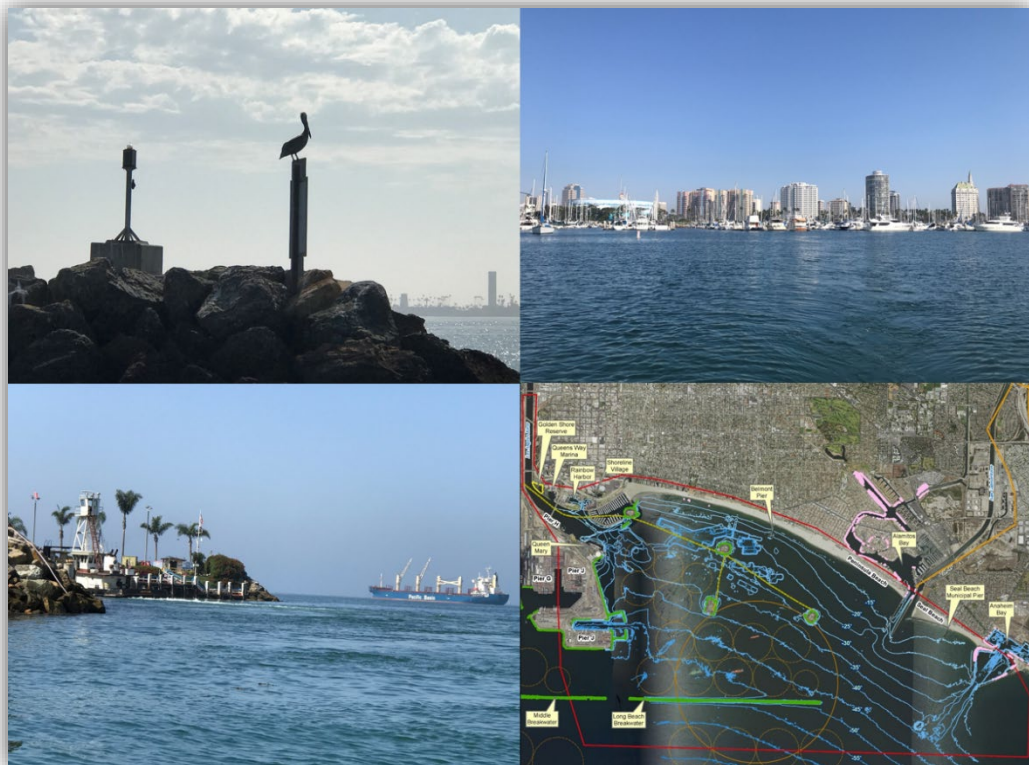

DRAFT INTEGRATED FEASIBILITY REPORT AND ENVIRONMENTAL IMPACT STATEMENT / ENVIRONMENTAL IMPACT REPORT (EIS/EIR)

APPENDIX M: COASTAL ZONE MANAGEMENT ACT (CZMA) EAST SAN PEDRO BAY ECOSYSTEM RESTORATION STUDY Long Beach, California

November 2019



US Army Corps
of Engineers®



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1 SUMMARY

2 Section 307(c) of the Coastal Zone Management Act of 1972 (CZMA), called the “federal consistency”
3 provision, requires that federal actions, within and outside the coastal zone, which have reasonably
4 foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent
5 with the enforceable policies of a state's federally approved coastal management program. Federal
6 agency activities must be consistent to the maximum extent practicable with the enforceable policies of
7 a state coastal management program. The term “consistent to the maximum extent practicable” means
8 fully consistent with the enforceable policies of management programs unless full consistency is
9 prohibited by existing law applicable to the Federal agency. 15 C.F.R. 930.32(a)(1). The federal
10 government certified the California Coastal Management Program (CCMP) in 1977. The enforceable
11 policies of that document are Chapter 3 of the California Coastal Act of 1976. All consistency documents
12 are reviewed for consistency with these policies. The IFR serves as the vehicle for coordination with the
13 California Coastal Commission (CCC), and will be provided to the CCC for their review.

