

FINAL Findings of Fact and Statement of Overriding Considerations

Port of Los Angeles Channel Deepening Project

Supplemental Environmental Impact Report (EIR)

Prepared By:

Environmental Management Division
Port of Los Angeles

With Assistance From:

Aspen Environmental Group

Contact:

Environmental Management Division
Port of Los Angeles
310.732.3675

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Findings of Fact and Statement of Overriding Considerations

I. Introduction

These Findings of Fact have been prepared by the Los Angeles Harbor Department (LAHD, or Port) as the Lead Agency pursuant to Section 21081 of the Public Resources Code (PRC) and Section 15091 of the State California Environmental Quality Act (CEQA) Guidelines to support a decision on the Port of Los Angeles (POLA) Channel Deepening Project.¹ Section 21081 of the Public Resources Code and Section 15091 of the CEQA Guidelines provide that no public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Additionally, the Lead Agency must not approve a project that will have a significant effect on the environment unless it finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the unavoidable adverse environmental effects (PRC § 21081(b); 14 California Code of Regulations [CCR] § 15093). The Board of Harbor Commissioners (Board) adopts the Statement of Overriding Considerations set forth in the Findings of Fact, which identifies the specific overriding economic, legal, social, technological, or other benefits of the proposed Project that outweigh the significant environmental impacts identified in the Final EIR.

This Findings of Fact for the proposed Project is based on information contained in the 2009 Final Supplemental Environmental Impact Statement / Environmental Impact Report (SEIS/SEIR), as well as information contained within the administrative record. The administrative record includes, but is not limited to, the project application, project staff reports, project public hearing records, public notices, written comments on the project and responses to those comments, proposed decisions and findings on the project, and other documents relating to the agency decision on the project. When making CEQA findings required by Public Resources Code Section 21081(a), a public agency shall specify the location and custodian of the documents or other material, which constitute the record of proceedings upon which

¹ The Proposed Action includes project elements that will require federal permits from the U.S. Army Corps of Engineers (USACE). As such, an Environmental Impact Statement (EIS) was also prepared for the Proposed Action. The USACE and LAHD prepared a joint Supplemental Environmental Impact Statement/Environmental Impact Report (SEIS/SEIR) in the interest of efficiency and to avoid duplication of effort. The USACE will consider certification and approval of the EIS separate from the Board of Harbor Commissioner's consideration of the EIR.

its decision is based. These records are in the care of the Director of Environmental Management, Los Angeles Harbor Department, 425 South Palos Verdes Street, San Pedro, California 90731.

The 2009 Draft SEIS/SEIR addressed the potential environmental effects of the proposed Project, and was circulated for public review and comment pursuant to the State CEQA Guidelines for a period of 45 days. Comments were received from a variety of public agencies, organizations, and individuals. The Final SEIS/SEIR contains copies of the following: all comments and recommendations received on the Draft SEIS/SEIR; a list of persons, organizations and public agencies commenting on the Draft SEIS/SEIR; responses to comments received during the public review; and revisions incorporated into the Final SEIS/SEIR since production of the Draft SEIS/SEIR.

I.1 Project Objectives

The Los Angeles Harbor Department operates the Port under legal mandates under the Port of Los Angeles Tidelands Trust (Los Angeles City Charter, Article VI, Sec. 601) and the Coastal Act (PRC Div 20 Section 30700 *et seq.*), which identify the Port and its facilities as a primary economic/coastal resource of the state and an essential element of the national maritime industry for promotion of commerce, navigation, fisheries and harbor operations. According to the Tidelands Trust, Port-related activities should be water-dependent and should give highest priority to navigation and shipping, as well as provide necessary support and access facilities for accommodating the demands of foreign and domestic waterborne commerce.

The overall purpose of the proposed Project is to complete the Channel Deepening Project and optimize beneficial use of the dredged material within the POLA by providing approximately 3.0 million cubic yards (mcy) of additional disposal capacity for the dredged material from the Channel Deepening Project. Additional disposal sites are needed because disposal sites developed for the approved Channel Deepening Project are inadequate for the total volume of sediments that require removal from the Main Channel and adjacent berth areas to complete the project. Since implementation of the original project, several changes to the project were required as a result of revised bathymetric data, the occurrence of shoaling and settlement of material, the need to dispose of surcharge, and the opportunity to remove and confine contaminated dredge material.

The primary objectives of the proposed Project are three-fold, as follows:

- Complete the Channel Deepening Project for dredging of navigation channels and berthing areas up to the depth of -53 feet MLLW;
- Provide disposal capacity for placement of approximately 3.0 mcy of remaining dredge materials; and
- Provide disposal capacity for placement of contaminated dredge materials unsuitable for open water disposal through construction of a Confined Disposal Facility (CDF).

I.2 Project Description

The USACE and the LAHD prepared a Final SEIS/SEIR to assess the environmental impacts of providing additional capacity for disposal of dredged material associated with completing the POLA Channel Deepening Project. The SEIS/SEIR is a supplement to the Channel Deepening Project SEIS/SEIR (2000) and addresses impacts related to the modifications required to complete disposal of dredged material from the authorized project. The scope of the proposed Project is to complete the

Channel Deepening Project to the depth of -53 feet mean lower low water (MLLW), as described in the SEIS/SEIR (2000).

The Final SEIS/SEIR was prepared in accordance with the requirements of NEPA (42 United States Code [U.S.C.] §§ 4341 et seq.), in conformance with the Council for Environmental Quality (CEQ) Regulations [40 C.F.R. §§ 1500 et seq.], and the USACE's regulations implementing NEPA [33 C.F.R. Part 230 and Part 325, Appendix B]. The document also fulfills the requirements of CEQA (California Public Resources Code [PRC] 21000 et seq.), and the State CEQA Guidelines (California Administrative Code [CAC] 15000 et seq.). The USACE is the NEPA lead agency and the LAHD is the CEQA lead agency for the proposed Project.

The project site is located at the southern end of the City of Los Angeles, and includes portions of the Los Angeles Inner and Outer Harbors within San Pedro Bay. The proposed Project was developed with a focus on using dredge material for port development and environmental enhancement. Use and development of the following disposal sites would occur under the proposed Project (which is referred to in the SEIS/SEIR as Alternative 1 of the Proposed Action): Berths 243-245; the Northwest Slip; Cabrillo Shallow Water Habitat (CSWH) Expansion; and Ocean Disposal Site LA-2.

Table II.2-1 provides a summary of all disposal sites that would be used under the proposed Project, which are described in further detail below.

Table II.2-1 Disposal Volume Summary	
Disposal Sites	Disposal Volume (mcy)
Berths 243-245 (a)	0.368 (b)
Northwest Slip	0.128 (b)
CSWH Expansion	1.700 (b)
ARSSS (a)	NA
Ocean Disposal Site LA-2	0.804
Total Volume	3.000
(a) Site would be used for material unsuitable for open water disposal. (b) Additional dredging of 0.090 mcy for Berths 243-245, 0.050 mcy for Northwest Slip, and 0.040 mcy for CSWH is required for trenching dike foundations and is not included in the volumes presented in this table. These volumes of material would be disposed in their respective disposal sites, thereby decreasing the amount of Channel Deepening Project material able to be accommodated by each disposal site. Therefore, a total of approximately 0.18 mcy would be available to be placed as surcharge on Berths 243-245.	

Berths 243-245. The Berths 243-245 disposal area consists of two open water slips which encompass approximately eight acres. This area currently contains contaminated sediments from past shipyard operations and will therefore include the creation of a Confined Disposal Facility (CDF), which would contain the existing contaminated materials as well as contaminated dredge material associated with completing the Channel Deepening Project. Table II.2-2 provides a summary of the sediments that would be disposed at the Berths 243-245 site.

Table II.2-2 Summary of Sediments Disposed at Berths 243-245	
Description of Sediment	Volume of Sediment Disposed (mcy)
Total volume of sediments from the Channel Deepening Project to be disposed at Berths 243-245	0.368
Volume of contaminated sediments disposed at Berths 243-245	0.080
Volume of uncontaminated sediments disposed at Berths 243-245	0.288
Volume of clean surcharge material used to cap the Berths 243-245 site (a)	0.18
Volume of sediments dredged from Northwest Slip, disposed at Berths 243-245 (b)	0.05
Volume of sediments dredged from CSWH, disposed at Berths 243-245 (b)	0.04
Volume of sediments from Berths 243-245, left in place at Berths 243-245	0.09
(a) This surcharge material would be placed on the completed CDF, resulting in an approximate elevation of +30 feet Mean Lower Low Water (MLLW). (b) Because dredging material required for these sites would be placed in its respective disposal site, a corresponding volume of dredge material from the Channel Deepening Project would be displaced.	

As noted in Table II.2-2, clean dredge material from the Channel Deepening Project would be placed as surcharge material on the completed CDF. Over time, this surcharge material would densify, or settle. The timeframe for densification of materials disposed at Berths 243-245 is not presently known; the surcharge material would remain in place until post-project geotechnical investigation and/or monitoring determines that the fill is fully consolidated. After the material has consolidated and the Port determines a use for the Berths 243-245 site, an appropriate CEQA document would be prepared prior to development of the site.

Northwest Slip. A new five-acre landfill would be constructed with approximately 0.128 mcy of dredge material from the Channel Deepening Project. Construction of a five-acre landfill at the Northwest Slip would allow realignment of the wharf roadway, thereby facilitating safer and more efficient truck and equipment movement. This area would also allow additional wheeled operations to occur for container movement instead of the less efficient Rubber Tired Gantry (RTG) operation.

Cabrillo Shallow Water Habitat (CSWH) Expansion. Approximately 1.700 mcy of dredge material would be used to raise the existing sea bottom, which ranges between -40 feet to -50 feet MLLW, up to a new elevation of -15 feet MLLW, thereby creating approximately 50 acres of shallow water habitat. This expansion of the CSWH would increase the value of habitat in the outer harbor area and would be credited towards the POLA mitigation bank. This contribution to the mitigation bank could be used to offset impacts of future Port landfill development projects.

Ocean Disposal LA-2. Based on present estimates, approximately 0.804 mcy of dredged material from the Channel Deepening Project would need to be disposed of after using the above disposal sites. This remaining material would be placed at the USEPA Ocean Disposal Site LA-2.

II. Environmental Impacts and CEQA Findings

This section provides a summary of the environmental effects of the proposed Project that are discussed in the Final SEIS/SEIR, and provides written findings for each of the significant effects, which are accompanied by a brief explanation of the rationale for each finding. As identified below, impacts of the proposed Project are presented in the following tables: Table II.1: Less than Significant Impacts with No Mitigation Required; Table II.2: Significant Impacts Mitigable to Less-than-Significant Level; and Table II.3: Significant and Unavoidable Impacts. Tables II.1 through II.3, as presented below, include identification of all applicable mitigation measures, which are also included in a Mitigation Monitoring Reporting Plan (MMRP), which has been prepared separately from these impact findings for the proposed Project.

In addition to the mitigation measures that have been required under or incorporated into the proposed Project, alternatives were addressed in the SEIS/SEIR in an effort to reduce significant environmental impacts associated with the proposed Project. All alternatives to the proposed Project and associated findings are discussed in Section III of this document.

Environmental Impacts of the Proposed Project

Less-Than-Significant Impacts Prior to Mitigation

The EIS/EIR concludes that all impacts of the proposed Project in the following environmental resource areas would be less-than-significant:

- *Aesthetics and Visual Resources*
- *Cultural Resources*
- *Geology*
- *Ground Transportation and Circulation*
- *Hazards and Hazardous Materials*
- *Marine Transportation*
- *Noise*
- *Recreation*
- *Public Services and Utilities*
- *Water Quality and Oceanography*

In addition, the EIS/EIR concludes that some, but not all, impacts of the proposed Project in following environmental resource areas would be less-than-significant:

- *Air Quality*
- *Biological Resources*
- *Land Use*
- *Noise*

Less-Than-Significant Impacts Following Mitigation

In addition, the EIS/EIR concludes that all significant impacts of the proposed Project in the following environmental resource areas would be less than significant after mitigation:

- *Biological Resources*
- *Land Use*
- *Noise*

Significant and Unavoidable Impacts

The EIS/EIR concludes that some, but not all, impacts of the proposed Project in the following environmental resource areas would remain significant and unavoidable despite imposition of all feasible mitigation:

- *Air Quality*

Less-Than-Significant Impacts Prior to Mitigation

The LAHD Board of Commissioners hereby finds that the following environmental impacts of the POLA Channel Deepening Project, as assessed in the 2009 Final SEIS/SIER, are less than significant without the implementation of mitigation measures. Under CEQA, no mitigation measures are required for impacts that are less than significant (14 Cal. Code Regs. § 15126.4(a)(3)). However, where the implementation of mitigation measure(s) would avoid or further reduce a project impact, such mitigation is identified and would be implemented. Table II.1 also identifies where the proposed Project would result in “no impact”, or where it has been determined that a potential impact would not occur.

Table II.1 Less than Significant Impacts with No Mitigation Required			
Impact Statement	Determination	Mitigation Measure(s)	Determination after Mitigation
<i>Aesthetics and Visuals Resources</i>			
AES-1: Have a significant demonstrable negative aesthetic effect.	Less than Significant	n/a	Less than Significant

Table II.1 Less than Significant Impacts with No Mitigation Required			
Impact Statement	Determination	Mitigation Measure(s)	Determination after Mitigation
AES-2: Significantly affect a recognized or valued view, scenic vista, or scenic highway.	Less than Significant	n/a	Less than Significant
AES-3: Create substantial negative shadow effects on nearby shadow-sensitive uses.	Less than Significant	n/a	Less than Significant
AES-4: Create significant light or glare.	Less than Significant	n/a	Less than Significant
<i>Air Quality</i>			
AQ-1: Conflict with or obstruct implementation of the 2007 Air Quality Management Plan (2007 AQMP).	Less than Significant	n/a	Less than Significant
AQ-4: Create objectionable odors at the nearest sensitive receptor.	Less than Significant	n/a	Less than Significant
AQ-5: Expose the public to significant levels of toxic air contaminants.	Less than Significant	n/a	Less than Significant
AQ-6: Produce GHG emissions that exceed the CEQA threshold.	Less than Significant	Although not required, the following mitigation measures would further reduce the potential for any environmental impact: <ul style="list-style-type: none"> • MM AQ-2.1: Construction Equipment Standards. • MM AQ-2.2: Fleet Modernization for On-Road Trucks. • MM AQ-2.3: Electrify Dredge Equipment. • MM AQ-2.4: Engine Standards for Harbor Craft Used In Construction. 	Less than Significant

Table II.1 Less than Significant Impacts with No Mitigation Required			
Impact Statement	Determination	Mitigation Measure(s)	Determination after Mitigation
<i>Biological Resources</i>			
BIO-1: Construction would affect individuals of or habitat for the California least tern and other special status species.	Less than Significant	Although not required, the following mitigation measures would further reduce the potential for any environmental impact: <ul style="list-style-type: none"> • MM BIO-1: Limit Turbidity Plume. • MM BIO-2: Least Tern Nesting Monitoring. • MM BIO-3: Protect Least Tern Nesting Sites. 	Less than Significant
BIO-3: Construction would interfere with any wildlife migration/movement corridors.	No Impact	n/a	No Impact
BIO-4: Construction would substantially disrupt local biological communities.	Less than Significant	n/a	Less than Significant
<i>Cultural Resources</i>			
CR-1: Construction would disturb, damage, or degrade paleontological resources.	No Impact	n/a	No Impact
CR-2: Construction would disturb, damage, or degrade archeological resources.	No Impact	n/a	No Impact
CR-3: Construction would adversely change significance of historical resource.	No Impact	n/a	No Impact
<i>Geology</i>			
GEO-1: Project would cause or accelerate geologic hazards to structures, infrastructure or people.	Less than Significant	n/a	Less than Significant
GEO-2: Project would cause or accelerate erosion and sedimentation not controlled on-site.	Less than Significant	n/a	Less than Significant
<i>Ground Transportation</i>			
TRANS-1: Short term impacts to streets during construction.	Less than Significant	n/a	Less than Significant
TRANS-2: Operation-related traffic would increase an intersection's V/C ratio.	Less than Significant	n/a	Less than Significant
TRANS-3: Project operations would result in a significant increase in related public transit use.	No Impact	n/a	No Impact
TRANS-4: Project operation operations would result in a significant increase in freeway congestion.	No Impact	n/a	No Impact

Table II.1 Less than Significant Impacts with No Mitigation Required			
Impact Statement	Determination	Mitigation Measure(s)	Determination after Mitigation
TRANS-5: Delays in regional traffic would not be caused by increased rail activity.	No Impact	n/a	No Impact
<i>Hazards and Hazardous Materials</i>			
HAZ-1: Compliance with applicable regulations and policies guiding development within the Port.	No Impact	n/a	No Impact
HAZ-2: Increase the probable frequency and severity of consequences to people from exposure to a health hazard.	Less than Significant	n/a	Less than Significant
HAZ-3: Substantially increase the probable frequency and severity of consequences to people or property from exposure to the health hazard as a result of a potential accidental release or explosion of a hazardous material.	No Impact	n/a	No Impact
HAZ-4: Construction or operation activities would substantially interfere with emergency response plans or emergency evacuation plans, thereby increasing risk of injury or death.	Less than Significant	n/a	Less than Significant
HAZ-5: Increase the frequency or severity of an accidental release or explosion of hazardous materials, thereby increasing risk of injury or death.	No Impact	n/a	No Impact
HAZ-6: Increased probability of an accidental spill as a result of a tsunami.	Less than Significant	n/a	Less than Significant
HAZ-7: A measurable increase in the probability of a terrorist attack, which would result in adverse consequences to the Proposed Action area and nearby areas.	No Impact	n/a	No Impact
<i>Land Use</i>			
LU-1: The project would be inconsistent with the adopted land use/density designation in the Community Plan, redevelopment plan, or specific plan for the site.	No Impact	n/a	No Impact
LU-2: The project would be inconsistent with the General Plan or adopted environmental goals or policies contained in other applicable plans.	No Impact	n/a	No Impact
LU-5: The project would result in secondary impacts to surrounding land uses.	No Impact	n/a	No Impact

Table II.1 Less than Significant Impacts with No Mitigation Required			
Impact Statement	Determination	Mitigation Measure(s)	Determination after Mitigation
<i>Marine Transportation</i>			
VT-1: Interfere with operation of designated vessel traffic lanes and impair the level of safety for vessels navigating the Main Channel, East Basin and West Basin areas, and Cerritos Channel.	Less than Significant	n/a	Less than Significant
<i>Noise</i>			
NOI-2: Construction noise exceeds nighttime and weekend ambient noise standard.	No Impact	n/a	No Impact
NOI-3: Operational would increase ambient noise by 3 dBA.	No Impact	n/a	No Impact
<i>Recreation</i>			
REC-1: Result in a demand for recreation and park services that exceeds the available resources.	No Impact	n/a	No Impact
REC-2: Result in a substantial loss or diminished quality of recreational, educational, visitor-oriented opportunities, facilities, or resources.	Less than Significant	n/a	Less than Significant
<i>Utilities</i>			
PS-1: Require or result in the construction or expansion of water, wastewater, or storm drain lines, which could cause significant environmental effects.	Less than Significant	n/a	Less than Significant
PS-2: Exceed existing water supply, wastewater, or landfill capacities.	Less than Significant	n/a	Less than Significant
PS-3: Require new, offsite energy supply and distribution infrastructure, or capacity-enhancing alterations to existing facilities that are not anticipated by adopted plans or programs.	Less than Significant	n/a	Less than Significant
<i>Water Quality</i>			
WQ-1: Project results in pollution, contamination or nuisance impacts.	Less than Significant	n/a	Less than Significant
WQ-2: Project causes a violation of water quality regulations.	Less than Significant	n/a	Less than Significant
WQ-3: Project results in short- or long-term erosion or sedimentation impacts.	Less than Significant	n/a	Less than Significant
WQ-4: Project results in changes to water currents (WQ-4)	Less than Significant	n/a	Less than Significant
WQ-5: Project substantially reduces the amount of surface water at the port.	Less than Significant	n/a	Less than Significant

Significant Impacts Mitigable to Less-than-Significant Level

The LAHD Board of Commissioners hereby finds that the following environmental impacts of the POLA Channel Deepening Project, as assessed in the 2009 Final SEIS/SEIR, are less than significant with implementation of mitigation measures.

