

## 1. INTRODUCTION

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This chapter presents background and introductory information for completing the Channel Deepening Project (Proposed Action) at the Port of Los Angeles (Port or POLA). The Proposed Action provides additional capacity for disposal of dredged material associated with completing the Channel Deepening Project. This chapter presents the authorities of the Lead Agencies (United States [U.S.] Army Corps of Engineers [USACE] and the Los Angeles Harbor Department [LAHD]) preparing this ~~Draft~~Final Supplemental Environmental Impact Statement/Environmental Impact Report (SEIS/SEIR). This SEIS/SEIR is a supplement to the 2000 SEIS/SEIR that was prepared for the Channel Deepening Project, which was a supplement to the 1998 Channel Deepening Project EIR and the 1992 Deep Draft Navigation Improvements Project EIS/EIR. This SEIS/SEIR addresses impacts related to the modifications required to complete disposal of dredged material from the authorized project. Additionally, Section 1.14 of this chapter discusses general changes and modifications made to the Draft SEIS/SEIR.

The scope of the 1992 Deep Draft Navigation Improvements Project was to optimize navigation channels in the Outer Los Angeles Harbor and use dredge material to create approximately 600 acres of new land (Pier 400). That project was completed in 2000. Included in that planning effort was an assumption that in order to accommodate the anticipated cargo through San Pedro Bay, not only would new land be required, but navigation channels and other existing facilities would need to be optimized. In accordance with this, the Port approved the Channel Deepening Project EIR in January 1998 to address deepening the main channel, associated channels, and turning basins from the existing -45 feet MLLW to -50 feet MLLW to accommodate new container vessels with a -46 feet draft. The 2000 Channel Deepening Project SEIS/SEIR was to deepen the Main Channel, West Basin, East Basin and Cerritos Channel to -53 feet MLLW. The scope of the Proposed Action is the same as identified in the 2000 SEIS/SEIR, which is to complete the Channel Deepening Project to the depth of -53 feet mean lower low water (MLLW).

~~The overall project purpose of the Proposed Action is to complete the Channel Deepening Project by providing approximately 3.0 million cubic yards (mcy) of additional disposal capacity and optimizing beneficial use of the dredged material within the Port of Los Angeles. for the dredge material to complete the Channel Deepening Project and to beneficially reuse the dredge material in the Port of Los Angeles and optimize disposal of the dredge material in accordance with the objectives defined in Chapter 2 of this SEIS/SEIR. Additional disposal sites are needed because disposal sites developed for dredge material identified in the 2000 SEIS/SEIR have~~

been found to be inadequate for the total volume of sediments that require removal from the Main Channel and adjacent berth areas to complete the project (see details in Chapter 2).

This ~~Draft~~ SEIS/SEIR has been prepared in accordance with the requirements of the National Environmental Policy Act (NEPA) (42 United States Code [U.S.C.] §§ 4321 et seq.), in conformance with the Council for Environmental Quality (CEQ) Regulations [40 C.F.R. §§ 1500 et seq.], and USACE's Regulations for Implementing NEPA (33 CFR Part 230 and Part 325 Appendix B) and guidance specified in Engineer Regulations (ER)-200-2-2 Procedures for Implementing NEPA. The document also fulfills the requirements of the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] 21000 et seq.), and the State CEQA Guidelines (California Code of Regulations [CCR] 15000 et seq.).

This ~~Draft~~ SEIS/SEIR describes the affected resources and evaluates the potential impacts to those resources as a result of the Proposed Action. The alternatives of the Proposed Action ~~and alternatives~~ are described in detail in Chapter 2. This ~~Draft~~ SEIS/SEIR will be used to inform decision-makers and the public about the environmental effects of the Proposed Action.

## 1.1 Background

### 1.1.1 Project Location

The project site is located at the southern end of the city of Los Angeles ~~City~~ and includes portions of the Los Angeles Inner and Outer Harbors, San Pedro Bay (Figure 1-1). The LAHD administers the Port. The Port comprises 45 kilometers of waterfront and 3,035 hectares (7,500) acres of land and water.

### 1.1.2 Chronology of Past Authorizations

The authority to construct Channel Deepening Improvements at the Port of Los Angeles was originally provided under the Water Resources Development Act (WRDA) of 1986. The authorization was modified by language in several subsequent WRDAs, including WRDA 1988 and 1996, which provided additional detail of the features to be analyzed focusing on deep draft navigation channels needed in the outer harbor area of the POLA, and provisions for crediting the LAHD for work they performed. Construction of the deep draft navigation project in the outer harbor of the POLA was completed in 2000.

WRDA 2000 further authorized dredging of the Main Channel of the Port and associated features (berths) to allow the new generation of deeper draft container vessels that require a depth of -53

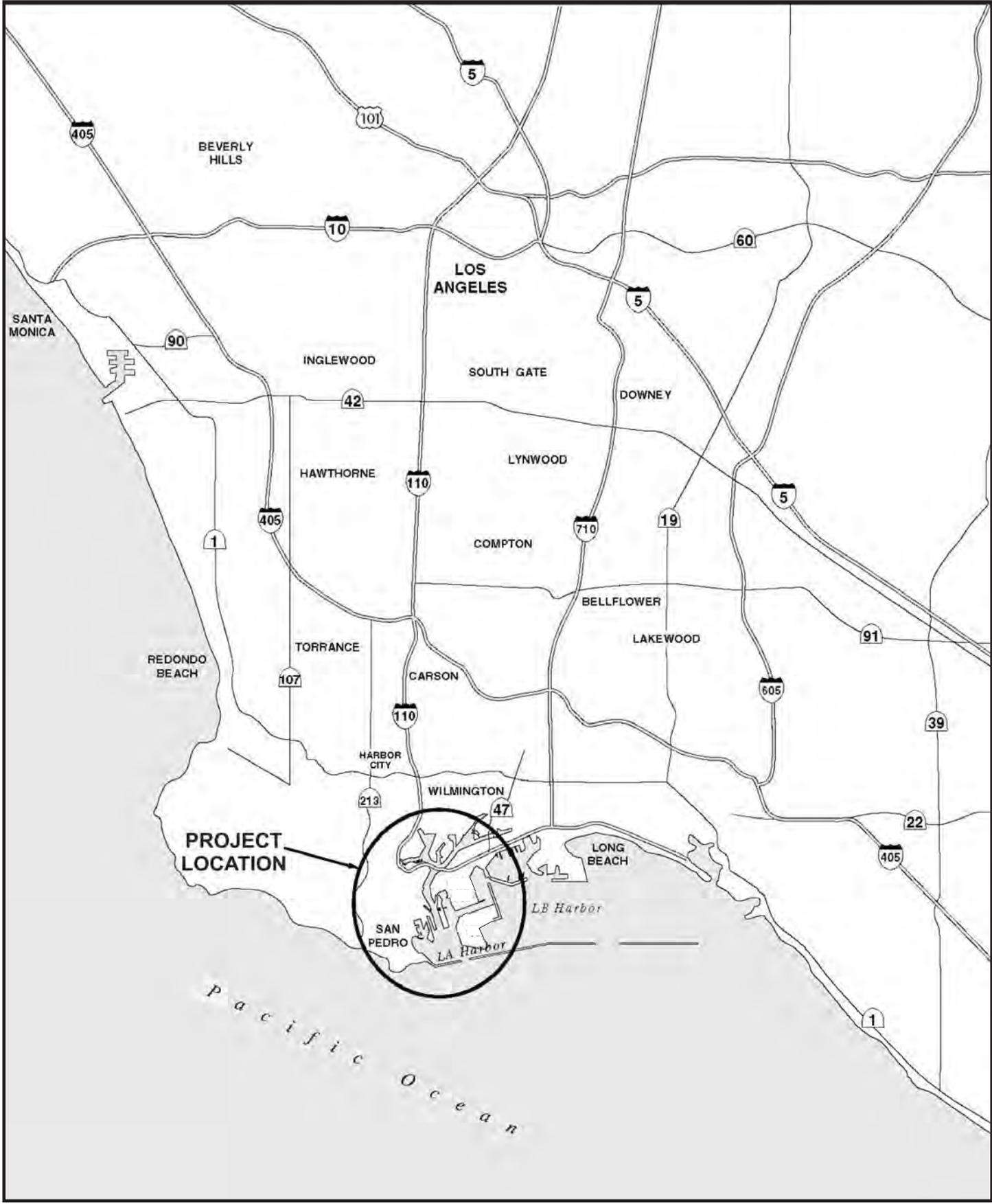


Figure 1-1  
Project Location Map

feet MLLW to navigate and access the container terminals along the Main Channel of the Port. The deeper draft channel will improve the efficiencies of shipping and port operations. ~~Construction of the Channel Deepening Project was initiated in September 2002. Dredging of remaining material from the Channel Deepening Project would not commence until finalizing of this SEIS/SEIR, which addresses impacts related to modification of the disposal sites.~~

Table 1-1 provides a brief chronology of the various authorizations that pertain to the Channel Deepening Project. Details related to subsequent WRDA authorization are on file at the USACE's Los Angeles District Office.

**Table 1-1 Project Authorizations**

Document	Features Authorized
WRDA 1986, Section 201	Project for deepening entry channel and new channels in Los Angeles Outer Harbor to -70 feet, with disposal to create Pier 400.
WRDA 1988, Section 4d	Any non-Federal work associated with the project which is later recommended by the Chief of Engineers and approved by the Secretary should be credited non-Federal sponsor cost-sharing for the project.
WRDA 1996, Section 307	Sewer outfall shall be considered a relocation cost and credited as a payment by non-Federal sponsor.
WRDA 2000, Section 101(b)(5)	Deepening the Main Channel in Los Angeles Harbor to -53 MLLW. Dredged material disposal at SW Slip construction (CDF), CSWH Expansion, Ocean Disposal Site LA-3, <u>and</u> Pier 300 expansion (40 acres).

### 1.1.3 History of Channel Deepening Project and Environmental Documents

Table 1-2 provides a summary of the project history and previous environmental documents that have been prepared in support of decisions for approval of the Channel Deepening Project and subsequent modifications. Past environmental documents related to this project are on file at USACE's Los Angeles District and POLA offices. A brief summary of these documents is also included below.

A Feasibility Study prepared by POLA and USACE dated November 2000, determined there was a federal interest in deepening the Main Channel to accommodate existing and future commercial container vessels. Completion of the authorized Channel Deepening Project would allow access of deeper draft container vessels at container terminals located along the Main Channel of the Port. The Channel Deepening Project will increase efficiencies of moving containerized cargo through the POLA.

**Table 1-2 Summaries of Previous Environmental Documents**

Document	Features Analyzed
Final EIS/EIR for Deep Draft Navigation Improvements, Los Angeles and Long Beach Harbors, September 1992	Final EIS/EIR for Deep Draft Navigation Improvements, Los Angeles and Long Beach Harbors, September 1992
POLA Channel Deepening Project EIR, January 1998	<ul style="list-style-type: none"> <li>• Dredging Main Channel, associated channels, and turning basins from the -45' MLLW to -50' MLLW</li> </ul>
SEIS/SEIR for POLA Channel Deepening Project, September 2000	<ul style="list-style-type: none"> <li>• Dredging Main Channel, West Basin, East Basin and Cerritos Channel to -53' MLLW</li> <li>• SW Slip construction (CDF)</li> <li>• CSWH Expansion</li> <li>• Ocean Disposal</li> <li>• Pier 300 40-acre expansion</li> </ul>
Supplemental EA for POLA Channel Deepening Project, July 2002	<ul style="list-style-type: none"> <li>• Pier 400 SMSS</li> <li>• East Basin</li> <li>• Dredging</li> <li>• Increase SW Slip from 35 to 43 acres to create a CDF</li> <li>• Placing Contaminated Material within SW Slip</li> <li>• Flood Control Channel Improvements</li> <li>• 2 acres fill at Berth 100</li> </ul>
Supplemental EA for POLA Channel Deepening Project, Product Removal June 2003	<ul style="list-style-type: none"> <li>• Berth 44-60 Dredging</li> <li>• Revision to Contaminated Sediment Management Plan</li> </ul>
Supplemental EA for POLA Deepening Project, Sand Mining Operations, September 2004	<ul style="list-style-type: none"> <li>• Sand Mining</li> </ul>

The Feasibility Study included completion of a SEIS/SEIR (USACE and LAHD, 2000) to assess project impacts to the environment. The recommended project, the Channel Deepening Project, consisted of dredging the Main Channel, East Basin Channel, West Basin Channel, and turning basins to a project depth of -53 ft MLLW to improve navigation. The Channel Deepening Project included disposing of dredged materials to:

- Create a 40-acre landfill expansion of Pier 300,
- Create a 35-acre landfill and confined material disposal area at the Southwest Slip,
- Create 54 acres of submerged fill to expand the CSWH area, and
- Dispose the remaining material at the U.S. Environmental Protection Agency's (USEPA) LA-3 Ocean Disposal Site.

The Channel Deepening Project was authorized for construction by WRDA 2000. Construction of the Channel Deepening Project began in September 2002. Over the next five years, several changes to the Channel Deepening Project were required as a result of revised bathymetric data, the occurrence of shoaling and settlement of material, design changes, the need to dispose of surcharge, the opportunity to remove and confine contaminated dredge material, and other design and construction modifications. These project changes were analyzed and documented in three separate Supplemental Environmental Assessments (EAs) prepared by USACE in 2002, 2003, and 2004. As a result of these developments, the total volume to be disposed after the 2004

Supplemental EA (USACE, 2004) was approximately 12.700 mcy. A brief summary of the dredge material volume history is provided below in Table 1-3, a more detailed description is presented in Appendix A.

### 1.1.4 Remaining Volume of Material Requiring Disposal

Table 1-3 shows the history of authorized dredge material volume changes to the Channel Deepening Project since it was originally authorized in 2000. To date, approximately 12.7 mcy of material has been placed in disposal sites as approved by the previous SEIS/SEIR and Supplemental EAs. At this time, no additional disposal capacity remains to complete the Channel Deepening Project.

The total amount of disposal capacity required to dispose of the remaining dredge material and surcharge material is approximately 3.0 mcy. The remaining volume of dredging and other material from the Channel Deepening Project requiring disposal include approximately 1.025 mcy to complete channel deepening, 0.675 mcy to complete deepening berths, and 0.815 mcy to remove surcharge on Southwest Slip. The 3.0 mcy capacity described above includes the volume of material dredged, plus additional capacity related to dredging practices and material disposal behavior. Volumes to be dredged and capacity needed for disposal is further discussed in Chapter 2 and Appendix A.

