



**THE PORT
OF LOS ANGELES**

Executive Director's
Report to the
Board of Harbor Commissioners

DATE: JULY 1, 2025

FROM: ENVIRONMENTAL MANAGEMENT

**SUBJECT: RESOLUTION NO. _____ - APPROVAL OF CABRILLO
EELGRASS ADVANCE PERMITTEE MITIGATION PLAN
CONSERVATION LAND USE AGREEMENT BETWEEN UNITED
STATES ARMY CORPS OF ENGINEERS LOS ANGELES DISTRICT
AND CITY OF LOS ANGELES HARBOR DEPARTMENT**

SUMMARY:

Staff requests approval of the Cabrillo Eelgrass Advance Permittee Mitigation Plan Conservation Land Use Agreement (CLUA) with the United States Army Corps of Engineers (USACE). Approval of this action will ensure the Cabrillo Eelgrass Mitigation Site is maintained in its current natural condition and provides the City of Los Angeles Harbor Department (Harbor Department) with the ability to implement the Advance Permittee-Responsible Mitigation (APRM) Plan and proactively manage eelgrass mitigation requirements for permitted projects. The Harbor Department will be financially responsible for the maintenance of the Cabrillo Eelgrass Mitigation Site.

RECOMMENDATION:

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

1. Find that the Director of Environmental Management has determined that the proposed action is administratively and categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) and Article III Class 1(9) of the Los Angeles City CEQA Guidelines;
2. Approve the Conservation Land Use Agreement, Appendix B to the Cabrillo Eelgrass Advance Permittee Mitigation Plan;
3. Authorize the Executive Director and the Board Secretary to execute and attest to said Agreement for and on behalf of the Board; and
4. Adopt Resolution No. _____.

DATE: JULY 1, 2025

PAGE 2 OF 4

SUBJECT: EELGRASS APRM SITE AND CLUA

DISCUSSION:

Background/Context – Eelgrass is a highly productive species and is considered to be a "foundation" or habitat forming species. It is protected as a "special aquatic site" under the 404(b)(1) guidelines of the Clean Water Act (40 C.F.R. § 230.43). Further, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, eelgrass is designated as an essential fish habitat and is a "habitat area of particular concern" for various federally managed fish species within the Pacific Coast Groundfish Fishery Management Plan, applicable to the Los Angeles Harbor. Therefore, for projects where eelgrass impacts cannot be avoided, minimized impacts must be mitigated.

Over the past decade, the extent and distribution of eelgrass has increased throughout the Los Angeles Harbor. This has provided both ecological benefits and increased the likelihood that permitted maintenance and development projects could have unavoidable eelgrass impacts.

The Harbor Department established the Inner Cabrillo Eelgrass Mitigation Site (Mitigation Site) in 2016 to mitigate for unavoidable eelgrass impacts resulting from previous permitted Harbor Department projects. The Mitigation Site was purposely designed to establish eelgrass in excess of the mitigation requirement and was constructed pursuant to the terms and conditions of the USACE Nationwide Permit 27 verification letter dated November 26, 2014 (File No. SPL-2014- 00488). The establishment of eelgrass at the Mitigation Site was deemed successful after five years of monitoring.

In 2022, the Harbor Department first requested that USACE approve the Mitigation Site for an APRM. An APRM is a form of compensatory mitigation¹ constructed in advance, which can later be used as "mitigation credits" to offset adverse impacts in future projects in U.S. waters. In May 2025, the Harbor Department submitted the finalized Cabrillo Beach Eelgrass APRM Plan to USACE (Transmittal 1). On May 20, 2025, the USACE approved the use of eelgrass established at the Mitigation Site as APRM credits under the APRM Plan. Based on survey methods established in the APRM Plan, the site currently supports 3.673 acres of eelgrass for use as APRM credits.

As required, the APRM Plan contains a CLUA. The purpose of the CLUA is to: i) ensure the 4.65-acres Cabrillo Eelgrass APRM Site (Eelgrass APRM Site) will be conserved and retained in a natural condition (as defined in the CLUA, taking into account the reserved rights and prohibited uses applicable to a working port and the historical nature of the

¹ Compensatory mitigation is defined by 33 C.F.R. § 332.2 as the restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purpose of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

DATE: JULY 1, 2025

PAGE 3 OF 4

SUBJECT: EELGRASS APRM SITE AND CLUA

site); and ii) to restrict any use of the Eelgrass APRM Site that will physically alter the natural condition of the site (Transmittal 2).

Approval and execution of the CLUA will provide the Harbor Department with the ability to implement the APRM Plan and proactively manage eelgrass mitigation requirements for permitted projects.

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of the Cabrillo Eelgrass Advance Permittee Mitigation Plan Conservation Land Use Agreement with USACE to implement the APRM Plan and proactively manage eelgrass mitigation requirements for permitted projects, which is an administrative activity involving the maintenance of wildlife habitat areas to protect wildlife resources. Therefore, the Director of Environmental Management has determined that the proposed action is administratively and categorically exempt from the requirements of CEQA in accordance with Article II Section 2(f) and Article III Class 1(9) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

This Board action requests the approval of the Conservation Land Use Agreement with the USACE for the Eelgrass APRM Site. Staff estimates that the cost incurred annually is approximately \$12,000. This work is implemented through the Environmental Management Division's as-needed water quality agreements.

CITY ATTORNEY:

The Office of the City Attorney has reviewed the Cabrillo Eelgrass Advance Permittee Mitigation Plan and approved to form and legality the Conservation Land Use Agreement.

DATE: JULY 1, 2025

PAGE 4 OF 4

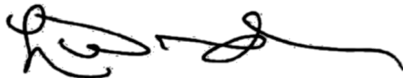
SUBJECT: EELGRASS APRM SITE AND CLUA

TRANSMITTAL:

1. Advance Permittee-Responsible Mitigation Plan
2. Conservation Land Use Agreement

FIS Approval: MM

CA Approval: JC



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APPROVED:

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