

REVISED

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
WEDNESDAY, APRIL 29, 2009, AT 2:30 P. M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

BOARD OF HARBOR COMMISSIONERS

President S. David Freeman

Vice President Jerilyn López Mendoza

Commissioner Kaylynn L. Kim

Commissioner Douglas P. Krause

Commissioner Joseph R. Radisich

**A. OPENING STATEMENT – AN OPPORTUNITY FOR MEMBERS
OF THE PUBLIC TO ADDRESS THIS BOARD**

**PERSONS IN THE AUDIENCE MAY ADDRESS THIS BOARD IN
CONNECTION WITH ANY AGENDA ITEM OR DURING THE
PUBLIC COMMENT PERIOD.**

**AS PROVIDED BY THE BROWN ACT, THE BOARD HAS
LIMITED EACH INDIVIDUAL’S SPEAKING TIME TO THREE
MINUTES. ANYONE DESIRING TO SPEAK DURING THE
PUBLIC COMMENT PERIOD IS REQUESTED TO COMPLETE A
SPEAKER CARD AND SUBMIT IT TO THE COMMISSION
SECRETARY, VIA THE SERGEANT AT ARMS, PRIOR TO THE
START OF THE MEETING.**

Commission actions, except actions which are subject to appeal or review by the Council pursuant to other provisions of the Charter, ordinance or other applicable law, are not final until the expiration of the next five meeting days of the City Council during which the Council has convened in regular session. If the Council asserts jurisdiction during this five meeting day period the Council has 21 calendar days thereafter in which to act on the matter.

Please note that this agenda is subject to revision in accordance with the Brown Act. In the event the agenda is revised prior to the meeting, Port staff will endeavor to post the revised agenda on the Port’s web site (<http://www.portoflosangeles.org>). Updated agendas also will be available in hard copy at the meeting. Live Board meetings can also be heard at: (213) 621-City (Metro), (818) 904-9450 (Valley), (310) 471-City (Westside) and (310) 547-City (Harbor).

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities.

Sign language interpreters, assistive listening devices, and translation services may be provided. To ensure availability, 72-hour advance notice is required. Contact the Commission office at (310) 732-3444.

Interpretes de señas, sistemas auditivos y servicios de traducciones están disponibles. Para asegurar disponibilidad, se requiere solicitarlos con 72 horas de anticipación. Para hacer la solicitud, llame a la oficina de la Comisión al (310) 732-3444.

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B. COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Regular Items (1 & 2)

Environmental

1. Re: RESOLUTION NO. _____ - FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR) FOR THE CHANNEL DEEPENING PROJECT (LAHD ADP NO. 990809-102; SCH NO.1999091029)

SUMMARY: Staff recommends that the Board of Harbor Commissioners (Board) certify the Final Supplemental Environmental Impact Report (SEIR) for the Channel Deepening Project in accordance with the California Environmental Quality Act (CEQA), and approve the proposed Project. The proposed Project being carried out by the U.S. Army Corps of Engineers would provide additional capacity for disposal of dredged material associated with completing the Channel Deepening Project at the Port of Los Angeles (Port). This SEIR supplements the Channel Deepening Project EIR approved in 2000 and addresses impacts related to the modifications required to complete disposal of dredged material from that authorized project. The scope of the proposed Project is the same as that of the 2000 EIR: to complete the Channel Deepening Project to the depth of -53 feet. The purpose for the proposed Project is to provide approximately 3.0 million cubic yards (mcy) of additional disposal capacity for the dredge material to complete the Channel Deepening Project, to beneficially reuse the dredge material in the Port, and to optimize disposal of the dredge material in accordance with the project objectives. In approving the proposed Project, the Board will need to make specific Findings of Fact regarding the significant environmental impacts of the proposed Project and mitigation measures to reduce or avoid such impacts, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program (MMRP) to track mitigation. Unavoidable project impacts include exceedance of NO2 1-hour threshold during construction and cumulative effects for NO2 and odor. Due to the proximity of the proposed project to existing Environmental Justice (EJ) communities, the Project would have a disproportionately high and

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1. *(Continued)*

adverse impact on minority and low-income populations for NO₂ emissions during construction. Project benefits include: completion of the Channel Deepening Project to the approved depth of -53; improved water quality and eliminated potential for bioaccumulation through removal of existing contaminated sediments from areas that remain to be dredged and at Berth 243-245, including the amount of dredge material that would otherwise have to be disposed of in the ocean or at the Anchorage Road disposal site; increased habitat value at the Cabrillo Shallow Water Habitat; improved safety for truck turning movements at the Northwest Slip; and creation of approximately 1,200 one-year-equivalent jobs in the five-county region, and provides annual state and local tax revenues that would reach approximately \$6.7 million.