Table II.2 Significant Impacts Mitigable to Less-than-Significant Level			
Impact Statement	Determination	Mitigation Measure(s)	Determination after Mitigation
<i>Air Quality</i>			
AQ-2: Exceed a SCAQMD daily threshold of significance for construction emissions (2007 AQMP)	Significant and Unavoidable	<ul style="list-style-type: none"> • MM AQ-2.1: Construction Equipment Standards. • MM AQ-2.2: Fleet Modernization for On-Road Trucks. • MM AQ-2.3: Electrify Dredge Equipment. • MM AQ-2.4: Engine Standards for Harbor Craft Used In Construction. • MM AQ-2.5: Additional Fugitive Dust Control. • MM AQ-2.6: Additional Best Management Practices (BMPs). 	Less than Significant
<i>Biological Resources</i>			
BIO-2: Construction would result in a substantial reduction or alteration of a state-, federally-, or locally-designated natural habitat, special aquatic site, or plant community.	Significant	MM BIO-4: Transplant Pickleweed.	Less than Significant
BIO-5: Construction would result in the permanent loss of marine habitat.	Significant	MM BIO-5: Apply Mitigation Credits.	Less than Significant
<i>Land Use</i>			
LU-3: The project would substantially affect the types and/or extent of existing land uses in the project area.	Significant	<ul style="list-style-type: none"> • MM LU-1: Provide advance notification of dredging and disposal operations to affected Port leaseholders. Provide the name and contact information of a Port-employed representative to report conflicts. • MM LU-2: Provide affected Port leaseholders with reasonable alternative sites for their operations for the duration of disposal activities. Ensure relocation of displaced leaseholders to their pre-disposal locations following 	Less than Significant

Table II.2 Significant Impacts Mitigable to Less-than-Significant Level			
Impact Statement	Determination	Mitigation Measure(s)	Determination after Mitigation
		completion of construction.	
LU-4: The project would disrupt, divide or isolate existing neighborhoods, communities, or land uses.	Significant	MM LU-1 – MM LU-2 (please see above)	Less than Significant
<i>Noise</i>			
NOI-1: Construction noise would exceed existing ambient noise by 5 dBA or more at a noise-sensitive use.	Significant	MM NOI-1: Temporary Construction Noise Control.	Less than Significant

Significant and Unavoidable Environmental Impacts

The LAHD Board of Commissioners hereby finds that the following environmental impacts of the POLA Channel Deepening Project, as assessed in the 2009 Final SEIS/SEIR, are significant and unavoidable. Mitigation measures have been identified where such measures would serve a purpose in reducing the magnitude of Project impacts, although such magnitude would not be reduced to a less-than-significant level.

Table II.3 Significant and Unavoidable Impacts			
Impact Statement	Determination	Mitigation Measure(s)	Determination after Mitigation
<i>Air Quality</i>			
AQ-3: Contribute to an existing or projected air quality standard violation.	Significant and Unavoidable	MM AQ-2.1 – MM AQ-2.5 (please see above)	Significant and Unavoidable

The following section (II.1: Significant Environmental Impacts that are Reduced to a Less-than-Significant Level by Mitigation Measures Required in or Incorporated into the Project) provides a discussion of impacts associated with construction and/or implementation of the proposed Project which would be significant without the application of mitigation measures. As discussed, mitigation is introduced where applicable and feasible to reduce these impacts to a less-than-significant level.

II.1 Significant Environmental Impacts that are Reduced to a Less-Than-Significant Level by Mitigation Measures Required in or Incorporated into the Project

Attachment 1 contains a list of comments received on the Draft EIS/EIR that contain suggested mitigation measures and/or alternatives suggested to reduce or further reduce significant impacts. The discussion below refers to Attachment 1 and indicates whether the proposed mitigation measure and/or alternative has been added to the Final EIR and/or required in, or incorporated into, the Project. The Board has determined that certain proposed mitigation measures and/or alternatives are infeasible in light of specific economic, legal, social, technological, and other considerations and, therefore, have not been required in, or incorporated into, the Project. The evidence of such infeasibility is explained below within the discussions of the significant impacts for which the measures and/or alternatives were suggested. The Board hereby finds that the significant impacts of the proposed Project described below would be reduced to less-than-significant levels through the implementation of mitigation measures identified in the Final SEIS/SEIR, as presented below. The Final SEIS/SEIR determined that mitigable impacts occur in the following environmental issue areas: Biological Resources, Land Use, and Noise. The proposed Project's significant impacts and the mitigation measures that will reduce them to less-than-significant levels are as follows.

Biological Resources

As discussed in Section 3.3 of the SEIS/SEIR, there would be two significant impacts to Biological Resources that would be reduced to less-than-significant levels as a result of environmental commitments and mitigation measures included under the proposed Project. These impacts and mitigation measures are discussed below.

Impact BIO-2: Substantial reduction or alteration of a state-, federally-, or locally-designated natural habitat, special aquatic site, or plant community.

Natural habitats, special aquatic sites, and plant communities such as wetlands that could be affected by the proposed Project include: eelgrass beds, pickleweed, Essential Fish Habitat (EFH), SEAs, kelp beds, and mud flats.

Eelgrass Beds. Eelgrass beds are not present in or near the Northwest Slip, Berths 243-245, or the Ocean Disposal Site LA-2. At the CSWH Expansion Area, turbidity caused by fill and containment dike placement as well as deposition of suspended sediment on the plant surfaces could affect eelgrass by reducing light penetration and photosynthesis by the plants. The extent and duration of such effects would depend on water currents at the time of the work.

Pickleweed. The 0.042-acre (0.017-ha) area of pickleweed in Northwest Slip between the existing abandoned wharf and the shoreline would be permanently lost as a result of wharf demolition and fill placement.

Essential Fish Habitat. Construction of a CDF at Berths 243-245 would include demolishing the existing structures (i.e., wharves) in the water, dredging for the containment dike foundation, and filling in the Berths 243-245 disposal area. Construction of the landfill in Northwest Slip would

include demolishing the existing structures (i.e., wharves) in the water, dredging for the containment dike foundation, and placing dredged material behind the dike. Temporary effects of these activities would be similar to those for the Berths 243-245 disposal site. A permanent loss of 4.8 acres (1.9 ha) of EFH would result from filling activities at the Northwest Slip site. However, FMP species are not expected to be present in the Northwest Slip area.

Construction of the CSWH Expansion Area would result in temporary effects on EFH that would be similar to those for the Berths 243-245 disposal site. Dredging for the containment dike foundation would cause temporary disturbances to EFH in the Outer Harbor, and fish would either remain in the work area or temporarily move to other areas of the Harbor. Expansion of the CSWH by up to 50.0 acres (20.2 ha) would result in disturbances and turbidity for nearly a year. EFH in the Outer Harbor would be changed from deep water to shallow water less than -20 feet MLLW. The FMP species that use deep water in the Outer Harbor are primarily northern anchovy and Pacific sardine. Shallow waters of the Outer Harbor are used by ten FMP species with northern anchovy being the most common.

SEAs and Other Natural Habitats. The only SEA in the project area is the California least tern nesting site on Pier 400, which would not be affected by the proposed Project. Other natural habitats in the Harbor include kelp beds, which could be removed during construction of the CSWH Expansion Area. Turbidity during fill placement at the CSWH Expansion Area could affect remaining kelp plants by reducing light penetration in the water column and settling of fine particulates on the kelp blades. Turbidity and settling effects would be of short duration as the filling activity moved away from the remaining existing kelp. The new containment dike for the fill at the CSWH Expansion Area would provide habitat for colonization by the kelp. The amount of kelp affected would be small, and these plants do not form dense beds that provide important habitat for other marine organisms. Colonization of the new dike at the CSWH Expansion Area would replace the plants lost.

One mudflat is present in the Main Channel of Los Angeles Harbor at Berth 78. Construction activities for the CDF at Berths 243-245, approximately 2,100 feet (640 m) from the mudflat, would result in temporary increases in turbidity in the Main Channel that would not adversely affect this mudflat.

Finding

Findings regarding impacts of the proposed Project that would affect natural habitats, special aquatic sites, and plant communities are as follows:

Eelgrass beds. Construction of the proposed Project would not result in significant or long-term impacts to existing eelgrass beds and would therefore have no impact to eelgrass beds.

Pickleweed. Permanent loss of 0.042 acre (0.017 ha) of pickleweed from construction of the proposed Project would have no significant ecological effects due to the small amount and fragmented distribution of the plants in this area; however, because this is a plant community of special concern and a wetland, impacts are considered locally significant, but feasibly mitigated.

Essential Fish Habitat. In addition, construction of the proposed Project would result in the permanent loss of 4.8 acres (1.9 ha) and 7.6 acres (3.1 ha) of EFH at the Northwest Slip and Berths 243-245 disposal sites, respectively, for a total loss of 12.4 acres (5.0 ha). This loss of EFH does not represent a substantial portion of EFH currently existing in the Harbor, and the

Northwest Slip and Berths 243-245 areas provide only low quality habitat for FMP species; however, this loss of marine habitat is considered significant and would require the implementation of mitigation measures presented below. Additionally, the Corps and LAHD would initiate consultation with the NOAA Fisheries for placement fill at these locations.

SEAs and Other Natural Habitats. Although kelp beds in the Harbor would be temporarily affected by construction of the CSWH Expansion Area, these small beds would recover and impacts would be less than significant. Impacts to mudflats would be minor and less than significant, particularly due to turbidity control required by existing Port WDRs.

The Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. The Board adopts the following mitigation measures to mitigate the impacts of the Project on pickleweed and essential fish habitat:

MM BIO-4: Transplant Pickleweed.

Pickleweed in areas to be filled at the Northwest Slip shall be salvaged prior to filling and replanted at a 1:1 mitigation ratio in suitable habitat in the harbor or off site. A final mitigation plan consistent with USACE habitat mitigation and monitoring guidelines will be prepared prior to permit issuance and the Record of Decision for the Proposed Action.

MM BIO-4. 5. Apply Mitigation Credits.

The POLA shall offset the loss of marine habitat from Berths 243-245 disposal site and Northwest Slip site by using existing mitigation credits from the Bolsa Chica Mitigation Bank, in accordance with provisions of the Memorandum of Agreement (MOA) governing its use. The loss of 12.4 acres (5.0 ha) of Inner Harbor habitat from Berths 243-245 and the Northwest Slip would require 6.2 credits (acres) (calculated at 0.5 credits per acre of Inner Harbor habitat lost) from that bank.

Rationale for Finding

The actions described above in MM BIO-4 and MM BIO-5 would reduce potential impacts of the proposed Project that would affect a state-, federally-, or locally-designated natural habitat, special aquatic site, or plant community to less-than-significant levels. Specifically, MM BIO-4 would relocate the affected pickleweed to a suitable habitat and MM BIO-5 would offset the loss of habitat through mitigation credits.

Public Comment

As shown in Attachment 1, one comment was received requesting additional mitigation for impacts to biological resources at the Northwest Slip (LACDRP-2). The suggested mitigation measure of preserving the salt marsh at this location is not feasible because the area is not open or easily accessible to the public, is surrounded by industrial uses, and is needed for development for Port operations. However, additional impact analysis has been included in the Final SEIS/SEIR which resulted in recommendation of MM BIO-4 as described above, which would relocate the affected pickleweed to a suitable habitat.

Impact BIO-5: Permanent loss of marine habitat from the Berths 243-245 and the Northwest Slip fill.

Impact BIO-5 would occur as a result of project features that permanently convert existing marine habitat. As discussed in the Final SEIS/SIER for the proposed Project, such project components would occur at the Berths 243-245 disposal site and the Northwest Slip fill site.

Construction of the CDF at Berths 243-245 and the new land area at the Northwest Slip would result in a loss of 12.4 acres (5.0 ha) of marine habitat. No net loss of marine habitat (as measured by surface water area) would result from conversion of deep water habitat to shallow water habitat within the CSWH Expansion Area, resulting in some water column habitat loss.

Finding

Loss of marine habitat at Berths 243-245 and the Northwest Slip sites would be a significant impact prior to mitigation. Long-term impacts associated with loss of water column habitat would be less than significant because the new shallow water would support more FMP species than the existing deep water. Therefore, mitigation is not required for water column habitat loss; however, mitigation has been introduced for project effects at Berths 243-245 and the Northwest Slip sites.

The loss of marine habitat would be mitigated through use of credits available from one of POLA's three mitigation banks. The use of these banks is governed by Memoranda of Agreement among POLA, USFWS, NOAA Fisheries, CDFG, and, in the case of the Bolsa Chica Bank, POLB, California Resources Agency, California State Lands Commission, California Coastal Conservancy, U.S. EPA, and USACE. Credits in the Inner Harbor Bank may only be used to mitigate for loss of Inner Harbor marine habitat at a ratio of 1 credit per 1 acre of habitat loss. 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: 0.5 mitigation credit; 1 acre deep Outer Harbor habitat: 1 mitigation credit; 1 acre shallow Outer Harbor habitat: 1.5 mitigation credits. Loss of habitat is calculated at the +4.8 feet MLLW level and is inclusive of all substrate types (soft, rocky, etc.).

The Board hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. The Board adopts the following mitigation measure to mitigate the impacts of the Project on loss of marine habitat:

MM-BIO-5 Apply Mitigation Credits.

The POLA shall offset the loss of marine habitat from the Berths 243-245 disposal site and Northwest Slip site by using existing mitigation credits from the Bolsa Chica Mitigation Bank, in accordance with provisions of the Memorandum of Agreement (MOA) governing its use. The loss of 12.4 acres (5.0 ha) of Inner Harbor habitat from Berths 243-245 and the Northwest Slip would require 6.2 credits (acres) (calculated at 0.5 credits per acre of Inner Harbor habitat lost) from that bank.

Rationale for Finding

The application of mitigation credits described above in MM BIO-5 would reduce the loss of habitat at Berths 243-245 and the Northwest Slip fill disposal areas to a less-than-significant

level. Mitigation credits from past habitat restoration projects that are available to offset impacts of the Channel Deepening Project and other projects in the Harbor are listed below, in Table II.2-2. The Port has approximately 6 Inner Harbor credits in its mitigation banks and 155 credits in the Bolsa Chica and Outer Harbor banks. The latter banks would supply 310 Inner Harbor credits (212 + 98 in last column of Table II.2-1).

Table II.2-1 Mitigation Available for Channel Deepening Project				
Mitigation Bank	Credits Available¹	Value in Deep Outer Harbor²	Value in Shallow Outer Harbor²	Value in Inner Harbor Slips²
Bolsa Chica Bank	106	106	71	212
Outer Harbor Bank	49	49	33	98
Inner Harbor Bank ³	6	NA	NA	6
TOTAL	161	155	103	316
¹ Approximately 67 credits, to be confirmed from as-built drawings, need to be debited for completed projects leaving about 88 available for new projects. ² Value of credits is 1/1 for Outer Harbor deep habitat, 1/1.5 for Outer Harbor shallow habitat, and 1/0.5 for Inner Harbor ³ NA = not applicable; Inner Harbor Bank credits not available.				

Table II.2-2 shows the mitigation credits that have been committed for projects and those that would be required for upcoming projects, including the proposed Project, for a total of 59.85 credits. The proposed Project would require approximately 6.2 acres (2.5 ha) of mitigation in Inner Harbor credits.

Table II.2-2 Estimated Credits for Committed and Upcoming Port Projects	
Projects	Credits¹
Committed Mitigation Credits²	
Channel Deepening, 2000	
Berths 100-109 (China Shipping)	-21.5
Pier 300 A	-71.5
Cabrillo SWH Expansion A	27.0
Cabrillo Phase II ³	1.7
<i>Subtotal</i>	-64.3
Upcoming Projects^{1,4}	
Channel Deepening Additional Disposal, Alt 1	
Cabrillo SWH Expansion B	25
Berth 243-245 (Southwest Marine)	-3.8
Northwest Slip Sliver	-2.4
Berth 136-147 (TraPac)	-4.75
Berth 121-131 (Yang Ming)	-14.0
San Pedro Waterfront	4.4
<i>Subtotal</i>	4.45

Table II.2-2 Estimated Credits for Committed and Upcoming Port Projects	
Projects	Credits¹
Total Credits Required	-59.85
¹ Estimated number of credits required, relative to Deep Outer Harbor credits. ² Committed credits from approved environmental documents. Elements may have been completed but not yet added or debited from mitigation bank. ³ The original, approved project required a debit of 1.2 credits, however, an addendum to the project currently being assessed will change project such that a net 3.4 acres of open water will be created in the inner harbor, which may result in an additional 1.7 credits to the Outer Harbor mitigation bank. ⁴ Projects with cuts or fills that are expected to be assessed in the next 1-2 years, including elements in the Channel Deepening Project	

Tables II.2-1 and II.2-2 indicate that ample credits are available to cover those needed for implementation of the proposed Project, as described in MM BIO-5.

