Port Master Plan

cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Transp.
No. 12-56467 archived on November 14, 2014

THE PORT
OF LOS ANGELES

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February 2014

The Port Master Plan establishes policies and guidelines to direct the future development of the Port of Los Angeles. The Port represents public lands and water held in trust by the City of Los Angeles under a State Tidelands Grant. The Board of Harbor Commissioners has been charged with the responsibility for the management, supervision, and control of these land and water areas by the Charter of the City of Los Angeles.

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1.0 INTRODUCTION

1.1 About the Port of Los Angeles

The Port of Los Angeles (Port) is America's premier port and Southern California's gateway to international commerce. Located in San Pedro Bay, 20 miles south of downtown Los Angeles, the Port encompasses 7,500 acres, 43 miles of waterfront and features 25 cargo terminals, including passenger, container, breakbulk, dry and liquid bulk, and automobile terminals. Additionally, the Port is home to a variety of uses including commercial fishing, ship repair facilities, commercial retail, open space, and cultural destinations.

The Port is governed by a five-member Board of Harbor Commissioners (Board), whose members are appointed by the Mayor and approved by the Los Angeles City Council. Public lands and water are held in trust by the City of Los Angeles under the State Tidelands Trust. A self-supporting department of the City of Los Angeles, the Harbor Department does not receive taxpayer dollars. The Port derives its fees from shipping and other services and is considered a landlord port, leasing property to tenants who operate their own facilities.

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The Port Master Plan (Plan) establishes policies and guidelines to direct the future development of the Port. This updated Plan is designed to better promote and safely accommodate foreign and domestic waterborne commerce, navigation, and fisheries in the national, state, and local public interests. The Plan also provides for public recreation facilities and visitor serving areas to facilitate public access to the waterfront and better integrate the Port with the surrounding community, consistent with the State Tidelands Trust.

1.2 Authorizing State Legislation

The Plan was originally adopted and certified in 1980 in conformance with the policies of the California Coastal Act (Coastal Act). The Coastal Act, enacted by the State Legislature in 1976, provides for the protection of California's coastline through the authorization of local coastal programs and port master plans to manage development in the coastal zone. The Coastal Act is administered by the California Coastal Commission (Coastal Commission), whose mission is to protect, conserve, restore, and enhance the environment of the California coastline.

1.2.1 California Coastal Act Port Policies

The Coastal Act recognizes the importance of ports to California's economy and the national maritime industry. Ports are understood to be necessary to ensure that inland and coastal resources are preserved and that economic development continues within the state. Further, existing ports are 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.

Chapter 8 (Ports) of the Coastal Act presents the policies of the state that are consistent with coastal protection in the port and govern the certification of port master plans. Port master plans are required to contain the following elements: 1) land and water uses; 2) port facilities; 3) environmental inventory, impact analysis, and mitigation measures; 4) a listing of appealable projects; and 5) provisions for public hearings and public participation in port planning and development decisions.

Under the Coastal Act, development activities within the Coastal Zone generally require a permit to ensure that the activity is consistent with the policies of the Coastal Act. A certified port master plan transfers coastal permit jurisdiction relative to port development from the Coastal Commission to the port authority, with limited appeal jurisdiction remaining with the Coastal Commission.

1.2.2 Coastal Zone Boundary

The jurisdiction of the Coastal Act, and by extension, the jurisdiction of the Plan is the Coastal Zone. On land, the Coastal Zone varies in width from several hundred feet in highly urbanized areas up to five miles in certain rural areas. On land the coastal zone varies in width from several hundred feet in highly urbanized areas up to five miles in certain rural areas, and offshore the coastal zone includes a three-mile-wide band of ocean.

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1.3 Port Master Plan Objectives

The major objectives of the Plan are:

- To develop the Port in a manner that is consistent with federal, state, county and city laws, including the California Coastal Act of 1976 and the Charter of the City of Los Angeles.
- To integrate economic, engineering, environmental and safety considerations into the Port development process for measuring the long-term impact of varying development options on the Port's natural and economic environment.
- To promote the orderly long-term development and growth of the Port by establishing functional areas for Port facilities and operations.
- To allow the Port to adapt to changing technology, cargo trends, regulations, and competition from other U.S. and foreign seaports.

2.0 BACKGROUND

2.1 1980 Port Master Plan

The original Plan became effective in April 1980 after it was approved by the Board and certified by the Coastal Commission. Since that time, twenty amendments to the Plan have been approved with another six amendments initiated but withdrawn. The 1980 Plan, as amended, organized the Port into nine planning and water areas. Each planning area identified existing conditions, short-term plans, long-range preferred uses, and anticipated development projects. Proposed projects were required to be consistent with a broad range of land uses allowed within each planning area. Additionally, the 1980 Plan included guidelines for the issuance of coastal development permits and a Risk Management Plan that addressed developments related to liquid bulk commodities, including petroleum and chemical products.

2.2 Port Master Plan Update Process

While amendments to the 1980 Plan addressed changes relating to specific projects, a comprehensive review and update of the Plan has not been completed since the Plan's original certification. Over time, changes and trends in the maritime industry have caused portions of the Plan to be outdated. For example, trends in containerization since the certification of the original Plan have resulted in the need for deeper draft channels and additional backland to accommodate the cargoes of the larger vessels. Additionally, in 1980, the Port had several high density working populations associated with shipyards and commercial fishing activities. However, due to changing economic conditions, there are no longer any large-scale ship building operations in the Port and commercial fishing activities such as fish processing and canneries have significantly contracted.

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On January 19, 2012, the Board authorized Port staff to initiate an update of the Plan. The effort would combine the plan and its subsequent amendments into a more manageable and concise document that reflects all recent land use planning and projects, replace outdated language, and provide an easy to understand specific land use plan. The update would also reflect recommendations from recent Port planning studies, including the Terminal Island Land Use Plan and Wilmington Marinas Planning Study.

The Plan reflects input from Port stakeholders, including tenants, Port customers, labor, governmental agencies, and the community. On July 19, 2012 and October 25, 2012, the Harbor Department held public workshops at Banning’s Landing Community Center to receive input on initial concepts for the Plan update. The Draft Port Master Plan was released on February 21, 2013, along with the supporting Draft Program Environmental Impact Report (PEIR). The comment period ended on April 8, 2013. Through the process, Staff received comments on a variety of issues relating to land use designation changes, accommodation of diverse cargoes, preservation of historic resources, and integration of public access opportunities in the San Pedro and Wilmington communities.

3.0 DEVELOPMENT GOALS

3.1 Approach

Long-range development goals are essential for guiding the future development and expansion of the Port. These planning goals are necessarily general to maintain flexibility and to allow the Port to respond to tenant needs. In addition, since development decisions can be driven by national and international economic trends, general goals allow the Port to respond to immediate and short-term requirements dictated by these trends.

3.2 Goals

3.2.1 Goal 1: Optimize Land Use

Development and the land uses designated on Port land should be compatible with surrounding land uses in order to maximize efficient utilization of land and minimize conflicts. Individual terminals within the Port should be compatible with neighboring Port tenants. When incompatible, port areas should be deliberately redeveloped or relocated to eliminate the conflict. Cargo handling facilities should be primarily focused on Terminal Island and other properties that are buffered from the neighboring residential communities of San Pedro and Wilmington. Non-water dependent use facilities should be eliminated from Port cargo-designated waterfront properties. Land use decisions should also take into consideration opportunities for Port tenants to grow and expand their businesses.

Cited in Natural Resources Defense Council, Inc. v. U.S. Dept. of Commerce, No. 12-56401 (Archived on November 14, 2014)

3.2.2 Goal 2: Increase Cargo Terminal Efficiency

Cargo terminals should be utilized to their maximum potential in order to meet current and future needs of the Port's customers and region. The Port should develop and maintain the infrastructure necessary to support the terminals, while Port tenants should be encouraged to modernize their facilities and implement new technologies, including automated container terminal technology. Long-term development plans should maximize the utilization of low-performing assets, environmentally contaminated facilities, and unused assets.

3.2.3 Goal 3: Accommodate Diverse Cargoes

The Port should continue its commitment to accommodating a variety of water-dependent cargo handling facilities, including container, breakbulk, dry bulk, and liquid bulk uses. While revenues generated from each land use vary, overall plans for the Port should allow for some capacity for different modes of cargo to serve the larger economic and public interest of the State. Ancillary uses, such as ship and boat repair, harbor craft, and barge and tug operations, are vital support industries and are also important customers that should be prioritized, based on need. Additionally, existing commercial fishing and recreational boating facilities will be protected consistent with the policies of the Coastal Act.

3.2.4 Goal 4: Increase Public Access to the Waterfront

As a part of a larger community, the Port will provide for enhanced public access to the waterfront and visitor-serving facilities including retail restaurants, museums, and parks. Waterfront access should be provided to both the local communities of San Pedro and Wilmington. These visitor-serving areas should be developed to connect with local commercial districts directly outside the port district, such as Downtown San Pedro and the Wilmington Avalon Corridor. Within the visitor-serving areas, pedestrian and bicycle pathways should connect a series of commercial and open space destinations as well as allow the opportunity to network into regional resources such as the California Coastal Trail. Public access areas and residential areas adjacent to the port should be buffered through landscaping, as feasible.

3.2.5 Goal 5: Protect Historic Resources

The Port shall identify and pursue the preservation of the historic resources within its jurisdiction. The history of the Port, including significant periods such as the era of shipbuilding, commercial fishing, and the Japanese American Fishing Village, should continue to be memorialized, as appropriate, through monuments and preservation of associated existing buildings and sites. Nothing stated herein shall be interpreted to impede the Port's ability to meet its mandates identified in the Coastal Act to operate as a commercial port and accommodate transportation, commercial, industrial and cargo handling activities. The Built Environment-Historic, Architectural, and Cultural Resource Policy, adopted by the Board of Harbor Commissioners, established the formal procedures to potentially adaptively reuse and preserve historic resources.

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The goal to adaptively reuse historic resources shall be included among other goals when considering a proposed use for the site. Further, the Port shall encourage the productive reuse of historic resources in the future by periodically reviewing, as needed, with stakeholder input, whether additional port related land uses in certain areas with identified historic resources would enhance the opportunity to the reuse vacant or underutilized historic resources.

4.0 FACTORS AFFECTING DEMAND FOR PORT DEVELOPMENT

4.1 Demand for Cargo Handling Facilities

The development of the Port has been driven by shifts in the domestic and world economies throughout its history. What was once a port primarily dedicated to serving the local market has developed over the last 30 years to become the United States' major waterborne containerized trade gateway with Asia.

The primary factors that have led to the Port's predominant position have been:

- Increasing containerization of goods movement
- The rise of Asia as a trading partner for the U.S.
- The trend towards larger container ship sizes
- Faster times to market via land-bridge service compared to all-water service through the Panama Canal.

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The first three factors will continue to govern waterborne commerce over the coming decades. The fourth factor, the historical shift from all-water service towards land-bridge service, reached a peak in the mid-2000's, and in recent years major retailers have implemented a "four-corners" strategy that shifted some volumes destined for the East Coast back to all-water service. With the expansion of the Panama Canal, there is a potential for increased all-water diversion, although the amount of diversion will be constrained by expected increases in Panama Canal tolls and the additional costs of longer time to market for high-value goods. As a result, it is anticipated that the expansion of the Panama Canal will only moderately slow, not reverse the trend of continued container growth at the Port.

Given that these primary factors driving trade through Los Angeles are not anticipated to change dramatically, trade volumes will be driven by long-term macroeconomic factors. The Port's most recent long-term cargo forecast, prepared jointly with the Port of Long Beach, forecasts demand through 2030 for container, dry bulk, liquid bulk, and general cargo. The determinants of cargo volumes are the demands for commodities on individual trade lanes reflecting differences in economic development, consumption, and production forecast over time for the U.S. and its trading partners. The cargo forecast was produced using a combination of linked economic forecasting models including individual country macroeconomic forecasting models, world industry and industry-specific forecasting models, and 77 individual commodity trade models. This system of models captures the potential of economic performance and the interrelationships between resource

endowments, policy impacts, demographics, and productivity in the path of future trading relationships.

A key factor in the forecast pattern is the use of a “trend-long” baseline economic forecast that smoothes out the influence of the business cycle on economic and trade growth over the last 20 years of the forecast. The reason for this approach is the increasing uncertainty in the timing of the peaks and troughs in the business cycle the longer into the future one looks and the expectation of the continuation of the long-term trends towards more moderate business cycles peaks and valleys globally. Consequently, the forecasts represent the most likely path of growth over the long term, given assumptions of no significant geopolitical or other shocks to the world economy. The longer-term forecasts gradually bring the world economies closer to their potential growth, as determined by productivity, population growth, workforce demographics, investment, and their individual paths of industrial development and openness to trade.

Another factor that will serve to moderate the longer-term pattern of trade growth is the gradual maturation of “offshoring” of production to Asia by U.S. manufacturers and retailers. This trend means that import and export commodity trade growth through the Port will eventually return to being driven mostly by end-use product demand growth rather than being additionally boosted by one-time individual shifts of goods production from (e.g., from within the U.S., Mexico, or Canada) that were not previously moving through the Port.

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The long-term path of U.S. trade growth is also influenced by openness to trade in partner country economies. While there has been significant liberalization of world trade over the last half century through such mechanisms as the World Trade Organization, there remain both tariff and non-tariff barriers to trade with some potential U.S. partner countries. The longer term trends assumed for plan purposes are that restraints to trade will continue to decline, though not disappear, and that the magnitude and timing of trade increases that result from liberalization will vary by partner country and region.

4.1.1 Containerized Cargo

Containerized trade with China is projected to remain the largest and fastest growing segment over the forecast period. Growth in imports from China will slow from the double-digit rates experienced in the early 2000’s to 5.5% per year between 2020 and 2030 (Table 1 and Figure 1). Containerized cargo from Southeast Asia is projected to become the second largest source of imports by 2030, averaging 4.7% per year between 2020 and 2030. Demand for ocean cargo tonnage from Latin American countries through the ports is projected to increase quite slowly, reflecting a loss of import market share to Asia. Traditionally a large Asian trade partner country, Japan is forecast to see the rate of growth in trade demand decline for both imports and exports,

with U.S. exports to Japan increasing very slowly as the Japanese population ages and the Japanese economy continues to grow very slowly.

In 2007, the ports of Los Angeles and Long Beach conducted a long term cargo forecast which projected that the ports would grow at approximately 6% per year through 2030, trend-averaged. However, this forecast did not anticipate the financial collapse and subsequent Great Recession beginning in 2008. While a trend-averaged forecast is appropriate when modeling the regular business cycle, the Great Recession caused a significant enough disruption to the world economy that the normal process of economic recovery would not return containerized trade to its previously forecasted growth rate. As a result, the ports commissioned a revised forecast, which adjusted for this altered trend line. The Compound Annual Growth Rate (CAGR) or overall long-term growth rates for the ports of Los Angeles and Long Beach are forecast to be 5.5% per year through 2020 and 4.7% per year through 2030, with a combined total twenty-foot equivalent unit (TEU) volume in 2030 of 34.6 million TEU for the two ports, or approximately 17.3 million TEU each.

Table 1. Updated Base Growth/Base Share Forecasts

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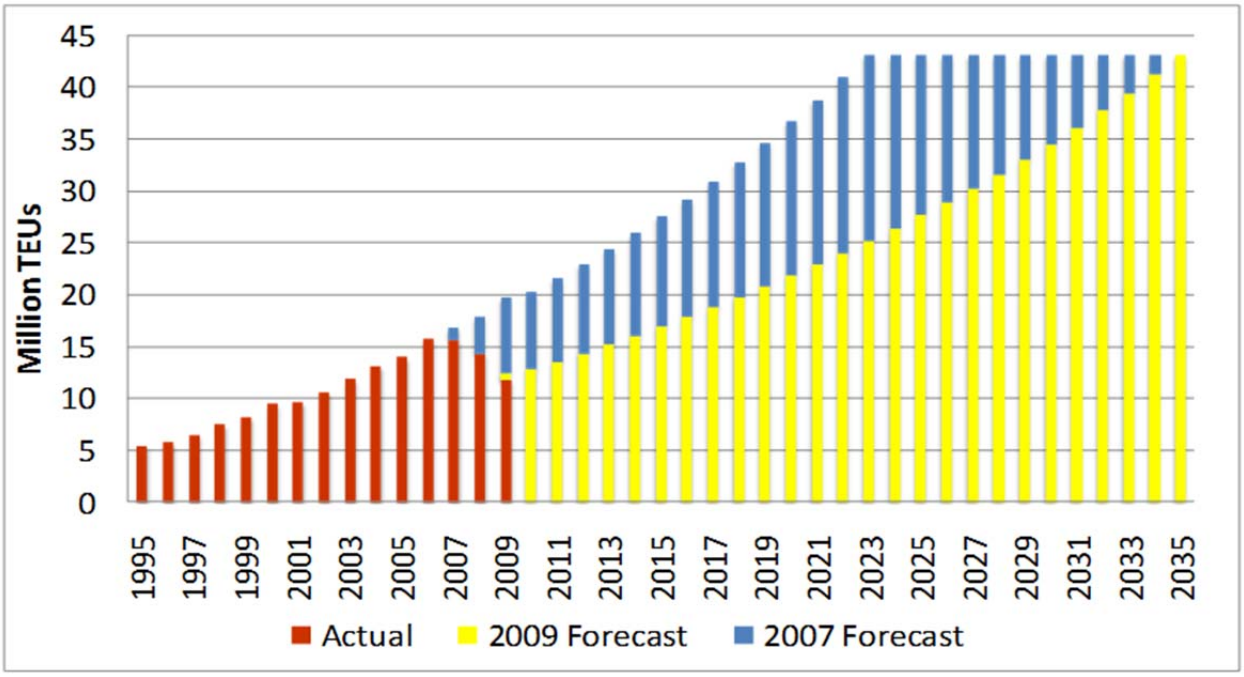
	TEU (000)							CAGRs		
	2005	2006	2010	2015	2020	2025	2030	05-10	10-20	20-30
Inbound Loads										
12/07 Base Base Case	7,146	8,128	10,568	14,412	19,242	25,410	34,219	8.1%	6.2%	5.9%
Updated Base Base Case	**7,146**	**8,128**	**6,620**	**8,780**	**11,333**	**14,417**	**18,039**	**-1.5%**	**5.5%**	**4.8%**
Difference - TEU	-	0	(3,948)	(5,632)	(7,909)	(10,994)	(16,180)			
Difference - %	0.0%	0.0%	-37.4%	-39.1%	-41.1%	-43.3%	-47.3%			
Outbound Loads										
12/07 Base Base Case	2,338	2,714	3,267	3,961	4,567	5,206	5,997	6.9%	3.4%	2.8%
Updated Base Base Case	**2,338**	**2,714**	**3,071**	**3,768**	**4,343**	**4,897**	**5,415**	**5.6%**	**3.5%**	**2.2%**
Difference - TEU	-	0	(196)	(193)	(224)	(309)	(582)			
Difference - %	0.0%	0.0%	-6.0%	-4.9%	-4.9%	-5.9%	-9.7%			
Empties										
12/07 Base Base Case	4,499	4,918	6,425	9,197	12,914	17,780	24,836	7.4%	7.2%	6.8%
Updated Base Base Case	**4,499**	**4,918**	**3,123**	**4,410**	**6,151**	**8,377**	**11,109**	**-7.0%**	**7.0%**	**6.1%**
Difference - TEU	-	(0)	(3,302)	(4,787)	(6,763)	(9,403)	(13,726)			
Difference - %	0.0%	0.0%	-51.4%	-52.0%	-52.4%	-52.9%	-55.3%			
Total TEU										
12/07 Base Base Case	13,983	15,760	20,260	27,570	36,723	48,396	65,052	7.7%	6.1%	5.9%
Updated Base Base Case	**13,983**	**15,760**	**12,814**	**16,959**	**21,827**	**27,691**	**34,563**	**-1.7%**	**5.5%**	**4.7%**
Difference - TEU	-	0	(7,446)	(10,612)	(14,896)	(20,705)	(30,489)			
Difference - %	0.0%	0.0%	-36.8%	-38.5%	-40.6%	-42.8%	-46.9%			

Figure 1. Container Forecast Chart



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Prior to the adjustment for the Great Recession, cargo volume demand was anticipated to exceed the combined estimated total future capacity of the two ports (approximately 42 million TEUs) by 2023. At the revised growth rates, capacity is now estimated to be reached by 2035. This estimated total capacity of 42 million TEUs is calculated based upon projections of higher TEU-per-acre handling rates due to automation and the approval of all proposed port expansion projects identified in this Plan. It is clear that these expansion projects are required to meet projected future demand.

4.1.2 *Dry Bulk Cargo*

Dry bulk export tonnage demand is projected to increase at an average annual rate of 1.2% over the forecast period to 2030. One major dry bulk export is scrap metal, reflecting the overseas demand for products at the end of their lives after being consumed within the U.S. Growth in scrap exports declines as the growth in U.S. consumption of goods available for scrapping slows over time. There is a slight uptick in the forecast for some of the dry bulk agricultural products in the 2020-2030 time period, due to growing developing country demand for U.S. agricultural products. China remains the top dry bulk export commodity customer. Dry bulk import tonnage demand is projected to increase at an average annual rate of 3.9% over the forecast period, with the annual rate of growth declining over time; China, Southeast Asia, and Latin America are forecast to continue to be the largest sources of dry bulk goods imported through the Port. Among the dry bulk commodity groups with the greatest share of imports are non-metallic products; iron and steel; and stone, clay, and glass materials. Overall, the tonnage demand through the Port for dry bulk commodities declines in its rate of growth, falling to less than 2% per year in the 2020-2030 period. This slower growth in import demand reflects the relative maturity of end markets for these goods served by ocean imports through the Port.