Recommendation: Board (1) certify that the Final SEIR for the Channel Deepening Project (Transmittal 1) (a) has been completed in compliance with CEQA, the CEQA Guidelines, and the Los Angeles City CEQA Guidelines; (b) was presented to the Board, and the Board reviewed and considered the information contained in the Final SEIR prior to approving the Project; and (c) reflects the independent judgment and analysis of the Los Angeles Harbor Department (LAHD), and that all required procedures have been completed; (2) adopt the attached Findings of Fact and Statement of Overriding Considerations (Transmittal 2); (3) find that, in accordance with the information contained in the Final SEIR for the Channel Deepening Project, the proposed Project will have significant environmental effects during construction on Air Quality, Biological Resources, Land Use, Noise, and certain Cumulative Impacts, as defined by Public Resources Code Sections 21068, 21080, 21082.2, and 21083 and the State CEQA Guidelines Sections 15064, 15064.5, and 15382. The SEIR found no significant effects for Aesthetics and Visual Resources, Cultural Resources, Geological Resources, Ground Transportation and Circulation, Hazards and Hazardous Materials, Marine Transportation, Recreation, Utilities, Water Quality and Oceanography; (4) find that, in accordance with the provisions of the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project, which substantially lessen or avoid certain of the significant adverse environmental impacts identified in the SEIR;

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1. (Continued)

(5) find that, in accordance with the provisions of the State CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, make infeasible certain mitigation measures and project alternatives identified in the Final SEIR. Impacts to Air Quality, including Cumulative Air Quality Impacts, and Environmental Justice (EJ) remain significant and unavoidable even after all feasible mitigation is adopted; (6) find that all information added to the Final SEIR after public notice of the Draft SEIR availability for public review, but before certification, merely clarifies, amplifies, or makes insignificant modifications in an adequate SEIR, and recirculation is not necessary; (7) find that, in accordance with Public Resources Code Section 21081(b) and State CEQA Guidelines Section 15093, the benefits of the Project outweigh the significant and unavoidable environmental impacts of the Project, and adopt the Findings of Fact and Statement of Overriding Considerations (Transmittal 2); (8) adopt the MMRP transmitted herewith (Transmittal 3) as required by Public Resources Code Section 21081.6. 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 LAHD as lead agency, to monitor and verify Project compliance with those mitigation measures and conditions of Project approval; (9) approve the Project identified as the "Alternative 1" in the SEIR, including all feasible mitigation measures set forth in the SEIR with consideration of the Findings of Fact and Statement of Overriding Considerations, and the MMRP; (10) direct the Engineering Division to incorporate the mitigation measures, conditions, Environmental Compliance Plan requirements, mitigation monitoring/reporting plan, and Project environmental commitments into all Corps of Engineers Engineering Plans and Specifications for the proposed Project; (11) authorize the Environmental Management Division to file the Notice of Determination (NOD) for the subject Project with the Los Angeles City Clerk; and (12) adopt the proposed Recommendations and this Resolution No. _____.

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Planning & Research

2. Re: RESOLUTION NO. _____ PORT MASTER PLAN
AMENDMENT NO. 24 – MAIN CHANNEL DEEPENING
PROJECT

Summary: Staff recommends that the Board of Harbor Commissioners (Board) adopt Port Master Plan Amendment No. 24 (Amendment No. 24), and authorize the Executive Director to submit Amendment No. 24 to the California Coastal Commission for certification, as required by the California Coastal Act. Amendment No. 24 allows for the completion of the Main Channel Deepening Project (MCD Project) and disposal of approximately three million cubic yards (cy) of material at various disposal sites within the Port of Los Angeles (Port). Adoption of Amendment No. 24 is contingent upon certification of the Final Supplemental Environmental Impact Report (Final SEIR) by the Board.

Recommendation: Board (1) adopt Amendment No. 24 and find that this Board certified the Final SEIR and approved the MCD Project, which included the adoption of a statement of overriding considerations; (2) authorize the Executive Director to submit Amendment No. 24 to the California Coastal Commission for certification; and (3) adopt Resolution No. _____.

C. CLOSED SESSION

1. Discussion of pending litigation entitled: American Trucking Associations, Inc. v. City of Los Angeles, et al., United States District Court Case No. 08-04920-CAS, and United States Court of Appeals for the Ninth Circuit Case No. 08-56503, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.

2. Discussion of pending litigation entitled: The United States of America ex rel. State of California ex rel. Stanley D. Mosler v. City of Los Angeles, et al., United States District Court Case No. 02-02278-SJO, pursuant to subdivision (a) of Section 54956.9 of the California Government Code and retention of outside counsel.

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- C. (Continued)**
- 3. Discussion with legal counsel concerning significant exposure to litigation [one (1) potential case], pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.**