**Table 1-3 POLA Channel Deepening Project Volume History**

Document	Volume of Dredge Material Analyzed	Cumulative Total Volume of Dredge Material
SEIS/SEIR for POLA Channel Deepening Project, September 2000	6.6 mcy	6.6 mcy
Supplemental EA for POLA Channel Deepening Project, July 2002	3.2 mcy	9.8 mcy
Supplemental EA for Product Removal June 2003	0.9 mcy	10.7 mcy
Supplemental EA for Sand Mining Operations, September 2004	2.0 mcy	12.7 mcy

USACE and the LAHD ~~are preparing~~ prepared this Draft SEIS/SEIR to address impacts associated with required additional disposal sites to complete the Channel Deepening Project authorized by the WRDA 2000. All other impacts associated with the Channel Deepening Project and past modifications to the project assessed in previous documents (USACE 2004, USACE 2003, USACE 2002, USACE and LAHD 2000). These documents are hereby incorporated by reference and are summarized where applicable within this document.

## 1.2 Purpose of an EIS/EIR

This section provides an overview of NEPA and CEQA, which respectively require the preparation of an EIS or an EIR for projects that could significantly affect the environment.

### 1.2.1 NEPA and the Purpose of an EIS

NEPA was enacted by Congress in 1969 and requires federal agency decision-makers to document and consider the environmental implications of their actions or decisions, with the intent of helping public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment. When a federal agency determines that a proposed project could result in significant environmental effects, an EIS is prepared that provides full and fair discussion of anticipated significant environmental impacts. The EIS informs decision-makers and the public of the reasonable alternatives, which would avoid or minimize significant impacts or enhance the quality of the human environment. An EIS is not only a disclosure document, it is a decision-making aid that is used by federal officials in conjunction with other relevant material to plan actions and make decisions.

### 1.2.2 CEQA and the Purpose of an EIR

CEQA was enacted by the California Legislature in 1970 and requires public agency decision makers to consider the environmental effects of their actions. When a state or local agency determines that a proposed project has the potential to significantly affect the environment, an EIR is prepared. The purpose of an EIR is to identify significant effects of a proposed project on the environment, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided. A public agency must mitigate or avoid significant environmental impacts of projects it carries out or approves whenever it is feasible to do so. In instances where significant impacts cannot be avoided or mitigated, the project may nonetheless be carried out or approved if the approving agency finds that economic, legal, social, technological, or other benefits outweigh the unavoidable significant environmental effects.

## 1.3 Applicable Environmental Regulations

List of applicable federal, and state environmental laws, executive orders, and other policies are provided below and compliance related to each is provided in ~~Section~~Chapter 8 of this ~~Draft~~ SEIS/SEIR.

### 1.3.1 Federal

**Applicable Federal Regulation considerations include:**

- National Environmental Policy Act (42 U.S.C. §§ 43221 et seq.)
- ER-200-2-2 and 33 C.F.R. Parts 230 and 325 Appendix B.
- CEQ Regulations [40 C.F.R. §§ 1500 et seq.].
- Clean Water Act (CWA) of 1972 (33 U.S.C. §§1251 et seq.), as amended.
- River and Harbor Appropriations Act of 1899.
- Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. § 1413), as amended.
- Endangered Species Act of 1973 (Public Law 93-205), as amended.
- Marine Mammal Protection Act (MMPA) (16 U.S.C. §§ 1361 et seq.).
- Fish and Wildlife Coordination Act of 1958 (Public Law 85-624).
- Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §§ 1801 et seq.).
- Executive Order 11990, Protection of Wetlands, May 24, 1977.
- National Historic Preservation Act of 1966 (Public Law 89-665) as amended.
- Clean Air Act (Public Law 91-604), as amended.
- Executive Order 12898, Environmental Justice.
- Federal Water Project Recreation Act (Public Law 89-72), July 9, 1965.
- Executive Order 13045, Environmental Health and Safety Risks to Children (62 Fed. Reg. 1988 [1997]).
- Coastal Zone Management Act (Public Law 92-583).
- Migratory Bird Treaty Act, as amended (16 U.S.C. §§ 703-711).

### 1.3.2 State

**Applicable State Regulation considerations include:**

- CEQA (Public Resources Code §§ 21000 et seq.).
- California Coastal Act of 1976, as amended.
- California Endangered Species Act (Cal. Fish and Game Code § 2050-2116).
- CWA Section 401 Water Quality Certification as administered by the Regional Water Quality Control Board (RWQCB).

## 1.4 Lead, Cooperating, Responsible, and Trustee Agencies

The USACE and the LAHD are the Lead Agencies for evaluating potential impacts and proposing mitigation measures under the federal NEPA and state CEQA laws, respectively. The USACE and LAHD are preparing this joint SEIS/SEIR in the interest of efficiency and to avoid duplication of effort.

Concerned resource agencies were included in the planning process including but not limited to the United States Environmental Protection Agency (USEPA), U.S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA) Fisheries, California Coastal Commission (CCC), and the California Department of Fish and Game (CDFG).

Several other agencies have special roles with respect to the Proposed Action and may use this SEIS/SEIR as the basis for their decisions to issue any approvals and/or permits that might be required. Section 15381 of the CEQA Guidelines defines a “responsible agency” as:

*...a public agency which proposes to carry out or approve a project, for which a lead agency is preparing or has prepared an EIR or negative declaration. For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the lead agency which have discretionary approval power over the project.*

Additionally, Section 15386 of the CEQA Guidelines defines a “trustee agency” as:

*...a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California.*

Table 1-4 lists responsible and trustee federal, state, and local agencies that may rely on this ~~Draft~~ SEIS/SEIR in a review capacity or as a basis for issuance of permits for the Proposed Action or for related actions.

**Table 1-4 Agencies Expected to Use this SEIS/SEIR**

Agency	Responsibilities, Permits, and Approvals
<b>Federal Agencies</b>	
NOAA Fisheries	Reviews and submits recommendations to USACE related to federal construction actions and issuance of permits in accordance with the Fish and Wildlife Coordination Act. Also responsible for Essential Fish Habitat (EFH). Provides EFH information, reviews federal action potential effects on EFH, and provides conservation recommendations to USACE.
U.S. Army Corps of Engineers	Lead federal agency for navigational improvements and permitting authority for related Port construction in navigable waters and dredged material disposal. USACE (Regulatory Division) has permitting authority under Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act (RHA), and Section 103 of the Marine Protection, Research, and Sanctuaries Act (MPRSA).
U.S. Fish and Wildlife Service	Reviews and submits recommendations to USACE related to federal construction actions and issuance of permits in accordance with the Fish and Wildlife Coordination Act and consultation pursuant to Section 7 of the Endangered Species Act (ESA).

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Agency	Responsibilities, Permits, and Approvals
U.S. Coast Guard	Has jurisdiction over marine facilities, bridges, and vessel transportation in harbor waters. Responsible for ensuring safe navigation and for preventing and responding to oil or hazardous materials releases in the marine environment.
U.S. Environmental Protection Agency	Has primary responsibility for implementing the Clean Air Act (CAA) and works with other federal agencies to implement conformity requirements. Reviews and submits recommendations for Spill Prevention Control and Countermeasure Plan (SPCC), for non-transportation-related onshore and offshore facilities engaged in storing, processing, refining, transferring, distributing, or consuming oil and gas products. Reviews and submits recommendations to USACE related to federal construction actions and issuance of permits. Regulatory authority for determining suitability of dredged sediments for ocean disposal.
<b>State Agencies</b>	
California Coastal Commission	Reviews document to ensure compliance with the Coastal Zone Management Act (CZMA) and consistency with the California Coastal Act; also performs a federal Consistency Determination. Reviews and must approve Port Master Plan Amendment.
California Department of Fish and Game	Reviews and submits recommendations in accordance with CEQA. Consultation in accordance with the Fish and Wildlife Coordination Act.
The California Waste Management Board	Statutory and regulatory authority to control the handling and disposal of solid, non-hazardous waste in a manner that protects public safety, health, and the environment. State law assigns responsibility for solid waste management to local governments. Solid waste requiring disposal will be generated from the demolition of existing slips.
Regional Water Quality Control Board, Los Angeles Region	Permitting authority for waste discharge requirements for discharges that might affect groundwater, Section 401 Water Quality Certifications, and National Pollutant Discharge Elimination System (NPDES) permit for discharge of wastewater into surface waters.
State Lands Commission	Dredging and dredge material disposal activities in state tidelands.
<b>Regional Agencies</b>	
Los Angeles County Fire Department	Licensing and inspection authority for all hazardous waste generation in the city of Los Angeles. Provides regulation and oversight of site remediation projects involving hazardous waste generators, where surface and subsurface soils are contaminated with hazardous substances.
South Coast Air Quality Management District	Permitting authority for construction of landfill and operation of pump stations, storage tanks, and terminal facilities; activities involving hydrocarbon-containing soils (Rule 1166); and new or modified sources of air emissions (New Source Review). Permitting authority over stationary and area sources for approving emissions from construction and operation of emission-producing equipment, and for regulating air toxics and other air quality nuisance sources.
Southern California Association of Governments	Responsible for developing regional plans for transportation management, growth, and land use, as well as developing the growth factors used in forecasting air emissions in the South Coast Air Basin. Southern California Association of Governments has developed a Growth Management Plan (GMP); a Regional Housing Needs Assessment; a Regional Mobility Program; and, in cooperation with the South Coast Air Quality Management District, the Air Quality Management Plan (AQMP).
<b>Local Agencies (City of Los Angeles)</b>	
Harbor Department	Pursuant to its authority, the Harbor Department could issue permits and other approvals (e.g., coastal development permits, leases for occupancy of Port of Los Angeles land, approval of operating, and joint venture or other types of agreements for the operation of facilities) for the projects evaluated in this Draft SEIS/SEIR. Lead Agency for CEQA compliance and California Coastal Act. Permitting authority for engineering construction. Responsible for general regulatory compliance.
Building and Safety Department	Permitting authority for building and grading permits.
Bureau of Engineering	Permitting authority for storm drain connections, permit for discharges of stormwater, permits for water discharges to the wastewater collection system, and approval of street vacations.
Bureau of Sanitation	Permitting authority for Industrial Waste Permit for discharges of industrial wastewater to the City sewer system.

Agency	Responsibilities, Permits, and Approvals
Fire Department	Approval of Business Plan and Risk Management and Prevention Program. Reviews and submits recommendations regarding design for building permit.
Transportation Department	Reviews and approves changes in City street design, construction, signalization, signage, and traffic counts.
Planning Department	Zone changes or amendments.

## 1.5 Scope and Content of the ~~Draft~~ Supplemental EIS/EIR

The scope of this ~~Draft~~ SEIS/SEIR was established based on the Notice of Intent/Notice of Preparation (NOI/NOP) dated November 4, 2004. Based on comments received during the planning process, the USACE and LAHD published the Supplemental NOI/NOP (SNOI/SNOP) on October 21, 2005. The ~~Scope of the~~ alternatives considered in the SEIS/SEIR ~~has~~ been changed or reduced due to considerations ~~on regarding~~ the current need for the ~~landfill disposal~~ sites, the time needed to complete planning and address issues related to use of the disposal sites, and concerns expressed by the resource agencies and ~~other interests~~ comments on the Draft SEIS/SEIR. Therefore, the USACE and POLA re-examined the originally proposed alternatives and ~~reduced the scope of the Proposed Action, and alternatives~~ modified the alternatives considered to be viable for disposal sites at this time. Chapter 2, Project Description, provides the details of the current Proposed Action and alternatives, as well as details of the alternatives developed during the planning process and deleted from further consideration.

The following issues have been determined to be potentially significant and are, therefore, evaluated in this ~~Draft~~ SEIS/SEIR.

- Aesthetics and Visual Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology
- Ground Transportation and Circulation
- Hazards and Hazardous Materials
- Land Use
- Marine Transportation
- Noise
- Recreation
- Utilities
- Water Quality and Oceanography
- Socioeconomics and Environmental Justice

## 1.6 Intended Uses of this ~~Draft~~ SEIS/SEIR

This ~~Draft~~ SEIS/SEIR has been prepared in accordance with applicable federal and state environmental statutes, regulations, and policies to inform federal, state, and local decision makers regarding the potential environmental impacts of the viable alternatives for the Proposed Action. As an informational document, an SEIS/SEIR does not recommend approval or denial of a project. This ~~Draft~~ SEIS/SEIR ~~is being provided to the public for review, comment, and participation in the planning process. After public review and comment, a Final SEIS/SEIR will be prepared,~~

~~including responses to comments on the Draft SEIS/SEIR received from agencies, organizations, and individuals. The Final SEIS/SEIR will be the basis for decision-making by the NEPA and CEQA lead agencies, as described below, and other concerned agencies.~~

### 1.6.1 USACE Use

The document ~~would~~will be used to approve modifications of the disposal sites for the Channel Deepening Project, and will consider this document in any permit actions that the LAHD might undertake to implement the Proposed Action. This document also serves as a public notice of application for any Department of the Army (DA) permit. The USACE will prepare and submit a Coastal Consistency Determination (CCD) to the CCC pursuant to this document and in compliance with the CZMA.

The USACE Record of Decision (ROD) will document the decision of the USACE on the Proposed Action, including issuance of any permit pursuant to its Regulatory authority, as well as any required environmental mitigation commitments.

### 1.6.2 LAHD Use

The LAHD has jurisdictional authority over the Proposed Action primarily pursuant to the Tidelands Trust, CEQA, and California Coastal Act. This SEIR will be used by LAHD in making a decision with regard to the construction and operation of the Proposed Action and to inform agencies considering permit applications and other actions required to construct and operate the Proposed Action. The LAHD's certification of the SEIR, Notice of Completion, Findings of Fact, and Statement of Overriding Considerations (if necessary) ~~would~~will document LAHD's decision as to the adequacy of the SEIR and inform subsequent decisions by the LAHD whether to approve and construct the Proposed Action.

## 1.7 ~~Draft~~ Supplemental EIS/EIR Organization

The content and format of this ~~Draft~~ SEIS/SEIR are designed to meet the current requirements of NEPA and CEQA. To easily obtain information about the Proposed Action and its specific issues, the SEIS/SEIR is organized into the following chapters:

**The Summary** presents a summary of the Proposed Action and alternatives, potential impacts and mitigation measures, and impact conclusions regarding growth inducement, cumulative impacts, and significant irreversible changes.

**Chapter 1 (Introduction)**, describes the project location, project authority, history of channel deepening project, purpose and need of the Proposed Action, scope and content of the SEIS/SEIR, outlines the organization of the SEIS/SEIR, provides an overview of the Port and its environmental policy, and describes public involvement and resource agency coordination.

