



CITY OF LONG BEACH

THE CITY PLANNING COMMISSION

H-3

333 W. Ocean Boulevard Long Beach, California 90802 562-570-6194 FAX 562-570-6068

June 19, 2007

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, overrule the appeal, and sustain the decision of the City Planning Commission to Adopt Mitigated Negative Declaration ND 11-06 and the Mitigation Monitoring Program for ND 11-06 for the Belmont Pier Boat Mooring Project, and Adopt Resolution Certifying Negative Declaration ND 11-06. (Case No. ND 11-06) (District 3)

DISCUSSION

This is an appeal of a Planning Commission decision to adopt a Mitigated Negative Declaration and Mitigation Monitoring Program for a boat mooring project that would allow for the short-term anchoring of vessels in the Long Beach Harbor.

This mooring project is intended to provide a safe and efficient anchorage area for recreational boaters in the Long Beach Harbor. The moorings will be in three general locations: on the west side of Belmont Pier, on the east side of Belmont Pier, and on the leeward side of Oil Island White. Each individual mooring would be placed into the ocean floor with a fixed helix anchor drilled 10 to 17 feet below the ocean floor surface. The floating surface buoy would be attached to this anchor with seaflex tension bands that include an underwater float and counterbalance to keep the buoy in a steady vertical position. The original project proposal consisted of 90 total mooring buoys, with 30 buoys in each of the three general mooring locations.

This project will require approval of a Coastal Permit from the California Coastal Commission. This Coastal Permit cannot be approved until after the City has completed its environmental review process and certified the final environmental documentation. The City local action only involves adoption of the Mitigated Negative Declaration and there are no other local approvals required for this project.

The original Mitigated Negative Declaration (ND 11-06) 30-day public comment period was from October 25, 2006 to November 24, 2006. The City received a total of four comment letters during this review period (California Department of Fish and Game, South Coast Air Quality Management District, Surfrider Foundation, and Sandra and William Davidson), with responses to these comment letters included in the December 21, 2006 Planning Commission staff report. The Planning Commission held a public hearing on December 21, 2006 to consider adoption of ND 11-06 and heard public testimony that included concerns on whether the mitigation measures would be sufficient to adequately protect water quality. Based on the public testimony, the Commission moved to continue this item in order to give staff an opportunity to revise ND 11-06 to the satisfaction of the Commission.

In response to the concerns raised at the December 21, 2006 Planning Commission public hearing, revisions were made to both the project and project mitigation measures. The project was revised to reduce the total number of mooring buoys to half of the original proposal from 90 to 45 buoys. The User Regulations have been revised to double the penalty for any illegal discharges into City waters, increasing the period of time violators would be prohibited from use of the City moorings from a one-year to a two-year period. In addition, the Mooring Master will now be required to provide pump-out services and at-boat trash removal to all moored vessels upon request as part of the basic services provided with an approved mooring permit. All of these requirements are now project mitigation measures.

The Planning Commission held a continued public hearing for ND 11-06 on May 3, 2007, heard public testimony both in support and opposition to the proposed project, and approved a motion to adopt Mitigated Negative Declaration ND 11-06 and the Mitigation Monitoring Program for ND 11-06. On May 9, 2007, an appeal of the Planning Commission action was filed by John and Karen Tobin, who provided public testimony at the May 3, 2007 Planning Commission hearing. Their reason for this appeal is to request that the City prepare a full Environmental Impact Report rather than a Negative Declaration for this project. Another appeal was filed on May 14, 2007 by the Surfrider Foundation, stating that the City was non-responsive to their April 17, 2007 comment letter and that the cumulative impacts of this project were not adequately considered if the City intends to propose future mooring projects.

The reduction in the total number of mooring buoys by 50%, added availability of at-boat pumpout services and at-boat trash removal as basic services, and increased penalties for violation of the Mooring Regulations will ensure an environmentally safe program that is anticipated to serve a predominately local boating community. The mitigation measures set forth in ND 11-06 would reduce all potential project environmental effects to a less than significant level. Staff therefore recommends that the City Council deny the appeal requests and uphold the Planning Commission decision to adopt Mitigated Negative Declaration ND 11-06 and the Mitigation Monitoring Program for ND 11-06.

Assistant City Attorney Michael J. Mais reviewed this report on May 29, 2007.

TIMING CONSIDERATIONS

The Long Beach Municipal Code requires that an appeal of the Planning Commission's decision be heard within 60 days of filing of the appeal, or by July 8, 2007. A 14-day public notice of the hearing is required.

FISCAL IMPACT

The City would incur no upfront construction costs or added operating costs, since the City's contractor would provide all funding. The project would provide a source of on-going revenue from mooring permit fees and shore boat fees, which are estimated to be about \$25,000 annually.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

LESLIE GENTILE, CHAIR
CITY PLANNING COMMISSION

BY: 

SUZANNE M. FRICK
DIRECTOR OF PLANNING AND BUILDING

SF:AR:CC

Attachments:

1. Mitigated Negative Declaration ND 11-06
2. Planning Commission staff reports dated December 21, 2006 and May 3, 2007
3. Comment Letters
4. Appeal Forms
5. Planning Commission Meeting Minutes dated December 21, 2006 and May 3, 2007

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH ADOPTING MITIGATED NEGATIVE
DECLARATION ND-11-06 FOR THE BELMONT PIER BOAT
MOORING PROJECT

WHEREAS, the City prepared a Draft Initial Study/Mitigated Negative Declaration dated October 16, 2006, which reflected the independent judgment of the City as to the potential environmental impacts of the Project. The Draft Initial Study/Mitigated Negative Declaration was circulated for the required 30 days for public review and comment from October 25, 2006 to November 24, 2006, and thereafter the Mitigated Negative Declaration was circulated for a thirty day comment period from October 25, 2006 to November 24, 2006, and further re-circulated between March 23, 2007 and April 11, 2007; and

WHEREAS, on May 3, 2007, the Planning Commission held a properly noticed public hearing on the Belmont Pier Boat Mooring Project at which time all interested parties had the opportunity to present evidence and be heard. Thereafter, the Planning Commission certified the Negative Declaration as being compliant with the California Environmental Quality Act (CEQA) and the matter was subsequently appealed to the City Council for its review and determination.

WHEREAS, on June 19, 2007, the City Council held a properly noticed public hearing on the Belmont Pier Boat Mooring Project at which time all interested parties had the opportunity to present evidence and be heard; and

WHEREAS, the City has incorporated public comments and revisions, if any, to the Initial Study/Mitigated Negative Declaration; and

NOW, THEREFORE, the City Council of the City of Long Beach does hereby find, determine and resolve:

1 Section 1. The City Council has reviewed and considered the Negative
2 Declaration on the Project, together with any comments received during the public review
3 process, prior to acting on the Project.

4 Section 2. The City Council finds that, based on the whole record before
5 it, including the Negative Declaration and any comments received, there is no substantial
6 evidence that the Project will have a significant effect on the environment, and that the
7 Negative Declaration reflects the City's independent judgment and analysis. Therefore,
8 the City Council hereby approves the Negative Declaration.

9 Section 3. Consistent with Public Resources Code Section
10 21081.6(a)(2), the documents which constitute the record of proceedings for approving
11 this project are located in the Planning and Building Department. Planning Bureau,
12 Advance Planning Division, 333 W. Ocean Blvd., 5th Floor, Long Beach, CA 90802. The
13 custodian of these records is Angela Reynolds, Advance Planning Officer, in the Advance
14 Planning Division of the Planning and Building Department.

15 Section 4. This resolution shall take effect immediately upon its adoption
16 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 20__ by the following vote:

Ayes:	Councilmembers:	_____

Noes:	Councilmembers:	_____

Absent:	Councilmembers:	_____

City Clerk

MJM:kjm 5/31/07 #06-06331

ATTACHMENT NO. 1

**MITIGATED NEGATIVE DECLARATION
ND 11-06**



CITY OF LONG BEACH

Planning Commission

333 West Ocean Boulevard, 5th Floor

Long Beach, CA 90802

FAX (562) 570-6753

ENVIRONMENTAL PLANNING

\$25.00 FILING FEE

NOTICE OF PREPARATION

To: Office of the County Clerk
Environmental Filings
12400 E. Imperial Highway, #1101
Norwalk, CA 90650

From: Community & Environmental Planning Division
Department of Planning and Building
333 West Ocean Boulevard, 5th Floor
Long Beach, CA 90802

Date Mailed: March 23, 2007

In conformance with Section 15082 of the State CEQA Guidelines, please post this notice for period of 20 days. Enclosed is the required fee of \$25.00 for processing.

Notice is hereby given that the Long Beach City Planning Commission, Lead Agency for purposes of CEQA, proposes to adopt a subsequent Negative Declaration for the project listed below:

1. Project Location:

Long Beach Harbor, on both sides of Belmont Veteran's Memorial Pier and on the leeward side of Oil Island White

2. Project Title:

Belmont Pier Boat Mooring Project

3. Project Description:

The proposed project consists of 45 total mooring buoys in three locations: on the west side of Belmont Pier, on the east side of Belmont Pier, and on the lee side of Island White

4. Review period during which the Lead Agency will receive comments on the proposed mitigated Negative Declaration:

Starting Date: March 23, 2007

Ending Date: April 11, 2007

5. Public Meeting of the Planning Commission

Date: May 3, 2007

Time: 5:00 pm

Location: City Council Chambers
Long Beach City Hall
333 West Ocean Boulevard, Plaza Level

6. Copies of the report and all referenced documents are available for review by contacting the undersigned or on the web at: www.longbeach.gov/plan/pb/epd/er.asp
7. The site is not on any list as enumerated under Section 65965.5 of the California Government Code.
8. The Initial Study may find significant adverse impacts to occur to the following resource areas:

Aesthetics, Biology, Hydrology and Water Quality, Land Use and Planning, National Pollution Discharge Elimination System, and Noise
9. The Negative Declaration has no significant impacts to occur.

For additional information contact:

Angela Reynolds
Environmental Planning Officer
333 West Ocean Boulevard, 5th Floor
Long Beach, CA 90802

CITY OF LONG BEACH
Planning Commission

MITIGATED NEGATIVE DECLARATION

PROJECT:

I. TITLE:

Belmont Pier Boat Mooring Project

II. PROPONENT

City of Long Beach Department of Parks, Recreation and Marine; Marine Bureau, Alamitos Bay Marina, 205 Marina Drive, c/o Mark Sandoval, (562) 570-3215

III. DESCRIPTION

The proposed project consists of 45 total mooring buoys in three locations: on the west side of Belmont Pier, on the east side of Belmont Pier, and on the lee side of Island White

IV. LOCATION

Long Beach Harbor, on both sides of Belmont Veteran's Memorial Pier and on the leeward side of Oil Island White

V. HEARING DATE & TIME

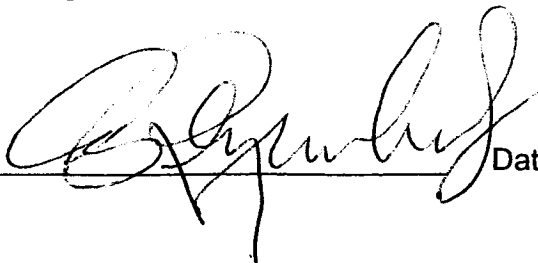
May 3, 2007 5:00 pm

VI. HEARING LOCATION

City Council Chambers
Long Beach City Hall
333 West Ocean Boulevard

FINDING*:

In accordance with the California Environmental Quality Act, the Long Beach City Planning Commission has conducted an Initial Study to determine whether the following project may have a significant adverse effect on the environment. On the basis of that study, the Commission hereby finds that the proposed project will not have a significant adverse effect on the environment and does not require the preparation of an Environmental Impact Report because the Mitigation Measures described in the initial study have been added to the project.

Signature:  Date: 3/22/07

- * If you wish to appeal the appropriateness or adequacy of this document, address your written comments to our finding that the project will not have a significant adverse effect on the environment: (1) identify the environmental effect(s), why they would occur, and why they would be significant, and (2) suggest any mitigation measures which you believe would eliminate or reduce the effect to an acceptable level. Regarding item (1) above, explain the basis for your comments and submit any supporting data or references.

This document and supporting attachments are provided for review by the general public. This is an information document about environmental effects only. Supplemental information is on file and may be reviewed in the office listed above. The decision making body will review this document and potentially many other sources of information before considering the proposed project.

REVISIONS TO MITIGATED NEGATIVE DECLARATION ND 11-06 BELMONT VETERAN'S MEMORIAL PIER BOAT MOORING PROJECT

The project revisions provided below are in response to a motion passed unanimously by the Long Beach Planning Commission at their December 21, 2006 public hearing, directing the project applicant to address environmental concerns raised by the public and members of the Planning Commission at this hearing.

Reduction of Mooring Buoys

The total number of mooring buoys for this project has been reduced from 90 buoys to 45 buoys. The distribution of these buoys in the three general mooring locations is anticipated to be 10 buoys east of the Pier, 20 buoys west of the Pier, and 15 buoys on the lee side of Island White.

Project Operator Responsibilities/City Oversight

The project operator will be a private contractor, Beach Ventures Incorporated. The operator responsibilities will be the installation and maintenance of the mooring equipment, enforcement of all Mooring Regulations, and provision of the project on-site program management (anticipated to involve at least 100 hours per week). The Marine Bureau of the Long Beach Department of Parks, Recreation and Marine will conduct City oversight of the operator, with assistance on an as-needed basis from the Long Beach Fire Department Rescue Boats and the Police Department Shore Patrol.

Revisions to Mooring Regulations

1. The following provisions have been added to the Schedule of Fees on page 7 of the User Regulations:

“The permit fee will cover the mooring and at-boat pumpout service. Other services will be available, including shoreboat service, at-boat trash removal, and use of landside shower facilities, at an additional nominal cost.”

The at-boat pumpout services will be provided to all moored vessels on a request basis only.

2. Paragraph (i) of the Water Quality Regulations on pages 8 and 9 have been revised to read as follows:

“In the event that the Mooring Master observes or receives information that any vessel is discharging into City waters any liquid or solid material in violation of these Water Quality Rules, the Mooring Master shall issue an order barring the vessel and the person owning and/or in possession of the vessel from privilege of use of City moorings on the subject vessel and any other vessel under the person's ownership

of control. The order shall be for a period of two (2) years, effective immediately. The order shall be made in writing and delivered personally to the subject vessel owner and/or person in apparent control unless actions of the owner or person in control make such delivery impractical or infeasible. Where personal delivery cannot be made, a copy of the order shall be sent by first class mail, postage prepaid, to the address of the person to whom the vessel is registered.”

This paragraph, as revised, increases the order period for discharge from one to two years and retains a two year order period for the tampering or removal of dye tablets or performance of testing, thereby making all violations of the Mooring Regulations to a two year order period, effectively immediately.

Clarification of City Rights

The City of Long Beach, through the Marine Bureau, shall have the right to:

- Approve all mooring buoy locations
- Approve all mooring fees
- Approve all Mooring Regulations
- Require changes in the Mooring Project as needed

Clarification of Project Characteristics

- The Mooring Regulations will be incorporated into the operator concession contract
- The mooring system operations will be the most environmentally friendly mooring program available
- All vessels utilizing the mooring facilities and services must be seaworthy and not dilapidated
- The moorings are intended for short-term transient use with a maximum ten (10) night vessel stay
- The mooring permit fee includes on-call, at-vessel pumpout services.
- The blue dye tablet program is mandatory for all vessel marine sanitary devices
- The Mooring Regulations include strict discharge rules: no sewage, refuse or maintenance outfall can be discharged or thrown into the water. Any violation of the Mooring Regulations shall result in a two (2) year prohibition of the vessel and owner from use of the mooring facilities and services
- Loud noises and exterior lighting is prohibited after 10PM and before 7AM

Responses to Environmental Concerns

Concern: The mooring project will attract additional boating vessels along the Long Beach coast

Response: Despite the fact that Long Beach celebrates recreation and its waterfront, and on-water recreation is a welcomed part of the City, it is anticipated that 70-80% of the mooring usage will be by vessels presently from Long Beach

Concern: There is an increased risk that this mooring project will attract boaters that discharge waste into the City waters

Response: The mooring permit fees will include on-call at-vessel marine sanitary device pumpout services. For an additional nominal fee, the mooring operator will remove solid refuse from vessels. Penalties for violation of the Mooring Regulations shall result in a two (2) year prohibition of the vessel and owner from use of the mooring facilities and services

Concern: Continuous water quality testing should be performed at and around the Pier to monitor potential project effects on local water quality.

Response: In accordance with AB 411, passed in 1997, the Long Beach Health Department's Recreational Water Program routinely tests local ocean water quality on a weekly basis. There are a total of 25 sampling points throughout the City, including locations off the Pier and on each side of the Pier. While there are no proposals to alter or discontinue this water quality testing, a new mitigation measure is recommended to require weekly water quality testing in the vicinity of the boat moorings (see Mitigation Measure IV-3 below).

ENVIRONMENTAL IMPACTS FROM MOORING PROJECT REVISIONS

The proposed project revisions will reduce the total number of mooring buoys by 50% (from 90 to 45 buoys). The added availability of at-boat pumpout services and at-boat trash removal, along with increased penalties for violation of the Mooring Regulations, will ensure an environmentally safe program that is anticipated to serve a predominately local boating community.

Since the project revisions would result in a smaller mooring vessel population with added water quality safeguards, there would be no new significant impacts or increased significance of any impacts previously identified in the Mitigated Negative Declaration (ND 11-06). Therefore, no additional environmental analysis is warranted.

While the original Mitigation Monitoring Program for ND 11-06 reduced all potentially significant project impacts to a less than significant level, the following new mitigation measures are recommended to protect Long Beach Harbor water quality.

Mitigation Measure IV-3 is recommended to require weekly water quality testing at the boat mooring locations:

Mitigation Measure IV-3: The City shall conduct weekly water quality testing in the immediate vicinity of all boat mooring locations in accordance with current Long Beach Health Department water quality testing standards. The findings of all testing done in the vicinity of the boat moorings shall be available to the public.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine

Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measures IX-3 through IX-9 are recommended to ensure that all operational safeguards in the City of Long Beach Mooring User Regulations will always be a requirement of project operations (regardless of any future revisions to the User Regulations). These new mitigation measures are taken from all operating requirements in the current User Regulations. If the User Regulations are amended in the future and these amendments provide more restrictive operational safeguards, the project approval must be modified by the Planning Commission at a public hearing to incorporate such restrictive amendments into the project Mitigation Monitoring Program.

Mitigation Measure IX-3: The following requirements set forth in the Vessel Moorings and Number of Vessel Moorings and Permits provisions from pages 3 and 4 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

No one person shall be assigned more than one revocable mooring use permit.

The Mooring Master may assign temporary use of a permitted mooring to a guest boater when the mooring is not reserved by the permittee. The vessel occupying a mooring on a temporary basis must give up the mooring for any reason on the Mooring Master's order. The Mooring Master's order will be made known to the vessel owner or the operator in charge of the moored vessel.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine

Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-4: The following requirements set forth in the Revocable Mooring Vessel Permit and Application provisions from pages 4 and 5 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

The payment of fees for the revocable permit entitles the permittee to preferred use of the assigned mooring. The permittee is required to notify the Mooring Master before 9:00 AM the day the permittee intends to use the mooring

assigned to him. Failure to do so shall place the Mooring Master under no obligation to remove a guest vessel.

The permittee is entitled to occupy the mooring in compliance with the conditions of the User Regulations and shall pay the stated daily rates.

The permittee will be responsible for the payment of any maintenance of the mooring system required to be performed by the Mooring Master.

The registered owner must provide proof of at least \$100,000 in liability insurance coverage on the vessel. The Mooring Master and the City of Long Beach must be named as additional insured on the liability insurance policy name.

No mooring shall be authorized as an eligible location for a live-aboard location. Use of a mooring for a live-aboard location is grounds for revocation of the mooring permit. The Mooring Master may require the revocable permit owner to provide proof of residence.

Mooring permits may be revoked for:

1. Use of mooring facilities in violation of City ordinances, Mooring User Regulations or other applicable laws;
2. Violation of conditions of any mooring permit;
3. Failure or refusal of the revocable permit owner to consent to dye testing of a vessel's marine sanitation facilities pursuant to these regulations; and
4. Discharge of contaminating wastes into City waters.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine

Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-5: The following requirements set forth in the Permit Priority provisions from page 6 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

City mooring permits are valid for a period not to exceed three years. New mooring permits will be issued annually based on priority and availability of moorings for assignment. Any person who was a permittee during the preceding year has priority for a mooring permit at the same mooring location provided that the permittee's vessel to be moored is the same size as the previous term and the permittee has met all requirements of this regulation.

Moorings will be assigned to the highest priority on the wait list as they become available after existing permittee assignments are made.

Monitoring Phase: Project operations
Enforcement Agency: Department of Parks, Recreation and Marine
Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-6: The following requirements set forth in the General Regulations – Mooring Usage provisions from pages 6 and 7 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

Maximum duration for any vessel to occupy any mooring shall not exceed 10 (ten) days. After 10 days the vessel must be removed and cannot occupy a mooring again for a period of at least 10 (ten) calendar days. Further, no single vessel may occupy any mooring for more than 156 (one hundred fifty six) days in any calendar year.

Mooring Master will work with the Marine Bureau to ensure that a vessel is not moving from guest tie in the marina to mooring, effectively staying in the Long Beach area permanently with no permanent slip.

Except in an emergency, no person shall moor any vessel on a City Mooring without the prior permission of the Mooring Master and payment of the required mooring fees.

All generators shall be secured and shall not be operated between the hours of 10:00 p.m. and 7:00 a.m. The foregoing restrictions shall not apply in cases of medical emergency.

If a vessel is abandoned or left unattended after the permitted period, the Mooring Master may have the vessel removed by the City Marine Safety Patrol or other authorized agency. The vessel will then be subject to the City Marine Bureau regulations and applicable state law. All expenses incurred will be the responsibility of the vessel owner.

Monitoring Phase: Project operations
Enforcement Agency: Department of Parks, Recreation and Marine
Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-7: The following requirements set forth in the Schedule of Fees provisions from page 7 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

The owner of a vessel shall pay to the Mooring Master for the use of Long Beach Mooring and its facilities and services, a permit fee of an amount specified in

Attachment 1 of the User Regulations. The permit fee will cover the temporary use of a mooring. As part of the permit fee, the Mooring Master will be required to provide pump-out services and at-boat trash removal. Shoreboat services will be available at an additional nominal cost.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine

Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-8: The following requirements set forth in the Water Quality Regulations from pages 7 through 9 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

(a) It shall be unlawful for any person to throw, discharge, deposit, or leave, or cause, suffer, or procure to be thrown, discharged, deposited, or left either from or out of any vessel or holding tank, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any description into the navigable waters of the City.

(b) It shall be unlawful for any person to discharge, or cause, suffer, or procure to be discharged or deposited, material of any kind in any place or on any banks of any navigable waters in the City where such discharged material shall be liable to be washed into the waters of the City either by ordinary or high tides, or by storms, floods, or otherwise.

(c) It shall be unlawful for any person to throw, place, or leave any dead animal or putrefying matter into the waters of the City or along the shore thereof.

(d) It shall be unlawful for any person to deposit, place, throw or in any manner dispose of any cans, receptacles, bottles, papers, food, animal or vegetable matter, rubbish, trash, garbage, or any decaying or putrid matter, material, or substance which might decay, or which might become injurious to health or which might become a nuisance or offensive to the senses of any person coming in proximity thereto into the waters of the Pacific Ocean, waterfront of Long Beach or upon the beaches of the City, or any portion thereof.

(e) It shall be unlawful for any person owning, managing, controlling, operating, navigating or otherwise handling any boat, vessel, or ship to discharge, or cause to be discharged, any ballast water, bilge water or waste water containing or contaminated with any crude petroleum, refined petroleum, engine oil, or oily byproduct within the waters of the City unless such ballast water, bilge water or waste water is discharged into suitable and adequate settling basins, tanks or other receptacles.

(f) It shall be unlawful for any person to throw, place, bury, or deposit upon any public or private beach in the City any glass, glassware, crockery, or any bottle, cup, container, plate, or other vessel made of glass, glassware, or crockery, or any other material or substance which would cause, or might reasonably be presumed to cause, injury to patrons of such beaches. None of such materials shall be left on the beach by any person, but the same shall be deposited in receptacles provided by the City for the deposit thereof or shall otherwise be removed from the beach by the owner of such materials.

(g) The unauthorized dumping of any kind of material into the waterway, or the throwing overboard, or setting adrift, or permitting to set adrift of anything that is, or might become, obstructive or dangerous to navigation is hereby expressly prohibited.

(h) In order to enforce the provisions of this section and to safeguard and protect City waters from contamination, the owner and/or other person in charge of any boat or vessel occupying a City mooring shall, as a condition of use of the mooring, allow the Mooring Master to board the vessel and place dye tablets into the vessel's marine sanitary device, and to perform a test or tests to ensure that the marine sanitary device is in such a condition as to prevent any contaminants from being discharged into City waters. It shall be unlawful for any person to deny Mooring Master personnel access to a vessel for purposes of placing dye tablets in the marine sanitary device, to refuse or interfere with testing of the marine sanitary device by Mooring Master, to tamper with or remove while in City waters any dye tablet placed in a marine sanitary device by Mooring Master, or to place any substance in the marine sanitary device with the intent to interfere with the enforcement of this section. Violation of the provisions of this subsection shall result in revocation of permission to access the moorings. In addition to the penalties prescribed herein and in subsection (i), the Mooring Master shall have the authority to order any owner or person in charge of any boat or vessel upon which any act or omission specified herein has occurred, to immediately remove such vessel from City moorings.

(i) In the event that the Mooring Master observes or receives information that any vessel is discharging into City waters any liquid or solid material in violation of the Water Quality Rules of the User Regulations, the Mooring Master shall issue an order barring the vessel and the person owning and/or in possession of the vessel from privilege of use of City moorings on the subject vessel and any other vessel under the person's ownership or control. The order shall be for a period of two (2) years, effective immediately. The order shall be made in writing and delivered personally to the subject vessel owner and/or person in apparent control unless actions of the owner or person in control make such delivery impractical or infeasible. Where personal delivery cannot be made, a copy of the order shall be sent by first class mail, postage prepaid, to the address of the person to whom the vessel is registered.

Monitoring Phase: Project operations
Enforcement Agency: Department of Parks, Recreation and Marine
Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-9: The following requirements set forth in the General Release provisions from page 9 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

As consideration for being granted a revocable mooring permit, the permittee agrees to hold the Mooring Master, the Concessionaire, the Marine Bureau and the City of Long Beach harmless from all liability or damage and grants access to the permittee or the permittee's property occupying a mooring area.

Monitoring Phase: Project operations
Enforcement Agency: Department of Parks, Recreation and Marine
Monitoring Agency: Department of Parks, Recreation and Marine

Belmont Pier Boat Mooring Project

INITIAL STUDY



Prepared by:

City of Long Beach
Community and Environmental Planning
333 West Ocean Boulevard, Fifth Floor
Long Beach, California 90802

INITIAL STUDY

1. Project title:

Belmont Pier Boat Mooring Project

2. Lead agency name and address:

Planning Commission
333 West Ocean Boulevard

3. Contact person and phone number:

Angela Reynolds
Environmental Planning Officer

4. Project location:

Long Beach Harbor, on both sides of Belmont Veteran's Memorial Pier and on the leeward side of Oil Island White

5. Project sponsor's name and address:

City of Long Beach Department of Parks, Recreation and Marine; Marine Bureau,
Alamitos Bay Marina, 205 Marina Drive, c/o Mark Sandoval, (562) 570-3215

6. General Plan:

N/A - project located in Long Beach Harbor

7. Zoning:

N/A - project located in Long Beach Harbor

8. Description of project:

The proposed mooring project consists of 45 total mooring buoys in three locations: on the west side of Belmont Pier, on the east side of Belmont Pier, and on the lee side of Island White. The vessel swing radius around each mooring buoy is estimated to be 21 meters (70 feet). The three mooring field footprints will be approximately 61 meters by 2112 meters (200 feet by 700 feet).

Mooring buoy tackle will consist of a helical soil anchor, Seaflex tension band (elastomeric hawser), cable and appropriate fasteners, and surface buoy. The soil anchors will be placed using a hydraulic drill to install the 4.2 meter long steel shaft helical anchor approximately 4 meters into the sea floor. The footprint of each helical anchor is 4.4 square centimeters.

The project is anticipated to be completed by Summer 2007.

9. Surrounding land uses and setting:

The project site is located in the Long Beach Harbor. Surrounding land uses are as follows:

North: Coastal beach areas, Belmont Pool, and mixed residential and commercial uses along the coastline.

South: Long Beach Harbor and the breakwater

East: Long Beach Harbor and Alamitos Bay Marina

West: Long Beach Harbor, oil islands and the downtown marina

10. Other public agencies whose approval is required:

Approval of a Coastal Development Permit by the California Coastal Commission

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

Aesthetics	Agriculture Resources	Air Quality
Biological Resources	Cultural Resources	Geology/Soils
Hazards & Hazardous Materials	Hydrology/Water Quality	Land Use/Planning
Mineral Resources	National Pollution Discharge Elimination System	Noise
Population/Housing	Public Services	Recreation
Transportation	Utilities/Service Systems	Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the Environment and a **— NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. **A MITIGATED NEGATIVE DECLARATION** will be prepared.