Table 2. Dry Bulk Exports/Imports by Region

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San Pedro Bay Exports, Dry Bulk Trade by Region - Base Case

EXPORTS	000 METRIC TONS							CAGR - %			25 Yr %
DESTINATION	2005	2006	2010	2015	2020	2025	2030	05-10	10-20	20-30	05-30
Africa	103	246	250	242	233	228	225	19.4	-0.7	-0.3	3.2
Canada	8	8	7	7	7	7	7	-1.3	-0.4	-0.1	-0.5
Eastern Europe	7	14	15	15	16	16	17	16.2	0.6	0.6	3.5
Latin America	550	624	632	628	619	610	602	2.8	-0.2	-0.3	0.4
Med	118	103	106	105	104	103	102	-2.1	-0.1	-0.3	-0.6
Mid East & Indian Subcontinent	455	279	326	366	407	460	522	-6.4	2.2	2.5	0.6
NEAsia - China	1411	1450	2069	2441	2706	2911	3135	8.0	2.7	1.5	3.2
NEAsia - Hong Kong	96	240	228	222	226	242	260	18.9	-0.1	1.4	4.1
NEAsia - Japan	3053	3563	3551	3430	3294	3212	3133	3.1	-0.8	-0.5	0.1
NEAsia - South Korea	699	567	619	635	637	642	649	-2.4	0.3	0.2	-0.3
NEAsia - Taiwan	794	1256	1311	1289	1268	1257	1248	10.6	-0.3	-0.2	1.8
Northern Europe	948	751	780	775	775	781	787	-3.8	-0.1	0.1	-0.7
Oceania	321	334	354	366	377	393	412	1.9	0.6	0.9	1.0
Rest World	11	4	4	4	4	5	6	-17.4	0.9	3.1	-2.2
SE Asia	963	1397	1480	1539	1603	1698	1836	9.0	0.8	1.4	2.6
TOTAL	**9,536**	**10,837**	**11,733**	**12,064**	**12,276**	**12,566**	**12,939**	**4.2**	**0.5**	**0.5**	**1.2**

San Pedro Bay Imports, Dry Bulk Trade by Region - Base Case

IMPORTS	000 METRIC TONS							CAGR - %			25 Yr %
ORIGIN	2005	2006	2010	2015	2020	2025	2030	05-10	10-20	20-30	05-30
Africa	11	12	13	13	14	14	14	2.7	0.8	0.3	1.0
Canada	13	14	17	20	24	30	37	4.9	3.9	4.3	4.3
Eastern Europe	109	159	153	160	168	178	188	7.0	1.0	1.1	2.2
Latin America	2,288	2,416	2,695	2,974	3,106	3,113	3,122	3.3	1.4	0.1	1.3
Med	455	495	564	651	707	762	823	4.4	2.3	1.5	2.4
Mid East & Indian Subcontinent	73	87	102	128	159	198	248	6.9	4.6	4.5	5.0
NEAsia - China	2,486	3,113	4,176	5,583	7,005	8,438	10,199	10.9	5.3	3.8	5.8
NEAsia - Hong Kong	5	4	3	3	3	3	3	-5.6	-1.1	-0.3	-1.7
NEAsia - Japan	177	631	568	551	541	541	541	26.2	-0.5	0.0	4.6
NEAsia - South Korea	310	506	427	409	402	402	403	6.6	-0.6	0.0	1.1
NEAsia - Taiwan	235	495	436	422	409	398	388	13.1	-0.6	-0.5	2.0
Northern Europe	87	84	82	82	80	77	74	-1.3	-0.3	-0.7	-0.7
Oceania	389	495	503	554	600	652	711	5.2	1.8	1.7	2.4
Rest World	1	1	1	1	1	1	1	-0.6	0.6	0.1	0.2
SE Asia	1,193	2,582	2,935	3,338	3,519	3,523	3,530	19.7	1.8	0.0	4.4
TOTAL	**7,833**	**11,095**	**12,672**	**14,889**	**16,736**	**18,328**	**20,283**	**10.1**	**2.8**	**1.9**	**3.9**

Table 3. Dry Bulk Exports/Imports by Commodity

EXPORTS	000 METRIC TONS							CAGR - %			25 Yr %
COMMODITY	2005	2006	2010	2015	2020	2025	2030	05-10	10-20	20-30	05-30
Petroleum Coke	4,639	4,761	4,928	4,888	4,798	4,754	4,714	1.2	-0.3	-0.2	0.1
Scrap	2,269	2,402	3,001	3,316	3,504	3,628	3,773	5.7	1.6	0.7	2.1
Oil Seeds	665	972	982	957	984	1,063	1,177	8.1	0.0	1.8	2.3
Grain	435	808	815	816	828	860	894	13.4	0.2	0.8	2.9
Animal Feed	327	447	462	480	511	555	606	7.2	1.0	1.7	2.5
Stone, Clay and Other Crude Minerals	453	656	623	587	559	541	525	6.6	-1.1	-0.6	0.6
Inorganic Chemicals	247	259	292	324	348	368	391	3.4	1.8	1.2	1.9
Chemical Products, nec.	112	125	161	195	226	262	304	7.4	3.5	3.0	4.1
Iron and Steel	108	133	169	186	200	212	226	9.4	1.7	1.3	3.0
Sugar	59	70	79	83	83	82	82	5.8	0.5	-0.1	1.3
All Other	223	204	222	232	236	240	246	-0.1	0.6	0.4	0.4
TOTAL	**9,536**	**10,837**	**11,733**	**12,064**	**12,276**	**12,566**	**12,939**	**4.2**	**0.5**	**0.5**	**1.2**

IMPORTS	000 METRIC TONS							CAGR - %			25 Yr %
COMMODITY	2005	2006	2010	2015	2020	2025	2030	05-10	10-20	20-30	05-30
Non-Metallic Products, nec.	3,235	4,795	6,119	7,815	9,332	10,719	12,428	13.6	4.3	2.9	5.5
Iron and Steel	2,599	4,065	4,043	4,282	4,451	4,593	4,753	9.2	1.0	0.7	2.4
Stone, Clay and Other Crude Minerals	1,291	1,355	1,566	1,749	1,832	1,826	1,823	3.9	1.6	-0.1	1.4
Chemical Products, nec.	80	103	138	182	223	264	314	11.5	4.9	3.5	5.6
Non-Ferrous Metals	136	148	157	176	190	203	217	2.8	2.0	1.3	1.9
Petroleum Refineries	123	173	159	155	154	153	152	5.2	-0.3	-0.1	0.8
Organic Chemicals	35	44	57	73	90	109	131	9.9	4.8	3.8	5.4
Grain	84	90	104	117	123	122	123	4.4	1.7	0.1	1.6
Inorganic Chemicals	63	83	85	92	97	100	104	6.3	1.3	0.7	2.0
Sugar	52	60	64	68	67	67	66	4.6	0.4	-0.2	1.0
All Other	135	179	181	180	177	173	171	5.9	-0.2	-0.3	0.9
TOTAL	**7,833**	**11,095**	**12,672**	**14,889**	**16,736**	**18,328**	**20,283**	**10.1**	**2.8**	**1.9**	**3.9**

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4.1.3 Liquid Bulk Cargo

Liquid bulk import tonnage is expected to grow slowly through the Port. While domestic oil production in California and the Alaska North Slope will continue to decline going forward, this is offset by slow growth in crude oil demand and in the demand for refined product, as higher fuel efficiency standards are implemented in the state and more alternative fuel vehicles enter service. Based upon California Energy Commission forecasts, the ports of Los Angeles and Long Beach have sufficient marine oil terminal capacity to handle projected petroleum liquid bulk growth.

Table 4. Liquid Bulk Exports/Imports by Region

San Pedro Bay Exports, Liquid Bulk Trade by Region - Base Case

EXPORTS	000 METRIC TONS							CAGR - %			25 Yr %
DESTINATION	2005	2006	2010	2015	2020	2025	2030	05-10	10-20	20-30	05-30
Africa	2	2	2	2	2	2	2	1.1	1.6	1.8	1.5
Canada	380	374	355	345	341	338	336	-1.4	-0.4	-0.2	-0.5
Eastern Europe	2	2	1	1	1	1	1	-2.0	-1.0	-0.8	-1.1
Latin America	609	583	609	630	638	636	634	0.0	0.5	-0.1	0.2
Med	30	30	31	29	26	24	21	0.8	-1.6	-2.1	-1.3
Mid East & Indian Subcontine	28	34	43	55	69	85	107	9.1	4.8	4.5	5.5
NEAsia - China	214	265	425	577	690	783	890	14.8	5.0	2.6	5.9
NEAsia - Hong Kong	29	27	29	30	30	30	30	0.1	0.5	0.1	0.2
NEAsia - Japan	274	359	396	422	430	439	449	7.6	0.8	0.4	2.0
NEAsia - South Korea	157	196	221	238	248	262	277	7.0	1.2	1.1	2.3
NEAsia - Taiwan	110	125	151	181	209	237	269	6.3	3.3	2.6	3.6
Northern Europe	105	104	101	108	113	119	126	-0.7	1.1	1.1	0.7
Oceania	75	89	99	111	125	142	163	5.9	2.3	2.7	3.2
Rest World	4	3	3	3	3	3	4	-5.2	1.0	2.0	0.1
SE Asia	787	505	533	542	552	565	584	-7.5	0.4	0.6	-1.2
TOTAL	**2,804**	**2,695**	**3,000**	**3,274**	**3,478**	**3,668**	**3,894**	**1.4**	**1.5**	**1.1**	**1.3**

San Pedro Bay Imports, Liquid Bulk Trade by Region - Base Case

IMPORTS	000 METRIC TONS							CAGR - %			25 Yr %
ORIGIN	2005	2006	2010	2015	2020	2025	2030	05-10	10-20	20-30	05-30
Africa	833	1,049	1,029	1,042	1,040	1,010	982	4.3	0.1	-0.6	0.7
Canada	946	758	933	1,139	1,359	1,600	1,899	-0.3	3.8	3.4	2.8
Eastern Europe	162	113	119	128	138	147	157	-5.9	1.5	1.3	-0.1
Latin America	10,388	10,006	10,495	10,953	11,081	11,027	10,992	0.2	0.5	-0.1	0.2
Med	115	110	115	117	117	114	111	-0.2	0.2	-0.5	-0.2
Mid East & Indian Subcontine	5,122	6,492	8,191	10,145	11,821	13,202	14,405	9.8	3.7	2.0	4.2
NEAsia - China	211	293	366	452	527	589	661	11.6	3.7	2.3	4.7
NEAsia - Hong Kong	5	2	2	2	2	2	2	-19.8	-0.9	-0.2	-4.7
NEAsia - Japan	348	1,387	1,233	1,157	1,118	1,083	1,049	28.8	-1.0	-0.6	4.5
NEAsia - South Korea	1,483	2,680	2,074	1,824	1,692	1,618	1,553	6.9	-2.0	-0.8	0.2
NEAsia - Taiwan	328	429	388	368	367	361	357	3.4	-0.5	-0.3	0.3
Northern Europe	492	450	467	482	490	486	483	-1.0	0.5	-0.2	-0.1
Oceania	4	5	6	8	11	15	21	9.2	6.3	6.2	6.8
Rest World	0	0	0	0	0	0	0	4.9	1.9	2.4	2.7
SE Asia	355	875	841	848	890	930	975	18.8	0.6	0.9	4.1
TOTAL	**20,790**	**24,648**	**26,257**	**28,665**	**30,653**	**32,185**	**33,646**	**4.8**	**1.6**	**0.9**	**1.9**

cited in Natural Resources Defense Council, Inc. v. US Dept. of Transp.
No. 12-56406 archived on November 14, 2014

Table 5. Liquid Bulk Exports/Imports by Commodity

EXPORTS	000 METRIC TONS							SHARE		CAGR - %			25 Yr %
COMMODITY	2005	2006	2010	2015	2020	2025	2030	2005	2030	05-10	10-20	20-30	05-30
Animal and Vegetable Oils	75	85	91	95	99	105	112	3%	3%	3.8	0.9	1.3	1.6
Crude Petroleum	61	53	57	58	56	54	51	2%	1%	-1.5	0.0	-1.0	-0.7
Fertilizers and Pesticides	0	0	0	0	0	0	0	0%	0%	4.8	-1.1	-0.9	0.1
Inorganic Chemicals	657	689	774	858	923	975	1,037	23%	27%	3.3	1.8	1.2	1.8
Natural Gas	7	9	11	12	13	14	14	0%	0%	10.7	1.8	0.8	3.1
Organic Chemicals	499	488	625	771	908	1,048	1,212	18%	31%	4.6	3.8	2.9	3.6
Petroleum Refineries	1,499	1,328	1,394	1,429	1,429	1,421	1,416	53%	36%	-1.4	0.2	-0.1	-0.2
Residual Petroleum Products	6	42	47	49	50	51	52	0%	1%	52.8	0.5	0.4	9.3
TOTAL	**2,804**	**2,695**	**3,000**	**3,274**	**3,478**	**3,668**	**3,894**	**100%**	**100%**	**1.4**	**1.5**	**1.1**	**1.3**

IMPORTS	000 METRIC TONS							SHARE		CAGR - %			25 Yr %
COMMODITY	2005	2006	2010	2015	2020	2025	2030	2005	2030	05-10	10-20	20-30	05-30
Crude Petroleum	14,018	15,368	17,524	19,948	21,734	23,026	24,139	67%	72%	4.6	2.2	1.1	2.2
Petroleum Refineries	6,041	8,453	7,783	7,568	7,525	7,479	7,446	29%	22%	5.2	-0.3	-0.1	0.8
Organic Chemicals	399	458	564	732	957	1,231	1,595	2%	5%	7.2	5.4	5.2	5.7
Inorganic Chemicals	204	270	285	316	339	354	373	1%	1%	6.9	1.7	1.0	2.4
Residual Petroleum Products	68	36	36	34	31	28	25	0%	0%	-12.2	-1.3	-2.1	-3.9
Animal and Vegetable Oils	56	58	61	64	64	64	64	0%	0%	2.0	0.4	0.0	0.6
Natural Gas	3	4	3	3	2	2	2	0%	0%	-1.2	-2.1	-1.4	-1.7
Fertilizers and Pesticides	1	1	1	1	1	1	1	0%	0%	6.6	-0.7	-1.3	0.5
TOTAL	**20,790**	**24,648**	**26,257**	**28,665**	**30,653**	**32,185**	**33,646**	**100%**	**100%**	**4.8**	**1.6**	**0.9**	**1.9**

cited in Natural Resources Defense Council, Inc. v. U.D. Dept of Transp.
No. 12-56467 archived on November 14, 2014

4.1.4 General/Break Bulk Cargo

General cargo export tonnage is projected to grow at an average annual rate of 2.5% through 2030. The relatively slow demand growth for general cargo commodities still results in almost a doubling of tonnage demand by 2030, as waste paper, chemical products and refrigerated meat, dairy, and fish categories see above average annual growth in general cargo demand. The demand for import general cargo tonnage through the Port is projected to increase at an average annual rate of 4.0% through 2030, with China now and in 2030 the largest source of imports. Imports of some manufactured products, such as automobiles, paper, iron and steel, and some construction materials categorized as non-metallic products will continue to be moved as break bulk cargo and general cargo over the forecast period, rather than being containerized.

Automobile imports are the top general cargo category today and they are projected to see demand growth remain at 3% annually through 2030, as foreign auto producers' slow domestic "transplant" production in favor of less expensive imported finished autos, including from China, in the longer term. A substantial portion of the auto imports is destined for local markets and is loaded on over-the-road auto haulers. Rail distribution of motor vehicles to inland ports via multilevel railcars opens the trade to competition from other ports. The lower capital cost associated with the development of a motor vehicle terminal versus that required for a container terminal makes it more likely that small ports can take the risk of starting such a facility and competing head-on with Los Angeles.

cited in Natural Resources Defense Council, Inc. v. U.S. Dept. of Transp.
No. 12-56480 archived on November 14, 2014

Table 6. General Cargo Exports/Imports by Region

San Pedro Bay Exports, General Cargo Trade by Region - Base Case

EXPORTS	000 METRIC TONS							CAGR - %			25 Yr %
DESTINATION	2005	2006	2010	2015	2020	2025	2030	05-10	10-20	20-30	05-30
Africa	3	3	4	4	5	5	6	1.1	2.9	2.8	2.5
Canada	0	0	0	0	0	0	0	2.0	1.6	1.4	1.6
Eastern Europe	5	4	6	7	8	10	11	5.2	3.8	2.9	3.7
Latin America	64	66	70	73	75	76	79	1.8	0.7	0.5	0.8
Med	12	12	13	14	15	17	18	2.9	1.5	1.6	1.8
Mid East & Indian Subcon	31	32	40	48	56	65	76	5.3	3.5	3.2	3.7
NEAsia - China	284	364	482	574	648	722	809	11.1	3.0	2.2	4.3
NEAsia - Hong Kong	68	82	77	72	67	65	63	2.6	-1.3	-0.6	-0.3
NEAsia - Japan	234	297	316	323	321	326	333	6.2	0.2	0.4	1.4
NEAsia - South Korea	90	90	105	115	123	132	144	3.0	1.6	1.6	1.9
NEAsia - Taiwan	61	58	68	76	83	90	99	2.1	2.1	1.7	1.9
Northern Europe	37	41	47	51	55	60	66	5.0	1.5	1.9	2.3
Oceania	94	97	110	117	127	139	153	3.0	1.5	1.9	2.0
Rest World	14	11	10	11	11	12	13	-6.4	0.9	1.2	-0.5
SE Asia	196	219	249	272	297	328	365	4.9	1.8	2.1	2.5
TOTAL	**1,193**	**1,377**	**1,595**	**1,758**	**1,891**	**2,048**	**2,235**	**6.0**	**1.7**	**1.7**	**2.5**

San Pedro Bay Imports, General Cargo Trade by Region - Base Case

IMPORTS	000 METRIC TONS							CAGR - %			25 Yr %
ORIGIN	2005	2006	2010	2015	2020	2025	2030	05-10	10-20	20-30	05-30
Africa	3	3	3	4	4	4	5	2.9	1.8	1.7	2.0
Canada	188	209	240	272	299	325	355	5.0	2.2	1.7	2.6
Eastern Europe	31	38	40	46	53	60	68	5.0	2.8	2.6	3.1
Latin America	512	551	614	690	755	819	892	3.7	2.1	1.7	2.2
Med	187	196	213	235	245	254	264	2.7	1.4	0.7	1.4
Mid East & Indian Subcon	164	189	285	443	654	915	1,283	11.7	8.7	7.0	8.6
NEAsia - China	1,198	1,639	2,127	2,751	3,378	4,061	4,919	12.2	4.7	3.8	5.8
NEAsia - Hong Kong	11	12	12	12	13	14	14	2.5	0.7	1.0	1.2
NEAsia - Japan	788	975	1,029	1,161	1,314	1,516	1,753	5.5	2.5	2.9	3.2
NEAsia - South Korea	210	262	262	271	283	293	305	4.5	0.8	0.8	1.5
NEAsia - Taiwan	258	268	256	262	268	276	287	-0.1	0.4	0.7	0.4
Northern Europe	148	159	164	185	207	234	265	2.0	2.4	2.5	2.4
Oceania	176	203	227	262	298	338	384	5.3	2.8	2.5	3.2
Rest World	9	9	9	9	10	10	10	0.0	0.7	0.4	0.4
SE Asia	395	431	456	501	533	551	575	2.9	1.6	0.8	1.5
TOTAL	**4,277**	**5,144**	**5,939**	**7,106**	**8,315**	**9,670**	**11,378**	**6.8**	**3.4**	**3.2**	**4.0**

cited in Natural Resources Defense Council, Inc. v. M.D. Dept of Transp. No. 22-5646 archived on November 14, 2014

Table 7. General Cargo Exports/Imports by Commodity

EXPORTS	000 METRIC TONS							SHARE		CAGR - %			25 Yr %
COMMODITY	2005	2006	2010	2015	2020	2025	2030	2005	2030	05-10	10-20	20-30	05-30
Chemical Products, nec.	157	174	224	272	315	364	424	13%	19%	7.4	3.5	3.0	4.1
Waste Paper	110	138	185	225	256	282	310	9%	14%	11.0	3.3	1.9	4.2
Cork and Wood	106	171	188	188	183	181	179	9%	8%	12.3	-0.3	-0.2	2.1
Motor Vehicles	100	92	106	120	131	144	158	8%	7%	1.2	2.2	1.8	1.9
Paper and Paperboard and Product	98	116	134	145	149	157	165	8%	7%	6.5	1.0	1.0	2.1
Vegetables, Fruits and Eggs - req R	95	105	98	92	84	81	78	8%	3%	0.6	-1.6	-0.7	-0.8
Cotton	79	63	73	76	83	92	103	7%	5%	-1.7	1.3	2.2	1.0
Residual Petroleum Pruducts	70	84	88	88	88	87	87	6%	4%	4.8	-0.1	0.0	0.9
Inorganic Chemicals	65	69	79	88	95	100	107	5%	5%	4.0	1.9	1.2	2.0
Meat/Dairy/Fish Requiring Refrigera	63	71	89	100	110	119	129	5%	6%	7.1	2.1	1.7	2.9
All Other	251	294	331	363	398	442	496	21%	22%	5.6	1.9	2.2	2.8
TOTAL	**1,193**	**1,377**	**1,595**	**1,758**	**1,891**	**2,048**	**2,235**	**100%**	**100%**	**6.0**	**1.7**	**1.7**	**2.5**

IMPORTS	000 METRIC TONS							SHARE		CAGR - %			25 Yr %
COMMODITY	2005	2006	2010	2015	2020	2025	2030	2005	2030	05-10	10-20	20-30	05-30
Motor Vehicles	796	904	961	1,113	1,286	1,511	1,776	19%	16%	3.9	3.0	3.3	3.3
Non-Metallic Products, nec.	570	541	695	930	1,205	1,526	1,964	13%	17%	4.1	5.7	5.0	5.1
Paper and Paperboard and Product	482	591	696	820	938	1,063	1,210	11%	11%	7.6	3.0	2.6	3.7
Iron and Steel	482	769	792	854	899	938	981	11%	9%	10.4	1.3	0.9	2.9
Metal Products	344	420	484	586	696	822	972	8%	9%	7.1	3.7	3.4	4.2
Meat/Dairy/Fish Requiring Refrigera	282	306	343	383	415	442	474	7%	4%	4.0	1.9	1.3	2.1
Wood Products	277	337	394	489	575	655	748	6%	7%	7.3	3.9	2.7	4.1
Machinery and Equipment, nec.	201	274	356	443	543	668	833	5%	7%	12.0	4.3	4.4	5.8
Cork and Wood	176	201	223	257	280	296	312	4%	3%	4.8	2.3	1.1	2.3
Vegetables, Fruits and Eggs - req R	123	132	142	150	162	181	201	3%	2%	2.9	1.4	2.2	2.0
All Other	543	668	853	1,081	1,315	1,570	1,907	13%	17%	9.5	4.4	3.8	5.2
TOTAL	**4,277**	**5,144**	**5,939**	**7,106**	**8,315**	**9,670**	**11,378**	**100%**	**100%**	**6.8**	**3.4**	**3.2**	**4.0**

4.2 Demand for Commercial Fishing Facilities

cited in Natural Resources Defense Council, Inc. v. Cal. Dept of Transp. No. 12-56467 archived on November 14, 2014

The Port is home to a stable commercial fishing industry. Historically, commercial fishing had a very large presence at the Port, but the offshoring of many major canneries to American Samoa in the 1980's and the pressures of overfishing both took their toll on this industry. California commercial fish landings have been relatively stable over the last decade; given the lack of growth in this industry, it does not seem likely that there will be additional demand for commercial fishing facilities at the Port over the next few decades.

4.3 Demand for Recreational Boating Facilities

Within Los Angeles County as a whole, there are a total of 47 marinas: 14 in San Pedro Bay, 5 in Alamitos Bay in Long Beach, 6 in King Harbor in Redondo Beach, and 22 in Marina del Rey Harbor. Of the 14 marinas in San Pedro Bay, 13 are with the Port, representing 3,685 slips, with a vacancy rate of 21.5%. The supply of recreational boating facilities is sufficient to meet regional demand.

5.0 PLANNING AREAS AND DEVELOPMENT

5.1 Approach

The Plan is organized into five planning areas. A land use map for each planning area identifies the designated uses within each planning area. Four of the planning areas address the land areas of the Port within the Coastal Zone, while the fifth planning area addresses the water area of the Port. Taken together, the five maps describe an overall land use plan for the Port.

All developments and use of Port land and water are to be consistent with their corresponding use designation(s) in the land use map. Significant deviation from that use will require an amendment to the Plan, while minor boundary adjustments would not. Determinations for minor boundary adjustments are at the discretion of Staff, based on the proposed boundary changes's consistency with the planning framework for the overall planning area, and potential impacts that would result from the proposed change.

Projects that have ancillary uses that are different from the designated use are allowed as long as the predominant use is consistent with the land use designation(s) for that area. Temporary uses are not restricted by the land use map but any temporary use must be approved by the Port before activities commence. Temporary uses must not exceed sixty (60) calendar days in duration. Activities such as filming are allowed in any designated land use, but any duration more than sixty (60) calendar days must be permitted through a Coastal Development Permit.

cited in Natural Resources Defense Council, Inc. v. U.S. Dept. of Transp.
No. 12-56067 archived on November 14, 2014

Existing facilities that are not consistent with the corresponding land use designation may not expand the area or intensity of their use or capacity. Developments involving maintenance and/or repairs and safety enhancements are permitted, as are lease extensions that do not expand the footprint or increase the capacity of the nonconforming use.

5.1.1 Amendments

A Plan amendment is required if a new land use is proposed on a site that is inconsistent with its land use designation(s). Amendments are also required for creating land or water areas through landfills or water cuts. Amendments to the Plan must be certified by the Coastal Commission. Landfills and water cuts described under Proposed Projects in this chapter do not require an amendment, as those projects are consistent with this Plan as certified by the Coastal Commission.

5.1.2 Amendment Process

Consistent with the implementation procedures in Chapter 8 of the Coastal Act, the Port must publish a notice of completion of a proposed amendment and hold a public hearing no earlier than thirty (30) calendar days and no later than ninety (90) calendar days following the date the notice of completion is published. Within ninety (90) calendar days after receipt of the final amendment, the Coastal Commission shall hold a public hearing and either certify the amendment or portion(s) of the amendment, or reject the amendment. The Board shall then adopt the Coastal Commission's certification before the proposed amendment becomes effective.