**Chapter 2 (Description of Proposed Action and Alternatives)**, provides a description of the objectives of the Proposed Action and a discussion and analysis of the environmental effects of all project alternatives, including the No Action. A comparison of impacts of the alternatives is presented at the end of this chapter.

**Chapter 3 (Affected Environment and Environmental Analysis)**, describes for each environmental issue the environmental setting before project implementation, methods and assumptions used in the impact analyses, thresholds of significance, impacts that would result from the implementation of any viable alternative, and identifies applicable mitigation measures that would avoid or substantially lessen significant impacts. Analysis of the potential for impacts of future development of the two land areas that would be created as a result of implementation of Alternative 1 of the Proposed Action is presented in Section 3.14.

**Chapter 4 (Socioeconomics) and Environmental Justice**, ~~evaluates potential impacts of the Proposed Action alternatives on the existing socioeconomic attributes of the project area~~ ~~evaluates potential impacts of the Proposed Action on the existing socioeconomic attributes of the project area.~~

**Chapter 5 (Environmental Justice and Public Outreach)**, analyzes the potential for disproportionately high and adverse human health or environmental effects to low-income or minority populations, consistent with the environmental justice guidelines for NEPA documents in the federal document *Environmental Justice: Guidance Under the National Environmental Policy Act* (prepared by the CEQ, Executive Office of the President, Washington, D.C., December 10, 1997 [released July 1998]). This ~~section~~ chapter also provides a summary of the public outreach program that has been conducted to date for this SEIS/SEIR.

**Chapter 6 (Cumulative Impacts)**, analyzes the potential for the impacts of the Proposed Action alternatives to combine with impacts of other past, present and reasonably foreseeable future projects to cause a cumulatively considerable significant impact.

**Chapter 7 (Long-Term Implications of the Project)**, includes a discussion of the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, ~~irretrievable~~ or irretrievable commitment of resources that would result

from implementation of the Proposed Action alternatives, and includes a discussion of direct and indirect growth-inducing impacts that could be caused by the Proposed Action alternatives.

**Chapter 8 (Compliance With Environmental Requirements)**, describes how the Proposed Action alternatives have been developed in accordance with the requirements of relevant environmental statutes and regulations, as well as a summary of coordination between the Lead Agencies and regulatory agencies. Conclusions concerning compliance or responsibility for compliance are identified for each requirement.

**Chapter 9 (Distribution List)**, includes names of the Elected Officials, Federal Agencies, State Agencies, Local Public Agencies, Interested Groups and Parties who received copies of the Draft SEIS/SEIR.

**Chapter 10 (List of Preparers and Contributors)**, lists the individuals involved in preparing the SEIS/SEIR.

**Chapter 11 (Acronyms and Abbreviations)**, presents a list of the acronyms and abbreviations used in the SEIS/SEIR.

**Chapter 12 (Index)**, lists important or useful subjects for ease in locating information in the SEIS/SEIR.

**Chapter 13 (References)**, identifies the documents (printed references) and individuals (personal communications) consulted in preparing the SEIS/SEIR. The list includes the organizations and persons consulted to ascertain supporting information to support the SEIS/SEIR analysis.

**Chapter 14 (Response to Comments)**, includes responses to comments on the Draft SEIS/SEIR presented at the public hearing and written comments received during the 45-day public review period of the Draft SEIS/SEIR.

**Appendices** present additional background information and technical detail for several of the resource areas.

## **1.8 Key Principles Guiding Preparation of the Supplemental EIS/EIR**

### **1.8.1 Emphasis on Significant Environmental Effects**

This ~~Draft~~ SEIS/SEIR focuses on the potentially significant environmental impacts of the Proposed Action and their relevance to the decision-making process. NEPA requires the lead federal agency to rely on a “scientific and analytical basis for the comparison of alternatives” (40 CFR 1502.16) in

making its decisions. Commonly, when preparing a joint document the lead Federal agency will adopt the CEQA significance thresholds as its scientific basis, unless otherwise noted.

The criteria for determining the significance of environmental impacts in this ~~Draft~~ SEIS/SEIR analysis are described in the section titled “Significance Criteria” under each resource topic in Chapter 3. The “threshold of significance” for a given environmental effect is the level at which the LAHD or USACE finds a potential effect of the Proposed Action ~~or alternatives~~ to be significant. “Threshold of significance” can be defined as a “quantitative or qualitative standard, or set of criteria, pursuant to which significance of a given environmental effect may be determined” (CEQA Guidelines, Section 15064.7 [a]). Except as noted in particular sections of the document, the Port has adopted the City of Los Angeles CEQA Thresholds (City of Los Angeles 2006) for purposes of this ~~Draft~~ SEIS/SEIR, although some criteria were adapted to the specific circumstances of this Proposed Action. The USACE also has adopted the City of Los Angeles CEQA Thresholds for purposes of this ~~Draft~~ SEIS/SEIR to achieve its NEPA responsibilities, unless otherwise noted in particular sections of the document.

Environmental impacts, as defined by CEQA, include physical effects on the environment, and in this document the term is used synonymously with the term “environmental effects” under NEPA. The CEQA Guidelines (Section 15360) define the “environment” as:

*The physical conditions which exist within the area which will be affected by a Proposed Action, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.*

This definition does not include strictly economic impacts (e.g., changes in property values) or social impacts (e.g., a particular group of persons moving into an area). The CEQA Guidelines (Section 15131[a]) state that: “Economic or social effects of a project shall not be treated as significant effects on the environment.” However, economic or social effects are relevant to physical effects in two situations. In the first, according to Section 15131(a) of the CEQA Guidelines: “An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes...to physical changes caused in turn by the economic or social changes.” In other words, if a physical impact leads to an economic impact, which then leads to another physical impact, that ultimate physical impact must be evaluated in the EIR. In the second instance, according to Section 15131(b) of the CEQA Guidelines: “Economic or social effects of a project may be used to determine the significance of physical changes caused by the project.” For example, the closure and demolition of a fully occupied commercial building could be considered more significant than the demolition of a similar vacant building, even though the physical effects are the same.

As with economic or social impacts, psychological impacts are outside the definition of the term “environmental.” While not specifically discussed in the State CEQA Guidelines, the exclusion of psychological impacts was specifically affirmed in a court decision (*National Parks and Conservation Association v. County of Riverside* (1999) 71 Cal. App. 4<sup>th</sup> 1341, 1364.).

In view of these legal precedents, the LAHD is not required to treat economic, social, or psychological impacts as significant environmental impacts absent a related physical effect on the environment. Therefore, such impacts are only discussed to the extent necessary to determine the significance of the physical impacts of each Alternative of the Proposed Action. Additionally, this Draft SEIS/SEIR addresses Socioeconomics in Chapter 4 and Environmental Justice in Chapter 5.

### **1.8.2 Forecasting and Speculation**

In this SEIS/SEIR, the USACE and POLA have made their best efforts to predict and evaluate the reasonable, direct, indirect, and cumulative environmental impacts of the Proposed Action. However, both NEPA and CEQA do not require agencies to engage in speculation about impacts that are not reasonably foreseeable (CEQA Guidelines Sections 15144, 15145 and 40 C.F.R. § 1502.22(b)(4)). In these instances, CEQA does not require a worst-case analysis. Similarly, NEPA does not require a worst-case analysis when confronted with incomplete or unavailable information (40 C.F.R. § 1502.22).

### **1.8.3 Reliance on Environmental Thresholds and Substantial Evidence**

The identification of impacts as “significant” or “less than significant” is one of the important functions of an EIS/EIR. While impacts determined to be “less than significant” need only be acknowledged as such, an EIS/EIR must identify mitigation measures for any impact identified as “significant.” In preparing this document, the LAHD has based its conclusions about the “significance” of environmental impacts on identifiable thresholds and has supported these conclusions with substantial scientific evidence. The USACE has adopted the City of Los Angeles CEQA Thresholds to meet its NEPA responsibilities, unless otherwise noted in particular sections of this document for the NEPA analysis.

The criteria for determining the significance of environmental impacts in this analysis are described in each resource section in Chapter 3. The “threshold of significance” under CEQA for a given environmental effect is the level at which LAHD finds a potential effect of the Proposed Action to be significant. CEQA Guidelines Section 15064.7[a] define “threshold of significance” as:

*“...an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.”*

#### 1.8.4 Disagreement Among Experts

In accordance with the provisions of the CEQA Guidelines, where evidence and opinions of experts conflict on an issue concerning the environmental impacts of the Proposed Action, and the lead agencies ~~POLA~~ knows of these controversies in advance, this SEIS/SEIR has identified the controversies, has summarized the conflicting opinions, and has included sufficient information to allow the public and decision makers to take intelligent account of the environmental consequences of their actions. ~~It is also possible that additional evidence that might raise further disagreements will be presented during the public review of the Draft SEIS/SEIR. Such disagreements will be noted and~~ Additionally, this SEIS/SEIR presents appropriate responses to public and agency comments received on the Draft SEIS/SEIR. Details on comment responses are presented in Chapter 14 of the Final SEIS/SEIR. The comments and responses will be considered by the decision makers during making agencies during preparation and the public hearing process. ~~However, to be adequate under CEQA and NEPA, signing of the Record of Decision for the SEIS (USACE) and certification of the SEIR (POLA). SEIS/SEIR need not resolve all such disagreements.~~

In rendering a decision on a project where there is a disagreement among experts, the decision makers are not obligated to select the most conservative, environmentally protective, or liberal viewpoint. They may give more weight to the views of one expert than to those of another, and need not resolve a dispute among experts. In their proceedings, they must consider the comments received and address objections, but need not follow said comments or objections so long as they state the basis for their decision and that decision is supported by substantial evidence.

#### 1.8.5 NEPA and CEQA Baselines

To determine significance, the Proposed Action alternatives are compared to a baseline condition. The difference between the Proposed Action alternatives and the baseline is then compared to a threshold to determine if the difference between the two is significant.

Section 15125 of the CEQA Guidelines requires EIRs to include a description of the physical environmental conditions in the vicinity of the Proposed Action that exists at the time of the NOP.

The LAHD issued the NOP in November 2004. At that time construction of the Channel Deepening Project was underway and included dredging activities in the Main Channel, installation of drainage structures at the Southwest Slip, fill activities at Pier 300, movement of surcharge at Pier 300, and dike construction at Pier 400. These activities included use of one dredge, eight barges, seven tugboats, and three survey boats. The CEQA Baseline represents the setting at a fixed point in time, with no project growth over time, and differs from the No Action Alternative in that the No Action Alternative addresses what is likely to happen at the site over time, starting from the baseline conditions. The No Action Alternative allows for growth at the project site that would occur without any required additional approvals. NEPA requires that the EIS shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration (40 CFR 1502.15). For purposes of this document the USACE has determined that using the CEQA Baseline as the NEPA Baseline is appropriate because in this case the No Federal Action is equivalent to the No Action under CEQA. ~~However, NEPA has no direct guidance regarding when the establishment of a baseline for determining the significance of an impact when preparing an EIS should occur.~~ Therefore, this document will use the CEQA Baseline.

The conditions that existed at the time the NOP was circulated for review in November 2004 are described in Chapter 3 for each resource issue. These environmental conditions constitute the baseline physical conditions by which the USACE and Port will determine whether an impact is significant.

### **1.8.6 Duty to Mitigate**

Under the CEQ Regulations, 40 C.F.R. § 1502.14 requires lead agencies to consider appropriate mitigation measures, and §1505.3 requires that any mitigation measures adopted as part of the ROD shall be implemented.

According to the CEQA Guidelines, Section 15126.4(a), each significant impact identified in an EIR must also include a discussion of feasible mitigation measures that would avoid or substantially reduce the significant environmental effect. To reduce significant effects, mitigation measures must avoid, minimize, rectify, reduce, eliminate, or compensate for a given impact of the Proposed Action.

Mitigation measures must meet certain requirements to be considered adequate. Mitigation should be specific, define feasible actions that will actually improve adverse environmental conditions, and be measurable to allow monitoring of their implementation. Mitigation measures that only require further studies or consultation with regulatory agencies that are not tied to a specific action

that would directly reduce impacts, or those that defer mitigation until some future time, should be avoided. Accordingly, effective mitigation measures clearly explain objectives, how a given measure should be implemented, who is responsible for its implementation, and where and when the mitigation will occur.

The CEQA Guidelines, Section 15041 grants a public agency the authority to require feasible changes (mitigation) that would substantially lessen or avoid a significant effect on the environment associated with activities involved in a project. Public agencies, however, do not have unlimited authority to impose mitigation. An agency may exercise only those express or implied powers provided by law, aside from those provided by CEQA, and there must be a nexus between the impact and the mitigation. Finally, there must be a proportional balance between the impact caused by the Proposed Action and the mitigation measure imposed upon the project applicant. A project applicant cannot be forced to pay more than its fair share of the mitigation, which should be in rough proportion to the impact(s) caused by the Proposed Action alternatives.

### **1.8.7 Requirements to Evaluate Alternatives**

According to NEPA and CEQA regulations, the alternatives section of an EIS/EIR is required to:

- Rigorously explore and objectively evaluate all reasonable alternatives;
- Include reasonable alternatives not within the lead agency's jurisdiction or congressional mandate, if applicable;
- Include the no-action alternative;
- Develop substantial treatment to each alternative, including the No Action Alternative, so that reviewers may evaluate their comparative merits;
- Identify the lead agency's preferred alternative;
- Identify the environmentally superior alternative;
- Include appropriate mitigation measures (when not already part of the proposed action or alternatives); and
- Present the alternatives that were eliminated from detailed study and briefly discuss the reasons for elimination.

NEPA (40 C.F.R. § 1502.14[a]) and CEQA Guidelines 15126.6 require that an EIS and an EIR, respectively, describe a range of reasonable alternatives of the Proposed Action, or to the location of the Proposed Action that could feasibly attain most of the basic objectives of the Proposed Action but would avoid or substantially lessen any significant environmental impacts. According to CEQA Guidelines, the EIR should compare merits of the alternatives and determine an

environmentally superior alternative. Section 2.5 of this ~~Draft~~ SEIS/SEIR sets forth potential alternatives for the Proposed Action and evaluates their suitability, as required by CEQA Guidelines (Section 15126.6).

In accordance with NEPA and CEQA, the SEIS/SEIR analyzes all alternatives that are feasible, while still meeting most of the project objectives. According to NEPA, any alternative that is technically and economically feasible is considered to be “reasonable” and therefore should be fully examined in the EIS (40 C.F.R. § 1502.14). In determining the scope of alternatives to be considered, NEPA places emphasis on whether a potential alternative is reasonable, and not whether the applicant supports or is capable of carrying out a particular alternative. Unlike CEQA’s requirements, NEPA does not screen out alternatives based on avoiding or lessening significant environmental effects. The environmental consequences of the alternatives, including the No Action, are to be discussed in the SEIS per CEQ Regulations (40 C.F.R. § 1502.16).