Land Use

As discussed in Section 3.8 of the SEIS/SEIR, there would be two significant impacts to Land Use that would be reduced to a less-than-significant level as a result of mitigation measures required in, or incorporated into, the proposed Project. This impact and associated mitigation are discussed below.

Impact LU-3: The project would substantially affect the types and/or extent of existing land uses in the project area.

Impact LU-3 would have the potential to occur at each of the disposal sites included under the proposed Project, with the exception of Ocean Disposal Site LA-2. Although disposal activities would periodically restrict or preclude vessel use of the area surrounding LA-2, these restrictions would be short-term in nature. In addition, proposed disposal activities at LA-2 would be consistent with the site's existing and approved uses. The other disposal sites where Impact LU-3 could occur are described below.

Berths 243-245. Construction activities at the Berths 243-245 disposal site would result in some short-term impacts, such as increased noise and air emissions. However, the site itself is currently vacant and land uses surrounding the site are primarily dedicated to commercial shipping and industrial uses.

Northwest Slip. During construction of the Northwest Slip site, water-based activities and operations at Berths 134 and 135 would be discontinued and water-based activities and operations associated with Berths 129 through 130 would be significantly restricted. Vessel access to and within the West Basin would also be restricted due to construction-related vessels and equipment, which may affect activities and operations of Berths 126 through 128, 136 through 139, and 142 through 147.

CSWH Expansion Area. The CSWH Expansion Area is located in and adjacent to areas of the Port that are primarily used for vessel movement and marine-oriented recreational uses. During

construction, access to these areas would be restricted or prohibited, thereby precluding their use by recreational users.

Finding

Berths 243-245. No substantial conflicts with, or restrictions on, these uses would occur during construction. Therefore, during construction the site and its surrounding areas and uses would not be substantially affected.

Northwest Slip. Land use preclusions and restrictions at the Northwest Slip site could result in significant conflicts with existing land uses and activities. The timing and volume of berth-specific cargo imports and exports would be expected to require modification, as would the onshore activities and operations that support them. Mitigation Measures LU-1 and LU-2 would minimize these potential impacts to a less-than-significant level.

CSWH Expansion Area. Construction activities at the CSWH Expansion Area would affect no more than 6.5 acres of the 326-acre site at any given time, therefore approximately 319 acres in the immediate vicinity of construction would be available for use by recreational vessels and water-based uses within and adjacent to the sites would not be substantially affected.

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Final SEIS/SEIR. The Board adopts Mitigation Measures LU-1 and LU-2, presented below, to mitigate these impacts:

MM LU-1.

The Port shall provide a minimum of 60 days advance notice of any construction-related activities to leaseholders directly affected by, or in close proximity to, construction of the Northwest Slip. The Port shall respond to the complaints or concerns of affected parties within a 72-hour period.

MM LU-2.

At least 60 days prior to the start of construction, the Port shall identify and make available reasonable alternative sites and facilities to affected leaseholders whose operations and uses are directly displaced by construction-related activities. The Port shall ensure that within 30 days of the completion of construction, affected leaseholders are provided with the option to return to their pre-construction Port locations.

Implementation of MM LU-1 would provide pre-construction notification and procedures for conflict resolution to affected lease holders. These administrative activities would not result in residual impacts. Implementation of MM LU-2 would relocate affected lease holders within the West Basin to other areas of the Port during construction. However, it is anticipated that the Port would relocate affected leaseholders to areas of the Port that are vacant at the time of construction, and that the operations and activities of the leaseholders would be consistent with surrounding land uses. Therefore, no residual impacts would be anticipated to occur.

Rationale for Finding

Implementation of MM LU-1 would provide pre-construction notification and procedures for conflict resolution to affected lease holders. These administrative activities would not result in residual impacts. Implementation of MM LU-2 would relocate affected lease holders within the West Basin to other areas of the Port during construction. However, it is anticipated that the Port would relocate affected leaseholders to areas of the Port that are vacant at the time of construction, and that the operations and activities of the leaseholders would be consistent with surrounding land uses. Therefore, no residual impacts would be anticipated to occur.

Impact LU-4: The project would disrupt, divide or isolate existing neighborhoods, communities, or land uses.

Berths 243-245. Access to and within the Berths 243-245 and its surrounding areas would be temporarily restricted or precluded during construction, both onshore and from the Port's Main Channel. However, the site itself is currently vacant, and is not within or in close proximity to any existing neighborhoods or communities.

Northwest Slip. There are no existing residential neighborhoods or communities within or in close proximity to the Northwest Slip. However, during construction, water-based activities and operations at Berths 134 and 135 would be discontinued and water-based activities and operations associated with Berths 129 through 130 would be substantially restricted. Vessel access to and within the West Basin would also be restricted due to construction-related vessels and equipment, which may affect activities and operations of Berths 126 through 128, 136 through 139, and 142 through 147.

CSWH Expansion Area. There are no existing residential neighborhoods or communities within or in close proximity to the CSWH Expansion Area. During construction, access to the waters contained within, and adjacent to, this site would be restricted or prohibited, thereby impeding recreational uses of the area. Additionally, increases in construction-related water turbidity could reduce fishing opportunities and the quality of swimming and water play activities along Cabrillo Beach and the Cabrillo Beach Fishing Pier.

LA-2. There are no existing neighborhoods or communities located within or in close proximity to LA-2; consequently, disposal activities at this location would not affect any neighborhoods or communities. Existing uses in and surrounding the site include offshore sediment disposal, maritime vessel traffic, and recreation.

Finding

Berths 243-245. Localized access restrictions and preclusions would be temporary in nature, and would not be anticipated to significantly impede daily activities within the area. Therefore, no significant conflicts with existing land uses would occur during construction, and no existing neighborhoods or communities would be affected.

Northwest Slip. Land use preclusions and restrictions at the Northwest Slip could result in significant conflicts with existing land uses and their respective intensities. Implementation of MM LU-1 and LU-2 would minimize potential impacts associated with restricting or precluding existing uses of the area to a less-than-significant level. Please see the full descriptions of MM LU-1 and LU-2 above, under the discussion for Impact LU-3.

CSWH Expansion Area. Due to the temporary nature of construction-related activities at the CSWH Expansion Area, disposal activities would not substantially disrupt the recreational uses of the area.

LA-2. Proposed disposal activities at this site would not change or modify the intensity of existing uses; the proposed Project would not disrupt, divide, or isolate existing neighborhoods, communities or land uses.

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Final SEIS/SEIR. The Board adopts Mitigation Measures LU-1 and LU-2, presented above, to mitigate these impacts.

Rationale for Finding

Implementation of Mitigation Measures LU-1 and MM LU-2 would reduce Impact LU-4 to a less-than-significant level. Implementation of MM LU-1 would provide pre-construction notification and procedures for conflict resolution to affected leaseholders. These administrative activities would not result in residual impacts. Implementation of MM LU-2 would relocate affected leaseholders to other areas of the Port during construction. However, it is anticipated that the Port would relocate affected leaseholders to areas of the Port that are vacant at the time of construction, and that the operations and activities of the leaseholders would be consistent with surrounding land uses. Therefore, no residual impacts would be anticipated to occur.

Noise

As discussed in Section 3.10 of the SEIS/SEIR, there would be one significant Noise impact that would be mitigated to a less-than-significant level as a result of mitigation measures incorporated into the proposed Project. The impact and mitigation measures are discussed below.

Impact NOI-1: Construction noise would exceed existing ambient noise by 5 dBA or more at a noise-sensitive use.

Noise from Project-related construction activities at each proposed sediment disposal site would have the potential to exceed the 5 dBA exterior noise significance threshold to result in significant noise impacts.

Berths 243-245. The sensitive noise receptor located closest to the Berths 243-245 disposal site is Fire Station No. 111, which is located approximately 500 to 800 feet east of the project area. Noise levels at the fire station resulting from proposed construction and sediment disposal operations at the Berths 243-245 disposal site would range between 62 and 73 dBA Leq. The construction operations resulting in the highest noise levels at the fire station would be the demolition of existing boat docks (73 dBA Leq) and during the disposal of dredged sediment (72 dBA Leq). These operations would result in the highest noise levels at the fire station because they could occur at a minimum distance of 500 feet, while other project-related activities would occur at a distance of at least 800 feet from the fire station. Other sensitive receptors in the vicinity of the Berths 243-245 disposal site are liveaboards at the Al Larson Marina, which is an average distance of approximately 1,300 feet northeast of the project site. Construction activities at Berths 243-245 would result in peak noise levels of approximately 63-64 dBA at the marina.

Northwest Slip. The sensitive noise receptors located closest to the Northwest Slip project area are residences along “C” Street in the City of Wilmington, a minimum distance of approximately 1,500 feet north of the project area. Noise levels in the residential neighborhood resulting from proposed construction and sediment disposal operations at the Northwest Slip project site would range between 57 and 64 dBA Leq, which are below the existing 71 dBA Ldn ambient noise levels in the neighborhood.

CSWH Expansion Area. The sensitive noise receptor located closest to the CSWH Expansion Area is Fire Station No. 110, which is located approximately 1,200 feet north of the project site. Noise levels at the fire station resulting from proposed construction and sediment disposal operations at the CSWH Expansion Area would vary between 62 and 63 dBA Leq.

LA-2. The LA-2 is an offshore disposal site, and no construction-related operations would be required for its use under the proposed Project. The two barge trips per day that required to transport 0.804 mcyl of sediment to the offshore site would be minimal compared to existing Port-related vessel traffic and would not substantially increase existing ambient noise levels within the port. Therefore, the use of this site would not exceed an adopted significance threshold for construction noise.

Finding

Berths 243-245. The short-term increase in ambient noise levels resulting from proposed demolition and sediment disposal operations would range between nine (9) and 10 dBA. This increase in ambient noise conditions would exceed the five dBA significance threshold and would result in a significant impact.

Northwest Slip. Construction-related noise levels would also not exceed the short-term 65 dBA Leq noise levels that were measured in the “C” Street neighborhood and would not result in a significant impact.

CSWH Expansion Area. These noise levels would be substantially below the existing ambient noise level of 70 dBA at the fire station and would not exceed an adopted significance threshold for construction noise and would not result in a significant impact.

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Final SEIS/SEIR. The Board adopts the following mitigation measures to mitigate this impact:

MM NOI-1: Temporary Construction Noise Control.

The Port shall require that the following noise control measures be provided prior to start of proposed demolition and sediment disposal operations at the Berths 243-245 disposal site, and that the measures be implemented throughout proposed demolition and sediment disposal operations.

- *A temporary solid fence or similar barrier at least eight feet in height shall be provided between the construction site and Fire Station No. 111 to minimize short-term, construction-related noise impacts. The noise barrier shall be constructed of one half inch-thick plywood (or other material of comparable thickness) and there shall be no gaps in the barrier. The barrier shall be placed as close to the construction site as possible.*

- *Construction material, equipment and vehicle staging areas shall be located as far from Fire Station No. 111 as practicable.*
- *Portable or stationary equipment, such as but not limited to generators, air compressors and saws, shall be located as far from Fire Station No. 111 as practicable.*
- *All construction equipment shall be maintained with engine covers, shields, mufflers and screening as provided by the manufacturer.*

Rationale for Finding

Implementation of Mitigation Measures NOI-1 (Temporary Construction Noise Control) would ensure that construction noise exceeding ambient noise by 5 dBA or more at sensitive receptor location(s) would not result in a significant impact. As a result of the construction noise control measures required by Mitigation Measure NOI-1, noise levels resulting from proposed construction activities and disposal operations at the Northwest Slip, CSWH Expansion Area, and LA-2 would result in less than significant impacts at the closest sensitive receptor locations. Mitigation Measure NOI-1 would also be implemented to ensure that impacts remain less than significant at the Berths 243-245 site.

In addition to Section II.1, the following section (II.2: Less than Significant Environmental Impacts that remain a Less-than-Significant Level by Mitigation Measures Required in or Incorporated into the Project) provides a discussion of impacts associated with construction and/or implementation of the proposed Project which would be less than significant prior to mitigation but mitigation was added to further ensure potential impacts are minimized.

II. 2 Less Than Significant Environmental Impacts For Which the Port Will Adopt Mitigation Measures to Further Reduce the Impact

All impacts in the following resource areas were found to be less than significant prior to mitigation. However, mitigation was identified for some or all less-than-significant impacts in these areas, to further reduce the potential for impacts to the environment.

Air Quality and Meteorology

As discussed in Section 3.2 of the SEIS/SEIR, there would be two impacts and Meteorology that would be less than significant with no mitigation required; however, mitigation measures may be applied where such efforts would further reduce or avoid the identified impacts.

Impact AQ-2: Proposed Project construction activities would produce emissions that would not exceed SCAQMD emission significance thresholds.

The main sources of emissions associated with construction activities from the proposed Project include the following:

- (1) Tugboats that deliver dike rock and transport dredge sediments;
- (2) Barge equipment used to place rip-rap; and
- (3) Equipment used to handle surcharge.

In order to determine the significance of proposed emissions based upon criterion Impact AQ-2, the analysis identified a peak day of emissions from the proposed Project for comparison to the SCAQMD daily emission thresholds. Daily emissions were estimated for each construction activity and then matched to the construction schedule for each project activity to identify the day of peak emissions. The proposed Project would generate peak daily emissions from the simultaneous occurrence of: (1) quarry run placement during dike construction at the CSWH, (2) quarry run placement during dike construction at the Berths 243-245 disposal site, and (3) trench excavation at the NW Slip Sliver.

Table II.3-1, presented below, includes estimates of daily unmitigated emissions that would occur from each construction activity associated with the proposed Project, as well as the peak daily emissions produced by project activities. Emissions from the proposed Project are compared to the 2004 Baseline emissions to determine significance. These data show that NO_x emissions from most of the proposed activities would exceed the daily SCAQMD NO_x threshold of 100 pounds. However, Table II.3-1 shows that the net change in unmitigated peak daily emissions between project construction activities and the baseline activities would not exceed the SCAQMD daily threshold for NO_x. All other resulting emissions between the two scenarios would not exceed a SCAQMD daily emission threshold.

Table II.3-1 Daily Unmitigated Emissions from Construction Activities						
Location/Activity	EMISSIONS (POUNDS PER DAY) (1)					
	VOC	CO	NO_x	SO_x	PM10	PM2.5
Northwest Slip						
Demolition	25	93	266	0	11	10
Trench Excavation	32	122	371	0	11	11
Dike Construction Quarry Run Placement	18	133	568	0	16	15
Dike Construction Armor Stone Placement	18	133	568	0	16	15
Coarse Grain Dredging and Transport – Clamshell	33	125	388	1	12	11
Berths 243-245						
Demolition	25	92	264	0	11	10
Trench Excavation	32	122	371	0	11	11
Dike Construction Quarry Run Placement	17	124	529	0	15	14
Dike Construction Armor Stone Placement	17	119	509	0	14	13
Contaminated Sediment Dredging and Transport	16	63	193	0	6	6
Coarse Grain Dredging and Transport - Clamshell	33	125	388	1	12	11
CSWH Expansion						
Trench Excavation	32	122	371	0	11	11
Dike Construction Quarry Run Placement	17	119	509	0	14	14
Fine Grain Dredging and Transport - Hydraulic	7	42	173	0	5	5
Unload Surcharge	22	80	243	0	8	7
LA-2						
Fine Grain Dredging and Transport - Clamshell	25	117	413	0	12	12
SW Slip Surcharge						

Table II.3-1 Daily Unmitigated Emissions from Construction Activities						
Location/Activity	EMISSIONS (POUNDS PER DAY) (1)					
	VOC	CO	NOx	SOx	PM10	PM2.5
Surcharge Loading at SW Slip	41	146	424	0	16	14
Transport of Surcharge Material	0	3	11	0	0	0
Project Peak Daily Emissions – Unmitigated (2)	66	365	1,409	1	40	40
2004 CEQA Baseline Peak Daily Emissions	68	383	1,556	99	47	43
Net Project Peak Daily Unmitigated Emissions (3)	(2)	(18)	(146)	(99)	(7)	(7)
SCAQMD Daily Significance Thresholds	75	550	100	150	150	55
(1) Bolded data represent significant emissions from an activity or the peak day that would exceed a SCAQMD daily threshold. (2) Peak daily emissions due to the simultaneous occurrence of (a) dike construction quarry run placement at the Northwest Slip, (b) dike construction quarry run placement at the Berths 243-245, and (c) trench excavation at the NW Slip. (3) Equal to Project peak daily emissions minus 2004 CEQA Baseline peak daily emissions.						

Finding

Construction activities associated with the proposed Project would produce emissions that would exceed the SCAQMD daily threshold for NOx. As a result, the proposed Project would produce significant levels of NOx emissions. It should be noted that the incremental changes in air quality that would occur as a result of Project construction activities would not be significant, but for the purposes of conservatively evaluating Project impacts, this impact assessment assumed a peak day of emissions wherein multiple construction activities would occur simultaneously. When compared to the baseline, emissions from Alternative 1 construction activities would not produce emissions that would exceed the SCAQMD daily thresholds for any emissions. Therefore, impacts would be less than significant.

The following are the applicable and feasible POLA Sustainable Construction Guidelines that the proposed Project would implement to reduce criteria pollutant emissions from proposed construction equipment and activities. There are no other feasible measures that would further reduce criteria pollutant emissions from construction of the proposed Project.

MM AQ-2.1: Construction Equipment Standards.

Prior to and including December 31, 2011, all on-site mobile diesel-powered construction equipment greater than 50 Hp, except derrick barges and marine vessels shall meet the Tier 2 emission standards as defined in the USEPA Nonroad Diesel Engine Rule (USEPA 1998). In addition, all construction equipment greater than 50 Hp shall be retrofitted with a CARB-certified Level 3 diesel emissions control device.

From January 1, 2012 through December 31, 2014, all off-road diesel-powered construction equipment greater than 50 Hp shall meet Tier-3 emission nonroad emission standards, at a minimum and shall be retrofitted with a CARB-certified Level 3 diesel emissions control device.