5.1.3 Land and Water Use Designations

Land and water use designations and their associated definitions are provided in Table 8. The Harbor Department is responsible for determining the land use category for all proposed projects, which are not limited by the examples provided.

5.1.4 Proposed Projects

Proposed projects refer to developments that are anticipated to take place in the short term (within approximately 5 years) but still require Coastal Development Permits before construction may begin. Proposed projects classified as appealable under Section 30715 of the Coastal Act are identified as such. Projects that include the creation of land or water areas are also identified. Such projects are consistent with the certified Plan and would not require an amendment to be approved.

cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Interior No. 12-56467 archived on November 14, 2014

5.1.5 Other Projects

Other projects refer to potential projects that the Port is considering but are not known in sufficient detail to be considered an approved project under the Plan.

5.1.6 Palos Verdes Fault Zone

The Palos Verdes Fault Zone traverses the Port in a general northwest to southeast manner from the West Turning Basin to Pier 400 and beyond (Figure 2). The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The Palos Verdes Fault Zone was established by the California State Geologist, who is responsible under the act to determine earthquake fault zones around the surface traces of active faults. The act regulates most development projects within earthquake fault zones, and the City of Los Angeles Building Code addresses restrictions for new buildings and improvements under Sections 1613.5.6, 1803.5.11, and 1803.5.12. Any development, including new construction and expansion of activities, within 50 feet of the Palos Verdes Fault Zone must comply with the Los Angeles Building Code.

5.1.7 Mitigation Bank

Projects that result in the loss of marine habitat are mitigated through the use of credits available from mitigation banks that have been established by and are governed according to a Memoranda of Agreement (MOA) between the Harbor Department, and a number of regulatory and resource agencies (available at the Port website). These agencies include the US Fish and Wildlife Service, NOAA Fisheries, California Department of Fish and Wildlife (formerly California Department of Fish and Game), California State Lands Commission, California Coastal Conservancy, US Environmental Protection Agency, and US Army Corps of Engineers. The MOA also establishes how these credits are to be applied to various areas of the Port and the accounting procedures to be followed. The types of mitigation projects performed in the past include restoration of Batiquitos and Bolsa Chica Wetlands, and creation of harbor cuts and shallow water habitat within the harbor. The Harbor Department keeps a ledger of credits available for each mitigation bank. When debiting from a mitigation bank, the Harbor Department submits as-built drawings for the impact project, and calculations of the area of impact. When Agencies have provided approval of these submittals, the agreed upon number of credits are debited from the bank. Inner Harbor credits may only be used to mitigate for loss of Inner Harbor habitat and are applied on a credit to acres lost ratio of 1:1. Outer Harbor credits may be used to mitigate for loss of any harbor habitat and are applied at a ratio of 0.5:1 for Inner Harbor Habitat, 1:1 for deep Outer Harbor habitat, and 1.5:1 for shallow Outer Harbor habitat.

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Table 8. Land Use Definitions*

LAND USE	DESCRIPTION	EXAMPLES
Container	Water-dependent uses focused on container cargo handling and movement.	Container Terminal; Chassis Storage; On-Dock Rail Yard; Omni-Terminal.
Dry Bulk	Water-dependent uses focused on non-containerized, dry bulk cargoes shipped in large unpackaged amounts.	Cement, Potash and similar; Grain; Scrap Metal.
Break Bulk	Water-dependent uses focused on non-containerized, bulk cargoes packaged as a unit.	Roll-On Roll-Off (RORO) cargoes; Steel Slabs; Neo-Bulk; Fruit; Automobiles; Project Cargo.
Cruise Operations	Water-dependent operations focused on cruise operations and passenger handling.	Cruise Facilities; Baggage Handling.
Liquid Bulk	Water-dependent uses focused on storage, receipt, and delivery of liquid bulk commodities	Crude Oil Terminal; Petroleum Products Terminal; Non-petroleum products and other liquid bulk commodities.
Maritime Support	Water-dependent and non water-dependent operations necessary to support cargo handling and other maritime activities.	Barge/Tugboat Operations; Boatyard and Ship Repair; Marine Fueling Station; Marine Service Contractors, including diving and emergency response services; Water Taxi; Cargo Fumigation.
Commercial Fishing	Facilities related to commercial fishing and processing operations.	Fish Processing; Cold Storage/Fish Unloading/Ice House; Fishing Vessel Moorage; Fish Laboratories and Testing.
Recreational Boating	Recreational boating activities and uses generally associated with marinas.	Marinas; Upland Boat Storage; Yacht Clubs, Marina-Related Retail.
Visitor-Serving Commercial	Visitor serving commercial uses for the public, including cultural uses, e.g., museums.	Restaurants; Maritime-related office; Visitor-Serving Retail; Harbor Tour Vessels; Sport Fishing; Museums; Community Centers/Conference Center; Exhibit Space.
Open Space	Open spaces reserved for the general public such as parks and beaches, or open areas reserved for environmental protection.	Public Beaches; Parks; Environmentally Protected Areas; Wetlands.
Institutional	Uses and facilities operated mostly by government agencies.	Public Safety (Police, Fire); Other Local, State, and Federal Agencies; Education; Marine Research Facilities, Non-profit Organizations.
WATER USE	**DESCRIPTION**	**LOCATION EXAMPLES**
Navigation	Water areas devoted to anchorage and maneuvering of vessels.	Main Channel; East and West Turning Basin.
Environmental Mitigation	Water areas dedicated to environmental protection and not suitable for the navigation of cargo moving vessels.	Shallow Water Habitat
Recreational Boating	Water areas associated with the mooring of recreational vessels.	Marina slip areas
Berthing	Water areas directly adjacent to cargo berths. These areas are dedicated to the berthing of cargo ships.	Cargo berths

**In addition to the specific land use definitions and scope of activities, uses directly related to and supporting the land use are also permitted activities. Examples would include administrative offices that house activities supporting the use, such as an administrative office or maintenance and repair facility with a container terminal or offices or quality control laboratory related to commercial fishing processing activities.*

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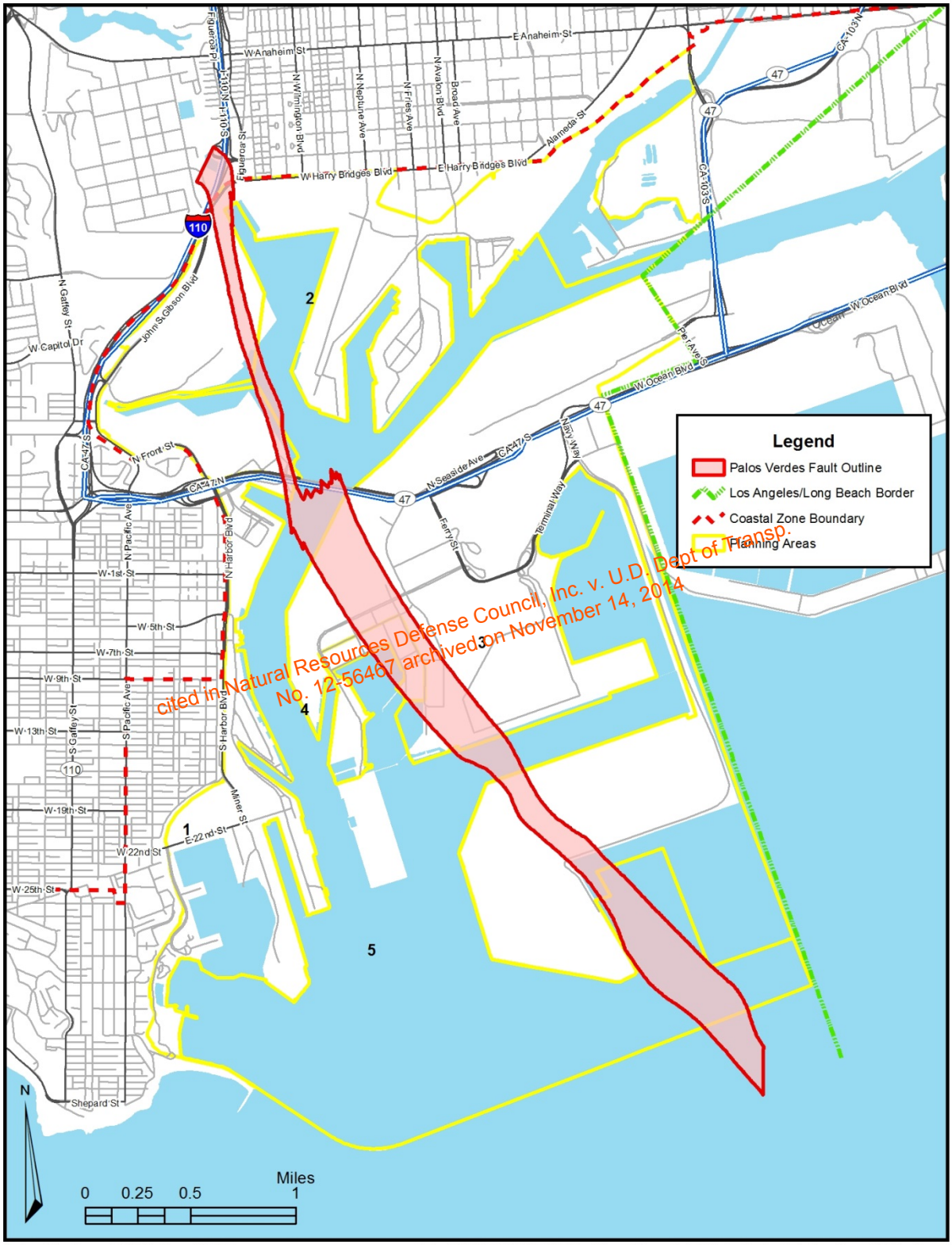
Figure 2. Palos Verdes Fault Zone



Author: John Evans | SAIC | Date: 1/7/2013 Path: C:\GISPJ12\POLA PMP\Final Figures\Figure 2_1_7_Palos Verdes Fault Zone Map_121213_v3a.mxd

5.2 Public Access

To strengthen public access, the Port has developed infrastructure and programs that provide a variety of transportation modes (pedestrian, bicycle, and trolley) that connect visitor serving destinations at the Port to each other and with the surrounding communities.

5.2.1 Waterfront Promenade

Through various project approvals, the Port has approved plans for over 10 miles of waterfront promenade and pedestrian pathways that stretch along the Port's waterfront and tie into the California Coastal Trail (Figure 3). The promenade, which has a general design width of 30 feet, provides access to the waterfront with views of the working port. Often incorporating public art, public seating, lighting and signage, the pathways are designed to transition port areas to and from residential and commercial corridors (Downtown San Pedro and Avalon Boulevard in Wilmington) outside the Port.

5.2.2 Bike Paths

Bicycle access throughout the outer edges of the Port has been developed in coordination with the City of Los Angeles' Department of City Planning Bicycle Plan. The paths vary from designated bike lanes within streets to more casual multipurpose pathways along the promenade that accommodate bicycles. Bike access connectivity will be provided throughout the port, from Cabrillo Beach in San Pedro to the marinas in Wilmington (Figure 3). There is also potential to connect the Port's bike paths into a network that ultimately reaches Long Beach. The feasibility of specific routes will be subject to future study.

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5.2.3 California Coastal Trail

The California Coastal Trail, a network of multi-user public trails along the 1200-mile California coastline, is located in the neighboring communities adjacent to the Port. The Port promenade networks into the Coastal Trail's upper and lower coastal trails (Figure 4). Through the use of streetscape improvements and signage, Port visitors are encouraged to use the Coastal Trail.

5.2.4 Visitor and Tourist Transportation

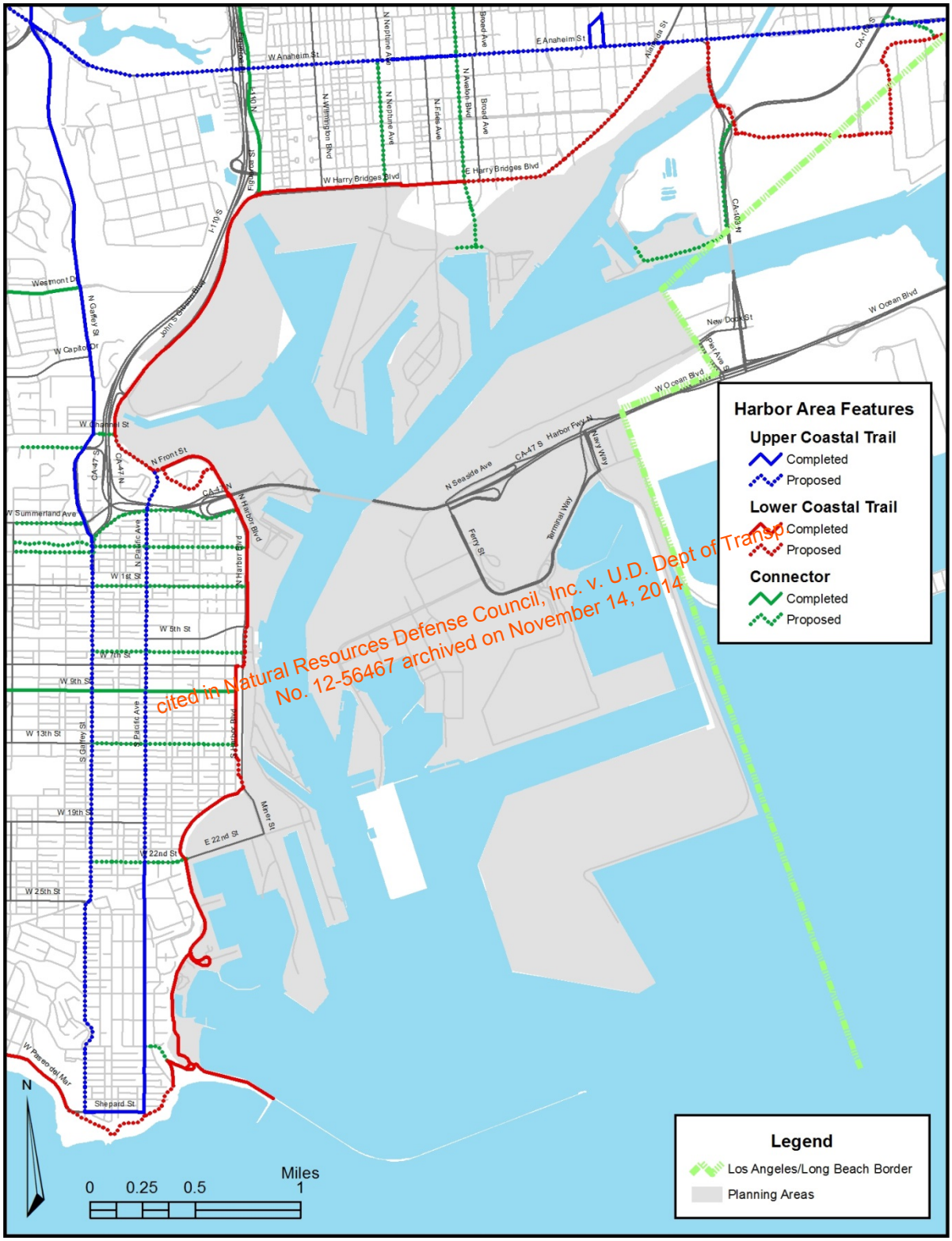
The Port of Los Angeles Waterfront Red Car Line is a vintage trolley line connecting the World Cruise Center with sites along the San Pedro Waterfront to the Outer Harbor. The existing 1.5 mile Waterfront Red Car Line was created in 2003 by adapting an existing freight rail line to accommodate streetcar operations. Additionally, the San Pedro Historic Business Improvement District provides a rubber-tired trolley that services the World Cruise Center, Ports O'Call Village, and Downtown San Pedro.

Potential future visitor and tourist transportation opportunities include water taxi services, which could provide water side connections within the Port and potentially the Port of Long Beach.

Figure 3. Pedestrian Pathways

Author: John Evans | SAIC | Date: 6/4/2013 Path: C:\GISPJ12\POLA PMP\Final Figures\Figure 2_1_9_Waterfront & Promenade_130516_v3a.mxd

Figure 4. California Coastal Trail


Harbor Area Features
Upper Coastal Trail
Completed
Proposed
Lower Coastal Trail
Completed
Proposed
Connector
Completed
Proposed
Legend
Los Angeles/Long Beach Border
Planning Areas
N
0 0.25 0.5 1
Miles
W Anaheim St
E Anaheim St
W Harry Bridges Blvd
E Harry Bridges Blvd
W Ocean Blvd
N Front St
W Summerland Ave
W 1st St
W 5th St
W 7th St
W 9th St
W 13th St
W 19th St
W 22nd St
E 22nd St
W 25th St
Shepard St
Meer St
N Gaffey St
N Pacific Ave
N Harbor Blvd
N Seaside Ave
Terminal Way
Ferry St
Navy Way
Harbor Fwy N
CA-47 S
CA-47 N
I-110 S
I-110 N
CA-103 N
CA-103 S
Broad Ave
N Avalon Blvd
N Neptune Ave
N Wilmington Blvd
N Fries Ave
Alameda St
Pier Ave
New Dock St
Westmont Dr
W Capitol Dr
W Channel St
W Paseo del Mar
John S Gibson Blvd
Seaside Blvd
Pacific Ave
Gaffey St
Harbor Blvd
Harbor Fwy
Navy Way
Ocean Blvd
Anaheim St
Harry Bridges Blvd
Neptune Ave
Broad Ave
Avalon Blvd
Alameda St
Pier Ave
New Dock St
Ocean Blvd
Front St
Summerland Ave
Pacific Ave
Harbor Blvd
Seaside Blvd
Meer St
Shepard St
Paseo del Mar
Gaffey St
Capitol Dr
Westmont Dr
Channel St
Gibson Blvd
Harbor Fwy
Navy Way
Terminal Way
Ferry St
Seaside Ave
Harbor Blvd
Harbor Fwy
Navy Way
Ocean Blvd
Harry Bridges Blvd
Anaheim St
Harry Bridges Blvd
Broad Ave
Broad Ave
Neptune Ave
Neptune Ave
Wilmington Blvd
Fries Ave
Avalon Blvd
Alameda St
Pier Ave
New Dock St
Ocean Blvd
Front St
Summerland Ave
Pacific Ave
Pacific Ave
Harbor Blvd
Harbor Blvd
Seaside Blvd
Meer St
Shepard St
Paseo del Mar
Gaffey St

5.3 Planning Area 1 – San Pedro

5.3.1 General Overview

Planning Area 1 encompasses the San Pedro Waterfront, from the breakwater to the Vincent Thomas Bridge along the western boundary of the Port. The area extends from Berths 19 to 95 and includes cruise operations, institutional uses, and recreational activities. Planning Area 1 primarily includes land uses focused on public access to the waterfront, but also has limited cargo operations and commercial fishing activities. Planning Area 1 emphasizes waterfront access through a waterfront promenade, parks, museums, academic uses, and visitor-serving commercial uses and attractions.

5.3.2 Planning Framework

The land use map for Planning Area 1 reflects the overall deindustrialization of the area. In September 2009, the Board certified the Final Environmental Impact Report (EIR) and approved the San Pedro Waterfront Project. The project focused on increased public access to the waterfront, additional visitor-serving commercial development within the Port, and expanded cruise activities. Additionally, academic uses are anticipated with marine research activities focused at City Dock No. 1. Table 9 summarizes total acreage for each land use category for Planning Area 1.

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Table 9. Planning Area 1 Acreages

Land Use Type (1)	Acres
Container	
Liquid Bulk	
Dry Bulk	
Commercial Fishing	9
Recreational Boating	59
Maritime Support	1
Institutional	37
Visitor-Serving Commercial	99
Breakbulk	18
Open Space	118
Cruise Operations	67
Mixed Land Use: [B57 – B72] Maritime Support/Visitor-Serving Commercial	5
SUM (2)	**413**

(1) Area calculated for individual land use types within each Planning Area

(2) Summed differences are due to rounding to whole integers.

5.3.3 Proposed Projects

Outer Harbor Cruise Terminal – The project would provide for two cruise terminals at Berths 45–47 and Berths 49-50 in the Outer Harbor to accommodate the berthing of a Freedom Class or equivalent cruise vessel (1,150 feet length). The proposed project would include construction of two cruise terminals (approximately 100,000 square feet each) and supporting parking. Implementation of this project would be initiated upon demand, for additional cruise facilities.

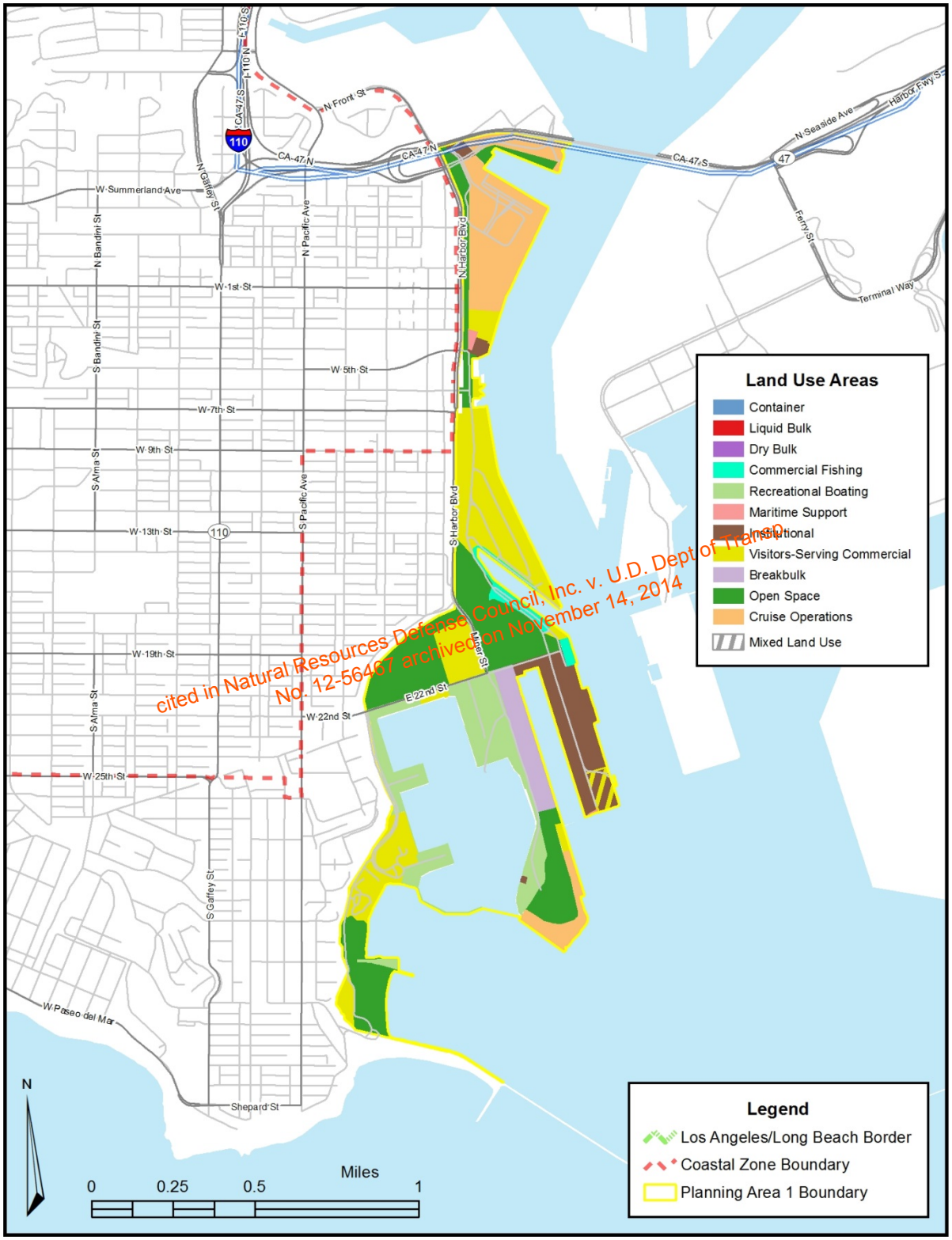
Outer Harbor Park – The proposed Outer Harbor Park would encompass approximately 6 acres at the Outer Harbor and would be designed as an integral feature complementary to the proposed Outer Harbor Cruise Terminals.