14 DETERMINATION: The USACE has determined, based on the evaluation of potential impacts in the IFR,
15 that Alternative 4A, the Tentatively Selected Plan is consistent to the maximum extent practicable with
16 the enforceable policies of the CCMP.

17 The following provides a listing of key elements of a Consistency Determination (CD), including applicable
18 enforceable policies of the CCMP, and identifies locations within the IFR where these items are addressed:

- 19 ✓ Study Authorization - Section 1.2
- 20 ✓ Project Location - Section 1.6
- 21 ✓ Planning Objectives - Section 2.2.2
- 22 ✓ Description of Final Array of Alternatives- Section 4.6
- 23 ✓ Existing Environment and Environmental Consequences - Chapters 3 and 5
 - 24 ○ Public Access and Recreation details are in Sections 3.13-3.14, 3.16, 5.13-5.14 and 5.16
 - 25 ○ Marine Environment (Geology) is described in Sections 3.2 and 5.2
 - 26 ○ Water Quality is described in Sections 3.3, 5.3 and Appendix G
 - 27 ○ Marine Environment (Biological Resources) is described in Sections 3.6-3.10 and 5.6-5.10
 - 28 ○ Cultural and Historic Resources are described in Sections 3.11 and 5.11
 - 29 ○ Land Resources and Land Development are described in Sections 3.14- 3.17 and 5.14-5.17
 - 30 ○ Scenic & Visual Resources (Aesthetics) are described in Sections 3.12 and 5.12
 - 31 ○ Public Health and Safety is addressed in Sections 3.18 and 5.18
- 32 ✓ Description of Tentatively Selected Plan – Chapter 6
- 33 ✓ Determination of Consistency is documented above and in Section 7.1.4 of the IFR

34 Applicable Enforceable Policies of the CCMP

35 **Public Access and Recreation** (see Sections 3.13-3.14, 3.16, 5.13-5.14 and 5.16)

36 The Coastal Act provides:

37 ***Section 30210:***

38 *In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum*
39 *access, which shall be conspicuously posted, and recreational opportunities shall be provided for all*

1 *the people consistent with public safety needs and the need to protect public rights, rights of private*
2 *property owners, and natural resource areas from overuse.*

3 **Section 30211:**

4 *Development shall not interfere with the public’s right of access to the sea where acquired through*
5 *use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal*
6 *beaches to the first line of terrestrial vegetation.*

7 **Section 30212:**

8 *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be*
9 *provided in new development projects except where:*

10 *(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal*
11 *resources,*

12 *(2) adequate access exists nearby . . .*

13 **Section 30213:**

14 *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible,*
15 *provided. Developments providing public recreational opportunities are preferred...*

16 **Section 30220:**

17 *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland*
18 *water areas shall be protected for such uses.*

19 **Compliance:** As addressed in the IFR, the Alternative 4A would not restrict public access or
20 significantly alter recreation opportunities. Adequate access currently exists in the open water
21 around restoration sites and other project areas; beach closures would not be required and significant
22 impacts to navigation would not occur.

23 **Marine Environment** (See Sections 3.6-3.10, 5.6-5.10 and Appendix G)

24 Sections 30230 and 30231 of the Coastal Act require the protection of marine resources and biological
25 productivity. These sections provide:

26 **Section 30230:**

27 *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall*
28 *be given to areas and species of special biological or economic significance. Uses of the marine*
29 *environment shall be carried out in a manner that will sustain the biological productivity of coastal*
30 *waters and that will maintain healthy populations of all species of marine organisms adequate for*
31 *long-term commercial, recreational, scientific, and educational purposes.*

32 **Section 30231:**

33 *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes*
34 *appropriate to maintain optimum populations of marine organisms and for the protection of human*
35 *health shall be maintained and, where feasible, restored through, among other means, minimizing*

1 *adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion*
2 *of groundwater supplies and substantial interference with surface water flow,*

3 **Section 30233(a)** of the Coastal Act applies to dredging and filling activities and provides in relevant
4 part:

5 *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be*
6 *permitted in accordance with other applicable provisions of this division, where there is no feasible*
7 *less environmentally damaging alternative, and where feasible mitigation measures have been*
8 *provided to minimize adverse environmental effects, and shall be limited to the following: ...*

9 *(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
10 ...