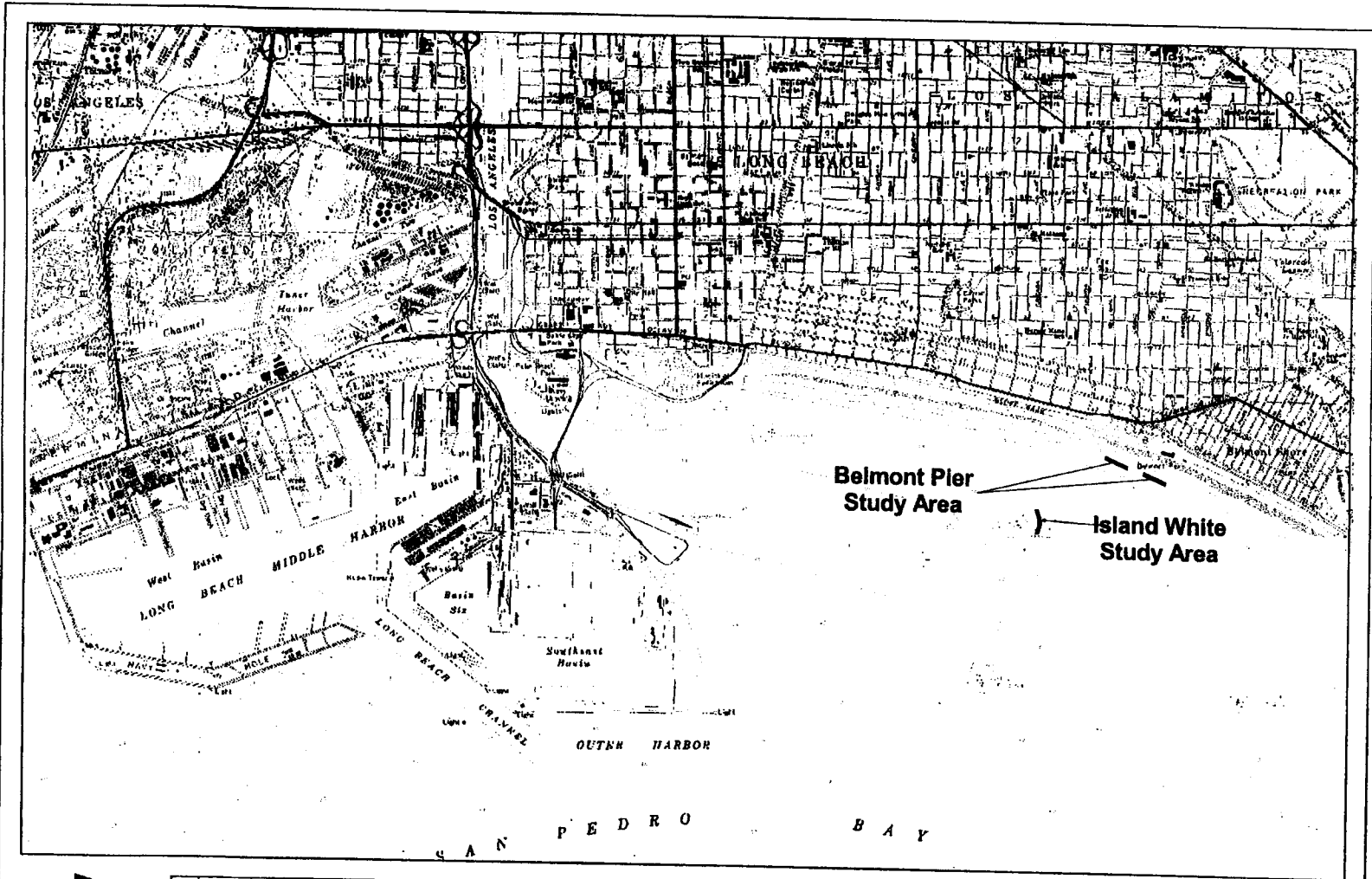
I find that the proposed project **MAY** have a significant effect on the environment, and an **— ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has **—** been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

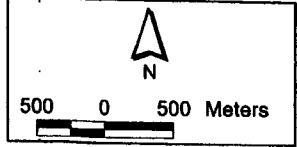
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR **—** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

EVALUATION OF ENVIRONMENT IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parenthesis following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. A "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less than Significant with "Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration Section 1 5063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the score of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated", describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.



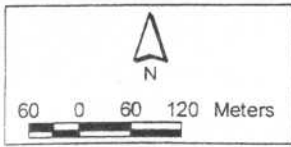
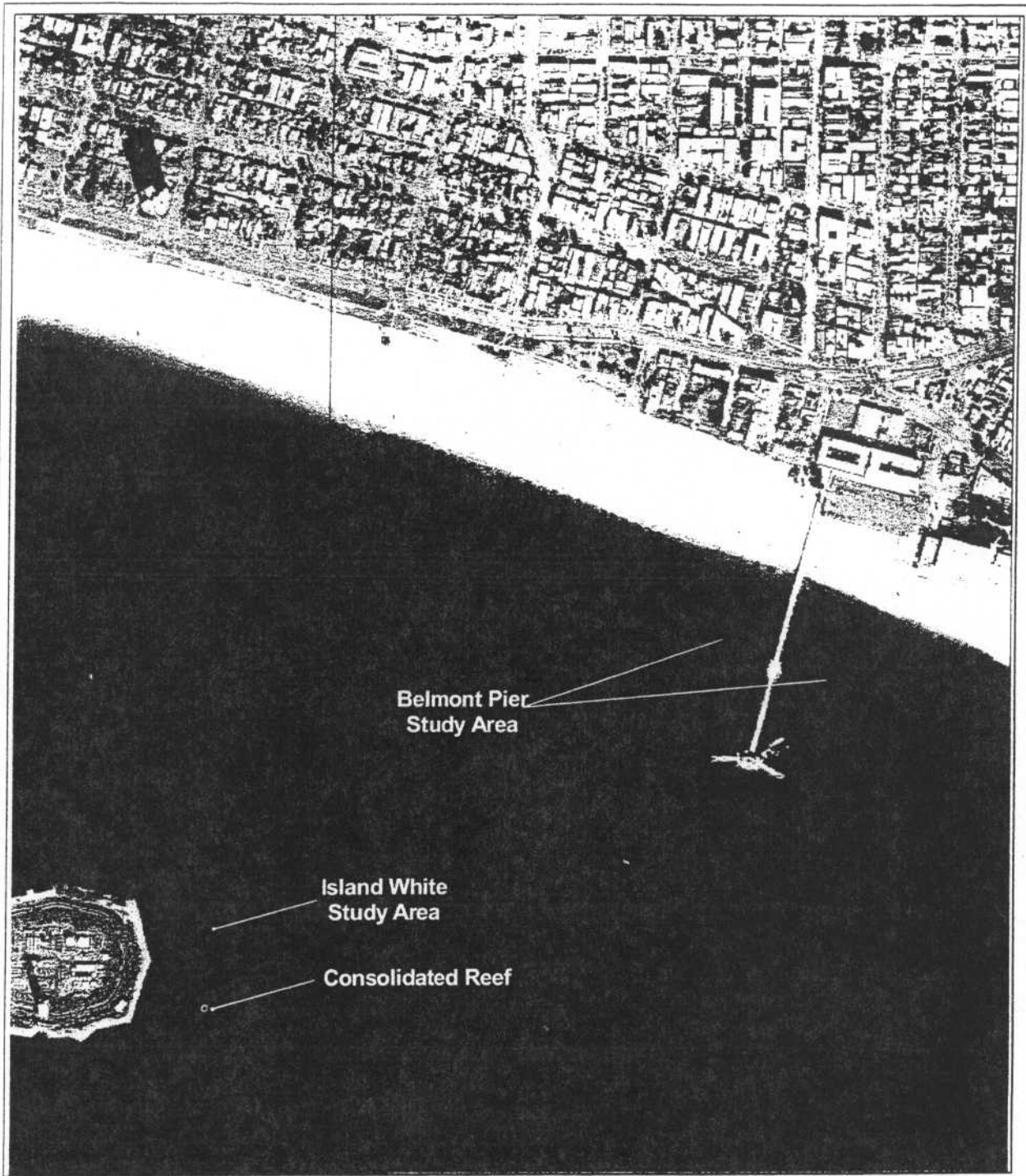
7



VICINITY MAP
Image Source: USGS 7.5' Long Beach, CA Quadrangle

Figure 1

Merkel & Associates, Inc.



PROJECT MAP

Image Source: Image Trader www.landsat.com

Figure 2

Merkel & Associates, Inc.

ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 II. AGRICULTURE RESOURCES – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
 III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IV. BIOLOGICAL RESOURCES – Would the project:

a) Have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

V. CULTURAL RESOURCES – Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VI. GEOLOGY AND SOILS – Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including Liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. HAZARDS AND HAZARDOUS MATERIALS –
 Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING – Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
X. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM – Would the project:				
a) Result in a significant loss of pervious surface?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant discharge of pollutants into the storm drain or water way?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Violate any best management practices of the National Pollution Discharge Elimination System permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
XII. NOISE – Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. POPULATION AND HOUSING – Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. PUBLIC SERVICES – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. RECREATION –				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVI. TRANSPORTATION/TRAFFIC – Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlement and resources, or are new or expanded entitlement needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE –

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION OF ENVIRONMENTAL IMPACTS

I. AESTHETICS

a. Would the project have a substantial adverse effect on a scenic vista?

Less Than Significant Impact

The proposed project involves the installation of 90 new boat mooring buoys, with 30 mooring buoys each in three mooring locations: two on opposite sides of the Belmont Veteran's Memorial Pier and one to the leeward side of the Oil Island White. These mooring buoys would not have a significant visual impact on Long Beach Harbor and the moored vessels would be visually consistent with typical coastal views.

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Less Than Significant Impact

The project site is located in Long Beach Harbor, with two mooring areas close to the Belmont Veteran's Memorial Pier and one to the leeward side of the Oil Island White. While the Pier and Oil Island are considered to have local significance, neither structure is a designated historic structure.

c. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

Less Than Significant Impact

Please see I (a) above for discussion.

d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant With Mitigation Incorporation

The buoys floating at the top of each mooring and the anchored transient vessels are not expected to result in any significant light or glare impacts to either ocean or land based uses or activities. However, the use of nighttime lighting on any individual vessel could result in spillover effects, depending upon the intensity and direction of the lighting source. Therefore, the following mitigation measure is recommended to ensure

nighttime lighting from project operations would not generate any significance lighting impacts:

Mitigation Measure I-1: Nighttime lighting in all mooring areas shall be limited to the illumination necessary for navigational safety only.

It is anticipated that any potential impacts will be reduced to a less than significant level with mitigation incorporation.

II. AGRICULTURE RESOURCES

No Impact (for a through c)

The project is not located within an agricultural zone, and there are no agricultural zones within the vicinity of the project. Project construction and operations would have no effect upon agricultural resources within the City of Long Beach or any other neighboring city or county.

III. AIR QUALITY

The South Coast Air Basin is subject to possibly some of the worst air pollution in the country, attributable mainly to its topography, climate, meteorological conditions, a large population base, and highly dispersed urban land use patterns.

Air quality conditions are primarily affected by the rate and location of pollutant emissions and by climatic conditions that influence the movement and dispersion of pollutants. Atmospheric conditions such as wind speed, wind direction, and air temperature gradients, along with local and regional topography, provide the links between air pollutant emissions and air quality.

The South Coast Air Basin generally has a limited capability to disperse air contaminants because of its low wind speeds and persistent temperature inversions. In the Long Beach area, predominantly daily winds consist of morning onshore airflow from the southwest at a mean speed of 7.3 miles per hour and afternoon and evening offshore airflow from the northwest at 0.2 to 4.7 miles per hour with little variability between seasons. Summer wind speeds average slightly higher than winter wind speeds. The prevailing winds carry air contaminants northward and then eastward over Whittier, Covina, Pomona and Riverside.

The majority of pollutants normally found in the Los Angeles County atmosphere originate from automobile exhausts as unburned hydrocarbons, carbon monoxide, oxides of nitrogen and other materials. Of the five major pollutant types (carbon monoxide, nitrogen oxides, reactive organic gases, sulfur oxides, and particulates), only sulfur oxide emissions are dominated by sources other than automobile exhaust.

a. Would the project conflict with or obstruct implementation of the applicable Air Quality Attainment Plan?

Less Than Significant Impact

The Southern California Association of Governments has determined that if a project is consistent with the growth forecasts for the sub-region in which it is located, it is consistent with the Air Quality Management Plan (AQMP) and regional emissions are mitigated by the control strategy specified in the AQMP. This project would not generate new emissions from boating vessels or induce new vessel construction, but rather would simply provide another option for short-term mooring of existing vessels. As such, this project would not conflict with or obstruct implementation of the Air Quality Management Plan.

b. Would the project violate any air quality standard or contribute to an existing or projected air quality violation?

Less than Significant Impact

Please see Section III (a) above for discussion. Project construction and operations will not generate new emissions from vessels but rather will accommodate existing vessels by providing short-term moorings.

c. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Less than Significant Impact

Please see Section III (a) and (b) above for discussion.

d. Would the project expose sensitive receptors to substantial pollutant concentrations?

No Impact

The CEQA Air Quality Handbook defines sensitive receptors as children, athletes, elderly and sick individuals that are more susceptible to the effects of air pollution than the population at large. The mooring buoys would not produce significant levels of any emission that could affect sensitive receptors nor be located nearby any land uses accommodating sensitive receptors (i.e., schools, hospitals).

e. Would the project create objectionable odors affecting a substantial number of people?

Less Than Significant Impact

The project would not create any new sources of objectionable odors. The project would not change the nature of boating operations and any emission odors from existing vessels would occur with or without the project.

IV. BIOLOGY

a. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less Than Significant Impact

In addition to local approvals, the project would require State and federal approvals. These approvals include issuance of a Coastal Development Permit from the California Coastal Commission in accordance with the California Coastal Act, issuance of a Clean Water Act Section 401 State Water Quality Certification, and issuance of a Rivers and Harbors Act Section 10 Permit. Processing of these approvals would also require compliance with the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fisheries Management Act and the completion of a survey for invasive seaweed not more than 90 days prior to the initiation of construction.

Merkel & Associates completed a Biological Resources Assessment for this proposed project in May 2006 (see Attachment B). For this study, an underwater survey was performed on March 8, 2006 for the Belmont Veterans memorial Pier (Pier) and Oil Island White at three locations: west of the Pier, east of the Pier and east of Island White. Data collected by SCUBA diving included depth, substrate type, and observed flora and fauna.

The majority of the Pier and Island White study areas are characterized by non-vegetated soft bottoms consisting of fine sand, loose mud, and silt. Few fish and invertebrates were observed on the soft bottom areas during this survey. The soft sediment showed signs of burrowing invertebrate activities, such as bivalves and crustaceans. The benthic invertebrate community within this study area is considered similar to other non-vegetated areas of Southern California bays and harbors. While fish were not observed in the open water column during this survey, it is likely that jack mackerel, Pacific barracuda, northern and deepbody anchovy, and topsmelt commonly occur throughout the survey area.

As shown in Table 1 of the Biological Assessment, the following protected species are considered potentially likely to occur within the project area: California brown pelican, double-crested cormorant, harbor seal, California sea lion, and California least tern. The gray whale is a protected species that is not considered likely to occur within the project area. None of these species were observed within or adjacent to the project site during the biological survey.

The major elements of project implementation that could potentially impact marine resources involve installation of the mooring buoys with driven helical anchors and the presence of permanently moored buoys with transient vessels. Driving the helical anchors would have minor impacts on the unvegetated soft bottom habitat and associated organisms in and around the anchor areas. The installation of the mooring anchors would result in limited short-term soft bottom habitat losses during the construction period. In addition, the mooring areas would be affected by the intermittent shading of transient vessels moored to the buoys. This vessel shading is unlikely to significantly affect the unvegetated soft bottom habitat.

The project would have both temporary and permanent effects on the open water column. These impacts may include temporary and localized increases in turbidity during installation of the helical anchors, although the impacted area is estimated to be limited to the surrounding bottom water column. This elevated turbidity is not expected to affect the local foraging success of fish and marine avian species. While many fish are attracted to elevated turbidity, other species may avoid this area. It is therefore unlikely that this temporary and localized turbidity would significantly affect the foraging of marine avian species.

There would be a permanent loss of open water habitat related to the mooring buoys, associated tackle, and moored vessels. The unavailability of open water habitat would decrease the foraging opportunities of piscivorous birds and fish assemblages. However, it is anticipated that

invertebrate and algal communities would colonize the mooring buoys and tackle. Fish, birds, and motile invertebrates may be attracted to associated prey items that develop on the mooring buoys and tackle.

The project area does not feature unique or rare habitats that if altered could result in impacts to sensitive species in the area due to alteration from project implementation. Temporary increased bottom water turbidity during installation of helical anchors would be unlikely to reduce the foraging efficiency of sensitive bird species that could potentially occur in the project area (California brown pelican, double-crested cormorant, and California least tern).

California brown pelicans were observed on the Pier and Island White, but are not expected to experience adverse effects from the mooring areas. The California least tern is observed in the Long Beach Harbor during its breeding season from April to October. The nearest nesting colony for the California least tern is at Pier 400 in the Port of Los Angeles. During breeding season, least terns favor foraging areas closer to the nesting colonies, and therefore given the distant location of the project area, it is not anticipated that project activities would result in a substantial alteration of use patterns by this species. The double-crested cormorant commonly forages in the open water of Long Beach Harbor. Due to the low density of the proposed moorings and the wide availability of habitat within the harbor, no significant impacts are anticipated to this species in its foraging patterns. Other marine avian species likely to occur in the project area would not lose habitat from the proposed project, given the availability of open water for foraging throughout the harbor area.

Harbor seals and California sea lions have been observed near the Pier and Island White on the existing docks and rock revetment. Gray whales and Pacific bottlenose dolphins have not been observed near the Pier or Island White, but have been observed inside the Long Beach Harbor breakwater. While these marine mammals may occasionally forage in the project area, the project is not anticipated to result in impacts to marine mammals given the availability of open water for foraging.

The Biological Assessment concludes that permanent impacts from the project would result in only a minor loss of the unvegetated soft bottom habitat and the transitory loss of open water habitat associated with vessels moored in the project area. The duration and exact location of this loss cannot be identified due to the transient nature of visiting vessels and variations in vessel positioning based on the tide, currents, and wind conditions. Temporary impacts would be minimal; resulting from noise associated with vessel installation and elevated turbidity on the seafloor during the installation of mooring anchors.

Given the low impact nature of the mooring installation technique, the lack of sensitive resources in the project area, the lack of limited or unique biota within the project footprint, and the anticipated recovery of resource values by reestablishment of similar or more productive communities around the mooring buoys, the project as proposed would not be anticipated to result in significant adverse biological impacts.

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less Than Significant Impact

Please see Section IV (a) above for discussion.

c. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filing, hydrological interruption, or other means?

Less Than Significant Impact

Please see Section IV (a) above for discussion. There would be no direct removal, filing, hydrological interruption or other adverse disruptions of navigable waters through project implementation.

d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less Than Significant With Mitigation Incorporation

In order to ensure mooring construction will not significantly interfere with marine habitats, the following mitigation measure is recommended:

Mitigation Measure IV-1: Construction of the Boat Mooring Areas shall be conducted in a manner that protects water quality and marine habitat through strict adherence of the following construction practices:

1. Every mooring anchor shall be drilled into the ocean bottom by divers in the presence of a qualified marine biologist.
2. All mooring installation shall be conducted in daylight hours only.

3. No construction materials, equipment, debris, or waste shall be placed or stored in any areas subject to wave, wind or rain erosion and dispersion.
4. Staging and storage of construction machinery and storage of debris shall not take place anywhere on the beach.
5. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
6. Disturbance to the ocean bottom and intertidal areas shall be restricted to the mooring anchor drilling locations only and shall be minimized in accordance with the direction and supervision provided by a qualified marine biologist during all installation activities.
7. Divers shall recover all non-buoyant debris discharged into coastal waters immediately after any discharge.
8. Sand from the beach, cobbles or shoreline rocks shall not be used for construction material.
9. At the end of all construction activities, all mooring areas shall be inspected by a qualified marine biologist to ensure that no debris, trash or construction material has been left on the beach or in the coastal water and that the moorings areas do not create any hazards to navigation.

In order to ensure project operations will not significantly interfere with marine habitats, the following mitigation measure is recommended:

Mitigation Measure IV-2: A Best Management Practices (BMP) Program shall be implemented in all mooring areas, which shall include, but not be limited to, the following:

1. All in-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints and debris.
2. All in-water hull scaping or any process that occurs under water that results in the removal of paint from boat hulls is prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and only minimal amounts shall be used.
3. The use of boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye shall be prohibited in the boat mooring areas.
4. All trash, recyclables and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits shall be disposed of in a proper manner and shall not at any time be disposed of in the coastal water or beaches.

5. Oil absorbent materials shall be examined at least once a year and replaced as necessary, with disposal of materials in accordance with all applicable hazardous waste disposal regulations. All boat mooring occupants shall regularly inspect and maintain all vessel engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Preventative engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services shall be used to clean oily bilge areas. The use of detergents or soaps that can be discharged by bilge pumps shall be prohibited.

It is anticipated that any potential impacts will be reduced to a less than significant level with incorporation of these two mitigation measures.

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact

There are no applicable local policies or ordinances that would conflict with the proposed boat moorings in the Long Beach Harbor.

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less Than Significant Impact

Please see Section IV (a) above for discussion. The Biological Assessment (see Attachment B) concluded that permanent impacts from the project would result in only a minor loss of the unvegetated soft bottom habitat and the transitory loss of open water habitat associated with transient vessels moored in the project area. The project would not conflict with any local, regional or state habitat conservation plan.

V. CULTURAL RESOURCES

There is some evidence to indicate that primitive people inhabited portions of the city as early as 5,000 to 2,000 B.C. Much of the remains and artifacts of these ancient people have been destroyed as the city has been developed. Of the archaeological sites remaining, many of them seem to be located in the southeast sector of the city. No adverse impacts are anticipated to cultural resources.

a. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section §15064.5?

No Impact

There are no historic resources in or around the project area. The project is located in Long Beach Harbor, consisting of coastal waters near the Pier and an oil island, neither of which are considered historical resources.

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section §15064.5?

No Impact

The project site is located outside the area of the City expected to have the higher probability of latent artifacts. While the proposed project would involve excavation, it would not be expected to affect any archaeological resource.

c. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact

Please see Section V (a) and (b) above for discussion.

d. Would the project disturb any human remains, including those interred outside of formal cemeteries?

No Impact

Please see Section V (a) and (b) above for discussion.

VI. GEOLOGY AND SOILS

a. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less Than Significant Impact

Per Plate 2 of the Seismic Safety Element of the General Plan, no faults are known to pass beneath the site, and the area is not in the Alquist-Priolo Special Studies Zone. The most significant fault system in the vicinity is the Newport-Inglewood fault zone. Other potentially active faults in the area are the Richfield Fault, the Marine Stadium Fault, the Palos Verdes Fault and the Los Alamitos Fault. Because faults do exist in the City, "No Impact" would not be an appropriate response, but since the project location is not within a delineated fault zone area, a less than significant impact would be anticipated.

ii) Strong seismic ground shaking?

Less Than Significant Impact

The proximity of the Newport-Inglewood Fault could create substantial ground shaking at the proposed site if a seismic event occurred along the fault. However, there are numerous variables that determine the level of damage at a given location. Given these variables, it is not possible to determine the level of damage that may occur on the site during a seismic event. The project, however, does not involve any structures subject to the Uniform Building Code. No significant impact would be anticipated.

iii) Seismic-related ground failure, including Liquefaction?

No Impact

The proposed project is outside the area for potential liquefaction based upon Plate 7 of the Seismic Safety Element of the City's General Plan. No impact is anticipated.

iv) Landslides?

No Impact

Per the Seismic Safety Element, no landslides are anticipated to occur on the site of the proposed project. No impact would be anticipated.

b. Would the project result in substantial soil erosion or the loss of topsoil?

No Impact

The proposed project in the Long Beach Harbor would not result in any soil erosion.

c. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

No Impact

Please see Section VI (a. iii) and (b) above for discussion.

d. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

No Impact

The project site is located in coastal waters, not on soils.

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?

No Impact

The project site is not located in an area where sewers exist or are utilized.

VII. HAZARDS AND HAZARDOUS MATERIALS

a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact

The modified project would not involve the transport, use or disposal of hazardous materials and would not be anticipated to create any significant hazard to the public or the environment via the use, transport or disposal of hazardous materials. Mitigation Measure IV-2 in Section IV Biology would implement a Best Management Practices (BMP) Program that would prohibit release of hazardous materials into the ocean.

b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident

conditions involving the release of hazardous materials into the environment?

Less Than Significant Impact

Please see Section VII (a) above for discussion.

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact

The project is not located near any school facilities.

d. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies and developers to comply with the California Environmental Quality Act requirements in providing information about the location of hazardous materials release sites. The Cortese List does not list the proposed project area (ocean) as contaminated with hazardous materials.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

No Impact

The proposed project area is not located within the airport land use plan.

f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact

Please see Section VII (e) above for discussion.

g. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact

The boat mooring patrons would be required to comply with all applicable Long Beach Harbor Patrol and Coast Guard regulations in the event of a mandatory evacuation from the mooring area due to natural (i.e., tsunami) or man-made (i.e., oil spill) disasters. Therefore, the project would not significantly impair or interfere with emergency evacuation plans.

h. Would the project expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?

No Impact

The project area is in coastal waters and therefore would not expose people or structures to a significant risk of loss, injury or death involving wild land fires.

VIII. HYDROLOGY AND WATER QUALITY

The Flood Insurance Administration has prepared a new Flood Hazard Map designating potential flood zones, (Based on the projected inundation limits for breach of the Hansen Dam and that of the Whittier Narrows Dam, as well as the 100-year flood as delineated by the U.S. Army Corps of Engineers) which was adopted in July 1998.

a. Would the project violate any water quality standards or waste discharge requirements?

Less Than Significant With Mitigation Incorporation

Mitigation Measures IV-1 and IV-2 provided in Section IV. Biology would reduce potential water quality standards to a less than significant level.

b. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

No Impact

The project is located in Long Beach Harbor and would have no impact on groundwater supplies.

c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

No Impact

Due to the project's location in Long Beach Harbor, there would be no erosion or siltation on or off the site.

d. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?

No Impact

The project location in coastal waters would not result in flooding or upset and would not alter the proposed drainage infrastructure.

e. Would the project create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?

No Impact

Please see Section VIII (c) and (d) above for discussion.

f. Would the project otherwise degrade water quality?

Less Than Significant With Mitigation Incorporation

Mitigation Measures IV-1 and IV-2 provided in Section IV. Biology would reduce potential water quality standards to a less than significant level.

g. Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No Impact

The project site is located outside of the 100-year flood hazard area and no new impacts would occur from the proposed project.

h. Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?

No Impact

Please see Section VIII (g) above for discussion.

i. Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

No Impact

The project area is not located where it would be impacted by flooding, nor is it located within proximity of a levee or dam and therefore no impacts to people or structures would occur.

j. Would the project result in inundation by seiche, tsunami or mudflow?

No Impact

Per Plate 11 of the Seismic Safety Element, the project area is not within a zone influenced by the inundation of seiche, tsunami, or mudflow.

IX. LAND USE AND PLANNING

a. Would the project physically divide an established community?

Less Than Significant With Mitigation Incorporation

The project area is not located in an established on-land community and therefore would not lead to physically dividing any existing community.

In terms of the boating community, project activities would be regulated by the City of Long Beach Mooring User Regulations (see Attachment C). The Mooring User Regulations set forth the mooring permit application requirements and the general regulations for mooring usage. All permits are issued by the Harbor Master and may be revoked for any breach of regulations. A revocable permit may only be issued to the registered

owner of an insured vessel for a period not to exceed three years. The maximum duration a vessel can occupy any mooring shall not exceed ten days. After ten days the vessel must be removed and cannot occupy a mooring again for a period of at least ten days. No single vessel may occupy any mooring for more than 156 days in any calendar year.

As set forth on page three of the Mooring User Regulations, the harbor Master shall in no case have more than 80% of the total number of moorings assigned with revocable permits at any one time. Not less than one-half of this 20% (10% of the overall total number of moorings) shall be unassigned and available for the general boating public and never more than one-half of the 20% (10% of total moorings) shall be designated for the use of the Harbor Master vessels. The Harbor Master may assign temporary use of a permitted mooring to a guest boater when the mooring is not reserved by the permittee.

The operating conditions established by the Mooring User Regulations stipulate that permittees are responsible for the payment of any maintenance of the mooring system required to be performed by the Harbor Master. All generators shall be secured and shall not be operated between the hours of 10:00 PM and 7:00 AM. No more than two vessels are allowed to occupy any single mooring at any time. Vessels are allowed to side-tie while on a mooring with authorization of the Harbor Master, and each vessel is subject to the applicable fees as if on the mooring independently. Each individual vessel shall not exceed the allowable length for the specific mooring. It is unlawful for any person to discharge or deposit any materials that may cause harm to the navigable waters or beaches as set forth in the Water Quality Regulations specified on pages eight and nine of the Mooring User Regulations.

The Marine Bureau will operate a shore boat to provide daily shuttle services between the moorings and Belmont Pier from 8:00 AM to 10:00 PM on a demand basis. The shore boat will accommodate up to six passengers and be piloted by a licensed skipper.

The following mitigation measure is recommended to ensure the project will not create any significant impacts upon the boating community:

Mitigation Measure IX-1: The issuance of mooring permits and mooring usage operations shall be in strict compliance with the applicable City of Long Beach Mooring User Regulations.

It is anticipated that any potential impacts will be reduced to a less than significant level with mitigation incorporation.

b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant With Mitigation Incorporation

The project requires approval by the Long Beach Marine Advisory Commission and certification of this Mitigated Negative Declaration by the Long Beach Planning Commission. On April 13, 2006, the Long Beach Marine Advisory Commission unanimously approved this project.

In addition to local approvals, the project would require State and federal approvals. These approvals include issuance of a Coastal Development Permit from the California Coastal Commission in accordance with the California Coastal Act, issuance of a Clean Water Act Section 401 State Water Quality Certification, and issuance of a Rivers and Harbors Act Section 10 Permit. Processing of these approvals would also require compliance with the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fisheries Management Act and the completion of a survey for invasive seaweed not more than 90 days prior to the initiation of construction.

The following mitigation is recommended to ensure the project will not conflict with any applicable policies or regulations:

Mitigation Measure IX-2: The applicant shall obtain all applicable local, State and federal permit approvals prior to the start of project construction.

It is anticipated that any potential impacts will be reduced to a less than significant level with mitigation incorporation.

c. Would the project conflict with any applicable habitat conservation plan or natural communities conservation plan?

Less Than Significant Impact With Mitigation Incorporation

Potential project impacts to any natural habitats or habitat communities would be mitigated to a less than significant level with incorporation of Mitigation Measures IV-1 and IV-2 in Section IV Biology and Mitigation Measures IX-1 and IX-2 above.

It is anticipated that any potential impacts will be reduced to a less than significant level with mitigation incorporation.

X. MINERAL RESOURCES

The primary mineral resource within the City of Long Beach has been oil. However, oil extraction operations within the city have diminished over the last century as this resource has become depleted due to extraction operations. Today, oil extraction continues but on a greatly reduced scale in comparison to that which occurred in the past. The project site does not contain any oil extraction operations. Development of the proposed project would not be anticipated to have a negative impact on this resource. There are no other known mineral resources on the site that could be negatively impacted by development.

a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact

The proposed project would not impact or result in the loss of availability of any known mineral resource.

b. Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact

Please see Section X (a) above for discussion.

XI. NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)

a. Would the project result in a significant loss of pervious surface?

No Impact

The project area is located in coastal waters and therefore would not result in a significant loss of pervious surface.

b. Would the project create a significant discharge of pollutants into the storm drain or water way?

Less Than Significant With Mitigation Incorporation

Mitigation Measures IV-1 and IV-2 provided in Section IV Biology would reduce potential water quality standards to a less than significant level.

c. Would the project violate any best management practices of the National Pollution Discharge Elimination System permit?

Less Than Significant With Mitigation Incorporation

Mitigation Measures IV-1 and IV-2 provided in Section IV Biology would reduce potential water quality standards to a less than significant level.

XII. NOISE

Noise is defined as unwanted sound that disturbs human activity. Environmental noise levels typically fluctuate over time, and different types of noise descriptors are used to account for this variability. Measuring noise levels involves intensity, frequency, and duration, as well as time of occurrence.

