



**THE PORT  
OF LOS ANGELES**  
Executive Director's  
Report to the

Board of Harbor Commissioners

**DATE: FEBRUARY 12, 2019**

**FROM: ENVIRONMENTAL MANAGEMENT**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - ADOPTION OF THE FINAL REVISED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE WILMINGTON WATERFRONT FINAL ENVIRONMENTAL IMPACT REPORT AND INCORPORATION OF THE WILMINGTON YOUTH SAILING CENTER**

**SUMMARY:**

Staff requests that the Board of Harbor Commissioners (Board) adopt the Final Revised Mitigation Monitoring and Reporting Program (MMRP) for the proposed Wilmington Waterfront Development Project (Project) and include those measures applicable to and previously approved for the Wilmington Youth Sailing Center.

The Final Environmental Impact Report (EIR) for the proposed Project was certified by the Board in June of 2009. The proposed Project will connect the Wilmington community with the waterfront, create open space and develop visitor-serving commercial and business opportunities in and around the Port of Los Angeles (Port). At the time of the Final EIR certification in 2009, the Board also approved a Final MMRP to reduce the environmental impacts associated with the construction and operation of the proposed Project. The MMRP is now over ten years old and some measures are now obsolete due to design changes, advanced technology or lack of availability of resources that were in abundance at the time the original MMRP was approved (e.g. use of reclaimed water). In addition, some measures have been modified as they have been superseded over time with regulations. The MMRP has been revised to reflect these changes and these revisions must be approved prior to the start of the proposed Project.

None of the proposed changes to the MMRP create a new adverse significance finding or exacerbate a previously identified adverse environmental impact. In most cases, the revisions merely reflect current standards and practices which result in reducing previously identified adverse impacts.

The proposed Project is the financial responsibility of the Harbor Department.

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**RECOMMENDATION:**

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that, pursuant to the State California Environmental Quality Act (CEQA) Guidelines Section 15090, the Final Environmental Impact Report (a) has been completed in compliance with the State CEQA Guidelines and the City of Los Angeles CEQA Guidelines and was certified by the Board in June 2009; (b) was presented to the Board for review and was reviewed and considered by the Board prior to approving the proposed Project in 2009; and (c) reflected the independent judgment and analysis of the City of Los Angeles Harbor Department as the Lead Agency;
2. Find that, pursuant to the State California Environmental Quality Act Guidelines Section 15070, a Mitigated Negative Declaration for the Wilmington Youth Sailing Center (Sailing Center) (a) has been completed in compliance with the State CEQA Guidelines and the City of Los Angeles CEQA Guidelines and was certified by the Board in November 2012; (b) was presented to the Board for review and was reviewed and considered by the Board prior to approving the proposed Project in 2012; and (c) reflected the independent judgment and analysis of the City of Los Angeles Harbor Department as the Lead Agency;
3. Find that, Mitigation Monitoring and Reporting Programs were prepared pursuant to State CEQA Guidelines Section 15097 for both projects; but due to the time lapse between the approval of the Final Environmental Impact Report and the Mitigation Monitoring and Reporting Program (MMRP) and project commencement, as well as the relocation of the Wilmington Youth Sailing Center, it is now necessary to revise the two MMRPs into one to streamline, clarify or modify measures that are no longer applicable;
4. Find that, in accordance with the provisions of the California Environmental Quality Act Guidelines Section 15164, the proposed Revised Mitigation Monitoring and Reporting Program will not result in any new significant environmental effects or any substantially more severe effects than previously analyzed in the certified 2009 Final Environmental Impact Report for the Wilmington Waterfront Development Project or the 2012 Final Mitigated Negative Declaration for the Wilmington Youth Sailing Center;
5. Adopt the Final Revised Mitigation Monitoring and Reporting Program (MMRP) as required by Public Resources Code Section 21081.6 and State California Environmental Quality Act Guidelines Section 15074. The MMRP is designed to ensure compliance with the mitigation measures adopted to mitigate or avoid

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significant effects on the environment, and identifies the responsibilities of the City of Los Angeles Harbor Department as Lead Agency and other applicable entities, to monitor and verify Project compliance with those mitigation measures and conditions of Project approval;

6. Find that the information added to or altered to the Final Revised Mitigation Monitoring and Reporting Program does not require the need to prepare subsequent Environmental Impact Report pursuant to State California Environmental Quality Act Guidelines Section 15162; and
7. Adopt Resolution No. \_\_\_\_\_.