11 **Section 30233(b)** encourages beach replenishment, requires disposal to occur in a manner protecting
12 sensitive habitat, and provides:

13 *(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to*
14 *marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment*
15 *should be transported for such purposes to appropriate beaches or into suitable long shore current*
16 *systems.*

17 **Compliance:** As addressed in the IFR, the Project purpose is ecosystem restoration. Alternative 4A
18 would not result in significant adverse impacts and would result in substantial net benefits to rare and
19 diminishing habitat types. Biological productivity would be sustained or enhanced through the
20 construction of rocky reef, kelp beds and eelgrass. Rocky reef habitat can provide food, shelter, and
21 nursery grounds for a variety of species, and can act as a substrate for the recruitment and growth of
22 kelp and algae in the open water areas, providing additional habitat structure for increased
23 biodiversity. Kelp forests host many types of invertebrates and fish species, as well as mammal species
24 found throughout the Pacific Ocean. These kelp forests are a critical element as they provide potential
25 protection from predators and are important for reproductive success to the species that inhabit
26 them. Eelgrass beds constitute a important habitat in nearshore ecosystems, serving as a nursery
27 ground for many fishes and invertebrates. In addition, they provide numerous ecosystem services,
28 including sediment stabilization, filtration of pollutants, and carbon storage.

29 Dredging and placement of material to the lee of nearshore reefs would be conducted for the purpose
30 of establishing eelgrass beds and in a manner that avoids significant disruption to existing habitats
31 and water circulation. For the eelgrass beds, up to 100,000 cubic yards of dredged sand material
32 obtained from the Surfside/Sunset borrow area would be placed on the leeward side of the nearshore
33 rocky reefs. Water quality monitoring would be conducted during dredging or sandy island/wetland
34 construction (or any activities that would result in turbidity plumes). It is anticipated that, depending
35 on local conditions, such as tidal and storm flow currents, the suspended sediments would likely settle
36 to the ocean floor within a short period of time or be transported away by ocean currents and mixed
37 with clearer water elsewhere, keeping turbidity from increasing significantly above background levels.
38 Monitoring parameters will include percent light transmissivity, dissolved oxygen, water temperature,
39 salinity, and pH.

40 **Water Quality** (see Sections 3.3, 3.6-3.10, 5.3, 5.6-5.10 and Appendix G)

1 The Coastal Act provides:

2 **Section 30230:**

3 *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall*
4 *be given to areas and species of special biological or economic significance. Uses of the marine*
5 *environment shall be carried out in a manner that will sustain the biological productivity of coastal*
6 *waters and that will maintain healthy populations of all species of marine organisms adequate for*
7 *long-term commercial, recreational, scientific, and educational purposes.*

8 **Section 30231:**

9 *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes*
10 *appropriate to maintain optimum populations of marine organisms and for the protection of human*
11 *health shall be maintained and, where feasible, restored through, among other means, minimizing*
12 *adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion*
13 *of groundwater supplies and substantial interference with surface water flow, encouraging waste*
14 *water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and*
15 *minimizing alteration of natural streams.*

16 **Compliance:** As addressed in the IFR, the Project purpose is ecosystem restoration. Alternative 4A
17 would not result in significant adverse impacts to water quality and would result in substantial net
18 benefits to rare and diminishing habitat types. Biological productivity would be sustained or enhanced
19 through the construction of rocky reef, kelp beds and eelgrass. Rocky reef habitat can provide food,
20 shelter, and nursery grounds for a variety of species, and can act as a substrate for the recruitment
21 and growth of kelp and algae in the open water areas, providing additional habitat structure for
22 increased biodiversity. Kelp forests host many types of invertebrates and fish species, as well as
23 mammal species found throughout the Pacific Ocean. These kelp forests are a critical habitat element
24 as they provide potential protection from predators and are important for reproductive success to
25 the species that inhabit them. Eelgrass beds constitute a critical habitat in nearshore ecosystems,
26 serving as a nursery ground for many fishes and invertebrates. In addition, they provide numerous
27 ecosystem services, including sediment stabilization, filtration of pollutants, and carbon storage.