The City of Long Beach uses the State Noise/Land Use Compatibility Standards, which suggests a desirable exterior noise exposure at 65 dBA CNEL for sensitive land uses such as residences. Less sensitive commercial and industrial uses may be compatible with ambient noise levels up to 70 dBA. The City of Long Beach has an adopted Noise Ordinance that sets exterior and interior noise standards.

a. Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?

Less Than Significant With Mitigation Incorporation

Project construction would only involve the anchoring of moorings into the ocean floor, which would not generate any significant noise levels audible from coastal land uses. Project operations would generate no more noise than normal boating operations across navigable waters. Since mooring activities would occur off-shore rather than at on-dock boat slips, project operations would actually generate less noise to coastal land uses than boating activities at existing marinas.

The following mitigations are recommended to ensure the project will not create any significant noise impacts in the Long Beach Harbor vicinity:

Mitigation Measure XII-1: All project construction and operational activities shall be in strict compliance with the Long Beach Noise Ordinance.

Mitigation Measure XII-2: All construction, maintenance and repair of the boat moorings shall be in daylight hours only.

It is anticipated that any potential impacts will be reduced to a less than significant level with these two mitigation measures.

b. Would the project result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?

Less Than Significant Impact

The project area in coastal waters would not expose persons to periodic ground borne noise or vibration impacts.

c. Would the project create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant Impact

Please see Section XII (a) above for discussion. The project would not create permanent increases in ambient noise levels since the off-shore moorings would not result in new noise impacts to coastal and other inland areas.

d. Would the project create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less than Significant With Mitigation Incorporation

Mitigation Measures XII-1 and XII-2 would reduce potential temporary noise impacts to a less than significant level.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact

The project site is not located within any airport land use plan.

f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area excessive noise levels?

No Impact

The project site is not located within the vicinity of a private airstrip.

XIII. POPULATION AND HOUSING

The City of Long Beach is the second largest city in Los Angeles County and the fifth largest in California. At the time of the 2000 Census, Long Beach had a population of 461,522, which presents a 7.5 percent increase from the 1990 Census. As of October 2005 (the latest available estimate), the Long Beach has a population of 491,564.

a. Would the project induce substantial population growth in an area, either directly or indirectly?

No Impact

The project simply provides another boat mooring opportunity for local boaters and does not directly or indirectly generate any housing or employment growth inducements that could lead to population growth.

b. Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact

The off-shore moorings would have no impact on any existing housing units in the City.

c. Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact

Please see Section XIII (b) above for discussion.

XIV. PUBLIC SERVICES

Fire protection is provided by the Long Beach Fire Department. The Department has 23 in-city stations. The Department is divided into Fire Prevention, Fire Suppression, Bureau of Instruction, and the Bureau of Technical Services. The Fire Department is accountable for medical, paramedic, and other first aid rescue calls from the community.

The Long Beach Police Department serves the project site. The Department is divided into Patrol, Traffic, Detective, Juvenile, Vice, Community, Jail, Records, and Administration Sections. The City has four Patrol Divisions; East, West, North and South.

The City of Long Beach is primarily served by the Long Beach Unified School District, which also serves the Cities of Signal Hill, and most of Lakewood. The District has been operating at or over capacity in recent years.

Would the proposed project have an adverse impact upon any of the following public services:

a. Fire protection?

Less Than Significant Impact

While the potential for boat fires could create demands on Coast Guard and Marine Bureau services, the construction and operation of off-shore boat moorings for existing vessels would not create any new significant demands on local fire protection services.

b. Police protection?

Less Than Significant Impact

The project is not growth inducing nor would it create any new demands on local services. While some vessels could be subject to activities necessitating law enforcement actions, the project would not create an environment conducive to criminal activity.

c. Schools?

No Impact

The project would not create any new housing units nor create conditions that would lead to new housing unit creation.

d. Parks?

No Impact

The project provides new off-shore moorings that allows for shuttle boat services between these moorings and Belmont Pier, which could bring more people to local beaches. However, it is not anticipated that this usage of coastal areas would create demand for additional park lands or park facilities.

e. Other public facilities?

No Impact

The project would not create any new significant demands on local library services or other local public services.

XV. RECREATION

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact

The project would not create any new impacts to parks or park facilities since all project construction and operations will occur off-shore in the Long Beach Harbor area.

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact

Please see Section XV (a) above for discussion.

XVI. TRANSPORTATION/TRAFFIC

a. Would the project cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

No Impact

The project would not generate increases in vehicular traffic since the boat moorings are in navigable waters. Project operations do not involve vehicular trips beyond the existing vehicular trips from boaters to and from boat launch areas. The project is not considered growth inducing since it simply offers existing boaters another mooring option in addition to the existing local marinas.

b. Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

No Impact

Please see Section XVI (a) above for discussion.

c. Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact

The project does not involve any aircraft or airport use.

d. Would the project substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact

Please see Section XVI (a) above for discussion.

e. Would the project result in inadequate emergency access?

No Impact

The boat moorings would not impede emergency access by the Coast Guard or other public safety vessels.

f. Would the project result in inadequate parking capacity?

No Impact

Please see Section XVI (a) above for discussion.

g. Would the project conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

No Impact

Please see Section XVI (a) above for discussion.

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project::

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**
- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**
- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**
- d) Have sufficient water supplies available to serve the project from existing entitlement and resources, or are new or expanded entitlement needed?**
- e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**
- g) Comply with federal, state, and local statutes and regulations related to solid waste?**

No Impact

The project would not place a burden on any utility or service system since the project is entirely located in navigable waters.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant Impact With Mitigation

The proposed project could impact marine habitat and habitat communities. However, with mitigation incorporation the impact would be reduced to a less than significant level.

b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

No Impact

The proposed project is not anticipated to have a cumulative considerable effect on the environment since it would not generate any new housing or employment growth incentives. The project is not considered growth inducing for the boating community since it does not encourage new boat construction but rather simply offers another mooring option for existing boaters.

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

No Impact

There are no substantial adverse environmental effects to human life either directly or indirectly related to the proposed project.

**MITIGATION MONITORING PLAN
MITIGATED NEGATIVE DECLARATION ND 11-06
BELMONT SHORE BOAT MOORINGS**

I. AESTHETICS

Mitigation Measure I-1: Nighttime lighting in all mooring areas shall be limited to the illumination necessary for navigational safety only.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine
Coast Guard

Monitoring Agency: Department of Parks, Recreation and Marine

IV. BIOLOGY

Mitigation Measure IV-1: Construction of the Boat Mooring Areas shall be conducted in a manner that protects water quality and marine habitat through strict adherence of the following construction practices:

1. Every mooring anchor shall be drilled into the ocean bottom by divers in the presence of a qualified marine biologist.
2. All mooring installation shall be conducted in daylight hours only.
3. No construction materials, equipment, debris, or waste shall be placed or stored in any areas subject to wave, wind or rain erosion and dispersion.
4. Staging and storage of construction machinery and storage of debris shall not take place anywhere on the beach.
5. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
6. Disturbance to the ocean bottom and intertidal areas shall be restricted to the mooring anchor drilling locations only and shall be minimized in accordance with the direction and supervision provided by a qualified marine biologist during all installation activities.
7. Divers shall recover all non-buoyant debris discharged into coastal waters immediately after any discharge.
8. Sand from the beach, cobbles or shoreline rocks shall not be used for construction material.
9. At the end of all construction activities, all mooring areas shall be inspected by a qualified marine biologist to ensure that no debris,

trash or construction material has been left on the beach or in the coastal water and that the mooring areas do not create any hazards to navigation.

Monitoring Phase: Project construction

Enforcement Agency: Department of Parks, Recreation and Marine
Coast Guard

Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IV-2: A Best Management Practices (BMP) Program shall be implemented in all mooring areas, which shall include, but not be limited to, the following:

1. All in-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints and debris.
2. All in-water hull scaping or any process that occurs under water that results in the removal of paint from boat hulls is prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and only minimal amounts shall be used.
3. The use of boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye shall be prohibited in the boat mooring area.
4. All trash, recyclables and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits shall be disposed of in a proper manner and shall not at any time be disposed of in the coastal water or beaches.
5. Oil absorbent materials shall be examined at least once a year and replaced as necessary, with disposal of materials in accordance with all applicable hazardous waste disposal regulations. All boat mooring occupants shall regularly inspect and maintain all vessel engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Preventative engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services shall be used to clean oily bilge areas. The use of detergents or soaps that can be discharged by bilge pumps shall be prohibited.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine
Coast Guard

Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IV-3: The City shall conduct weekly water quality testing in the immediate vicinity of all boat mooring locations in accordance with current Long Beach Health Department water quality testing standards. The findings of all testing done in the vicinity of the boat moorings shall be available to the public.

Monitoring Phase: Project operations
Enforcement Agency: Department of Parks, Recreation and Marine
Monitoring Agency: Department of Parks, Recreation and Marine

IX. LAND USE AND PLANNING

Mitigation Measure IX-1: The issuance of mooring permits and mooring usage operations shall be in strict compliance with the applicable City of Long Beach Mooring User Regulations.

Monitoring Phase: Project operations
Enforcement Agency: Department of Parks, Recreation and Marine
Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-2: The applicant shall obtain all applicable local, State and federal permit approvals prior to the start of project construction.

Monitoring Phase: Prior to project construction
Enforcement Agency: Department of Parks, Recreation and Marine
Coast Guard
Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-3: The following requirements set forth in the Vessel Moorings and Number of Vessel Moorings and Permits provisions from pages 3 and 4 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

No one person shall be assigned more than one revocable mooring use permit.

The Mooring Master may assign temporary use of a permitted mooring to a guest boater when the mooring is not reserved by the permittee. The vessel occupying a mooring on a temporary basis must give up the mooring for any reason on the Mooring Master's order. The Mooring Master's order will be made known to the vessel owner or the operator in charge of the moored vessel.

Monitoring Phase: Project operations
Enforcement Agency: Department of Parks, Recreation and Marine
Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-4: The following requirements set forth in the Revocable Mooring Vessel Permit and Application provisions from pages 4 and 5 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

The payment of fees for the revocable permit entitles the permittee to preferred use of the assigned mooring. The permittee is required to notify the Mooring Master before 9:00 AM the day the permittee intends to use the mooring assigned to him. Failure to do so shall place the Mooring Master under no obligation to remove a guest vessel.

The permittee is entitled to occupy the mooring in compliance with the conditions of the User Regulations and shall pay the stated daily rates.

The permittee will be responsible for the payment of any maintenance of the mooring system required to be performed by the Mooring Master.

The registered owner must provide proof of at least \$100,000 in liability insurance coverage on the vessel. The Mooring Master and the City of Long Beach must be named as additional insured on the liability insurance policy name.

No mooring shall be authorized as an eligible location for a live-aboard location. Use of a mooring for a live-aboard location is grounds for revocation of the mooring permit. The Mooring Master may require the revocable permit owner to provide proof of residence.

Mooring permits may be revoked for:

1. Use of mooring facilities in violation of City ordinances, Mooring User Regulations or other applicable laws;
2. Violation of conditions of any mooring permit;
3. Failure or refusal of the revocable permit owner to consent to dye testing of a vessel's marine sanitation facilities pursuant to these regulations; and
4. Discharge of contaminating wastes into City waters.

Monitoring Phase: Project operations
Enforcement Agency: Department of Parks, Recreation and Marine
Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-5: The following requirements set forth in the Permit Priority provisions from page 6 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

City mooring permits are valid for a period not to exceed three years. New mooring permits will be issued annually based on priority and availability of moorings for assignment. Any person who was a permittee during the preceding year has priority for a mooring permit at the same mooring location provided that the permittee's vessel to be moored is the same size as the previous term and the permittee has met all requirements of this regulation.

Moorings will be assigned to the highest priority on the wait list as they become available after existing permittee assignments are made.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine

Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-6: The following requirements set forth in the General Regulations – Mooring Usage provisions from pages 6 and 7 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

Maximum duration for any vessel to occupy any mooring shall not exceed 10 (ten) days. After 10 days the vessel must be removed and cannot occupy a mooring again for a period of at least 10 (ten) calendar days. Further, no single vessel may occupy any mooring for more than 156 (one hundred fifty six) days in any calendar year.

Mooring Master will work with the Marine Bureau to ensure that a vessel is not moving from guest tie in the marina to mooring, effectively staying in the Long Beach area permanently with no permanent slip.

Except in an emergency, no person shall moor any vessel on a City Mooring without the prior permission of the Mooring Master and payment of the required mooring fees.

All generators shall be secured and shall not be operated between the hours of 10:00 p.m. and 7:00 a.m. The foregoing restrictions shall not apply in cases of medical emergency.

If a vessel is abandoned or left unattended after the permitted period, the Mooring Master may have the vessel removed by the City Marine Safety

Patrol or other authorized agency. The vessel will then be subject to the City Marine Bureau regulations and applicable state law. All expenses incurred will be the responsibility of the vessel owner.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine

Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-7: The following requirements set forth in the Schedule of Fees provisions from page 7 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

The owner of a vessel shall pay to the Mooring Master for the use of Long Beach Mooring and its facilities and services, a permit fee of an amount specified in Attachment 1 of the User Regulations. The permit fee will cover the temporary use of a mooring. As part of the permit fee, the Mooring Master will be required to provide pump-out services and at-boat trash removal. Shoreboat services will be available at an additional nominal cost.

Monitoring Phase: Project operations

Enforcement Agency: Department of Parks, Recreation and Marine

Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-8: The following requirements set forth in the Water Quality Regulations from pages 7 through 9 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

(a) It shall be unlawful for any person to throw, discharge, deposit, or leave, or cause, suffer, or procure to be thrown, discharged, deposited, or left either from or out of any vessel or holding tank, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any description into the navigable waters of the City.

(b) It shall be unlawful for any person to discharge, or cause, suffer, or procure to be discharged or deposited, material of any kind in any place or on any banks of any navigable waters in the City where such discharged material shall be liable to be washed into the waters of the City either by ordinary or high tides, or by storms, floods, or otherwise.

(c) It shall be unlawful for any person to throw, place, or leave any dead animal or putrefying matter into the waters of the City or along the shore thereof.

(d) It shall be unlawful for any person to deposit, place, throw or in any manner dispose of any cans, receptacles, bottles, papers, food, animal or vegetable matter, rubbish, trash, garbage, or any decaying or putrid matter, material, or substance which might decay, or which might become injurious to health or which might become a nuisance or offensive to the senses of any person coming in proximity thereto into the waters of the Pacific Ocean, waterfront of Long Beach or upon the beaches of the City, or any portion thereof.

(e) It shall be unlawful for any person owning, managing, controlling, operating, navigating or otherwise handling any boat, vessel, or ship to discharge, or cause to be discharged, any ballast water, bilge water or waste water containing or contaminated with any crude petroleum, refined petroleum, engine oil, or oily byproduct within the waters of the City unless such ballast water, bilge water or waste water is discharged into suitable and adequate settling basins, tanks or other receptacles.

(f) It shall be unlawful for any person to throw, place, bury, or deposit upon any public or private beach in the City any glass, glassware, crockery, or any bottle, cup, container, plate, or other vessel made of glass, glassware, or crockery, or any other material or substance which would cause, or might reasonably be presumed to cause, injury to patrons of such beaches. None of such materials shall be left on the beach by any person, but the same shall be deposited in receptacles provided by the City for the deposit thereof or shall otherwise be removed from the beach by the owner of such materials.

(g) The unauthorized dumping of any kind of material into the waterway, or the throwing overboard, or setting adrift, or permitting to set adrift of anything that is, or might become, obstructive or dangerous to navigation is hereby expressly prohibited.

(h) In order to enforce the provisions of this section and to safeguard and protect City waters from contamination, the owner and/or other person in charge of any boat or vessel occupying a City mooring shall, as a condition of use of the mooring, allow the Mooring Master to board the vessel and place dye tablets into the vessel's marine sanitary device, and to perform a test or tests to ensure that the marine sanitary device is in such a condition as to prevent any contaminants from being discharged into City waters. It shall be unlawful for any person to deny Mooring Master personnel access to a vessel for purposes of placing dye tablets in the marine sanitary device, to refuse or interfere with testing of the marine

sanitary device by Mooring Master, to tamper with or remove while in City waters any dye tablet placed in a marine sanitary device by Mooring Master, or to place any substance in the marine sanitary device with the intent to interfere with the enforcement of this section. Violation of the provisions of this subsection shall result in revocation of permission to access the moorings. In addition to the penalties prescribed herein and in subsection (i), the Mooring Master shall have the authority to order any owner or person in charge of any boat or vessel upon which any act or omission specified herein has occurred, to immediately remove such vessel from City moorings.

(i) In the event that the Mooring Master observes or receives information that any vessel is discharging into City waters any liquid or solid material in violation of the Water Quality Rules of the User Regulations, the Mooring Master shall issue an order barring the vessel and the person owning and/or in possession of the vessel from privilege of use of City moorings on the subject vessel and any other vessel under the person's ownership or control. The order shall be for a period of two (2) years, effective immediately. The order shall be made in writing and delivered personally to the subject vessel owner and/or person in apparent control unless actions of the owner or person in control make such delivery impractical or infeasible. Where personal delivery cannot be made, a copy of the order shall be sent by first class mail, postage prepaid, to the address of the person to whom the vessel is registered.

Monitoring Phase: Project operations
Enforcement Agency: Department of Parks, Recreation and Marine
Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure IX-9: The following requirements set forth in the General Release provisions from page 9 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

As consideration for being granted a revocable mooring permit, the permittee agrees to hold the Mooring Master, the Concessionaire, the Marine Bureau and the City of Long Beach harmless from all liability or damage and grants access to the permittee or the permittee's property occupying a mooring area.

Monitoring Phase: Project operations
Enforcement Agency: Department of Parks, Recreation and Marine
Monitoring Agency: Department of Parks, Recreation and Marine

XII. NOISE

Mitigation Measure XII-1: All project construction and operational activities shall be in strict compliance with the Long Beach Noise Ordinance.

Monitoring Phase: Project construction and operations
Enforcement Agency: Department of Parks, Recreation and Marine
Monitoring Agency: Department of Parks, Recreation and Marine

Mitigation Measure XII-2: All construction, maintenance and repair of the boat moorings shall be in daylight hours only.

Monitoring Phase: Project construction and operations
Enforcement Agency: Department of Parks, Recreation and Marine
Monitoring Agency: Department of Parks, Recreation and Marine

ATTACHMENT A

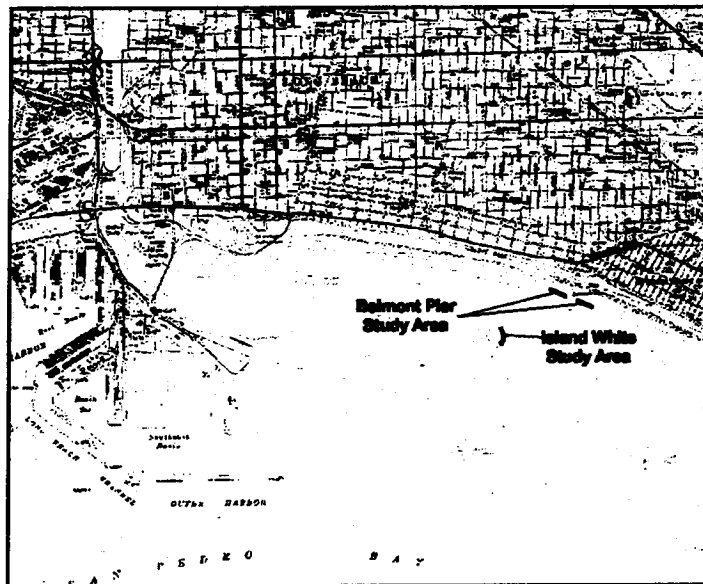
**LONG BEACH HARBOR
MOORING FIELD INSTALLATION
SITE ASSESSMENT**

LONG BEACH HARBOR MOORING FIELD INSTALLATION SITE ASSESSMENT

Project Description

The City is conducting this assessment of the environmental resources including marine biology, in support of the proposed project to install boat mooring buoys at the Belmont Veterans Memorial Pier (Pier) and Island White, located in Long Beach Harbor, California.

The need for the project was recognized by the City to provide safer and environmentally friendly anchorage for the recreational boaters in the Long Beach Harbor. The moorings provide a safe and efficient alternative to typical anchoring operations. Currently, the only recognized anchorage area is located to the north of Island White. The installation of mooring buoys will not impact this anchorage; it will actually provide better access for more boaters to use the area.



With typical anchoring, a boater must stop his vessel; drop a heavy anchor, often with many feet of chain onto the sea bottom. Then the boater reverses the vessel away from the anchor, dragging it along the bottom until it digs into the seafloor thereby anchoring the vessel to the bottom.

The distance from the boat to the anchor is called "scope". The scope is determined by the depth of the water. For a safe anchoring condition, it is desirable to obtain a scope of between 4 to 7 times the depth of the water. In 20 feet water depth this translates from 80 to 140 feet. These distances are required to ensure that the anchor will remain embedded in the seafloor as the vessel is moved about by the wind and other surface conditions. It is easy to see that the clear space required for a safely anchored vessel is considerable. In many cases the boater can not be assured that his anchor has properly embedded itself which results in the anchor being dragged across the sea floor until it finally engages if at all.

Then when the boater wishes to leave the anchorage, he must reverse the process, hauling in the anchor rode and chain and hoisting the heavy anchor from its embedment in the seafloor. Often times bringing up any vegetation the anchor has fouled while in use.

This repeated anchoring operations in a limited anchorage area has obvious detrimental effects on the seafloor and is an inefficient operation to accommodate any number of vessels.

The alternative to anchoring is to install moorings. Similar moorings for recreational vessels are currently in place and can be found in Newport Harbor, Santa Catalina Island, San Pedro Harbor and many other locations throughout California.

The concept of the mooring is to provide a fixed anchor on the seafloor and a convenient way for a vessel to easily tie off to and release the mooring. In this operation the boater only has to slowly approach the mooring buoy, pick up the mooring wand which attached to the mooring hawser, pull the hawser to the vessel and cleat off the hawser to the vessel. The boater simply releases the hawser from his vessel to depart the anchorage.

The distinct advantages to the proposed mooring system include:

- The mooring anchors are placed in a fixed location in the seafloor. This eliminates the need to drop, drag and retrieve an anchor for each vessel for every anchorage.
- The fixed moorings cannot move thereby minimizing any disturbances to the sea floor.
- The mooring tackle is held off the seafloor thereby eliminating any scour.
- The fixed moorings safely accommodate more vessels in a given area than a typical anchorage.
- The fixed moorings will not drag or slip while a vessel is moored, thereby creating a safer mooring for the vessel.
- The fixed moorings provide easier access to existing waterfront facilities such as the anchorage area and the Veterans Pier.

The boaters using the moorings can remain on their vessel and enjoy the pleasures of these attractive anchorages the same as the boaters now enjoy the anchorage.

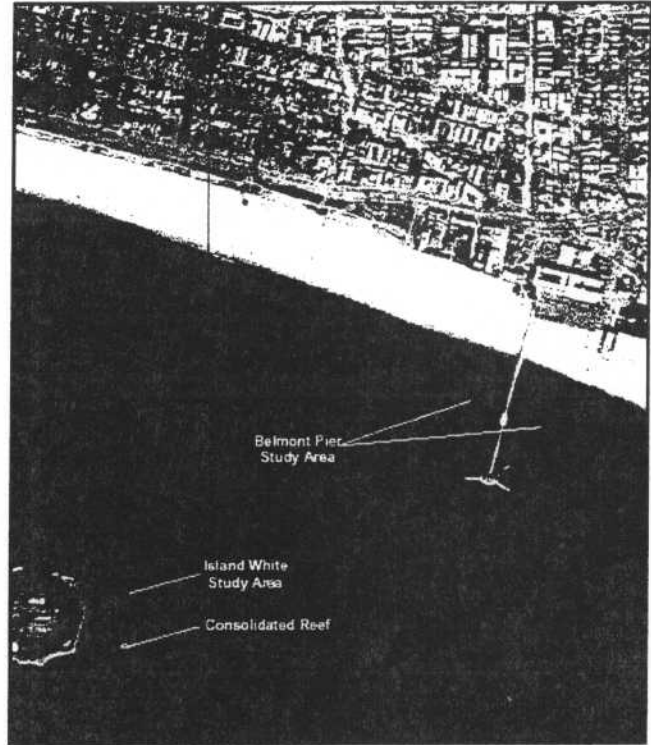
The City is in discussion with a concessionaire who would be responsible for installing, maintaining and operating these moorings. The concessionaire is likely to offer a shore boat service similar to the shore boat operations at Santa Catalina Island. With the shore boat service the boaters would have the option to leave their vessel and be taken to the nearby Veterans Pier to enjoy the facilities there. The shore boat would then return the boaters to their vessel at their demand. This would be an optional service that would be available to the boaters at their choice.

The proposed mooring project consists of two phases: 1) installation of nine mooring buoys, six placed at the Pier (three on the west side and three on the east side) and three placed in the lee of Island White, then 2) an additional twenty-seven buoys placed in each area for a total of thirty per area and ninety total for the project. The vessel swing radius around each mooring buoy is estimated to be 21 meters (m) (70 feet (ft)). The three mooring field footprints will be approximately 61 m by 212 m (200 ft by 700 ft) each as indicated in the photo.

Project concept plans are included in this site assessment to illustrate the materials and manner of construction.

Mooring buoy tackle will consist of a helical soil anchor, "Seaflex" elastomeric hawser, cable and appropriate fasteners, and surface buoy. The soil anchors will be placed using a hydraulic drill to install the 4.2 m long steel shaft helical anchor approximately 4 m into the sea floor. The footprint of each helical anchor is 4.4 square centimeters (cm²).

The project is anticipated to be completed by spring 2007.



The City has employed a marine biologist to conduct the survey of the project area (including underwater) and review the proposed project in order to assess the potential biological effects of the proposed work on local biological resources. The biological survey is discussed in the appropriate section of this site assessment.

ATTACHMENT B

**BIOLOGICAL RESOURCES ASSESSMENT
BELMONT PIER BOAT MOORING PROJECT**

**BIOLOGICAL RESOURCES
ASSESSMENT FOR BELMONT
PIER BOAT MOORING PROJECT
IN LONG BEACH HARBOR**

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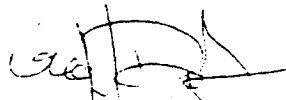
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May 2006



Keith W. Merkel, Principal Consultant



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BIOLOGICAL RESOURCES ASSESSMENT FOR BELMONT PIER BOAT MOORING PROJECT IN LONG BEACH HARBOR

May 2006

INTRODUCTION

The BLUEWater Design Group has contracted Merkel & Associates, Inc. (M&A) to conduct an assessment of the marine biological resources in support of the proposed project to install boat mooring buoys at the Belmont Veterans Memorial Pier (Pier) and Island White, located in Long Beach Harbor, California (Figure 1).

The proposed project consists of two phases: 1) installation of nine mooring buoys, six placed at the Pier (three on the west side and three on the east side) and three placed in the lee of Island White, then 2) an additional twenty-seven buoys placed in each area for a total of thirty per area and ninety total for the project. The vessel swing radius around each mooring buoy is estimated to be 21 meters (m) (70 feet (ft)). The three mooring field footprints will be approximately 61 m by 212 m (200 ft by 700 ft) each (Figure 2).

Mooring buoy tackle will consist of a helical anchor, Seaflex tension band, cable and appropriate fasteners, and surface buoy. U.S. Mooring Systems engineers aboard the *W/V Rebecca 1* will hydraulically drill the 4.2 m long steel shaft helical anchor approximately 4 m into sea floor. The footprint of each helical anchor is 4.4 square centimeters (cm²).

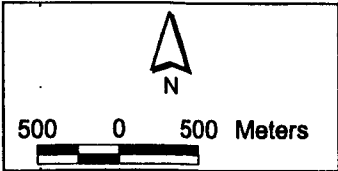
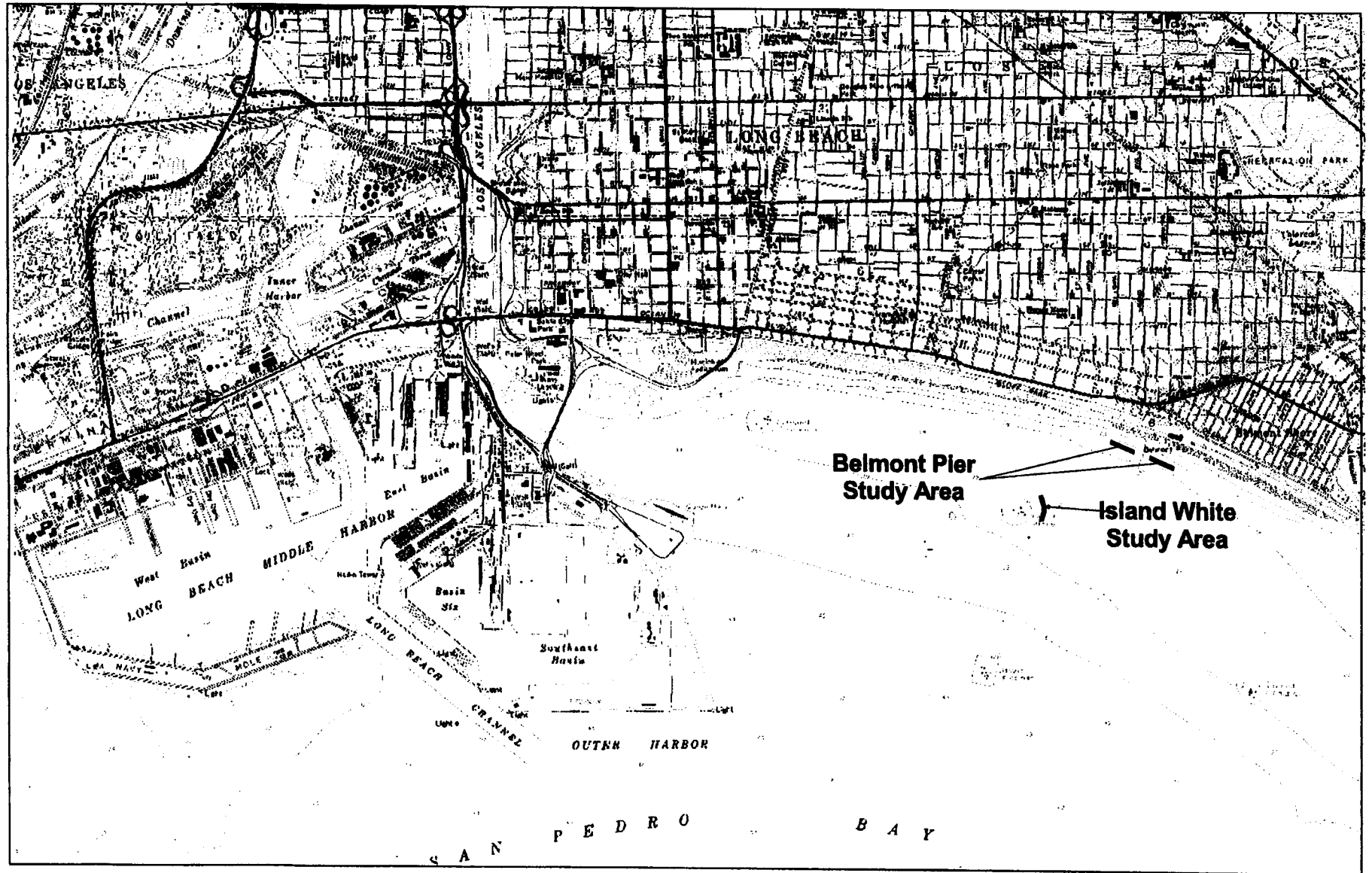
The project is anticipated to be completed by Spring 2007.

