

An aerial photograph of the Port of Los Angeles at sunset. The sun is low on the horizon, casting a warm glow over the water and the port. Several large cargo ships and container ships are docked at the piers. The port is filled with stacks of colorful shipping containers and various industrial structures. In the background, the city of Los Angeles and the surrounding mountains are visible under a cloudy sky.

Development of a Multi-habitat Umbrella Mitigation Banking Agreement at the Port of Los Angeles

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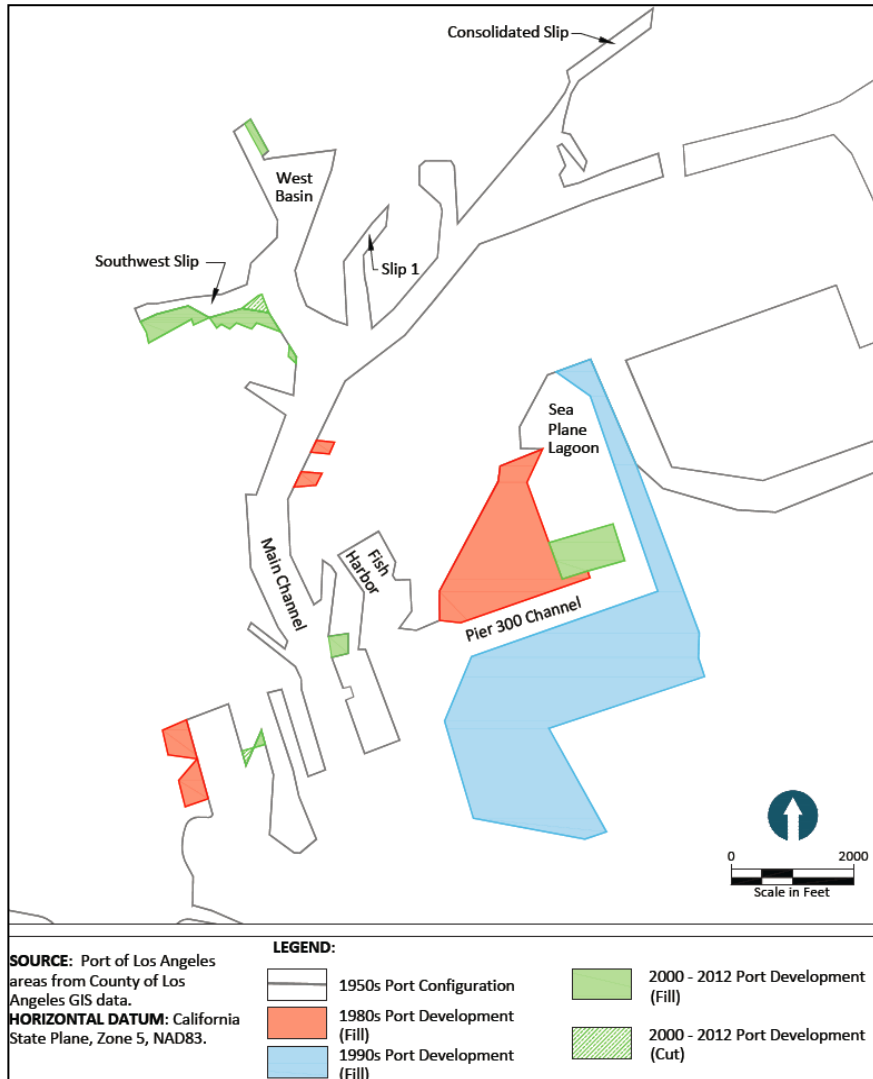


Overview



- Background
- UMBA Development
- Harbor BEI
- Lessons Learned

Need for Mitigation Credits



- Development and Expansion
- Port Fills - 1990s to present
 - Pier 400: 509 acres
 - Berth 100: 43 acres
 - Pier 300 Expansion 40 acres
 - Berth 134-135: 10 acres
 - Berth 243-245: 8 acres