From January 1, 2015 on all off-road diesel-powered construction equipment greater than 50 Hp shall meet Tier 4 emission nonroad emission standards, at a minimum.

This mitigation measure shall be met, unless one of the following circumstances exists and the contractor is able to provide proof that any of these circumstances exists:

- *A piece of specialized equipment is unavailable in a controlled form, or within the required Tier level, within the state of California, including through a leasing agreement.*
- *A contractor has applied for necessary incentive funds to put controls on a piece of uncontrolled equipment planned for use on the project, but the application process is not yet approved, or the application has been approved, but funds are not yet available.*
- *A contractor has ordered a control device for a piece of equipment planned for use on the project, or the contractor has ordered a new piece of controlled equipment to replace the uncontrolled equipment, but that order has not been completed by the manufacturer or dealer. In addition, for this exemption to apply, the contractor must attempt to lease controlled equipment to avoid using uncontrolled equipment, but no dealer within 200 miles of the project has the controlled equipment available for lease.*

These measures are consistent with the Port's Sustainable Construction Guidelines. The analysis of this mitigation therefore determined the emission reductions associated with the use of Tier 2 emission standards and CARB Level 3 PM control devices on all construction equipment. If construction were to extend beyond 2011, this approach would provide conservative results, as equipment at this time would have to comply with more restrictive emission standards.

Use of equipment with cleaner Tier 2 emission standards would produce fewer air emissions, compared to the statewide average fleet of construction equipment that was assumed in the unmitigated emission calculations. The emission reductions associated with this mitigation measure would be as high as 68 percent, depending upon the pollutant and equipment horsepower category. Although all new equipment sold by 2006 would have to comply with the Tier 2 standards, these requirements do not apply to older units in the existing equipment fleet. Therefore, this mitigation measure would force an earlier turnover of the existing construction equipment to lower-emitting models. The mitigated air quality also evaluated implementation of ARB Level 3 PM control devices on all construction equipment, which would reduce DPM emissions by 85 percent from Tier 2 standard levels.

MM AQ-2.2: Fleet Modernization for On-Road Trucks.

Prior to and including December 31, 2011, all on -road heavy-duty diesel trucks with a gross vehicle weight rating (GVWR) of 19,500 pounds or greater used on-site or to transport materials to and from the site shall comply with USEPA 2004 on road emission standards for PM10 and NOx (0.10 g/bhp-hr PM10 and 2.0 g/bhp-hr NOx).

From January 1, 2012 on all on-road heavy-duty diesel trucks with a gross vehicle weight rating (GVWR) of 19,500 pounds or greater used at the Port of Los Angeles shall comply with EPA 2007 on-road emission standards for PM10 and NOx (0.01 g/bhp-hr and 0.20 g/bhp-hr).

In all years, trucks hauling materials such as debris or fill shall be fully covered while in operation off Port property.

In addition, all on-road heavy heavy-duty trucks with a GVWR of 19,500 pounds or greater used at the Port of Los Angeles shall be equipped with a CARB verified Level 3 device.

This mitigation measure shall be met unless one of the following circumstances exists and the contractor is able to provide proof that any of these circumstances exists:

- *A piece of specialized equipment is unavailable in a controlled form, or within the required Tier level, within the state of California, including through a leasing agreement.*
- *A construction contractor has applied for necessary incentive funds to put controls on a piece of uncontrolled equipment planned for use on the project, but the application process is not yet approved, or the application has been approved, but funds are not yet available.*
- *A construction contractor has ordered a control device for a piece of equipment planned for use on the project, or the contractor has ordered a new piece of controlled equipment to replace the uncontrolled equipment, but that order has not been completed by the manufacturer or dealer. In addition, for this exemption to apply, the contractor must attempt to lease controlled equipment to avoid using uncontrolled equipment, but no dealer within 200 miles of the project has the controlled equipment available for lease.*

These measures are consistent with the Port's Sustainable Construction Guidelines. The analysis of this mitigation therefore determined the emission reductions associated with the use of USEPA 2004 on-road emission standards and CARB Level 3 PM control devices on all on-road heavy-duty trucks with a GVWR of 19,500 pounds or greater. If construction were to extend beyond 2011, this approach would provide conservative results, as trucks at this time would have to comply with more restrictive emission standards.

MM AQ-2.3: *Electrify Dredge Equipment.*

All dredging equipment shall be electric where available.

MM AQ-2.4: *Engine Standards for Harbor Craft Used In Construction.*

Prior to December 31, 2010: All harbor craft with a category 1 or 2 (C1 or C2) marine engines shall achieve a minimum emission reduction equivalent to a USEPA Tier-2 2004 level nonroad marine engine. Subsequent to January 1, 2011, all harbor craft with C1 or C2 marine engines shall utilize USEPA Tier 3 or cleaner engines.

This mitigation measure shall be met unless one of the following circumstances exists and the contractor is able to provide proof that any of these circumstances exists:

- *A piece of specialized equipment is unavailable in a controlled form, or within the required Tier level, within the state of California, including through a leasing agreement.*
- *A construction contractor has applied for necessary incentive funds to put controls on a piece of uncontrolled equipment planned for use on the project, but the application process is not yet approved, or the application has been approved, but funds are not yet available.*
- *A construction contractor has ordered a control device for a piece of equipment planned for use on the project, or the contractor has ordered a new piece of controlled equipment to replace the uncontrolled equipment, but that order has not been completed by the manufacturer or dealer. In addition, for this exemption to apply, the contractor must*

attempt to lease controlled equipment to avoid using uncontrolled equipment, but no dealer within 200 miles of the project has the controlled equipment available for lease.

These measures are consistent with the Port's Sustainable Construction Guidelines. The analysis of this mitigation therefore determined the emission reductions associated with the use of Tier 2 emission standards on all proposed tug boats.

MM AQ-2.5: Additional Fugitive Dust Control.

The construction contractor shall further reduce fugitive dust emissions to 90 percent from uncontrolled levels. The Project construction contractor shall specify dust-control methods that will achieve this control level in a SCAQMD Rule 403 dust control plan. Their duties shall include holiday and weekend periods when work may not be in progress. Measures to reduce fugitive dust include, but are not limited to, the following:

- *Active grading sites shall be watered one additional time per day beyond that required by Rule 403.*
- *Contractors shall apply approved non-toxic chemical soil stabilizers according to manufacturer's specifications to all inactive construction areas or replace groundcover in disturbed areas (previously graded areas) inactive for ten days or more.*
- *Construction contractors shall provide temporary wind fencing around sites being graded or cleared.*
- *Trucks hauling dirt, sand, or gravel shall be covered or shall maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code. ("Spilling Loads on Highways").*
- *Construction contractors shall install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site.*
- *Pave road and road shoulders.*
- *Require the use of clean-fueled sweepers pursuant to SCAQMD Rule 1186 and Rule 1186.1 certified street sweepers. Sweep streets at the end of each day if visible soil is carried onto paved roads on-site or roads adjacent to the site to reduce fugitive dust emissions.*
- *Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.*
- *Traffic speeds on all unpaved roads shall be reduced to 15 mph or less.*
- *Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.*
- *Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the extent practicable.*
- *Require the use of electrified truck spaces for all truck parking or queuing areas if feasible. Alternatively, trucks could be required to turn off if parked or stopped in idle for more than 15 minutes.*

- *The grading contractor shall suspend all soil disturbance activities when winds exceed 25 mph or when visible dust plumes emanate from a site; disturbed areas shall be stabilized if construction is delayed.*

MM AQ-2.6: Additional Best Management Practices (BMPs).

The following types of measures are required on construction equipment (including on-road trucks), where feasible:

- *Use of diesel oxidation catalysts and catalyzed diesel particulate traps.*
- *Maintain equipment according to manufacturers' specifications.*
- *Restrict idling of construction equipment and on-road heavy-duty trucks to a maximum of 5 minutes when not in use.*
- *Install high-pressure fuel injectors on construction equipment vehicles.*
- *Maintain a minimum buffer zone of 300 meters between truck traffic and sensitive receptors*
- *Improve traffic flow by signal synchronization*
- *Enforce truck parking restrictions*
- *Provide on-site services to minimize truck traffic in or near residential areas, including, but not limited to, the following services: meal or cafeteria services, automated teller machines, etc.*
- *Re-route construction trucks away from congested streets or sensitive receptor areas*
- *Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.*
- *Use electric power in favor of diesel power where available.*

LAHD shall coordinate with USACE to implement a process by which to select additional BMPs to further reduce air emissions during construction. The LAHD, in coordination with USACE, shall determine the BMPs once the contractor identifies and secures a final equipment list. The final BMPs shall be implemented by including mitigation measures in the Plan and Specifications and in the project stormwater pollution prevention plan (SWPPP). All BMPs shall be incorporated into the plan and specifications that the construction contractor will follow will be monitored by USACE's Environmental Resources Branch to ensure that mitigation measures are implemented during construction. The final construction equipment list can be determined after selection of the construction contractor. This mitigation is not quantified in this study. The final BMPs shall be monitored by USACE's Environmental Resources Branch and implemented through USACE's Engineering Division in the construction contract.

Table II.3-2, presented below, summarizes the daily mitigated emissions that would occur from each construction activity associated with the proposed Project, as well as the peak daily mitigated emissions produced. These data show that implementation of measures MM AQ-2.1 through MM AQ-2.5 would reduce peak daily emissions from unmitigated levels. Impacts would be less than significant.

Table II.3-2 Daily Mitigated Emissions from Construction Activities						
Location/Activity	EMISSIONS (POUNDS PER DAY) (1)					
	VOC	CO	NOx	SOx	PM10	PM2.5
Northwest Slip						
Demolition	11	55	202	0	2	2
Trench Excavation	1	4	15	0	0	0
Dike Construction Quarry Run Placement	15	125	360	0	10	10
Dike Construction Armor Stone Placement	15	125	360	0	10	10
Coarse Grain Dredging and Transport – Clamshell	1	8	28	0	1	1
Berths 243-245						
Demolition	11	55	201	0	2	2
Trench Excavation	1	4	15	0	0	0
Dike Construction Quarry Run Placement	14	116	335	0	9	9
Dike Construction Armor Stone Placement	14	116	335	0	9	9
Contaminated Sediment Dredging and Transport	1	4	13	0	0	0
Coarse Grain Dredging and Transport - Clamshell	1	8	28	0	1	1
CSWH Expansion						
Trench Excavation	1	4	15	0	0	0
Dike Construction Quarry Run Placement	13	112	323	0	9	9
Fine Grain Dredging and Transport - Hydraulic	5	37	115	0	3	3
Unload Surcharge	9	36	191	0	1	1
LA-2						
Fine Grain Dredging and Transport - Clamshell	5	44	123	0	3	3
SW Slip Surcharge						
Surcharge Loading at SW Slip	10	41	198	0	1	1
Transport of Surcharge Material	0	3	7	0	0	0
Project Peak Daily Emissions – Unmitigated (2)	33	279	810	1	21	21
2004 CEQA Baseline Peak Daily Emissions	68	383	1,556	99	47	43
Net Project Peak Daily Unmitigated Emissions (3)	(35)	(104)	(746)	(98)	(25)	(25)
SCAQMD Daily Significance Thresholds	75	550	100	150	150	55
(1) Bolded data represent significant emissions from an activity or the peak day that would exceed a SCAQMD daily threshold.						
(2) Peak daily emissions would occur from the simultaneous performance of (a) dike construction quarry run placement at the Northwest Slip, (b) dike construction quarry run placement at the Berths 243-245, and (c) trench excavation at the NW Slip.						
(3) Equal to Project peak daily emissions minus 2004 CEQA Baseline peak daily emissions.						

Rationale for Finding

Changes or alterations in the form of mitigation measures have been incorporated into the project in the form of AQ-2.1 through AQ-2.6, which lessen significant construction emissions.

Public Comment

Sixteen comments were received requesting additional mitigation for Impact AQ-2 (USEPA-4 through 7, and 12, SCAQMD-1, through 6; NRDC-5 through 7, CPRV-2, and KWJM-7; see Attachment 1). The suggested mitigation measures would not reduce NOx levels below significance as all suggestions are either consistent with current mitigations or the inclusion of additional Best Management Practices (BMPs), which are difficult to quantify. USEPA suggested working with various air agencies to identify and implement additional mitigation measures and to require that construction equipment meet Tier 4 or better. SCAQMD requested increased requirements for construction equipment and heavy duty trucks, including additional BMPs. NRDC suggested

increased requirements for ships and trains, and the city of Rancho Palos Verdes suggested using trains to transport dredge material in lieu of trucks.

In response to USEPA-4, the Final SEIS/SEIR includes all feasible measures to mitigate impacts from proposed construction sources. While the USACE Final EIS discloses and discusses various construction and operational impacts and mitigation measures for the proposed Project and alternatives, the Record of Decision (ROD) would recognize that most of the mitigation measures identified in the EIS/EIR, would be implemented, maintained, and monitored by the Port of Los Angeles as the local agency with continuing program control and responsibility. The mitigation measures would be implemented as specifications in construction contracts. In addition, the Port is continually working to identify measures to reduce proposed construction emissions and human health impacts in the Port region. As such, the Project construction contractor will be required to submit an Environmental Compliance Plan for work completed as part of the proposed Project. The Environmental Compliance Plan will be developed by the contractor and must:

- *Identify the overall construction area;*
- *Identify work hours and days;*
- *Describe the overall construction scope of work;*
- *Identify all construction equipment to be used to complete the project;*
- *Identify all applicable mitigation measures depending on scope of work and construction equipment list;*
- *Develop a plan to adhere to all applicable mitigation measures;*
- *Develop a record-keeping system to track mitigation and any pertinent permits and/or verification documents such as equipment specifications, equipment logs, and receipts;*
- *Develop a tracking system to ensure mitigation is completed within the specified plan;*
- *Identify one lead person, plus one back-up person to be responsible for environmental compliance; and*
- *Identify additional measures, practices or project elements to further reduce environmental impacts.*

The Environmental Compliance Plan must be submitted to the Port of Los Angeles for review prior to commencing construction. The Port of Los Angeles reserves the right to modify the Plan, in conjunction with the contractor, to identify additional measures, practices or project elements to further reduce environmental impacts.

In response to USEPA-5, the discussion under impact topic AQ-5 more clearly explains the reasoning for the HRA approach taken in the SEIS/SEIR. AQ-5 has been revised to more clearly explain the reasoning for the HRA approach taken in the SEIS/SEIR. The proposed Project only includes construction emissions over a two year period (spanning three calendar years) and as shown in the Table 3.2-11, total PM emissions will not exceed daily thresholds. Due to the relative short-term nature of the proposed Project (at the Port, full HRAs have been completed for projects with 3-5 years of construction and 30 years of operation), and the low levels of PM, a full HRA was not completed for this Project. Instead, the analysis used the Berth 136-147 [TraPac] Container Terminal HRA as a surrogate to show that proposed Project emissions would not exceed those of the TraPac Project, which was shown to be below the 10 in a million health risk threshold. There are a few sensitive receptors that are closer to proposed Project sources than those evaluated for the TraPac

project. Individuals that live aboard vessels in the Cabrillo Marina may be as close as 500 feet to the CSHW construction activities. However, since the magnitude and density of air emissions associated with the unmitigated CSHW construction activities are so much lower than the TraPac emissions scenario, as identified above, cancer risks produced by unmitigated Project construction activities would be substantially less than 0.4 per million (0.4×10^{-6}) at any of these locations. As a result, unmitigated cancer risks produced from the proposed Project to all receptor types would be less than significant.

In response to USEPA-6 and SCAQMD-1 per the LAHD Sustainable Construction Guidelines for Reducing Air Emissions, all off-road diesel-powered construction equipment greater than 50 hp, except derrick barges and marine vessels, shall meet Tier 2 emission off-road standards prior to December 31, 2011. Between January 1, 2012 and December 31, 2014, all off-road diesel-powered construction equipment greater than 50 hp, except ships, barges, and marine vessels, shall meet Tier 3 emission off-road standards. Based on the current estimated construction schedule, under which construction would be completed prior to December 31, 2011, the air quality modeling analysis assumes off-road diesel-powered construction equipment would meet Tier 2 emission off-road standards. However, if construction is delayed for any reason and part or all of the construction occurs on or after January 1, 2012, the construction equipment would meet Tier 3 emission off-road standards, consistent with Port policy. As stated above, this measure would be incorporated through bid specifications in the construction contracts.

In response to USEPA-7, the SEIS/SEIR assessed and provided emission calculations for both mitigated and unmitigated scenarios. The likelihood that exceptions included in AQ MM 2.1 and 2.2 will be applicable is quite small because the construction timeline is short (22 months) and specific equipment analyzed for the air quality modeling is currently available. All mitigation measures would become part of the Mitigation Monitoring Reporting Program which would be incorporated through bid specifications in construction contracts.

In response to USEPA-12, regarding the suggestion to engage in proactive efforts to hire local workers and the suggestion to provide public education programs, the Port has an on-going set of mechanisms to promote inclusion of small, minority, woman-owned and similar business enterprises, many of which are located in the local area, in its contracting. In addition, job training targeted to Harbor Area communities is provided by economic development organizations, the City of Los Angeles, and other entities. The Port provides outreach to the community in the form of meetings with the PCAC and other community groups and individuals and provides community education information on its website, in newsletters that are available in English and Spanish, through outreach at community events and festivals, and by other means. Related to the suggestion of establishing Environmental Management Systems, the Port has developed and is implementing an award-winning Environmental Management System (briefly summarized in Section 1.9 of the SEIS/SEIR) that improves efficiency and reduces environmental impacts from Harbor Department operations. Related to the suggestion to improve access to healthy food by establishing markets on Port lands, most of the land administered by LAHD is zoned to allow for coastal dependent cargo transport activities and related facilities. Also, the Port is operated and managed under a State Tidelands Trust that grants local municipalities jurisdiction over ports and stipulates that activities must be related to commerce, navigation and fisheries. Thus, although some of the land administered by LAHD is zoned in such a way that it could accommodate a retail or commercial use, establishing a retail outlet or farmer's market would not be consistent with LAHD's central purpose. Finally, related to the suggestion to continue expansion and improvements to the local community's parks and recreation system: As described above, the Port Community Mitigation Trust Fund will fund a study of off-port impacts, including recreation and other topics. In addition, the Port's proposed San Pedro Waterfront and

Wilmington Waterfront projects, if approved, would provide open space, recreation and pedestrian amenities.