According to the State CEQA Guidelines (Section 15126.6(f)(1)), among the factors that may be taken into account when addressing the feasibility of alternatives include site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or other regulatory limitations, jurisdictional boundaries, and proponent’s control over alternative sites in determining the range of alternatives to be evaluated in the EIR. The State CEQA Guidelines require consideration of alternatives capable of eliminating or reducing significant environmental effects even though they may “impede to some degree the attainment of project objectives or would be more costly” (CEQA Guidelines Section 16126.6[b]). The overall feasibility of potential alternatives was assessed taking into consideration the specific economic, environmental, legal, social, and technical feasibility of each alternative. The EIR is also not required to evaluate an alternative whose effects could not be reasonably identified, or whose implementation is remote or speculative, and that would not achieve the basic Proposed Action objectives.

A reasonable range of alternatives has been considered and evaluated as to whether or not the alternatives meet (1) most of the Project objectives/purpose and need, (2) are considered feasible, and (3) would avoid or substantially lessen any significant effects of the Proposed Action. Additionally, for impacts to waters of the United States, USEPA Section 404(b)(1) guidelines (40 C.F.R. Part 230) require the USACE only proceed with a project and/or issue a permit for the least environmentally damaging practicable alternative (LEDPA), where practicable is defined in terms of cost, logistics and technology, in light of the overall project purpose. In order to comply with the Section 404 (b)(1) guidelines, the USACE typically analyzes alternatives that reduce impacts to aquatic resources through alternative configurations, locations, construction methods, sizes, etc.

The Section 404(b)(1) guidelines focus on the impacts to the aquatic environment of discharges of dredged or fill material in waters of the U.S. The scope of the Section 404(b)(1) analysis can be narrower than that of the NEPA analysis and could reach different conclusions regarding the practicability of an alternative.

The Section 404(b)(1) guidelines state that no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge that would have less ~~adverse~~adverse~~significant~~ impact on the aquatic ecosystem, so long as the alternative does not have other significant environmental consequences (40 C.F.R. § 230.10[a]). A Section 404(b)(1) evaluation typically includes the following type of analysis:

1. Factual determinations (e.g., on the physical substrate; water circulation, fluctuation, and salinity; suspended particulates/turbidity; contaminants; aquatic ecosystem and organisms; proposed disposal sites; and cumulative effects on the aquatic ecosystem).
2. Findings of compliance or noncompliance with restrictions on discharge, including evaluation of the availability of practicable alternatives that would have less ~~adverse~~adverse~~significant~~ impact on the aquatic ecosystem; and compliance with a variety of regulations (e.g., applicable state water quality standards; toxic effluent standards or prohibitions under Section 307 of the CWA; the federal Endangered Species Act; the Marine Protection, Research and Sanctuaries Act).
3. Identification of practical steps taken to minimize potential significant impacts of the discharge on the aquatic ecosystem.
4. A conclusion about the compliance of the Proposed Action with the Section 404(b)(1) guidelines.

The information presented in this ~~Draft~~ SEIS/SEIR specific to impacts to the aquatic environment would be used by USACE as part of any proposed permit action subject to jurisdiction under Section 404 of the CWA, Section 10 of the RHA, or Section 103 of the MPRSA.

## 1.9 Port Environmental Initiatives

The Port's Environmental Policy as described in this section was approved by the Los Angeles Board of Harbor Commissioners on April 27, 2003. The purposes of the Environmental Policy are to provide an introspective, organized approach to environmental management; to further incorporate environmental considerations into day-to-day Port operations; and to achieve continual environmental improvement.

The Environmental Policy is exemplified in existing environmental initiatives of the Port and its customers, such as the voluntary Vessel Speed Reduction Program (VSRP), Source Control Program, Least Tern Nesting Site Agreement, Hazardous Materials Management Policy, and the Clean Engines and Fuels Policy. In addition, the Policy will encompass new initiatives such as the development of an Environmental Management System (EMS) with the Construction and Maintenance Division of the Port, and a Clean Marina Program. These programs are Port wide initiatives to reduce environmental pollution. Many of the programs relate to the proposed Project. The following discussion includes details on a number of the programs and their goals.

### **1.9.1 Port Environmental Initiatives Program**

The Port is committed to managing resources and conducting Port developments and operations in an environmentally and fiscally responsible manner. The Port will strive to improve the quality of life and minimize the impacts of its development and operations on the environment and surrounding communities. This will be done through the continuous improvement of its environmental performance and the implementation of pollution-prevention measures, in a feasible and cost-effective manner that is consistent with the overall mission and goals of the Port, as well as with those of its customers and the community.

To ensure this policy is successfully implemented, the Port will develop and maintain an environmental management program that will ensure this policy is successfully implemented, the Port will develop and maintain an environmental management program that will:

- Ensure this environmental policy is communicated to Port staff, its customers, and the community;
- Ensure compliance with all applicable environmental laws and regulations; Ensure environmental considerations include feasible and cost-effective options for exceeding applicable regulatory requirements;
- Define and establish environmental objectives, targets, and Best Management Practices (BMPs), and monitor performance;
- Ensure the Port maintains a Customer Outreach Program to address common environmental issues; and
- Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations through environmental awareness and communication with employees, customers, regulatory agencies, and neighboring communities.

The Port is committed to the spirit and intent of this policy and the laws, rules and regulations, which give it foundation.

## 1.9.2 Environmental Plans and Programs

The Port has implemented a variety of plans and programs to reduce the environmental effects associated with operations at the Port. These programs range from the San Pedro Bay Ports Clean Air Action Plan to deepening the channels of the Port to accommodate larger and more efficient ships, to converting to electric and alternative-fuel vehicles. All of these efforts ultimately reduce environmental effects.

### 1.9.2.1 Clean Air Action Plans

On November 26, 2006, the LAHD Board of Harbor Commissioners, in conjunction with the Port of Long Beach Harbor Commissioners, approved the San Pedro Bay Ports Clean Air Action Plan (SPBP CAAP), a comprehensive strategy to cut air pollution and reduce health risks from Port-related air emissions. Through the CAAP, the Ports have established uniform air quality standards for the San Pedro Bay. To attain such standards, the Ports will leverage a number of implementation mechanisms including, but not limited to, lease requirements, tariff changes, CEQA mitigation, and incentives. Specific strategies to significantly reduce the health risks posed by air pollution from port related sources include:

- Aggressive milestones with measurable goals for air quality improvements.
- Specific standards for individual source categories.
- Recommendations to eliminate emissions of ultra-fine particulates.
- A technology advancement program to reduce green house gases.
- A public participation process with environmental organizations and the business communities.

The Plan is expected to eliminate more than 47% of diesel particulate matter (PM) emissions, 45% of smog-forming nitrogen oxide (NO<sub>x</sub>) emissions, and 52% of sulfur oxides (SO<sub>x</sub>) from port-related sources within the next five years.

The Port has had a Clean Air Program in place since 2001 and began monitoring and measuring air quality in surrounding communities in 2004. Through the 2001 Air Emissions Inventory, the Port has been able to identify emission sources and relative contributions in order to develop effective emissions reduction strategies. The Port's Clean Air Program has included progressive programs such as alternative maritime power (AMP), use of emulsified fuel and diesel oxidation catalysts (DOCs) in yard equipment, alternative fuel testing, and the Vessel Speed Reduction Program (VSRP).

In 2004, the Port developed a plan to reduce air emissions through a number of near term measures. The measures were primarily focused on decreasing nitrogen oxides (NO<sub>x</sub>), but also

particulate matter (PM) and sulfur oxides (SO<sub>x</sub>). In August 2004, a policy shift occurred and Mayor James K. Hahn established the No Net Increase Task Force to develop a plan that would achieve the goal of No Net Increase (NNI) in air emissions at the Port relative to 2001 levels. The plan identified 68 measures to be applied over the next 25 years that would reduce PM and NO<sub>x</sub> emissions to the baseline year of 2001. The 68 measures included near term measures; local, state and federal regulatory efforts; technological innovations; and longer-term measures still in development.

In 2006, in response to a new Mayor and Board of Harbor Commissioners, the Port, along with the Port of Long Beach and in conjunction with the AQMD, CARB and USEPA, began work on the Clean Air Action Plan (CAAP). The CAAP's goal was to expand upon existing emissions reductions strategies and to develop new ones. The Draft CAAP was released as a draft plan for public review on June 28, 2006, and it was approved at a joint meeting of both the Los Angeles and Long Beach Boards of Harbor Commissioners on November 20, 2006. The CAAP focuses primarily on reducing diesel particulate matter (DPM), along with NO<sub>x</sub> and SO<sub>x</sub>, with two main goals: (1) to reduce Port-related air emissions in the interest of public health, and (2) to disconnect cargo growth from emissions increases. The Plan includes near-term measures implemented largely through the CEQA/NEPA process and through new leases at both ports. Port-wide measures at both ports are also part of the Plan. This ~~Draft~~ SEIS/SEIR analysis assumes compliance with the CAAP. Proposed Project-specific mitigation measures applied to reduce air emissions and public health impacts are consistent with, and in some cases exceed, the emission reduction strategies of the Plan.

### **1.9.2.2 Environmental Management System**

In December 2003, the Port was selected by the USEPA, American Association of Port Authorities (AAPA) and the Global Environment and Technology Foundation to participate in the Port Environmental Management System (EMS) Assistance Project. One of only 11 U.S. ports to be selected, the Port is the first California seaport to incorporate the program into its operations.

An EMS is a set of processes and practices that enable an organization to reduce environmental impacts and increase operational efficiency. Participating ports are selected on the basis of existing environmental programs, diverse maritime facilities and management resources. An EMS weaves environmental decision-making into the fabric of an organizations overall business practices, with a goal of systematically improving environmental performance. An EMS follows the "Plan-Do-Check-Act" model of continual improvement. The Port is currently implementing the EMS within its Construction and Maintenance facilities, with the goal of expanding the EMS to additional

functions over the course of the next several years. The Port's current EMS received official ISO 14001:2004 certification in September 2007.

### 1.9.2.3 Other Environmental Programs

#### Air Quality

- **Alternative Maritime Power.** AMP reduces emissions from container vessels docked at the Port, and is proposed to be applied to cruise ships as mitigation for the proposed project. Normally, ships shut off their propulsion engines when at berth but use auxiliary diesel generators to power electrical needs such as lights, pumps, and refrigerator units. These generators emit an array of pollutants, primarily NO<sub>x</sub>, SO<sub>x</sub>, and particulate matter smaller than or equal to 10 or 2.5 microns in diameter (PM10 or PM2.5). The AMP program dramatically reduces these emissions by allowing ships to “plug in” to shore-side electrical power while at dock instead of using their onboard generators. (This process is also referred to as cold ironing.) Before being used at the Port, AMP was only used commercially by the cruise ship industry in Juneau, Alaska. However, AMP facilities have been installed and are currently in use at the wharf at the China Shipping and the Yusen Terminals with plans for additional facilities at Evergreen and TraPac Terminals, and the World Cruise Center at Berths 91 and 93, among others.
- **OffPeak Program.** Extending cargo terminal operations by five night and weekend work shifts, the OffPeak program, managed by PierPASS – an organization created by marine terminal operators – has been successful in increasing cargo movement, reducing truck waiting time inside port terminals and truck traffic during peak daytime commuting periods.
- **On-Dock Rail and the Alameda Corridor.** Use of rail for long-haul cargo is acknowledged as an air quality benefit. Four on-dock rail yards at the Port significantly reduce the number of short-distance truck trips (the trips that would normally convey containers 1 to and from off-site rail yards). Combined, these intermodal facilities eliminate an estimated 1.4 million truck trips per year at the Port, and the emissions and traffic congestion that go along with them. A partner in the Alameda Corridor project, the Port is utilizing the corridor to transport cargo to downtown rail yards at 10 to 15 miles per hour faster than before. Use of the Alameda Corridor allows cargo to travel the 20 miles to downtown Los Angeles at a faster pace and promotes the use of rail versus truck. In addition, the Alameda Corridor eliminates 200 rail/street crossings and emissions produced by cars waiting on the streets as the trains pass.
- **Tugboat Retrofit Project.** The engines of several tugboats in the Port were replaced with ultra-low-emission diesel engines. This was the first time such technology had been applied to such a large engine. Emissions testing showed a reduction of more than 80 tons of NO<sub>x</sub> per year, nearly three times better than initial estimates. Under the Carl Moyer Program, the majority of tugboats operating in the Los Angeles/Long Beach Port Complex have since been retrofitted.
- **Electric and Alternative Fuel Vehicles.** The Port has converted more than 35 percent of its fleet to electric or alternative-fuel vehicles. These include heavy duty vehicles as well as passenger vehicles. The Port has proactively embarked on the use of emulsified fuels that are verified by the

California Air Resources Control Board to reduce diesel particulates by more than 60 percent compared to diesel-powered equipment.

- **Electrified Terminal Operating Equipment.** The 57 ship-loading cranes currently in use at the Port run on electric power. In addition, numerous other terminal operations equipment has been fitted with electric motors.
- **Yard Equipment Retrofit Program.** Over the past 5 years, diesel oxidation catalysts have been applied to nearly all yard tractors at the Port. This program has been carried out with Port funds and funding from the Carl Moyer Program.
- **Vessel Speed Reduction Program.** Under this voluntary program oceangoing vessels slow down to 12 knots within 20 miles of the entrance to Los Angeles Harbor, thus reducing emissions from main propulsion engines. Currently, approximately 70 percent of ships comply with the voluntary program.

## Water Quality

- **Clean Marinas Program.** To help protect water and air quality in the Harbor, the Port of Los Angeles is developing a Clean Marinas Program (CMP). The program advocates that marina operators and boaters use best management practices — environmentally friendly alternatives to some common boating activities that may cause pollution or contaminate the environment. It also includes several innovative clean water measures unique to the Port. The CMP features both voluntary components and measures required through Port leases, CEQA mitigation requirements, or established federal, state, and local regulations.
- **Water Quality Monitoring.** The Port has been monitoring water quality at 31 established stations in San Pedro Bay since 1967, and the water quality today at the Port of Los Angeles is the best of any industrialized port in the world. Samples are tested on a monthly basis for dissolved oxygen, biological oxygen demand and temperature. Other observations are noted, such as odor and color, as well as the presence of oil, grease and floating solids. The overall results of this long-term monitoring initiative show the tremendous improvement in harbor water quality that has occurred over the last four decades.
- **Cabrillo Beach Water Quality Improvements.** The Port of Los Angeles is one of the few industrial ports in the world that also has a swimming beach. Inner Cabrillo Beach provides still water for families with small children. However, in recent years, upland runoff has resulted in high levels of bacteria in shoreline waters. The Port has invested hundreds of thousands of dollars in water circulation/quality models and studies to investigate the problem. Recently, the Port repaired storm drains and sewer lines in this area as part of its commitment to make sure that Cabrillo Beach continues to be an important regional recreational asset.