POLA Mitigation Banks

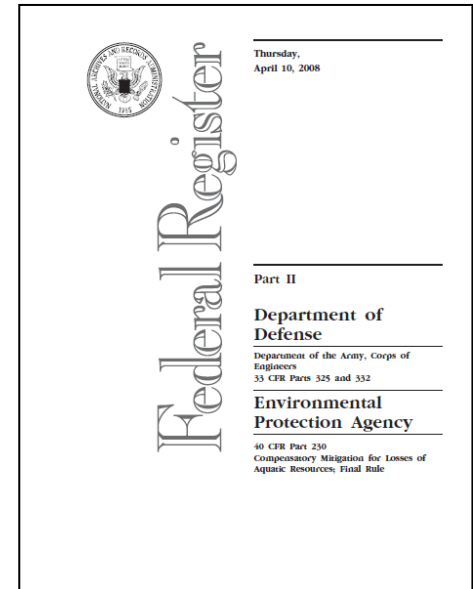
- Inner Harbor Mitigation Bank (1984)
- Outer Harbor Mitigation Bank (1997)
- Batiquitos Lagoon Restoration (1987) (all credits applied)
- Bolsa Chica Wetlands Restoration (1996)



2008 Mitigation Banking Rule

- 2008 Regulations

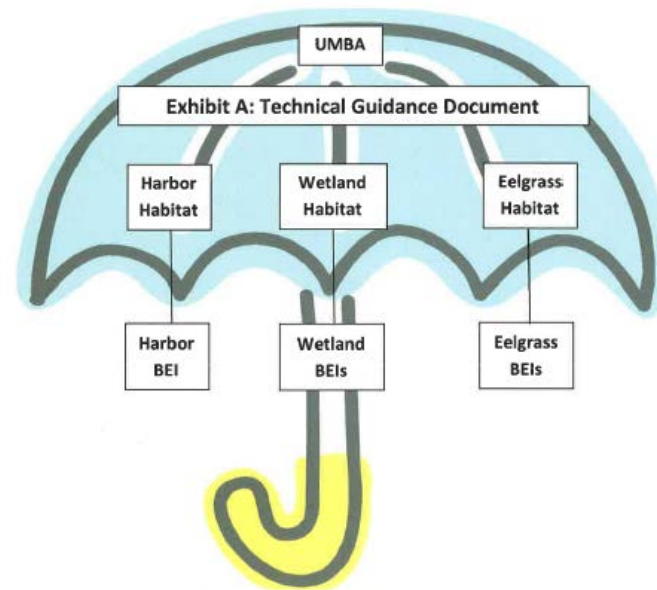
- USEPA and USACE under Section 404 of the Clean Water Act (eCFR 2010a, 2010b) in 33 Code of Federal Regulations (CFR) 332.8(d)(2) and 40 CFR 230.98(d)(2)
- Standardize the requirements for mitigation banks
- Establish one set of regulations for compensatory mitigation



- Need to establish new Harbor Bank Enabling Instrument (BEI) in place of existing Inner and Outer Harbor Banks
- Opportunity to create structure for future mitigation needs

Umbrella Mitigation Banking Agreement

- Goals
 - Support a goal of no net loss of habitat and ecological functions
 - Provide a programmatic mitigation approach that will increase process efficiency
 - Standardize mitigation credit framework for a variety of habitats
- Legal Agreement
- Technical Guidance