City Dock No. 1 – The project would allow for the development of a marine research center within a 28-acre site located between Berths 57 and 72 that will provide world-class marine research facilities and space to bring together leading researchers and entrepreneurs, including the Southern California Marine Institute (SCMI), Southern California universities and colleges, government research agencies, and businesses to conduct marine and ocean research and education. This would be achieved through the rehabilitation of the existing sheds and wharves to house state-of-the art marine research and educational facilities and provide berthing space for research vessels.

Cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Transp.
No. 12-56401 at archived on November 14, 2014

Ports O' Call Redevelopment – This project would redevelop the 30-acre Ports O' Call Village into a vibrant, world-class urban waterfront destination. The Ports O' Call site is entitled to support up to 300,000 square feet of visitor-serving commercial uses and up to 75,000 square feet for a conference center. A waterfront promenade and three acres of open space are also included.

Figure 5. Planning Area 1



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No. 12-56467 archived on November 14, 2014

Author: John Evans | SAIC | Date: 5/30/2013

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5.4 Planning Area 2 – West Basin/Wilmington

5.4.1 General Overview

Planning Area 2 encompasses the West Basin and Wilmington areas, and includes Berths 96-204. The West Basin consists of container terminals, while the remaining Wilmington areas consist of a variety of uses ranging from liquid bulk at Berths 148-150, and liquid and dry bulk uses on Mormon Island, to recreational boating and open space along Anchorage Road. The Wilmington Waterfront land uses provide public access to the waterfront at Berths 183-186. Future projects will continue to accommodate recreational and visitor-serving commercial opportunities near Banning's Landing and along the Avalon Corridor. Additional recreational and open space opportunities near the Wilmington marinas will become available with the redevelopment of the former Anchorage Road Soil Storage Site.

5.4.2 Planning Framework

The planning framework for Planning Area 2 is based on the Wilmington Waterfront Plan, Berths 97-109 (China Shipping) Container Terminal Project, Berths 136-147 (TraPac) Container Terminal Project, and the Wilmington Marinas Planning Study. The Wilmington Waterfront Plan was approved by the Board in June 2009, and provides public access to Slip 5 near Banning's Landing. The Wilmington Marinas Planning Study details future open space areas and continued recreational boating opportunities near the East Basin and an Anchorage Road Soil Storage Site Concept Plan. Table 10 below summarizes total acreage for each land use category for Planning Area 2.

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Table 10. Planning Area 2 Acreages

Land Use Type (1)	Acres
Container	682
Liquid Bulk	67
Dry Bulk	15
Commercial Fishing	
Recreational Boating	29
Maritime Support	17
Institutional	30
Visitor-Serving Commercial	3
Breakbulk	175
Open Space	76
Cruise Operations	
Mixed Land Use: [B173] Liquid Bulk/Breakbulk (2)	4
SUM (3)	1,098

(1) Area calculated for individual land use types within each Planning Area.

(2) Mixed (Potential Acreage) land use for selected properties.

(3) Summed differences are due to rounding to whole integers.

5.4.3 *Proposed Projects*

Berths 187-189 Liquid Bulk Relocation – This project would relocate existing liquid bulk berthing operations at Berths 187-189 to Berths 191-194. Tankage along Berths 187-189 would also be removed and replaced with new tankage at Berths 191-194. A landscaped buffer area would be developed at the site of the former tanks at Berths 187-189. The proposed liquid bulk project would be appealable to the Coastal Commission.

Yang Ming Terminal Redevelopment – This project includes the creation of approximately 6 acres of fill at Berths 120-121 and the creation of approximately 3 acres of water area at Berths 121-127 to facilitate the redevelopment of the West Basin Container Terminal. The new landfill and water area, combined with wharf redevelopment, will create approximately 3,400 feet of new container wharf. The project also includes 20 acres for backland expansion near Berths 118-120, the site of an existing liquid bulk facility.

China Shipping Redevelopment – This project creates approximately 16 acres of land at Berth 102 to add additional backland to the existing China Shipping Container Terminal.

Wilmington Waterfront Project – This project would construct approximately 15 acres of public areas, including plazas, parks, and open space. The major feature of these public areas would be a 10-acre open space land bridge, which would pass over the active railroad lines along Water Street and provide pedestrian connectivity between the waterfront and the recently completed Wilmington Waterfront Park. The Wilmington Waterfront Project also includes commercial and light industrial development opportunity sites along the Avalon Boulevard corridor outside of the Coastal Zone.

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Circulation improvements for Avalon Boulevard, Broad Avenue, A Street, and Water Street are proposed. Avalon Boulevard would be straightened to maintain consistency with the street grid pattern along Avalon Boulevard south of Harry Bridges Boulevard. Additionally, Avalon Boulevard between A Street and Broad Avenue would be vacated and incorporated into land for the Avalon Triangle Park and the North Plaza. Broad Avenue would be realigned to create a more direct route between Harry Bridges Boulevard and Avalon Boulevard. Lastly, Water Street would be relocated to an alignment north of its current location. This relocation opens the area nearest the water's edge for additional public improvements.

5.4.4 Other Projects

Redevelopment of Former Anchorage Road Soil Storage Site – This project would create 30 acres of passive open space at the site of a former soil disposal site with native habitats, wetlands, turf, hardscapes, and numerous trails. The project may also include undergrounding utilities and roadway improvements at the Anchorage and Shore Road intersection. Bike lanes, sidewalks, and landscaping along the boundary of the project would also be included.

Berths 176-181 Breakbulk Terminal Redevelopment – This project would provide for the expansion of the breakbulk terminal at Berths 176-181 by up to 8 acres, demolish an existing shed, and replace a 700-foot section of wharf. Additional wharf improvements along Berths 179-181 would also be included.

East Basin Marina Improvements – This project would provide for enhanced marina facilities, including new slips, enhanced landside facilities, and circulation. A breakwater may also be provided to eliminate the potential damage to the recreational boats due to propeller wash associated with tugs maneuvering cargo vessels into and out of Berths 206-209 across the Cerritos Channel. As a recreational boating project, this proposed project is appealable to the Coastal Commission under Section 30715 of the Coastal Act.

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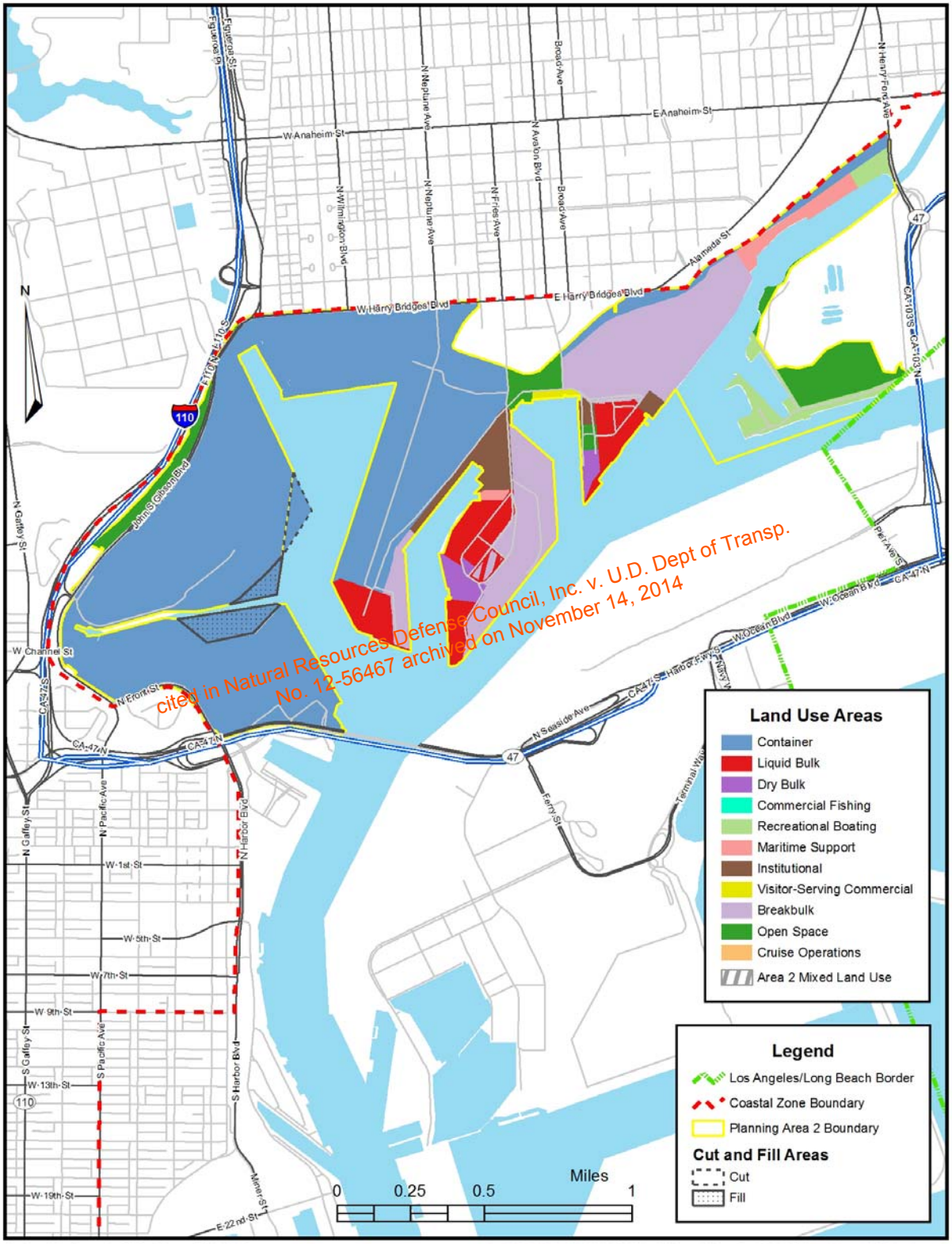
Figure 6. Planning Area 2



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No. 12-56467 archived on November 14, 2014

Author: John Evans | SAIC | Date: 10/28/2013

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5.5 Planning Area 3 – Terminal Island

5.5.1 General Overview

Planning Area 3, located on Terminal Island, is the largest planning area, consisting of approximately 1,940 acres and more than 9.5 miles of usable waterfront (excluding Seaplane Lagoon). It consists of all of Terminal Island with the exception of the Fish Harbor. Of the Port's nine container terminals, six are located in Planning Area 3. This planning area focuses on container operations. Maritime Support uses are anticipated at the Navy Reserve site in association with a planned trucking facility, which could include a restaurant. Limited open space is located along the southern tip of Pier 400 as an environmentally protected area for least terns, and at the urban forest area north of the existing rail loop. Future projects will provide additional space for expanding container and liquid bulk cargoes by clearing underutilized and vacant facilities, reconfiguring existing operations, and completing approximately 220 acres of land expansion/filling as a westerly expansion of Pier 300 and southerly expansion of Pier 400.

5.5.2 Planning Framework

The Terminal Island Land Use Plan was completed in January 2012 and provides the framework for land uses located in Planning Area 3. The plan attempts to optimize cargo-handling operations on Terminal Island by expanding container terminal capacity and liquid bulk capacity, while restricting non-cargo and non-water-dependent uses with the exception of the Terminal Island Treatment Plant, an institutional use. Table 11 below summarizes total acreage for each land use category for Planning Area 3.

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cited in

Table 11. Planning Area 3 Acreages

Land Use Type [1]	Acres
Container[2]	1,565
Liquid Bulk	99
Dry Bulk	
Commercial Fishing	1
Recreational Boating	
Maritime Support	100
Institutional	26
Visitor-Serving Commercial	
Breakbulk	
Open Space	34
Cruise Operations	
Mixed Land Use: [B206 - B209] Container/Dry Bulk/Breakbulk [3]	85
Mixed Land Use: [B210 - B211] Container/Dry Bulk [3]	27
Mixed Land Use: [B301] Container/Liquid Bulk [3]	5
SUM	**1,940**

(1) Area calculated for individual land use types within each Planning Area.
(2) Pier 500 acres not included.
(3) Mixed (Potential Acreage) land use for selected properties.

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5.5.3 *Proposed Projects*

Berth 300 Development and Fill – This project would fill approximately 18 acres of water behind Berths 270-271 and Berth 301 to create additional container backland. The existing dry bulk wharf at Berth 301 would be modified to accommodate either container or liquid bulk vessels.

5.5.4 *Other Projects*

Trucking Support Center – This project would utilize the approximately 33 acres at the former Navy Reserve site to provide a new trucking support center and restaurant. The site would allow fueling for new clean-tech drayage vehicles. The site could also be used for pooled chassis storage for container operations.

Terminal Island On-Dock Rail Facility – This project includes the development of a new on-dock rail facility within the backland of the container terminal at Berths 226-236. This terminal currently utilizes the Terminal Island Container Transfer Facility located immediately north of State Route 47. An additional grade separation would be constructed on the south side of the former LAXT area in the interior portion of Terminal Island to allow efficient use of the proposed new rail yard, and to provide for continuous roadway access to areas south of the yard.

Container Terminal Expansion – This project would expand the existing container terminal at Berths 212-224 to the east. Depending upon the operational scheme and acreage requirements for the container terminal expansion, the existing dry bulk facility at Berths 210-211 may be allowed to remain in its current location and potentially expand its operations. Should non-contiguous container operations prove not to be feasible, the existing dry bulk facility may require relocation to the east to allow for container uses immediately adjacent to the existing container operations. Breakbulk uses are also included in the potential container terminal expansion.

Relocation of ExxonMobil Storage Tanks – This project would relocate the existing ExxonMobil crude oil storage facility on Terminal Island to a site within the rail loop track.

Pier 500 Fill – This project would fill approximately 200 acres of water as a southerly extension of Pier 400 to create a new container terminal. The terminal would include two container berths of approximately 1,300 feet each. The new terminal would also have on-dock rail. The Port would not seek Coastal Commission certification for this project until adequate habitat mitigation credits to offset the loss of open water area as a result of the fill is secured.

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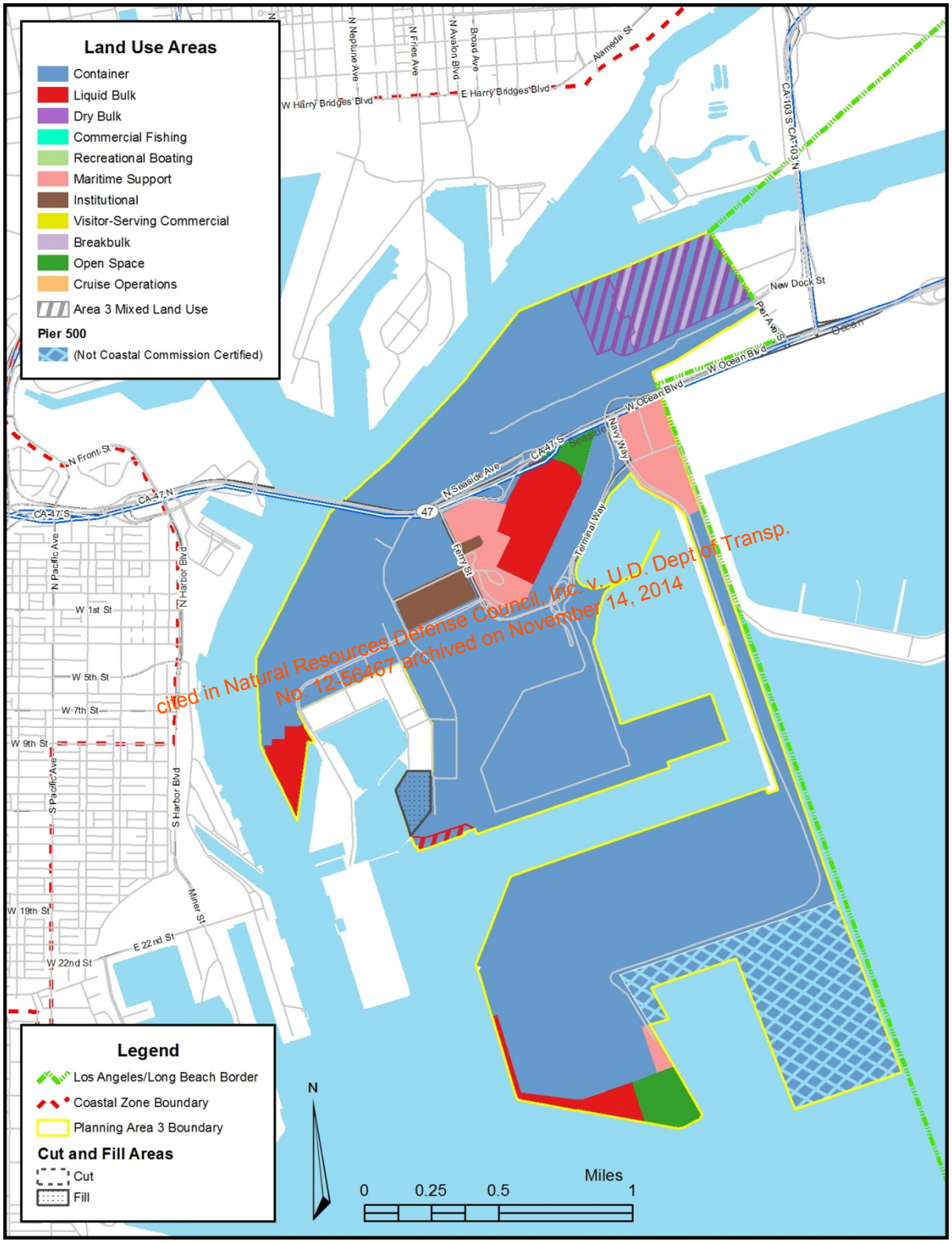
Figure 7. Planning Area 3



Author: John Evans | SAIC | Date: 10/28/2013

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5.6 Planning Area 4 – Fish Harbor

5.6.1 General Overview

Planning Area 4 includes Fish Harbor and focuses on commercial fishing and maritime support uses. Commercial fishing will remain focused in the northern and eastern portions of Fish Harbor, while maritime support and other institutional uses will be located along the western portion of Fish Harbor. Breakbulk cargo and/or maritime support uses are anticipated at Berths 240-241 and the backland area. A memorial, honoring the Japanese Fishing Village on Terminal Island shall be preserved at its existing site, barring relocation to an expanded museum/facility. A total of 48 acres is dedicated to commercial fishing, supported by more than 4,500 linear feet of wharf length. A recent analysis of the commercial fishing industry in the Terminal Island Land Use Plan concluded that the commercial fishing industry could support market demand based on forecasted fish landings. Commercial fishing uses have priority in Planning Area 4 and commercial fishing projects are appealable under Section 30715 of the Coastal Act. South of Planning Area 4 is Federal land, which is exempt from Port Master Plan provisions.

5.6.2 Planning Framework

The Terminal Island Land Use Plan also provides the framework for Planning Area 4. Planning Area 4 is acknowledged to provide expansion opportunities for commercial fishing operations, while maintaining adequate acreages for maritime support uses. Moreover, the Plan improves utilization of deep-water berths at Berth 240 with the addition of breakbulk cargo handling. Total acreage for each land use category for Planning Area 4 is summarized in Table 12.

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Table 12. Planning Area 4 Acreages

Land Use Type (1)	Acres
Container	
Liquid Bulk	
Dry Bulk	
Mixed Land Use: [B261-B268] Commercial Fishing/Maritime Support	48
Recreational Boating	
Maritime Support	19
Institutional	1
Visitor-Serving Commercial	
Breakbulk	
Open Space	
Cruise Operations	
Mixed Land Use: [B240] Maritime Support/Breakbulk	23
SUM (2)	**92**

(1) Area calculated for individual land use types within each Planning Area

(2) Summed differences are due to rounding to whole integers.

5.6.3 *Proposed Projects*

Relocation of Jankovich Marine Fueling Station – The project would develop a new fueling station at Berth 240 on Terminal Island. Currently, the Jankovich Marine Fueling Station is located adjacent to Ports O' Call Village at Berth 74. With the planned redevelopment of the Ports O' Call site to accommodate visitor-serving community uses, the marine fueling station requires relocation. The proposed improvements would include new storage tanks and approximately 1,000 linear feet of new wharf rehabilitation.

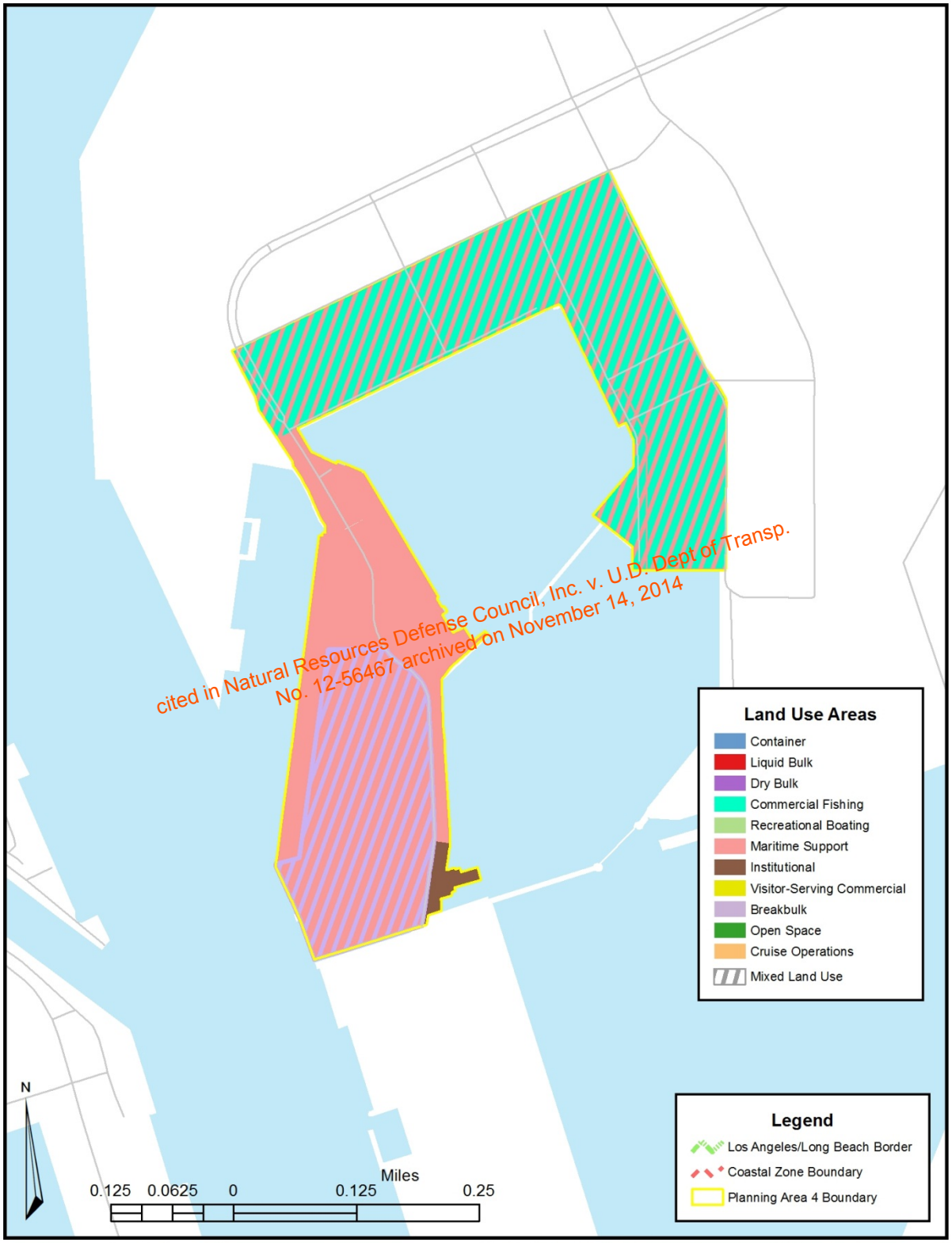
Tri Marine Expansion – The project would expand Tri Marine's current fish processing facility at Berth 264. The expanded facility would include fish processing operations, cold storage, and office space. A new fish pump to transfer fish from the fishing boats to the new facility would be constructed to complement the existing fish pump at the current facility. As a commercial fishing facility, this project would be appealable to the Coastal Commission under Section 30715 of the Coastal Act.

