

RESOLUTION NO. 10-7038

A Resolution of the Board of Harbor Commissioners of the City of Los Angeles ("Board") concerning the battleship USS Iowa (Iowa).

WHEREAS, on September 29, 2009, the Board certified the Environmental Impact Report for the San Pedro Waterfront Project; and

WHEREAS, among the goals of the San Pedro Waterfront Project are to redevelop the San Pedro Waterfront area for increased public access and additional visitor-serving activities and to provide connections between the waterfront area and the San Pedro Community; and

WHEREAS, the U.S. Department of the Navy (Navy) provided notice on May 24, 2010, of the availability of the Iowa for donation as a museum and/or memorial and has required that ship donation applications be received by November 24, 2010; and

WHEREAS, the Pacific Battleship Center (Center) proposes to permanently berth the Iowa, the last available Iowa class battleship, at the Port of Los Angeles, to serve as a historic naval ship museum and community asset that would attract a significant amount of annual visitors (the "Proposal"); and

WHEREAS, the Iowa, as a significant historical asset capable of attracting visitors from the region, state, and nation, would bring more visitors to the waterfront thereby helping the viability of other waterfront and downtown San Pedro attractions; and

WHEREAS, Harbor Department staff has preliminarily and pre-decisionally investigated the Proposal and concluded that there is space that could be made available at Berth 87 to permanently berth the Iowa; and

WHEREAS, the potential location of the Iowa at Berth 87 would eliminate cruise operations at the site for accommodating days when there are three vessels in Port and it is the desire of the Port to maintain the capability to accommodate three vessels days; and

WHEREAS, it is recognized that the use of Berths 45-47 in the Outer Harbor as a cruise terminal on a temporary basis will be required to accommodate those days when three cruise vessels are in Port and such temporary cruise facilities will require an investment by the Port; and

WHEREAS, Berths 45-47 is the only practical site to accommodate the installation of temporary cruise facilities until such time as the Port has constructed an Outer Harbor terminal; and

WHEREAS, the costs associated with bringing the IOWA to the Port of Los Angeles, making it ready for visitors and operating the vessel as a historical visitor attraction and museum are significant and that all such costs are the responsibility of the Center, requiring significant donations and other sources of revenue to fund such costs, and

WHEREAS, this Resolution is a pre-decisional action of the Board that reflects its interest in the Proposal and is not binding in nature. Nothing in this Resolution shall be construed to be legally binding nor does it commit the Port to approval of any permit or lease or any terms or conditions thereof, or any proposed project (including the Proposal.) Any proposed project concerning the IOWA would be subject to final action of the Board of Harbor Commissioners and the City Council as provided by the Charter of the City of Los Angeles and applicable law. Such final action is conditioned upon the Pacific Battleship Center presenting assurances in sufficient detail and to the satisfaction of the Board of Harbor Commissioners that they have the financial capabilities to bear all the costs associated with the Proposal, including bringing the IOWA to the Port of Los Angeles, making the ship ready for visitors, and all on-going operating and deferred maintenance costs. The proposed project is also subject to compliance with all relevant provisions of the California Environmental Quality Act ("CEQA"), National Environmental Policy Act ("NEPA"), and completion thereof, including the addition of any required modifications or adoption of appropriate alternatives, including the "no project" alternative under CEQA, as well as issuance of relevant and necessary permit(s), all other applicable regulations, ordinances, policies and procedures governing development, leasing and use of Harbor Department property and approval by the Boards of Directors of Pacific Battleship Center, the Board of Harbor Commissioners and the Los Angeles City Council, as well as the United States Department of the Navy:

NOW, THEREFORE, the Board of Harbor Commissioners resolves that:

- Space can be made available at Berth 87 in the Port of Los Angeles for the permanent mooring of the IOWA, through a ten-year lease, provided that the IOWA shall not interfere with cruise operations, shall not impair navigation within the Port and shall be located and operated in the Port without any cost or expense to the City,
- Upon the Navy's determination to donate the IOWA to the Pacific Battleship Center, staff is directed to undertake the necessary environmental analysis to comply with the California Environmental Quality Act and National Environmental Policy Act requirements needed for site-specific permits and/or municipal approvals required for the facility, to include but not limited to, Harbor Engineer's Permits, coastal development permits, and Army Corps of Engineers approvals/permits,
- All Federal, State and local environmental and public health and safety regulations and permit requirements shall be complied with, and information

necessary to complete an environmental assessment of the Proposal as required by the CEQA and NEPA shall be obtained,

- The Pacific Battleship Center must provide documentation, to the satisfaction of the Board of Harbor Commissioners that the Pacific Battleship Center (1) has control of or access to sufficient funds for the payment of all costs associated with bringing the IOWA to the Port of Los Angeles and making ready the IOWA to visitors as a historic naval ship museum, (2) assure an appropriate level of funding commitment acceptable to the Board, as part of the lease negotiation, (3) has established a separate escrow account with sufficient funds as determined and approved by the Navy for the towing of the IOWA to a site to be determined by the Navy should the Pacific Battleship Center fail to meet any and all obligations, including financial, relating to their operation of the IOWA as a naval historic ship museum and must return the IOWA to the Navy, and (4) The Port shall have the right to board and inspect the IOWA prior to its arrival at the Port. No disruptive overhaul of the ship shall occur at the Berth 87 that interferes with other activities at the site.
- The Board of Harbor Commissioners reserves the right to relocate the IOWA elsewhere within the Port and/or request the Navy to use the escrow account to remove the IOWA from the Port if the Pacific Battleship Center fails to successfully operate the ship in a financially self-sufficient manner or fails to comply with the terms of their lease.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Board of Harbor Commissioners of the City of Los Angeles at its meeting held *11-18-2010*

Rose M. Dworshak

ROSE DWORSHAK
Board Secretary

APPROVED AS TO FORM

Feb. 16, 2010
CARMEN A. TRUTANICH, City Attorney

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