## Endangered Species

- **California Least Tern Site Management.** The endangered California least tern (a species of bird) shares a home with the Port's largest container terminal on Pier 400. The Port maintains,

monitors, and protects 15 acres on Pier 400 for the nesting of these indigenous birds. Reproductive success is evident with the number of nesting pairs and fledglings increasing yearly. For the last few years, the Port has had the second largest colony in the state, with more than 1,000 nests.

## Port Planning

- **Green Terminal Program.** The Port is developing a Green Terminal program that would be applied to the long-term development of Port container facilities. The program would embrace all aspects of terminal construction and operation, and include guidance on a suite of environmental measures to minimize the effects of cargo handling on air, water and land resources.
- **Channel Deepening.** By deepening the main and ancillary channels, the Port can accommodate larger ships. Larger ships mean fewer ship visits to bring in the same amount of goods, and fewer ships mean fewer emissions.
- **Green Ports Program.** The Ports of Los Angeles and Shanghai have signed an historic agreement to share technology aimed at improving air quality, improving water quality, and mitigating environmental impacts on the operations of the Ports.
- **Recycling.** The Port incorporates a variety of innovative environmental ideas into its construction projects. For example, when building an on-dock rail facility, the Port saved nearly \$1 million and thousands of cubic yards of landfill space by recycling existing asphalt pavement instead of purchasing new pavement. The Port also maintains an annual contract to crush and recycle broken concrete and asphalt. In addition, the Port has successfully used recycled plastic products, such as fender piles and protective front-row piles, in many wharf construction projects.

## Port of Los Angeles Leasing Policy

On February 1, 2006, the Los Angeles Board of Harbor Commissioners approved a comprehensive leasing policy for the Port that not only establishes a formalized, transparent process for tenant selection, but also includes environmental requirements as a provision in Port leases.

Specific emission-reducing provisions contained in the leasing policy are:

- Compliance with vsrps;
- Use of clean AMP (or cold-ironing technology), plugging into shore-side electric power while at dock, where appropriate;
- Use of low sulfur fuel in main and auxiliary engines while sailing within the SCAB boundaries;
- For all Cargo Handling Equipment purchases, adherence to one of the following performance standards:
- Cleanest available nox alternative-fueled engine, meeting 0.01 gram/brake horsepower-hour (g/bhp-hr) PM, available at time of purchase;

- Cleanest available nox diesel-fueled engine, meeting 0.01 g/bhp-hr PM, available at time of purchase; or
- If no engines meet 0.01 g/bhp-hr PM, then cleanest available engine (either fuel type) and installation of cleanest Verified Diesel Emissions Controls (more commonly known as VDEC) available.
- Use of clean, low-emission trucks within terminal facilities.

### 1.9.3 Aesthetic Mitigation Projects

For years 2003 through 2007, the Port is depositing \$4 million per year into a community aesthetic mitigation account to mitigate the aesthetic impacts of Port operations on the neighboring communities of San Pedro and Wilmington. All projects funded under this program shall comply with all applicable laws, rules, and regulations; be Port-related projects on Port land; or be projects not on Port land that have a demonstrable nexus or connection to the environmental, aesthetic, and/or public health impacts of the Port's operations and facilities. Projects to receive funding shall fall within the following categories, and shall be prioritized as follows:

- Open space and parks,
- Landscaping and beautification, or
- Educational, arts, and athletic facilities.

Projects funded under this program shall be divided as evenly as possible between the San Pedro and Wilmington communities. Projects must:

- Mitigate existing or future impacts of Port operations on surrounding communities,
- Be consistent with the State Tideleands Trust and the public trust doctrine,
- Be consistent with the Los Angeles City Charter,
- Be consistent with the California Coastal Act, and consistent with any other applicable laws and regulations.

### 1.9.4 Port Community Advisory Committee

The Port Community Advisory Committee (PCAC) was established in 2001 as a standing committee of the Port of Los Angeles Board of Harbor Commissioners (Board). The purposes of the PCAC are to:

- Assess the impacts of Port developments on the harbor area communities and recommend suitable mitigation measures to the Board for such impacts;

- Review past, present, and future environmental documents in an open public process and make recommendations to the Board to ensure that impacts to the communities are appropriately mitigated in accordance with federal and California law; and
- Provide a public forum and make recommendations to the Board to assist the Port in taking a leadership role in creating balanced communities in Wilmington, Harbor City, and San Pedro so that the quality of life is maintained and enhanced by the presence of the Port.

## 1.10 NEPA/CEQA Process

Federal funding for the planning, design, and construction of the Channel Deepening Project is provided jointly by the USACE and Port of Los Angeles. The involvement of a federal agency and a local agency requires compliance with both NEPA and CEQA. As per 40 C.F.R. § 1505.2 of the CEQ Regulations and Section 15170 of CEQA, the USACE and Port of Los Angeles prepared this joint SEIS/SEIR. The procedure for NEPA and CEQA is depicted below in Table 1-5.

**Table 1-5 NEPA and CEQA Procedures for an EIS/EIR**

NEPA	CEQA
NEPA applies to all federal agencies. Federal agencies shall prepare an environmental document to disclose project related impacts and provide mitigation to minimize impacts.	CEQA requires all California public agencies to comply with both procedural and substantive requirements. The agency shall prepare an environmental document to disclose project related impacts and provide mitigation to minimize impacts.
Determine Lead/Co-lead and Cooperating Agencies.	Determine Lead, Responsible and Trustee Agencies.
Publish Notice of Intent (NOI).	Prepare Initial Study.
Publish NOI in the Federal Register.	Prepare Notice of Preparation (NOP). File with the State Clearinghouse and Responsible Agencies. Provide 30 days for review. Provide legal notice in a newspaper. Invite public comments on the scope of the EIR analysis.
Conduct Scoping Process (Public Participation).	Early consultation. Scoping meetings.
Prepare Draft EIS (Analysis of the preferred and viable alternatives and development of mitigation measures to minimize impacts). Include requirements for and analysis of required permits (CCD, 404/401 and others applicable to the project).	Prepare Draft EIR analysis of the preferred alternative. Identify project impacts and mitigation. Identify residual and cumulative impacts. Identify environmentally superior alternative. CEQA includes substantive provisions requiring agencies to avoid or mitigate impacts disclosed in an EIR. Provide mitigation monitoring plan. Analysis of permit requirements is necessary for CEQA documents.
File Draft EIS with USEPA (USEPA publishes notice of availability in the Federal Register).	Submit 15 copies of EIR to the State Clearinghouse, which distributes copies to interested agencies. Public notice announcing Draft EIR availability for review issued to the County Clerk. The local agency provides legal advertisement in the newspaper of the availability of the Draft EIR.
Circulate Draft EIS for public review (45 days from the date appeared in the Federal Register for the EIS review).	Circulate Draft EIS for public review and responsible agencies (45 days from the date appeared in the newspaper and filing with the State Clearinghouse).
NEPA does not require a public hearing during Draft EIS public review period.	CEQA does not require public hearing during Draft EIR public review period. However, most agencies require such hearings including Port of Los Angeles.
Incorporate verbal and written comment/response in the EIS.	Incorporate comment/response in the EIR and prepare Final EIR.

**1. Introduction**

NEPA	CEQA
File five copies of the Final EIS with USEPA. 30-day comment period starts from the date the Notice of Availability appears in the Federal Register.	Make agency decision (City Council and Board of Supervisors). CEQA requires agencies to prepare statement of overriding considerations at the time of project approval if impacts cannot be mitigated to less than significant. Prepare Findings of Fact for each significant impact identified in the EIR. Findings are written statements made by the decision-making bodies of the Lead and Responsible Agency.
Circulate Final EIS for public review (provide copies to the agencies/public which provided comments on the Draft SEIS/SEIR).	Provide comment/responses to the agencies that provided comments on Draft EIR at least 10 days prior to certifying the Final EIR.
Prepare Record of Decision (ROD). The ROD identifies project features/alternatives, findings, public concerns and mitigation. The USACE higher authority signs the ROD.	City Planning Commission/Board, acting as the Lead Agency under CEQA, certifies Final EIR.

**1.11 Public Involvement ~~(NOI-NOP)~~**

**1.11.1 Scoping Process**

The USACE and the Port published and distributed a NOI/NOP dated November 4, 2004 to initiate preparation of a SEIS/ SEIR for additional disposal capacity needed to complete the Channel Deepening Project. A formal scoping meeting was held on November 30, 2004, at 6:00 p.m. at which the Proposed Action and alternatives were presented and information was exchanged with meeting attendees. Comments received on the November 2004 NOI/NOP and at the public scoping meeting are incorporated into the SEIS/SEIR as appropriate.

Subsequent to the publication of the NOI/NOP, several changes and additional considerations led to the publication of a SNOI/SNOP on October 21, 2005. The major changes included the consideration of beneficial reuse of dredged material within the Port, and consideration of reasonably foreseeable uses of disposal sites. This public notice also served as the NOI to issue any Regulatory and other permits as may be required to implement the Proposed Action. It was noted that a scoping meeting would not be conducted for the SNOI/SNOP. However, as with the original NOI/NOP, comments received within 30 days from the publication of the SNOI/SNOP would also be incorporated in the proposed SEIS/SEIR.

**1.11.2 Scoping Comments**

In response to the NOI/NOP of November 4, 2004 and the SNOI/SNOP of October 21, 2005 a total of 34 comment letters and two oral comments were received. All of the comments received during the scoping process were reviewed by the preparers of the SEIS/SEIR. The issues raised during the scoping process that were relevant to the SEIS/SEIR and represented potential significant impacts helped form the basis for the impact topics addressed in the SEIS/SEIR. Table

1-6 lists the issues that were derived from the scoping comments, a brief summary response to each comment, and indicates the section of the SEIS/SEIR in which they are addressed.

Since the scope of the project has changed since release of the SNOI/SNOP in October 2005, some comments received during scoping requested information or analysis not related to resources upon which the Proposed Action was likely to have a significant impact, or that were analyzed previously in the SEIS/SEIR for the approved project, and therefore are no longer relevant to the Proposed Action and were not considered by the SEIS/SEIR preparers. Similarly, any comments received in favor or opposition of the Proposed Action were not considered in the analysis of environmental impacts. The SEIS/SEIR makes no recommendations for the approval or denial of the Proposed Action and is only intended to provide information to the public and decision-makers about the project's potential impacts so that these can be considered in deliberations by the decision makers regarding the approval or denial of the Proposed Action.

### **1.11.3 Distribution of the Draft SEIS/SEIR**

The Draft SEIS/SEIR prepared for the USACE and LAHD was distributed to the public and regulatory agencies on July 14, 2008 for a 45-day review period. Approximately 120 copies of the Draft SEIS/SEIR were distributed to various government agencies, organizations, individuals, and Port tenants. The 45-day public review period on the Draft SEIS/SEIR officially closed on September 1, 2008. Five copies of the Draft SEIS/SEIR were filed with the USEPA and the USEPA published the Notice of Availability of the Draft SEIS/SEIR in the Federal Register on July 14, 2008. To comply with CEQA, 15 copies of the Draft SEIS/SEIR were submitted to the State Clearinghouse with the Notice of Completion (see Appendix J). Additionally, a notice was published in the following local newspapers: La Opinion, the Metropolitan News, the Daily Breeze, the Los Angeles Times, the Long Beach Press Telegram, and the Los Angeles Sentinel.

USACE, in cooperation with LAHD, held a public hearing on the Draft SEIS/SEIR on August 6, 2008, in the Port of Los Angeles Board Room to provide an overview of the Proposed Action and accept public comments on the Proposed Action and Draft SEIS/SEIR.

The Draft SEIS/SEIR was made available for review at the following locations:

- U.S. Army Corps of Engineers, Los Angeles District, Environmental Resources Branch, 915 Wilshire Blvd., 14th Floor, Los Angeles, California;
- Los Angeles Harbor Department, Environmental Management Division, 425 South Palos Verdes Street, San Pedro, California;
- L.A. Public Library, Central Branch, 630 West 5th Street, Los Angeles, California;

**Table 1-6 Scoping Comments Addressed in this SEIS/SEIR**

Topic	SEIS/SEIR Section(s) Addressing Issue	Summary of Responses to Comments
<b>Project Objectives, Purpose, and Need</b>		
Demonstrate new fills are necessary to support near-term port expansion, and minimize size of the fill sites.	1.0, 2.0	The current configuration of the Northwest Slip requires trucks and other container movement equipment to make a 180-degree turn to exit the wharf area, which increases risks to worker and vehicle safety as well as traffic and truck maneuvering delays. Construction of new landfill at this location would allow for future development of new roadway to improve safety of truck and equipment turning movements.
Source and volume of material needing to be disposed.	2.0, Appendix A	Approximately 3.0 mcy of material including dredging from the East Basin Channel, East Turning Basin (Dredge Element D210), East Basin Berths, and surcharge from the Southwest Slip.
Provide configurations for dredging and for disposal sites. Explanation why disposal sites identified in the 2000 SEIS/SEIR and subsequent NEPA documents are not adequate.	2.0	Configurations are provided in Chapter 2.0. Previous sites are inadequate due to revised bathymetric data; the occurrence of bulking, shoaling, and settlement; the need to dispose of surcharge, and the opportunity to remove and confine contaminated dredge material. E.g., when material is dredged, it bulks as it is placed into the fill area, typically some of the fine material escapes the fill area during dewatering. Some of this escaped material shoals at the bottom of the channel where it can be dredged again while some is lost to areas that will not require dredging again.
<b>Project Description and Alternatives</b>		
Provide detailed description and impact analysis of construction and operation of the reasonable foreseeable future use of each fill site.	3.0	Foreseeable use of the Northwest Slip has been addressed in the Berth 136-147 Container Terminal Project FEIS/FEIR. Impacts identified for that project are summarized in Section 3.14. Berths 243-245 will be operated as a long term Confined Disposal Facility for contaminated materials. The CSWH Expansion will be operated as shallow water habitat. The Eelgrass Habitat Area will be used for future planting of eelgrass to offset losses of eelgrass that may occur as a result of future construction activities at the Port.
Describe and evaluate reasonable number of viable alternatives to meet the purpose of the project, Clean Water Act Regulations.	2.4	Various disposal sites and combinations of disposal sites have been considered since release of the 2004 NOP/NOI and are described in detail in Chapter 2.0.
Include potential opportunities for the beneficial reuse of the dredged material other than creating new landfill sites.	2.4	The CSWH Expansion and Eelgrass Habitat sites would provide additional shallow water habitat to support various species within the Port.
Identify and evaluate Least Environmentally Damaging Practicable (LEDPA) alternatives, and clearly provide location and size of any proposed new fills representing the LEDPA.	2.0	Alternative 1 has been identified as the recommended alternative in Section 2.7. The LEDPA will be identified in the Record of Decision for the Final SEIS/SEIR.