338 Cannery Street Adaptive Reuse – The project would redevelop a 9-acre site located in Fish Harbor at Berth 265 by adaptive reuse of the existing historic buildings for commercial fishing development. Improvements would complement and maintain the existing historic structures, while creating a financially sustainable commercial fishing development. As a commercial fishing facility, this project would be appealable to the Coastal Commission under Section 30715 of the Coastal Act.

Natural Resources Defense Council, Inc. v. CHP, Dept of Transp.
No. 1-56467 archived on November 14, 2014
cited under

Al Larson Marina – The project would remove approximately 125 recreational boating slips at Berths 256-257 to allow for the expansion of the boatyard located directly north of the marina. As a recreational small craft marina related facility, this project would be appealable to the Coastal Commission under Section 30715 of the Coastal Act. The loss of the recreational boating slips in Fish Harbor could be accommodated at existing marinas in the Outer Harbor (Cabrillo) and Wilmington areas of the Port. As of early 2013, a vacancy rate of 21.5 percent existed throughout the Port, primarily in slips with a length below 40 feet, consistent with the majority of boats at the Al Larson Marina.

Figure 8. Planning Area 4



cited in Natural Resources Defense Council, Inc. v. U.D. Dept of Transp.
No. 12-56467 archived on November 14, 2014

Author: John Evans | SAIC | Date: 8/9/2013 Path: C:\GISPJ12\POLA PMP\Final Figures\Figure 2_1_4_PA4_Land Use_130415_v4a.mxd

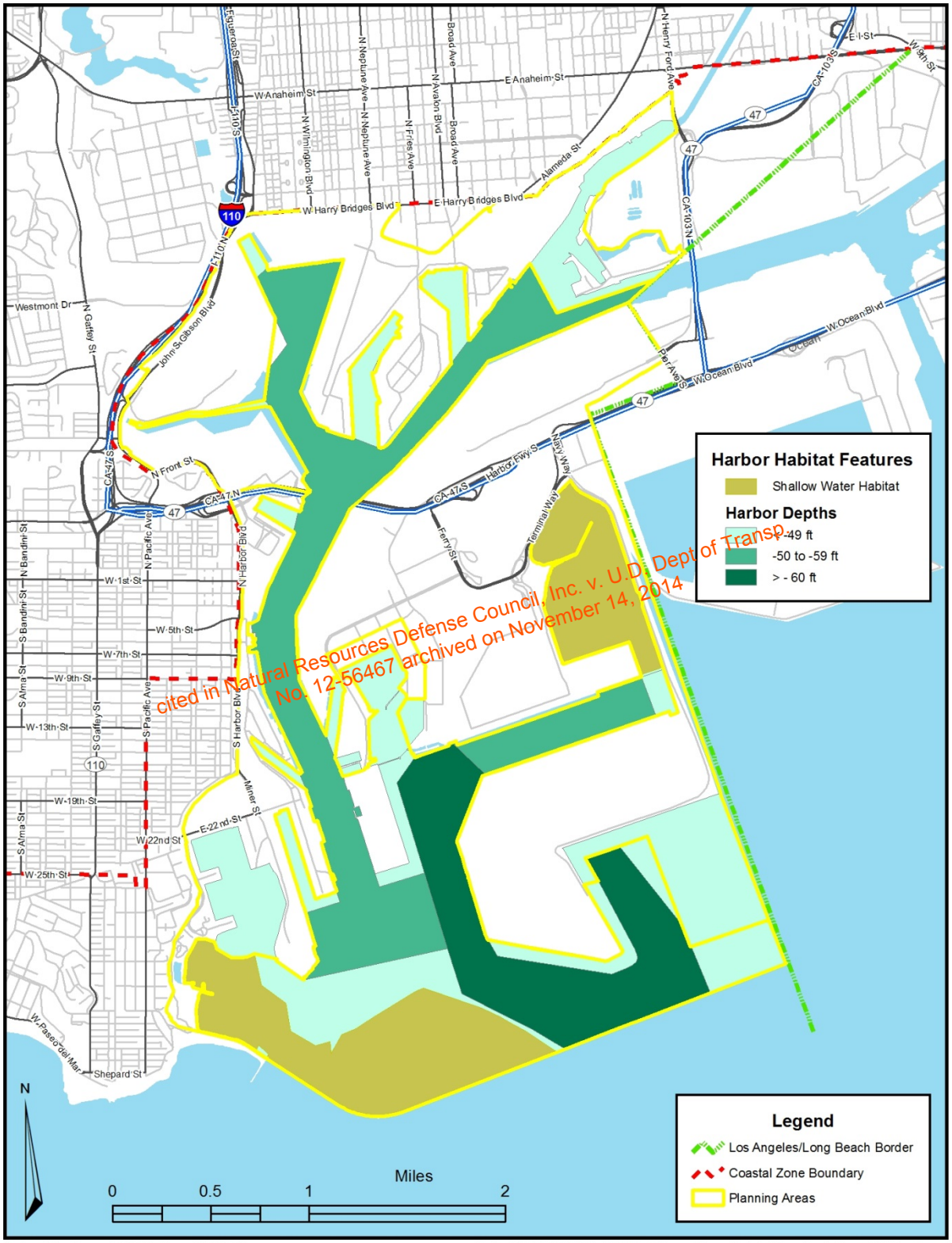
5.7 Planning Area 5 – Waterways

5.7.1 General Overview

Planning Area 5 consists of the water areas of the Port, including the Main Channel and other navigable channels and turning basins as well as the Outer Harbor water area. Water uses allowed in Planning Area 5 include general navigation, areas designated for environmental mitigation, recreational boating use, and berthing. Waterways are designed to allow for vessels to safely access and depart from the Port. The Harbor Department completed the Main Channel Deepening Project in 2012 to dredge the main channel to -53 Mean Lower Low Water. This project allows the latest generation of container vessels to navigate the Main Channel. Individual container terminals would need to complete berth-side dredging to provide similar depths for the berthing of these large vessels. The plan area also includes shallow water habitat areas, located near Cabrillo Beach and north of Pier 300.

cited in Natural Resources Defense Council, Inc. v. U.D. Dept of Transp.
No. 12-56467 archived on November 14, 2014

Figure 9. Planning Area 5



cited in Natural Resources Defense Council, Inc. v. U.D. Dept of Transp. No. 12-56467 archived on November 14, 2014

Author: John Evans | SAIC | Date: 12/28/2012 Path: C:\GISPJ12\POLA PMP\Final Figures\Figure 2_1_8_Water Depth Map_121213_v4a.mxd

6.0 DEVELOPMENT GUIDELINES

6.1 Purpose

The Board has been delegated Coastal Development Permit authority by the Coastal Act as a result of action of the Coastal Commission certifying the Plan. The purpose of these Guidelines is to provide the necessary procedures for the implementation of the Plan in accordance with the provisions of the Coastal Act and related State guidelines. These Guidelines incorporate, to the extent applicable, the guidelines issued by the Coastal Commission pursuant to Public Resources Code, Section 30333, contained in Division 5.5 of Title 14, California Administrative Code.

6.2 Assignment of Duties

The Board is the port governing body to whom the permit authority of the Coastal Commission has been delegated by the provision of the Coastal Act, and is the entity responsible for the implementation of the certified Plan in accordance with the Coastal Act, and its interpretative guidelines (Division 5.5, Title 14, California Administrative Code).

The Board designates the Executive Director of the Port as the person primarily responsible for such implementation, as is provided herein, or his or her designee.

Cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Transp. No. 12-56467 archived on November 14, 2014

6.3 Application Procedures

An application for a Coastal Development Permit is required to be filed with the Harbor Department by any person wishing to perform or undertake any public or private development in the Harbor District where such development is within the boundaries of the Plan.

Applications require, but are not limited to: (1) a description of the proposed development, including plans in sufficient detail to determine whether the proposed development complies with the Plan; (2) documentation of the Applicant's interest in the property; (3) dated signature by or on behalf of the Applicant, attesting to the truth, completeness, and accuracy of the contents of the application; and (4) names of any persons the Applicant knows to be interested in the proposed development.

6.3.1 Review of Applications

A submitted permit application, together with all necessary attachments and exhibits, shall be deemed "filed" after having been received, reviewed and found in proper order by the Executive Director. The Executive Director shall cause a date of receipt stamp to be placed on all applications for permits on the date they were received. Within thirty (30) calendar days from the date of receipt of such application, the Executive Director's review of the application shall result in either the filing of the application or a request to the Applicant for additional information. After an application is filed, Applicants are notified if a coastal development permit is required and if so, what level.

Upon a finding that an application is incomplete, the Executive Director shall notify the Applicant and identify what additional information is required. The Applicant has thirty (30) calendar days to submit the additional information requested. Subsequent requests for more information may follow. Any subsequent request for additional information will allow the applicant an additional thirty (30) calendar days to submit the information requested. If information is not received within the timeframe stipulated above, the application can be rejected.

A determination that the application is incomplete may be appealed to the Board for its determination as to whether the permit application is complete and may be filed. The appeal must be submitted in writing for consideration by the Board within 30 calendar days of the application's rejection by the Executive Director.

6.4 Permit Types and General Procedures

Developments subject to the Plan fall under different permit types based on provisions of the Coastal Act and the type and intensity of the work proposed. Proposed developments may be exempt from a Coastal Development Permit, require a Level I Coastal Development Permit, or require a Level II Coastal Development Permit. Additionally, depending on the type of development, Level II Permits may be appealable to the Coastal Commission.

Cited in Natural Resources Defense Council, Inc. v. U.S. Dept. of Transp. No. 12-5044 archived on November 14, 2014

6.4.1 Development Exempt from Coastal Development Permit

Section 30610 of the Coastal Act describes developments that are exempt from a Coastal Development Permit. They include, but are not limited to:

a. Maintenance dredging of existing navigation channels or moving dredged material from such channel to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.

b. Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance activities; provided, however, if the Board determines that certain extraordinary methods of repair and maintenance will be used that involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained under the Coastal Act.

c. The installation, testing, or the placement of any necessary utility connection between an existing service facility and any development approved pursuant to the regulations; provided the Board may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

d. The replacement of any structure, other than a public works facility, destroyed by a disaster and/or temporary event, consistent with Section 30610.

The Executive Director shall notify the Applicant if the proposed project is determined to be exempt. Such projects do not require any further procedures for Coastal Development Permit review.

6.4.2 *Level I Coastal Development Permit*

Level I Coastal Development Permits are non-appealable as defined in Section 30715 of the Coastal Act and do not require a public hearing. They are required for development occurring within the Harbor District that are minor in nature and are determined to have insignificant impacts on the Port or surrounding environment. They must conform to all of the following requirements:

a. Minimal resources are involved;

b. Only minimal change in land and/or water use and in the density or intensity of the use of land and water area may occur; and

c. There are no significant adverse environmental impacts.

Examples of Level I Coastal Development Permits include, but are not limited to: minor grading; paving; lighting; fencing; installation of structures such as modular offices/buildings, storage buildings, restrooms facilities, floating docks, and guard houses; demolition of wharves, buildings, tanks, or exterior equipment; removal of pipelines; and major building renovations.

Cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Transp. No. 12-55467, archived on November 14, 2014

Level I Coastal Development Permit Procedures

The Executive Director is designated with the authority to issue or deny Level I Coastal Development Permits. The Executive Director may approve or deny an application for a Level I Coastal Development Permit and may impose reasonable terms and conditions thereon as may be required for the development to conform to the Plan and the Coastal Act. If the Executive Director denies an application for a Level I Coastal Development Permit, he or she shall promptly notify the Applicant in writing stating the reasons for the denial of the application.

A Level I Coastal Development Permit shall contain a statement that the permit shall not become effective until the issuance is reported to the Board. When being reported to the Board, any determination of approval or denial for a Level I Coastal Development Permit may be appealed to the Board. Upon appeal, the matter shall be promptly calendared for a public hearing before the Board.

Report of Level I Coastal Development Permits

The Executive Director shall report in writing to the Board at each regular meeting of the Board the Level I Coastal Development Permits issued or denied during the period intervening since the last regular meeting, with a description of the development authorized. In the event the Board does not take action to stay the issuance of a Level I Permit, such permit shall become effective immediately after that Board meeting.

If any two members of the Board so request, the Level I Coastal Development Permit shall not go into effect and must be agendized for the next regular meeting.

6.4.3 Level II Coastal Development Permit

Level II Coastal Development Permits can be non-appealable or appealable as defined in Section 30715 of the Coastal Act and always require a public hearing. They are required for developments occurring within the Harbor District that are determined to have the potential to create a significant impact on the port or the surrounding environment, and conform to at least one of the following requirements:

a. Significant resources are involved;

b. Cause major changes in land and/or water use and in the density or intensity of the use; and

c. Have the potential of creating significant environmental impacts that can or cannot be mitigated.

cited in Natural Resources Defense Council, Inc. v. U.D. Dept of Transp. No. 12-56467 archived on November 4, 2014

Examples of Level II Coastal Development Permits include, but are not limited to: marine terminals; major structures for recreational purposes; creation of new upland or coastal water fills; major dredging of water areas whether or not they are presently used for navigation, maneuvering or berthing; and crane additions and/or replacements.

Non-appealable Level II Coastal Development Permit Procedures

The Board may approve or deny proposed development projects that require a non-appealable Level II Coastal Development Permit and may impose reasonable terms and conditions thereon as may be required for the development to conform to the Plan and the Coastal Act.

A non-appealable Level II Coastal Development Permit requires a public hearing (Section 6.5 of these Guidelines), Staff recommendation (Section 6.6 of these Guidelines), and action by the Board (Section 6.7 of these Guidelines).

6.4.4 Appealable Projects

Development projects that are identified as appealable and are not exempt from a Coastal Development Permit require a Level II Coastal Development

Permit. Chapter 8, Section 30715 of the Coastal Act identifies the following types of development as appealable:

a. 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 and nation.

b. Wastewater treatment facilities, except for those facilities which process waste water discharged incidental to normal port activities or by vessels.

c. Roads or highways which are not principally for internal circulation within the port boundaries.

d. 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.

e. Oil refineries.

f. Petrochemical production plants.

cited in Natural Resources Defense Council, Inc. v. U.D. Dept of Transp. No. 12-56461 archived on November 14, 2014

If maintenance dredging is part of, or is associated with, any category of development described above, the commission shall not consider that maintenance dredging in its review and approval of those categories.

Appealable Level II Coastal Development Permit Procedures

The Board may approve or deny proposed development projects that require an Appealable Level II Coastal Development Permit and may impose reasonable terms and conditions thereon as may be required for the development to conform to the Plan and the Coastal Act.

This type of development requires a public hearing (Section 6.5 of these Guidelines), Staff recommendation (Section 6.6 of these Guidelines), action by the Board (Section 6.7 of these Guidelines) and is appealable to the Coastal Commission (Section 6.11 of these Guidelines).

6.5 Public Hearings

Consideration of a Level II Coastal Development Permit requires a public hearing. The Board's public hearing on a permit shall be conducted during a regularly scheduled or a specifically convened meeting in a manner deemed most suitable to ensure fundamental fairness to all parties concerned, and with a view toward securing all relevant information and material necessary to render a decision without unnecessary delay. All dates for public hearing shall be set with a view toward allowing adequate public dissemination of the information contained in the application prior to the time of the hearing, and

toward allowing public participation and attendance at the hearing, while affording Applicants expeditious consideration of their permit application.

6.5.1 Notice of Public Hearings

The Executive Director shall provide to the Applicant and to all persons known or thought to have particular interest in the application notice of; the filing of the application; description of the development and its proposed locations; and the date, time, and place at which the application will be heard by the Board.

Notices of the public hearings shall be mailed and posted at least fifteen (15) calendar days prior to the scheduled date of the hearing. The method of notification for public hearings shall be as follows:

a. Publication in a newspaper of general circulation in the area where the proposed development would occur.

b. Publication on the Port of Los Angeles website.

c. Mailed to known organizations, public agencies and individuals having or expressing an interest in the development.

d. Mailed to all known individuals and firms owning, leasing or using property within a radius of 300 feet from the perimeter of the development project.

Sued in Natural Resources Defense Council, Inc. v. U.D. Dept of Transp.
No. 12-56467 archived on November 14, 2014

Correspondences for all notices to be mailed shall be stamped on the outside "IMPORTANT- PUBLIC HEARING NOTICE".

6.5.2 Speaker's Presentation

The Board may establish reasonable time limits for presentation(s). Such time limits shall be made known to all affected parties prior to any hearing. Any person wishing to speak on an application shall be heard, subject to the chairperson's right to accept a motion to conclude the taking of oral testimony or to close the public hearing when a reasonable opportunity to present all questions and points of view has been allowed.

6.5.3 Recordation of Meetings

Public hearings on applications shall be recorded. The recording can be viewed on the Port of Los Angeles website. Per the Brown Act, the Board secretary will make records of such proceedings. All records shall be retained for the period of time required by the applicable law for retention of public records.

6.5.4 Submission of Additional Written Evidence

At any point before or after the public hearing is opened on a permit application, up until the time the public hearing is closed by the Board, any

interested party may submit written evidence, including rebuttal arguments, to the Board.

6.5.5 Continuation of Hearings

A public hearing on an application may be completed in one Board meeting, provided that the requirements of California Environmental Quality Act (CEQA) have been met. However, a hearing may be continued to another date if, in the discretion of the chairperson such continuance is necessary or appropriate.

6.5.6 Public Hearings for Amended Applications

If, prior to a public hearing at which an application is scheduled to be heard, an Applicant wishes to amend his or her permit application in a manner which the Executive Director determines is material, the Applicant shall agree in writing to extend the date for public hearing not more than sixty (60) calendar days from the date of such amendment. If the Applicant does not agree to such an extension, the Board shall vote on the application as originally filed.

6.5.7 Applicant Withdrawal of Application

At any time before the Executive Director approves a Level I Coastal Development Permit or the Board commences calling the roll for a vote on a Level II Coastal Development application, an Applicant may withdraw the application, or remove it from the Executive Director or Board's active consideration. Withdrawal must be in writing or stated on the record and does not require Board concurrence. Withdrawal shall be permanent except that the Applicant may file a new application for the same development subject to these Guidelines.

Cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Transp. No. 12-56467 archived on November 14, 2014

6.6 Staff Report and Recommendation

The Executive Director shall prepare a recommendation from Staff to the Board for each proposed development application requiring a Level II Coastal Development Permit. The Staff report shall present a description of the significant features of the proposed development and shall be illustrated with appropriate material such as maps, drawings, photographs, and any other related material.

If the development involves the storage or transfer in liquid bulk form of any hazardous material, or if the development places a vulnerable resource within an existing hazard footprint as described in the Risk Management Plan, the report shall analyze the proposed development's consistency with the Risk Management Plan.

The Executive Director's recommendation shall include a summary of the project, any written comments and response to comments, and specific written findings, including the factual background and legal conclusions, as to whether the proposed development conforms to the requirements of the certified Plan.

6.6.1 Alternatives for Review of Staff Recommendations

Any vote on an application may be taken only at a properly noticed public hearing and shall proceed under one of three alternatives:

Staff Recommendation Included in a Board Report:

If the staff report and recommendation are complete and have been distributed prior to the public hearing, and if adequate public notice has been given, the Board may vote upon an application at the same meeting during which the public hearing on the application is held, provided the requirements of CEQA have been met. The Applicant shall be afforded the opportunity to rebut any information presented at the public hearing as set forth in Section 6.5 before the Board proceeds to vote on the application.

cited in Natural Resources Defense Council Inc. v. U.S. Dept. of Transp. No. 12-56467 archived on November 14, 2014

Verbal Staff Recommendation upon Conclusion of Public Hearing:

If the staff report does not include a recommendation, but the Board is prepared to vote immediately upon conclusion of the public hearing, a member of the Board may make a motion concerning the application stating the grounds and findings supporting the motions. Alternatively, the Executive Director may provide a verbal recommendation of summary of proposed findings. The Applicant and interested parties shall be afforded an opportunity to respond to the hearing as set forth in Section 6.5 before the Board proceeds to vote on the application.

Consideration of Staff Recommendation at a Meeting Subsequent to the Public Hearing:

Upon conclusion of the public hearing, the Board may put the vote on the application over to a subsequent meeting, but no later than twenty-eight (28) calendar days following the conclusion of the public hearing, unless the Applicant in writing waives the right to a decision within that time limit. Notice of such subsequent hearing shall be given in the same manner as presented in Section 6.5.1.

6.6.2 Procedures for Presentation of Staff Recommendations and Responses of Interested Parties

The Executive Director may orally summarize staff recommendations, including the proposed findings in the Board report. Immediately following the presentation of the Executive Director's recommendation, the parties who testified at the hearing or their representative(s), shall have an opportunity to state their views on the recommendation briefly and specifically. The order of presentation shall be the Applicant speaking first, followed by those opposed to the proposed development and other concerned parties.

At the discretion of the chairperson, the Applicant or other parties may present rebuttal responses or materials prior to the vote.

6.7 Board Action

Board action on Level II Coastal Development Permits shall be decided by majority vote of those members present. Board members may vote "yes" or "no", or may abstain from voting. An abstention shall not be deemed a "yes" vote.

6.7.1 Procedural Requirements for Board Action

The Board shall not vote upon an application until it has received a staff recommendation.

Cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Transp. No. 12-56467 archived on November 14, 2014

Unless otherwise specified at the time of the vote, the action taken shall be deemed to have been taken on the basis of the reasons set forth in the staff recommendations. In other words, if consistent with the staff recommendation and not otherwise modified, the vote of the Board shall be deemed to adopt the findings and conclusions recommended by the staff.

6.7.2 Voting by Board Members Absent from Hearing

In the event a Board member did not attend a hearing and the Board does not take action at such meeting and must agendize it for the next regular meeting, the member may vote on any application at the following hearing, provided that he or she has considered the Executive Director's recommendation and any summary, whether written or oral, of any matters presented at the prior public hearing which are inconsistent with the Director's recommendation.

6.7.3 Board Findings

All decisions of the Board relating to permit applications shall be accompanied by written conclusions about the consistency of the application with the certified Plan and the Coastal Act, and findings of fact and reasoning supporting the decision.

Approval of an application shall be accompanied by specific findings of fact supporting the following legal conclusions:

a. That the development is in conformity with the certified Plan;

b. That either the development will have no significant adverse environmental impacts, or there are no feasible alternatives or mitigation measures as provided in CEQA which would substantially lessen any significant adverse impact that the development as finally proposed may have on the environment. If feasible mitigation measures are not available, the Board can adopt a statement of overriding considerations.

Where the Board has placed conditions on a project, the impacts of which the previous CEQA analysis did not account for, the matter shall be deferred until the conditions of CEQA and other applicable laws have been met.

6.8 Coastal Development Permits

Permits shall be issued in a form signed by the Executive Director or his or her designee and shall include the following:

a. Coastal Development Permit Number;

b. Name and Address of Permittee;

c. Permit type (Level I or Level II Coastal Development Permit);

d. Development location, description and scope of work;

e. A statement that the Executive Director or Board has made findings of fact as described in Section 6.7.3;

cited in Natural Resources Defense Council, Inc. v. U.D. Dept of Transp. No. 12-56417 archived on November 14, 2014

f. Date the Executive Director or Board approved the Coastal Development Permit;

g. A statement of all permit conditions imposed pursuant to the Plan, Coastal Act, or other requirement of the law;

h. Public hearing date (if applicable);

i. Expiration date of the permit. Except that where the Board or the Coastal Commission specifically state otherwise, the time for commencement of the project, shall be within two (2) years of the date the Board or Coastal Commission receive and file or vote upon the application. Each permit shall contain a statement that any request for an extension of the time of commencement must be submitted prior to the expiration date of the permit;

j. A statement that the Permittee shall not commence construction under the permit until all other permits required by applicable laws have been obtained from agencies having jurisdiction over any aspect of the development;

k. A statement that approval of an appealable development (as defined in Section 30715 of the Public Resources Code) shall become effective after the tenth (10th) working day after notification of its approval, unless an appeal is filed with the Coastal Commission within that time, subject to receipt of that acknowledgement.

