



**THE PORT
OF LOS ANGELES**

Executive Director's
Report to the
Board of Harbor Commissioners

DATE: JUNE 9, 2020

FROM: ENVIRONMENTAL MANAGEMENT

SUBJECT: RESOLUTION NO. _____ - ADOPTION OF THE FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND APPROVAL OF THE BERTH 182 SLOPE REPAIR PROJECT (LOS ANGELES HARBOR DEPARTMENT APPLICATION FOR PORT PERMIT NO. 190903-119; STATE CLEARINGHOUSE NO. 2020049018)

SUMMARY:

Staff requests adoption of the Final Initial Study/Mitigated Negative Declaration (IS/MND) and the Mitigation Monitoring and Reporting Program (MMRP) for the proposed Berth 182 Slope Repair Project (Project) along with comments and responses to comments, and approve the proposed Project as described in the Final IS/MND. The proposed Project includes critical slope, and roadway repairs necessary to maintain the structural integrity of the road. The City of Los Angeles Harbor Department (Harbor Department) is financially responsible for staff time used for the preparation of the Final IS/MND and the construction of the proposed Project.

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 15074, the Final Initial Study/Mitigated Negative Declaration for the proposed Berth 182 Slope Repair Project (Project) (a) has been completed in compliance with the State CEQA Guidelines and the Los Angeles City CEQA Guidelines; (b) was presented to the Board of Harbor Commissioners for review and was reviewed and considered by the Board of Harbor Commissioners prior to approving the proposed Project; and (c) reflects the independent judgment and analysis of the City of Los Angeles Harbor Department as the Lead Agency;
2. Find that, based on the whole record before it, including (a) the information contained in this report and (b) the Final Initial Study/Mitigated Negative Declaration for the Berth 182 Slope Repair Project (Project), the proposed Project would not have a significant effect on the environment pursuant to Public Resources Code Section 21080 and State California Environmental Quality Guidelines Section 15070;

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3. Find that all information added to the Final Initial Study/Mitigated Negative Declaration after the public review period, but before adoption, merely clarifies, amplifies, or makes insignificant modifications, and that recirculation is not necessary;
4. Adopt the Mitigation Monitoring and Reporting Program (MMRP) contained in the Final Initial Study/Mitigated Negative Declaration 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 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;
5. Adopt the Final Initial Study/Mitigated Negative Declaration for the Berth 182 Slope Repair Project;
6. Authorize the Environmental Management Division to file the Notice of Determination for the Berth 182 Slope Repair Project with the Los Angeles County Clerk; and
7. Adopt Resolution No. _____.

DISCUSSION:

Project Background/Context – Based on Port of Los Angeles field inspections, the slope at Berth 182 is eroding and affecting sections of the adjacent Fries Avenue road pavement. The erosion is the result of deterioration of an old, wooden cut-off wall and from vessels at berth at the adjacent berths. The slope must be repaired to stop further erosion and avoid additional damage to the road. Work will include shoring up the area underneath Berth 182 by placing quarry run (larger stones) and clean riprap over approximately 210 linear feet of slope underneath the berth adjacent to Fries Avenue. This work will be performed by the Harbor Department's Construction and Maintenance Division. Construction will take approximately six months.

Project Objectives – The objectives of the proposed Project are to rebuild the slope, stop further erosion underneath Fries Avenue, and repair the existing road. The proposed Project would strengthen the in-water slope underneath Berth 182. The proposed Project affects Fries Avenue and is accessible from Fries Avenue.

Project Description – The proposed Project includes placing of quarry run and clean riprap over approximately 210 linear feet of slope area, constructing a new slope that is less steep than the original by extending the slope to the top of the pavement, and repairing

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the damaged road asphalt above it. There are no operational changes to the road or anticipated traffic/throughput increases as a result of the proposed Project. Key construction tasks include, but are not limited to the following:

- Cut 11 timber piles off at the mud line and remove any remnants of the former pier;
- Construct quarry run and new riprap slopes at a 1¾:1 ratio over the existing eroded slope to stabilize and reinforce the existing slope;
- Fill new slope beyond the existing as-built slope; and
- Repair the Fries Avenue roadway and sidewalk with new paving and striping.

ENVIRONMENTAL ASSESSMENT:

CEQA Documentation and Public Involvement – The Harbor Department, as the CEQA Lead Agency, has prepared an IS/MND for the proposed Project in compliance with the State CEQA Guidelines and the Los Angeles City CEQA Guidelines which contains the following: a description of the proposed Project and location, an initial study checklist, an analysis of potential impacts, mitigation measures and proposed findings.

The Draft IS/MND was circulated for public review and comment for a period of 30 days beginning on April 9, 2020, and ending on May 8, 2020. In accordance with State CEQA Guidelines §15072, a Notice of Intent (NOI) to adopt the IS/MND was issued on April 9, 2020. Approximately 90 notices were mailed to agencies, stakeholders, neighbors and other interested parties. The NOI and accompanying Draft IS/MND were filed with the Los Angeles City and County Clerks and made available for public review on the Port of Los Angeles website at: <http://www.portoflosangeles.org>. In addition, the NOI was published in the Los Angeles Times. Pursuant to State CEQA Guidelines § 15073, the Draft IS/MND was also submitted to the State Clearinghouse for review by state agencies. A public hearing was not conducted during the public review period for the Draft IS/MND and is not required pursuant to State CEQA Guidelines §15202.

Public Comments Received and Response to Comments – Two comment letters were received during the public review period for this Draft IS/MND. The first letter from Caltrans included a reminder that if heavy-duty construction equipment is required to be transported on a state highway, a Caltrans transportation permit is required and the second letter from the California Highway Patrol was a “no comment” letter. The letters did not result in changes to the document. Copies of the comment letters and staff responses are included in the Final IS/MND (Transmittal 1).

Based on the comments provided, staff identified no new environmental effects that were not assessed in the Draft IS/MND and no additional mitigation is required. Changes added to the Final IS/MND after the public review period merely clarify, amplify, or make

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insignificant modifications. None of the issues raised during the comment period trigger the need to re-circulate the Final IS/MND pursuant to the requirements of State CEQA Guidelines §15073.5.

Finding and Conclusions – The Final IS/MND includes a discussion of the proposed Project's effects on the existing environment.

Mitigation Monitoring and Reporting Program – Included in the Final IS/MND, the MMRP is designed to ensure compliance with the mitigation measures adopted to mitigate or avoid significant effects on the environment, and identifies the responsibilities of the Harbor Department as lead agency and other applicable entities, to monitor and verify project compliance with those mitigation measures and conditions of project approval (Transmittal 2).

Record of Proceedings – When adopting an IS/MND as required by State CEQA Guidelines §15074, 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 6th Street, San Pedro, CA 90731.

Notice of Determination – In accordance with the State CEQA Guidelines §15075, a Notice of Determination (NOD) will be filed with the Los Angeles County Clerk after the proposed Project is approved. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA.

FINANCIAL IMPACT:

Costs associated with the preparation of the IS/MND amounted to approximately \$90,000 and were borne by the Harbor Department. 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 IS/MND for the proposed Project has been completed in accordance with CEQA.

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TRANSMITTALS:

1. Final Initial Study/Mitigated Negative Declaration for the Berth 182 Slope Repair Project
2. Mitigation Monitoring and Reporting Program

FIS Approval: MB
CA Approval: SP



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Director of Environmental Management



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APPROVED:



EUGENE D. SEROKA ^{FOX}
Executive Director

CC/YO
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