-draft berths and minimize vessel safety concerns.

Section 30233(a) of the Coastal Act imposes a three-part test on dredging and filling projects that includes (1) the allowable use test; (2) an alternatives test; and (3) a test to determine if mitigation measures have been provided to minimize adverse environmental effects. The subject dredging is allowed under Section 30233(a)(1) of the Coastal Act, as it is an expansion (deepening) of berths within the existing Port facility. There is no less damaging feasible alternative that could be utilized to deepen the berths, and the subject dredging would be located in an area of the Port that has been previously dredged and that is currently utilized by vessels. Additionally, the dredged sediments have been analyzed for contaminants to ensure that the materials are suitable for beach disposal and that adverse environmental effects are minimized.

Section 30233(b) of the Coastal Act mandates that dredging and disposal operations shall be carried out to avoid disruption of marine and wildlife habitats, and that suitable dredge sediments shall be deposited for beach replenishment. Sections 30230, 30231, and 30240 also protect marine waters and habitat. In addition to the subject PMP amendment, the Harbor District is concurrently processing Coastal Development Permit No. 4-17-0668 for the deposition of the subject dredged materials (30,000 cubic yards) on Hueneme Beach or within an area immediately offshore of Hueneme Beach. As part of that application, the Harbor District submitted a Sampling and Analysis Report which determined that the sediments within the Port are physically and chemically suitable for beach nourishment through direct placement on the beach or placement in the nearshore zone. Additionally, the Southern California Dredged Material Management Team reviewed the report and approved the sediment for both beach and nearshore placement. As such, the subject project is consistent with the beach replenishment priorities of Coastal Act Section 30233(b) because it ensures that dredged material that is suitable for beach replenishment will be placed into the nearshore environment where it will be available for transport to

local beaches, or directly into the beach where it will provide direct sand replenishment. In addition, the project will not have adverse impacts on marine waters, wildlife, or species, as detailed in the Harbor District's Subsequent Initial Study-Mitigated Negative Declaration (MND) for the project.

Construction of the Port in 1940 formed nearly a complete barrier to littoral sand transport, which would typically deposit sand on Hueneme Beach and other downcoast beaches. The presence of sand on Hueneme Beach is now dependent on the deposition of dredged materials, and when sediment is not placed, the beach becomes severely eroded. As such, since 1963, the US Army Corps of Engineers has implemented a biennial Sand Bypassing Program in order to supply sand to Hueneme Beach. Coastal Act Section 30210 mandates that maximum public access and recreational opportunities be provided, and deposition of the materials dredged pursuant to the subject amendment would maximize public access and recreational opportunities by enhancing the availability of sand on Hueneme Beach.

As proposed, the amendment does not consist of any changes in land or water use, or any change in the allowable use of property. Approval of the subject amendment, and subsequent implementation of the deepening project will facilitate the continued use of the deep-draft berths, while providing sediments for beach replenishment consistent with Section 30233, and enhancing access pursuant to Section 30210. Therefore, as proposed, the amendment does not have any impact, either individually or cumulatively, on coastal resources and is consistent with the Chapter 3 policies of the Coastal Act.

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The California Environmental Quality Act (CEQA) requires consideration and adoption of less environmentally damaging alternatives to proposed projects and the imposition of mitigation measures to lessen significant adverse effects that may result from proposals. The Harbor District prepared and certified a Subsequent Initial Study-Mitigated Negative Declaration (MND) under CEQA, imposed mitigation to address some impacts, and found that no significant impacts remained after that mitigation. For the reasons discussed in this report, the proposed project has no significant adverse environmental effects within the meaning of CEQA and is consistent with the requirements of the Coastal Act and CEQA.

DETERMINATION

The Executive Director determines that the Port of Hueneme PMP amendment No. PMP-4-PHM-18-0003-1 is de minimis. Based on the information submitted by the Port, the proposed PMP amendment will have no impact, either individually or cumulatively, on coastal resources. It is consistent with the policies of Chapter 3 of the Coastal Act. The amendment does not propose any change in land use or any change in the allowable use of property. The Port has properly noticed the proposed amendment. As such, the amendment is de minimis pursuant to Section 30716(c).

MOTION: *I move that the Commission concur with the Executive Director's determination that the PMP amendment, as submitted, is de minimis.*

STAFF RECOMMENDATION

The Executive Director recommends that the Commission **concur** in this determination. Unless three or more members of the Commission object to this determination, the amendment shall become effective and part of the certified PMP ten (10) days after the date of the Commission meeting.

EXHIBIT

[Exhibit 1](#) [Board of Commissioners Approval and Amendment Text](#)