M&A has conducted a survey of the project area and a review of the proposed project in order to assess the potential biological effects of the proposed work on biological resources.

METHODS

M&A biologist Geoff Daly performed a biological survey of the project area at the Pier and Island White on March 8, 2006. The underwater survey consisted of SCUBA diving at three study areas: 1) west of the Pier, 2) east of the Pier, and 3) east of Island White (Figure 2). At both east and west study areas of the Pier, a 175 m transect was swam perpendicular to the Pier and a 175 m semi-circle transect was swam at Island White. Data collected by SCUBA diving included depth, substrate type, and observed flora and fauna. Due to the large size of the survey area (approximately 127,000 m²), side-scan sonar data collected on June 23, 2005 by M&A biologists operating from the *R/V Merkel* were also utilized for this report.

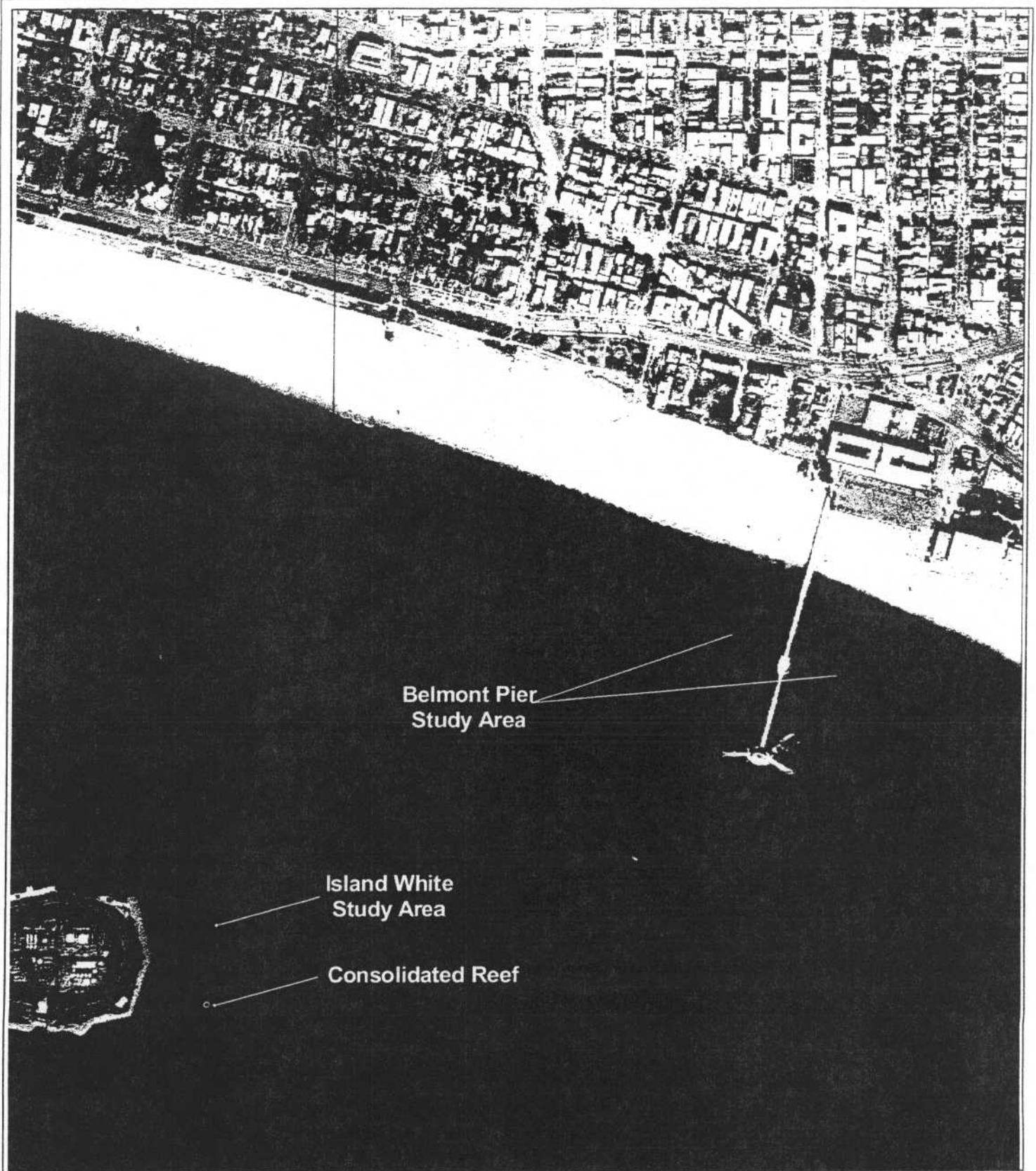
Data were collected using a side-scan sonar operating at 600 kHz scanning out 20 m on both the starboard and port channels for a 40 m wide swath. All data were collected in latitude and longitude using the North American Datum of 1983 (NAD 83), converted to the



Vicinity Map
Belmont Mooring Buoy Project

Image Source: USGS 7.5' Long Beach, CA Quadrangle

Figure 1



60 0 60 120 Meters

Biological Resources Assessment Map

Belmont Mooring Buoy Project

Image Source: Image Trader www.landsat.com

Figure 2

Universal Transverse Mercator system in meters (UTM 83), and plotted on a geo-rectified aerial image of the project site. The surveys were conducted by running parallel transects that were spaced to allow overlap between adjoining side-scan swaths. Following completion of the surveys, side-scan sonar traces were joined together and geographically registered. The marine bottom was then digitized as a theme over an aerial image to display any habitat coverage and distribution. If habitat (eelgrass and/or reef) were revealed by side-scan imagery, those areas would be spot-checked during the biological SCUBA survey.

Results will be reported for the Pier (includes both west and east study areas) and Island White.

RESULTS

PHYSICAL SITE CONDITIONS

The surveyed Pier study areas include the marine portions approximately 70 m off the mid-point of the Pier and 70 m from the Belmont shoreline and extending 61 m by 212 m west and east on each side of the Pier (Figure 2). Both the west and east side Pier study areas are non-vegetated mud and sand covered by a layer of silt with sparse areas of shell hash. The bottom forms a gentle offshore beach slope with a depth range of approximately -16 ft Mean Lower Low Water (MLLW) to -20 ft MLLW.

The Island White study area includes the marine portion approximately 70 m off the eastern shoreline in a semicircular area of 61 m by 212 m (Figure 2). The bottom is primarily flat with non-vegetated mud and silt at a depth range of approximately -24 ft MLLW to -26 ft MLLW. There is a 7 m by 7 m consolidated clay reef with 1 m of vertical relief in the southern portion of the study area (Figure 2).

MARINE RESOURCES

Non-vegetated Soft Bottom

The majority of the Pier and Island White study areas is soft bottom consisting of fine sand, loose mud, and silt. Few fish and invertebrates were observed on the soft bottom during the survey. California halibut (*Paralichthys californicus*), round stingray (*Urobatis halleri*), bay goby (*Lepidogobius lepidus*), and barred sand bass (*Paralabrax nebulifer*) were the only fish observed, although other demersal fish species likely inhabit this area (Miller and Lea 1972).

Invertebrates were sparse and included the tube-dwelling anemone (*Pachycerianthus fimbriatus*), ornate tube worm (*Diopatra ornata*), Kellet's whelk (*Kelletia kelletii*), turban snail (*Lithopoma undosa*), sea pen (*Stylatula elongata*), hermit crab (*Pagurus armatus*), pear crab (*Pyromaia tuberculata*), bryozoan (*Thalamoporella californica*), and spiny sand star (*Astropecten armatus*). The soft sediment showed signs of burrowing invertebrate activities, such as bivalves and crustaceans. It is anticipated that the benthic invertebrate community within this area is similar to that typically found in other non-vegetated areas of southern California bays and harbors (Gotshall and Laurent 1979).

The consolidated clay reef located at Island White supported various sessile invertebrates, such as tunicates (phylum Chordata), sponges (phylum Porifera), and eight gongornian sea

fans (*Muricea californica*). Taking shelter in the reef crevices were spiny lobster (*Panulirus interruptus*).

No eelgrass (*Zostera marina*) was found in the side-scan sonar record, nor was any observed during the diver survey. The depth and chronic turbidity at this site discourage the establishment of eelgrass in this area.

Open Water

Fish were not observed in the open water column during the survey, however it is likely that jack mackerel (*Trachurus symmetricus*), Pacific barracuda (*Sphyræna argentea*), northern and deepbody anchovy (*Engraulis mordax* and *Anchoa compressa*) as well as topmelt (*Atherinops affinis*) commonly occur there. The occurrence of anchovy and topmelt in open water is important to several species of piscivorous birds including pelicans, terns, loons, grebes, cormorants, and mergansers. None of these avian species were observed during the survey, but all are likely to seasonally forage in this area.

SENSITIVE SPECIES

The potential effect of the project, either directly or indirectly, on species identified as rare, sensitive, or endangered by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, must be considered. Table 1 lists protected species that could potentially occur within the project site. None of these species were observed within or adjacent to the project site during the present survey.

Table 1. Table of protected species that could potentially occur within the project area.

Common Name	Scientific Name	Status	Potential for Occurrence at Project Area
California Brown Pelican	<i>Pelicanus occidentalis californicus</i>	SE, FE	Likely
Double-crested Cormorant	<i>Phalacrocorax auritus</i>	CDFG SSC	Likely
Harbor Seal	<i>Phoca vitulina</i>	MMPA	Likely
California Sea Lion	<i>Zalophus californicus californianus</i>	MMPA	Likely
Gray Whale	<i>Eschrichtius robustus</i>	MMPA, IWC	Unlikely
California Least Tern	<i>Sterna antillarum browni</i>	SE, FE	Likely

SE – State Endangered; **FE**- Federally Endangered; **CDFG SSC**- CDFG Species of Special Concern; **MMPA** – species protected by the Marine Mammal Protection Act; **IWC**- International Whaling Commission

ANALYSIS AND DISCUSSION

POTENTIAL PROJECT IMPACTS

The major elements of the proposed project involve installation of the mooring buoys with driven helical anchors and the presence of permanently moored buoys with transient vessels. The following text discusses the potential impacts the project elements may have on the marine resources presented above.

Marine Resource Impacts

The marine communities occurring within the project area are typical of those found within the developed portions of outer bays and harbors throughout southern California, with no area notably rich in diversity or unique species.

Non-vegetated Soft Bottom

Driving the helical anchors would have minor impacts on the unvegetated soft bottom habitat and associated organisms in the footprint and area immediately around the anchors. The installation of the mooring anchors will result in limited short-term, construction-period soft bottom habitat losses associated with the placement of anchors. In addition, the mooring areas will be affected intermittent shading by transient vessels moored to the buoys following project completion. The location of vessel shading which would fluctuate based on prevailing wind and current direction as boats move around the moorings. This shading is unlikely to significantly affect the unvegetated soft bottom habitat.

Open Water

The proposed project would have both temporary and permanent effects on the open water column. Impacts may include temporary and localized increases in turbidity during installation of helical anchors. The effected area per helical anchor installation is estimated to be limited to the surrounding bottom water column, from the anchor being drilled into the sea floor. This elevated turbidity is not expected to affect the local foraging success of fish and marine avian species. Many fish species are attracted to elevated turbidity, others may avoid it. With an approximate depth of -20 ft MLLW, it is unlikely that the temporary and localized turbidity would significantly affect the foraging of marine avian species.

There would be a permanent loss of open water habitat related to the mooring buoys, associated tackle, and moored vessel. Approximately 5 m² of surface area would be lost per mooring buoy with an attached vessel. The unavailability of open water habitat would decrease the foraging opportunities of piscivorous birds and fish assemblages. However, it is anticipated that invertebrate and algal communities would colonize the mooring buoys and tackle. Fish, birds, and motile invertebrates may be attracted to associated prey items that develop on the mooring buoys and tackle.

Sensitive Species Impacts

There were no sensitive species observed within the project footprint during the survey. The project site does not feature unique or rare habitats whose alteration could impact sensitive species in the area. A discussion of the likelihood of sensitive species presented in Table 1 to occur and/or be impacted by the project is discussed below.

Birds

Sensitive bird species that could potentially occur in the project site are the California brown pelican, double-crested cormorant, and California least tern. Temporarily increased bottom water turbidity associated with project elements would be unlikely to reduce the foraging efficiency of these species. The California brown pelican is commonly observed loafing on the nearby Belmont Pier and Island White. The pelicans are not expected to experience adverse effects as a result of the mooring field.

During its breeding season, April to October, the California least tern is observed in Long Beach Harbor. The nearest nesting colony is at Pier 400 in the Port of Los Angeles. During the breeding season, least terns favor foraging areas closer to the nesting colonies (Atwood and Minsky 1983). Given the more distant location of the proposed project, the occurrence of least terns in this area is expected to be low. It is not anticipated that the proposed activities will result in a substantial alteration of the use patterns of this species within and adjacent to the project area. Therefore, no significant impacts to least tern are anticipated.

The double-crested cormorant commonly forages in the open water of Long Beach Harbor. Due to the low density of the proposed moorings and the wide availability of habitat within the harbor, the cormorant is not anticipated to suffer significant effects as a result of reduction of available foraging habitat.

Other marine avian species that likely frequent the project site would also not lose loafing, nesting, or roosting habitat as a result of the proposed project, and the availability of open water for foraging throughout the harbor would minimize impacts related to this project.

Marine Mammals

Harbor seals and California sea lions have been observed near the Pier and Island White, loafing on the existing docks and rock revetment. Gray whales and Pacific bottlenose dolphins have not been observed near the Pier or Island White, but have been reported to wander inside of the Long Beach Harbor breakwater. These marine mammals may occasionally forage in the area. The project is not anticipated to result in impacts to marine mammals.

SUMMARY

Permanent impacts of the proposed project relate to a minor loss of the non-vegetated soft bottom habitat and the transitory loss of open water habitat associated with vessels that would be moored at the project site. The duration and exact location of this loss cannot be identified due to the transient nature of visiting vessels and variations in vessel positioning based on the tide, currents, and wind conditions. However, based on the estimate that 5m² of open water surface area could be intermittently unavailable when a vessel is moored, an estimate could be made that up to 450 m² of open water surface area could be intermittently unavailable if all moorings were occupied. This area of coverage would shift throughout the day. Temporary impacts of the proposed project would be minimal; resulting from noise associated with the installation vessel and elevated turbidity on the seafloor when the mooring anchors are installed.

Given the low-impact nature of the mooring installation technique, the lack of sensitive resources in the project area, the lack of limited or unique biota within the project footprint, and the anticipated recovery of resource values by reestablishment of similar or more

productive communities around the mooring buoys, the project as proposed would not be anticipated to result in significant adverse biological impacts.

In addition to local approvals, the project would require state and federal approvals. These include issuance of a Coastal Development Permit under the California Coastal Act, issuance of a Clean Water Act section 401 State Water Quality Certification, and issuance of a Rivers & Harbors Act section 10 permit. Processing of these approvals would also require compliance with the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fisheries Management Act, and the completion of a survey for the invasive seaweed *Caulerpa taxifolia*, not more than 90 days prior to the initiation of construction, by a certified *Caulerpa* surveyor (NMFS 2004).

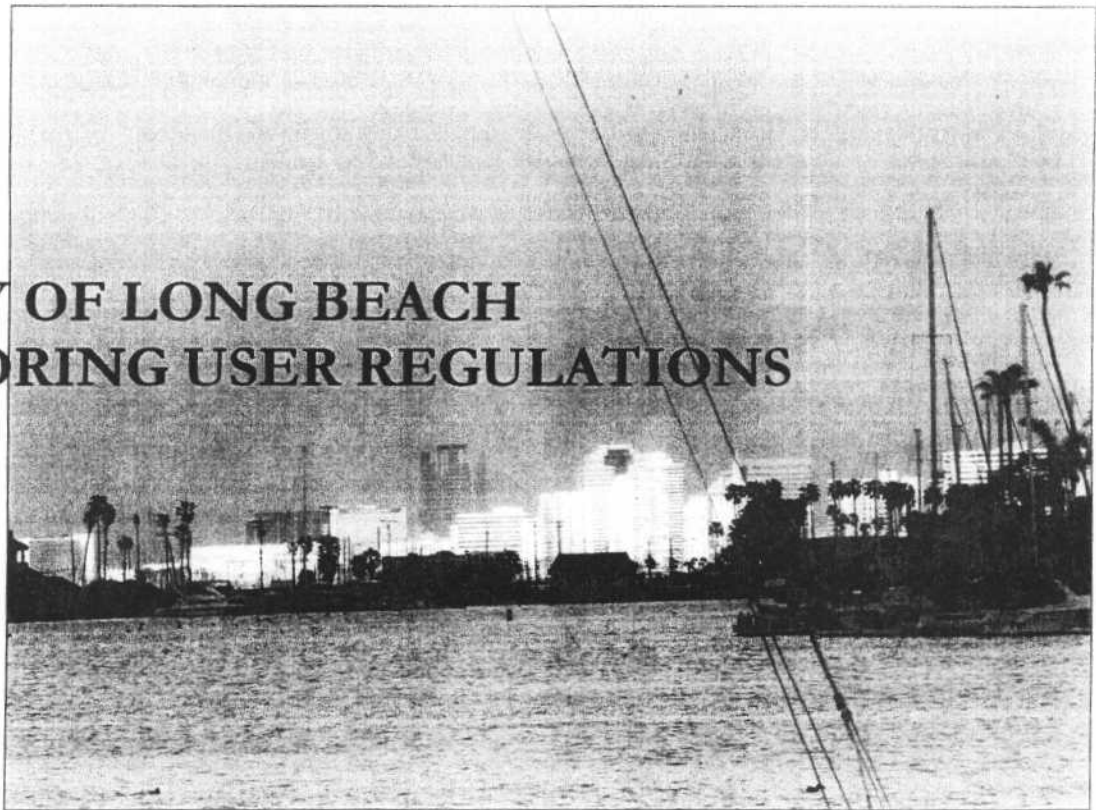
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ATTACHMENT C

**CITY OF LONG BEACH
MOORING USER REGULATIONS**

CITY OF LONG BEACH MOORING USER REGULATIONS



Prepared by
CITY OF LONG BEACH
Parks, Recreation and Marine Department
Marine Bureau



PURPOSE

The City of Long Beach mooring regulations are established to define the efficient utilization of the mooring areas and to improve public access and safety for the enjoyment of all users of the mooring areas as well as the greater oceanfront water areas. This is to be accomplished by establishing standards of use and availability of moorings for the widest possible public use.

DEFINITIONS

City – The City of Long Beach and its Parks, Recreation and Marine Department and Marine Bureau as represented by the Manager of the Marinas and Beaches

Concessionaire – The entity that holds the Mooring permit with the City of Long Beach.

Mooring Master – The Mooring Master as assigned by the Concessionaire as specified in the mooring field concession agreement between the City and the Concessionaire. The responsibilities of the Mooring Master are as described in these regulations.

Marine Safety – Officers of the City Fire Department, Marine Safety Division, with enforcement authority over the City's waters.

Mooring – A permanently installed system to provide anchorage for the temporary use of a vessel assigned for this use.

Mooring Year – The annual period of time from January 1 to December 31, inclusive.

Permittee – The person to whom a revocable mooring use permit is issued.

Revocable Mooring Vessel Permit (Permit) – A permit issued by the Mooring Master for a specified period, which authorizes the use of a City of Long Beach Mooring in accordance with the Mooring Regulations.

Vessel – Every description of watercraft used for water born recreation and transportation.

Vessel Length – The manufacturer's length of the vessel, as registered with the State Department of Motor Vehicles or Coast Guard, in the case of a documented vessel. Where the vessel has been modified, the Mooring Master shall determine the length of the vessel using any reasonable method. Detachable swim steps and bow pulpits shall not be included in determining length.

MOORING FIELD BOUNDARIES

The boundaries of the mooring fields are approved by the City of Long Beach, and are generally located in the vicinity of the Belmont Veterans Memorial Pier and to the leeward side of Island White. The mooring field boundaries can be modified by the City of Long Beach, as it deems necessary from time to time. A drawing that depicts the general

boundaries will be maintained by the City and the Mooring Master, and will be available for viewing upon request.

MOORING MASTER REPONSIBILITIES

Under the supervision of the Marine Bureau, the Mooring Master shall have the following authorities as duties with respect to the mooring fields:

1. To enforce the provisions of these regulations.
2. To cooperate with the Marine Safety Division for safety of the boating public.
3. To perform such other duties as may be required by the concessionaire or the City.

VESSEL MOORINGS

The moorings are intended for the short term mooring of recreational vessels only. The moorings are not intended to serve as long term berthing solution for any vessels, at any time for any reason.

The moorings will be installed in accordance with the plans and specifications, prepared by an engineer registered in the State of California, and as approved by the City and State Coastal Commission. The Mooring Master will maintain a set of these drawings in the Mooring Master office, and will make these drawings available for viewing upon request.

The moorings are owned, installed and maintained by the Concessionaire. Maintenance of the mooring(s) will be at the expense of the permittee, unless the mooring is unassigned, wherein the Mooring Master will be responsible for maintenance of the mooring.

NUMBER OF VESSEL MOORINGS AND PERMITS

The Mooring Master will be responsible for the installation of the moorings up to the maximum number allowed in accordance with the plans as approved by the City Marine Bureau and other required regulatory agencies. The total number of moorings shall be as approved by the City, as shown on the approved mooring plans. The number of moorings is subject to change from time to time, based on approval of the City and other required regulatory agencies.

The Mooring Master shall in no case have more than 50% (fifty percent) of the total umber of moorings assigned with revocable permits at any one time.

Of the remaining 50% (fifty percent) of the unassigned moorings, at least 40% (forty percent) shall remain unassigned and available for the general boating public, and no more than 10% (ten percent) shall be designated for the use of vessels used to service the mooring operation.

No one person shall be assigned more than one revocable mooring use permit.

The Mooring Master may assign temporary use of a permitted mooring to a guest boater when the mooring is not reserved by the permittee. The vessel occupying a mooring on a temporary basis must give up the mooring for any reason on the Mooring Master's order. The Mooring Master's order will be made known to the vessel owner or the operator in charge of the moored vessel.

REVOCABLE MOORING VESSEL PERMIT AND APPLICATION

The Mooring Master has the right, but not the obligation, to issue revocable permits for the privileged use of an assigned mooring.

The payment of fees for the revocable permit entitles the permittee to preferred use of the assigned mooring. The permittee is required to notify the Mooring Master before 9:00 AM the day the permittee intends to use the mooring assigned to him. Failure to do so shall place the Mooring Master under no obligation to remove a guest vessel.

The permittee is entitled to occupy the mooring in compliance with the conditions of these regulations and shall pay the stated daily rates.

The permittee will be responsible for the payment of any maintenance of the mooring system required to be performed by the Mooring Master.

A revocable permit may only be issued to the registered owner of an insured vessel. The revocable permittee may, however, reserve the use of the mooring for any vessel he/she chooses, provided it is of the proper size for the mooring as determined by the Mooring Master.

A revocable permit will be issued for a term not to exceed three years. Renewal of the permit at the end of term will be subject to the terms and conditions of these regulations.

Applications for issuance of a revocable permit shall be made to the Mooring Master and shall contain the following information:

1. Name and address of the registered vessel owner
2. Size, color, type of vessel to be moored
3. Registration number of the vessel to be moored (State registration or Documentation number)
4. Copy of vessel registration or documentation
5. Copy of certificate of insurance
6. Size, type and location of mooring requested
7. Signature of the registered vessel owner
8. Other such pertinent information as may be required by the Mooring Master.

The registered owner must provide proof of at least \$100,000 in liability insurance coverage on the vessel. The Mooring Master and the City of Long Beach must be named as additional insured on the liability insurance policy name.

Mooring permit applicants and permittees must notify the Mooring Masters office of any changes to the information provided on the application.

Joint permittees are not allowed. Each available revocable mooring permit shall only be issued to an individual. Transference of revocable permits is not allowed. Should the vessel be sold, the revocable permit assigned to the original vessel owner shall revert to the Mooring Master for re-assignment. The fees paid for this mooring permit will be returned to the permittee on a prorated basis based on the remaining duration of the permit term. Should the permittee purchase another vessel that would be suitable for this mooring within 30 days, he shall have priority for re-assignment of this mooring.

No mooring shall be authorized as an eligible location for a live-aboard location. Use of a mooring for a live-aboard location is grounds for revocation of the mooring permit. The Mooring Master may require the revocable permit owner to provide proof of residence.

Failure to pay required fees when due shall be a forfeiture of the permittee's mooring permit.

Mooring permits may be revoked for:

1. Use of mooring facilities in violation of City ordinances, Mooring Regulations or other applicable laws;
2. Violation of conditions of any mooring permit;
3. Failure or refusal of the revocable permit owner to consent to dye testing of a vessel's marine sanitation facilities pursuant to these regulations; and
4. Discharge of contaminating wastes into City waters.

The mooring permit shall provide that such permit shall be revocable for such violations (excluding nonpayment of permit fees) at any time by the Mooring Master upon giving five (5) days' written notice to the permittee. Upon such permit being revoked, the right to re-assign the permit reverts to the Mooring Master.

PERMIT ISSUANCE

If the Mooring Master finds that the application conforms to the requirements of this regulation, he shall, upon payment by the applicant of the required mooring fee, issue the mooring permit confirming the location for said mooring.

If the requested location is unavailable, a permit for a location shall be assigned by the Mooring Master as near to the desired location as is feasible.

The Mooring Master shall not, however, issue a permit to any person who has not paid their current vessel state registration fee.

Upon the issuance by the Mooring Master, a revocable mooring permit shall be valid only for the period specified in the permit as issued.

MOORING WAITING LIST

Mooring Master shall maintain a waiting list of applicants who desire to obtain a revocable mooring permit. Persons may be added to the waiting list by completing a shore mooring permit application and paying a \$15.00 administration fee. The list and position of each applicant shall be updated by the Mooring Master twice a year, and posted at the Mooring

Master's office. An applicant who wishes to maintain their priority position on the waiting list must reapply each year, on or before the first day of February.

PERMIT PRIORITY

City mooring permits are valid for a period not to exceed three years. New mooring permits will be issued annually based on priority and availability of moorings for assignment. Any person who was a permittee during the preceding year has priority for a mooring permit at the same mooring location provided that the permittee's vessel to be moored is the same size as the previous term and the permittee has met all requirements of this regulation.

If a permittee in the previous year requests a mooring change, that permittee will have priority over persons on the waiting list who were not permittees in the previous year. If two or more permittees in the previous year request a mooring change, priority will be based on which permittee has been a continuous permittee for a longer period of consecutive years. If all things are otherwise equal between or among applicants, priority shall be on a first-come first-served basis.

Moorings will be assigned to the highest priority on the wait list as they become available after existing permittee assignments are made.

GENERAL REGULATIONS - MOORING USAGE

Conditions of use:

No vessel shall be placed at a mooring classified and/or equipped for a smaller vessel without the written consent of the Mooring Master.

Maximum duration for any vessel to occupy any mooring shall not exceed 10 (ten) days. After 10 days the vessel must be removed and cannot occupy a mooring again for a period of at least 10 (ten) calendar days. Further, no single vessel may occupy any mooring for more than 156 (one hundred fifty six) days in any calendar year.

Mooring Master will work with the Marine Bureau to ensure that a vessel is not moving from guest tie in the marina to mooring, effectively staying in the Long Beach area permanently with no permanent slip.

Except in an emergency, no person shall moor any vessel on a City Mooring without the prior permission of the Mooring Master and payment of the required mooring fees.

All generators shall be secured and shall not be operated between the hours of 10:00 p.m. and 7:00 a.m. The foregoing restrictions shall not apply in cases of medical emergency.

No more than two vessels will be allowed to occupy any single mooring at any time. Vessels are allowed to side-tie while on a mooring with authorization of the Mooring Master. Each vessel will be subject to the fees as if on the mooring independently. Each individual vessel shall not exceed the allowable length for the specific mooring. Should weather conditions warrant, the Mooring Master may order one vessel to vacate the mooring to avoid

overloading the mooring equipment. Each vessel shall be subject to all terms and conditions of these regulations.

No vessel that is not seaworthy shall occupy a mooring. The vessel owner of a temporarily disabled vessel must obtain Mooring Master's authorization to moor if the repair will take more than four hours.

If a vessel is abandoned or left unattended after the permitted period, the Mooring Master may have the vessel removed by the City Marine Safety Patrol or other authorized agency. The vessel will then be subject to the City Marine Bureau regulations and applicable state law. All expenses incurred will be the responsibility of the vessel owner.

Whenever any guest vessel secures to a mooring, with or without the permission of the Mooring Master, and thereafter does damage to such mooring or any other mooring in Long Beach Mooring, or if any vessel does damage to any mooring in Long Beach Mooring, the owner and/or operator of such vessel shall be liable for the cost of the repairs to such mooring so damaged. The amount of such cost of repairs, together with reasonable attorney's fees, may be recovered by the Mooring Master in any court of competent jurisdiction in the State.

SCHEDULE OF FEES

The owner of a vessel shall pay to the Mooring Master for the use of Long Beach Mooring and its facilities and services, a permit fee of an amount specified in Attachment 1 of these regulations. The permit fee will cover the mooring and at-boat pumpout service. Other services will be available, including shoreboat service, at-boat trash removal, and use of landside shower facilities, at an additional nominal cost.

The Mooring Master may from time to time, set new and different rates and fees pursuant to the provisions in these regulations and approved by the City Manager or his designee.

WATER QUALITY REGULATIONS

(a) It shall be unlawful for any person to throw, discharge, deposit, or leave, or cause, suffer, or procure to be thrown, discharged, deposited, or left either from or out of any vessel or holding tank, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any description into the navigable waters of the City.

(b) It shall be unlawful for any person to discharge, or cause, suffer, or procure to be discharged or deposited, material of any kind in any place or on any banks of any navigable waters in the City where such discharged material shall be liable to be washed into the waters of the City either by ordinary or high tides, or by storms, floods, or otherwise.

(c) It shall be unlawful for any person to throw, place, or leave any dead animal or putrefying matter into the waters of the City or along the shore thereof.