28 Dredging and placement of material to the lee of nearshore reefs would be conducted for the purpose
29 of establishing eelgrass beds and in a manner that avoids significant disruption to existing habitats
30 and water circulation. Water quality monitoring would be conducted during dredging (or any activities
31 that would result in turbidity plumes). It is anticipated that, depending on local conditions, such as
32 tidal and storm flow currents, the suspended sediments would likely settle to the ocean floor within
33 a short period of time or be transported away by ocean currents and mixed with clearer water
34 elsewhere, keeping turbidity from increasing significantly above background levels.

35 **Land Resources** (see Sections 3.12, 3.14- 3.18, 5.12 and 5.14-5.18)

36 The Coastal Act provides:

37 **Section 30240:**

38 *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of*
39 *habitat values, and only uses dependent on such resources shall be allowed within such areas.*

1 **Compliance:** As addressed in the IFR, the Project purpose is ecosystem restoration. Existing
2 environmentally sensitive habitat areas will not be significantly impacted. The following
3 Environmental Commitments are included as part of Alternative 4A:

4 **MH-1** A pre-construction survey would be performed to document eelgrass extent in the areas of
5 nearshore reef placement. If eelgrass is present, design of the nearshore reef would be altered to
6 avoid impacting any existing eelgrass beds.

7 **MH-2** During the creation of eelgrass habitats, no more than 10 percent of the plants from eelgrass
8 donor beds would be harvested to minimize potential impacts to existing eelgrass beds.

9 **SP-1** Potential adverse impacts to existing marine habitats would be minimized by selection of
10 dredging equipment and methods, turbidity control measures for dredging and disposal operations,
11 and monitoring protocols outlined in the Los Angeles Contaminated Sediments Task Force Long-Term
12 Management Strategy (2005) and the Los Angeles Regional Dredged Material Management Plan
13 (2009)

14 **SP-2** An Environmental Protection Plan would be implemented, including a Green Sea Turtle
15 Monitoring and Avoidance Plan, Marine Mammal Monitoring and Avoidance Plan, and employee
16 training. The monitoring plan shall be prepared by a qualified marine biologist. The plan would
17 include the following:

- 18 • Procedures for monitoring marine mammals and sea turtles, and specifications for Marine
19 Wildlife Observers.
- 20 • Methods for communicating with contractors to stop work if there is a risk that any marine
21 mammals or sea turtles active in the area may move closer to construction sites.
- 22 • Procedures for Marine Wildlife Observer monitoring of barge transport, if necessary.
- 23 • Methods for communicating with ship captains if there is a risk of collision with a marine
24 mammal or sea turtle.
- 25 • Limitations that work occur only during daylight hours when visual monitoring of marine
26 mammals and sea turtles can be conducted.

27 **Archeological Resources** (See Sections 3.11 and 5.11)

28 The Coastal Act provides:

29 **Section 30244:**

30 *Where development would adversely impact archaeological or paleontological resources as identified*
31 *by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

32 **Compliance:** As addressed in the IFR, Alternative 4A will require the Programmatic Agreement being
33 developed for the project by the ACOE, Advisory Council on Historic Preservation, State Historic
34 Preservation Office, and other consulting parties. The PA will include required actions to avoid adverse
35 effects to cultural resources.

- 1 With implementation of the Programmatic Agreement as well as the above Environmental
- 2 Commitment, Alternative 4A will be in compliance with Section 30244.