Topic	SEIS/SEIR Section(s) Addressing Issue	Summary of Responses to Comments
Additional Disposal Options: Consider other disposal options such as: use over-dredge sites; upland disposal; identify sites within Los Angeles region including the Port of Long Beach (POLB) and any other locations.	2.4	These options were considered and eliminated for various reasons, as described in Section 2.4.
Provide more precise information on the choices.	2.4	Sections 2.4 provide details of disposal options and alternatives analyzed in this document as well as disposal options and alternatives eliminated from consideration.
Pier 400 Submerged Storage Areas-Future use and expansion should be addressed.	2.4	This disposal option has been eliminated from consideration.
Is there is a plan to store some of the dredge material for future use to create rolling berms and elevated views?	2.0	The Proposed Action does not include to store dredge material for future creation of rolling berms or elevated views.
<b>Aesthetics</b>		
Aesthetics – Loss of open water, lighting, larger cranes.	3.1	The impacts of the loss of approximately 13 acres of open water and night time construction lighting are addressed in Section 3.1. No cranes are associated with the Proposed Action.
<b>Air Quality</b>		
Provide detailed air quality analysis in compliance with all applicable Local, State and Federal Regulations, including but not limited to Clean Air Act (CAA) Section 176, EPA's general conformity regulations of 40 CFR Parts 51 and 93. Consider "the No Net Increase" measure. In addition consider upcoming diesel particulate matter regulations, and the Diesel Risk Reduction Program.	3.2, Appendix C	Detailed air quality analysis is presented in Section 3.2, and air quality data is presented in Appendix C.
Perform coordination with the Southern California Association of Governments (SCAG) to ensure that the proposed disposal sites have been accounted for in the applicable State Implementation Plan (SIP) budgets.	3.2	SCAG indicated in a letter dated June 12, 2000 that the Channel Deepening Project has been accounted for in the SIP.
Would the Proposed Action result in increasing air emission or smog?	3.2	The Proposed Action would result in increased air emissions. Detailed air quality analysis is presented in Section 3.2, and air quality data is presented in Appendix C.
Should cover construction and operations.	3.2	The air quality analysis addresses construction impacts only as operation of the disposal sites would have not involve activities that generate emissions.
Address the increases in ships per day and emissions.	3.2	The Proposed Action would not result in increased ship traffic.
Address impacts of diesels.	3.2	Impacts related to the use of diesel fuel are addressed in the air quality analysis.
Air Quality – Address range of issues, increase in diesel pollution, 75% electric dredges, odors, PM2.5, trucking, hotelling.	3.2	Detailed air quality analysis is presented in Section 3.2, and air quality data is presented in Appendix C.

**PORT OF LOS ANGELES CHANNEL DEEPENING PROJECT**

**1. Introduction**

Topic	SEIS/SEIR Section(s) Addressing Issue	Summary of Responses to Comments
The SEIS should address the feasible mitigation plan to reduce the project related impacts of air quality on affected communities.	3.2, 5.0	Mitigation measures to reduce air quality impacts are presented in Section 3.2.
Detailed impact analysis of air and socioeconomic resources.	3.2 and 4.0	Impacts related to air quality and socioeconomics are addressed in Sections 3.2 and 4.0, respectively.
<b>Biology</b>		
Corps and Port should coordinate with NOAA regarding impacting essential fish habitat.	3.3, 8.0	The USACE is coordinating with NOAA as described in Sections 3.3 and 8.0.
Native fish and seal life impacts.	3.3	Impacts to various species are addressed in Section 3.3.
Impacts associated with a potential tern-nesting island.	2.4	The bird island disposal site has been eliminated from consideration at this time for reasons described in Section 2.4.
Provide purpose, location of the nesting island and the minimize loss of existing shallow water habitat.	2.4	The bird island disposal site has been eliminated from consideration at this time for reasons described in Section 2.4.
Creating bird habitats must comply with Department's criteria.	2.4	The bird island disposal site has been eliminated from consideration at this time for reasons described in Section 2.4.
Consistency determination (CD) must be prepared by the Corps of Engineers and submitted to the Coastal Commission. Port of Los Angeles must prepare and submit consistency certification to the commission if the Proposed Action includes disposal at the LA-2 ocean disposal site.	1.0, 8.0	The USACE will prepare and submit a Coastal Consistency Determination (CCD) to the California Coastal Commission (CCC) pursuant to this document and in compliance with the CZMA.
Recommendation, do not include Consolidated Slip option for all alternatives.	2.4	The Consolidated Slip option has been eliminated from consideration at this time for reasons described in Section 2.4.
What is the plan to dispose the contaminated sediment? Concern regarding larger boats at Island Yacht II and Leeward Bay's detached docks are located now at low tide area.	2.4	Contaminated sediments would be disposed at a Confined Disposal Facility at Berths 243-245 under Alternative 1, or at the Anchorage Road Soil Storage Site under Alternative 2.
<b>Cultural Resources</b>		
Adequate testing should be done considering historic uses.	3.4	The cultural resource analysis has considered historic uses.
<b>Environmental Justice</b>		
The SEIS should demonstrate consistency with Executive Order 12898 and CEQ's guidance on addressing environmental impacts in low-income or minority populations.	5.0	Consistency with Executive Order 12898 and CEQ's guidance on addressing environmental impacts in low-income or minority populations is demonstrated by the analysis presented in Section 5.0.
<b>Geology and Soils</b>		
Would the Proposed Action increase probability of an earthquake or hill sliding?	3.5	The Proposed Action would not increase the probability of an earthquake or landslide.

Topic	SEIS/SEIR Section(s) Addressing Issue	Summary of Responses to Comments
<b>Hazards</b>		
Address hazards, including Tsunamis.	3.7	Impacts related to tsunamis are addressed in Section 3.7.
<b>Noise</b>		
Address construction and throughput noise impacts due to the project.	3.10	The Proposed Action would not result in increased throughput at the port. Therefore noise impacts related to increased throughput are not analyzed in this document.
<b>Recreation</b>		
Recreation – Address impacts on recreational boaters and loss of open water, changes in localized currents.	3.11, 3.13	Impacts to boaters and the loss of open water are addressed in Section 3.11, Recreation. Impacts related to the loss of open water and water circulation are addressed in Section 3.13, Water Quality.
Recreation impacts especially sailing, boating, and fishing need to be addressed.	3.11	Impacts to sailing, boating, and fishing are addressed in Section 3.11.
<b>Traffic</b>		
Traffic Impacts due to the project and increased throughput.	3.6	The Proposed Action would not result in increased throughput at the port. Therefore traffic impacts related to increased throughput are not analyzed in this document.
<b>Utilities</b>		
Water main and pipeline impacts must be addressed.	3.12	Impacts to various utility lines located at the Northwest Slip and Berths 243-245 are described in Section 3.12.
New landfill adjacent to Berths 136-139 will impact about 8 storm drain outlets.	3.12	Impacts to storm drains in the vicinity of the Northwest Slip are addressed in Section 3.12.
Address impacts on public utilities.	3.12	Impacts to utilities are addressed in Section 3.12.
<b>Water Quality</b>		
The SEIS should address impacts to water quality and security.	3.13	Impacts to water quality are addressed in Section 3.13.
Impacts on water quality monitoring stations and access to monitoring points.	3.13	Impacts to water quality are addressed in Section 3.13.
Compliance with Clean Water Act Section 404(b)(1) Guidelines.	Appendix B	A 404(b)(1) evaluation for the Proposed Action is included in Appendix B.
<b>Cumulative Impact</b>		
Cumulative impacts should consider future projects.	6.0	A detailed analysis of the potential for impacts of the Proposed Action to combine with impacts of 84 past, present, and reasonably foreseeable projects to result in cumulative impacts is presented in Chapter 6.

- L.A. Public Library, San Pedro Branch, 921 South Gaffey Street, San Pedro, California;
- L.A. Public Library, Wilmington Branch, 1300 North Avalon, Wilmington, California;
- Long Beach Public Library, Main Branch, 101 Pacific Avenue, Long Beach, California; and
- Los Angeles Harbor Department, Environmental Management Division, 425 South Palos Verdes Street, San Pedro, California.

The document was also made available online at the Port of Los Angeles web site:  
[http://www.portoflosangeles.org/environment/public\\_notices.asp](http://www.portoflosangeles.org/environment/public_notices.asp)

### **1.11.4 Comments on the Draft SEIS/SEIR**

The public comment and response component of the NEPA/CEQA process serves an essential role. It allows the respective lead agencies to assess the impacts of a project based on the analysis of other responsible, concerned, or adjacent agencies and interested parties, and it provides the opportunity to amplify and better explain the analysis that the lead agencies have undertaken to determine the potential environmental impacts of a project. To that extent, responses to comments are intended to provide complete and thorough explanations to commenting agencies and individuals and to improve the overall understanding of the project for the decision-making body.

The USACE and LAHD received 21 comment letters and 22 oral comments on the Draft SEIS/SEIR during the public review period. Oral comments received at the public hearing for the Draft SEIS/EIR included concerns about construction of the Eelgrass Habitat Area. These concerns have been taken into consideration and coordinated with the resource agencies. The resource agencies understood the public concern related to elimination of the Eelgrass Habitat Area as one of the disposal options (details of which are presented in Section 2.4.3 of this document). Table 1-7 presents a list of the agencies, organizations, and individuals who commented on the Draft SEIS/SEIR. Comment letters and responses to comments are presented in Chapter 14 of this Final SEIS/SEIR.

**Table 1-7 Public Comments Received on the Draft SEIS/SEIR**

<u>Letter Code</u>	<u>Date</u>	<u>Individual/Organization</u>	<u>Page</u>
<u>Federal Government</u>			
<u>USEPA</u>	<u>8/29/2008</u>	<u>United States Environmental Protection Agency</u>	<u>14-3</u>
<u>NMFS</u>	<u>9/02/2008</u>	<u>National Marine Fisheries Service</u>	<u>14-15</u>
<u>DOI</u>	<u>8/25/2008</u>	<u>Department of Interior</u>	<u>14-20</u>
<u>State Government</u>			
<u>CCC</u>	<u>8/15/2008</u>	<u>California Coastal Commission</u>	<u>14-21</u>
<u>OPRSC</u>	<u>9/02/2008</u>	<u>Office of Planning and Research</u>	<u>14-22</u>

<u>Letter Code</u>	<u>Date</u>	<u>Individual/Organization</u>	<u>Page</u>
<b><u>Regional/Local Government</u></b>			
<u>SCAQMD</u>	<u>8/29/2008</u>	<u>South Coast Air Quality Management District</u>	<u>14-24</u>
<u>LACDRP</u>	<u>8/14/2008</u>	<u>Los Angeles County Department of Regional Planning</u>	<u>14-33</u>
<u>CRPV</u>	<u>8/13/2008</u>	<u>City of Rancho Palos Verdes, Planning , Building , &amp; Code Enforcement</u>	<u>14-65</u>
<b><u>Local Organizations</u></b>			
<u>NRDC</u>	<u>8/29/2008</u>	<u>Natural Resources Defense Council</u>	<u>14-67</u>
<u>CBYC</u>	<u>8/29/2008</u>	<u>Cabrillo Beach Yacht Club</u>	<u>14-110</u>
<b><u>Business/Labor Groups</u></b>			
<u>WBOA</u>	<u>9/04/2008</u>	<u>Wilmington Boat Owners Association</u>	<u>14-113</u>
<b><u>San Pedro/Wilmington Community Groups</u></b>			
<u>PCAC</u>	<u>8/28/2008</u>	<u>Port of Los Angeles, Community Advisory Committee EIR/Aesthetic Mitigation Subcommittee</u>	<u>14-115</u>
<u>SPPHC</u>	<u>8/31/2008</u>	<u>San Pedro &amp; Peninsula Homeowners Coalition</u>	<u>14-132</u>
<b><u>Individuals</u></b>			
<u>WM</u>	<u>8/06/2008</u>	<u>Donna Ethington</u>	<u>14-136</u>
<u>DN</u>	<u>8/06/2008</u>	<u>David Nichol</u>	<u>14-139</u>
<u>KWJM</u>	<u>8/29/2008</u>	<u>Kathleen Woodfield and John Miller</u>	<u>14-142</u>
<u>RP</u>	<u>8/06/2008</u>	<u>Robert Perel</u>	<u>14-150</u>
<u>JO</u>	<u>8/06/2008</u>	<u>John O' Connor</u>	<u>14-151</u>
<u>CS</u>	<u>8/06/2008</u>	<u>Carrie Scorrillo</u>	<u>14-152</u>
<u>KW</u>	<u>8/06/2008</u>	<u>Kathleen Woodfield</u>	<u>14-153</u>
<u>TP</u>	<u>8/06/2008</u>	<u>Tony Poltee</u>	<u>14-154</u>
<u>PH</u>		<u>Public Hearing</u>	<u>14-155</u>

### **1.11.5 Issues Raised and Resolved**

The USACE and the Port have worked with local, State, and federal agencies and involved the public during the SEIS/SEIR process. A formal scoping meeting was held on November 30, 2004 at Banning's Landing Community Center, Wilmington, CA. The public involvement process up to release of the ~~Draft~~Final SEIS/SEIR is summarized in Section 1.11.

Areas of controversy identified during the public ~~comment period~~scoping process include: potential impacts of the project related to air quality, and noise caused by construction activities and construction traffic; dredge and disposal impacts on water quality and biological resources, impacts to onshore and offshore recreation activities, health and safety, aesthetics, environmental justice, and impacts to transportation and traffic. These issues and analysis have been incorporated ~~into~~into the ~~Draft~~Final SEIS/SEIR. The application of existing regulations and permitting requirements and the implementation of mitigation measures recommended in this ~~Draft~~Final SEIS/SEIR would resolve nearly all environmental issues associated with the implementation of the alternatives discussed in this document. Impacts that would remain significant despite

application of existing regulations and proposed mitigation measures are summarized in Section 7.1 (Unavoidable Significant Effects).