(d) It shall be unlawful for any person to deposit, place throw or in any manner dispose of any cans, receptacles, bottles, papers, food, animal or vegetable matter, rubbish, trash,

garbage, or any decaying or putrid matter, material, or substance which might decay, or which might become injurious to health or which might become a nuisance or offensive to the senses of any person coming in proximity thereto into the waters of the Pacific Ocean, waterfront of Long Beach or upon the beaches of the City, or any portion thereof.

(e) It shall be unlawful for any person owning, managing, controlling, operating, navigating or otherwise handling any boat, vessel, or ship to discharge, or cause to be discharged, any ballast water, bilge water or waste water containing or contaminated with any crude petroleum, refined petroleum, engine oil, or oily byproduct within the waters of the City unless such ballast water, bilge water or waste water is discharged into suitable and adequate settling basins, tanks or other receptacles.

(f) It shall be unlawful for any person to throw, place, bury, or deposit upon any public or private beach in the City any glass, glassware, crockery, or any bottle, cup, container, plate, or other vessel made of glass, glassware, or crockery, or any other material or substance which would cause, or might reasonably be presumed to cause, injury to patrons of such beaches. None of such materials shall be left on the beach by any person, but the same shall be deposited in receptacles provided by the City for the deposit thereof or shall otherwise be removed from the beach by the owner of such materials.

(g) The unauthorized dumping of any kind of material into the waterway, or the throwing overboard, or setting adrift, or permitting to set adrift of anything that is, or might become, obstructive or dangerous to navigation is hereby expressly prohibited.

(h) In order to enforce the provisions of this section and to safeguard and protect City waters from contamination, the owner and/or other person in charge of any boat or vessel occupying a City mooring shall, as a condition of use of the mooring, allow the Mooring Master to board the vessel and place dye tablets into the vessel's marine sanitary device, and to perform a test or tests to ensure that the marine sanitary device is in such a condition as to prevent any contaminants from being discharged into City waters. It shall be unlawful for any person to deny Mooring Master personnel access to a vessel for purposes of placing dye tablets in the marine sanitary device, to refuse or interfere with testing of the marine sanitary device by Mooring Master, to tamper with or remove while in City waters any dye tablet placed in a marine sanitary device by Mooring Master, or to place any substance in the marine sanitary device with the intent to interfere with the enforcement of this section. Violation of the provisions of this subsection shall result in revocation of permission to access the moorings. In addition to the penalties prescribed herein and in subsection (i), the Mooring Master shall have the authority to order any owner or person in charge of any boat or vessel upon which any act or omission specified herein has occurred, to immediately remove such vessel from City moorings.

(i) In the event that the Mooring Master observes or receives information that any vessel is discharging into City waters any liquid or solid material in violation of these Water Quality Rules, ~~from or through its marine sanitation device, marine holding tank or related or connected equipment in violation of this section, as evidenced by the discharge of dye placed into the facility pursuant to subsection (h) of this section, or has tampered with or removed dye tablets placed in the sanitation device, or if the owner or person apparently in charge does not permit or interferes with the placing of dye tablets or performance of any testing~~

~~of the marine sanitation device by the Mooring Department required by this section, then the Mooring Master or any Mooring patrol officer shall locate, if present on the vessel, the owner or person in apparent control of possession of the vessel and present the evidence of discharge, tampering or removal, refusal or interference and offer that person the opportunity to respond to or rebut the evidence. The conference shall be informal. If, after the informal conference, the Mooring Master or City official concludes that the discharge emanated from the subject vessel, or that tampering or removal of the dye tablets has occurred, or that the placing of dye tablets or testing of the marine sanitation device has been refused or interfered with, the Mooring Master shall issue an order barring the vessel and the person owning and/or in possession of the vessel from privilege of use of City moorings on the subject vessel and any other vessel under the person's ownership or control. In the case of discharge, The order shall be for a period of one (1) year, effective immediately. In the case of tampering or removal of dye tablets or performance of testing, the order shall be for a period of two (2) years, effective immediately. The order shall be made in writing and delivered personally to the subject vessel owner and/or person in apparent control unless actions of the owner or person in control make such delivery impractical or infeasible. Where personal delivery cannot be made, a copy of the order shall be sent by first class mail, postage prepaid, to the address of the person to whom the vessel is registered.~~

GENERAL RELEASE

As consideration for being granted a revocable mooring permit, the permittee agrees to hold the Mooring Master, the Concessionaire, the Marine Bureau and the City of Long Beach harmless from all liability or damage and grants access to the permittee or the permittee's property occupying a mooring area.

ACTUAL OR CONSTRUCTIVE NOTICE OF A MOORING MASTER ORDER

Notice of a Mooring Master's Order to a permittee shall be issued in writing. Notice may be actual or constructive. Actual notice shall be notice issued to the person or by certified mail. Certified mail notice shall be sent to the person's address of record. Constructive notice shall be notice posted on the person's property located within the covered boundaries. Actual notice is presumed received immediately if issued in-person or within 72-hours of mailing if issued by certified mail. Constructive Notice is presumed received seven days after posting.

Any action requiring notice may be taken without notice if, in the determination of the Mooring Master, the notice is impossible or impractical or an emergency condition exists that requires immediate action. Action taken under this Section may be taken immediately.

The Mooring Master shall maintain a notice log recording all issued notice. The information recorded in the notice log shall include whether the notice was actual or constructive, the name of person to whom the notice was issued if applicable, and the date and time the notice was issued.

Attachment 1

PERMIT FEES

Mooring User Fees

Except as hereinafter provided, it shall be unlawful for anyone to use a mooring other than his own except by permission of the Mooring Master and except after payment to the Mooring Master of a service charge in the following amounts:

Mooring Design	Service Charge
For boats under forty (40') feet	\$ 21.00 per night
For boats from forty feet (40') to forty nine feet (49')	\$ 28.00 per night
For boats from fifty feet (50') to fifty nine feet (59')	\$ 37.00 per night
For boats from sixty feet (60') to sixty nine feet (69')	\$ 46.00 per night
For boats from seventy feet (70') to seventy nine feet (79')	\$ 57.00 per night
For boats from eighty feet (80') to eighty nine feet (89')	\$ 66.00 per night
For boats from ninety feet (90') to ninety nine feet (99')	\$ 77.00 per night
For vessels from one hundred (100') to one hundred ten feet (110')	\$ 87.00 per night

All service charges shall be paid in advance upon occupation of the mooring. Failure to pay all or any portion of additional service charges which are due and owing prior to departure of the user and/or the vessel from the Mooring shall result in a penalty in an amount equal to the service charges owing, in addition to payment of any service charge owing.

Revocable Permit Fee Schedule

Revocable permits issued by the Mooring Master in accordance with the terms and conditions of these regulations are subject to yearly rental basis at the following schedule of rates for each year of the term of the permit:

Mooring Classification	Rate per Year
For boats under forty (40') feet	\$ 3,275.00
For boats from forty feet (40') to forty nine feet (49')	\$ 4,370.00
For boats from fifty feet (50') to fifty nine feet (59')	\$ 5,775.00
For boats from sixty feet (60') to sixty nine feet (69')	\$ 7,175.00
For boats from seventy feet (70') to seventy nine feet (79')	\$ 8,890.00
For boats from eighty feet (80') to eighty nine feet (89')	\$10,300.00
For boats from ninety feet (90') to ninety nine feet (99')	\$12,000.00
For vessels from one hundred (100') to one hundred ten feet (110')	\$13,575.00

The provisions of this section shall apply to all assigned moorings and shall be in effect as long as the boat owner has a permit from the Mooring Master. Such permit fees shall become due and payable on January 1 of each year and shall be payable in advance.

ATTACHMENT NO. 2

**PLANNING COMMISSION STAFF REPORTS
DATED DECEMBER 21, 2006
AND MAY 3, 2007**



CITY OF LONG BEACH

DEPARTMENT OF PLANNING & BUILDING

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6194 FAX (562)570-6068

ZONING DIVISION

December 21, 2006

CHAIRMAN AND PLANNING COMMISSIONERS
City of Long Beach
California

SUBJECT: Request Adoption of Mitigated Negative Declaration (ND 11-06) for Belmont Pier Boat Mooring Project (Council District 3)

LOCATION: Long Beach Harbor, on both sides of Belmont Veteran's Memorial Pier and on the leeward side of Oil Island White

APPLICANT: Mark Sandoval
Manager, Marinas and Beaches
Department of Parks, Recreation and Marine
Alamitos Bay Marina
205 Marina Drive
Long Beach, CA 90803

RECOMMENDATION

Adopt Mitigated Negative Declaration ND 11-06 and the Mitigation Monitoring Program for ND 11-06.

REASONS FOR RECOMMENDATION

1. The Mitigated Negative Declaration has been prepared and made available for public review in accordance with the provisions of the California Environmental Quality Act (CEQA); and
2. The Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis; and
3. The Mitigated Negative Declaration has determined that the project would not have any unavoidable adverse impacts upon the environment.

BACKGROUND

The proposed boat mooring project consists of 90 total mooring buoys for the short term anchoring of vessels with approved mooring permits.

CHAIRMAN AND PLANNING COMMISSIONERS

Case No. ND 11-06

December 21, 2006

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On April 17, 2003, the City's Marine Advisory Commission unanimously passed a motion supporting the conceptual mooring plan with the understanding that the project would be self-funded and possibly be privately funded and operated. On April 13, 2006, the Marine Advisory Commission unanimously passed a motion approving the boat mooring project.

The project will require approval of a Coastal Permit from the California Coastal Commission. This Coastal Permit cannot be approved until after the City has completed its environmental review process and certified the final environmental documentation.

The following table provides a summary of the Zoning, General Plan, and land uses surrounding the subject site:

	ZONING	GENERAL PLAN	LAND USE
SUBJECT SITE	N/A	N/A	Long Beach Harbor
NORTH	P, PD-2	LUD# 11 Open Space/Parks	Recreational, residential, commercial
SOUTH	N/A	N/A	Long Beach Harbor
EAST	N/A	N/A	Long Beach Harbor, Alamitos Bay Marina
WEST	N/A	N/A	Long Beach Harbor, Oil Island White

CURRENT ACTION REQUESTED

The applicant is requesting adoption of Mitigated Negative Declaration ND 11-06 and the Mitigation Monitoring Program for ND 11-06.

The project would be implemented in two Phases: 1) a pilot program (Phase I) to install nine mooring buoys, three on the west side of Belmont Pier, three on the east side of Belmont Pier, and three on the lee side of Oil Island White; and 2) Phase II project completion to install 27 mooring buoys on each of the three areas from Phase I for a total 30 buoys in each of the three mooring areas.

Each individual mooring would be placed into the ocean floor with a fixed helix anchor drilled 10 to 17 feet below the floor surface. The floating surface buoy would be attached to this anchor with polyester rope (seaflex tension band) that includes an underwater float and counterbalance to keep the buoy in a steady vertical position.

This mooring project is intended to provide a safe and efficient anchorage area for recreational boaters in the Long Beach Harbor. Currently, the only recognized

anchorage area is located to the north of Oil Island White. The proposed project will not impact this existing anchorage.

As opposed to a typical anchoring where the boater drops an anchor and allows the anchor to drag along the ocean bottom until it adequately digs into the seafloor, the proposed mooring system has the following advantages (as listed in Attachment A, Long Beach Harbor Mooring Field Installation Site Assessment, to ND 11-06):

- The mooring anchors are placed in a fixed location in the seafloor. This eliminates the need to drop, drag and retrieve an anchor for each vessel for every anchorage.
- The fixed moorings cannot move, thereby minimizing any disturbances to the seafloor.
- The mooring tackle is held off the seafloor, thereby eliminating any scour.
- The fixed moorings safely accommodate more vessels in a given area than a typical anchorage.
- The fixed moorings will not drag or slip while a vessel is moored, thereby creating a safer mooring for the vessel.
- The fixed moorings provide easier access to existing waterfront facilities, such as Belmont Pier.

The Marine Bureau will operate a shore boat to provide daily shuttle services between the moorings and Belmont Pier from 8:00 AM to 10:00 PM on a demand basis. The shore boat will accommodate up to six passengers and be piloted by a licensed skipper.

City of Long Beach Mooring User Regulations

Use of the moorings by the boating community would be regulated by the City of Long Beach Mooring User Regulations (see Attachment C to ND 11-06), which sets forth the mooring permit application requirements and the general rules for mooring usage. All permits are issued by the Harbor Master and may be revoked for any breach of regulations. A revocable permit may only be issued to the registered owner of an insured vessel for a period not to exceed three years. No mooring shall be authorized as an eligible location for a live-aboard location. The maximum duration a vessel can occupy any mooring shall not exceed ten days. After ten days the vessel must be removed and cannot occupy a mooring again for a period of at least ten days. No single vessel may occupy any mooring for more than 156 days in any calendar year. The Harbor Master may assign temporary use of a permitted mooring to a guest boater when the mooring is not reserved by the permittee. No more than two vessels are allowed to occupy any single mooring at any time

The Mooring Regulations include Water Quality Regulations (see pages 7-9) that strictly prohibit the discharge or deposit any materials that may cause harm to the navigable waters or beaches. In order to safeguard ocean waters from contamination, the Mooring Master, as a condition of mooring permit approval, is authorized to board each vessels and place dye tablets into the vessel's marine sanitary device and perform tests as necessary to ensure contaminants from the marine sanitary device will not be discharged into City waters. In the event any vessel discharges any liquid or solid

materials through the marine sanitation device, or interferes with or removes the dye tablets, the Mooring Master shall bar the vessel and person(s) owning and/or in possession of the subject vessel from use of the City moorings for a one year period in the case of unlawful discharge and a two year period for tampering or removing dye tablets.

ENVIRONMENTAL REVIEW

As part of the environmental review for this project, a Biological Resources Assessment was prepared in May 2006 by Merkel & Associates (see Attachment B in ND 11-06). For this study, an underwater survey was performed on March 8, 2006 for the Belmont Pier and Oil Island White at three locations: west of the Pier, east of the Pier and east of Island White. Data collected by SCUBA diving included depth, substrate type, and observed flora and fauna.

The Biological Assessment concludes that permanent impacts from the project would result in only a minor loss of the unvegetated soft bottom habitat and the transitory loss of open water habitat associated with vessels moored in the project area. The duration and exact location of this loss cannot be identified due to the transient nature of visiting vessels and variations in vessel positioning based on the tide, currents, and wind conditions. Temporary impacts would be minimal; resulting from noise associated with vessel installation and elevated turbidity on the seafloor during the installation of mooring anchors.

Given the low impact nature of the mooring installation technique, the lack of sensitive resources in the project area, the lack of limited or unique biota within the project footprint, and the anticipated recovery of resource values by reestablishment of similar or more productive communities around the mooring buoys, the project would not be anticipated to result in significant adverse biological impacts.

ND 11-06 includes mitigation measures requiring all mooring construction activities to be conducted in a manner that will protect water quality and habitat (Mitigation Measure IV-1) and establishing a Best Management Practices (BMP) program to ensure project operations will not impact water quality or marine habitat (Mitigation Measure IV-2). The Mitigation Monitoring Program also includes the following mitigations:

- Nighttime lighting in all mooring areas shall be limited to the illumination necessary for navigational safety only (Mitigation Measure I-1).
- The issuance of mooring permits and mooring usage operations shall be in strict compliance with the City of Long Beach Mooring User Regulations (Mitigation Measure IX-1).
- The project applicant shall obtain all applicable local, State and federal permit approvals prior to the start of project construction (Mitigation Measure IX-2).
- All project construction and operational activities shall be in strict compliance with the Long Beach Noise Ordinance (Mitigation Measure XII-1).
- All construction, maintenance and repair of the boat moorings shall be in daylight hours only (Mitigation Measure XII-2).

Public Review and Comment of ND 11-06

ND 11-06 was made available for public review and comment for a 30 day period from October 25, 2006 to November 24, 2006. The Mitigated Negative Declaration document has been continuously available for public review since October 25, 2006 at the Department of Planning and Building, fifth floor of City Hall, and on-line at the City's website. A Notice of Preparation was mailed on October 25, 2006 to all City Councilmembers, City department managers, local environmental organizations, local and regional agencies, neighborhood associations, and interested individuals.

The City received the following comment letters during this 30 day review period:

- State of California, Department of Fish and Game, November 8, 2006
- South Coast Air Quality Management District, November 8, 2006
- Surfrider Foundation, November 21, 2006
- Sandra and William Davidson, November 24, 2006

Department of Fish and Game: This comment letter states that while they do not object to the proposed project and mooring installation will have minimal impacts on the ocean floor, they do have concerns regarding the potential loss of foraging habitat for sight foraging marine birds. However, the Department concurs with the requirements of Mitigation Measure IV-1 (construction performance standards to protect water quality and marine habitat) and states that implementation of this mitigation measure would reduce impacts to marine habitat from project construction. The Department also concurs with the provisions of Mitigation Measure IV-2 (Best Management Practices for mooring users) and concludes that when properly monitored and enforced, this mitigation measure would protect marine habitat and water quality. The final comment is a concurrence from the Department that Mitigation Measure I-1 (nighttime lighting restrictions) would protect wildlife from artificial lighting disturbances.

The comments from the Department of Fish and Game therefore give concurrences that the mitigation measures will adequately protect marine wildlife. While this comment letter does not set forth any objections with the project proposal or the mitigations, Fish and Game does "question if 90 new moorings are warranted for this area."

South Coast Air Quality Management District: This comment letter does not provide any project-specific comments or concerns, but rather only lists available District resources for addressing typical air quality impacts. District staff confirmed in a December 6, 2006 phone call to City staff that the District would not be providing any additional comments on this project.

Surfrider Foundation: This comment letter lists the following five concerns, which they conclude would require preparation of an Environmental Impact Report:

- Altered aesthetics;
- Increased boat traffic;
- Interference with existing recreational uses;
- Inconsistency with proposed alterations to the breakwater; and

- Increased benthic degradation from deposition of anti-fouling "bottom paint."

Altered Aesthetics: The Surfrider Foundation letter describes the project area as "currently an unobstructed view of the bay, the breakwater and the horizon." However, views from shore in the direction of the project area includes Oil Island White, the existing anchorage area located to the north of Oil Island White, recreational boats both in this existing anchorage area and in transit, and ocean-going vessels, both in transit and under temporary anchorage, that utilize the Ports. Therefore, views of boats anchored at the project moorings would be consistent with the existing areawide viewscape.

This comment letter also states that the Negative Declaration fails to account for the cumulative impacts from the project. However, this project is not growth inducing since it is not expected to directly or indirectly encourage or facilitate additional boat traffic or demand for additional mooring areas. This project is not part of any larger program or any combination of projects that could result in cumulative impacts as defined under CEQA Guidelines Section 15355 and would not create any incremental effects that could result in cumulatively considerable impacts.

Increased Boat Traffic: As stated above, this project is not intended to encourage more boat traffic, but instead is a response to a recognized need by the City to provide safer and environmentally friendly anchorage for recreational boaters in the Long Beach Harbor. The Surfrider comment letter maintains that by attracting boat traffic to this area as a means of increasing business to local establishments, the project would result in additional boat traffic. While this project will provide better access for more boaters to use this mooring area, the project would not result in greater numbers of boats throughout the Long Beach Harbor but rather would redirect existing boat traffic to this proposed mooring area.

This alternative to typical mooring operations would not result in adverse impacts to marine life as evidenced by the Biological Resources Assessment (Attachment B of ND 11-06) and the concurrence from the Department of Fish and Game with the mitigation measures set forth in ND 11-06. The project would not adversely impact local air quality and the South Coast Air Quality Management District had no concerns regarding the project potential for air quality impacts. As stated on page 20 of ND 11-06, this project would not generate new emissions from boating vessels or induce new vessel construction, but rather would simply provide another option for short-term mooring of existing vessels. The project would also not result in new sources of objectionable odors. The project would not change the nature of boating operations and any emission odors from existing vessels would occur with or without the project (ND 11-06, page 21).

Interference with Existing Recreational Uses: The Surfrider comment letter also states that the Negative Declaration fails to look at dramatically increasing vessel traffic in an area already used by parasail, windsurfers and other recreational boaters. As stated above, the project would not result in greater numbers of boats in the Long Beach Harbor area. Although the project would result in some redirection of travel paths away from the mooring area, this is not considered a significant impact since the project would not adversely restrict or diminish the public's ability to utilize the overall Harbor

area. While the mooring area would no longer be open to these recreational activities, the remaining areas throughout the Harbor would still be available. Furthermore, areas close to the oil islands are relatively unattractive for recreational uses. Therefore, the abundance of usable ocean areas will allow participants in recreational water activities continued ocean access with few restricted areas.

Inconsistency with Proposed Alterations to the Breakwater: The Surfrider Foundation letter cites a July 5, 2005 Resolution adopted by the Long Beach City Council that authorized funding a Reconnaissance Study to determine the possibility of Federal interest in reconfiguring the breakwater. This comment then raises issues regarding ocean currents and wave actions that could occur if the breakwater is lowered in the future. However, the possibility that the breakwater may be lowered at some future time is speculative and not considered a reasonably foreseeable occurrence. Per CEQA Guidelines Section 15145, no discussion of an impact is required if that particular impact is too speculative for evaluation. Furthermore, many mooring areas along the coastline function without a nearby breakwater or similar impediment to wave action (i.e. Avalon). Therefore, no significant adverse impacts to the moorings from ocean currents and wave action are anticipated.

Increased Benthic Habitat Degradation from Deposition of Anti-Fouling "Bottom Paint": The Surfrider Foundation letter states that the dramatic increase in vessel traffic from boats temporarily utilizing these moorings will unavoidably increase the deposition of toxic anti-fouling bottom paint, which will significantly impact marine life. This comment anticipates an impact based upon the belief that this project will significantly increase boat traffic in the Harbor area. However, as stated above, this project is not considered to be growth inducing and is not expected to result in greater numbers of boats throughout the Long Beach Harbor. Therefore, the project is not expected to generate any types of impacts that would result from increases in boat traffic volumes.

Sandra and William Davidson: This comment letter raises concerns regarding water quality, particularly the discharge of human wastes, and concludes that preparation of an Environmental Impact Report is necessary to properly analysis these impacts. This comment letter states that the Negative Declaration fails to address impacts resulting human waste discharges and the resultant bacterial contamination. However, pages 8 and 9 of the Mooring User Regulations (Attachment C to ND 11-06) provide detailed requirements for dye tablets in all vessel marine sanitary devices and penalties for failure to comply with these requirements. The Mooring Master is charged with the obligation to board every vessel, place the dye tablet in every marine sanitary device, and perform a test or tests ensure every device is in proper condition to prevent contaminant discharges. Mitigation Measure IX-1 states that the issuance of mooring permits and mooring usage operations shall be in strict compliance with the City of Long Beach Mooring User Regulations. Mitigation Measure IV-2 also prohibits the disposal of any potential water contaminant in the coastal waters or beaches.

The Davidson letter also states that Mitigation Measure IV-2 is inadequate since it does not address the potential failure of voluntary compliance by mooring users. However, as set forth in the Mitigation Monitoring Program for ND 11-06, it is the Long Beach Department of Parks, Recreation and Marine that has both the monitoring and

enforcement responsibilities for this mitigation. This City department has the duty to ensure mitigation compliance by mooring users, and failure to fully carry out this duty could lead to suspension or termination of project operations.

It is not anticipated that the project would result in significant human waste disposal impacts since the dye tablets would noticeably change the water color surrounding any violating vessel, thus providing easy identification of culpability. Waste discharges by stationary vessels within a community of moored vessels are much more detectable than vessel discharges in open waters. As stated on page 9 of the Mooring User Regulations, violators would be prohibited from use of the moorings for a one year period in the case of unlawful discharge and a two year period for tampering or removing dye tablets.

NEGATIVE DECLARATION FINDINGS

Mitigated Negative Declaration ND 11-06 is in compliance with the following findings contained in the Resolution adopting this Negative Declaration:

1. The Initial Study and Mitigated Negative Declaration for the Belmont Pier Boat Mooring Project have been completed in compliance with CEQA and the CEQA Guidelines;
2. The Initial Study and Mitigated Negative Declaration for the Belmont Pier Boat Mooring Project was presented to the Planning Commission, who reviewed and considered the information contained therein prior to approving the Belmont Pier Boat Mooring Project; and
3. The Initial Study and Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis on the potential for environmental effects of the Belmont Pier Boat Mooring Project.

PUBLIC HEARING NOTICE

Forty-five (45) Notices of Public Hearing were mailed on December 5, 2006 to all City Councilmembers, City department managers, local environmental organizations, local and regional agencies, neighborhood associations, and interested individuals.

REDEVELOPMENT REVIEW

The project is not located in a Redevelopment Project Area.

IT IS RECOMMENDED THAT THE PLANNING COMMISSION

Adopt Mitigated Negative Declaration ND 11-06 and the Mitigation Monitoring Program for ND 11-06.

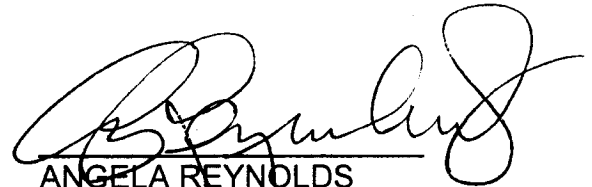
Respectfully submitted,

SUSANNE FRICK,
DIRECTOR OF PLANNING AND BUILDING

By:


CRAIG CHALFANT
PROJECT PLANNER

Approved:


ANGELA REYNOLDS
PLANNING MANAGER

Attachments

1. Mitigated Negative Declaration ND 11-06
2. Comment Letters
3. Project Plans



CITY OF LONG BEACH

DEPARTMENT OF PLANNING & BUILDING

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6194 FAX (562)570-6068

ZONING DIVISION

May 3, 2007

CHAIRMAN AND PLANNING COMMISSIONERS
City of Long Beach
California

SUBJECT: Request Adoption of Recirculated Mitigated Negative Declaration
(ND 11-06) for Belmont Pier Boat Mooring Project
(Council District 3)

LOCATION: Long Beach Harbor, on both sides of Belmont Veteran's Memorial
Pier and on the leeward side of Oil Island White

APPLICANT: Mark Sandoval
Manager, Marinas and Beaches
Department of Parks, Recreation and Marine
Alamitos Bay Marina
205 Marina Drive
Long Beach, CA 90803

RECOMMENDATION

Adopt Recirculated Mitigated Negative Declaration ND 11-06 and the Mitigation Monitoring Program for ND 11-06.

REASONS FOR RECOMMENDATION

1. The Recirculated Mitigated Negative Declaration has been prepared and made available for public review in accordance with the provisions of the California Environmental Quality Act (CEQA);
2. The Recirculated Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis; and
3. The Recirculated Mitigated Negative Declaration has determined that the project would not have any unavoidable adverse impacts upon the environment.

BACKGROUND

This project will require approval of a Coastal Permit from the California Coastal Commission. This Coastal Permit cannot be approved until after the City has completed its environmental review process and certified the final environmental

CHAIRMAN AND PLANNING COMMISSIONERS

Case No. ND 11-06

May 3, 2007

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documentation. The City local action only involves adoption of the Recirculated Mitigated Negative Declaration; there are no other local discretionary approvals required for this project.

Each individual mooring would be placed into the ocean floor with a fixed helix anchor drilled 10 to 17 feet below the floor surface. The floating surface buoy would be attached to this anchor with polyester rope (seaflex tension band) that includes an underwater float and counterbalance to keep the buoy in a steady vertical position.

This mooring project is intended to provide a safe and efficient anchorage area for recreational boaters in the Long Beach Harbor. Currently, the only recognized anchorage area is located to the north of Oil Island White. The proposed project will not impact this existing anchorage.

The following table provides a summary of the Zoning, General Plan, and land uses surrounding the subject site:

	ZONING	GENERAL PLAN	LAND USE
SUBJECT SITE	N/A	N/A	Long Beach Harbor
NORTH	P, PD-2	LUD# 11 Open Space/Parks	Recreational, residential, commercial
SOUTH	N/A	N/A	Long Beach Harbor
EAST	N/A	N/A	Long Beach Harbor, Alamitos Bay Marina
WEST	N/A	N/A	Long Beach Harbor, Oil Island White

Public Review and Comment of Mitigated Negative Declaration ND 11-06

The original Mitigated Negative Declaration ND 11-06 was made available for public review and comment for a 30 day period from October 25, 2006 to November 24, 2006. The Mitigated Negative Declaration document has been continuously available for public review since October 25, 2006 at the Department of Planning and Building, fifth floor of City Hall, and on-line at the City's website. A Notice of Preparation was mailed on October 25, 2006 to all City Councilmembers, City department managers, local environmental organizations, local and regional agencies, neighborhood associations, and interested individuals.

At that time, the proposed project totaled 90 mooring buoys for the short term anchoring of vessels with approved mooring permits. The original project proposal was to be implemented in two Phases: 1) a pilot program (Phase I) to install nine mooring buoys, three on the west side of Belmont Pier, three on the east side of Belmont Pier, and three on the lee side of Oil Island White; and 2) Phase II project completion to install 27

CHAIRMAN AND PLANNING COMMISSIONERS

Case No. ND 11-06

May 3, 2007

Page 3

mooring buoys on each of the three areas from Phase I for a total 30 buoys in each of the three mooring areas.

The City received the following comment letters during this 30 day review period:

- State of California, Department of Fish and Game, November 8, 2006
- South Coast Air Quality Management District, November 8, 2006
- Surfrider Foundation, November 21, 2006
- Sandra and William Davidson, November 24, 2006

A discussion of the issues raised in these comment letters and the City's responses to these comments are provided in the Staff Report for the December 21, 2006 Planning Commission hearing (see Attachment No. 4).

The Planning Commission held a public hearing on December 21, 2006 to consider adoption of Mitigated Negative Declaration ND 11-06. The Commission heard public testimony both in support and opposition to the proposed project. Supporters of the project described it as a needed resource for local boaters that would not have adverse environmental impacts. Opponents voiced concerns that the project would degrade water quality and attract out-of-town boaters. Members of the Planning Commission and project opponents also questioned whether the mitigation measures in ND 11-06 would be sufficient to adequately protect water quality. The Commission moved to continue this item to a date uncertain in order to give staff an opportunity to revise ND 11-06 to the satisfaction of the Commission.

PROJECT REVISIONS

In response to the environmental concerns discussed at the December 21, 2006 public hearing, revisions have been made to both the project description and ND 11-06.

The project description revisions are as follows:

- **Reduction of Mooring Buoys**
The total number of mooring buoys for this project has been reduced from 90 buoys to 45 buoys. The distribution of these buoys in the three general mooring locations is anticipated to be 10 buoys east of the Pier, 20 buoys west of the Pier, and 15 buoys on the lee side of Island White.
- **Project Operator Responsibilities/City Oversight**
The project operator will be a private contractor, Beach Ventures Incorporated. The operator responsibilities will be the installation and maintenance of the mooring equipment, enforcement of all Mooring Regulations, and provision of the project on-site program management (anticipated to involve at least 100 hours per week). The Marine Bureau of the Long Beach Department of Parks, Recreation and Marine will conduct City oversight of the operator, with assistance on an as-needed basis from the Long Beach Fire Department Rescue Boats and the Police Department Shore Patrol.