In response to SCAQMD-2, per the LAHD Sustainable Construction Guidelines for Reducing Air Emissions, all on-road heavy-duty diesel trucks with a GVWR of 19,500 pounds or greater shall comply with USEPA 2004 on-road emission standards for PM10 and NOx prior to December 31, 2011. Beginning on January 1, 2012, all on-road heavy-duty diesel trucks with a GVWR of 19,500 pounds or greater shall comply with USEPA 2007 on-road emission standards for PM10 and NOx. According to the project construction schedule, construction will be completed prior to December 31, 2011. As a result, USEPA 2004 on-road emission standards have been utilized consistent with the Port's Sustainable Construction Guidelines. The Guidelines were developed based on equipment availability. The Port conducted a survey in early 2008 of construction contractors and equipment providers, including information on future equipment orders. As a result of this survey, it was found that 2007 compliant trucks would not be available in large quantities before 2012. However, as described above, the Port will encourage use of USEPA 2007 compliant trucks through the Environmental Compliance Plan required of all contractors.

In response to comment, SCAQMD-3, the intent of the POLA Sustainable Construction Guidelines is to implement these procedures in a practical yet aggressive manner. The practicality of electrifying all dredging equipment within the entire project area is the reason why the qualifier "where available" is included in mitigation measure (MM) AQ-2.3. Currently, there is only one company with an electric clamshell dredger. Unlike other recent Port Projects with localized dredging that could be accomplished solely with a clamshell dredger, the Channel Deepening Project will involve a greater volume of dredging using a variety of pieces of equipment. To be conservative, it was assumed that it is infeasible to electrify dredges in the outer harbor and auxiliary diesel-powered barge equipment. However, all dredging in the inner harbor could be accomplished by an electric dredge. In the case of the auxiliary diesel-powered barge equipment sources, they typically produce only about four percent of the total emissions generated from all dredge equipment, as shown in Tables C-65 through C-70 which are presented in Appendix C of the Draft SEIS/SEIR. The Port will continue to work with contractors to determine if different equipment capable of being electrified could be used for the entire Project.

In response to comment, SCAQMD-4, the Final SEIS/SEIR to state that all harbor craft used during proposed construction shall meet the USEPA Tier 2 marine engine emission standards. Additionally, where feasible and assuming such equipment was readily available, proposed harbor craft shall meet the USEPA Tier 3 (available in 2009) or cleaner marine engine emission standards. To provide a more conservative mitigated analysis, it was assumed that proposed harbor craft only would achieve the USEPA Tier 2 marine engine emission standards

In response to comment, SCAQMD-5, MM AQ-2.5 has been revised in the Final SEIS/SEIR to include the additions requested in the comment as follows:

MM AQ-2.5: Additional Fugitive Dust Control.

The construction contractor shall further reduce fugitive dust emissions to 90 percent from uncontrolled levels. The Project construction contractor shall specify dust-control methods that will achieve this control level in a SCAQMD Rule 403 dust control plan. Their duties shall include holiday and weekend periods when work may not be in progress. Measures to reduce fugitive dust include, but are not limited to, the following:

- *Active grading sites shall be watered one additional time per day beyond that required by Rule 403.*
- *Contractors shall apply approved non-toxic chemical soil stabilizers according to manufacturer's specifications to all inactive construction areas or replace groundcover in disturbed areas (previously graded areas) inactive for ten days or more.*
- *Construction contractors shall provide temporary wind fencing around sites being graded or cleared.*
- *Trucks hauling dirt, sand, or gravel shall be covered or shall maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code. ("Spilling Loads on Highways").*
- *Construction contractors shall install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site.*
- *Pave road and road shoulders.*
- *Require the use of clean-fueled sweepers pursuant to SCAQMD Rule 1186 and Rule 1186.1 certified street sweepers. Sweep streets at the end of each day if visible soil is carried onto paved roads on-site or roads adjacent to the site to reduce fugitive dust emissions.*
- *Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.*
- *Traffic speeds on all unpaved roads shall be reduced to 15 mph or less.*
- *Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.*
- *Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the extent practicable.*
- *Require the use of electrified truck spaces for all truck parking or queuing areas if feasible. Alternatively, trucks could be required to turn off if parked or stopped in idle for more than 15 minutes.*
- *The grading contractor shall suspend all soil disturbance activities when winds exceed 25 mph or when visible dust plumes emanate from a site; disturbed areas shall be stabilized if construction is delayed.*

In response to comment SCAQMD-6, the MM AQ-2.6 has been revised in the Final SEIS/SEIR to include the additional Best Management Practices (BMPs) identified in the comment as follows:

MM AQ-2.6: Additional Best Management Practices (BMPs).

The following types of measures are required on construction equipment (including on-road trucks), where feasible:

- *Use of diesel oxidation catalysts and catalyzed diesel particulate traps.*
- *Maintain equipment according to manufacturers' specifications.*
- *Restrict idling of construction equipment and on-road heavy-duty trucks to a maximum of 5 minutes when not in use.*

- *Install high-pressure fuel injectors on construction equipment vehicles.*
- *Maintain a minimum buffer zone of 300 meters between truck traffic and sensitive receptors*
- *Improve traffic flow by signal synchronization*
- *Enforce truck parking restrictions*
- *Provide on-site services to minimize truck traffic in or near residential areas, including, but not limited to, the following services: meal or cafeteria services, automated teller machines, etc.*
- *Re-route construction trucks away from congested streets or sensitive receptor areas*
- *Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.*
- *Use electric power in favor of diesel power where available.*

LAHD shall coordinate with USACE to implement a process by which to select additional BMPs to further reduce air emissions during construction. The LAHD, in coordination with USACE, shall determine the BMPs once the contractor identifies and secures a final equipment list. The final BMPs shall be implemented by including mitigation measures in the Plan and Specifications and in the project stormwater pollution prevention plan (SWPPP). All BMPs shall be incorporated into the plan and specifications that the construction contractor will follow will be monitored by USACE's Environmental Resources Branch to ensure that mitigation measures are implemented during construction. The final construction equipment list can be determined after selection of the construction contractor. This mitigation is not quantified in this study. The final BMPs shall be monitored by USACE's Environmental Resources Branch and implemented through USACE's Engineering Division in the construction contract.

In response to NRDC-5 and 6, these comments encourage construction of ships with the cleanest available technology through implementation of a port-wide rule that the shipping fleet calling at the port meet certain reductions for NO_x and particulate matter by a certain date and requiring ships to use low sulfur fuels. However, the current proposed Project is to dispose of 3.0 mcy of dredge material and would not result in increased throughput at the Port, therefore this comment is not directly applicable to the proposed Project.

In response to NRDC-7 and CPRV-2, because there is adequate capacity within the Port (including LA-2) to dispose all the material, it is therefore not feasible to transport material to upland disposal outside the Port. Additionally, the proposed Project does not involve use of any type of train or railway, therefore the suggestion to electrify trains at the Port is not directly applicable to the proposed Project.

In response to KWJM-7, through a MOU, the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the cumulative off-Port impacts created by Port operations. The SEIS/SEIR adequately identifies and evaluates all feasible mitigation to reduce or avoid the significant environmental effects of the proposed Project. Therefore, the Draft SEIS/SEIR adequately fulfills the requirements of CEQA with regard to mitigation for the proposed Project.

Impact AQ-6: Construction would produce GHG emissions that exceed CEQA thresholds.

Impact AQ-6 would occur when the project's GHG emissions combine with GHG emissions from other man-made activities on a global scale. Nevertheless, for the purposes of this SEIS/SEIR, the LAHD has opted to address GHG emissions as a project-level impact. As discussed in Section 3.2 the annual unmitigated GHG emissions produced from the construction of the proposed Project would not exceed the CEQA Baseline levels in any project year.

Finding

As the data presented in Table 3.2-12 of Section 3.2 show, annual CO₂e emissions produced from the proposed Project would not exceed the CEQA Baseline levels in any project year. As a result, unmitigated GHG emissions from the proposed Project would result in less than significant impacts under CEQA.

The occurrence of Impact AQ-6 due to Project construction activities would be less than significant. Although not required, the following mitigation measures would further reduce the potential for any environmental impact:

MM AQ-2.1: Construction Equipment Standards.

Prior to and including December 31, 2011, all on-site mobile diesel-powered construction equipment greater than 50 Hp, except derrick barges and marine vessels shall meet the Tier 2 emission standards as defined in the USEPA Nonroad Diesel Engine Rule (USEPA 1998). In addition, all construction equipment greater than 50 Hp shall be retrofitted with a CARB-certified Level 3 diesel emissions control device.

From January 1, 2012 through December 31, 2014, all off-road diesel-powered construction equipment greater than 50 Hp shall meet Tier-3 emission nonroad emission standards, at a minimum and shall be retrofitted with a CARB-certified Level 3 diesel emissions control device.

From January 1, 2015 on all off-road diesel-powered construction equipment greater than 50 Hp shall meet Tier 4 emission nonroad emission standards, at a minimum.

This mitigation measure shall be met, unless one of the following circumstances exists and the contractor is able to provide proof that any of these circumstances exists:

- A piece of specialized equipment is unavailable in a controlled form, or within the required Tier level, within the state of California, including through a leasing agreement.*
- A contractor has applied for necessary incentive funds to put controls on a piece of uncontrolled equipment planned for use on the project, but the application process is not yet approved, or the application has been approved, but funds are not yet available.*
- A contractor has ordered a control device for a piece of equipment planned for use on the project, or the contractor has ordered a new piece of controlled equipment to replace the uncontrolled equipment, but that order has not been completed by the manufacturer or dealer. In addition, for this exemption to apply, the contractor must attempt to lease controlled equipment to avoid using uncontrolled equipment, but no dealer within 200 miles of the project has the controlled equipment available for lease.*

These measures are consistent with the Port's Sustainable Construction Guidelines. The analysis of this mitigation therefore determined the emission reductions associated with the use of Tier 2 emission standards and CARB Level 3 PM control devices on all construction equipment. If construction were to extend beyond 2011, this approach would provide conservative results, as equipment at this time would have to comply with more restrictive emission standards.

Use of equipment with cleaner Tier 2 emission standards would produce fewer air emissions, compared to the statewide average fleet of construction equipment that was assumed in the unmitigated emission calculations. The emission reductions associated with this mitigation measure would be as high as 68 percent, depending upon the pollutant and equipment horsepower category. Although all new equipment sold by 2006 would have to comply with the Tier 2 standards, these requirements do not apply to older units in the existing equipment fleet. Therefore, this mitigation measure would force an earlier turnover of the existing construction equipment to lower-emitting models. The mitigated air quality also evaluated implementation of ARB Level 3 PM control devices on all construction equipment, which would reduce DPM emissions by 85 percent from Tier 2 standard levels.

MM AQ-2.2: Fleet Modernization for On-Road Trucks.

Prior to and including December 31, 2011, all on -road heavy-duty diesel trucks with a gross vehicle weight rating (GVWR) of 19,500 pounds or greater used on-site or to transport materials to and from the site shall comply with USEPA 2004 on road emission standards for PM10 and NOx (0.10 g/bhp-hr PM10 and 2.0 g/bhp-hr NOx).

From January 1, 2012 on all on-road heavy-duty diesel trucks with a gross vehicle weight rating (GVWR) of 19,500 pounds or greater used at the Port of Los Angeles shall comply with EPA 2007 on-road emission standards for PM10 and NOx (0.01 g/bhp-hr and 0.20 g/bhp-hr).

In all years, trucks hauling materials such as debris or fill shall be fully covered while in operation off Port property.

In addition, all on-road heavy heavy-duty trucks with a GVWR of 19,500 pounds or greater used at the Port of Los Angeles shall be equipped with a CARB verified Level 3 device.

This mitigation measure shall be met unless one of the following circumstances exists and the contractor is able to provide proof that any of these circumstances exists:

- A piece of specialized equipment is unavailable in a controlled form, or within the required Tier level, within the state of California, including through a leasing agreement.*
- A construction contractor has applied for necessary incentive funds to put controls on a piece of uncontrolled equipment planned for use on the project, but the application process is not yet approved, or the application has been approved, but funds are not yet available.*
- A construction contractor has ordered a control device for a piece of equipment planned for use on the project, or the contractor has ordered a new piece of controlled equipment to replace the uncontrolled equipment, but that order has not been completed by the manufacturer or dealer. In addition, for this exemption to apply, the contractor must*

attempt to lease controlled equipment to avoid using uncontrolled equipment, but no dealer within 200 miles of the project has the controlled equipment available for lease.

These measures are consistent with the Port's Sustainable Construction Guidelines. The analysis of this mitigation therefore determined the emission reductions associated with the use of USEPA 2004 on-road emission standards and CARB Level 3 PM control devices on all on-road heavy-duty trucks with a GVWR of 19,500 pounds or greater. If construction were to extend beyond 2011, this approach would provide conservative results, as trucks at this time would have to comply with more restrictive emission standards.

MM AQ-2.3: *Electrify Dredge Equipment.*

All dredging equipment shall be electric where available.

MM AQ-2.4: *Engine Standards for Harbor Craft Used In Construction.*

Prior to December 31, 2010: All harbor craft with a category 1 or 2 (C1 or C2) marine engines shall achieve a minimum emission reduction equivalent to a USEPA Tier-2 2004 level nonroad marine engine. Subsequent to January 1, 2011, all harbor craft with C1 or C2 marine engines shall utilize USEPA Tier 3 or cleaner engines.

This mitigation measure shall be met unless one of the following circumstances exists and the contractor is able to provide proof that any of these circumstances exists:

- A piece of specialized equipment is unavailable in a controlled form, or within the required Tier level, within the state of California, including through a leasing agreement.*
- A construction contractor has applied for necessary incentive funds to put controls on a piece of uncontrolled equipment planned for use on the project, but the application process is not yet approved, or the application has been approved, but funds are not yet available.*
- A construction contractor has ordered a control device for a piece of equipment planned for use on the project, or the contractor has ordered a new piece of controlled equipment to replace the uncontrolled equipment, but that order has not been completed by the manufacturer or dealer. In addition, for this exemption to apply, the contractor must attempt to lease controlled equipment to avoid using uncontrolled equipment, but no dealer within 200 miles of the project has the controlled equipment available for lease.*

These measures are consistent with the Port's Sustainable Construction Guidelines. The analysis of this mitigation therefore determined the emission reductions associated with the use of Tier 2 emission standards on all proposed tug boats.

Public Comment

As shown in Attachment 1, one comment, NRDC-8, was received requesting additional measures to mitigate greenhouse gas emissions. CEQA requires that mitigation measures be roughly proportional to the impacts of the project. (CEQA Guidelines § 15126.4(a)(4)(B).) As the Final SEIS/SEIR concluded that unmitigated GHG emissions would result in less than significant impacts under CEQA, no additional mitigation is required. Further, in developing mitigation measures to address GHG emissions, the Corps and the Port reviewed the GHG emission reduction measures proposed by AB 32 to determine if any could feasibly reduce GHG emissions from proposed construction

activities. In addition the Port and Corps reviewed the Climate Action Team Report to Governor Schwarzenegger and the California Legislature (State of California, 2006) and the CARB Proposed Early Actions to Mitigate Climate Change in California (CARB, 2007). Mitigation measures such as electrifying construction equipment and reducing idling, which would be implemented to further reduce impacts from Impact AQ-2, are consistent with state guidance.

Biological Resources

As discussed in Section 3.3 of the SEIS/SEIR, the following Biological Resources impact of the proposed Project would be less than significant with no mitigation required; however, mitigation measures may be applied where such efforts would further reduce or avoid the identified impacts.

Impact BIO-1: Construction of the CSWH Expansion Area could adversely affect least tern foraging.

Impact BIO-1 would occur if Project-related activities result in disturbances to foraging habitat of the least tern, a federally listed Endangered Species. Activities included under the proposed Project which would have the potential to affect the least tern are described below, with regards to each disposal site for the proposed Project.

Berths 243-245. Existing structures in the water (i.e., wharves) would need to be demolished prior to placement of fill at this disposal site, resulting in disturbances for approximately 90 days. Following structure removal, dredging for the containment dike foundations would occur (estimated at 15 days). Constructing the containment dike and placement of fill for the CDF at the Berths 243-245 disposal site would permanently remove approximately 8 acres (3.2 ha) of Inner Harbor habitat.

Northwest Slip. As described for the Berths 243-245 disposal site, existing structures would be removed prior to constructing 5 acres (2 ha) of new landfill at the Northwest Slip site. Dredging would be required for the containment dike foundation (over approximately 8 days), and this would be followed by dike construction and fill placement.

CSWH Expansion Area. Expanding the existing CSWH by up to 50 acres (20.2 ha) would cause temporary disturbances along the north side of the existing CSWH due to equipment and turbidity for nearly one year. The existing 326-acre CSWH provides foraging habitat for the California least tern, and construction activities would overlap with their entire nesting season (April through August) in one year or parts of the nesting season in two years.

LA-2. Disposal of 0.804 mcy of material at Ocean Disposal Site LA-2, which is located approximately 5.8 miles (9.3 km) offshore southwest of the breakwater at San Pedro and approximately 20 miles (32 km) northwest of the Newport Harbor entrance, would not adversely affect the California least tern because none would be present at this location.

Finding

Construction of the proposed Project would not affect, or would have no substantial affect, on foraging habitat for the California least tern as a result of Project activities at the following disposal sites: Berths 243-245; Northwest Slip; Ocean Disposal LA-2.

At the CSWH Expansion Area, disturbances associated with construction of the proposed Project would have the potential to adversely affect least tern foraging by causing a decline in availability of forage fish in and adjacent to the active work area, and/or a decline in the ability of the least terns to find forage fish during the nesting season. It is expected that some fish affected by the active work area would move into nearby areas where they would remain available for consumption by the California least tern. Construction would affect approximately 6.5 acres (2.6 ha), or 1.3 percent of the 519 acres (210 ha) of existing shallow water California least tern foraging habitat available within the Harbor. It is expected that approximately 512 acres (207 ha) of the existing 519 acres (210 ha) of shallow water foraging habitat, or 98.7 percent, of existing shallow water foraging area within the Harbor would remain available for California least tern foraging during construction of the proposed Project. Deep water areas inside and outside the Harbor (including eelgrass beds and additional shallow water habitat at Cabrillo Beach) that are used by the California least terns for foraging would also remain available during construction.

The occurrence of Impact BIO-1 due to Project construction activities at the CSWH Expansion Area would be less than significant. Based on coordination with the U.S. Fish and Wildlife Service, Mitigation Measures BIO-1 through BIO-3 (as described below) have been developed and would be implemented to ensure that construction-related turbidity would not adversely affect California least tern. The following environmental commitments and mitigation measures are included under the proposed Project:

MM BIO-1: Limit Turbidity Plume.