## **1.12 Resource Agency Coordination**

USACE and POLA have coordinated with several state and federal agencies in the development of this project to ensure that the Proposed Action complies with the requirements of the applicable laws and regulations. Both telephone and written communication has been conducted to provide information on the project and to obtain input from these agencies.

USACE and POLA conducted meetings, formal and informal coordination with the resource agencies (USEPA, USFWS, NOAA Fisheries, CCC and CDFG) to provide development of alternatives for the Proposed Action or status of the project throughout the planning process from July 2005 through May 2008. Specific meetings were conducted to provide updates on the development of the alternatives on July 12, 2005, September 19, 2005, November 7, 2006, March 11, 2008, and May 2008. These meetings were participated by the resource agencies identified above, POLA and USACE staff including, Project Management, Planning and Regulatory Division staff. The purpose of the meetings was to provide a briefing and clarification of the proposed modifications to the Channel Deepening Project to the concerned resource agencies and obtain their view/recommendations for the alternatives for the Proposed Action. A summary of formal and informal coordination is provided in the following paragraphs.

### **US Environmental Protection Agency**

The USACE and POLA have performed formal as well as informal coordination with USEPA staff throughout the course of planning process and development of the alternatives, including Brian Ross, Summer Allen, Paul Amato, Eric Raffini, and Allen Ota. Coordination included phone calls and meetings.

USEPA provided the following recommendations that the lead agencies:

- Ensure that document is written in compliance with Section 404 of the Clean Water Act,
- Identify and evaluate least environmentally damaging practicable (LEDPA) alternatives, and clearly provide location and size of any proposed new fills representing the LEDPA;
- Identify material to be dredged from the Channel Deepening Project, and explain need for approximately 4.0 mcy worth of disposal sites;
- Ensure that future expansion of the fill sites are fully evaluated and approved or have all required permits;
- Provide configurations for dredging and for disposal sites;

- Explain why disposal sites identified in the NEPA documents (2000 SEIS/SEIR and subsequent NEPA documents) are not adequate;
- Include details regarding excess dredged material by pre-and post dredging bathymetry for all channel or berth areas or additional material resulted due to over-dredging;
- Include potential opportunities for the beneficial reuse of the dredged material other than creating new landfill sites;
- Describe and evaluate a reasonable number of viable alternatives to meet the purpose of the project, include unavoidable direct and indirect impacts should be fully mitigated, and provide available mitigation credits;
- Demonstrate new fills are necessary to support near-term port expansion, and minimize size of the fill site;
- Describe reasonable foreseeable future use of each fill site, anticipated environmental impacts of both construction and future use of the site;
- Provide detailed evaluation, quantification of impacts and proposed mitigation for construction and foreseeable use of the fill sites (this would be specifically applicable to any fill site creating dry land and filling of the waters of US);
- Recommend not including Consolidated Slip in all alternatives;
- Coordinate studies related to dredging and/or capping operations in Consolidated Slip with USEPA's Superfund and TMDL staff;
- Include USEPA Superfund staff in design of alternatives; and
- Prior to including Consolidated Slip in project, Port and USACE shall obtain approval from USEPA.

Based on concerns expressed by the resource agencies, the UASCE and POLA re-examined the disposal options and alternatives. In July 2005, November 2006, and February 2007, USACE and POLA met with USEPA and Larry Simon of the CCC to provide project status and information on the revised disposal and alternatives. The Pier 300, Consolidated Slip, and Bird Island disposal options were eliminated from consideration in this SEIS/SEIR. The revised project alternatives include different combinations of the following disposal sites: Berths 243-245, Northwest Slip, CSWH Expansion Area, Eelgrass Habitat Area, ocean disposal at LA-2, and the Anchorage Road Soil Storage Site.

USEPA and CCC did not express concerns related to the revised disposal options or alternatives. USEPA expressed recommended revisions to the description of non-pay dredging presented in the project description. These revisions ~~have been~~ were incorporated into Section 2.3 of ~~this the~~ Draft and Final SEIS/SEIR. USEPA also provided comments on the preliminary air quality analysis,

including the conformity statement, cumulative impacts, environmental justice, and recommendations to include specific measures to reduce air quality emissions. All comments were considered in completing ~~this~~ the Draft and Final SEIS/SEIR and USACE provided revised sections and responses to specific comments to USEPA via e-mail. The tentative schedule was also discussed. USEPA reiterated these ~~concerns~~ recommendations at a March 11, 2008 meeting with the Port, USACE, USFWS, and CDFG.

USEPA commented on the Draft SEIS/SEIR and responses to their specific comments are provided in Chapter 14 of this Final SEIS/SEIR. Informal coordination was conducted with USEPA through meetings and conference calls during preparation of the Final SEIS/SEIR. The USACE and Port communicated public concerns related to elimination of the Eelgrass Habitat Area as one of the disposal options. USEPA requested that USACE and the Port maximize beneficial use of dredge material for port development and minimize material for ocean disposal. Since publication of the Draft SEIS/SEIR, USEPA has made the following suggestions: placing dredge material within the existing CSWH where depth is below -20 feet MLLW to bring it back to -15 feet MLLW; use coarse grained material for construction of CSWH Expansion Area; and use dredge material for beach nourishment.

POLA also indicated that a survey is being conducted to verify the surface elevations of the existing CSWH; if survey data show that the areas below -20 feet MLLW are distributed over a large area, filling these depressions with material from the Proposed Action may result in negative effects to biological resources, and therefore may not be practicable at this time.

As discussed in Section 2.4.3, beach replenishment would require coarse grain sand materials, which are of the greatest use in constructing land for Port terminals. Most of the sand available in the Port is of unsuitable grade to be used for beach replenishment. Beach replenishment using limited suitable material is not a feasible alternative because this material is needed for other beneficial uses within the Port, including construction of CDFs, expansion of shallow water habitat, and capping contaminated sediments.

The USACE and Port communicated to USEPA in February 2009 that fine-grained material would be used for most of the fill at the CSWH Expansion Area and that a layer of coarse grained material would be placed on top of the fine grained material.

USEPA also expressed concern about the use of ocean disposal site LA-2. Specifically, USEPA indicated that the volume of dredge material to be disposed at LA-2 is close to the annual disposal capacity for that site. USACE and POLA informed USEPA that because construction activities at LA-2 would span two calendar years, use of the site for the Proposed Action would utilize approximately 25 percent of the LA-2 site's annual disposal capacity in 2009 and approximately

50 percent of its capacity in 2010. The USACE and POLA will continue to coordinate with USEPA and seek USEPA concurrence for ocean disposal prior to completion of the Record of Decision.

USEPA also expressed concerns related to overdepth dredging as well as paid and non-paid dredging specifications; this issue is being further coordinated with USEPA. Details related to dredging volumes are presented in Appendix A of the Final SEIS/SEIR.

## **US Fish and Wildlife Service**

Formal and informal coordination with the USFWS has been ongoing since July 2005. Conversations ranged widely over disposal options being considered to complete the Channel Deepening Project, conceptual alternatives, concepts for expansion of the Cabrillo Shallow Water Habitat and creation of a Bird Island Nesting Area. Jack Fancher of the USFWS provided recommendation to improve the design and shape of the Bird Island as well as CSHW. USACE and POLA staff provided input on mitigation credit, how they mitigate project related impacts, on site, off-site mitigation as well as using the mitigation bank<sup>1</sup>.

On December 12, 2006, a meeting was conducted with Jack Fancher of USFWS and Bob Hoffman of NOAA Fisheries to provide a summary of the revised disposal options and alternatives (please see details on disposal sites and alternatives in Section 2.4). Jack Fancher had provided input on developing design for Eelgrass Habitat Area including depth of water, dike width, slope, and type of rocks to be used for dike construction. Elimination of the Bird Island would not cause a major issue for California least tern. Currently a population of least tern use Pier 400 and that site is successful. The proposed dike around the Eelgrass Habitat Area can provide foraging opportunities for least tern. The USFWS also indicated that resource data of 2000 SEIS/SEIR be utilized in the proposed SEIS/SEIR. Jack Fancher stated that USFWS will amend the Coordination Act Report (CAR) provided with the 2000 SEIS/SEIR. The USFWS indicated that USACE should provide the scope and project description. An amended Draft CAR can be provided with the Draft SEIS/SEIR and Final CAR with the Final SEIS/SEIR.

A meeting was held on March 11, 2008 with Chris Medak of USFWS, Brian Ross of USEPA, Bryant Chesney of NOAA Fisheries, and Loni Adams of CDFG to debrief USFWS, NOAA

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<sup>1</sup> The use of these mitigation banks is governed by Memoranda of Agreement among POLA, USFWS, NOAA Fisheries, CDFG, the Bolsa Chica Bank, POLB, California Resources Agency, California State Lands Commission, California Coastal Conservancy, US EPA, and USACE. Credits in the Inner Harbor Bank may only be used to mitigate for loss of inner harbor marine habitat at a 1 acre to 1 credit ratio. Credits in the Outer Harbor and Bolsa Chica Banks may be used to mitigate for loss of any marine habitat in the POLA at the following ratios: 1 acre inner harbor habitat to 0.5 mitigation credit; 1 acre deep outer harbor habitat to 1 mitigation credit; 1 acre shallow outer harbor habitat to 1.5 mitigation credits.

Fisheries, and CDFG staff who were new to the Proposed Action about the proposed alternatives. USFWS expressed concerns about the use of mitigation credits for the removal of open water areas as well as potential impacts to California least tern, specifically which credits would be used. As discussed in detail in this chapter and in Section 3.3 of this document, mitigation credits that would be used for Alternative 1 or Alternative 2 of the Proposed Action would be credits that already exist within a mitigation bank and would not be from the credits created from implementation of either alternative of the Proposed Action. USFWS also indicated that appropriate mitigation measures with specific methods to avoid impacts to least tern should be developed if the Proposed Action is determined to adversely impact least tern.

USFWS participated in a conference call on March 26, 2008 with USACE, POLA, and Kathy Keane of Keane Biological Consulting, the Port's California least tern monitor to discuss mitigation for potential impacts to least tern. In this meeting USFWS requested that this SEIS/SEIR apply the same mitigation to minimize impacts to California least tern that was used in the 2000 SEIS/SEIR and/or other specific measures to minimize impacts. However, the current Proposed Action would utilize different disposal sites than those analyzed in the 2000 SEIS/SEIR. Extensive coordination occurred with the USFWS to modify mitigation measures to minimize impacts to the federally listed least tern. Modified measures similar to those included in the 2000 SEIS/SEIR have been incorporated in the biological resource analysis presented in Section 3.3. The USFWS provided a Draft CAR in May 2008, which is presented in Appendix J. In May 2008, USACE coordinated with Chris Medak of USFWS and Loni Adams and Becky Ota of CDFG in response to the Draft CAR. CDFG indicated that they would provide comments on the Draft CAR after release of the public Draft SEIS/SEIR. The USACE ~~will submit~~ submitted a request for informal ESA Section 7 Consultation upon release of the Draft SEIS/SEIR and a copy of this request ~~will be~~ was provided to CDFG.

Meetings were held in October 2008, December 2008, and February 2009 with Chris Medak of USFWS, Michael Lyons of LARWQCB, Bryant Chesney of NOAA Fisheries and Loni Adams of CDFG, and USACE, POLA to discuss agency and public comments on the Draft SEIS/SEIR and elimination of the Eelgrass Habitat Area from further consideration. At this meeting USFWS inquired about the ramifications of not constructing the Eelgrass Habitat Area and the procedure for how the POLA obtains mitigation credits. POLA provided the procedure for how mitigation credits are obtained in coordination with the resource agencies as identified in Memoranda of Agreement among POLA, USFWS, NOAA Fisheries, CDFG, the Bolsa Chica Bank, POLB, California Resources Agency, California State Lands Commission, California Coastal Conservancy, USEPA, and USACE. The USACE and POLA indicated that in lieu of constructing the Eelgrass Habitat Area and using it for currently unforeseen future eelgrass mitigation, that such

mitigation would be developed on an as needed basis for specific projects. USFWS also inquired as to how the function of the CSWH Expansion area would be evaluated. The POLA indicated that a CSWH monitoring program would be developed to evaluate the success of the CSWH in order to receive mitigation credits to the Outer Harbor Bank for the increased biological value created by the CSWH. It was also agreed at this meeting that the USACE will provide the updated project description from the Final SEIS/SEIR to the USFWS and will send a letter in response to the Draft CAR. The USFWS agreed to provide a final CAR for the Final SEIS/SEIR. The USFWS has provided the Draft CAR to the CDFG and NOAA, but the USFWS has not received any comments on it.

### **National Oceanic and Atmospheric Administration Fisheries**

In July 2005 USACE and POLA began informal discussions with NOAA Fisheries regarding expansion of the CSWH and project alternatives. The NOAA Fisheries representative indicated that justification for creation of a land fill site needs to be explained. He noted that the area for the Pier 300 expansion is a Special Aquatic Site (defined at 40 C.F.R. Part 230, Subpart E) and therefore there is a “higher bar to be considered” in deciding whether additional landfill is justified for this area.

Subsequent meetings were conducted to discuss the rationale and design criteria in developing the disposal options involving expansion of CSWH and the Bird Island Nesting Area. NOAA Fisheries indicated concern with the potential of the Bird Island disposal site not working as desired and resulting in a loss of water habitat. NOAA Fisheries indicated that USACE and POLA would have to monitor the success of the Bird Island and if it were not successful after approximately five years, the island would need to be demolished. On December 12, 2006, a meeting was conducted with the NOAA Fisheries to provide an update on the revised disposal options and alternatives. The NOAA Fisheries provided recommendations on the design for the CSWH Expansion Area and Eelgrass Habitat Area, including depths and the type of material to be used for construction of the Eelgrass Habitat Area and dike. The USACE and Port shall put ~~about 5~~ a minimum of two feet of coarse grained material on top of the fine material. Discussion occurred on using additional mitigation credit generated due to implementation of the Proposed Action for future Port development projects. Environmental commitments/ mitigation measures were included to avoid impacts to the listed species.

In May 2008, the USACE and Port staff met with Bryant Chesney, the newly assigned NOAA Fisheries staff member to provide background of the project. At this meeting NOAA Fisheries had the following recommendations.

1. Introduction

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- Clarify how impacts related to EFH are mitigated. Make sure they have been mitigated through credits that are already available in the mitigation bank.
- Provide clarification related to 5 acre fill at NW slip and relationship to Trapac EIS/EIR.
- Impacts to benthic organism.
- Are there any impacts to water circulation on biological resources due to construction of the CSWH and Eelgrass Habitat Area?
- Use avoidance and minimization first, then compensation.
- Initiate EFH Consultation with NOAA Fisheries for placement of fill for construction of the Eelgrass Habitat Area upon release of the Draft SEIS/SEIR.