**DISCUSSION:**

Project Background/Context – The Board certified the proposed Project EIR in June of 2009. The objectives of the proposed Project are as follows: to serve as a regional draw and attract visitors to the Wilmington Waterfront; to design and construct a waterfront park, promenade, and dock to enhance the connection of the Wilmington community with the waterfront while integrating design elements related to the Port's and Wilmington's past, present and future; to construct an independent project that integrates design elements consistent with other area community development plans to create a unified waterfront through the integration of publicly oriented improvements; to enhance the livability and economic viability of the harbor area; and, to integrate environmental measures into the design, construction, and operation to create an environmentally responsible project.

Project Description – There are no project changes to the proposed Project. This Board action is solely based on changes to the MMRP. The proposed changes to the MMRP are noted in strikeout and underlined (Transmittal 1).

- **Air Quality** – Harbor craft engines used during construction must now be equipped with a U.S. Environmental Protection Agency (EPA) Tier 3 engine standard or cleaner rather than a Tier 2 engine as previously anticipated. Clarification requiring dredging activity was included since dredging is not anticipated to be part of the project. On-road trucks are now required to be EPA 2010 or newer certified engine model year. Non-road construction equipment must meet EPA Tier 4 standards whenever feasible. Additional watering beyond Southern California Air Quality Management District (AQMD) Rule 403 requirements has been removed due to drought conditions as well as the requirement to submit a Rule 403 Dust Control Plan to the SCAQMD. LAHD has recalculated PM10 emissions and confirmed that this removal does not increase emissions beyond what was assessed in the document. Electrified truck spaces

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for construction vehicles were removed due to no currently available technology; however, infrastructure will be constructed for the future installation of electric vehicle charging stations for visitor-serving purposes. Other miscellaneous Best Management Practices (BMP) have been removed or clarified as no longer applicable. Educational programs regarding renewable energy, water conservation and reducing solid waste have been removed from the MMRP but will nonetheless be carried out through the Harbor Department as appropriate. Water conservation measures related to the use of reclaimed or recycled water have also been removed, as there is no supply source available per the Los Angeles Department of Water and Power. Educational programs about water conservation or reducing waste have also been removed as no longer needed. Measures related to promoting ridesharing have also been removed as being outdated along with charging any tolls or fees for parking at the visitor-serving facility. These changes do not make any environmental impact more severe than was previously assessed or create a new significant adverse air quality impact.

- **Biology** – BIO-1 has been revised to reflect updated language regarding the Harbor Habitat Mitigation Bank based on new terms and conditions established in the December 2017 Harbor Habitat Bank Enabling Instrument. These changes do not make any environmental impact more severe than was previously assessed or create a new significant adverse impact to biological resources.
- **Cultural Resources** – There were six measures originally included related to cultural resources and the development of studies and plans. Measure CR-3 has been expanded to merge these measures for ease of compliance. These changes do not make any cultural resource impact more severe than was previously assessed or create a new significant adverse impact to cultural resources.
- **Ground Water** – The measures have been updated to reflect currently available practices and technology. All contaminated soils will be remediated in compliance with local, state and federal regulations; it was deemed unnecessary to highlight specific areas of the project footprint in separate measures. Further, measure GW-3 has been streamlined related to the discovery of asbestos-containing materials and lead-based paint to reflect existing laws about the discovery and safe handling of these materials. These deletions do not change current practices or make any environmental impact more severe than was previously assessed nor do they create a new significant adverse impact to ground water.
- **Transportation and Circulation** – This measure has been streamlined to allow the contractor more flexibility to craft the traffic control plan to best suit the needs

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of the proposed Project. Mitigation Measure TC-2 has been removed as it was implemented. This deletion does not make any environmental impact more severe nor does it create a new traffic impact.