Unless specifically allowed by the USFWS, as appropriate, the LAHD/USACE shall not allow turbidity from the dredge and fill activities to extend over greater than 6.5-acres of shallow (i.e., less than 20 feet [6 m] deep) Outer Harbor waters during the April-to-September nesting season of the California least tern. This requirement shall be monitored as provided for in mitigation measure BIO-2 below and shall be based on visually observed differences between ambient surface water conditions and any dredging turbidity plume.

MM BIO-2: Least Tern Nesting Monitoring.

The LAHD/USACE shall provide a qualified least California tern biologist, acceptable to the USFWS and CDFG, as appropriate, to monitor and manage known California least tern colonies foraging in the immediate vicinity of the existing Cabrillo Shallow Water Habitat during the nesting season. This program shall be carried out for up to one year following construction of the last element of the Port of Los Angeles Channel Deepening Project. The biologist shall coordinate with CDFG and USFWS, pursuant to the existing California least tern MOA (LAHD et al., 2006) and shall:

- *Monitor nesting and fledgling success of the California least tern colony and provide an annual report in the format provided in previous years.*
- *Provide an education program for construction crews regarding the identity of the California least tern and their nests, restricted areas and activities, actions to be taken if California least tern nesting sites are found outside the designated California least tern nesting sites (e.g., Southwest Slip surcharge area).*
- *Assist the USFWS and CDFG in predator control, prior to and during the California least tern nesting season during the construction period.*

- *Visually monitor and report to USACE field representative and Environmental Resources Branch (ERB) biologist any turbidity from project dredging which extends over greater than 6.5 acres (2.6 ha) of shallow Outer Harbor waters.*

MM BIO-3: Protect Least Tern Nesting Sites.

If California least tern nests are found outside of the known California least tern colonies during construction, the biologist shall determine the affected area and notify the USACE field representative and Environmental Resources Branch (ERB) biologist, and USACE shall halt work as appropriate. The USACE shall notify the USFWS and CDFG immediately. The USACE will then determine any potential effect to the California least tern and consult with the USFWS pursuant to Section 7 of the ESA as appropriate.

Rationale for Finding

As described, implementation of the proposed Project would have the potential to affect approximately 1.3 percent of the presently available shallow water California least tern foraging habitat within the Harbor. This effect would be temporary, during Project construction. In addition, the actions described above in Mitigation Measures BIO-1 through BIO-3 would ensure that Impact BIO-1 would remain less than significant. The USACE has initiated informal consultation with USFWS pursuant to ESA Section 7.

II.3 Significant and Unavoidable Environmental Impacts That Cannot Be Reduced to a Less-Than-Significant Level

The Final SEIS/SEIR concludes that implementation of the proposed Project would result in unavoidable significant impacts to the following environmental resources:

- *Air Quality*

Attachment 1 contains a list of comments received on the Draft EIS/EIR that contain suggested mitigation measures and/or alternatives suggested to reduce significant and unavoidable impacts. The discussion below refers to Attachment 1 and indicates whether the proposed mitigation measure and/or alternative has been added to the Final EIR and/or required in, or incorporated into, the Project. The Board has determined that certain proposed mitigation measures and/or alternatives are infeasible in light of specific economic, legal, social, technological, and other considerations and, therefore, have not been required in, or incorporated into, the Project. The evidence of such infeasibility is explained below within the discussions of the significant impacts for which the measures and/or alternatives were suggested. The Board has determined that certain proposed mitigation measures and/or alternatives are infeasible in light of specific economic, legal, social, technological, and other considerations and, therefore, have not been required in, or incorporated into, the proposed Project. The evidence of such infeasibility is explained below within the discussions of the significant impacts for which the measures and/or alternatives were suggested.

Air Quality

As discussed in Section 3.2 of the Final SEIS/SEIR, there would be unavoidable significant impacts to Air Quality related to construction emissions. The unavoidable and significant Air Quality impacts and mitigation measures that have been identified to reduce impact significance are discussed below.

Impact AQ-3: Project Emissions would substantially contribute to an existing or projected air quality standard violation.

The proposed Project region presently exceeds the state and national ambient standards for O₃, PM₁₀, and PM_{2.5}. Emission sources from proposed Project construction activities would operate within an area of the Port that extends from the Northwest Slip to the CSWH Expansion Site, or a distance of about four miles. Additionally, some tugboat sources would operate between the Port and either Santa Catalina Island and between the Port and the LA-2 disposal site, both of which are located several miles outside the Port. The dispersion of these emissions over such a large area and the mobile and intermittent nature of most emission sources would minimize the ambient impact of proposed air pollutants within or in proximity to the Port.

To quantify ambient pollutant impacts from the proposed Project, the Final SEIS/SEIR analysis for the proposed Project relied on the TraPac FEIS/FEIR criteria pollutant modeling analysis that was certified by the POLA in 2007. This analysis evaluated a proposed construction scenario whose emissions would: (1) exceed those estimated for the proposed Project, and (2) occur within a more confined area (within and adjacent to the TraPac Terminal) compared to the proposed Project. As a result, construction of this container terminal project would produce more concentrated ambient impacts for a given mass of emissions compared to those that would occur from Project construction activities.

To estimate ambient pollutant impacts from the proposed Project, the Final SEIS/SEIR analysis multiplied the ratio of construction emissions from the proposed Project and the TraPac project to the results of the dispersion modeling analysis performed for the container terminal project.

Finding

The following are descriptions of ambient impacts estimated for the proposed Project:

CO impacts. Peak daily CO emissions from the unmitigated TraPac construction project were estimated to be 443 pounds. The TraPac project analysis determined that unmitigated project construction activities would produce 1-hour and 8-hour CO ambient impacts of 1,086 and 305 µg/m³, respectively. Adding these to 1-hour and 8-hour CO background values (6,629 and 5,371 µg/m³, respectively) produced total project CO impacts of 7,715 and 5,676 µg/m³, respectively. These impacts would not exceed the 1-hour and 8-hour CO significance criteria of 23,000 and 10,000 µg/m³. The most concentrated amount of unmitigated CO emissions that would occur within an area from the proposed Project would occur from surcharge loading at the Southwest Slip, at 146 pounds per day. Activities that generate higher daily CO emissions mainly would occur from tugs that transit a large area within or outside the Port. This emission rate is about 33 percent of the TraPac project rate. Applying this factor of 33 percent to the CO impacts estimated for the TraPac project would result in unmitigated 1-hour and 8-hour CO impacts for the proposed Project of 357 and 100 µg/m³, respectively. Adding these impacts to the CO background values would produce total unmitigated project impacts of 6,986 and 5,471 µg/m³, respectively, which would remain below the CO ambient

significance criteria. As a result, the proposed Project would produce less than significant impacts to ambient CO levels.

PM10 impacts. Peak daily unmitigated construction emissions of PM10 from the TraPac project would be 424 pounds. The TraPac project analysis estimated that the unmitigated project construction would produce a maximum 24-hour PM10 ambient impact of 110 $\mu\text{g}/\text{m}^3$, which would exceed the SCAQMD significance criterion of 10.4 $\mu\text{g}/\text{m}^3$. The most concentrated amount of unmitigated PM10 emissions that would occur within an area from the proposed Project would occur during surcharge loading at the Southwest Slip, at 16 pounds per day. This emission rate is about 4 percent of the TraPac project rate. Applying this factor of 4 percent to the PM10 impact estimated for the TraPac project would result in an unmitigated 24-hour PM10 impact estimation for the proposed Project of 4.1 $\mu\text{g}/\text{m}^3$. Because this impact concentration is below the threshold of significance, ambient PM10 impacts from the proposed Project would be less than significant.

PM2.5 impacts. Peak daily unmitigated construction emissions of PM2.5 from the TraPac project would be 161 pounds. The TraPac project analysis estimated that the unmitigated project construction would produce a 24-hour PM2.5 ambient impact of 35 $\mu\text{g}/\text{m}^3$, which would exceed the SCAQMD significance criterion of 10.4 $\mu\text{g}/\text{m}^3$. The most concentrated amount of unmitigated PM2.5 emissions that would occur within an area from the proposed Project would occur during surcharge loading at the Southwest Slip, at 15 pounds per day. This emission rate is about 9 percent of the TraPac project rate. Applying this factor of 9 percent to the PM2.5 impact estimated for the TraPac project would result in an unmitigated 24-hour PM2.5 impact estimation for the proposed Project of 3.2 $\mu\text{g}/\text{m}^3$. Since this impact concentration is below the threshold of significance, ambient PM2.5 impacts from the proposed Project would be less than significant.

NO2 impacts. Peak daily unmitigated construction emissions of NOx from the TraPac project would be 1,845 pounds. The TraPac project analysis estimated that the unmitigated project construction would produce a 1-hour NO2 ambient impact of 776 $\mu\text{g}/\text{m}^3$, which in combination with the background value of 263 $\mu\text{g}/\text{m}^3$, would produce a total project impact of 1,039 $\mu\text{g}/\text{m}^3$, which would exceed the significance criterion of 338 $\mu\text{g}/\text{m}^3$. The most concentrated amount of unmitigated NOx emissions that would occur within an area from the proposed Project would occur from surcharge loading at the Southwest Slip, at 424 pounds per day. Activities that generate higher daily NOx emissions mainly would occur from tugs that transit a large area within or outside the Port. This emission rate is about 23 percent of the TraPac project rate. Applying this factor of 23 percent to the NO2 impact estimated for the TraPac project would result in an unmitigated one-hour NO2 impact estimation for the proposed Project of 178 $\mu\text{g}/\text{m}^3$. Adding this to the background NO2 value of 263 $\mu\text{g}/\text{m}^3$ would produce a total unmitigated project impact of 441 $\mu\text{g}/\text{m}^3$, which would exceed the significance criterion of 338 $\mu\text{g}/\text{m}^3$. As a result, the proposed Project would produce significant impacts to ambient NO2 levels.

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Final SEIS/SEIR. Implementation of Mitigation Measures AQ-2.1 through MM AQ-2.5, as described above under Impact AQ-2 (Proposed Project construction activities would produce emissions that would exceed SCAQMD emission significance thresholds) would reduce criteria pollutant emissions and localized ambient impacts from the proposed Project construction equipment; however, NO2 impacts would remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives.

Rationale for Finding

The proposed Project construction activities would contribute to an exceedance of the one-hour ambient NO₂ standard, which would result in a significant air quality impact. Demolition at the Northwest Slip would produce the most concentrated amount of mitigated NO_x emissions within an area as a result of the proposed Project (202 pounds per day). This emission rate is about 11 percent of the TraPac project unmitigated rate. Applying this factor of 11 percent to the NO₂ impact estimated for the unmitigated TraPac project would result in a mitigated one-hour NO₂ impact estimation of 85 µg/m³ for the proposed Project. Adding this to the background NO₂ value of 263 µg/m³ would produce a total mitigated impact of 348 µg/m³, which would exceed the significance criterion of 338 µg/m³. As a result, implementation of all feasible measures would not mitigate NO_x emissions to below the SCAQMD NO₂ ambient 1-hour threshold. Emissions of NO_x from proposed Project construction activities would produce significant and unavoidable ambient NO₂ impacts.

Public Comment

Sixteen comments were received requesting additional mitigation for Impact AQ-2 (USEPA-4, through 7, and 12, SCAQMD-1, through 6; NRDC-5 through 7, CPRV-2, and KWJM-7; see Attachment 1). The suggested mitigation measures would not reduce NO_x levels below significance as all suggestions are either consistent with current mitigations or the inclusion of additional Best Management Practices (BMPs), which are difficult to quantify. USEPA suggested working with various air agencies to identify and implement additional mitigation measures and to require that construction equipment meet Tier 4 or better. SCAQMD requested increased requirements for construction equipment and heavy duty trucks, including additional BMPs. NRDC suggested increased requirements for ships and trains, and the city of Rancho Palos Verdes suggested using trains to transport dredge material in lieu of trucks.

In response to USEPA-4, the Final SEIS/SEIR includes all feasible measures to mitigate impacts from proposed construction sources. While the USACE Final EIS discloses and discusses various construction and operational impacts and mitigation measures for the proposed Project and alternatives, the Record of Decision (ROD) would recognize that most of the mitigation measures identified in the EIS/EIR, would be implemented, maintained, and monitored by the Port of Los Angeles as the local agency with continuing program control and responsibility. The mitigation measures would be implemented as specifications in construction contracts. In addition, the Port is continually working to identify measures to reduce proposed construction emissions and human health impacts in the Port region. As such, the Project construction contractor will be required to submit an Environmental Compliance Plan for work completed as part of the proposed Project. The Environmental Compliance Plan will be developed by the contractor and must:

- *Identify the overall construction area;*
- *Identify work hours and days;*
- *Describe the overall construction scope of work;*
- *Identify all construction equipment to be used to complete the project;*
- *Identify all applicable mitigation measures depending on scope of work and construction equipment list;*
- *Develop a plan to adhere to all applicable mitigation measures;*

- *Develop a record-keeping system to track mitigation and any pertinent permits and/or verification documents such as equipment specifications, equipment logs, and receipts;*
- *Develop a tracking system to ensure mitigation is completed within the specified plan;*
- *Identify one lead person, plus one back-up person to be responsible for environmental compliance; and*
- *Identify additional measures, practices or project elements to further reduce environmental impacts.*

The Environmental Compliance Plan must be submitted to the Port of Los Angeles for review prior to commencing construction. The Port of Los Angeles reserves the right to modify the Plan, in conjunction with the contractor, to identify additional measures, practices or project elements to further reduce environmental impacts.

In response to USEPA-5, the discussion under impact topic AQ-5 more clearly explains the reasoning for the HRA approach taken in the SEIS/SEIR. AQ-5 has been revised to more clearly explain the reasoning for the HRA approach taken in the SEIS/SEIR. The proposed Project only includes construction emissions over a two year period (spanning three calendar years) and as shown in the Table 3.2-11, total PM emissions will not exceed daily thresholds. Due to the relative short-term nature of the proposed Project (at the Port, full HRAs have been completed for projects with 3-5 years of construction and 30 years of operation), and the low levels of PM, a full HRA was not completed for this Project. Instead, the analysis used the Berth 136-147 [TraPac] Container Terminal HRA as a surrogate to show that proposed Project emissions would not exceed those of the TraPac Project, which was shown to be below the 10 in a million health risk threshold. There are a few sensitive receptors that are closer to proposed Project sources than those evaluated for the TraPac project. Individuals that live aboard vessels in the Cabrillo Marina may be as close as 500 feet to the CSHW construction activities. However, since the magnitude and density of air emissions associated with the unmitigated CSHW construction activities are so much lower than the TraPac emissions scenario, as identified above, cancer risks produced by unmitigated Project construction activities would be substantially less than 0.4 per million (0.4×10^{-6}) at any of these locations. As a result, unmitigated cancer risks produced from the proposed Project to all receptor types would be less than significant. Because CEQA requires that mitigation measures be roughly proportional to the impacts of the project (CEQA Guidelines § 15126.4(a)(4)(B)) the Port is not required to implement any additional mitigation to reduce this impact.

In response to USEPA-6 and SCAQMD-1 per the LAHD Sustainable Construction Guidelines for Reducing Air Emissions, all off-road diesel-powered construction equipment greater than 50 hp, except derrick barges and marine vessels, shall meet Tier 2 emission off-road standards prior to December 31, 2011. Between January 1, 2012 and December 31, 2014, all off-road diesel-powered construction equipment greater than 50 hp, except ships, barges, and marine vessels, shall meet Tier 3 emission off-road standards. Based on the current estimated construction schedule, under which construction would be completed prior to December 31, 2011, the air quality modeling analysis assumes off-road diesel-powered construction equipment would meet Tier 2 emission off-road standards. However, if construction is delayed for any reason and part or all of the construction occurs on or after January 1, 2012, the construction equipment would meet Tier 3 emission off-road standards, consistent with Port policy. As stated above, this measure would be incorporated through bid specifications in the construction contracts.

In response to USEPA-7, the SEIS/SEIR assessed and provided emission calculations for both mitigated and unmitigated scenarios. The likelihood that exceptions included in AQ MM 2.1 and 2.2

will be applicable is quite small because the construction timeline is short (22 months) and specific equipment analyzed for the air quality modeling is currently available. All mitigation measures would become part of the Mitigation Monitoring Reporting Program which would be incorporated through bid specifications in construction contracts.

In response to USEPA-12, regarding the suggestion to engage in proactive efforts to hire local workers and the suggestion to provide public education programs, the Port has an on-going set of mechanisms to promote inclusion of small, minority, woman-owned and similar business enterprises, many of which are located in the local area, in its contracting. In addition, job training targeted to Harbor Area communities is provided by economic development organizations, the City of Los Angeles, and other entities. The Port provides outreach to the community in the form of meetings with the PCAC and other community groups and individuals and provides community education information on its website, in newsletters that are available in English and Spanish, through outreach at community events and festivals, and by other means. Related to the suggestion of establishing Environmental Management Systems, the Port has developed and is implementing an award-winning Environmental Management System (briefly summarized in Section 1.9 of the SEIS/SEIR) that improves efficiency and reduces environmental impacts from Harbor Department operations. Related to the suggestion to improve access to healthy food by establishing markets on Port lands, most of the land administered by LAHD is zoned to allow for coastal dependent cargo transport activities and related facilities. Also, the Port is operated and managed under a State Tidelands Trust that grants local municipalities jurisdiction over ports and stipulates that activities must be related to commerce, navigation and fisheries. Thus, although some of the land administered by LAHD is zoned in such a way that it could accommodate a retail or commercial use, establishing a retail outlet or farmer's market would not be consistent with LAHD's central purpose. Finally, related to the suggestion to continue expansion and improvements to the local community's parks and recreation system: As described above, the Port Community Mitigation Trust Fund will fund a study of off-port impacts, including recreation and other topics. In addition, the Port's proposed San Pedro Waterfront and Wilmington Waterfront projects, if approved, would provide open space, recreation and pedestrian amenities.