In June 2008, the USACE and Port staff met with Bryant Chesney to discuss his concerns about the success of the CSWH Area after completion of construction. USACE and the Port agreed to coordinate with NOAA Fisheries prior to construction, to develop a construction monitoring plan to identify dredge areas to be utilized for construction as well as a post-construction investigation program.

The NOAA Fisheries provided a comment letter on the Draft SEIS/SEIR. The USACE and POLA response to this letter is presented in Chapter 14 of this Final SEIS/SEIR and corresponding revisions to the Draft SEIS/SEIR have been made to the appropriate sections of the Final SEIS/SEIR. The USACE and POLA have reviewed the letter, dated September 2, 2008, and have agreed to the EFH conservation measures identified in the letter. A letter dated March 19, 2009 has been submitted to the NOAA in response to their comment letter on the Draft SEIS/SEIR (see Appendix J). Specifically, the POLA and USACE will perform preconstruction surveys in accordance with the Caulerpa Control Protocol (which has been included as Appendix L of this SEIS/SEIR) and the USACE and POLA will coordinate with NOAA Fisheries to develop an appropriate monitoring program to ensure that the newly created CSWH Expansion will provide increased biological value.

Meetings were held in October 2008, December 2008, and February 2009 with Bryant Chesney of NOAA Fisheries, Chris Medak of USFWS, Michael Lyons of LARWQCB and Loni Adams of CDFG, and USACE, POLA to discuss agency and public comments on the Draft SEIS/SEIR and elimination of the Eelgrass Habitat Area from further consideration. NOAA Fisheries indicated that elimination of the Eelgrass Habitat Area as one of the disposal options would reduce environmental benefits of the Proposed Action, however, they recognize the importance of balancing various uses of the harbor and did not object to the elimination of this site from further consideration. At this meeting, Mr. Chesney also reiterated the need for the POLA to implement a monitoring program to evaluate the success of the CSWH Expansion area in increasing biological

value within the harbor before any mitigation credit to the Outer Harbor Bank for this value can be obtained. Regarding the mitigation banking process, NOAA Fisheries agrees with the USACE and POLA that the current proposed action does not deviate from the Memoranda of Agreement among POLA, USFWS, NOAA Fisheries, CDFG, the Bolsa Chica Bank, POLB, California Resources Agency, California State Lands Commission, California Coastal Conservancy, USEPA, and USACE which governs the establishment and use of mitigation credits at the Ports of Los Angeles and Long Beach. Construction details of the CSWH Expansion Area were also discussed at this meeting. The USACE and POLA agreed to coordinate with resource agencies regarding the type (size) and placement of material at the CSWH Expansion Area and to establish a monitoring program to evaluate the long term function of the CSWH Expansion Area. Additionally, the POLA acknowledged that any mitigation credit received as a result of construction of the CSWH Expansion Area would be for the use of future projects after verification that the CSWH Expansion is functioning. Existing mitigation bank credits from the Bolsa Chica mitigation bank will be used to compensate impacts from the current Proposed Action. After verification that the CSWH Expansion is functioning, the Outer Harbor Bank Memoranda of Agreement would be amended to incorporate the resultant mitigation bank credits.

### **Los Angeles Regional Water Quality Control Board**

Informal coordination was conducted with Michael Lyons of the LARWQCB. He indicated that the LARWQCB issued a joint CWA Section 401 Water Quality Certification to the USACE and LAHD for the Channel Deepening Project Final SEIS/EIR (2000), therefore, it is appropriate to amend the existing Section 401 Water Quality Certification (WQC). The USACE and LAHD ~~will jointly requested~~ an amendment of the Section 401 ~~Water Quality Certification WQC~~ with ~~this the~~ Draft SEIS/SEIR.

LARWQCB participated in a resource agencies meeting conducted on October 14, 2008. The purpose of this meeting was to discuss agency and public comments on the Draft SEIS/SEIR and elimination of the Eelgrass Habitat Area from further consideration. LARWQCB did not express any concerns regarding elimination of the Eelgrass Habitat Area.

The USACE has continued coordinating with the LARWQCB related to Section 401 WQC. The USACE and POLA requested a joint Section 401 WQC for the Proposed Action in a letter dated July 31, 2008. Through informal coordination with Mr. Michael Lyons, the USACE and POLA understand that the LARWQCB will issue a Waste Discharge Requirement (WDR) for the project rather than amending the 401WQC. The WDR is functionally equivalent to the 401 WQC. The USACE and the LAHD will follow the conditions identified in the WDR during construction. The

USACE sent a letter dated March 20, 2009, to the LARWQCB to confirm that a WDR would be issued for the project construction rather than a Section 401 WQC (see Appendix J).

## **California Department of Fish and Game**

Marilyn Fluharty of the CDFG has participated in coordination meetings since July 2005. Their representative participated in meetings for development of the project alternatives, conceptual design for CSWH Expansion Area and Bird Island Nesting Area.

A meeting was held on March 11, 2008 with Ken Corey and Chris Medak of the USFWS, Paul Amato and Brian Ross of USEPA, and Loni Adams and Bill Paznokas of CDFG to discuss various aspects of the Proposed Action and disposal options. CDFG expressed concerns about potential water circulation issues as a result of the dike at the proposed Eelgrass Habitat Area. Water circulation impacts have been addressed in the water quality analysis presented in Section 3.13 of this document. CDFG also requested that the SEIS/SEIR clearly identify what mitigation credits would be used and where the credits would come from. CDFG indicated the SEIS/SEIR should also show that the project proponent will coordinate with the Contaminated Sediments Task Force (CSTF) and that the project should take into account the CSTF Management Plan. As discussed in Section 2.6.1, contaminated sediment management plan would be developed in cooperation with the CSTF and other State and Federal agencies prior to moving and disposing of the contaminated sediments. The Draft CAR was provided to the CDFG for review and comment. In May 2008, USACE coordinated with Chris Medak of USFWS and Loni Adams and Becky Ota of CDFG in response to the Draft CAR. CDFG indicated that they would provide comments on the Draft CAR after release of the public Draft SEIS/SEIR. The USACE submitted a request for informal ESA Section 7 Consultation upon release of the Draft SEIS/SEIR and a copy of the request was provided to CDFG. ~~The USACE will submit a request for informal ESA Section 7 Consultation upon release of the Draft SEIS/SEIR and a copy of this request will be provided to CDFG. CDFG will then either accept the USFWS' ESA Section 7 determination or they may request separate compliance by the Port for state listed species.~~

Meetings were held in October 2008, December 2008, and February 2009 with Loni Adams of CDFG, Bryant Chesney of NOAA Fisheries, Chris Medak of USFWS and Michael Lyons of LARWQCB, and USACE, POLA to discuss agency and public comments on the Draft SEIS/SEIR and potential modification of the Proposed Action to eliminate the Eelgrass Habitat Area from further consideration. CDFG had no objections to elimination of the Eelgrass Habitat Area.

## California Coastal Commission

~~The CCC staff participated in resource agencies meetings for the Proposed Action (July 12, 2005, September 19, 2005, and November 7, 2006). Informal coordination occurred with the CCC staff during preparation of the Draft SEIS/SEIR. They stated that the project would require a CCD by the USACE, which should follow guidance provided in Chapter 8 of Coastal Regulations. CCC also indicated that the commission recognizes the need for development of the Port and recommended following the same process followed in past documents and requested the document provide detailed descriptions of the disposal options.~~

~~CCC staff indicated that the SEIS/SEIR should include analysis related to Coastal Zone Management Act (CZMA), specifically, impacts to any recreational activities. The CCC staff will require 60 days to prepare staff report to be submitted to the commission for the hearing. The USACE will submit a letter of request and CCD after the SEIS/SEIR is released for public review. Since October 2008 through the preparation of the Final SEIS/SEIR, USACE and POLA have participated in extensive coordination with CCC staff, Mr. Larry Simon, related to the CCC hearing of the CCD for construction of the project and the Port Master Plan Amendment (MPA). The hearing for construction of the project (USACE) was originally scheduled in October 2008. The USACE has submitted four requests to the CCC to postpone the hearing of the CCD until the Port MPA would be submitted. The Port will not be ready to submit its CCD for the MPA until April 2009. Because these two projects are related to each other, the USACE and POLA agreed to present both actions at one hearing in June 2009. USACE has submitted five requests to the CCC (dated July 31, 2008; August 15, 2008, September 23, 2008; November 3, 2008; and February 4, 2009) for postponement of the Hearing and the correspondence is located in Appendix J of the Final SEIS/SEIR.~~

~~The USACE and Port also coordinated with Mr. Simon regarding elimination of the Eelgrass Habitat Area due to public concerns. Mr. Simon did not raise any concerns over elimination of this site from further consideration. The USACE and POLA will continue to coordinate with Mr. Simon with regard to the final sediment management plan and hearing on the CCD and MPA.~~

## State Historic Preservation Office

~~As described in Section 3.4 of this SEIS/SEIR, one of the proposed disposal sites, Berths 243-245, is located adjacent to the former Southwest Marine Shipyard which currently contains World War II era buildings and equipment (LAHD, 2006). In the LAHD's 2006 EIR for the Southwest Marine Terminal, the Port identified that the Southwest Marine Shipyard is eligible to be a historic district. The USACE has determined that the wharves at Berths 243-245, which would be demolished as a~~

result of implementation of Alternative 1 of the Proposed Action, no longer retain integrity from their period of significance and are not contributors to the Southwest Marine National Register of Historic Places district and that use of these berths as a disposal site under the Proposed Action would not have an adverse effect on the district. The USACE has requested the concurrence of the State Historic Preservation Officer of this determination in a letter dated March 16, 2009, which is included in Appendix J of this Final SEIS/SEIR.

### 1.13 Availability of the ~~Draft~~Final SEIS/SEIR

This ~~Draft~~Final SEIS/SEIR for the Proposed Action ~~would be~~has been distributed directly to agencies, organizations, and interested groups and persons for comment during the ~~3045~~304-day formal-review period in accordance with ~~Section 15087 of the State CEQA Guidelines and 40 CFR~~ Section 1506.10 of the CEQ Regulations. Five copies of the ~~Draft~~Final SEIS/SEIR will be filed with the USEPA to publish the availability of the ~~Draft~~Final SEIS/SEIR for the ~~4530~~30-day public review. Fifteen copies will be filed with the State Clearinghouse to meet CEQA requirements. During the public review period copies of the ~~Draft~~Final SEIS/SEIR are available for general public review at the following locations:

U.S. Army Corps of Engineers  
Los Angeles District  
Environmental Resources Branch  
915 Wilshire Blvd., 14<sup>th</sup> Floor  
Los Angeles, CA 90053  
(213) 452-3859

Los Angeles Harbor Department  
Environmental Management Division  
425 South Palos Verdes Street  
San Pedro, CA 90731  
(310) 732-3497

Los Angeles Public Library  
Central Branch  
630 West 5th Street  
Los Angeles, CA 90071

Los Angeles Public Library  
San Pedro Branch  
921 South Gaffey Street  
San Pedro, CA 90731

Los Angeles Public Library  
Wilmington Branch  
1300 North Avalon Boulevard  
Wilmington, CA 90744

Long Beach Public Library  
Main Branch  
101 Pacific Avenue  
Long Beach, CA 90822

In addition to the printed copies noted above, the SEIS/SEIR is available in electronic format on the Port website located at <http://www.portoflosangeles.org/Environmental/publicnotice.htm>.

Due to the size of the document, it has been prepared as a series of PDF files to facilitate downloading and printing. The same SEIS/SEIR files on the POLA website are available as stand-

alone CD-ROMs from the Port Environmental Management Division and the USACE Environmental Resources Branch at the above addresses and phone numbers.

## **1.14 Changes to the Draft SEIS/SEIR**

This section of the Final SEIS/SEIR discusses general changes resulting from public comments received on the Draft SEIS/SEIR. Actual changes to the text, are presented throughout this document and are denoted by strike out and underline. The changes to the Draft SEIS/SEIR are primarily in response to public comments that resulted in elimination of the Eelgrass Habitat Area as a disposal site and the change in volume of material being disposed at ocean disposal sites and inclusion of LA-3 as a disposal site. Additional details are provided in Section 2.4 of this Final SEIS/SEIR. Additional text changes are primarily editorial in nature and have been made for the purpose of correcting and clarifying information contained within the Draft SEIS/SEIR based on comments received from the public.

The changes and clarifications presented in this Final SEIS/SEIR were reviewed to determine whether or not they warranted re-circulation of the Draft SEIS/SEIR prior to certification of the SEIS/SEIR, according to CEQA and NEPA Guidelines and Statutes. The changes would not result in any new significant environmental impacts or a substantial increase in the severity of an existing environmental effect. In response to public comments, changes and/or clarifications have been made in the following sections of the SEIS/SEIR:

- Abstract
- Summary
- Section 1.0 – Introduction
- Section 2.0 – Project Description
- Section 3.1 – Aesthetics and Visual Resources
- Section 3.2 – Air Quality and Meteorology
- Section 3.3 – Biological Resources
- Section 3.4 – Cultural Resources
- Section 3.5 – Geology
- Section 3.6 – Ground Transportation and Circulation
- Section 3.7 – Hazards and Hazardous Materials
- Section 3.8 – Land Use
- Section 3.9 – Marine Transportation
- Section 3.10 – Noise
- Section 3.11 – Recreation
- Section 3.12 – Utilities
- Section 3.13 – Water Quality, Sediments, and Oceanography
- Chapter 14 – Comments and Responses to Comments on the Draft SEIS/SEIR
- Chapter 4 – Socioeconomics

- Chapter 5 – Environmental Justice and Public Outreach
- Chapter 6 – Cumulative Impacts
- Chapter 7 – Long Term Implications of the Project
- Chapter 8 – Compliance with Environmental Requirements
- Appendix B – Draft Section 404(b)(1) Alternatives Analysis
- Appendix C – Air Quality Data
- Appendix F– Construction Schedules and Equipment Lists
- Appendix J –Agency Coordination
- Appendix K – Mitigation Monitoring Program
- Appendix L – NOAA Fisheries Caulerpa Control Protocol
- Appendix M – Conformity Determination

The above changes are consistent with the findings contained in the environmental impact categories in Chapter 3 of the Draft SEIS/SEIR, “Environmental Analysis,” and would not result in new or increased significant impacts to environment resources due to the elimination of the Eelgrass Habitat Area as one of the disposal sites or inclusion of LA-3 as an additional disposal site.