- **Utilities** – The secondary sewer line may no longer be necessary so modifications have been made to the language of MM UT-1 to specify that it will be constructed if needed.
- **Construction** – Related measures related to the Sailing Center have been deleted as the construction of this Project is subsumed under the Wilmington Waterfront construction project.
- **Recreation** – Four recreation-related mitigation measures from the Final Negative Declaration for the Sailing Center were included in the November 2012 MMRP for the project. These measures have now been incorporated into the Revised MMRP for the Wilmington Waterfront MMRP due to the relocation of the facility to the Wilmington Waterfront area. Operational mitigation measures are the responsibility of the facility operator. Sailing exercises must still be coordinated through Port Pilots to avoid any interference with commercial vessel traffic. In addition, no sailing exercises can occur within 96 hours of a storm event. Boat tipping exercises were previously prohibited but will now be permitted at the new location because the depth of the water is sufficient to not disturb any sediment. Sailing exercises will still be allowed in designated areas only with the boundaries being clearly marked with weighted floats. These measures are the responsibility of the Sailing Center operator and must be adhered to throughout project operation.

As stated above, there are no alterations or modifications to the MMRP that create a new significant environmental impact or exacerbate a previously identified significant adverse environmental impact.

**ENVIRONMENTAL ASSESSMENT:**

CEQA Documentation and Public Involvement – Harbor Department as the CEQA Lead Agency prepared and certified a Final EIR for the Project in June 2009. The Final EIR included the following: A Notice of Preparation/Initial Study, Draft and Final EIR including responses to public comments, a MMRP and a Statement of Findings and Overriding Considerations. As a result, the current revisions to the MMRP, including the incorporation of the Wilmington Youth Sailing Center measures, were determined to be previously assessed in the Wilmington Waterfront Development Project Final EIR (SCH#2008031065/APP#050927-164). Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from

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Overriding Considerations. As a result, the current revisions to the MMRP, including the incorporation of the Wilmington Youth Sailing Center measures, were determined to be previously assessed in the Wilmington Waterfront Development Project Final EIR (SCH#2008031065/APP#050927-164). Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II Section 2(i) of the Los Angeles City CEQA Guidelines.

It should be noted that no National Environmental Policy Act clearance was secured at the time of EIR certification. The U.S. Army Corps of Engineers has now prepared a Finding of No Significant Impacts for the proposed Project and a Draft Permit. This Permit will be executed immediately following the approval of the Final Revised MMRP and issuance of the Notice of Exemption. An application with the Regional Water Quality Control Board will also be submitted at this time as well.

Record of Proceedings – When adopting the revised MMRP, the public agency shall specify the location and custodian of the documents or other material, which constitute the record of proceedings upon which its decision is based. These records are in the care of the Director of Environmental Management, City of Los Angeles Harbor Department, 222 West 6<sup>th</sup> Street, San Pedro, CA.

**FINANCIAL IMPACT:**

Consultant costs to review and revise the MMRP for the proposed Project were approximately \$30,000. This Board action neither authorizes any expenditures related to the proposed Project nor commits the Harbor Department to complete the proposed Project. Award of any capital construction contract related to the proposed Project would require Board approval under separate future actions.

**CITY ATTORNEY:**

Based on the information presented to the City Attorney's Office, the Board may find that the Final Revised MMRP for the Wilmington Waterfront Development Project with the incorporation of applicable measures from the Wilmington Youth Sailing Center has been completed in accordance with CEQA.



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**TRANSMITTAL:**

1. Final Revised Mitigation Monitoring and Reporting Program

FIS Approval:   
CA Approval: 

  
CHRISTOPHER CANNON  
Director of Environmental Management

  
MICHAEL DIBERNARDO  
Deputy Executive Director

APPROVED:

  
FOR

EUGENE D. SEROKA  
Executive Director

CC/YO  
AUTHOR: TARA TISOPULOS  
APP NO.: 160720-109

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