- **Revisions to Mooring Regulations**

- Paragraph (i) of the Water Quality Regulations on pages 8 and 9 have been revised to read as follows:

“In the event that the Mooring Master observes or receives information that any vessel is discharging into City waters any liquid or solid material in violation of these Water Quality Rules, the Mooring Master shall issue an order barring the vessel and the person owning and/or in possession of the vessel from privilege of use of City moorings on the subject vessel and any other vessel under the person’s ownership or control. The order shall be for a period of two (2) years, effective immediately. The order shall be made in writing and delivered personally to the subject vessel owner and/or person in apparent control unless actions of the owner or person in control make such delivery impractical or infeasible. Where personal delivery cannot be made, a copy of the order shall be sent by first class mail, postage prepaid, to the address of the person to whom the vessel is registered.”

This paragraph, as revised, increases the order period for discharge from one to two years and retains a two year order period for the tampering or removal of dye tablets or performance of testing, thereby making all violations of the Mooring Regulations to a two year order period, effectively immediately.

Clarifications of City rights and project characteristics are included in the revised text of ND 11-06 (see Attachment No. 1).

The City of Long Beach, through the Marine Bureau, shall have the right to:

- Approve all mooring buoy locations
- Approve all mooring fees
- Approve all Mooring Regulations
- Require changes in the Mooring Project as needed

In terms of project characteristics:

- The Mooring Regulations will be incorporated into the operator concession contract
- The mooring system operations will be the most environmentally friendly mooring program available
- All vessels utilizing the mooring facilities and services must be seaworthy and not dilapidated
- The moorings are intended for short-term transient use with a maximum ten (10) night vessel stay
- The mooring permit fee includes on-call, at-vessel pumpout services.
- The blue dye tablet program is mandatory for all vessel marine sanitary devices

- The Mooring Regulations include strict discharge rules: no sewage, refuse or maintenance outfall can be discharged or thrown into the water. Any violation of the Mooring Regulations shall result in a two (2) year prohibition of the vessel and owner from use of the mooring facilities and services
- Loud noises and exterior lighting is prohibited after 10PM and before 7AM

Responses to Environmental Concerns

The revised text of ND 11-06 includes responses to the general concerns raised at the previous Planning Commission hearing.

Concern: The mooring project will attract additional boating vessels along the Long Beach coast

Response: Despite the fact that Long Beach celebrates recreation and its waterfront, and on-water recreation is a welcomed part of the City, it is anticipated that 70-80% of the mooring usage will be by vessels presently from Long Beach

Concern: There is an increased risk that this mooring project will attract boaters that discharge waste into the City waters

Response: The mooring permit fees will include on-call at-vessel marine sanitary device pumpout services. For an additional nominal fee, the mooring operator will remove solid refuse from vessels. Penalties for violation of the Mooring Regulations shall result in a two (2) year prohibition of the vessel and owner from use of the mooring facilities and services.

Concern: Continuous water quality testing should be performed at and around the Pier to monitor potential project effects on local water quality.

Response: In accordance with AB 411, passed in 1997, the Long Beach Health Department's Recreational Water Program routinely tests local ocean water quality on a weekly basis. There are a total of 25 sampling points throughout the City, including locations off the Pier and on each side of the Pier. While there are no proposals to alter or discontinue this water quality testing, a new mitigation measure is recommended to require weekly water quality testing in the vicinity of the boat moorings (see Mitigation Measure IV-3 below).

Revisions to Environmental Analysis in ND 11-06

The proposed project revisions will reduce the total number of mooring buoys by 50% (from 90 to 45 buoys). The added availability of at-boat pumpout services and at-boat trash removal, along with increased penalties for violation of the Mooring Regulations, will ensure an environmentally safe program that is anticipated to serve a predominately local boating community.

Since the project revisions would result in a smaller mooring vessel population with added water quality safeguards, there would be no new significant impacts or increased significance of any impacts previously identified in the Mitigated Negative Declaration (ND 11-06). Therefore, no additional environmental analysis is warranted.

While the original Mitigation Monitoring Program for ND 11-06 reduced all potentially significant project impacts to a less than significant level, the following new mitigation measures are recommended to protect Long Beach Harbor water quality.

Mitigation Measure IV-3 is recommended to require weekly water quality testing at the boat mooring locations:

Mitigation Measure IV-3: The City shall conduct weekly water quality testing in the immediate vicinity of all boat mooring locations in accordance with current Long Beach Health Department water quality testing standards. The findings of all testing done in the vicinity of the boat moorings shall be available to the public.

Mitigation Measures IX-3 through IX-9 are recommended to ensure that all operational safeguards in the City of Long Beach Mooring User Regulations will always be a requirement of project operations (regardless of any future revisions to the User Regulations). These new mitigation measures are taken from the operating requirements in the current User Regulations. If the User Regulations are amended in the future and these amendments provide more restrictive operational safeguards, the project approval must be modified by the Planning Commission at a public hearing to incorporate such restrictive amendments into the project Mitigation Monitoring Program.

Mitigation Measure IX-3: The following requirements set forth in the Vessel Moorings and Number of Vessel Moorings and Permits provisions from pages 3 and 4 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

No one person shall be assigned more than one revocable mooring use permit.

The Mooring Master may assign temporary use of a permitted mooring to a guest boater when the mooring is not reserved by the permittee. The vessel occupying a mooring on a temporary basis must give up the mooring for any reason on the Mooring Master's order. The Mooring Master's order will be made known to the vessel owner or the operator in charge of the moored vessel.

Mitigation Measure IX-4: The following requirements set forth in the Revocable Mooring Vessel Permit and Application provisions from pages 4 and 5 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

The payment of fees for the revocable permit entitles the permittee to preferred use of the assigned mooring. The permittee is required to notify the Mooring Master before 9:00 AM the day the permittee intends to use the mooring

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assigned to him. Failure to do so shall place the Mooring Master under no obligation to remove a guest vessel.

The permittee is entitled to occupy the mooring in compliance with the conditions of the User Regulations and shall pay the stated daily rates.

The permittee will be responsible for the payment of any maintenance of the mooring system required to be performed by the Mooring Master.

The registered owner must provide proof of at least \$100,000 in liability insurance coverage on the vessel. The Mooring Master and the City of Long Beach must be named as additional insured on the liability insurance policy name.

No mooring shall be authorized as an eligible location for a live-aboard location. Use of a mooring for a live-aboard location is grounds for revocation of the mooring permit. The Mooring Master may require the revocable permit owner to provide proof of residence.

Mooring permits may be revoked for:

1. Use of mooring facilities in violation of City ordinances, Mooring User Regulations or other applicable laws;
2. Violation of conditions of any mooring permit;
3. Failure or refusal of the revocable permit owner to consent to dye testing of a vessel's marine sanitation facilities pursuant to these regulations; and
4. Discharge of contaminating wastes into City waters.

Mitigation Measure IX-5: The following requirements set forth in the Permit Priority provisions from page 6 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

City mooring permits are valid for a period not to exceed three years. New mooring permits will be issued annually based on priority and availability of moorings for assignment. Any person who was a permittee during the preceding year has priority for a mooring permit at the same mooring location provided that the permittee's vessel to be moored is the same size as the previous term and the permittee has met all requirements of this regulation.

Moorings will be assigned to the highest priority on the wait list as they become available after existing permittee assignments are made.

Mitigation Measure IX-6: The following requirements set forth in the General Regulations – Mooring Usage provisions from pages 6 and 7 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

Maximum duration for any vessel to occupy any mooring shall not exceed 10 (ten) days. After 10 days the vessel must be removed and cannot occupy a mooring again for a period of at least 10 (ten) calendar days. Further, no single vessel may occupy any mooring for more than 156 (one hundred fifty six) days in any calendar year.

Mooring Master will work with the Marine Bureau to ensure that a vessel is not moving from guest tie in the marina to mooring, effectively staying in the Long Beach area permanently with no permanent slip.

Except in an emergency, no person shall moor any vessel on a City Mooring without the prior permission of the Mooring Master and payment of the required mooring fees.

All generators shall be secured and shall not be operated between the hours of 10:00 p.m. and 7:00 a.m. The foregoing restrictions shall not apply in cases of medical emergency.

If a vessel is abandoned or left unattended after the permitted period, the Mooring Master may have the vessel removed by the City Marine Safety Patrol or other authorized agency. The vessel will then be subject to the City Marine Bureau regulations and applicable state law. All expenses incurred will be the responsibility of the vessel owner.

Mitigation Measure IX-7: The following requirements set forth in the Schedule of Fees provisions from page 7 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

The owner of a vessel shall pay to the Mooring Master for the use of Long Beach Mooring and its facilities and services, a permit fee of an amount specified in Attachment 1 of the User Regulations. The permit fee will cover the temporary use of a mooring. As part of the permit fee, the Mooring Master will be required to provide pump-out services and at-boat trash removal. Shoreboat services will be available at an additional nominal cost.

This mitigation measure is slightly different than the revised provisions of the Schedule of Fees on page 7 of the User Regulations. Whereas the revised User Regulations allow an additional charge for shoreboat service, at-boat trash removal and landside shower facilities, Mitigation Measure IX-7 only specifically allows the additional charge for shoreboat services. Landside shower facilities are not covered in this mitigation measure, and therefore would be subject to an additional charge under the current User Regulations.

Mitigation Measure IX-8: The following requirements set forth in the Water Quality Regulations from pages 7 through 9 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

(a) It shall be unlawful for any person to throw, discharge, deposit, or leave, or cause, suffer, or procure to be thrown, discharged, deposited, or left either from or out of any vessel or holding tank, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any description into the navigable waters of the City.

(b) It shall be unlawful for any person to discharge, or cause, suffer, or procure to be discharged or deposited, material of any kind in any place or on any banks of any navigable waters in the City where such discharged material shall be liable to be washed into the waters of the City either by ordinary or high tides, or by storms, floods, or otherwise.

(c) It shall be unlawful for any person to throw, place, or leave any dead animal or putrefying matter into the waters of the City or along the shore thereof.

(d) It shall be unlawful for any person to deposit, place, throw or in any manner dispose of any cans, receptacles, bottles, papers, food, animal or vegetable matter, rubbish, trash, garbage, or any decaying or putrid matter, material, or substance which might decay, or which might become injurious to health or which might become a nuisance or offensive to the senses of any person coming in proximity thereto into the waters of the Pacific Ocean, waterfront of Long Beach or upon the beaches of the City, or any portion thereof.

(e) It shall be unlawful for any person owning, managing, controlling, operating, navigating or otherwise handling any boat, vessel, or ship to discharge, or cause to be discharged, any ballast water, bilge water or waste water containing or contaminated with any crude petroleum, refined petroleum, engine oil, or oily byproduct within the waters of the City unless such ballast water, bilge water or waste water is discharged into suitable and adequate settling basins, tanks or other receptacles.

(f) It shall be unlawful for any person to throw, place, bury, or deposit upon any public or private beach in the City any glass, glassware, crockery, or any bottle, cup, container, plate, or other vessel made of glass, glassware, or crockery, or any other material or substance which would cause, or might reasonably be presumed to cause, injury to patrons of such beaches. None of such materials shall be left on the beach by any person, but the same shall be deposited in receptacles provided by the City for the deposit thereof or shall otherwise be removed from the beach by the owner of such materials.

(g) The unauthorized dumping of any kind of material into the waterway, or the throwing overboard, or setting adrift, or permitting to set adrift of anything that is, or might become, obstructive or dangerous to navigation is hereby expressly prohibited.

(h) In order to enforce the provisions of this section and to safeguard and protect City waters from contamination, the owner and/or other person in charge of any boat or vessel occupying a City mooring shall, as a condition of use of the mooring, allow the Mooring Master to board the vessel and place dye tablets into the vessel's marine sanitary device, and to perform a test or tests to ensure that the marine sanitary device is in such a condition as to prevent any contaminants from being discharged into City waters. It shall be unlawful for any person to deny Mooring Master personnel access to a vessel for purposes of placing dye tablets in the marine sanitary device, to refuse or interfere with testing of the marine sanitary device by Mooring Master, to tamper with or remove while in City waters any dye tablet placed in a marine sanitary device by Mooring Master, or to place any substance in the marine sanitary device with the intent to interfere with the enforcement of this section. Violation of the provisions of this subsection shall result in revocation of permission to access the moorings. In addition to the penalties prescribed herein and in subsection (i), the Mooring Master shall have the authority to order any owner or person in charge of any boat or vessel upon which any act or omission specified herein has occurred, to immediately remove such vessel from City moorings.

(i) In the event that the Mooring Master observes or receives information that any vessel is discharging into City waters any liquid or solid material in violation of the Water Quality Rules of the User Regulations, the Mooring Master shall issue an order barring the vessel and the person owning and/or in possession of the vessel from privilege of use of City moorings on the subject vessel and any other vessel under the person's ownership or control. The order shall be for a period of two (2) years, effective immediately. The order shall be made in writing and delivered personally to the subject vessel owner and/or person in apparent control unless actions of the owner or person in control make such delivery impractical or infeasible. Where personal delivery cannot be made, a copy of the order shall be sent by first class mail, postage prepaid, to the address of the person to whom the vessel is registered.

Mitigation Measure IX-9: The following requirements set forth in the General Release provisions from page 9 of the City of Long Beach Mooring User Regulations shall be permanent conditions of project operations:

As consideration for being granted a revocable mooring permit, the permittee agrees to hold the Mooring Master, the Concessionaire, the Marine Bureau and the City of Long Beach harmless from all liability or damage and grants access to the permittee or the permittee's property occupying a mooring area.

Public Review and Comment of Recirculated Mitigated Negative Declaration ND 11-06

The Recirculated Mitigated Negative Declaration ND 11-06 was made available for public review and comment for a 20 day period from March 23, 2007 to April 11, 2007.

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This recirculated document has been continuously available for public review since March 23, 2007 at the Department of Planning and Building, fifth floor of City Hall, and on-line at the City's website. A Notice of Preparation was mailed on March 23, 2007 to all City Councilmembers, City department managers, local environmental organizations, local and regional agencies, neighborhood associations, and interested individuals.

Staff received one comment letter during this 20 day public review period, which was from William Davidson dated April 7, 2007. A letter from the Surfrider Foundation was e-mailed to staff on April 18, 2007 (letter dated April 17, 2007).

The Davidson comment letter suggests three project revisions intended to protect water quality:

- Limit mooring use to only vessels with approved marine holding tank systems or close the overboard discharge valve from marine heads that do not have an approved holding tank and do not use such marine heads while on the mooring;
- Provide all mooring users with clear written notice that marine holding tank pumpout service will be provided free of charge upon request and that trash disposal is available for an additional nominal fee; and
- Include enforcement provisions that would allow the City to temporarily suspend or limit the use the moorings in the event of future water quality problems in the mooring area, and permanently suspend or limit future mooring usage if it is determined that such water quality problems are the result of illegal discharges from moored vessels.

Regarding the first suggestion limiting mooring usage and restrictions on holding tank systems, staff believes the recommended mitigation measures, particularly Mitigation Measure IX-8, in the Recirculated Negative Declaration are adequate to protect water quality. The Marine Bureau would also prefer to allow open opportunity for all vessels to access the moorings, including vessels without marine heads (smaller vessels do not typically include heads). This open access standard is consistent with most marine operations in coastal communities.

The Marine Bureau will provide written notice of all rights and responsibilities that come with an approved mooring permit. This includes the services available under the base permit fee and services available for an additional fee as provided in Mitigation Measure IX-7. As part of the base permit fee, the Mooring Master will be required to provide pump-out services and at-boat trash removal.

The third suggestion calls for suspension or termination of mooring services in the event of future water quality problems. The Marine Bureau has informed staff that if a worsening of water quality can be linked directly to the mooring program, this program would be terminated unless there are measures in place to prevent such impacts. Staff believes that the recommended mitigation measures are adequate to protect water quality. The mooring program would also be subject to all applicable Health Department regulations that would limit access to Long Beach Harbor during a water pollutant outbreak from any source (i.e., sewage pipe rupture, oil spill, etc.).

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The April 17, 2007 Surfrider comment letter discusses three areas of concern also outlined in its November 21, 2006 comment, which are as follows:

- Altered Aesthetics;
- Inconsistency with proposed alterations to the breakwater; and
- Increased benthic habitat degradation from deposition of anti-fouling "bottom paint"

Regarding aesthetics, Surfrider has taken the response to its November 2006 comment to be that "the Department appears to be arguing that because there are already existing obstructions to the ocean vista, any additional obstruction would be consistent with the current obstructions." However, the December 21, 2006 staff report does not describe the existing ocean vista in terms of obstructions but rather states that "views of boats anchored at the project moorings would be consistent with the existing areawide viewscape." Since no new issues are raised in the April 2007 comment letter regarding aesthetics, no further response is warranted.

The breakwater comment concludes that "we interpret the Department's response to this comment as a positive affirmation by the City that, should the moorings and supporting infrastructure (e.g., unloading docks at the Belmont Pier, etc.) be built, it will not be subsequently used as an argument by the City for opposing the potential future reconfiguration of the breakwater." This is a misinterpretation of the staff response, which simply stated that "the possibility that the breakwater may be lowered at some future time is speculative and not considered a reasonably foreseeable occurrence." No position in support or opposition to any proposal for breakwater reconfiguration was provided in this response, which was a statement that in conformance with CEQA Guidelines Section 15145, "no discussion of an impact is required if that particular impact is too speculative for evaluation." Since no new issues are raised in the April 2007 comment letter regarding the breakwater, no further response is required.

The bottom paint comment asserts that the project "creates a significant presence of vessels in a discrete area" that "raises a reasonably foreseeable concern about significant impacts from bottom paint deposition from the moored vessels." As stated in the December 2006 staff report, this comment assumes that the project will significantly increase boat traffic in the Harbor area. However, the moorings are not considered growth inducing project that would result in greater numbers of boats in the Harbor and therefore the project is not expected to generate any types of impacts that would result from increases in boat traffic volumes. Since no new issues are raised in the April 2007 comment letter regarding potential bottom paint impacts, no further response is required.

This Surfrider comment letter also raises the following concerns related to cumulative impacts to nearshore water quality:

- The waters around the Pier may be added to the "303(d) list" for impaired water bodies and the City should be compelled to reduce pollutant loadings in the area, and even incremental and other insignificant discharges should be strictly prohibited;

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- There are limited assurances that the sanitary system dye installation program will actually result in the strict prohibition of discharges; and
- Vessels can and do automatically discharge bilge water and other pollutants into the area.

These concerns involve two issues: improving overall local water quality resulting from existing conditions outside of the project scope, and the potential effectiveness of proposed mitigations to prevent discharge of pollutants from moored vessels. The possibility of 303(d) list designation is not related to project implementation and possible City actions involving existing environmental conditions are independent from addressing potential project impacts to water quality, which would be less than significant with mitigation. The recommended mitigation measures, particularly Mitigation Measure IX-8, in the Recirculated Negative Declaration are adequate to protect water quality. Automatic discharges of pollutants would be a violation of these mitigations and would result in appropriate actions by the Marine Bureau. Questioning whether there are adequate assurances these mitigations will be enforced by the City is speculative and therefore no further response is necessary.

CURRENT ACTION REQUESTED

The applicant is requesting adoption of Mitigated Negative Declaration ND 11-06 and the Mitigation Monitoring Program for ND 11-06.

NEGATIVE DECLARATION FINDINGS

Recirculated Mitigated Negative Declaration ND 11-06 is in compliance with the following findings contained in the Resolution adopting this Negative Declaration:

1. The Initial Study and Recirculated Mitigated Negative Declaration for the Belmont Pier Boat Mooring Project have been completed in compliance with CEQA and the CEQA Guidelines;
2. The Initial Study and Recirculated Mitigated Negative Declaration for the Belmont Pier Boat Mooring Project was presented to the Planning Commission, who reviewed and considered the information contained therein prior to approving the Belmont Pier Boat Mooring Project; and
3. The Initial Study and Recirculated Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis on the potential for environmental effects of the Belmont Pier Boat Mooring Project.

PUBLIC HEARING NOTICE

Forty-five (45) Notices of Public Hearing were mailed on April 17, 2007 to all City Councilmembers, City department managers, local environmental organizations, local and regional agencies, neighborhood associations, and interested individuals.

REDEVELOPMENT REVIEW

The project is not located in a Redevelopment Project Area.

IT IS RECOMMENDED THAT THE PLANNING COMMISSION

Adopt Recirculated Mitigated Negative Declaration ND 11-06 and the Mitigation Monitoring Program for ND 11-06.

Respectfully submitted,

SUSANNE FRICK,
DIRECTOR OF PLANNING AND BUILDING

By: 
CRAIG CHALFANT
PLANNER

Approved: 
ANGELA REYNOLDS
PLANNING MANAGER

Attachments

1. Recirculated Mitigated Negative Declaration ND 11-06
2. Comment Letters
3. Project Plans
4. Staff Report for December 21, 2006 Planning Commission hearing

ATTACHMENT NO. 3

COMMENT LETTERS

**DEPARTMENT OF FISH AND GAME**<http://www.dfg.ca.gov>

4665 Lampson Avenue, Suite C

Los Alamitos, CA 90720

(562) 342-7108



November 8, 2006

Craig Chalfant
Community and Environmental Planning Division
Department of Planning and Building
City of Long Beach
333 West Ocean Blvd, 5th Floor
Long Beach, CA 90802

Dear Mr. Chalfant:

The Department of Fish and Game (Department) has reviewed the City of Long Beach's (City) Draft Mitigated Negative Declaration (DMND) for the Belmont Pier Boat Mooring Project, located in the Long Beach Harbor, Long Beach, California (SCH No. 2006101151). The proposed project would install nine mooring buoys; three on the west and east side of the Belmont Veteran's Memorial Pier, and three in the lee of Oil Island White, as a boat mooring pilot project. An additional 27 buoys would eventually be placed in each of the three areas for a total of 90 mooring buoys. Each area would measure 61 by 212 meters (139,199 square feet) and would contain 30 buoys. The mooring buoy tackle includes a 4.2 meter long helical soil anchor (footprint of 4.4 square centimeters), seaflex tension band, cable and appropriate fasteners, and a surface buoy. The anchors would be placed approximately 4 meters into the sea floor by use of a hydraulic drill. A biological survey of the project vicinity characterized the sea floor in the mooring areas as non-vegetated soft bottom marine habitat.

As trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. In this capacity, the Department administers the California Endangered Species Act, the Native Plant Protection Act, and other provisions of the California Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our jurisdiction the Department has the following comments and recommendations regarding your DMND.

Comments:

Although installation of the new mooring tackle will have minimal impacts on the seafloor there will be impacts from the operation of the moorings. The buoys and moored vessels will cover open water habitat which will result in a loss of

foraging habitat for sight foraging marine birds such as the state and federally listed California brown pelican (*Pelecanus occidentalis californicus*) and California least tern (*Sterna antillarum brownii*). Pelicans and terns are sight foraging piscivorous birds which need to be able to see their prey in order to catch them. The loss of available foraging habitat associated with this project is of concern to the Department because of cumulative impacts from these kinds of activities. It is our understanding that recreational boats currently anchor to the north of Oil Island White, primarily during the weekends. This anchorage will continue to operate even after the new moorings are installed. Although we do not object to the proposed project, we question if 90 new moorings are warranted for this area.

The DMND includes Mitigation Measure IV-1 to ensure that construction activities protect water quality and marine habitat. Practices include: drilling mooring anchors in the daylight and in the presence of a qualified marine biologist; prohibiting non-essential machinery or construction materials in the subtidal or intertidal zones and minimizing disturbance to ocean bottom and intertidal areas; keeping equipment and materials off the beach and away from the forces of wave, wind, and rain; prohibiting the use of sand, cobbles, or shoreline rocks from the beach as use for construction material; recovering all non-buoyant debris immediately after discharge into coastal waters; and conducting a final inspection of all mooring areas by a qualified marine biologist to ensure that no debris, trash, or construction material is left on the beach or in coastal waters. The Department concurs with these measures and believes their implementation would reduce impacts to marine habitat from project construction.

Mooring operations have the potential to degrade benthic habitat and impact water quality from the release of petroleum products, hazardous materials, sewage, and debris. The DMND includes best management practices (BMPs), Mitigation Measure IV-2, to ensure that the mooring operations will not impact marine habitats and water quality. These measures include: minimizing the discharge of soaps, paints, and debris from boat cleaning and prohibiting all in-water hull scraping; allowing only phosphate-free and biodegradable detergents and cleaning agents and prohibiting the use of products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye; requiring the disposal of all trash, waste, and recyclables, in a proper manner; requiring oil absorbent materials be examined at least once a year and replaced as necessary, with disposal of materials in accordance with applicable hazardous waste disposal regulations; and requiring all boat mooring occupants to regularly inspect and maintain all vessel engines, lines, and hoses. The Department concurs that these measures, when properly monitored and enforced, would protect marine habitat and water quality. It is our understanding that the City's Department of Parks, Recreation and Marine Coast Guard would be the agency responsible for monitoring and enforcing these practices. This agency has a 24-hour presence in the harbor.

Finally, we are concerned about the increased artificial night lighting that will occur from the moored vessels. Artificial lighting generally threatens wildlife by

Craig Chalfant
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disrupting biological rhythms and otherwise interfering with the behavior of nocturnal animals. Nocturnal and migrating birds, migrating bats, sea turtles, fish, and insects are particularly impacted by artificial night lighting. Mitigation Measure I-1, under Aesthetics, limits night-time lighting to that necessary for navigational safety only. The Department concurs with this measure.

We appreciate the opportunity to comment on your project. As always, Department personnel are available to discuss our comments, concerns, and recommendations in greater detail. To arrange for a discussion please contact Ms. Marilyn Fluharty, Environmental Scientist, California Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123, telephone (858) 467-4231.

Sincerely,



Gary B. Stacey
Regional Manager
Marine Region

cc: State Clearinghouse, Sacramento (original sent to Lead Agency)
Marilyn Fluharty, Department of Fish and Game, San Diego
Bryant Chesney, NOAA Fisheries, Long Beach



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

November 8, 2006

Ms. Angela Reynolds
Environmental Planning Officer
City of Long Beach
333 West Ocean Blvd., 5th Floor
Long Beach, CA 90802

Dear Ms. Reynolds:

Notice of Preparation of a Draft Environmental Impact Report for Belmont Pier Boat Mooring Project

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the Draft Environmental Impact Report (EIR). Please send the SCAQMD a copy of the Draft EIR upon its completion. In addition, please send with the Draft EIR all appendices or technical documents related to the air quality analysis and electronic versions of all air quality modeling and health risk assessment files.

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. Alternatively, the lead agency may wish to consider using the California Air Resources Board (CARB) approved URBEMIS 2002 Model. This model is available on the SCAQMD Website at: www.aqmd.gov/ceqa/models.html.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

In addition to analyzing regional air quality impacts the SCAQMD recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended

that the lead agency perform a localized significance analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>.

It is recommended that lead agencies for projects generating or attracting vehicular trips, especially heavy-duty diesel-fueled vehicles, perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis") can be found on the SCAQMD's CEQA webpages at the following internet address: http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additional mitigation measures can be found on the SCAQMD's CEQA webpages at the following internet address: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html. Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: <http://www.aqmd.gov/prdas/agguide/agguide.html>. In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's Air Quality and Land Use Handbook: A Community Perspective, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (<http://www.aqmd.gov>).

The SCAQMD is willing to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. Please call Charles Blankson, Ph.D., Air Quality Specialist, CEQA Section, at (909) 396-3304 if you have any questions regarding this letter.

Sincerely,



Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development and Area Sources

SS:CB:li

LAC061101-04LI
Control Number



November 21, 2006

Long Beach Department of Planning and Building
Attn: Angela Reynolds
333 West Ocean Blvd., 5th Floor
Long Beach CA 90802

Re: Belmont Pier Mooring Project Negative Declaration (Mitigated Neg Dec 11-06)

To Whom It May Concern:

We are writing on behalf of the Surfrider Foundation in regards to the above mentioned project. Surfrider Foundation is a grassroots organization of more than 50,000 members, all dedicated to the restoration and protection of our ocean, waves and beaches.

First, we want to thank you for your careful attention to the comments below. While we understand the City's desire to enhance business and recreation on and near the site of this proposed project, the adverse environmental impacts of the project should be fully understood by the citizens of Long Beach, as well as our elected representatives, before certifying this Mitigated Negative Declaration and/or permitting the construction of the project.

Furthermore, it is in the best interest of the City, the project developer, and the environment, to fully document potential environmental impacts that not only triggers review under the California Environmental Quality Act (CEQA), but that call into question compliance with the California Coastal Act. This project will demand permits from the Coastal Commission. Resolving potential conflicts with Coastal Act policy now will serve to later streamline the entire review process.

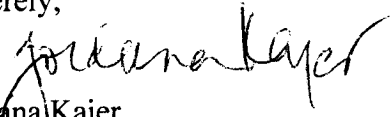
This is a large project with environmental implications that demand the thorough documentation of a full Environmental Impact Report (EIR). Below you will find an enumerated list of concerns that should be fully documented in that EIR:

- 1) Altered aesthetics;

- 2) Increased boat traffic;
- 3) Interference with existing recreational uses;
- 4) Inconsistency with proposed alterations to the breakwater;
- 5) Increased benthic habitat degradation from deposition of anti-fouling "bottom paint."

Again, we want to thank you for your careful consideration of these comments. We request that you deny certification of the Mitigated Negative Declaration and begin the process of drafting a full EIR.

Sincerely,


Gordana Kajer
Chairperson, Long Beach Chapter/Surfrider Foundation
235 Loma Avenue
Long Beach CA 90803

SPECIFIC ISSUES REQUIRING FULL REVIEW

1) Altered aesthetics

The area proposed for the 90 moorings is currently an unobstructed view of the bay, the breakwater and the horizon. It is worth noting at this point that the future existence of the breakwater is arguably speculative, given that the City Council recently passed a resolution (7/5/2005) to study support for reconfiguration of the breakwater -- which potentially includes the removal of sections of the surface portion of the breakwater.

Aside from the occasional anchored boat, this area provides a rare opportunity for the public to enjoy relatively unobstructed views of the horizon. Even more importantly, with the eventual removal of the breakwater, the view of the sun sinking into the sea will be plainly visible.

The Mitigated Negative Declaration (MND) also fails to account for the cumulative impacts from this project. There is a bias built into the analysis that the additional moorings will be "...consistent with typical coastal viewsapes." *See: MND, pg 18, § 1(a)*. This unsubstantiated conclusion misses the point that, while the occasional anchored vessel may be considered a "typical viewscape," the addition of 90 moorings to the site will create a dramatically adverse impact on that "typical" aesthetic characteristic.

Furthermore, the addition of these 90 vessels to the viewscape is not considered in conjunction with the cumulative impact of the existing pier and breakwater. This slow but certain impairment of coastal vistas must be documented from a holistic and cumulative perspective. In the end, avoiding this required analysis will do no good for streamlining the permitting process as the Coastal Act will surely require further studies.