In response to SCAQMD-2, per the LAHD Sustainable Construction Guidelines for Reducing Air Emissions, all on-road heavy-duty diesel trucks with a GVWR of 19,500 pounds or greater shall comply with USEPA 2004 on-road emission standards for PM10 and NOx prior to December 31, 2011. Beginning on January 1, 2012, all on-road heavy-duty diesel trucks with a GVWR of 19,500 pounds or greater shall comply with USEPA 2007 on-road emission standards for PM10 and NOx. According to the project construction schedule, construction will be completed prior to December 31, 2011. As a result, USEPA 2004 on-road emission standards have been utilized consistent with the Port's Sustainable Construction Guidelines. The Guidelines were developed based on equipment availability. The Port conducted a survey in early 2008 of construction contractors and equipment providers, including information on future equipment orders. As a result of this survey, it was found that 2007 compliant trucks would not be available in large quantities before 2012. However, as described above, the Port will encourage use of USEPA 2007 compliant trucks through the Environmental Compliance Plan required of all contractors.

In response to comment, SCAQMD-3, the intent of the POLA Sustainable Construction Guidelines is to implement these procedures in a practical yet aggressive manner. The practicality of electrifying all dredging equipment within the entire project area is the reason why the qualifier "where available" is included in mitigation measure (MM) AQ-2.3. Currently, there is only one company with an electric clamshell dredger. Unlike other recent Port Projects with localized dredging that could be accomplished solely with a clamshell dredger, the Channel Deepening Project will involve a greater

volume of dredging using a variety of pieces of equipment. To be conservative, the analysis did not assume that dredges in the outer harbor and auxiliary diesel-powered barge equipment would be electrified. However, all dredging in the inner harbor could be accomplished by an electric dredge. In the case of the auxiliary diesel-powered barge equipment sources, they typically produce only about four percent of the total emissions generated from all dredge equipment, as shown in Tables C-65 through C-70 which are presented in Appendix C of the Draft SEIS/SEIR. The Port will continue to work with contractors to determine if different equipment capable of being electrified could be used for the entire Project.

In response to comment, SCAQMD-4, the Final SEIS/SEIR was revised to state that all harbor craft used during proposed construction shall meet the USEPA Tier 2 marine engine emission standards. Additionally, where feasible and assuming such equipment was readily available, proposed harbor craft shall meet the USEPA Tier 3 (available in 2009) or cleaner marine engine emission standards. To provide a more conservative mitigated analysis, it was assumed that proposed harbor craft only would achieve the USEPA Tier 2 marine engine emission standards

In response to comment, SCAQMD-5, MM AQ-2.5 has been revised in the Final SEIS/SEIR to include the additions requested in the comment as follows:

MM AQ-2.5: Additional Fugitive Dust Control.

The construction contractor shall further reduce fugitive dust emissions to 90 percent from uncontrolled levels. The Project construction contractor shall specify dust-control methods that will achieve this control level in a SCAQMD Rule 403 dust control plan. Their duties shall include holiday and weekend periods when work may not be in progress. Measures to reduce fugitive dust include, but are not limited to, the following:

- *Active grading sites shall be watered one additional time per day beyond that required by Rule 403*
- *Contractors shall apply approved non-toxic chemical soil stabilizers according to manufacturer's specifications to all inactive construction areas or replace groundcover in disturbed areas (previously graded areas) inactive for ten days or more.*
- *Construction contractors shall provide temporary wind fencing around sites being graded or cleared.*
- *Trucks hauling dirt, sand, or gravel shall be covered or shall maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code. ("Spilling Loads on Highways").*
- *Construction contractors shall install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site.*
- *Pave road and road shoulders.*
- *Require the use of clean-fueled sweepers pursuant to SCAQMD Rule 1186 and Rule 1186.1 certified street sweepers. Sweep streets at the end of each day if visible soil is carried onto paved roads on-site or roads adjacent to the site to reduce fugitive dust emissions.*
- *Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.*
- *Traffic speeds on all unpaved roads shall be reduced to 15 mph or less.*
- *Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.*

- *Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the extent practicable.*
- *Require the use of electrified truck spaces for all truck parking or queuing areas if feasible. Alternatively, trucks could be required to turn off if parked or stopped in idle for more than 15 minutes.*

The grading contractor shall suspend all soil disturbance activities when winds exceed 25 mph or when visible dust plumes emanate from a site; disturbed areas shall be stabilized if construction is delayed.

In response to comment SCAQMD-6, the MM AQ-2.6 has been revised in the Final SEIS/SEIR to include the additional Best Management Practices (BMPs) identified in the comment as follows:

MM AQ-2.6: Additional Best Management Practices (BMPs).

The following types of measures are required on construction equipment (including on-road trucks), where feasible:

- *Use of diesel oxidation catalysts and catalyzed diesel particulate traps.*
- *Maintain equipment according to manufacturers' specifications.*
- *Restrict idling of construction equipment and on-road heavy-duty trucks to a maximum of 5 minutes when not in use.*
- *Install high-pressure fuel injectors on construction equipment vehicles.*
- *Maintain a minimum buffer zone of 300 meters between truck traffic and sensitive receptors*
- *Improve traffic flow by signal synchronization*
- *Enforce truck parking restrictions*
- *Provide on-site services to minimize truck traffic in or near residential areas, including, but not limited to, the following services: meal or cafeteria services, automated teller machines, etc.*
- *Re-route construction trucks away from congested streets or sensitive receptor areas*
- *Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.*
- *Use electric power in favor of diesel power where available.*

LAHD shall coordinate with USACE to implement a process by which to select additional BMPs to further reduce air emissions during construction. The LAHD, in coordination with USACE, shall determine the BMPs once the contractor identifies and secures a final equipment list. The final BMPs shall be implemented by including mitigation measures in the Plan and Specifications and in the project stormwater pollution prevention plan (SWPPP). All BMPs shall be incorporated into the plan and specifications that the construction contractor will follow will be monitored by USACE's Environmental Resources Branch to ensure that mitigation measures are implemented during construction. The final construction equipment list can be determined after selection of the construction contractor. This mitigation is not quantified in this study. The final BMPs shall be

monitored by USACE's Environmental Resources Branch and implemented through USACE's Engineering Division in the construction contract.

In response to NRDC-5 and 6, the measures suggested in these comments encourage construction of ships with the cleanest available technology through implementation of a port-wide rule that the shipping fleet calling at the port meet certain reductions for NO_x and particulate matter by a certain date and requiring ships to use low sulfur fuels. However, the current proposed Project is to dispose of 3.0 mcv of dredge material and would not result in increased throughput at the Port, therefore, there is an insufficient nexus between these measures and the impacts of the proposed Project.

In response to CRPV -2, because there is adequate capacity within the Port (including LA-2) to dispose all the material, it is therefore not necessary to transport material to upland disposal outside the Port. Additionally, in response to NRDC-7, the proposed Project does not involve use of any type of train or railway, therefore, there is an insufficient nexus between these measures and the impacts of the proposed Project.

In response to KWJM-7, through a MOU, the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the cumulative off-Port impacts created by Port operations. Implementing Port-wide mitigation to mitigate the impacts of the proposed Project is not legally feasible as CEQA requires a nexus between the mitigation measure and the impact it is designed to reduce. (See CEQA Guidelines § 15126.4(a)(4).) The SEIS/SEIR adequately identifies and evaluates all feasible mitigation to reduce or avoid the significant environmental effects of the proposed Project. Therefore, the Draft SEIS/SEIR adequately fulfills the requirements of CEQA with regard to mitigation for the proposed Project.

II.4 Cumulatively Considerable Impacts

The State CEQA Guidelines (Section 15130) require an analysis of the project's contribution to significant cumulative impacts. Cumulative impacts include "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts" (State CEQA Guidelines, Section 15355).

For the purposes of the SEIS/SEIR, the timeframe of current or reasonably anticipated projects extends from 2002 to 2037, and the vicinity is defined as the area over which effects of the proposed Project could contribute to cumulative effects. A total of 90 current or reasonably foreseeable future projects (approved or proposed) were identified within the general vicinity of the Project that could contribute to cumulative impacts. The 90 projects include projects in the Ports of Los Angeles and Long Beach; the Cities of Long Beach, Lomita, and Torrance; and the communities of San Pedro, Wilmington, Harbor City, and Carson.

Cumulatively Significant and Unavoidable Impacts

The discussion below identifies cumulatively significant impacts. All feasible mitigation measures to reduce or avoid the cumulatively considerable contribution of the proposed Project to these impacts have been required in, or incorporated into, the proposed Project. The Board has determined that additional proposed mitigation measures and/or alternatives are infeasible in light of specific economic, legal, social, technological, and other considerations and, therefore, have not been required in, or incorporated into, the Project. The evidence of such infeasibility is explained below.

Air Quality and Meteorology

Cumulative Impact AQ-3: Potential to Produce Emissions that Exceed an Ambient Air Quality Standard or Substantially Contribute to an Existing or Projected Air Quality Standard Violation.

Finding

The SCAQMD develops ambient pollutant thresholds that signify cumulatively considerable increases in criteria pollutants. Construction of the proposed Project would produce ambient impacts that, when combined with background pollutant levels that represent impacts from existing and future emission sources, would exceed the SCAQMD ambient threshold for 1-hour NO₂. Any concurrent emissions-generating activity that occurs in the vicinity of proposed construction would add additional air emission burdens to this significant impact. As a result, without mitigation, emissions from the proposed Project would produce cumulatively considerable contributions to ambient NO₂ levels.

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Final SEIS/SEIR. Implementation of Mitigation Measures **MMs AQ-2.1** through **AQ-2.4** and **AQ-2.6** would reduce criteria pollutant emissions and localized ambient impacts from the proposed Project construction equipment; however, NO₂ impacts would remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives.

Rationale for Finding

To reduce emissions of NO_x, proposed Project construction activities would implement all applicable POLA Sustainable Construction Guidelines as part of unmitigated operating conditions, including **MMs AQ-2.1** through **AQ-2.4** and **AQ-2.6**. There are no other feasible measures that would further reduce criteria pollutant emissions from construction of the proposed Project. As a result, the proposed Project would produce cumulatively considerable and unavoidable contributions to ambient NO₂ levels.

Cumulative Impact AQ-4: Potential to Create Objectionable Odors at the Nearest Sensitive Receptor

Finding

Construction activities from the proposed Project would decrease diesel emissions within the Port in comparison to the Project CEQA Baseline of 2004. However, exposure to the atmosphere of dredge material from the creation of landfills at Berths 243-245 and the Northwest Slip also would produce odors from the decomposition of organic matter. Residents and sensitive receptors would occur within 0.25 mile of these emission sources. Construction of the proposed Project without mitigation would produce less than significant incremental odor impacts to sensitive receptors. However, because future Port operations and construction activities would (1) add additional odor emissions to cumulative impacts, and (2) continue the degraded odor levels in the Ports region, the proposed Project would contribute to cumulatively considerable odor impacts.

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect as identified in the Final SEIS/SEIR. Implementation of Mitigation Measures MMs AQ-2.1 through AQ-2.6 would reduce impacts to the extent feasible; however, impacts would remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives.

Rationale for Finding

To reduce combustive and fugitive dust emissions, proposed Project construction activities would implement all applicable POLA Sustainable Construction Guidelines as part of unmitigated operating conditions, including MMs AQ-2.1 through AQ-2.6. There are no other feasible measures that would further reduce odorous emissions from construction of the proposed Project. As a result, the proposed Project would produce cumulatively considerable and unavoidable contributions to ambient odor levels within the Project region.

Public Comment

Two comments on the Draft SEIS/SEIR were received from USEPA and NRDC in regard to potential cumulative effects to human health and mitigation for cumulative impacts (comments USEPA-1 and NRDC-3). Two comments on the Draft SEIS/SEIR were received from the Port of Los Angeles Community Advisory Committee (PCAC) and Los Angeles County in regard to including additional proposed projects into the Cumulative Analysis (comments PCAC-14 and CRPV-3). One comment on the Draft SEIS/SEIR was received from the Wilmington Marina with regard to Cumulative Recreation impacts (comment WM-4).

In response to USEPA-1 and NRDC-3, mitigation for potential effects to human health, the Corps and Port are committed to mitigating disproportionate effects to the extent feasible. The Port's primary means of mitigating the effects of air quality impacts is to address the source of the impact through a variety of Port-wide clean air initiatives, including the CAAP, the Sustainable Construction Guidelines, and the proposed CAAP San Pedro Bay [Health] Standards. As part of the San Pedro Bay Standards, the Port will complete a Port-wide Health Risk Assessment (HRA) covering both the Port of Los Angeles and the Port of Long Beach that will include a quantitative estimate of health risk impacts from Diesel Particulate Matter (DPM) emissions of the Ports' overall existing and planned operations. Current and future proposed projects' approval will be dependent on meeting the San Pedro Bay Standards. The Port is also developing a comprehensive Climate Change Action Plan to address GHG emissions from Port operations. GHG emissions at the Port are largely a function of diesel combustion and thereby addressing these emissions will not only help address potential climate change effects but also local health issues from diesel sources.

In addition, through a Memorandum of Understanding (MOU), the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the cumulative off-port impacts created by Port operations. This fund includes, for example, approximately \$6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. The off-Port community benefits of the MOU are designed to offset cumulative effects of Port operations. While the MOU is not related to this proposed Project, it would have particular benefits for harbor area communities where these effects could occur.

In response to PCAC-14 and CRPV-3, the projects identified by these agencies have been incorporated into the analysis of cumulative impacts presented in Chapter 6 of the Final SEIS/SEIR.

In response to WM-4, because the Eelgrass Habitat Area is no longer under consideration as a disposal site, the proposed Project would have no impact to long term recreational uses of within the Port.

Cumulatively Significant and Unavoidable Impacts Prior to Mitigation

In addition to the findings above, there are a number of impact areas with cumulatively significant impacts prior to mitigation that are reduced to less than significance after mitigation. The discussion below identifies cumulatively significant impacts prior to mitigation. All feasible mitigation measures to reduce or avoid the cumulatively considerable contribution of the proposed Project to these impacts have been required in, or incorporated into, the proposed Project. The evidence of such infeasibility is explained below.

Biological Resources

Cumulative Impact BIO-2: Cumulative Alteration or Reduction of Natural Habitats, Special Aquatic Sites or Plant Communities

Finding

Essential Fish Habitat (EFH) has been and will be lost due to past, present, and future landfill projects in the Harbor. EFH protection requirements began in 1996, and thus, only apply to projects since that time. The projects in Table 6-1 that could result in a loss of EFH are Pier 400 (#1), Berths 97-109 (#15), Berths 302-305 APL (#23), Middle Harbor Terminal redevelopment (#6671), Piers G & J (#6772), and Pier T (#7075). The losses since 1996 are the same, significant but mitigable, as the marine habitat losses described in Cumulative Impact BIO-5 below, and the use of mitigation bank credits for the latter impacts also offset the losses of EFH.

These disturbances in the Harbor occur at specific locations that are scattered in space and time within the Harbor and would not cause a significant impact to EFH. Increased vessel traffic and runoff from on-land construction and operations resulting from the cumulative projects would not result in a loss of EFH nor would these activities substantially degrade this habitat. Natural habitats, special aquatic sites (e.g., eelgrass beds, mudflats), and plant communities (wetlands) have a limited distribution and abundance in the Harbor. The 40-acre (16-ha) Pier 300 expansion project caused a loss of eelgrass beds that was mitigated. The Southwest Slip fill in West Basin completed as part of the Channel Deepening Project resulted in a small loss of saltmarsh that was also mitigated. Losses of eelgrass and saltmarsh from early landfill projects are unknown. Therefore, past projects have created significant but mitigable impacts, and none of the other present or future projects are expected to adversely affect any of these habitats. The loss of 14.112.4 acres (5.07 ha) of EFH represents a cumulatively considerable impact. The temporary construction disturbances at the Northwest Slip, Berths 243-245, and CSWH Expansion Area, and Eelgrass Habitat Area sites would also be cumulatively considerable because these activities combined with those of other cumulative projects (described above) would result in a loss of EFH.

Rationale for Finding

Implementation of MM BIO-54 would use existing mitigation credits to offset the loss of 12.4 acres (5.07 ha) of marine habitat due to construction of the new land areas at the Northwest Slip, and Berths 243-245, and Eelgrass Habitat Area dike construction in accordance with an agreements between the Port and regulatory agencies. Other recent and future cumulative projects that involve construction of new landfills in the Harbor have used or would use these mitigation credits to offset impacts of marine habitat loss (see Table 3.3-4 in Section 3.3.5). The Bolsa Chica mitigation bank currently contains 1061 credits, so that adequate credits would remain after the approved and planned projects, including Alternative 1, are mitigated. Therefore, mitigation would render the contribution of Alternative 1 to cumulative impacts would be less than considerably significant.

The loss of 0.042 acre (0.017 ha) of saltmarsh in the Northwest Slip would be mitigated through transplantation, therefore this impact would not have the potential to combine with impacts of past and reasonably foreseeable projects to result in a significant cumulative impact.

Cumulative Impact BIO-4: Cumulative Disruption of Local Biological Communities Dredging and Wharf Work.

Finding

Construction of past projects in the Harbor has involved in-water disturbances such as dredging and wharf construction that removed surface layers of soft bottom habitat as well as temporarily removed or permanently added hard substrate habitat (e.g., piles and rocky dikes). These disturbances altered the benthic habitats present at the location of the specific projects, but effects on benthic communities were localized and of short duration as invertebrates recolonized the habitats. Because these activities affected a small portion of the Harbor at a time and recovery has occurred or is in progress, biological communities in the Harbor have not been degraded. Similar construction activities (e.g., wharf construction/reconstruction and dredging) would occur for these cumulative projects that are currently under way and for some of those that would be constructed in the future. Because recolonization of dredged areas and new riprap and piles begins immediately and provides a food source for other species, such as fish, within a short time, multiple projects spread over time and space within the Harbor would not substantially disrupt benthic communities. Construction disturbances at specific locations in the water and at different times that are caused by the cumulative projects, which can cause fish and marine mammals to avoid the work area, are not expected to substantially alter the distribution and abundance of these organisms in the Harbor and thus would not substantially disrupt biological communities. Turbidity that results from in-water construction activities occurs in the immediate vicinity of the work and lasts just during the activities that disturb bottom sediments. Effects on marine biota are thus localized to relatively small areas of the Harbor and of limited duration for each project. Those projects that are occurring at the same time but which are not in close proximity would thus not have additive effects.

