

CALENDAR ITEM

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CONSIDER DIRECTING STAFF TO IMPLEMENT AN OVERSIGHT FRAMEWORK TO FACILITATE COMMUNICATION AND TRACK PROGRESS ON ISSUES RELATING TO AIR QUALITY AT THE PORTS OF LOS ANGELES AND LONG BEACH

INTRODUCTION:

The State Lands Commission is statutorily required to oversee the management of sovereign public trust lands and assets by legislative grantees who manage these lands, in trust, on behalf of the State. (Pub. Resources Code, § 6301; *State of California ex rel. State Lands Commission v. County of Orange* (1982) 134 Cal App. 3d 20, 23). The Commission and its staff exercise this responsibility and authority through various mechanisms, including facilitating communication and discussion with stakeholders on issues concerning the management of these granted lands and resources.

At its August 9, 2016 public meeting, the Commission received an informational presentation about the Port of Los Angeles' management of its granted public trust lands and resources. The Commission also heard from Congressional representatives and representatives from the ports of Los Angeles and Long Beach, the Coalition for Clean Air, community members, and other stakeholders. Based on the testimony received, State Controller Yee asked staff to work on further guidance to address the management of these public trust resources, particularly air quality issues.

BACKGROUND:

The State's sovereign tide and submerged lands within the City of Long Beach were legislatively granted, in trust, to the City pursuant to Chapter 676, Statutes of 1911, and are held subject to the trust as subsequently amended by the Legislature. Through the City's Charter, portions of these public trust lands are within the Port of Long Beach and are managed by the Long Beach Board of Harbor Commissioners. The Harbor Commissioners are appointed by the Mayor and confirmed by the City Council.

The State's sovereign tide and submerged lands within the City of Los Angeles were legislatively granted, in trust, to the City pursuant to Chapter 656, Statutes of 1911 and Chapter 651, Statutes of 1929, and as amended. Similar to the City

CALENDAR ITEM NO. 68 (CONT'D)

of Long Beach, and pursuant to the City of Los Angeles' Charter, a significant amount of the State's tide and submerged lands in Los Angeles are managed by the Port of Los Angeles. The Port is directed by a five-member Board of Harbor Commissioners who are appointed by the Mayor and approved by the Los Angeles City Council.

PROPOSED FRAMEWORK:

The Commission's 2016-2020 Strategic Plan commits to lead with innovative and responsible land and resource management consistent with Public Trust principles and values. One of the Plan's targeted outcomes is to work with "the Commission's grantee ports, relevant local, state and federal governmental agencies and non-governmental organizations to ensure port policies and programs are consistent with Executive Order B-32-15, including the California Freight Mobility Plan, the Sustainable Freight Pathways to Zero and Near Zero Emissions and the California Energy Commission's Integrated Energy Policy Report."

The proposed framework focuses on the ports of Los Angeles and Long Beach where the air quality issues and mobility challenges are most severe. Staff proposes identifying a Senior Attorney and Staff Analyst who will, under the direction of the Executive Office, be responsible for receiving issues of concern on air quality issues at the ports of Los Angeles and Long Beach. , Three times a year Commission staff will meet with the Ports' Executive Directors, or their designees, a representative of the California Association of Port Authorities, a representative of the Pacific Merchant Shipping Association, the Executive Director of the Coalition for Clean Air, a representative of the Natural Resources Defense Council, and a representative from the Long Beach Alliance for Children with Asthma. At these meetings, the group will review progress to improve air quality, including updates to the San Pedro Bay Ports Clean Air Action Plan, as well as any issues of concern. Staff will also coordinate and consult with the South Coast Air Quality Management District. Staff plans to host the first meeting in the San Pedro Bay area in January 2017, and anticipates that the participants will identify the various plans, programs, issues and efforts to monitor. Staff will present a status report to the Commission at its August 17, 2017 public meeting in the Los Angeles/Southern California area.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.2 of the Commission's Strategic Plan to provide that the current and future management of ungranted sovereign lands and resources and granted lands, including through

CALENDAR ITEM NO. 68 (CONT'D)

strategic partnerships with trustee ports and harbor districts, is consistent with evolving Public Trust principles and values, particularly amid challenges relating to climate change, sea-level rise, public access, and complex land use planning and marine freight transportation systems. More specifically, the action conforms to a targeted outcome under Strategy 1.2 to work with the Commission's grantee ports, relevant local, state and federal governmental agencies and non-governmental organizations to ensure port policies and programs are consistent with Executive Order B-32-15, including the California Freight Mobility Plan, the Sustainable Freight Pathways to Zero and Near Zero Emissions and the California Energy Commission's Integrated Energy Policy Report.

2. This activity is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

RECOMMENDED ACTION:

It is recommended that the Commission:

AUTHORIZATION:

Direct staff to implement an oversight framework to facilitate communication and track progress on issues relating to air quality at the Ports of Los Angeles and Long Beach.