2) Increased boat traffic

The project proposal seems intended to provide temporary anchorage for local vessels on pleasure trips around the surrounding vicinity. In fact, the whole idea is to attract traffic to the area as a means of increasing business to local establishments. This, in and of itself, is not offensive. However, this can only mean increased vessel traffic if the project is to meet its objectives.

Increased vessel traffic will most assuredly create new air emissions in the surrounding area. As the MND admits, the Long Beach area has a limited capacity to disperse air emissions and the project site arguably has even less of a prevailing wind velocity and consistency. *See: MND, pg 19, § III*. It is inadequate to simply rely on regional air management studies and regulations when the project will have a foreseeable impact on local air quality.

The MND also fails to adequately document the adverse impact on our population of elderly residents and visitors, athlete sailboarders, as well as young children frequenting the site (ie; “sensitive receptors”). The impact of the degraded air quality from the cumulative sources being added to by this project should be thoroughly documented so that decisionmakers are fully informed of the impact on our most sensitive residents and visitors.

Furthermore, the MND fails to look at dramatically increasing vessel traffic in an area already used by parasail and windsurfers and other recreational boaters. This creates a reasonably foreseeable significant impact on current recreational uses – not documented in the MND. *See: MND, pg 41, § XV* [the MND fails to discuss impacts on existing recreational uses which is important information both for certifying the CEQA document, as well as Coastal Development Permits).

The MND fails to fully document the degradation of “odors” in the immediate area created by the constant comings and goings of temporarily moored vessels running diesel motors.

Finally, the MND does not thoroughly document the disturbance this dramatic addition to vessel traffic will have on protected marine mammals and listed seabirds. It is not adequate to rely on the future permits of other agencies as “mitigation” for these significant impacts. *See eg: MND, pp 21 to 24, § IV.* The MND inadequately describes the impact of increased vessel traffic on these protected species by narrowly focusing on the impact of the moorings and buoys in isolation. This undermines the intent and letter of CEQA to fully inform the public of the significant impacts that are reasonably foreseeable from every aspect of the project, including the traffic created.

3) Inconsistency with proposed alterations to the breakwater

The Long Beach City Council adopted a resolution on 7/5/2005 to fund a study (“Reconnaissance Study”) to determine Federal interest in reconfiguring the Long Beach breakwater. The purpose of this foreseeable change to the existing conditions is to re-introduce waves and restore a natural beach to the Belmont Shore and Peninsula area. This reasonably foreseeable future change in the conditions raises several issues of significance.

- Will the moorings be exposed to currents and/or wave action not currently occurring on the site? If so, what is the foreseeable damage to the beach and pier (not to mention economical losses) from buoys and tackle that break loose from their moorings?
- Will the project require landings on the pier to load and unload the projected visitors to the area from the moored vessels? If so, what is the reasonably foreseeable damage from these new structures breaking loose from the pier under the pressure from new currents and wave action?

4) Increased benthic habitat degradation from deposition of anti-fouling “bottom paint.”

The dramatic increase in vessel traffic from boats temporarily mooring at the proposed project, then moving on to allow new temporary visitors, will unavoidably increase the deposition of toxic “anti-fouling” bottom paint in the water column and in the benthic habitat. This newly introduced deposition of toxic metals to the project site will have significant impacts on marine wildlife and marine ecosystems.

Studies have shown the significant and foreseeable impact from deposition of bottom paint. *See: “Nontoxic Antifouling Strategies Project” (May 2004), University of California Sea Grant Extension Program and the University of California, San Diego Department of Economics*

<http://seagrant.ucdavis.edu/index.htm>

These studies concluded that:

“Harmful levels of dissolved copper have been detected in boat basins in San Diego and Newport Bays. Oceanside Harbor and Marina Del Rey have elevated levels of dissolved copper. Other crowded boat basins may experience this problem, too.” *Ibid.* These crowded boat harbors arguably will show less deposition of toxic paint because the boats are mostly at rest – as opposed to the use of this project wherein vessels will be frequently moving on and off the moorings.

“According to Total Maximum Daily Load (TMDL) studies by the San Diego Regional Water Quality Control Board, the Southern California Coastal Water Research Project and by the US EPA, high copper levels are primarily due to antifouling paint on boats.” *Ibid.*

Bottom paint released from boats “...builds up in the water column and sediments and may reach toxic levels.” *Ibid.*

Most importantly, “Scientific studies show that dissolved copper at concentrations found in areas of San Diego and Newport Bays affects growth, development, and reproduction of marine life.” *Ibid.*

We wish to bring to your attention that the Belmont Pier, the site of this proposed mooring buoy project, is located in the San Pedro Bay Near/Off Shore Zones which is listed in the CWA Section 303(d) List of Water Quality Limited Segments by the Los Angeles Regional Water Quality Board (10/25/2006). Copper is an identified pollutant/stressor. Any additional loading of copper to an area already identified as an “impaired waterbody” is the definition of a “significant cumulative impact” and demands an EIR.

The foreseeable impacts from increased deposition in the water column and the benthic community of the project area are inadequately described in the MND. The MND describes in some limited detail the species that inhabit the benthic area. *See: MND, pp 22 & 23, § IV.* The MND also attempts to offer mitigations for foreseeable impacts in the following pages. *Id. at pp 24 to 26.*

However, the MND inadequately describes the unintentional degradation of bottom paint, and the consequential deposition of pollutants in the water column and benthic community. Instead the MND focuses on human activities that intentionally create the exact same problem (and others). Likewise, the mitigations only curtail intentional activities – for example boat cleaning. Furthermore, the MND fails to even hint at the problems caused in the marine ecology from the bio-accumulation of these toxins in prey species and then spread to predators – many of whom are listed or of special concern.

In conclusion, the MND does not adequately document the causes of toxic deposition because it narrowly focuses on the intentional actions taken to maintain the vessels. A thorough EIR would identify and document the foreseeable and inevitable consequences of unintentional deposition – as well as thoroughly document the widespread adverse environmental impacts caused by the dramatic increase in vessel traffic in the area.

CONCLUSION

For all the reasons stated above, it violates the spirit and letter of CEQA to simply perform the analysis in this Mitigated Negative Declaration. Only a full EIR will meet the expressed purposes of informing the public, and our elected representatives, of the adverse impacts on our environment before a project is permitted.

31 The Colonnade
Long Beach, CA. 90803
562 439-6790

November 24, 2006

Ms. Angela Reynolds
Environmental Planning Officer
333 West Ocean Blvd., 5th Floor
Long Beach, CA 90802

Re: Belmont Pier Boat Mooring Project
Objection to proposed Mitigated Negative
Declaration

Dear Ms. Reynolds:

The following comments are being presented as objection to the finding of the City of Long Beach that the proposed Belmont Pier Boat Mooring Project does not require the preparation of an Environmental Impact Report pursuant to the California Environmental Quality Act ("CEQA"), and to the publication of the proposed Mitigated Negative Declaration ("MND"). We object to, and challenge the finding by the Planning Commission.

MND FAILS TO ADDRESS WATER QUALITY ISSUES RELATING TO DISCHARGE OF HUMAN WASTE

The draft Mitigated Negative Declaration fails to take into account the issue of the significance of the discharge of human waste from 180 vessels (2 allowed per mooring) utilizing the moorings. Nowhere in the draft report is this issue even addressed and no studies are cited that show what impact could potentially occur from the discharge of human waste and gray water into the bay in such close proximity to the public beaches.

The mooring area is immediately adjacent to extensively utilized public beaches. In recent years there have been increasing incidents of fecal coliform and other bacterial counts on these beaches reaching levels well in excess of acceptable maximum standards. This has resulted in the closure of the beaches to public swimming use.

No information is presented in the MND concerning the flushing rates in the subject portion of the bay. It is thus impossible to determine how long any hazardous materials released into the bay would remain and accumulate.

Both CEQA and the Guidelines adopted by the California Resources Agency that if a project has even the "potential" to cause significant effects on the environment a finding of "significant effect" must be made and an Environmental Impact Report ("EIR") required. Since the proposed MND presenting no information or study results showing that the "potential" effects of discharge of human waste were even considered the MND must be found to be defective.

MITIGATION MEASURE PROPOSED BY MND TO PRESERVE WATER QUALITY IS TOTALLY INADEQUATE

The MND proposes only one set of mitigation measures relating to protecting the environment from damage due to the presence of up to 180 vessels. The proposed mitigation is simply to say that a whole series of potential environmental contaminants that are commonly released from recreational vessels shall not be released into the bay (Mitigation Measure IV-2). This proposed Mitigation Measure is inadequate since it:

- a. Totally fails to address the likelihood or degree of voluntary compliance that can be reasonably anticipated,
- b. Fails to address the effects on the environment of the failure of voluntary compliance; and
- c. Does not require any monitoring or enforcement mechanisms.

REQUIREMENTS OF THE MOORING USER REGULATIONS INCORPORATED INTO THE MND ARE ALSO INADEQUATE TO PROTECT OR MONITOR WATER QUALITY

The requirement in the Mooring User Regulations attached to the report as Attachment C state that vessels must agree to the use of dye to test for holding tanks and must not discharge waste is totally inadequate to insure the prevention of hazardous discharges for the following reasons:

- d. There is no requirement that the dye test actually be performed on each vessel.
- e. There is no requirement that a vessel even have a holding tank.
- f. There is no requirement that a Marine Department patrol craft be present in the area in order to have the opportunity to observe any discharges.
- g. No on-mooring pump-out services are provided.
- h. Even if stained with dye discharges would be difficult to observe during the day light hours due to the turbidity of the water and impossible to observe at night.

The Mooring User Regulations permit a vessel to remain on a mooring for up to 10 days at a time. Very few recreational vessels of the size that would be allowed on the moorings have holding tanks large enough to accommodate 10 days of usage. It must be anticipated therefore that most moored vessels would exceed their holding tank capacity. The only choices presented the occupants would be to depart the mooring to seek a local pump out facility, or to simply pump overboard to create more capacity. It is not difficult to anticipate the choice that many vessel occupants would make.

CONCLUSION AND RECOMMENDATION

The proposed MND totally fails to properly address water quality issues. There is an undisputable probability that human waste will be discharged from the vessels using the moorings. The discharge of untreated human waste is known to cause significant health and adverse environmental consequences. Thus the MND cannot refute the "potential" for significant adverse environmental consequences. Under CEQA these facts require the preparation of a full Environmental Impact Report. Additionally, there is no pressing public need for this project that could possibly justify moving forward before potential adverse affects

can be fully determined, and thus no reason not to proceed prudently and with a primary emphasis on protecting both the environmental and children swimming on adjacent Long Beach Beaches. A headline article in a recent publication of the Press Telegram stated "Nice City, but would you swim there?". We should not take any action that will further support the answer "No I would not!"

Respectfully

Sandra Davidson
Sandra Davidson

William Davidson
William Davidson

cc: R. Foster
G. De Long
M. Sandoval
N. Kerr, L.B. Health & Human Serv.
K. Wattier, L.B. Water Dept

ATTACHMENT

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Nice city, but would you swim there?

Pollution problems continue at Long Beach beaches, for no known reason.

By Wendy Thomas Russell, Staff writer
Long Beach Press Telegram

Article Launched: 11/09/2006 10:10:34 PM PST

LONG BEACH - Sunning themselves along a sandy stretch of Alamitos Bay on Thursday, bikini-clad Lauren Deyholos, 19, and Kelly Naider, 20, were taking advantage of near-perfect Long Beach weather: 72 degrees with blue skies.

But, glancing at the water a few yards away, the pair instinctively turned up their noses. The weather is great here, they said, but they wouldn't dream of going for a swim.

"If we wanted to go in the water," Deyholos said, "we would go to Manhattan Beach or someplace where it's, like, clean."

X Long Beach's public image has taken plenty of hits over the years. Water stagnation caused by the breakwater, coupled with seasonal urban runoff and the occasional red tide, have provided plenty of reasons for water lovers to move their beach towels up or down the coast.

But the recent - and still mysterious - sewage contamination that has plagued Mother's Beach and Marine Stadium since late September has put a renewed emphasis on the unique problems facing Alamitos Bay, popular for its in-water recreation.

"This is a very complex problem," said Nelson Kerr, who manages the city's recreational water program within the Department of Health and Human Services.

What to do?

So far, officials have little choice but to monitor the problem one day at a time, given the unpredictable water quality around the bay.

Bacterial counts change dramatically from day to day at many testing sites, and the Health Department puts out advisories whenever bacterial counts exceed state standards.

"We post signs," Kerr said. "We notify the lifeguards. We update the (city's) Web site, and we have a hotline - so all four of those take place right away."

But advisories are not exactly up to the minute.

Because test results take 18 to 24 hours, advisories are often placed the day after bad water is detected. And, sometimes, the water has cleared up again by the time the advisories are publicized.

"That's been one of the biggest dilemmas for this type of testing," Kerr said. "Every hour it can change."

X The recent presence of human waste in the bay water has been strongly suggested by high fecal coliform and enterococcus counts.

X The state standard is for recreational waters to contain no more than 400 fecal colonies per 100 milliliters of water. And during the last month and a half, the fecal colonies have regularly numbered into the thousands.

On Oct. 16, a particularly bad day, one area of Mother's Beach contained nearly 12,000 fecal colonies per 100 milliliters of water - or 30 times the acceptable amount. Luckily, there was no threat of anyone swimming; the Health Department had closed the beach between Sept. 29 and Oct. 24.

It's everywhere

The problems aren't just in Marine Stadium.

Earlier this week, advisories were placed at several locations along Bayshore Avenue - an area where water quality is considered relatively good.

So far, officials are stumped.

Three pumpout stations, used to empty sewage from boats, have been identified as faulty - two privately owned at Marina Pacifica, the third publicly owned.

But each station has been shut down, and still the problems persist.

A theory that seems to be gaining momentum is one put forth by Water Department General Manager Kevin Wattier, who says that that the problem may be connected to the recent reduction in operations at a nearby power plant.

As unlikely as it may seem, Wattier said he believes the AES-owned Alamos Power Plant, when operating at full capacity, flushes out bad water by pulling it through the Los Cerritos Channel and dumping it into the San Gabriel River.

According to Wattier's theory, the contamination problems the city is detecting in Alamos Bay have always been there; they've simply gone unnoticed because of the power plant-induced flow patterns.

Kerr said he is grateful to Wattier for his insight, and he said health officials have begun to take a look at circulation problems in the water.

Just last week, Kerr said, one officer launched an informal flow test by throwing a bunch of oranges into the water near Boatman Drive and taking stock of where they went.

The answer was nowhere.

"We weren't getting real good movement," Kerr said, "at least on the surface of the water."

He said the stagnation problem would be an area of further investigation.

"It requires a more complete study than throwing oranges," Kerr said. "But it's a start."

Wendy Thomas Russell can be reached at wendy.russell@presstelegram.com or (562) 499-1272.

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FAX: (562) 431-4290

(562) 430-2749

April 7, 2007

Ms. Angela Reynolds
Environmental Planning Officer
City of Long Beach
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

Re: Belmont Pier Mooring Project

Dear Ms. Reynolds:

I would like to complement you and your staff on the excellent changes you have proposed for the prospective Belmont Pier mooring project. I would also like to thank you for listening to, and obviously considering, the comments that others and I made concerning the project.

I believe that the proposed project is now much less likely to have significant adverse environmental consequences while still of a scope to meet boater demand for moorings on most days of the year. I have only three suggestions for additional requirements to further insure what we all want to accomplish – providing a fun recreational boating opportunity without harming our beaches or water quality – is truly accomplished. These are:

1. The proposed Mooring User Regulations do not require that vessels using the moorings have an approved marine head/holding tank system. Although I am sure that this requirement is intended, and may even be implied, I believe that the User Regulations should specifically provide that no vessel without an approved marine holding tank system would be allowed to use the moorings at any time (even for short-term day usage)

Comment: The proposal states only that “the marine sanitary device is in such a condition as to prevent any contaminants from being discharged into City waters”. This requirement could be technically satisfied by the vessel owner simply closing the overboard discharge valve from a marine head that did not have an approved holding tank system and stating that they would not use the head while on the mooring.

2. The User Regulations should provide that the mooring operator be required to provide clear written notice to each boat upon each connection to a mooring that marine holding tank pump out service will be provided free of charge upon request, and that trash disposal is available for a nominal fee. Unless the users of the moorings are aware of the availability of these services the services are unlikely to be used.

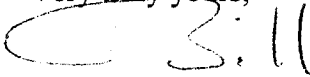
3. The revised mitigation measures provide that weekly water quality testing is to be conducted in the vicinity of the boat moorings. However, the issue of what consequences would arise from findings of future tests that show water quality that fails to meet established health standards is not addressed.

It is my understanding that unless the approval of the proposed project includes consequences for future water quality problems in the area of the moorings, the City would not have the power to take any action to even temporarily suspend or limit the use of the moorings until the cause of the decline in water quality could be established; or to take any action permanently limiting or restricting the use of the moorings even if it were to be affirmatively shown that discharges from moored vessels were the most likely cause of the problem.

I believe it is critical therefore that the approval of the project include enforceable provisions that would allow the City to temporarily suspend or limit the use of the moorings in the event of future water quality problems in the area; and to permanently suspend or limit future use of the moorings should it be shown that such water quality problems were most likely the result of illegal discharges from moored vessels.

With these 3 additional provisions I believe that the proposed project is not likely to cause significant harm to our beaches or water quality and should be supported as filling a need for a safe short-term recreational vessel mooring location in the outer Long Beach harbor. I therefore encourage planning staff to favorably consider these additional points and to include them in the proposed mitigation measures.

Very truly yours,



William V. Davidson



Gordana Kajer
<gordana.kajer@verizon.net>

To: craig_chalfant@longbeach.gov
cc:
Subject: Mooring Buoy Response

04/18/2007 02:42 PM

Hi Craig,

Attached are Surfrider Foundation's comments to the Revised Neg Declaration for the Mooring Buoys proposed for the Belmont Shore pier.

Thanks for your patience and allowing us a few extra days.

-Gordana Kajer
Chair, Long Beach Chapter
Surfrider Foundation



response to comments 4-07.doc



**Surfrider
Foundation.**

www.surfrider.org

April 17, 2007

Long Beach Department of Planning and Building
Attn: Angela Reynolds
333 West Ocean Blvd., 5th Floor
Long Beach CA 90802

RE: Belmont Pier Mooring Project Negative Declaration (Mitigated Neg Dec 11-06)

Dear Planning Commissioners and Staff:

We are writing on behalf of the Surfrider Foundation in regards to the above mentioned project. Surfrider Foundation is a grassroots organization of more than 50,000 members, all dedicated to the restoration and protection of our ocean, waves and beaches.

First, we want to thank you and the City's staff for your thorough consideration of this project. We believe the project proponent has recognized and responded to some of the concerns we raised in our letter of November 21, 2006 and we are grateful for those responses. Nonetheless, we still believe that there are significant potential risks to the environment that demand a full Environmental Impact Report (EIR). We are including those comments below.

Please also find below our interpretation of the City's response to our November 2006 letter that we hope will clarify a mutual understanding between the City and Surfrider Foundation – as well as the entire community of Long Beach.

Once again, we want to thank you for your careful and thorough consideration of the comments below.

Sincerely,

Gordana Kajer
Chairperson, Long Beach Chapter/Surfrider Foundation
PO Box 41835
Long Beach, CA 90803

SPECIFIC ISSUES REQUIRING FULL REVIEW

1) Altered aesthetics

We want to first recognize the project proponent's revised plan to limit the number of moorings to 45 – allowing a reduced number of moored vessels to 90. While we recognize that this reduces the visual impact of the project, we do not believe it reduces it to a less than significant impact.

Furthermore, we find the response to comments in the Planning Department's letter to the Planning Commission (Response to Comments), dated December 21, 2006, both non-responsive and contradictory. In the response to this specific issue, the Department appears to be arguing that because there are already existing obstructions to the ocean vista, any additional obstruction would be consistent with the current obstructions. See response to Comments, P.6. However, in the next paragraph the Department argues that there will be no "cumulative impacts" from the addition of the moored boats.

These two positions are inconsistent and a misinterpretation of the requirements of the California Environmental Quality Act. Given existing impairments to viewing the horizon and open ocean, the addition of 90 vessels in close proximity to each other will surely create an additional impact – and consequently a significant "cumulative impact."

We want to be clear, like other aspects of this project, identifying the significant impact to unimpaired aesthetic natural vistas will not necessarily lead to denial of the project. However, CEQA demands that these significant impacts be clearly identified in an EIR so that decisionmakers and citizens fully understand the impacts and the overriding considerations that justify going forward – should the City ultimately decide to permit the project.

2) Inconsistency with proposed alterations to the breakwater

The Long Beach City Council adopted a resolution on 7/5/2005 for a study ("Reconnaissance Study") to determine Federal interest in a study of a reconfiguration of the Long Beach breakwater. We believe that this action by the City of Long Beach raises enough grounds to consider a reconfiguration of the breakwater "reasonably foreseeable." So, we disagree with the Department's argument denying an EIR. See Response to Comments, P.7.

Nonetheless, the Response to Comments argued that:

[M]any mooring areas along the coastline function without a nearby breakwater or similar impediment to wave action (i.e., Avalon). Therefore, no significant impacts to the moorings from ocean currents and wave action are anticipated. See Response to Comments, P. 7.

We choose not to challenge this assertion by the City. However, we interpret the Department's response to this comment as a positive affirmation by the City that, should the moorings and supporting infrastructure (e.g., unloading docks at the Belmont Pier,

etc) be built, it will not be subsequently used as an argument by the City for opposing the potential future reconfiguration of the breakwater.

3) Increased benthic habitat degradation from deposition of anti-fouling “bottom paint.”

We disagree with the Department’s characterization of our concerns about the potential for an increased deposition of bottom paint residue in the mooring area. The Department argues that because the project is not considered as “growth inducing” it is not expected to “generate any types of impacts that would result from increases in boat traffic volumes.”

This is unresponsive to the concern that increased boat moorings in a discreet area of the nearshore waters creates potential significant impacts on the immediate environment. As we explained in our earlier letter, deposition of bottom paint residue is proven harmful to the environment. A project that creates a significant presence of vessels in a discreet area, as opposed to the Department’s characterization of the absence of increased transient boat traffic passing through the area, raises a reasonably foreseeable concern about significant impacts from bottom paint deposition from the moored vessels.

4) Cumulative Impacts to Nearshore Water Quality

Again, we believe that the reduction in the number of moorings anticipated in the project, along with the proposed heightened monitoring of human waste discharge through compulsory “dye” being added to vessel sanitary systems and other controls is an improvement of the original proposal.

Nonetheless, we have several responses to the Department’s replies to these important and legitimate concerns:

- a) The waters around the Belmont Pier are already degraded. We understand that areas around the Pier are being considered for addition to the “303(d) list” for impaired water bodies. Should this occur, it will require the implementation of a regulatory “Total Maximum Daily Load” for the area. In short, the City would be compelled to reduce pollutant loadings to the area – and even incremental and other “insignificant” discharges would be strictly prohibited.
- b) The “dye installation” in the vessel sanitary system is an admirable attempt to create incentives for vessel owners not to discharge their sanitary systems while on the moorings. However, this mitigation effort seems to rely on monitoring by non-governmental agents. In fact, it appears to rely on monitoring and reporting by the very agent who stands to profit from vessels paying for the use of the moorings. We believe this creates a potential “conflict of interest” for the project proponent and undermines the limited assurances that the “dye” program will actually result in the strict prohibition of discharges from sanitary systems.
- c) Finally, the Department seems to have narrowly focused their mitigation measures on discharges from vessel sanitary systems. However, vessels can and do automatically discharge bilge water to ensure against sinking, and discharge “grey water” from sinks, deck washing, and other sources that can also pollute the immediate area.

We believe that, until these issues are resolved in a way that can assure compliance with mitigation measures to guard against any potential discharge that will add to the cumulative degradation of water quality in the immediate area, a full EIR is necessary.

CONCLUSION

For all the reasons stated above, it violates the spirit and letter of CEQA to simply perform the analysis in this Mitigated Negative Declaration. Only a full EIR will meet the expressed purposes of informing the public, and our elected representatives, of the adverse impacts on our environment before a project is permitted.

We want to be clear that we are not opposed to the recreational use and enjoyment of safe and healthy beaches and nearshore waters – including recreational boating. But, unfortunately, the City faces an intractable pollution problem and impediments to full enjoyment of an experience at the beach – in part caused by the existence of an unnecessary breakwater.

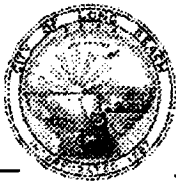
We want to be cooperative partners with the City in efforts to create a holistic plan for resolving the multiple impediments to a healthy environment at Long Beach's shore and nearshore waters. We think the City needs to take immediate steps to:

- restore wave action at the beaches through the reconfiguration of the breakwater,
- simultaneously take steps to dramatically improve water quality at our beaches,
- plan a sustainable beach management plan that ensures year-round broad beaches that protect homes and property on the shoreline,
- and finally, and only after the above goals are well underway, consider other amenities like moorings at the Belmont Pier to enhance recreational uses of our beaches and nearshore waters.

We hope you agree that a holistic and comprehensive plan for our beaches and nearshore waters that will dramatically improve the natural environment, as well the enjoyment of these treasures by local residents and visitors to our City, is the prudent and responsible path for our Planning Commission and City Hall.

ATTACHMENT NO. 4

APPEAL FORMS



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard | Long Beach, CA 90802 | (562)570-6194 FAX: (562)570-6068

Application for Appeal

An appeal is hereby made to Your Honorable Body from the decision of the:

- Planning Commission** on the 3 day of MAY 2007
- Zoning Officer** on the _____ day of _____ 20____
- Cultural Heritage Commission** on the _____ day of _____ 20____
- Site Plan Review Committee** on the _____ day of _____ 20____

Appellant: John & Karen Tobin

Applicant: City of Long Beach / Beach Ventures

Project Address: Belmonts Veterans Memorial Pier

Permit(s) Requested: "MIDN 11-06, case # ND 11-06"

Project Description: Belmont Pier Boat Mooring Project
and Oil Island White "leeward side"

Reason for Appeal: Requesting that full EIR be
conducted

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the:

- Planning Commission**, **Zoning Officer**, **Cultural Heritage Commission** or
- Site Plan Review Committee**

Approve or **Deny** this application

Signature of the Appellant: Karen Tobin: [Signature]
[Signature]

Print name of the Appellant: Karen Tobin John Tobin

Mailing Address: 26 3846 Place
Long Beach, CA 90803

Phone No.: 562-438-5819

Note: Please be sure to review the filing instructions on the reverse side of this form.

(Staff Use Only)

Counter Staff: CC Case No.: ND 11-06 Date: 5/9/07
Application Complete: yes No



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard ! Long Beach, CA 90802 ! (562)570-6194 FAX: (562)570-6068

Application for Appeal

5/8/2007

An appeal is hereby made to Your Honorable Body from the decision of the:

- Planning Commission on the 3rd day of May 2007
- Zoning Officer on the _____ day of _____ 20____
- Cultural Heritage Commission on the _____ day of _____ 20____
- Site Plan Review Committee on the _____ day of _____ 20____

Appellant: Surfrider Foundation, Long Beach Chapter

Applicant: Mark Sandoval - Mgr., Marinas and Beaches

Project Address: Long Beach Harbor, both sides of Belmont Pier

Permit(s) Requested: Adoption of Recirculated Mitigated Negative

Project Description: 45 mooring buoys installed around pier for recreational boaters Declaration (ND 11-06)

Reason for Appeal: please see reverse side for comments

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the:

- Planning Commission, Zoning Officer, Cultural Heritage Commission or
- Site Plan Review Committee

Approve or Deny this application

Signature of the Appellant: Jordan Kaye

Print name of the Appellant: Chair, Long Beach Chapter / Surfrider Gordana Kaye

Mailing Address: 235 Loma Ave, Long Beach CA 90803 Foundation

Phone No.: 562 438 9161

Note: Please be sure to review the filing instructions on the reverse side of this form.

(Staff Use Only)

Counter Staff: CC

Case No.: ND 11-06

Date: 5/14/07

Application Complete: yes No

5/2/2007

① We believe that the Planning Department's response to our letter of April 17, 2007 is evasive and non responsive. Our letter is attached.

② During the Planning Commission hearing, the Chair of the Commission (Mr. Szramek) pointed out in his opposition comments regarding this Negative Declaration that the Manager, Marinas and Beaches (Mr. Sandoval) made it clear that there are already plans for additional moorings for the area. We believe, therefore, that reducing the number of moorings from 90 to 45 is simply segmenting the project to avoid analysis of the cumulative environmental impacts of this project.

Jordan Kaye
Chair, Long Beach Chapter
SWA Under Foundation



April 17, 2007

Long Beach Department of Planning and Building
Attn: Angela Reynolds
333 West Ocean Blvd., 5th Floor
Long Beach CA 90802

RE: Belmont Pier Mooring Project Negative Declaration (Mitigated Neg Dec 11-06)

Dear Planning Commissioners and Staff:

We are writing on behalf of the Surfrider Foundation in regards to the above mentioned project. Surfrider Foundation is a grassroots organization of more than 50,000 members, all dedicated to the restoration and protection of our ocean, waves and beaches.

First, we want to thank you and the City's staff for your thorough consideration of this project. We believe the project proponent has recognized and responded to some of the concerns we raised in our letter of November 21, 2006 and we are grateful for those responses. Nonetheless, we still believe that there are significant potential risks to the environment that demand a full Environmental Impact Report (EIR). We are including those comments below.

Please also find below our interpretation of the City's response to our November 2006 letter that we hope will clarify a mutual understanding between the City and Surfrider Foundation – as well as the entire community of Long Beach.

Once again, we want to thank you for your careful and thorough consideration of the comments below.

Sincerely,

Gordana Kajer
Chairperson, Long Beach Chapter/Surfrider Foundation
PO Box 41835
Long Beach, CA 90803

SPECIFIC ISSUES REQUIRING FULL REVIEW

1) Altered aesthetics

We want to first recognize the project proponent's revised plan to limit the number of moorings to 45 – allowing a reduced number of moored vessels to 90. While we recognize that this reduces the visual impact of the project, we do not believe it reduces it to a less than significant impact.

Furthermore, we find the response to comments in the Planning Department's letter to the Planning Commission (Response to Comments), dated December 21, 2006, both non-responsive and contradictory. In the response to this specific issue, the Department appears to be arguing that because there are already existing obstructions to the ocean vista, any additional obstruction would be consistent with the current obstructions. See response to Comments, P.6. However, in the next paragraph the Department argues that there will be no "cumulative impacts" from the addition of the moored boats.

These two positions are inconsistent and a misinterpretation of the requirements of the California Environmental Quality Act. Given existing impairments to viewing the horizon and open ocean, the addition of 90 vessels in close proximity to each other will surely create an additional impact – and consequently a significant "cumulative impact."

We want to be clear, like other aspects of this project, identifying the significant impact to unimpaired aesthetic natural vistas will not necessarily lead to denial of the project. However, CEQA demands that these significant impacts be clearly identified in an EIR so that decisionmakers and citizens fully understand the impacts and the overriding considerations that justify going forward – should the City ultimately decide to permit the project.