6.8.1 Effective Date of Coastal Development Permit

No permit shall become effective until the original and the copies of the permit have been executed and returned to the Port by the Permitee(s) or their authorized agent(s) and the Executive Director or his or her designee execute the permit.

6.8.2 Time for Issuing Permits and Distribution

Issuance of Permits

A Level I Coastal Development Permit shall become effective when executed by the Executive Director or his or her designee and the Applicant after it has been reported to the Board pursuant to the procedures discussed therein.

After Board approval subject to the requirements of Los Angeles City Charter 245, a Level II Coastal Development Permit shall become effective when executed by the Executive Director or his or her designee and the Applicant; provided, however, that a permit for an appealable development shall not be issued by the Executive Director until the expiration of the ten (10) working days for filing an appeal after Coastal Commission receipt, and then only if no valid appeal is filed. The filing of an appeal shall suspend the effectiveness of the Board's approval until the Coastal Commission takes final action on the appeal.

Cited in Natural Resources Defense Council, Inc. v. U.S. Dept. of Transp. No. 12-56467, archived on November 14, 2014

Distribution of Permit Copies

A copy of the permits shall be sent to the Permittee(s) upon execution by the Executive Director or his or her designee.

6.8.3 Disputes over Contents of Permits

Any Permittee who challenges the development scope described in the permit or does not agree that the permit correctly embodies the action of the Board shall immediately inform the Executive Director. Any such questions that cannot be resolved by consultation between the Permittee and the Executive Director shall promptly be referred by the Executive Director to the Board for decision.

6.8.4 Amendments to Permits

Applications for amendments to permits shall be made in writing and shall include an adequate description of the proposed amendment, including maps or drawings where appropriate.

Amendments to Level I Coastal Development Permit

Amendments to Level I permits may be approved or denied by the Executive Director upon the same criteria and subject to the same requirements, procedures, and appeals as provided for the original issuance of such permits.

Amendments to Level II Coastal Development Permit

If the Executive Director determines that the proposed amendment is immaterial, notice of such determination, including a summary of the procedures set forth in this Section, shall be mailed to all parties notified when the permit was initially considered by the Board, or to those parties the Executive Director has reason to know may be interested in the application. If no written objection is received at the Board's office within ten (10) working days of such mailing, the determination of immateriality shall be conclusive.

If the Executive Director determines that the proposed amendment is a material change or if objection is made to the Executive Director's determination of immateriality or if the proposed amendment affects conditions required for the purpose of conformance with the certified Plan, the application shall be referred to the Board after notice to any person(s) the Executive Director has reason to know would be interested in the matter.

The Board shall determine by a majority vote of the appointed membership whether the proposed development with the proposed amendment is consistent with the requirements of the certified Plan. The decision shall be accompanied by the same findings required for a Coastal Development Permit.

Cited in Natural Resources Defense Council, Inc. v. U.D. Dept. of Transp. No. 12-56467 archived on November 4, 2014

6.8.5 *Extension of Coastal Development Permit*

Prior to the time that commencement of construction under a permit granted by the Board must occur under the terms of the permit, the Permitee may apply to the Executive Director for one extension of time not to exceed an additional one year period. The Executive Director may grant or deny the request for an extension. The extension shall not be effective until it is reported to the Board with a description of any pertinent changes in conditions or circumstances relating to each requested permit extension.

At least five (5) working days prior to such report to the Board, notice shall be given to all parties who previously participated in the original permit, or to persons who the Director has reason to know may be interested in the extension.

If a majority of the Board objects to an extension on the grounds that the proposed development may not be consistent with the certified Plan and the Coastal Act, the application shall be set for a full hearing as though it were a new application. If no such objection is raised, the Executive Director shall issue the extension authorized by this Section.

If the original permit expires during the review process for the extension and the extension is granted, the effective date shall be retroactive to the date that the Permitee applied for the extension.

6.8.6 Assignment of Coastal Development Permit

Any person who has obtained, pursuant to the certified Plan and these Guidelines, a permit for a development may assign such permit to another person subject to the following requirements:

a. Affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;

b. Evidence of the assignee's legal interest in the real property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permits;

c. The original Permittee's request to assign all rights to undertake the development of the assignee;

d. A copy of the original permit showing that it has not expired; and

e. Assignor shall remain liable for permit conditions.

cited in Natural Resources Defense Council, Inc. v. U.D. Dept of Transp. No. 12-55467, archived on November 14, 2014

The Applicant shall request approval of the permit assignment to the Executive Director, or his or her designee. The permit assignment shall be effective upon the Executive Director's written approval of the documentation submitted. The Executive Director's review shall ordinarily be completed within thirty (30) calendar days of the receipt of a completed application for assignment.

The permit may be assigned to multiple assignees as long as the scope of work falls within the described development scope in the Coastal Development Permit.

6.9 Revocation

A Coastal Development Permit previously granted by the Board can be revoked. The grounds for revocation are:

a. Willful inclusion of inaccurate, erroneous or incomplete information in connection with an application, where the Board finds that accurate and complete information would have caused the Board to require additional or different conditions on a permit or deny an application;

b. Failure to notice person(s) known to have an interest in the development, where the viewpoints of such persons were not otherwise made known to the Board, and could have lead the Board to require additional or different conditions on a permit or denial of an application.

c. Performance of work outside the described developed scope contained in the Coastal Development Permit.

6.9.1 *Revocation Process*

Initiation by Persons or Executive Director

Any person who did not have an opportunity to participate fully in the original permit proceeding by reason of the Applicant's failure to provide information as required herein, may request revocation of a permit by application to the Executive Director, specifying the grounds for revocation. The Executive Director shall dismiss requests which are patently frivolous and without merit.

The Executive Director may initiate permit revocation proceedings by the Board where the Executive Director determines that there is good cause to do so and the Board has not reviewed any requests to revoke the permits.

Suspension of Permit

Where the Executive Director determines that grounds exist for revocation of a permit, the permit shall be automatically suspended until the Board votes to deny the request for revocation. The Executive Director shall notify the Permittee by mailing a copy of the request for revocation and a summary of the procedures set forth in these Guidelines to the address shown in the permit application. The Executive Director shall also advise the Permittee in writing that any development undertaken during suspension of the permit may be in violation of the Plan, the Coastal Act and subject to the penalties set forth in Sections 30820 through 30823 of that Act, and any applicable ordinances of the City of Los Angeles.

Natural Resources Defense Council, Inc. v. U.S. Dept. of Transp.
No. 12-56467 archived on November 14, 2014

Hearing on Revocation

After notice to the Permittee and any interested persons has been sent, the Executive Director shall report the request for revocation to the Board with preliminary recommendations on the merits of the request.

The person requesting the revocation shall be afforded a reasonable time to present the request and the Permittee shall be afforded a like time for rebuttal.

The Board shall ordinarily vote on the request at the same meeting, but the vote may be postponed to a subsequent meeting if the Board requests further information.

6.9.2 *Finality of Board Decision*

The determination of the Board on a request for revocation shall be final and not subject to appeal to the Coastal Commission.

6.10 Permit Reapplication

Following a final decision to either deny an application or revoke an existing Coastal Development Permit, neither Applicant nor the Applicant's successor in interest may reapply to the Board for a Coastal Development Permit for

substantially the same development for a period of one (1) year from the date of the prior final decision. Whether an application is “substantially the same” as that upon which a final determination has been rendered shall be decided by the Executive Director within thirty (30) calendar days from receipt of such application.

The Executive Director may refer the reapplication to the Board for its decision as to whether it is substantially the same. Elimination of conditions required for a permit shall not be considered a substantial change. Until a determination is made on whether the application is substantially the same, the reapplication shall not be deemed “filed” within the meaning of Public Resources Code, Section 30621.

6.11 Appealable Development Procedures

The provisions of Public Resources Code, Section 30715, guidelines adopted by the Coastal Commission relating thereto (Division 5.5, Title 14, California Administrative Code), govern the procedures of the Board and the Coastal Commission in reviewing appealable development projects. In the event that the provisions of this Chapter are found to be inconsistent with the provisions of the guidelines adopted by the Coastal Commission, the latter provisions shall control.

Natural Resources Defense Council, Inc. v. U.D. Dept of Transp.
No. 12-5047 archived on November 14, 2014

6.11.1 Appellants

In accordance with Public Resources Code, Section 30625, an appeal to the Coastal Commission pursuant to this Section may be taken by an Applicant, any aggrieved person (as defined in Public Resources Code, Section 30801, and below), or any two members of the Coastal Commission.

6.11.2 Notice and Hearing

Within thirty (30) calendar days of accepting an application or commencing review of a development (Public Resources Code, Section 30717) the Board shall inform and advise the Coastal Commission of any planning and design activities related to proposed appealable developments. Prior to approval of a proposed appealable development, the Board shall provide notice of the pending application to all persons requesting such notice and to the Coastal Commission. Such notice shall, at a minimum, conform to the standards of these Guidelines and Sections 13054 and 13063 of the Coastal Commission’s guidelines.

Consistent with Chapter 6.5 of this plan, a public hearing shall be held by the Board before approving an appealable development. Said hearing shall occur no earlier than fourteen (14) calendar days following the receipt by the Coastal Commission of the notice as provided for above.

6.11.3 *Approval Notification*

In accordance with Public Resources Code, Section 30717, after approval of a proposed appealable development, but prior to commencement of any work, the Board shall notify the Coastal Commission and other interested persons, organizations, and governmental agencies of the approval and indicate how it is consistent with the certified Plan and the Coastal Act. Such notice, in addition to complying with Public Resources Code, Section 30717, shall conform to the standards of Section 13302(g) of the Coastal Commission's guidelines. Approval of an appealable development shall be deemed to have occurred:

a. When final review of the project has occurred;

b. When, if applicable, all local rights of appeal have been exhausted; and

c. When all required findings have been made.

The notification of approval requirement of Public Resources Code, Section 30717, and thus, starting a ten (10) working day appeal period, shall be deemed satisfied upon receipt by the Coastal Commission of the notice as required in these Guidelines. In accordance with Public Resources Code, Section 30717, approval of the appealable development by the Board pursuant to the certified Plan shall become effective after the tenth (10th) working day after notification of its approval, unless an appeal is filed with the Coastal Commission within that time. No appealable development shall take place until the approval becomes effective or until final Coastal Commission action on the appeal has occurred.

cited in Natural Resources Defense Council, Inc. v. U.S. Dept. of Transp.
No. 12-56467 and 12-56468 on November 14, 2014

6.11.4 *Appeals*

The guidelines of the Coastal Commission will provide the procedures and requirements for the filing and processing of appeals. The filing of an appeal shall suspend the effectiveness of the Board's approval until the Coastal Commission takes final action on the appeal.

The Board shall deliver to the Executive Director of the Coastal Commission, within the time prescribed by the Coastal Commission's guidelines after receipt by the Board of notice of appeal from the Coastal Commission, all relevant documents and materials used by the Board in its consideration of the appealable development.

6.11.5 *Exhaustion of Administrative Remedies*

In any situation where litigation has been initiated, administrative remedies pertaining to coastal development permits are not deemed to have been exhausted unless all appeal procedures provided for by the Coastal Act and regulations relating thereto adopted by the Coastal Commission have been utilized.

6.12 Permits for Emergency Work

This section provides procedures for processing applications for permits to perform work to resolve problems resulting from an emergency as defined in the Public Resources Code, Sections 30611 and 30624.

Nothing in this section authorizes the permanent erection of new structures that would result in a greater scope of development than that which occurred prior to the emergency.

6.12.1 Application for Emergency Work

In cases of emergencies, a written application shall be made to the Executive Director by letter, if time allows, or by telephone or in person, if time does not allow.

The information to be reported during the emergency, if possible, or to be reported fully in any case after the emergency as required in Public Resources Code, Section 30611, shall include the following:

a. The nature of the emergency;

b. The cause of the emergency, insofar as this can be established;

c. The location of the emergency;

d. The remedial, protective, or preventive work required to deal with the emergency; and

e. The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.

cited in Natural Resources Defense Council, Inc. v. U.D. Dept of Transp.
No. 12-56467 archived on November 14, 2014

Emergency work is considered exempt from the requirements of CEQA under CEQA Guidelines Section 15269. A Notice of Exemption may be prepared by the Environmental Management Division once the written application or information reported during the emergency is received from the Executive Director.

6.12.2 Report to Board

At the next Board meeting, the Executive Director shall report in writing to the Board the emergency permits applied for or issued, with a description of the nature of the emergency and the work involved. The report of the Executive Director shall be information only; the decision to issue an emergency permit is solely at the discretion of the Executive Director. The decision of the Executive Director may not be appealed to the Coastal Commission.

6.12.3 Waiver of Emergency Permit Requirements

It is recognized that in some instances, a person or public agency performing a public service may need to undertake work to protect life and public

property from imminent danger, or to restore, replace, or maintain public works, utility, or services destroyed or damaged, or interrupted by natural disaster, serious accident before the provisions of this Section can be fully complied with. Where such persons or agencies are authorized to proceed without a permit pursuant to Public Resources Code, Section 30611, they shall comply to the maximum extent feasible, with the provisions of this Section.

If the work was done prior to the issuance of an emergency permit, notice of the work shall be provided to the Executive Director within three (3) calendar days of the disaster or the discovery of the danger. A written statement must be submitted to the Executive Director within seven (7) calendar days of taking such action. The written statement shall include the reasons why action was taken and verification that the action compiled with the expenditure limits set forth in Public Resources Code, Section 30611.

At the next Board meeting following the receipt of the written report, the Executive Director shall summarize all actions taken without the issuance of an emergency permit and whether, in the Executive Director's opinion, the action complied with the requirements of Public Resources Code, Section 30611.

6.13 Temporary Developments

cited in Natural Resources Defense Council, Inc. v. U.D. Dept of Transp. No. 11-56467 and Archived on November 14, 2014

A temporary development is defined in Section 30610(i)(1) of the Coastal Act as any proposed development which the Executive Director finds to be: a temporary event, activity or function of limited duration (does not exceed a two weeks period on a continual basis or does not exceed a consecutive four month period of an intermittent basis); that does not have any significant adverse impact upon coastal resources; and that involves non-permanent structures and/or exclusive use of sandy beach, parkland, filled tidelands, water, streets or parking area which are otherwise open to the general public.

Non-permanent structures include, but are not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, platforms, movie/film sets, etc., which do not involve grading or landform alternation for installation.

6.14 Enforcement Responsibilities

The Executive Director shall, within the limits of staff availability, periodically inspect all areas subject to Board jurisdiction to insure compliance with the terms of all permits approved pursuant to the certified Plan and the Coastal Act. The Executive Director shall notify the Board of any observed violations of permit terms and conditions.

6.14.1 Violation of Permits

Violation of a permit or any term, condition, or provision of a permit is grounds for enforcement under this Section and under Chapter 9 of the Coastal Act and any applicable ordinances of the City of Los Angeles. Whenever the

Executive Director determines that a violation of a permit or term, condition, or provision of a permit has occurred, or is threatened, the Executive Director shall notify the Permitee in writing of such violation and may refer the matter to the Los Angeles City Attorney for appropriate action. Where such violation has occurred or is threatened, the City Attorney may file an action in the name of the City of Los Angles for equitable relief to enjoin such violation, or for civil penalties, or both, or may take appropriate action pursuant to Chapter 9 of the Coastal Act, and any applicable ordinances of the City of Los Angeles.

6.14.2 Enforcement of the Coastal Act

Whenever the Executive Director determines that any violation of the provisions of the Coastal Act occurred or is threatened, the City Attorney may file an action in the name of the City of Los Angeles for equitable relief to enjoin such violation, or for civil penalties, or both, or may take other appropriate action pursuant to Chapter 9 of the Coastal Act and any applicable ordinances of the City of Los Angeles.

6.15 Claims of Vested Rights

Claims of vested rights and prior permits will not be determined by the Board. The provisions of Public Resources Code, Section 30608, and Subchapters 1, 2 and 3 of Chapter 6, Division 5.5, Title 14, California Administrative Code, are applicable to such claims.

ited in Natural Resources Defense Council, Inc. v. U.S. Dept. of Transp.
No. 12-56407 archived on November 14, 2014

6.16 Approval of Development by Operation of Law

Approval of a development shall be deemed to have occurred if the Board fails to act within the time limits set forth in Public Resources Code 65950-65957 as applicable, thereby approving the development by operation of law.

7.0 COASTAL DEVELOPMENT PERMIT POLICIES

7.1 Implementation

The Board shall use the provisions of the Plan, including these policies of general applicability, to determine if a development project is consistent with the Plan. The policies described below are consistent with the Coastal Act (as noted) and ensure that the intent of the Act is carried out in the implementation of the Plan.

Where policies conflict with each other or with any other element of the Plan, the conflict is to be resolved in a manner that is the most protective of significant coastal resources. (California Coastal Act Section 30007.5)

7.2 Policies

7.2.1 Policy 1: Land Use (California Coastal Act Sections 30250, 30255, 30701 and 30220)

Policy 1.1 – Develop new commercial or industrial projects within, contiguous with, or in close proximity to existing developed areas able to accommodate it with adequate public services. (California Coastal Act Section 30250)

Policy 1.2 – Protect coastal areas for port-related developments and water-dependent developments. (California Coastal Act Section 30255)

Cited in Natural Resources Defense Council, Inc. v. Cal. Dept of Transp.
No. 12-56467 archived on November 14, 2014

Policy 1.3 – The Port is encouraged to modernize and construct necessary facilities within the boundaries of the Port in order to minimize or eliminate the necessity for future dredging and filling to create new ports in new areas of the state. (California Coastal Act Section 30701)

Policy 1.4 – Coastal areas and waters in the Port suitable for water-oriented recreational activities shall be protected for such uses where they do not interfere with commercial or hazardous operations or activities of the Port and its tenants. (California Coastal Act Section 30220)

7.2.2 Policy 2: Location, Design, and Construction of Development (California Coastal Act Sections 30707, 30708, 30211, 30212, 30212.5 and 30223)

Policy 2.1 – Locate, design, and construct port-related projects to (1) minimize substantial adverse impacts, (2) minimize potential traffic conflicts between vessels, (3) prioritize the use of existing land space for port purposes, including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities, (4) provide for other beneficial uses including, but not limited to, recreation and wildlife habitat uses, to the extent feasible, and (5) encourage rail service to port areas and multicompany use of facilities. (California Coastal Act Section 30708)

Policy 2.2 – In designing and construction facilities in upland and waterfront areas for public recreation, including boating facilities and marinas, adequate public access shall be provided. (California Coastal Act Section 30211, 30212 and 30223)

Policy 2.3 – Facilities for public recreation including boating facilities and marinas, when reasonable and practicable, shall be distributed and located in available areas of the Port to avoid overcrowding and/or overuse of individual areas. (California Coastal Act Section 30212.5)

7.2.3 Policy 3: Diking, Filling, and Dredging of Water Areas (California Coastal Act Sections 30705, 30706 and 30233)

Policy 3.1 – Water areas may be diked, filled, or dredged for the following purposes: navigational safety, port-related facilities, incidental public service purposes, mineral extraction, restoration, resource-dependent activities, shoreline appearance, and public access. (California Coastal Act Section 30705 and 30233)

Policy 3.2 – The design and location of new or expanded facilities shall, to the extent practicable, take advantage of existing water depths, water circulations, siltation patterns, and means available to reduce controllable sedimentation so as to diminish the need for future dredging. (California Coastal Act Section 30705)

Cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Transp.
No. 13-56467 Archived on November 14, 2014

Policy 3.3 – Consider all impacts of projects involving diking, filling, or dredging water areas, and evaluate socioeconomic and environmental factors. (California Coastal Act Section 30705)

Policy 3.4 – Plan and schedule dredging and fills as to minimize disruption to fish and bird breeding and migrations, marine habitats, coastal resources, and water circulation. (California Coastal Act Sections 30705, 30706 and 30233)

Policy 3.5 – Fill proposed water area to the minimum necessary to achieve the purpose of the fill. (California Coastal Act Section 30706)

Policy 3.6 – In conjunction with disposal of dredge spoils, minimize harmful effects to coastal resources, such as water quality, fish or wildlife resources, recreational resources, or sand transport systems and minimize reductions of volume, surface area, or water circulation. (California Coastal Act Section 30706)

Policy 3.7 – Remain in accordance with sound safety standards that will afford reasonable protection to persons and property against the hazards of unstable geologic or soil conditions or of flood or storm waters. (California Coastal Act Section 30706)

Policy 3.8 – Maintain navigational safety after fills are completed (California Coastal Act Section 30706)

7.2.4 *Policy 4: Commercial Fishing (California Coastal Act Section 30703)*

Policy 4.1 – Do not eliminate or reduce existing commercial fishing harbor space, unless the demand for commercial fishing facilities no longer exists or adequate alternative space has been provided. (California Coastal Act Section 30703)

Policy 4.2 – Proposed recreational boating facilities shall, to the extent feasible, be designed and located as not to interfere with the needs of the commercial fishing industry. (California Coastal Act Section 30703)

7.2.5 *Policy 5: Recreational Marinas (California Coastal Act Sections 30234 and 30224)*

Policy 5.1 – Protect, and where feasible, upgrade facilities serving commercial and recreational boating industries and do not reduce existing recreational boating harbor space unless the demand for those facilities no longer exists or adequate substitute space has been provided. (California Coastal Act Section 30234)

Policy 5.2 – Encourage recreational boating by providing additional public launching facilities and berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, develop more dry storage areas, and provide for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land. (California Coastal Act Section 30224)

Cited in Natural Resources Defense Council, Inc. v. U.S. Dept. of Transp. No. 12-56467 archived on November 14, 2014

7.2.6 *Policy 6: Tanker Terminal Safety (California Coastal Act Section 30707, 30232 and 30261)*

Policy 6.1 – Design new or expanded tanker terminals to (1) minimize the total volume of oil spilled, (2) minimize the risk of collision from movement of other vessels, (3) have ready access to the most effective feasible containment and recovery equipment for oil spills, and (4) have onshore deballasting facilities when needed. (California Coastal Act Section 30707 and 30261)

Policy 6.2 – Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur. (California Coastal Act Section 30232 30261)

8.0 RISK MANAGEMENT PLAN

8.1 Purpose

The Port is a major receiving and distribution point for crude oil, petroleum products, and chemicals. These commodities are essential components of modern living. Many of these commodities are also hazardous cargoes and present a number of inherent risks. In order to measure and control the risks inherit in handling and storing hazardous cargoes, the Port has developed a comprehensive Risk Management Plan. The policies of this plan will be used in siting and expanding hazardous cargo facilities relative to high density populations and critical impact facilities (vulnerable resources).

The overall policy of the Risk Management Plan will have as its objective the minimization or elimination of overlaps of hazard footprints on vulnerable resources: areas of substantial residential, visitor, recreational, and high-density working populations or critical impact facilities (facilities which if damaged or destroyed would have a significant negative impact on the operation and economic output of the Port). It should be noted that an overlap of a hazard footprint on a vulnerable resource may be eliminated by actions relative to either the hazardous cargo facility or the vulnerable resource.

The intent of the Risk Management Plan is to assess the potential risks of the storage and transfer of hazardous commodities occurring at liquid bulk terminals within the Port. Risk assessments of commodities either on a vessel, tank truck or rail tank car or in a pipeline that are transiting through the Port are not mandated by the Coastal Commission to be addressed in the Risk Management Plan because of their transitory nature.

Cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Transp. No. 12-36487 archived on November 14, 2018

For example, tank cars transit into and out of a rail yard frequently carrying a variety of commodities. Therefore, it is difficult to determine at any one time what commodities may be inside a tank car and where that tank car might be located in the rail yard. The transitory nature of these operations as well as vessels moving within the Port prevent accurate and representative hazard footprints from being prepared.

8.2 Regulatory Structure

In recognition of the fact that some degree of hazard is invariably associated with the handling and storage of crude oil, petroleum products, and chemicals, agencies involved with the operation of the Port have developed a comprehensive structure of risk management policies, practices, and regulations. These measures are generally complied with voluntarily by the Port tenants and operators, but are enforced by various combinations of the U.S. Coast Guard, the Fire Department, the Port's Pilots, and security forces.

The Risk Management Plan is to be considered adjunctive to all existing and future local, state, and federal laws and agency regulations. Application of the plan is primarily for the establishment of policies, processes, and procedures and conditions that shall be required for issuance of Coastal Development Permits by the Board.

8.3 Policies and Criteria

This section provides the framework within which the Port will implement the Risk Management Plan for hazardous liquid bulk cargoes and vulnerable resources. The subsections are:

a. Definition of Hazards, which describes the type and nature of the hazards that are generated by the transfer and storage of hazardous liquid bulk commodities.

b. Vulnerable Resources, which describes the high-density populations and critical impact facilities in the Port and adjacent areas which are identified through the Risk Management Plan.

c. Coastal Development Permit Criteria, which is a summary of the risk management policies to be applied by the Port in the Coastal Development Permit process.

cited in Natural Resources Defense Council, Inc. v. U.D. Dept of Transp. No. 12-56487 archived on November 14, 2014

8.3.1 Definition of Hazards

Before establishing the policies for implementation of the Risk Management Plan, it is important to establish a conceptual framework for understanding the hazards involved. This includes defining hazardous commodities and determining the level and kind of risks an accident would have on surrounding people and facilities.

Methodology for Identification of Hazards

The identification of hazards to be assessed in the Risk Management Plan utilizes the National Fire Protection Association (NFPA) Hazard Identification System. The NFPA system numerically grades all materials in three separate hazard dimensions: health, flammability, and reactivity (tendency to react with water or other common materials). There are five numerical grades (0-4) with four being the most severe hazard or danger and zero being no hazard at all. More detailed information on this system is available in the “Standard System for the Identification of the Hazards of Materials for Emergency Response”, NFPA No. 704. Commodities with a rating of two or more in any dimension, and transferred or stored in bulk (quantities greater than 10,000 gallons) within the Port are considered hazardous and subject to the goals and policies of the Risk Management Plan. The exception is for a commodity’s flammability. In addition to the NFPA flammability rating of two (2) or greater, a commodity must have a flashpoint (the lowest temperature where a liquid generates sufficient vapors to form a flammable gas vapor) of below 140° Fahrenheit (F).

Materials with an NFPA hazard code of less than two (2), in general, do not produce immediate, serious, or long term hazard to either personnel or facilities, and therefore are not assessed under the risk management policies of the Port. In the area of health hazards, material with rating of one or zero pose only a hazard of irritation with little or no residual effect even if no treatment is given. The category of material with a rating of one requires considerable pre-heating under ambient temperature conditions before combustion can occur. This group includes most combustible materials. Material with a rating of zero will not burn. Commodities with a reactivity rating of one or less is normally stable and will not react with water even under conditions of elevated pressure.

Materials with a hazard code of two or higher in any of the three hazard categories pose some degree of risk to personnel or facilities due to their intrinsic characteristics and should be subject to the controls of the Risk Management Plan. However, a commodity with a flammability rating of two (2) must also have a flashpoint of below 140° F to be subject to the Risk Management Plan.

Hazard Footprints

The concept of hazard footprints identifies the potential extent of, and the area potentially placed at risk from an accident or casualty involving hazardous materials. Each footprint shows the area around a facility within which unacceptable adverse impacts could occur should an accident happen at that facility. Land configuration, weather conditions, the type and amount of the hazardous commodity released and type of incident are all considered when developing hazardous footprints. To demonstrate the hazard exposure due to each facility, several hazard footprints may be necessary to demonstrate the full range of possible events.

cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Interior No. 12-56407 archived on November 14, 2014

Incidents involving hazardous liquid bulk commodities can be categorized into four types of events that can occur separately or in some combination. These hazards are: radiant heat from a fire, flammable and toxic vapor clouds, blast overpressure, and flying debris.

Radiant Heat

Thermal radiation, or radiant heat generated by a fire is the primary hazard resulting from a fire. The hazard presented to any animate or inanimate object depends on the nature of the object as well as the intensity of the heat flux and the time of exposure. The hazard to people is the primary concern. The hazard footprint to personnel from radiant heat is defined as the furthest distance from the place of potential fire where a heat flux of 1,600 British thermal units (BTU) per hour per square foot will occur. Exposed personnel within this distance will feel extreme pain within 15 to 30 seconds and will suffer second degree burns after 30 seconds. Radiant heat hazard footprints are required for products with an NFPA flammability rating of two (2) or more and a flashpoint less than 140° F.

Toxic Vapor Cloud

Toxic vapor cloud footprints are required for products that have a NFPA health rating of two (2) or more. A gas cloud from a release of a commodity with an NFPA health rating of two (2) or more can cause anything from irritation of the eyes and nose, to death, depending on the commodity and the concentration of the vapor. The American Industrial Hygiene Association's Emergency Response Planning Guideline – Level 2 (ERPG-2) establishes the maximum airborne concentration of toxic vapors, which individuals could be exposed for up to one hour without experiencing or developing irreversible or other serious health effects or symptoms that could impair an individual's ability to take protective action.

Flammable Vapor Cloud

Flammable vapor cloud hazard footprints are required for products with NFPA flammability ratings of three (3) or four (4). When a flammable fluid is released into the atmosphere, a vapor cloud is formed. The portion of the vapor cloud in which the concentration of flammable gas exceeds the lower flammable limit (LFL) of the gas and is below the upper flammable limit (UFL) is called a flammable vapor cloud. The LFL is the minimum concentration of flammable vapor in the air below which propagation of flame will not occur, usually expressed as a mole percentage or volume percentage of vapor. If the concentration of vapor in the air is below the LFL, the mixture is too lean to burn. Conversely, the UFL is the maximum concentration of flammable vapor in the atmosphere, above which the concentration does not support combustion.

Cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Transp.
No. 12-56467 archived on November 14, 2014

Blast Overpressure

Blast overpressure is the blast wave generated by an explosion. The overpressure decreases as it travels away from the explosion. Blast overpressure is measured in pounds per square inch (psi). The boundary of a blast overpressure hazard footprint is drawn at the distance where 1.0 psi can be felt. This is the overpressure level that may cause partial demolition of buildings of ordinary construction, and could result in serious injuries to people. Blast overpressure hazard footprints are required for products with an NFPA flammability rating of two (2) or more, and a flash point less than 140° F.

Flying Debris

Explosions and the resulting overpressure may be accompanied by flying fragments or debris. This debris is a risk to people and can cause damage to structures. There is no systematic method to predict the path of these flying fragments. The distance that a fragment can fly is a function of the energy imparted to the fragment by the explosion and the angle at which the debris is launched. A fragment launched either straight down (zero degrees) or straight up (ninety degrees) from the point of explosion does not travel outward at all; maximum distance is achieved by debris launched outward at a forty-five degree angle. Flying debris footprints must be evaluated by accounting for the size and type of structure at issue and the amount of energy imparted to

debris in an explosion. Floating roof storage tanks are designed to eliminate any vapor concentration above the tank's fluid level, thereby eliminating the buildup of combustible vapors and a subsequent explosion of the tank. Vessels are required to have operating inert gas systems (IGS) on board. IGS are used to prevent the atmosphere in the cargo tank from becoming explosive by maintaining the oxygen level below 8 percent. Therefore, flying debris footprints are not prepared for floating roof tanks or vessels.

Probability

The range of incidents modeled under a hazardous risk assessment does not include "worst-case-scenario" modeling of extremely unlikely events; rather, it is based upon reasonably likely events as informed by a database of real-world hazardous risk incidents. For example, tank failures do occur, and the risk management plan would analyze the hazard footprint that would result from such an incident. However, while an accidental plane crash directly into a tank is not an impossibility, it is an extremely improbable event and one that is not modeled in this Risk Management Plan.

8.3.2 Vulnerable Resources

It is the goal of the Port to provide the maximum feasible level of protection to each of four types of vulnerable population resources and the Port's critical impact facilities. The population resources are residential, recreational, visitor populations, and high density working populations in the Port. The Plan intends to minimize or eliminate exposure of these vulnerable resources to risks resulting from the transfer and storage of hazardous liquid bulk materials.

cited in Natural Resources Defense Council, Inc. v. U.S. Dept. of Transp.
No. 12-5042 archived on November 14, 2014

Residential, Recreational, Visitor and Working Populations

Different populations are susceptible to different levels of risk. The working population in the Port is exposed to the greatest amount of danger from hazardous liquid bulk commodities. However, working personnel can be trained in emergency procedures and evacuated quickly if necessary. Recreational and visitor populations generally are not aware of the hazardous situations in the Port, but are relatively mobile and could leave the area quickly in the case of an emergency. Residents living in the area around the Port represent the largest and most vulnerable number of people exposed to risks. They would have the least amount of knowledge about the event, and create the most challenges to evacuate in an emergency effectively.

Examples of recreational populations within the Port would include the marinas and significant open space areas, such as the 22nd Street Park. Visitor populations within the Port include Ports O' Call Village and the USS IOWA battleship museum. High density working populations within the Port will be identified on a case by case basis.

Critical Impact/Facilities

There are certain facilities in the Port that are important to the local, regional, or national economies. These facilities, if damaged or destroyed, could have a critical impact on the ability of the Port to accommodate cargo movements. The following facilities are identified as being vulnerable resources under the Risk Management Plan: the Vincent Thomas Bridge and the Badger Avenue Bridge. Future critical impact facilities may be identified and approved by the Port on an individual basis.

8.3.3 Coastal Development Permit Criteria

The following criteria will be followed in determining whether a proposed project is consistent with the risk management policies of the Plan.

Hazard Footprint

A hazard footprint is defined as an area around a hazardous facility within which unacceptable impacts could occur should an accident happen at that facility. The boundary of the hazard footprint shall be determined by calculating the distance at which the impacts of the worst probable events will be reduced to levels that are not likely to cause injury or property damage.

The following levels shall be employed in the calculations:

cited in Natural Resources Defense Council, Inc. v. U.D. Dept. of Transp. No. 12-56467 archived on November 14, 2014

a. Radiant Heat: Not more than 1,600 BTU/square ft./hour for exposed personnel

b. Toxic Vapor Cloud: ERPG-2 concentration

c. Flammable Vapor Cloud: Lower Flammability Level concentration

d. Blast Overpressure: 1 pound per square inch (psi) of overpressure

e. Flying Debris: Related to the size of the storage tank or vessel and the energy of the explosion. The debris footprint is calculated based on the maximum distance possible given an ideal fragment flight angle of forty-five degrees from the point of explosion.

Siting Criteria

New Hazardous Liquid Bulk Cargo Developments

No new hazardous liquid bulk cargo development shall be permitted which would create a hazard footprint overlap of existing, planned, or permitted vulnerable resources (i.e. significant residential, recreational, or visitor populations, high-density working populations, or critical impact facilities) except where overriding considerations apply.

New Vulnerable Resources

No new vulnerable resources shall be permitted to be located within the hazard footprint areas of existing or approved hazardous liquid bulk cargo facilities except where overriding considerations apply.

Existing Hazardous Liquid Bulk Facilities

All improvements and modifications proposed at existing hazardous liquid bulk facilities for maintenance, upkeep, or safety reasons that do not increase the hazard footprint overlap of vulnerable resources are encouraged. In addition, if an improvement or modification is required by a regulatory agency, it is also encouraged.

A facility modification or expansion that expands the hazard footprint overlap of a vulnerable resource will not be allowed except where overriding considerations apply.

A modification that increases the throughput of the facility is allowable provided it does not result in an overlap of a vulnerable resource or expands an existing overlap except where overriding considerations apply. A modification that extends the operational term of the facility is permitted.

A facility with an existing hazardous footprint overlap of a vulnerable resource is allowed to change the hazardous cargoes handled and/or stored at the site if the resulting hazardous footprints are the same size or smaller. The change could be allowed even if the resulting hazard footprint is larger, if overriding considerations apply.

cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Transp. No. 12-56467 archived on November 14, 2014

A facility that does not have any hazard footprints that overlap vulnerable resources is allowed improvements, modification, and expansions in accordance with the existing policy and permitting procedures in effect unless the resulting hazard footprint after the change overlaps a vulnerable resource. The change would not be allowed unless there were overriding considerations.

Design Criteria

The adequacy of designed safety features and fire protection measures will be determined by the Port and the Fire Department on a case-by-case basis. It is recognized that in areas of limited access, large volumes of hazardous liquid bulk cargoes, or proximity to vulnerable resources, it may be necessary to impose higher standards than current city codes require.

a. New hazardous liquid bulk cargo facilities must be capable of containing the release of any commodity (resulting from an incident at the facility, such as an explosion, fire, or spill) within a sufficiently limited area to prevent the spread of the commodity to other hazardous liquid storage or transfer facilities.

b. All facilities storing hazardous liquid bulk materials as required by applicable codes and regulations shall include secondary containment or impoundment areas capable of containing at least 100 percent of the volume of the largest tank within the secondary containment, or such larger volume as may be specified by applicable codes and regulations. Provisions shall be made for draining diked areas.

c. Secondary containment or independent confined drain systems and impoundment areas shall be provided around all major hazardous liquid transfer facilities capable of collecting spills and preventing them from entering Harbor waters and the storm drainage system.

d. Where working populations must operate within hazard footprint areas, protection shall be provided to the workers by the installation of approved early warning systems and the provision of comprehensive plans for emergency shutdown, evacuation, appropriate personnel protective measures, and training in responses to warning signals. Facilitates transferring or storing liquid bulk materials that could form a flammable or toxic vapor cloud if released shall be equipped to alert all personnel in any area possibly affected by the cloud.

e. Where mobile fire protection response distances are in excess of Fire Department requirements or recommendations, more stringent on-site fire protection will be required, as appropriate, such as additional water supply, increased separation distances, equipment for the control of spills, in-place firefighting systems, and automatic warning devices.

cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Transp.
No. 12-cv-467 archived on November 14, 2014

f. No hazardous liquid bulk cargo facility development or modification to the hazardous liquid bulk cargoes handled at the facility shall be permitted without the Los Angeles Fire Department's review and concurrence of the risk analysis for the proposed development or modification.

Operational Criteria

The operator of each hazardous liquid bulk cargo facility must meet all applicable federal, state, and local requirements for operating a liquid bulk terminal and file an emergency contingency plan with the Port, and to comply with its provisions. The emergency plan shall include provision for personnel protection, treatment, and evacuation in cases of fires, explosions, or hazardous material releases.

The operator of each hazardous liquid bulk cargo facility shall be required to establish and enforce security measures to limit the entrance of unauthorized personnel to the extent practical and feasible. Terminal operators must meet all other agency regulations, codes, etc.

No liquid bulk material designated by the Fire Department, or alternatively, having an NFPA hazard rating of two (2) or more, or designated by the Executive Director as a hazardous material, shall be stored or transferred in the Port without the knowledge and approval of the Executive Director and the Fire Department.

All hazardous liquid bulk facility leases shall specify all hazardous liquid bulk commodities permitted to be handled at the terminal. The Executive Director may permit additional hazardous liquid bulk commodities only after determining that any resulting hazard footprint does not create a new hazard footprint overlap of a vulnerable resource or expands the overlap from an existing hazard footprint, unless overriding considerations apply.

Overriding Considerations

No broad risk management policy can be rigidly enforced without encountering circumstances where enforcement becomes unreasonable or contrary to pursuit of the overall policy of eliminating or minimizing hazard exposure of vulnerable resources. Such instances are expected to occur in situations where port development is proceeding in phases or in steps, which may result in a hazard footprint overlap for a period of time until subsequent development phases or steps are implemented to reduce or eliminate the overlap. Such time intervals of hazard exposure may arise due to timing of the availability of suitable areas for relocation of facilities, or the timing of lease conditions or construction projects. In other words, long-term efficient land-use planning and the economic considerations subsumed therein, consistent with the overall risk management policy, may result in periods of time when a hazard footprint overlap and hazard exposure of vulnerable resources exists. In these circumstances, additional mitigation measures such as protection design features and additional fire protection as deemed acceptable by the Fire Department may be required.

cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Transp. No. 12-56467 archived on November 14, 2014

In some cases, certain risks may be premised on highly improbable events (or series of events) and the conclusions may be uncertain, highly speculative, or unavoidable regardless of the required application of all available mitigation measures. Coastal development permit denial in such instances, as a method of avoiding such a calculated risk, may not be in the greater public interest associated with the handling and accommodation of foreign and domestic commerce of the nation.

In such cases, the Board may grant a permit for a development that is in conflict with certain policies of this program, provided that it first adopts findings justifying why it believes the benefits of the proposed development override the calculated or assumed risks as developed by the methodology and policies of this program.

In order to support the application of overriding considerations for granting a permit, findings relative to long-term land use planning consideration eliminating or reducing hazard exposures and a statement supporting those findings shall be made by the Board for each risk management policy or criterion which conflicts with the decision to grant a permit for the development. Examples of findings include the following:

- Long-term efficient land-use planning considerations will lead to the eventual overall reduction or elimination of hazard exposure, including the development permitted in this case. The permitting of this development at this time is consistent with long-term port land-use planning.

- Special conditions to the coastal development permit have been required for the project development that will result in additional risk mitigation measures such that the hazard imposed by or on the project is reduced to an acceptable minimum level. When such changes or additions are within the jurisdiction and responsibility of another public agency and not the Board, these changes or additions have been adopted, or can and should be adopted, by such other agency.

Cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Transp.
No. 12-56467, archived on November 14, 2014

The conditions for the application of overriding considerations in connection with permits for hazardous liquid bulk facilities under the Risk Management Plan are intended to follow CEQA's recognition of this need and approach to the problem. As such, they are intended to be consistent with the requirements of CEQA (California Public Resources Code Sec. 21081: Findings Necessary for Approval of Project), and the State EIR Guidelines [California Administrative Code, Title 14, Division 6, Chapter 3, Sec. 15088(a)].

The risk management policies developed in this Plan are based on technologies and procedures in effect at this time. If the use of new technology, including equipment, materials, procedures, regulations and enforcement can render risk sufficiently improbable, then the existing criteria may become inapplicable and subject to revision.

The use of "overriding considerations" is intended to be the exception for issuance of permits. The findings of applicable "overriding considerations" must be thoroughly justified by explanation of the inapplicability of other alternatives, how long-term land use planning will eliminate the risk management policy conflict, and how additional mitigation measures will reduce the risk to the minimum feasible level during the interim.

In order for the Board to consider the issuance of coastal development permits for a proposed project where overriding considerations will be invoked, the following must occur:

a. A public hearing must be conducted;

b. All persons and/or facilities within a proposed hazardous footprint must be notified of the proposed project and such notification will be in accordance with the provisions of the Guidelines for Implementation of the Certified Port Master Plan;

c. When a proposed project creates a larger hazardous footprint which impacts an existing vulnerable resource, or where a new vulnerable resource is located within an existing hazardous footprint, then a new site must be identified to move one of the incompatible facilities. An agreement must be executed with the Port that identifies the relocation site. Further, if a Port Master Plan Amendment is required for the relocation site, the Coastal Commission must certify an amendment for the relocation site before overriding considerations are approved; and

d. If within an established time period instituted as a condition of the permit issuance the new site is no longer available or viable, then a new site or sites will be considered which are consistent with these risk management policies, or if no other options are available then one of the two permits will be revoked.

8.4 Relationship to Risk Management Assessment Model

Natural Resources Defense Council, Inc. v. Cal. Dept of Transp.
No. 2:56467 approved on November 17, 2014
cited in

A risk management modeling computer program implements the policies of the Risk Management Plan through a proprietary assessment model that calculates hazardous footprints. The risk management assessment model is periodically updated to incorporate current state-of-the-art consequence modeling techniques in the field of risk management. The risk management assessment model program was last updated in 2009.

The risk management assessment model is an application employed to implement and carry out the provisions of the Risk Management Plan. It is separate from the Risk Management Plan and Plan. Therefore, modifications to the assessment model do not require an amendment to the Plan.

9.0 SUMMARY OF THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT

9.1 Approach

Section 30711 of the Coastal Act requires that the Plan include “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 impact.” To comply with this requirement, the Port prepared a PEIR for the Plan. This chapter summarizes the contents of the PEIR with a focus on the elements required by the Coastal Act. The full PEIR is available to the public at the Port website or upon request.

9.2 Changes Resulting from the Port Master Plan

The Plan generally includes administrative changes, land use changes, and disclosure of potential developments. Changes in land use designations and construction and operation of potential projects allowable under the Plan would impact the existing environmental landscape. The PEIR analyzes these impacts on a program level, since sufficient project details are not available. Therefore, for most resource areas, environmental assessments of the Plan are qualitative. As details are developed for proposed appealable/fill projects and development resulting from land use changes, additional project-specific environmental documents will be prepared that incorporate the PEIR by reference. Coastal development permits for these future projects cannot be considered by the Board until the project-specific CEQA reviews are complete.

Cited in Natural Resources Defense Council, Inc. v. U.S. Dept. of Transp.
No. 12-56407 archived on November 14, 2014

9.3 Existing Biological Resources

The Port consists of approximately 7,500 acres of land and water, of which approximately 2,800 acres is open water habitat, located within a highly urbanized setting, surrounded by industrial, commercial, and residential areas. Most of the land in the Port was created by filling former marshes and open-water areas, and is currently largely developed with industrial uses. Over the past 100 years, the Port has undergone significant physical changes associated with its development, including the construction of the San Pedro and Middle Breakwaters, deepening of navigational channels and basins, and creating new fills to support cargo terminals and other Port facilities. These changes have resulted in Outer and Inner Harbor basin, channel, dock/piling, riprap, and open-water habitats. The Port also includes localized areas of wetlands, mudflats, and sandy beach.

Most of the terrestrial area within the Port contains facilities and infrastructure such as buildings, roads, and paved container storage areas with limited vegetated habitats. Terrestrial areas within the ports are heavily modified and/or developed such that, with minor exceptions, they provide only highly disturbed and remnant or ruderal habitats. Wildlife use of developed and most undeveloped areas within the area is limited. The majority of species that are

known or have the potential to occur are adapted to human-disturbed landscapes. The port complex occurs between dense, urban development and ocean waters; therefore, natural corridors (topographic or habitat pathways) supporting terrestrial wildlife movement do not occur.

By contrast, the open water areas of the Port provide important nursery and foraging habitat for coastal marine fish, and nesting and foraging habitat for many resident and migratory birds. Biologically sensitive areas within the Port are shown in Figure 10. These include wetlands, marine habitats of particular concern (eelgrass, kelp), and the designated California least tern nesting site.

Wetlands are regulated under the Clean Water Act. The Salinas de San Pedro (also referred to as Cabrillo Marsh) is a 3.3-acre salt marsh located near Cabrillo Beach in the Outer Harbor. The marsh was created by the Port as mitigation for fill, and provides habitat and educational opportunities for visitors to the Cabrillo Marine Aquarium. A small freshwater marsh has been restored near 22nd Street, and remnant brackish marsh occurs along the shoreline of the Wilmington Marinas in the East Basin beyond the boundary of the Port.

Eelgrass beds are considered a special aquatic site (vegetated shallows) pursuant to the Clean Water Act and habitat area of particular concern. Eelgrass can form dense beds that provide substrate, food, shelter, and nursery habitat for a variety of fish and other marine organisms. Eelgrass occurs in the Pier 300 Shallow Water Habitat, as well as adjacent Seaplane Lagoon, and in the shallows off Cabrillo Beach. Eelgrass has substantially expanded from small planting efforts in localized areas.

Cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Transp. No. 12-74467 archived on November 14, 2014

Kelp beds also are considered habitat area of particular concern. Kelp substantially contributes to the overall quality of hard bottom habitats by providing structural height and diversity of habitat, food and nutrients, attachment sites for invertebrates and fish eggs, and protective cover and foraging opportunities for juvenile and adult fish. Narrow kelp beds are present in the Outer Harbor attached to rocky substrate, which occurs along the breakwater, marina jetty, riprap faces of piers, the containment dike of the Cabrillo Shallow Water Habitat, and the dike along the edges of the Pier 400 Submerged Storage Site. Kelp was originally planted along the breakwater in 1977 and has substantially expanded since then. Kelp beds undergo seasonal expansion in spring and die-back in late summer, and the surface canopy development also varies among years. Expansion since 2000 likely was related to a combination of more favorable oceanographic conditions as well as increases in rocky substrate as a result of construction of additional jetties, riprap-supported piers, and the Cabrillo Shallow Water Habitat (SAIC 2010).

Mudflats are considered a special aquatic site under the Clean Water Act. Relatively small mudflat areas occur at the Salinas de San Pedro (Cabrillo Marsh) and in the vicinity of Berth 78-Ports O' Call. The mudflat at Salinas de San Pedro recently was expanded to approximately 1 acre in size as part of mitigation for the San Pedro Waterfront Development Project.

Numerous water-associated birds are residents or seasonal visitors to the Port. Several federally or state-listed threatened or endangered species are known to be present, at least seasonally, in the port complex. Sensitive birds with the potential to occur include three listed species, two fully protected species, and several Species of Special Concern (SSC; primarily for nesting populations). Many bird species are protected under the Migratory Bird Treaty Act (MBTA) and Fish and Game Code 3513.

The California least tern is a listed species that occurs at the Port. This species has been nesting at the Port since at least 1973. In 1979, the Port began providing nesting habitat for the species, and in 1984 entered into a memorandum of agreement with the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and California Department of Fish and Game for management of a 15-acre least tern nesting site. The least tern nesting site is a designated significant ecological area.

The Port also provides habitat for marine mammals. All marine mammals are protected under the Marine Mammal Protection Act. Sea lions are the most commonly observed species in the port complex. Harbor seals are less commonly observed, and Pacific and common dolphins may be seen occasionally. The gray whale, which is a delisted endangered species, has rarely been observed in the Outer Harbor.

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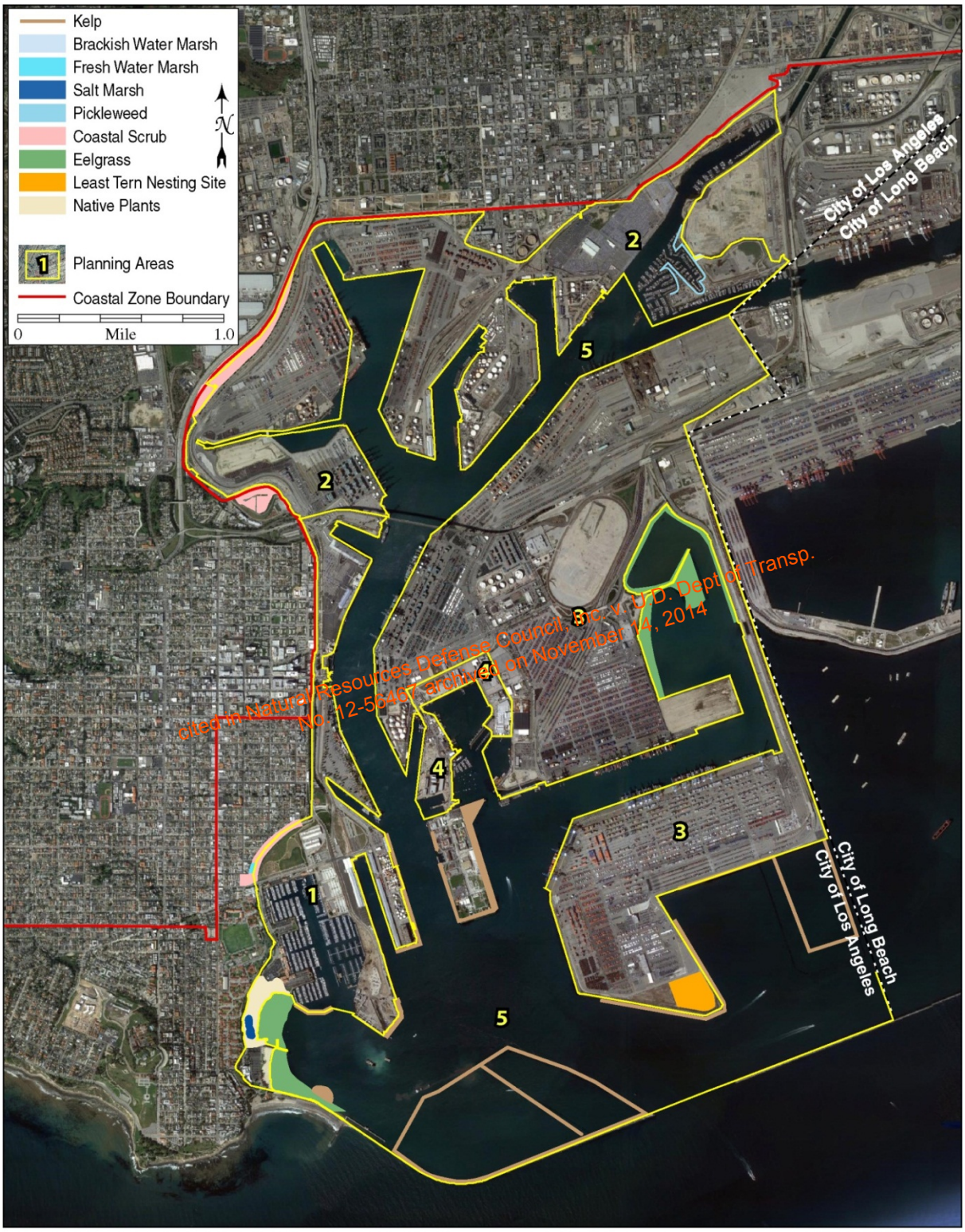
Figure 10. Biological Resources



cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Transp.
No. 12-56467 archived on November 14, 2014

9.4 Existing Water Quality Resources

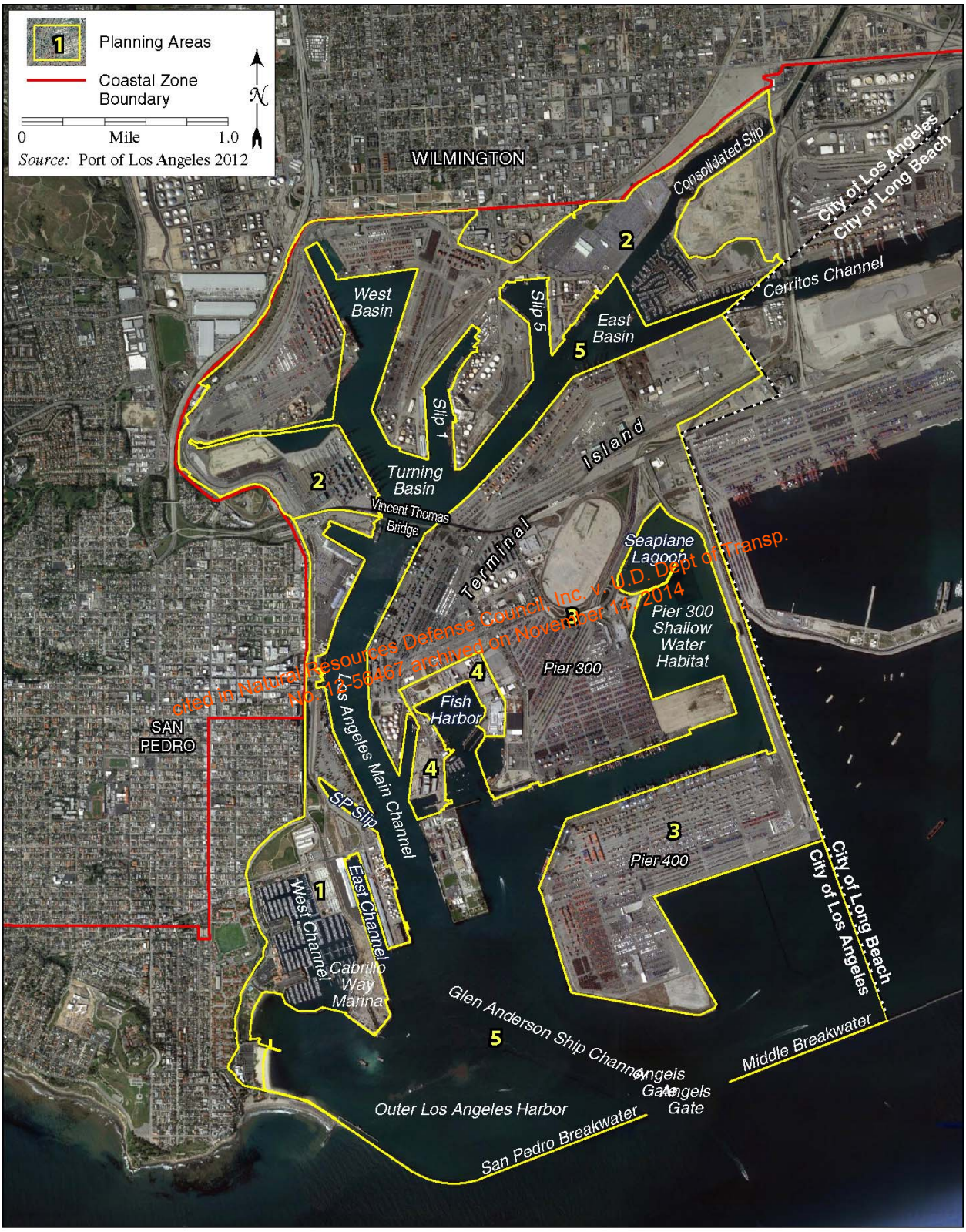
The Port consists of the Inner Harbor (channels, basins, and slips north of the Vincent Thomas Bridge), Outer Harbor (south of Reservation Point to the San Pedro and Middle breakwaters), and Main Channel (between the Vincent Thomas Bridge and Reservation Point) (Figure 11). The Port is adjacent to the Port of Long Beach, and oceanographically they function as one unit due to an inland connection via Cerritos Channel and because they share the Outer Harbor behind the San Pedro, Middle, and Long Beach breakwaters. The Port has been physically modified through past dredge and fill projects as well as by construction of breakwaters and other structures such as wharves and piers.

The Ports of Los Angeels and Long Beach complex (port complex) is bounded on the landward side by the communities of San Pedro and Wilmington and the City of Long Beach, and on the seaward side by the three breakwaters that protect port facilities. Terminal Island, which is shared by the two ports and supports a number of large cargo terminals and other port uses, comprises nearly a quarter of the total land area and is separated from the mainland by the Los Angeles Main Channel, Long Beach Back Channel, and the Cerritos Channel that links the two ports. A major drainage channel, the Dominguez Channel, discharges into Los Angeles Harbor via the Consolidated Slip, and the Los Angeles River discharges into eastern San Pedro Bay at the east side of Long Beach Harbor. The lower portion of the Dominguez Channel is clay lined and tidal, representing an approximate 8-mile stretch south of Vermont Avenue.

cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Transp. No. 12-56461 archived on November 14, 2014

Water and sediment quality within the Port is influenced by discharges from the watershed, as well as the industrial, commercial, and recreational uses within the ports. The State Water Resources Control Board lists the Dominguez Channel, Los Angeles Harbor, and Long Beach Harbor as impaired within certain segments. However, existing biological conditions represent a significant improvement over historical conditions. Prior to the 1970s, harbor waters and sediments were significantly impaired by unregulated discharges of runoff and process waters. Biological studies have shown substantial improvements in marine habitat quality since the 1960s, largely because of federal and state water quality regulations governing wastewater and stormwater management (i.e., the Clean Water Act and Porter-Cologne Water Quality Control Act, respectively) and industrial uses within the port complex. Dredge and fill projects also have removed contaminated sediments as part of channel deepening and created land, which has contributed to improved sediment conditions.

Figure 11. Water Quality Resources



cited in Natural Resources Defense Council, Inc. v. U.D. Dept of Transp. No. 13-56467 archived on November 14, 2014

9.5 Significant Unavoidable Impacts and Mitigations

This Draft PEIR determined that implementation of the Plan would result in significant and unavoidable impacts to the following resources:

- Air Quality and Greenhouse Gases;
- Biology;
- Noise; and
- Transportation and Circulation.

9.5.1 Air Quality and Greenhouse Gases

Construction and operation of the proposed projects and land use changes that would be allowable under the Plan would result in significant unavoidable impacts related to air quality and greenhouse gas emissions.

In particular, construction of projects under the Plan would produce mass emissions and result in ambient air pollutant concentrations that would exceed South Coast Air Quality Management District (SCAQMD) thresholds. Mitigation measures including, but not limited to, implementation of the Port's Sustainable Construction Guidelines would reduce the magnitude of impacts related to construction, but residual impacts would remain significant.

Cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Transp.
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Similarly, operations under the Plan would produce mass emissions and result in ambient air pollutant concentrations that would exceed SCAQMD thresholds and would expose receptors to significant levels of toxic air contaminants. Mitigation measures which include, but are not limited to, implementation of applicable measures of San Pedro Bay Ports Clean Air Action Plan (CAAP) would reduce the magnitude of impacts related to operations, but residual impacts would remain significant.

Furthermore, operations under the Plan would produce greenhouse gas (GHG) emissions that would exceed thresholds. Certain air quality mitigation measures which include, but are not limited to, energy audits would reduce the magnitude of impacts related to operations, but residual impacts would remain significant.

9.5.2 Biology

Increased vessel calls associated with the proposed projects and land use changes under the Plan could increase the risk of introducing non-native invasive species that could result in a substantial disruption of local biological communities. Federal and state regulations substantially reduce the risk of invasive species introductions by requiring seagoing vessels to comply with ballast water management, marine biofouling, and sediment management requirements. While more vessels will be required to comply with these requirements through 2016, treatment system technologies have yet to be proven 100 percent effective. Consequently, it is not possible to ensure that

no non-native species are introduced to the harbor environment, nor is it possible to ensure that introduced species are not invasive. Accordingly, it is not possible to fully avoid the potential for invasive species introductions to disrupt marine biological communities. No feasible mitigation is currently available to totally prevent introduction of invasive species due to lack of proven technologies and the phased schedule of vessel compliance with new regulations.

9.5.3 *Noise*

Construction activities associated with the proposed/appealable fill projects and land use changes under the Plan likely would last more than 10 days in a 3-month period and produce noise levels that would exceed existing ambient exterior noise levels by 5 dB(A) or more at a noise-sensitive use. Liveaboards in the East Basin Berth 200 area would be within 1,650 feet of possible pile driving activities, and would likely experience noise levels greater than the 5 dB(A) threshold. Consequently, construction-related noise impacts would be potentially significant. Also, liveaboards presently reside within 1,650 feet of possible pile driving activities associated with construction of proposed appealable/fill projects and land use changes in Planning Areas 3 and 4. However, these liveaboards may be relocated as a result of the proposed Al Larson Marina project. Therefore, the potential for significant noise impacts at these locations would depend on the relative timing of the individual projects. Furthermore, noise levels from general construction within 400 feet of sensitive receptors would be significant. Mitigation measures which include, but are not limited to, restricted pile driving hours and temporary noise attenuation barriers would be implemented to reduce noise levels where possible, but resulting noise levels would still exceed thresholds, and residual impacts would remain significant.

cited in Natural Resources Defense Council, Inc. v. U.S. Dept. of Transp. No. 12-56811 archived on November 14, 2014

9.5.4 *Transportation and Circulation*

Operations associated with proposed appealable/fill projects and land use changes under the Plan would result in significant freeway congestion on the Interstate (I)-710 freeway. A mitigation measure would require the Port to collaborate with and support Caltrans and Metro to implement the I-710 Corridor Project. Residual impacts would remain significant if the I-710 Corridor Project is not implemented.

10.0 COASTAL ACT COMPLIANCE

This section indicates the parts of the Plan or the procedures in connection with its implementation that apply with the applicable provisions of the California Coastal Act of 1976, Chapter 8, and with the provisions of Chapter 3, which are applicable to appealable projects in ports. The following designations have the following meanings:

PMP – The Plan itself is consistent with and complies with the provisions of the particular section.

ADM – The provisions will be compiled with as an administrative procedure.

APP – Applied on a project-by-project basis under the Plan where applicable.

PEIR – Program Environmental Impact Report on the Port Master Plan.

Table 13. Coastal Act Compliance

CALIFORNIA COASTAL ACT OF 1976		PORT MASTER PLAN	
section	**title**	**pmp section**	**page no.**
Chapter 8. Ports			
30700	Ports included	PMP	--
30700.5	Application of other provisions	PMP	--
30701	Legislative finding and declaration	PMP	--
30702	Public Policy	1.2.1	1
30703	Protection of commercial fishing harbor space	3.2.3	4
		7.2.4	62
30705	Diking, filling or dredging water areas	7.2.3	61
30706	Fill	7.2.3	61
30707	Tanker terminals	7.2.6	62
30708	Location, design and construction of port related developments	7.2.2	60
30710	Jurisdictional map; map delineating wetland, estuary or recreational areas	PMP	--
30711	Preparation and contents of plan	PMP	--
(a) (1)	Use of areas	5.0	17 - 40
(a) (2)	Projected design and location	5.0	17 - 40
(a) (3)	Effect on marine environment	9.0	74 - 81
(a) (4)	Detail on appealable projects	5.0	17 - 40

Cited in Natural Resources Defense Council, Inc. v. U.D. Dept of Transp. No. 12-55487 archived on November 14, 2014

CALIFORNIA COASTAL ACT OF 1976		PORT MASTER PLAN	
section	**title**	**pmp section**	**page no.**
(a) (5)	Public hearings and participation	6.0	41 - 59
(b)	Conformance with VII of Act	10.0	82 - 84
30712	Solicitation of information; notice of completion; public hearing	ADM	--
30714	Adoption of plan; certification	ADM	--
30715	Permit authority; appealable approvals	6.11	55 - 56
30715.5	Finding of conformity	6.8	50 - 53
30716	Amendment; Commission certification; minor or de minimis amendment procedure; VI	5.1.1	17
30717	Approval of appealable development; notice effective date; appeals	6.4.4	45
30718	Nonappealable developments; environmental impact reports	ADM	--
30719	Projects deemed certified	ADM	--
30720	Judicial prohibition or say; reinstatement of permit authority	ADM	--
30721	Port Hueneme reimbursement costs	N/A	--
Chapter 3. Coastal Resources Planning and Management VII			
30200	VII as standards; resolution of policy conflicts	PMP	--
30210	Access, recreational activities; posting	3.2.4	5
		5.2	22
30211	Development not to interfere with access	7.2.2	60 - 61
30212	New development project; provisions for access; exceptions	7.2.2	60 - 61
30212.5	Public facilities; distribution	7.2.2	60 - 61
30220	Protection of certain water-oriented activities	7.2.1	60
30223	Upland areas	7.2.2	60 - 61
30224	Recreational boating use; encouragement, facilities	7.2.5	62
30230	Marine resources; maintenance	PEIR	--
30231	Biological productivity; wastewater	PEIR	--
30232	Oil and hazardous substance spills	7.2.2	60 - 61
30233	Diking, filling or dredging	7.2.3	61

Cited in Natural Resources Defense Council, Inc. v. U.D. Dept of Transp. No. 12-56467 archived on November 14, 2014

CALIFORNIA COASTAL ACT OF 1976		PORT MASTER PLAN	
section	**title**	**pmp section**	**page no.**
30234	Commercial fishing and recreational boating facilities	7.2.4	62
30235	Revetments, breakwaters, etc.	5.0	17 - 40
30240	Environmentally sensitive habitat areas	PEIR	--
30250	Location, generally	5.0	17 - 40
30252	Maintenance and enhancements of public access	5.0	17 - 40
30253	Safety, stability, pollution, energy conservation, visitors	PEIR	--
		APP	--
30255	Priority of coastal-dependent developments	5.0	17 - 40
30260	Location of expansion	5.0	17 - 40
30261	Use of tanker facilities; liquefied natural gas terminals	7.2.6	62
30262	Oil and gas development	APP	--

cited in Natural Resources Defense Council, Inc. v. U.D. Dept of Transp.
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11.0 DEFINITIONS / GLOSSARY

Aggrieved person – Any person who in person, or through a representative, appeared at a public hearing of the Board in connection with the decision or action appealed, or who by other appropriate means prior to a hearing informed the Board of the nature of his or her concerns, or who for good cause was unable to do either.

Applicant – A person who proposes to carry out a development in the Harbor District in the City of Los Angeles and is required by the Coastal Act to obtain a coastal development permit, and by these Guidelines to file an application for such permit.

Backland – Those areas of the port lying inland of terminal areas as defined herein or other water/land interface areas which are primarily used for distribution storage, water-dependent or water-oriented facilities and operations.

Board – The Board of Harbor Commissioners of the City of Los Angeles

Coastal Act – The California Coastal Act of 1976, as set forth in California Public Resources Code, Sections 3000 et seq., and the provisions of Division 5.5 of Title 14 of the California Administrative Code.

Cited in Natural Resources Defense Council, Inc. v. U.S. Dept of Transp No. 12-56467 archived on November 14, 2014

Coastal Development Permit – A permit for any development within the Harbor District that is required pursuant to subdivision (a) of Section 30600 of the California Coastal Act.

Commercial Fishing Industry Facilities – All harbor land and water areas dedicated to and used by the commercial fishing industry including, but not limited to, commercial fishing docks, fish canneries, fish waste treatment facilities, fish markets, commercial fishing vessel channels, approaches, turning basins, and berths.

Development – On land or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading removing, dredging, mining, or extracting of any materials; change in the density or intensity of use of land; change in the intensity of use of water, or of access thereto; and the construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, pubic or municipal utility.

As used herein, *structure* includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Emergency – A sudden unexpected occurrence, involving imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes, but is not

limited to, such occurrences as fire, flood, earthquake or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.

Executive Director – The Executive Director of the Harbor Department of the City of Los Angeles, or his designee, who is authorized to implement these guidelines.

Filed – The status of an application that is determined by the Director that has satisfied all the requirements of the application and that the Director has sufficient information to begin review of the application.

Harbor Department – The Harbor Department of the City of Los Angeles.

Harbor District – The Harbor District of the City of Los Angeles as established in accordance with the provisions of the City Charter of the City of Los Angeles and within the boundary of the Coastal Zone as defined in the Coastal Act.

Land-bridge – An intermodal sea/land transport system under a single bill of lading and a joint through-service tariff using the U.S. transcontinental railway system connecting U.S. West and East or Gulf Coast ports for the movement of cargo between foreign ports or origin and destination. The system is in direct competition with the all-water transport system using the Panama Canal between foreign ports.

Cited in Natural Resources Defense Council, Inc. v. U.S. Dep't of Transp.
No. 12-56404 Archived on November 14, 2014

Marinas – Those coastal water areas which are designated and used exclusively for the mooring of recreational small craft including mooring slips and service facilities located on mooring slip docks.

Permittee – A person who is granted the right to carry out a development in the Harbor District in the City of Los Angeles and allowed under the Coastal Act via a coastal development permit, and by these Guidelines.

Public Recreation Areas – Those areas in the port that are dedicated exclusively to the general public for recreational purposes. Marinas, as defined, are not public recreation areas, as contractual agreement for docking slips in a marina result in a denial of such areas to the general public.

Staff – The officers and employees of the Los Angeles Harbor Department, other than the Board and Executive Director.

Water-dependent – Facilities which depend on access to or frontage on navigable waters for the movement of raw or processed materials, shipbuilding and ship repair operations, commercial sport fishing operations and limited areas for access to industrial water supplies or for access to harbor water for appropriate waste water discharge.