



**THE PORT
OF LOS ANGELES**
Executive Director's
Report to the
Board of Harbor Commissioners

DATE: MAY 29, 2013

FROM: ENVIRONMENTAL MANAGEMENT

**SUBJECT: RESOLUTION NO. _____ - COST SHARE AGREEMENT WITH
THE PORT OF LONG BEACH TO CONDUCT THE 2013 BIOLOGICAL
SURVEY OF THE LOS ANGELES AND LONG BEACH HARBORS**

SUMMARY:

The City of Los Angeles Harbor Department (Harbor Department) and the Port of Long Beach (POLB) are proposing to undertake a comprehensive study to document the current biological characteristics of the Los Angeles and Long Beach Harbors (Harbors). The study will be used to assess biological status of the harbors for biological mitigation planning and in support of National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) documents and regulatory permitting. This comprehensive study will evaluate the area's physical and ecological characteristics, including surveys of kelp, eelgrass, plankton, fish, and marine birds. It will also address seasonal variations and the presence of invasive species, if any, and will compare the ecological characteristics of various types of habitats and regions of the ports of Los Angeles and Long Beach. The 2013 biological survey is intended to be comparable to previous studies conducted in the Harbors. The Cost Share Agreement identifies the POLB as the contracting port and establishes that the costs associated with the 2013 Biological Survey will be shared by the Harbor Department and the POLB in the amount of \$528,580 and \$487,920, respectively, based on a previously-established 52%/48% split.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners:

1. Approve the Cost Share Agreement with the Port of Long Beach for the reimbursement of \$528,580 from the City of Los Angeles Harbor Department to the Port of Long Beach;
2. Authorize the Executive Director to execute and the Board Secretary to attest to the Cost Share Agreement for and on behalf of the Board; and
3. Adopt Resolution No. _____.

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DISCUSSION:

Background/Context - the Harbor Department and the POLB have periodically undertaken biological baseline studies of the Harbors. In 1983-1984, MBC Applied Environmental Sciences (MBC) studied the Long Beach Harbor and in 1986-1987, MEC Analytical Systems conducted a study of the Los Angeles Harbor. More recently, the Harbor Department and the POLB jointly conducted biological baseline surveys of the Harbors in 2000 and 2008. The information from these studies have been used in numerous CEQA and NEPA documents, related to biological coordination activities, and biological mitigation planning related to port development projects. An accurate understanding of the biological conditions of the Los Angeles Harbor is critical to obtain development approvals and to negotiate biological mitigation measures with various regulatory and resource agencies (including representatives from the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish & Wildlife Service, National Marine Fisheries Service, and California Department of Fish & Wildlife).

The general consensus among the Harbor Department, the POLB and agency representatives is that this type of harbor-wide biological survey needs to be updated on a periodic basis, ideally every five years, to maintain up-to-date information on the Harbors. For instance, the Harbor Department and the POLB are active stakeholders in the implementation of the Dominguez Watershed Total Maximum Daily Load (TMDL) regulations that directly affect the Harbors. Data collected in conjunction with a new biological baseline study will provide supporting information on benthic community health that can be used to inform upcoming TMDL monitoring.

In 2008, biological surveys were conducted by Science Applications International Corporation for a total cost of \$1,305,779. The contract was administered by the Harbor Department, which was reimbursed by the POLB \$626,774, or 48%. Staff has worked with the agencies to incorporate cost-saving study design measures that have resulted in a decrease in overall costs by 22%. The Harbor Department is paying a slightly greater percentage of the total cost because of additional sampling in the Los Angeles Harbor habitats that are not present in the Long Beach Harbor (sampling of beaches for fish and eelgrass surveys). This slightly greater percentage of 52% is consistent with the cost-share percentage from the 2008 survey.

Contractor Selection Process - A jointly drafted Request for Proposals for the upcoming 2013 biological survey was released on November 27, 2012, and five (5) firms responded. A selection committee comprised of staff from both Ports' environmental divisions reviewed the proposals and subsequently interviewed two (2) short-listed firms. Following this process, MBC Applied Environmental Sciences (MBC) was selected as the most qualified firm to conduct the 2013 biological survey, a different firm than the one selected for the prior (2008) survey. MBC has conducted previous biological surveys, as well as numerous water and sediment related studies, in San Pedro Bay.

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Cost Sharing – The Cost Share Agreement identifies the POLB as the contracting port, contracting with MBC in the amount of \$1,016,500, and establishes that the costs associated with the 2013 biological survey will be shared by the Harbor Department and the POLB in the amount of \$528,580 and \$487,920, respectively.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of a Cost Share Agreement with the Port of Long Beach for a biological survey of the Los Angeles and Long Beach Harbors. As an administrative activity related to basic data collection that does not result in a serious or major disturbance to an environmental resource, the Director of Environmental Management has determined that the proposed action is exempt from the requirements of CEQA in accordance with Article II, Section 2 (f) and Article III, Class 6 (2) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

The total cost of the project is not-to-exceed \$1,016,500. The Harbor Department will contribute 52% or \$528,580 and the POLB will contribute 48% or \$487,920. As the lead agency, the POLB will contract directly with MBC for a total not-to-exceed contract amount of \$1,016,500, and enter into a Cost Share Agreement with the Harbor Department to secure a reimbursement of \$528,580 (52%).

Funding for this project is available in the FY 13/14 Capital Improvement Program budget, upon Board approval, in Account 54260, Center 1005, Program 000. It is anticipated that the Harbor Department's portion of the project funds under this Cost Share Agreement will be expended as follows:

| | | |
|----------|----|---------|
| FY 13/14 | \$ | 327,301 |
| FY 14/15 | \$ | 150,000 |
| FY 15/16 | \$ | 51,279 |
| Total: | \$ | 528,580 |

Funding in future years will be requested through the annual budget adoption process, upon Board approval. A funding out clause has been included in the Agreement.

ECONOMIC BENEFITS:

Conducting the biological survey associated with the Cost Share Agreement will support 12 direct and eight secondary jobs for the five-county region.

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CITY ATTORNEY:

The Office of the City Attorney has reviewed and approved this Agreement as to form and legality.

TRANSMITTALS:

1. Cost Share Agreement with the Port of Long Beach

FIS Approval:  (initials)
CA Approval:  (initials)



CHRISTOPHER CANNON
Director of Environmental Management



MICHAEL R. CHRISTENSEN
Deputy Executive Director

APPROVED:



GERALDINE KNATZ, Ph.D.
Executive Director

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BOARD MEETING: 06/06/ 2013

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