2) Inconsistency with proposed alterations to the breakwater

The Long Beach City Council adopted a resolution on 7/5/2005 for a study ("Reconnaissance Study") to determine Federal interest in a study of a reconfiguration of the Long Beach breakwater. We believe that this action by the City of Long Beach raises enough grounds to consider a reconfiguration of the breakwater "reasonably foreseeable." So, we disagree with the Department's argument denying an EIR. See Response to Comments, P.7.

Nonetheless, the Response to Comments argued that:

[M]any mooring areas along the coastline function without a nearby breakwater or similar impediment to wave action (i.e., Avalon). Therefore, no significant impacts to the moorings from ocean currents and wave action are anticipated. See Response to Comments, P. 7.

We choose not to challenge this assertion by the City. However, we interpret the Department's response to this comment as a positive affirmation by the City that, should the moorings and supporting infrastructure (e.g., unloading docks at the Belmont Pier,

etc) be built, it will not be subsequently used as an argument by the City for opposing the potential future reconfiguration of the breakwater.

3) Increased benthic habitat degradation from deposition of anti-fouling “bottom paint.”

We disagree with the Department’s characterization of our concerns about the potential for an increased deposition of bottom paint residue in the mooring area. The Department argues that because the project is not considered as “growth inducing” it is not expected to “generate any types of impacts that would result from increases in boat traffic volumes.”

This is unresponsive to the concern that increased boat moorings in a discreet area of the nearshore waters creates potential significant impacts on the immediate environment. As we explained in our earlier letter, deposition of bottom paint residue is proven harmful to the environment. A project that creates a significant presence of vessels in a discreet area, as opposed to the Department’s characterization of the absence of increased transient boat traffic passing through the area, raises a reasonably foreseeable concern about significant impacts from bottom paint deposition from the moored vessels.

4) Cumulative Impacts to Nearshore Water Quality

Again, we believe that the reduction in the number of moorings anticipated in the project, along with the proposed heightened monitoring of human waste discharge through compulsory “dye” being added to vessel sanitary systems and other controls is an improvement of the original proposal.

Nonetheless, we have several responses to the Department’s replies to these important and legitimate concerns:

- a) The waters around the Belmont Pier are already degraded. We understand that areas around the Pier are being considered for addition to the “303(d) list” for impaired water bodies. Should this occur, it will require the implementation of a regulatory “Total Maximum Daily Load” for the area. In short, the City would be compelled to reduce pollutant loadings to the area – and even incremental and other “insignificant” discharges would be strictly prohibited.
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- c) Finally, the Department seems to have narrowly focused their mitigation measures on discharges from vessel sanitary systems. However, vessels can and do automatically discharge bilge water to ensure against sinking, and discharge “grey water” from sinks, deck washing, and other sources that can also pollute the immediate area.

We believe that, until these issues are resolved in a way that can assure compliance with mitigation measures to guard against any potential discharge that will add to the cumulative degradation of water quality in the immediate area, a full EIR is necessary.

CONCLUSION

For all the reasons stated above, it violates the spirit and letter of CEQA to simply perform the analysis in this Mitigated Negative Declaration. Only a full EIR will meet the expressed purposes of informing the public, and our elected representatives, of the adverse impacts on our environment before a project is permitted.

We want to be clear that we are not opposed to the recreational use and enjoyment of safe and healthy beaches and nearshore waters – including recreational boating. But, unfortunately, the City faces an intractable pollution problem and impediments to full enjoyment of an experience at the beach – in part caused by the existence of an unnecessary breakwater.

We want to be cooperative partners with the City in efforts to create a holistic plan for resolving the multiple impediments to a healthy environment at Long Beach's shore and nearshore waters. We think the City needs to take immediate steps to:

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We hope you agree that a holistic and comprehensive plan for our beaches and nearshore waters that will dramatically improve the natural environment, as well the enjoyment of these treasures by local residents and visitors to our City, is the prudent and responsible path for our Planning Commission and City Hall.

ATTACHMENT NO. 5

**PLANNING COMMISSION MEETING MINUTES
DATED DECEMBER 21, 2006
AND MAY 3, 2007**

C I T Y P L A N N I N G C O M M I S S I O N M I N U T E S
D E C E M B E R 2 1, 2 0 0 6

The regular meeting of the City Planning Commission and public hearing convened on December 21, 2006, at 1:36pm in the City Council Chambers, 333 W. Ocean Boulevard, Long Beach, CA.

PRESENT: COMMISSIONERS: Leslie Gentile, Charles Greenberg,
Morton Stuhlbarg, Charles Winn,
Matthew Jenkins, Nick Sramek

ABSENT: EXCUSED: None

CHAIRMAN: Leslie Gentile

STAFF MEMBERS PRESENT: Suzanne Frick, Director
Greg Carpenter, Planning Manager
Angela Reynolds, Advance Planning
Craig Chalfant, Planner
Ira Brown, Planner
Monica Mendoza, Planner
Jeff Winklepleck, Planner

OTHERS PRESENT: Mike Mais, Deputy City Attorney
Mark Sandoval, Parks, Rec & Marine
Marcia Gold, Minutes Clerk

P L E D G E O F A L L E G I A N C E

The pledge of allegiance was led by Commissioner Stuhlbarg.

M I N U T E S

The minutes of November 2, 2006 were approved on a motion by Commissioner Winn, seconded by Commissioner Sramek and passed 4-0-2. Commissioners Jenkins and Greenberg abstained.

S W E A R I N G O F W I T N E S S E S

C O N S E N T C A L E N D A R

Item 1F was moved to the Regular Agenda.

Commissioner Winn moved to accept the staff recommendations for Items 1A, 1B, 1C, 1D, 1E and 1G. Commissioner Stuhlbarg seconded the motion, which passed unanimously.

1A. Case No. 0606-25, Conditional Use Permit, CE 06-135

Applicant: Royal Street Communications (Metro PCS)
Pacific Communication Group Inc., authorized
agent, Leslie Paramo, representative
Subject Site: 1455 Magnolia (Council District 7)
Description: Request for approval of a Conditional Use
Permit to construct and maintain a ground-mounted cellular
and personal communication services facility, consisting of
a forty-five foot high monopole antenna structure designed
as a palm tree with accessory equipment.

Continued to a date uncertain.

1B. Case No. 0609-08, Condominium Conversion, CE 06-208

Applicant: Rey Berona
Subject Site: 526 Lime Avenue (Council District 1)
Description: Request for approval of Tentative Tract Map
No. 64962 for the conversion of eight apartment units into
condominiums.

Approved Tentative Tract Map No. 64962 subject to conditions.

1C. Case No. 0608-32, Condominium Conversion, CE 06-190

Applicant: Curtis P. Grieder c/o K. C. Coultrup
Subject Site: 1119 Dawson Avenue (Council District 4)
Description: Request for approval of Tentative Tract Map
No. 67158 for the conversion of nine apartment units into
condominiums.

Approved Tentative Tract Map No. 67158 subject to conditions.

1D. Case No. 0608-50, Condominium Conversion, CE 06-201

Applicant: Curtis P. Grieder c/o K. C. Coultrup
Subject Site: 2914 E. 16th Street (Council District 4)
Description: Request for approval of Tentative Tract Map
No. 67154 for the conversion of eight apartment units into
condominiums.

Approved Tentative Tract Map No. 67154 subject to conditions.

1E. Case No. 0606-19, Condominium Conversion, CE 06-128

Applicant: Amit Weinberg
Subject Site: 1015 E. 5th Street (Council District 2)
Description: Request for approval of Tentative Tract Map No. 66240 to convert eight residential dwelling units of an existing apartment building into condominiums.

Approved Tentative Tract Map No. 66240 subject to conditions.

1F. Case No. 0608-31, Condominium Conversion, CE 06-189

Applicant: K. C. Coultrup
Subject Site: 1721 Coronado Avenue (Council District 4)
Description: Request for approval of Tentative Tract Map No. 67152 to convert eight residential dwelling units of an existing apartment building into condominiums.

Removed to the Regular Agenda.

1G. Case No. 9805-11 (Mod), Modification, ND 07-05

Applicant: Chart Industries c/o Tom Smith
Subject Site: 2536 E. 67th Street (Council District 9)
Description: Request to modify an existing Conditional Use Permit to install a new 20,000 gallon Liquefied Natural Gas (LNG) tank at an existing refuse truck refueling facility.

Continued to the January 4, 2007 meeting.

R E G U L A R A G E N D A

1F. Case No. 0608-31, Condominium Conversion, CE 06-189

Applicant: K. C. Coultrup
Subject Site: 1721 Coronado Avenue (Council District 4)
Description: Request for approval of Tentative Tract Map No. 67152 to convert eight residential dwelling units of an existing apartment building into condominiums.

Monica Mendoza presented the staff report recommending approval of the request since the conversion would comply with subdivision requirements while providing increased home ownership opportunities.

Jacqueline Moore, 1721 Coronado #202, asked for an explanation of the conversion process.

Commissioner Sramek moved to approve Tentative Tract Map No. 67152 subject to conditions. Commissioner Jenkins seconded the motion, which passed unanimously.

2. Case No. 0610-12, Administrative Use Permit, Local Coastal Development Permit, CDE 06-231

Applicant: Natalie Kotsch
Subject Site: 1826 E. 1st Street (Council District 4)
Description: Request for approval of an Administrative Use Permit to legalize four dwelling units creating a total of eight dwelling units.

Greg Carpenter announced that the applicant had requested a continuation of the item.

Commissioner Jenkins moved to continue the item to the January 4, 2007 meeting. Commissioner Sramek seconded the motion, which passed unanimously.

3. Case No. 0610-29, Site Plan Review, Standards Variance, Administrative Use Permit, Modification to Master Plan, EIR Addendum 18-06

Applicant: Rancho Los Cerritos
c/o Dennis Eschen for the City of Long Beach
Department of Parks, Recreation & Marine
Subject Site: 4600 Virginia Road (Council District 8)
Description: Implementation of Phase II of the Rancho Los Cerritos Master Plan and request for approval of a Site Plan Review for a 2,900 sq.ft. Visitor's Center, 850 sq.ft. Caretaker's Residence, and associated improvements; and an Administrative Use Permit, Standards Variance and Modification to the Master Plan to allow eight required staff parking spaces to be provided off-site as joint-use parking spaces at the Virginia Country Club without a deed restriction.

Commissioner Winn announced that he would recuse himself due to a potential conflict of interest.

Jeff Winklepleck presented the staff report recommending adoption of the addendum and approval of the other requests, since no negative impacts were anticipated and because the

topography of the site, adding that Phase II would improve the visitor experience at the Rancho.

Ellen Calomiris, 4600 Virginia Avenue, Historical Sites Officer, outlined the scope and amenities of the project and its context to the historical aspects of the Rancho. In response to a query from Commissioner Stuhlberg, Ms. Calomiris explained that the parking was contracted between the City, the Rancho Foundation and the country club in a mutually beneficial, open-ended agreement for road improvement.

Commissioner Jenkins moved to adopt addendum 18-06 to Environmental Impact Report 25-99 SCH #99148658, and to approve the requests for Site Plan Review, Administrative Use Permit, Standards Variance and Modification to the Master Plan, subject to conditions.

Commissioner Stuhlberg seconded the motion, which passed 5-0. Commissioner Winn had recused himself from voting.

4. Negative Declaration 11-06

Applicant: Mark Sandoval, Department of Parks,
Recreation and Marine
Subject Site: Belmont Veteran's Memorial Pier and
Long Beach Harbor (Council District 3)
Description: Request adoption of Mitigated Negative
Declaration (ND 11-06) for Belmont Pier boat mooring
project.

Craig Chalfant presented the staff report recommending adoption of the Negative Declaration since it reflects the lead agency's independent judgment and analysis determining that the project would not have any unavoidable adverse impacts upon the environment.

Mark Sandoval, Parks, Recreation and Marine, gave a presentation showing how the City would maintain strict oversight of the project, and its sensitivity to the environment.

Commissioner Greenberg noted that the CEQA application was again being presented before the project approval, and he asked what discretion City had with respect to a project that might require CEQA review.

Mr. Mais explained that the Coastal Commission would not accept the project for review without some environmental groundwork,

and they required a local agency environmental document before allowing the project to go forward.

In response to a query from Commissioner Jenkins, Mr. Sandoval declared that there had been no problems in the past with sewage discharge from the boats.

Mr. Sandoval added that if the Parks, Recreation and Marine Department did not like the project, they would have turned it down at the beginning.

Dan Salas, 100 Aquarium Way, Harbor Breeze Cruises, expressed support for the Marine Bureau and said they were very responsive to sewage and trash disposal maintenance issues. He added that he felt the proposal was environmentally friendly and needed by local boaters.

Joe Geever, Southern California Regional Manager, Surfrider Foundation, 8117 W. Manchester Ave. #297, Playa del Rey, said the Surfriders were opposed to the project because they felt it would negatively impact the already-degraded water quality, and they would not support the project without further examination of water quality issues.

Commissioner Greenberg commented that he did not feel that the evidence provided by Surfriders proved the project would worsen the water quality.

Bud Lorbeer, 5320 E. 2nd Street, expressed support for the project, saying that the new moorings were safer and less destructive to the ocean floor.

William Davidson, 31 The Colonnade, said he felt the Negative Declaration was insufficient, and that open moorings would attract out-of-town boaters, further affecting water quality. Mr. Davidson added that he thought enforcement of sewage was difficult if not impossible.

Commissioner Greenberg agreed that there was not enough information to accurately judge several issues, but that opponents did not have solid evidence against the proposal either.

Gordana Kajer, 235 Loma Avenue, Chair, Long Beach chapter of Surfriders, expressed opposition to the project, saying she thought the environmental document was inadequate and the influx of many more boats would worsen water quality.

Michael O'Toole, 143 Tivoli, expressed support for the project, saying he felt it would have a positive impact on the environment, since the breakwater-created calm area should be developed for recreational uses, especially with the new, safer mooring balls.

Mark Sandoval mentioned that tank dye checks for sewage discharge would be mandatory. Mr. Mais added that the condition was part of the mitigation monitoring program, incorporated by reference.

Commissioner Jenkins suggested that any environmental protection requirements should be mandatory, not voluntary.

Angela Reynolds commented that staff had looked at the existing regulations and had decided that all potential impacts from mooring would be adequately mitigated by a Negative Declaration. Ms. Reynolds added that mooring-user regulations would be part of the concessionaire's contract, mandatory and enforced by the City, which staff felt was wholly adequate for this type of project.

In response to a query from Chairman Gentile regarding use of the new moorings, Mr. Sandoval asserted that they would be an asset to local boaters, many of whom were hesitant to cross the channel, who would then be able to enjoy their boats closer to shore.

Commissioner Winn commented that he was not convinced there would be any negative impact on water quality as a result of the new moorings, and that actually as conditioned, the City would have a better chance of controlling boats and their impacts.

Commissioner Winn then moved to adopt Mitigated Negative Declaration ND 11-06 and the Mitigation Monitoring Program for ND 11-06.

Commissioner Stuhlberg commented that he was leaning heavily on staff's satisfaction with the environmental documents, and he seconded the motion.

Commissioner Sramek said he could not support the motion because he felt the proposed mitigation measures were inadequate, especially since they would increase local use of area waters, which could not help but have a possibly significant impact. Mr. Sramek suggested that a full EIR be done for the project to understand all its implications.

Commissioner Greenberg agreed that the Negative Declaration was insufficient, and that the project required an EIR with unshakeable evidence.

Commissioner Jenkins said he wanted to make sure that specific prerequisites and demands on uses were mandatory to address environmental problems.

Chairman Gentile said the project would activate the beach but with its already compromised water quality she was not sure this would be a positive impact, and she agreed a full EIR would be warranted given the profusion of 'blurry' issues.

Mark Sandoval said that an EIR would be expensive and cost a year of time. He reiterated that they would enforce zero tolerance of violations, and strong daily oversight of boat use, with the concessionaire being contractually obligated to examine every boat every day.

The question was called, and the motion failed in a tie of 3-3, with Commissioners Winn, Stuhlberg and Jenkins voting in assent, and Commissioners Sramek, Gentile and Greenberg dissenting.

Commissioner Greenberg moved to continue the item to a date uncertain to give the staff an opportunity to revise the Negative Declaration to the satisfaction of the Commission. Commissioner Jenkins seconded the motion which passed unanimously.

5. Storefront Churches

Description: Policy options for storefront churches

Ira Brown presented a PowerPoint outlining the history of storefront churches and the City's oversight of the use. Staff made a recommendation that they be directed to prepare an amendment to the Zoning Regulations to allow churches in commercial zoning districts (except CNP) with an Administrative Use Permit and revise the parking standards for churches to allow greater flexibility in how parking is provided.

Chairman Gentile asked how the biggest issue of parking would be handled, and Mr. Brown stated that the current parking ratio would be maintained with flexibility as to how it was met.

Commissioner Stuhlbarg commented that he liked the revision and opportunity to give zoning more leeway, as long as growth of storefront churches could be monitored.

Commissioner Stuhlbarg then moved to recommend that the Department of Planning and Building draft an ordinance amending the Zoning Code (1) To revise the permitting requirements for new churches and (2) To allow greater flexibility in the method of providing required parking.

Commissioner Sramek agreed that parking and zoning issues should not be a Zoning Administrator decision, saying he felt that the public needed a voice in these matters, and that the Commission should make the decision so it could be appealable to the City Council.

Commissioner Greenberg seconded the motion.

Mr. Greenberg said it would enable neighborhood to participate in decisions that affected them, and he supported the proposed changes because they would allow Administrative Use Permits that could come before the Commission on appeal on a case-by-case basis.

Commissioner Winn added that he wanted to see growth of area churches, and that these recommendations would allow flexibility for applicants.

Commissioner Jenkins expressed support for the ordinance.

The question was called and the motion passed 5-1. Commissioner Sramek dissented.

6. Presentation—Proposed Revisions to the Design Review Process

Suzanne Frick outlined the new process to integrate Planning, RDA and other City department reviews into one seamless process, increasing clarity, predictability and consistency for applicants, staff, the Commission, the RDA and the general public, and creating coordinated and streamlined services for the public.

Chairman Gentile asked about distribution of the applications, and Ms. Frick stated that staff was working towards an eventual single submittal for all agencies. Ms. Gentile expressed concern that if that was to happen, there would not be early enough

opportunities for the Commission to give input before and during the design process on important projects--a chance to elevate the quality of the architecture design details.

Ms. Frick noted that the RDA had the same concerns, and suggested that the Commission initiate a study session when major projects were announced. She added that to avoid confusion of dual authoring, staff was suggesting that the RDA have design review jurisdiction for major projects, and the Planning Commission would have jurisdiction over entitlements.

Commissioner Greenberg echoed Commissioner Gentile's desire that the Commission have an earlier design review.

Ms. Frick promised to bring projects to the Commission shortly after their submission for early feedback, which she said she would welcome.

M A T T E R S F R O M T H E A U D I E N C E

There were no matters from the audience.

M A T T E R S F R O M T H E D E P A R T M E N T O F P L A N N I N G A N D B U I L D I N G

Mr. Carpenter announced that regarding the Certificate of Appropriateness for the Press-Telegram project, the Cultural Heritage Commission had decided to continue the item to allow the applicant to make more efforts towards preservation in consideration of the privilege.

Mr. Carpenter also noted that Councilman De Long had established a committee to re-evaluate PD-1/SEADIP and wanted to include Commission input in revising area standards.

M A T T E R S F R O M T H E P L A N N I N G C O M M I S S I O N

There were no matters from the Planning Commission.

A D J O U R N

The meeting adjourned at 4:41pm.

Respectfully submitted,
Marcia Gold
Minutes Clerk

C I T Y P L A N N I N G C O M M I S S I O N M I N U T E S**M A Y 3, 2 0 0 7**

The regular meeting of the City Planning Commission and public hearing convened on May 3, 2007, at 5:07pm in the City Council Chambers, 333 W. Ocean Boulevard, Long Beach, CA.

PRESENT: COMMISSIONERS: Nick Sramek, Morton Stuhlbarg,
Matthew Jenkins

ABSENT: EXCUSED: Leslie Gentile

ACTING CHAIRMAN: Nick Sramek

STAFF MEMBERS PRESENT: Suzanne Frick, Director
Greg Carpenter, Planning Manager
Carolyn Bihn, Zoning Officer
Craig Chalfant, Planner

OTHERS PRESENT: Heather Mahood, City Attorney
Suzanne Mason, Deputy City Manager
Craig Beck, Redevelopment Bureau Mgr.
Mark Sandoval, Manager, Marinas &
Beaches, Dept. of Parks, Rec. & Marine
Marcia Gold, Minutes Clerk

P L E D G E O F A L L E G I A N C E

The pledge of allegiance was led by Commissioner Jenkins.

M I N U T E S

The minutes of February 15, 2007 were approved on a motion by Commissioner Stuhlbarg, seconded by Commissioner Jenkins, and passed 3-0. Commissioner Gentile was absent.

S W E A R I N G O F W I T N E S S E S

City Attorney Mahood explained that with the current roster of four Commissioners, a quorum was present when only three were in attendance.

P R E S E N T A T I O N

Suzanne Mason, Deputy City Manager, reported on the Fiscal Year 2008 Budget including position and services reductions.

In response to a query from Chairman Sramek, Craig Beck, Redevelopment Agency Bureau Manager, stated that of the \$377 million budget, \$120 million was earmarked for the RDA.

C O N S E N T C A L E N D A R

In response to a query from Chairman Sramek regarding a concern expressed by Commissioner Gentile, Mr. Beck agreed to condition a requirement to bring Promenade design refinement issues before the Commission during the construction process.

Commissioner Stuhlbarg moved to accept the Consent Calendar with modifications as agreed to for Item 1A; with modifications as presented by staff to Items 1B and 1C; and as presented by staff for Items 1D, E, & F. Commissioner Jenkins seconded the motion, which passed 3-0. Commissioner Gentile was absent.

1A. Promenade Master Plan

Applicant: Pat West, Redevelopment Agency, City of Long Beach
Subject Site: Promenade between Ocean Boulevard and 3rd Street (Council Districts 1 and 2)
Description: Promenade Master Plan

Approved the Promenade Open Space Master Plan and added a condition to work with the Commission on design issues throughout the construction process.

1B. Case No. 0701-03, Tentative Tract Map, CE 07-002

Applicant: Hotel D'Artistes, LLC c/o Richard Lewis
Subject Site: 402 E. 1st Street (Council District 2)
Description: Request for approval of a Conditional Use Permit to allow the conversion of a second story 10-room hotel into three residential units, with off-site parking at the Westin Long Beach parking garage.

Approved the Conditional Use Permit subject to modified conditions.

1C. Case No. 0703-06, Conditional Use Permit, CE 07-26

Applicant: Beth Aboulafia--Hinman & Carmichael
Subject Site: 2270 N. Bellflower (Council District 4)

Description: Request for approval of a Conditional Use Permit to allow off-site sales of beer and wine at a department store.

Approved the Conditional Use Permit subject to modified conditions.

1D. Case No. 0701-04, Tentative Parcel Map, Standards Variance, CE 07-003

Applicant: Ruth Meghiddo
Subject Site: 428 W. 10th Street (Council District 1)
Description: Request for approval of Tentative Parcel Map No. 68486 and Standards Variance to convert an existing nonconforming commercial building into two residential units, with a code exception for less than required turning radius.

Approved the Tentative Tract Map and Standards Variance subject to conditions.

1E. Case No. GPC 5-3-07.1

Applicant: Jim O'Brien, Trimark Pacific Homes, LP
Subject Site: Adjacent to 835 North Locust Avenue (Council District 1)
Description: Finding of Conformity with the General Plan for the proposed vacation of subterranean and aerial portions of the north-south alley.

Found the proposed vacation in conformance with the General Plan.

1F. Case No. GPC 5-3-07.2

Applicant: Christine Anderson, Dept. of Public Works
Subject Site: 1317 San Francisco Ave. (Council District 1)
Description: Finding of Conformity with the General Plan for the vacation of the east-west alleys west of San Francisco Avenue and a portion of Deforest Avenue between Anaheim and Esther Streets.

Found the proposed vacation in conformance with the General Plan.

C O N T I N U E D I T E M S

2. Case No. ND 11-06, Certification of Negative Declaration

Applicant: Mark Sandoval, Manager, Marinas and Beaches
Department of Parks, Recreation & Marine
Subject Site: Long Beach Harbor, on both sides of Belmont
Veterans' Memorial Pier and on the leeward
side of Oil Island White (Council Dist. 3)
Description: Request adoption of recirculated Mitigated
Negative Declaration (ND 11-06) for Belmont Pier Boat
Mooring Project.

Craig Chalfant presented the staff report recommending adoption of the Negative Declaration since it was prepared and made available for public review in accordance with CEQA; reflects the lead agency's independent judgment and analysis, and has determined that the project would not have any unavoidable adverse impacts upon the environment.

Commissioner Jenkins commented that he felt the increased regulations were a good compromise that would not keep visitors away.

Mark Sandoval, Manager, Marinas and Beaches, Department of Parks, Recreation and Marine, City of Long Beach, reiterated that the City would be the owner and overseer of the mooring program, which would be managed by a contractor. Mr. Sandoval explained the transient nature of the program and described the environmentally-friendly mooring tackle. He also outlined the planned responsibilities of the concessionaire and gave a summary of the overall changes, noting this program was the most aggressive environmental stewardship program on the California coast.

Fred Kumar, President, Beach Ventures, Inc., program concessionaire, stated they were committed to working with the City on the program and at the end of the month, would be opening the long-closed restaurant at the end of the pier.

Don Longfellow, 550 E. Shoreline, local resident, stated he was against the program since free anchoring was an asset to the City, and suggested the project be built along the beach instead.

Don Cobleigh, 6440 Marina Drive, boat resident representing the Long Beach Marina Boat Owners Association, disagreed, stating he felt the moorings would be a great asset to the area.

John Tobin, 26-38th Place, spoke against the program, saying he felt the mitigation was inadequate, and that the moorings were not configured correctly. Mr. Tobin expressed concern about illegal waste dumping by transient boaters, and added that he felt enforcement of the stringent conditions would be problematic.

Mark Nevin, 4100 E. Ocean, stated he was in favor of the project and felt it would upgrade the quality of life, bringing revenue to the City and beauty and character to the area. Mr. Nevin added that he trusted the City, harbor patrols and concessionaire to enforce all regulations.

Bob Luskin, 225 Belmont Avenue, boat owner, also spoke in favor of the program, saying it would bring many new boaters to the area who were previously unable or unwilling to try free mooring.

Joe Geever, Southern California Regional Manager, Surfrider Foundation, 8117 W. Manchester Avenue #297, Playa del Rey, CA, expressed opposition to the program, saying that it would have negative environmental impacts on the beach, which he felt should be restored to a healthy state before any other uses were approved in the area.

Robert Palmer, Vice Chair, Long Beach Chapter, Surfriders Foundation, 293 LaVerne Avenue, also spoke against the program, and claimed that toxic paint on boats could further impact area water quality.

Enrique Delgado, 14523 Freeman Avenue, Lawndale, Surfrider Foundation member, said he was against the project because it would negatively precedent-setting and impede removal of a reconfigured breakwater which he felt was needed to restore beach health.

Bill Napier, 5465 E. 2nd Street, agreed with Mr. Delgado, adding that visiting boaters would not make a positive economic difference to the City.

Dr. William Cahill, 266 Mira Mar Avenue, said he was in favor of the project because the restaurant at the end of the pier would be open again.

Gordana Kajer, 235 Loma Avenue, Chairperson, Long Beach Chapter, Surfrider Foundation, said she was against the project and in

favor of a full EIR because as designed, she felt this would negatively impact the beach and waters.

William Davidson, 31 The Colonnade, said he was in favor of the idea because he felt all concerns were adequately addressed by the Negative Declaration.

Bud Lorbeer, 5320 E. 2nd Street, Suite 9, Long Beach Yacht Club, stated that the water and beaches of Long Beach had not been clean for decades until recently. Mr. Lorbeer added that the new mooring designs gave yachts a much-needed, safe place to anchor.

Mr. Sandoval addressed concerns brought up by the speakers, agreeing that the waters off Long Beach had never been cleaner than in the past decade, and that sea life was also increasing. He noted that many boaters were afraid to use their own anchors, and the new moorings would be a reasonable, attractive alternative. In response to a concern addressed by Ms. Kajer regarding missing signage on the pier warning of health hazards in consuming the sea life, Mr. Sandoval said they would replace the signs and upgrade the area concessions. He added that fire and police rescue boats would be available at all times.

Mr. Sandoval noted that a Request for Proposal had gone out on the project, and the concessionaire chosen had given the most competitive bid.

Mr. Sandoval added that this was not a revenue-driven project, but rather a recreational one designed to meet the demand of local boaters unable to get to Catalina Island. He added that this project was not affected by the existence of the breakwater, since the moorings would also work in unprotected waters.

Commissioner Jenkins said he felt all concerns were effectively addressed via a compromise good for both the City and the environment.

Commissioner Jenkins moved to adopt recirculated Mitigated Negative Declaration ND 11-06, and the Mitigation Monitoring Program for ND 11-06.

Commissioner Stuhlberg agreed and seconded the motion.

Chairman Sramek lauded the mitigation measures but said he felt a full EIR was needed to understand the full impact of the

project on the environment, especially in light of future project expansion.

The question was called, and the motion passed 2-1. Chairman Sramek dissented, and Commissioner Gentile was absent.

R E G U L A R A G E N D A

3. Case No. GPC 5-3-07.3

Applicant: Ronald D. Bagel, Director of Real Estate
 Los Angeles Unified School District
Subject Site: 4110 Santa Fe Avenue (Council District 8)
Description: Finding of Conformity for the acquisition of
 real property by the Los Angeles Unified School District
 within the City of Long Beach.

Craig Chalfant presented the staff report recommending that a resolution be adopted finding that the proposed acquisition of property was inconsistent with the General Plan.

Mr. Carpenter noted that the applicant was not present.

Chairman Sramek expressed disappointment that the school district representative did not show up for this critical issue.

Commissioner Jenkins moved to find the proposed acquisition not in conformance with the General Plan. Chairman Sramek seconded the motion, which passed 3-0. Commissioner Gentile was absent.

M A T T E R S F R O M T H E A U D I E N C E

There were no matters from the audience.

M A T T E R S F R O M T H E D E P A R T M E N T O F P L A N N I N G A N D B U I L D I N G

Mr. Carpenter noted that City Council would be hearing about the new car standards, and that it was the only moratorium in town, and that they would also be hearing an appeal of the 1st Street AUP and an item about the mobile home park subject.

M A T T E R S F R O M T H E P L A N N I N G C O M M I S S I O N

Chairman Sramek asked City Attorney Mahood if Commissioner appointments were being pursued.

A D J O U R N

The meeting adjourned at 6:49pm.

Respectfully submitted,

Marcia Gold
Minutes Clerk