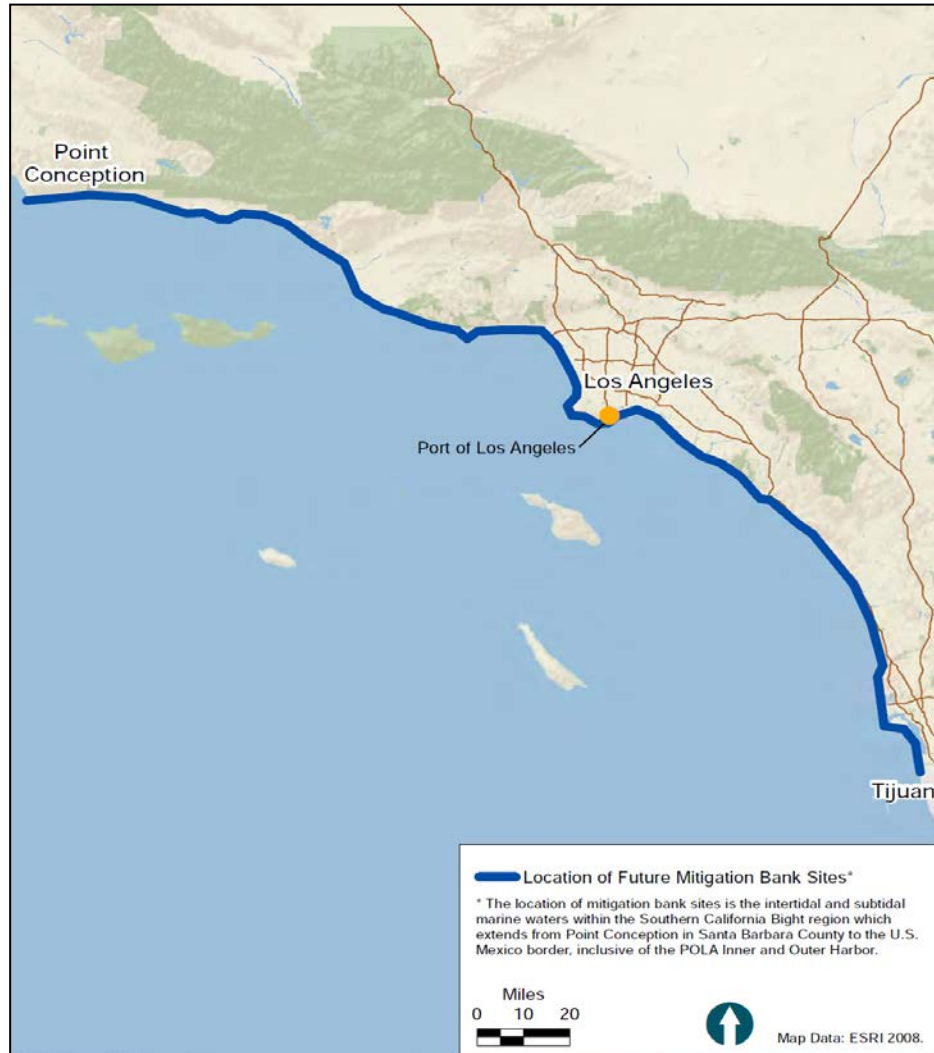
Interagency Review Team

- Current role
 - Input into UMBA development
 - Potential signatories to UMBA
- Following UMBA approval
 - Review, evaluate, and approve mitigation bank sites through BEIs
- Federal and state agencies
 - USACE, Los Angeles District
 - USEPA, Region IX
 - USFWS, Carlsbad Field Office
 - NMFS, Southwest Regional Office
 - CDFW, Region 5
 - California Coastal Commission



CALIFORNIA
COASTAL
COMMISSION

Umbrella Mitigation Banking Agreement



- Service Area
 - Southern California Bight
- Impact Area
 - POLA
- Habitats
 - Harbor Habitat
 - Wetlands
 - Eelgrass
 - Other (potential)
- Technical Guidance
 - Mitigation ratios
 - Performance standards
 - Monitoring requirements
 - Credit release schedule

Harbor Habitat Mitigation



- In-kind mitigation for impacts
- Existing agreements used as a basis for Harbor BEI
- Habitat value differs throughout Port
 - Standard Harbor Habitat
 - Enhanced Harbor Habitat
 - Constrained Harbor Habitat
- Determined by periodic harbor-wide biological surveys

Wetlands Mitigation

- Out-of kind restoration and enhancement of wetlands
 - Similar to past POLA wetland restoration projects
 - Projects within the Southern California Bight
 - Mitigation credit valuation based on a functional assessment



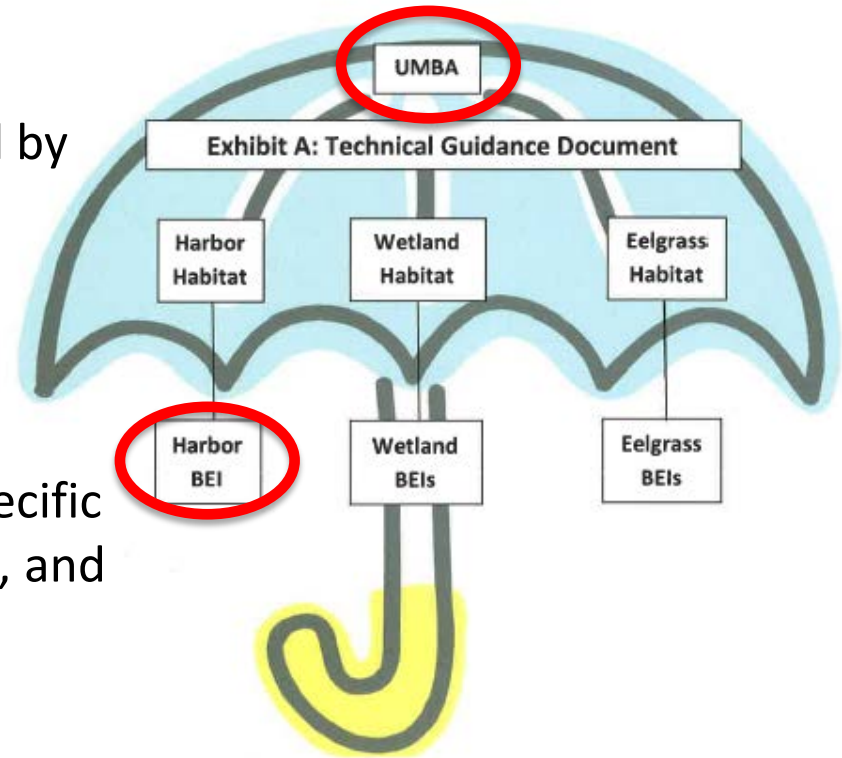
Eelgrass Mitigation

- In-kind
 - Eelgrass habitat credits would compensate for impacts to eelgrass within the harbor
 - Eelgrass habitat loss and creation would be credited pursuant to current policy
 - Southern California Eelgrass Mitigation Policy (SCEMP) or the statewide California Eelgrass Mitigation Policy (if adopted)
- Out-of-kind
 - Eelgrass habitat credits would compensate for impacts from harbor fill
 - Use functional assessment to determine appropriate mitigation ratios



Bank Enabling Instruments

- BEIs developed under each habitat type
- Project-specific BEIs
 - Process streamlined and defined by UMBA
 - Developed per habitat-specific technical guidance in UMBA
 - BEI template
 - Project details used to define specific monitoring plan, success criteria, and credit release schedules
- Harbor BEI



Lessons Learned

- Going through both UMBA and BEI process in parallel has been complicated at times, but ultimately valuable in improving both documents.
- While the 2008 Mitigation Rule is fairly general in many cases, both UMBA and BEI development require negotiation of specific details that can be labor intensive.
 - Legal constraints of the mitigation bank sponsor
 - Competing mitigation goals specific to the resource management mandates of each agency
 - Uncommon circumstances

Lessons Learned

- Great value in engaging in detailed negotiations without pressure of a development project timeline.
- Highly beneficial to document established understanding of port mitigation banking procedures

QUESTIONS?

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Los Angeles Harbor Department

- Governance

- Port Tidelands Trust *Los Angeles City Charter, Article VI, Section 601; California Tidelands Trust Act of 1911*
- California Coastal Act *PRC Division 20 Section 30700 et seq.*
- Lowenthal Amendment *Assembly Bill 2769 (2002)*

- Mandates

- Promote commerce, navigation, fisheries, and harbor operations
- Protect fisheries, wildlife habitat, and open space



The Port of Los Angeles



- 7,500 acres of land and water
- 43 miles of waterfront
- 24 passenger and cargo terminals
 - Automobile
 - Breakbulk
 - Container
 - Dry and liquid bulk
 - Warehouse facilities
- 7.9 million TEUs 2011

Habitat Equivalency Analysis

- Mitigation regulations recommend functional assessment to quantify impacts and mitigation benefits
- Habitat Equivalency Analysis (HEA)
 - Determine functional equivalency for calculation of credits for out-of-kind mitigation
 - Flexible
 - Emphasize ecological functions
 - Developed by NOAA, used by other agencies
- Eelgrass and wetland BEIs will employ HEA or similar