Furthermore, based on biological baseline studies described in Section 3.3, the benthic marine resources of the Harbor have not declined during Port development activities occurring since the late 1970s. The biological baseline conducted by MEC and Associates (2002) identified healthy benthic communities in the Outer Harbor despite major dredging and filling activities associated with the Port's Deep Draft Navigation Project (USACE and LAHD, 1992). However, between

2002 and 2005, the USACE and the Port dredged most of the Inner Harbor channels and basins from -45 ft to -53 ft (Channel Deepening Project, #4). Recolonization of disturbed marine environments begins rapidly and is characterized by high reproduction rates of a few colonizing species. And establishment of a climax biological community would occur in 2 to 5 years (MEC, 1988).

Dredging and Wharf Work The small amount of dredging and wharf demolition at Berths 243-245 and the Northwest Slip fill site for Alternative 1 would not contribute considerably to cumulative disruption of a local biological community.

Landfilling Filling at the Northwest Slip site and Berths 243-245 site would remove 12.4 acres (5.1 ha) of highly modified marine habitat in the Inner Harbor and cause short-term turbidity associated with fill placement. The loss of 12.4 acres (5.0 ha) of EFH represents a cumulatively considerable impact. The temporary construction disturbances at the Northwest Slip, Berths 243-245, and CSWH Expansion Area sites would also be cumulatively considerable because these activities combined with those of other cumulative projects (described above) would result in a loss of EFH. Placement of fill for the CSWH Expansion Area also would have temporary but less than significant impacts on local biological communities and would not contribute considerably to cumulative effects on those communities. Effects of the fill on amount of marine habitat are addressed in Cumulative Impact BIO-5 below.

Backland Construction and Operations Alternative 1 involves construction of two small landfills with no construction or operation of facilities on those fills. Alternative 1, however, would add 13 acres (5.3 ha) of area from which runoff could enter Harbor waters through storm drains or sheet runoff, but runoff of pollutants in quantities that could adversely affect marine biota is not likely to occur. Furthermore, runoff from Alternative 1 and most of the cumulative projects would not occur simultaneously but rather would be events scattered over time so that total runoff to harbor waters would be dispersed, both in frequency and location. Consequently, Alternative 1 would not result in any cumulatively considerable effects on biological communities because runoff control measures, such as SWPPPs, would be implemented as required in project permits

Rationale for Finding

Implementation of MM BIO-5 would use existing mitigation credits to offset the loss of 12.4 acres (5.0 ha) of marine habitat due to construction of the new land areas at the Northwest Slip, and Berths 243-245 in accordance with an agreement between the Port and regulatory agencies. Other recent and future cumulative projects that involve construction of new landfills in the Harbor have used or would use these mitigation credits to offset impacts of marine habitat loss (see Table 3.3-4 in Section 3.3.5 of the Final SEIS/SEIR). The Bolsa Chica mitigation bank currently contains 106 credits, so that adequate credits would remain after the approved and planned projects, including Alternative 1, are mitigated. Therefore, the contribution of Alternative 1 to cumulative impact would be less than significant.

Cumulative Impact BIO-5: Cumulative Loss of Marine Habitat

Findings

Numerous landfill projects have been implemented in the Harbor since the Harbor was first developed, and these projects have resulted in an unquantified loss of marine habitat. For the

cumulative projects listed in Table 6-1, approximately 570 acres (231 ha) of landfill have been completed in the Harbor, another 75 acres (30 ha) are in the process of being filled, and future planned landfills (without the Proposed Action) total about 65 acres (26 ha). Thus, well over 700 acres (283 ha) of marine habitat have been or will be lost in the Harbor. Losses of marine habitat prior to implementation of the agreements among the Ports and regulatory agencies were not mitigated. Losses since that time have been, and will be for future projects, mitigated by use of existing mitigation bank credits from marine habitat restoration off site and through creation of shallow water habitat within the Outer Harbor as established in the agreements with the regulatory agencies. Alternative 1 would contribute 12.4 acres (5.07 ha), or less than 2 percent, of the more than 700 acres (283 ha) of fill completed or proposed for the Harbor prior to mitigation. This would make a cumulatively considerable contribution to habitat loss prior to mitigation.

Rationale for Finding

Implementation of MM BIO-5 would use existing mitigation credits to offset the loss of 12.4 acres (5.07ha) of marine habitat due to the Northwest Slip and Berths 243-245 fills, and Eelgrass Habitat Area dike construction in accordance with agreements between the Port and regulatory agencies. Other recent and future cumulative projects that involve construction of new landfills in the Harbor have used or would use these mitigation credits to offset impacts of marine habitat loss (see Table 3.3-4 in Section 3.3.5). The mitigation bank currently contains 161 credits, so that adequate credits would remain after the approved and planned projects, including Alternative 1, are mitigated. Therefore, mitigation would render the contribution of Alternative 1 to cumulative impacts less than considerable.

Land Use

Cumulative Impact LU-3: The Proposed Action would incrementally contribute to cumulative impacts related to the types and/or extent of existing land uses in the project area

Findings

As addressed in Section 3.8, Land Use, Alternative 1 would not affect the types or extent of land uses outside of the boundaries of the Port. However, during construction of the Northwest Fill Slip, water-based activities and operations at Berths 134 and 135 would be discontinued and water-based activities and operations associated with Berths 129 through 130 would be substantially restricted. Vessel access to and within the West Basin would also be restricted due to construction-related vessels and equipment, which may affect activities and operations of Berths 126 through 128, 136 through 139, and 142 through 147. These preclusions and restrictions could result in significant conflicts with surrounding land uses. The timing and volume of berth-specific cargo imports and exports would also be expected to require modification, as would the onshore activities and operations that support them. Although, Alternative 1 would include implementation MM LU-1 and MM LU-2 to minimize potential impacts associated with restricting or precluding surrounding land uses to a level of less than significant, if peak construction of all four projects in the vicinity of the West Basin (Alternative 1 and Cumulative Project Numbers 2, 29 and 15) occurs simultaneously, impacts to surrounding land uses could still be exacerbated to cumulatively significant levels and the contribution of Alternative 1 to this significant cumulative impact would be considerable. To minimize this

potential impact, MM LU-3 is recommended to ensure that cumulative construction-related effects are minimized.

Rationale for Finding

Implementation of MM LU-3 below, in conjunction with MM LU-1 and MM LU-2, would be expected to reduce potentially significant cumulative impacts associated with existing land uses within the West Basin area to a less than significant level. Following construction, Alternative 1 would not incrementally contribute to any cumulative impacts associated with the types and/or extent of existing land uses in the vicinity of the Port or its surrounding areas.

MM LU-3 The Port shall ensure that all construction-related projects in the vicinity of, and entering into, the West Basin are phased in a manner that ensures that no more than one project falls within its peak-construction period at any given time. The Port shall provide all affected leaseholders with construction schedules for all construction-related projects within the West Basin area 60 days prior to their initiation, and continue with bi-weekly updates to each project's respective construction schedule until its completion. The Port shall additionally provide all affected leaseholders with the name and contact information for a Port-employed representative for the purpose of reporting concerns related to the effects that multiple construction-related activities have on their respective operations. The Port shall respond to all concerns within a 72-hour period.

Cumulative Impact LU-4: The Proposed Action would incrementally contribute to cumulative impacts related to the disruption, division or isolation of existing neighborhoods, communities, or land uses

Findings

Past and present projects within the project vicinity have resulted in acquisition of new property by the Port that has been attributed to the encroachment of Port-related industrial uses into surrounding communities. Past Port projects have resulted in the use of container storage yards for storage of other equipment and materials (i.e., new and used truck chassis) and related maintenance, and the location of rail and highway infrastructure within surrounding communities. Over the years, the Port's growth in cargo throughput has increased truck volumes within surrounding communities.

As addressed under Cumulative Impact LU-3, above, Alternative 1 would temporarily impact existing land uses in the area of the Port's West Basin. Alternative 1 includes implementation of MM LU-1 and MM LU-2 to reduce these impacts to less than significant. However, if peak construction activities associated with the Norwest Slip, Berths 136-147 Marine Terminal, West Basin Project (Cumulative Project Number 2), Berths 121-131 Yang Ming Container Terminal Project (Cumulative Project Number 29), and Berths 97-109 China Shipping Development Project (Cumulative Project Number 15) occur simultaneously, impacts to surrounding land uses could still be exacerbated to cumulatively significant levels and the contribution of Alternative 1 to this significant cumulative impact would be considerable. To minimize this potential impact, MM LU-3 is recommended to ensure that cumulative construction-related effects are less than cumulatively considerable.

Rationale for Finding

To reduce the significant cumulative impacts associated with the disruption of existing land uses within the West Basin area to less than significant, implementation of MM LU-3, as provided under Cumulative Impact LU-3, is recommended. Following construction, Alternative 1 would not incrementally contribute to any cumulative impacts associated with the disruption, division or isolation existing neighborhoods, communities, or land uses.

II.5 Environmental Justice

While not a CEQA Impact Section, the Draft and Final SEIS/SEIR includes an environmental justice analysis. The environmental justice analysis complies with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which requires federal agencies to assess the potential for their actions to have disproportionately high and adverse environmental and health impacts on minority and low-income populations, and with the Council on Environmental Quality (CEQ) *Guidance for Environmental Justice Under NEPA* (CEQ 1997). This assessment is also consistent with California state law regarding environmental justice.

Public Comment

After implementation of mitigation measures, the proposed Project would result in disproportionate effects on minority and low-income populations as a result of significant project and cumulative impacts related to air quality. Three comments were received from the USEPA and the PCAC in regard to Environmental Justice. The comments focused on two areas: (1) conducting a port-wide health impact analysis and mitigation (comments USEPA-1, 2 and 11) and (2) project compliance with Environmental Justice law (comment PCAC-17).

Port-wide Health Impact Analysis

The comments from USEPA (USEPA-1, 2, and 11) suggest conducting a port-wide Health Impact Assessment (HIA)-like analysis. According to the World Health Organization (WHO), a Health Impact Assessment (HIA) is “A combination of procedures, methods and tools by which a policy, program or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population”. Recommendations are produced for decision makers and stakeholders, with the aim of maximizing the proposal’s positive health effects and minimizing the negative health effects. Because the Draft SEIS/SEIR discloses the environmental impacts, including health risk impacts, of the proposed Project, the Draft SEIS/SEIR is not required to additionally include a separate, full-blown HIA. Nevertheless the Draft SEIR/SEIR included a number of health assessment tools to accomplish many of the goals of an HIA. These tools include criteria pollutant modeling, an Environmental Justice analysis, and a Socioeconomic analysis. These analyses are presented in the Draft SEIS/SEIR for the proposed Project and all project alternatives (including the No Federal Action/No Project Alternative), allowing the reader, and subsequently the Board and Corps (the decision makers) to compare and contrast the benefits and costs among all proposals.

The Corps and Port are committed to mitigating disproportionate effects to the extent feasible. The Port’s primary means of mitigating the disproportionate effects of air quality impacts is to address the source of the impact through a variety of Port-wide clean air initiatives, including the CAAP, the

Sustainable Construction Guidelines, and the proposed CAAP San Pedro Bay [Health] Standards. As part of the San Pedro Bay Standards, the Port will complete a Port-wide Health Risk Assessment (HRA) covering both the Port of Los Angeles and the Port of Long Beach that will include a quantitative estimate of health risk impacts from Diesel Particulate Matter (DPM) emissions of the Ports' overall existing and planned operations. Current and future proposed projects' approval will be dependent on meeting the San Pedro Bay Standards. The Port is also developing a comprehensive Climate Change Action Plan to address GHG emissions from Port operations. GHG emissions at the Port are largely a function of diesel combustion and thereby addressing these emissions will not only help address potential climate change effects but also local health issues from diesel sources.

In addition, through a Memorandum of Understanding (MOU), the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the cumulative off-port impacts created by Port operations. This fund includes, for example, approximately \$6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. The off-Port community benefits of the MOU are designed to offset cumulative effects of Port operations. While the MOU is not related to this proposed Project and therefore is not an environmental justice mitigation per se, it would have particular benefits for harbor area communities where disproportionate effects could occur.

Compliance with Environmental Justice Law

In regard to comment PCAC-17, Section 5.3 (Applicable Regulations for Environmental Justice) of the Final SIES/EIR has been revised to include agency-specific actions, commitments, strategies and programs for environmental justice at State and federal levels. However, no formally adopted environmental justice policies for the purposes of environmental review have been adopted to date. Consequently, a policy consistency analysis is not considered applicable. It is noted, though, that in lieu of formally adopted policy, federal CEQ guidance and the USEPA's recommendations for the analysis of environmental justice have been applied.

Section 5.3 (Applicable Regulations for Environmental Justice) of the Draft and Final SEIS/SEIR outlines that, at a federal level, the intent of an environmental justice analysis is to disclose to decision makers and the public any potential environmental or human health impacts associated with a proposed project that may cause a disproportionate, or undue, burden on minority and/or low-income populations. Under California Government Code Title 7 (Planning and Land Use), Chapter 1.5 (Office of Planning and Research [OPR]), Article 4 (Powers and Duties), Section 65040.12(e), "Environmental Justice" means "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." However, this definition is not specific as to how environmental justice is to be addressed within the context of environmental review under CEQA. It is specific to Article 4, Section 65040.2(d), which directs the OPR to develop guidelines to address "environmental justice matters," which remains in process. In the absence of OPR guidelines for environmental justice analysis under CEQA, federal guidelines and recommendations have been used for the Draft and Final SEIS/SEIR. Section 5.4.3 (Impacts for Environmental Justice) of the Draft and Final SEIS/SEIR address these guidelines, and conclude that, as related to air quality, significant and unavoidable impacts would occur as related to minority and low income populations. It is noted that low income populations are not always minority populations. Low-income populations can be Caucasian (e.g., "white") as well; the classification is a function of annual income, not race or culture.

The focus of the environmental justice analysis is on minority and low income populations within the four zip code radius of the study area, consistent with other environmental review documents prepared for the proposed project; it is not intended to address quality of life issues, which is the focus of the white paper referenced in the comment. An analysis of southern California as a “donor region” for trade services of the entire nation would be, within the context of this comment, a quality of life evaluation. Neither NEPA nor CEQA require an analysis of quality of life within the body of an EIS or EIR. Additionally, such an evaluation would involve an assessment of all types of trade-related and transport/movement services, including non-shipping services, not just for southern California but for “all of California,” as is noted in the white paper referenced in the comment (O’Brien, 2004). Addressing the proposed project’s potential direct, indirect, and cumulative impacts at a State-wide scale is considered to be excessive and beyond the scope and intent of the Draft and Final SEIS/SEIR.

Impacts to minority and low-income populations within the four zip code radius of the study area have been evaluated in the environmental justice analysis, including those that are in proximity to study area’s existing rail lines, on- and off-Port rail yards, and truck routes. Therefore, the analysis presented in the Final SEIS/SIER is consistent with relevant Environmental Justice Law.

Finding Regarding Responses to Comments on the Draft SEIS/SEIR

In accordance with CEQA (Guidelines Section 15088) and NEPA (23 CFR Part 771), the USACE and the Port have evaluated the comments on environmental issues received from agencies and other interested parties and have prepared written responses to each comment pertinent to the adequacy of the environmental analysis contained in the Draft SEIS/SEIR. In specific compliance with Section 15088(b) of the CEQA Guidelines and implementing regulations 23 CFR Part 771 of the NEPA Guidelines, the written responses address the environmental issues raised. In addition, where appropriate, the basis for incorporating, or not incorporating specific suggestions into the proposed Project is provided. In each case, USACE and the Port have expended a good faith effort, supported by reasoned analysis, to respond to comments.

The Board of Harbor Commissioners finds that all information added to the SEIS/SEIR after public notice of the availability of the Draft SEIS/SEIR for public review but before certification merely clarifies or amplifies or makes insignificant modifications in an adequate SEIS/SEIR and does not require recirculation.

Proposal Suggested after release of Final SEIR

Following the release of the Final SEIR, LAHD received a number of comment letter regarding a proposal submitted by Gambol Industries, Inc. (to reuse the former Southwest Marine facility as the proposed Gambol Maritime Center and to modify the Channel Deepening project to only partially fill in Berths 243-245). The Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible the Gambol proposal. Specifically, engineering analysis demonstrates that the Gambol proposal recommends a technically flawed structure for containment of contaminated material as described in Attachment 2 (Briefing Paper, Berths 243-245; LAHD, 2009). The proposed design does not meet the Port’s engineering standards for seismic retainment structures and is therefore, not technically feasible. Further, the Gambol proposal does not meet the objectives of the proposed Project and would not reduce any significant impacts of the proposed Project. Therefore, this proposal is not an alternative as defined by CEQA, need not be analyzed in the EIR, and is hereby rejected.

III. Alternatives to the Proposed Project

III.1 Alternatives Eliminated from Further Consideration

Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, need not be considered (CEQA Guidelines, Section 15126[f][2]). Alternatives may be eliminated from detailed consideration in an EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid any significant environmental effects (CEQA Guidelines, Section 15126.6[c]). Five project alternatives, including the No Action Alternative, were considered and evaluated in regard to how well each could feasibly meet the basic objectives of the Project and avoid or substantially lessen any of the significant effects of the project. Each of the five action alternatives consisted of different combinations of the following disposal sites: Pier 300 40-acre expansion area, Consolidated Slip, Bird Nesting Island, CSWH, Eelgrass Restoration Area (near Pier 300), Berths 243-245, Northwest Slip, and Ocean Disposal sites LA 2 and LA-3. These include alternatives presented in the NOI/NOP dated November 4, 2004, and the SNOI/SNOP dated October 21, 2005.

- 1) Alternative 1, Port Development (Proposed Project)
- 2) Alternative 2, Limited Port Development
- 3) Alternative 3, Minimal Port Development, and
- 4) Alternative 4, Ocean Disposal and Minimal Port Development.
- 5) Alternative 5, No Action

Four of the disposal sites included in the above alternatives were eliminated from detailed consideration either because they could not feasibly meet the basic objectives of the Project and/or because they would not avoid or substantially lessen any of the significant effects of the project. The Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible these project alternatives, as discussed in Section 2.4.3 of the SEIS/SEIR.

III.2 Alternatives Analyzed in the SEIS/SEIR

Section 2.5 of SEIS/SEIR presents detailed descriptions of the alternatives that were found to achieve the project objectives, were considered potentially feasible, and may reduce environmental impacts associated with the proposed project. The following three alternatives were fully analyzed in the SEIS/SEIR:

- **Alternative 1** Port Development and Environmental Enhancement (proposed Project)
- **Alternative 2:** Environmental Enhancement and Ocean Disposal
- **Alternative 3:** No Action

The alternatives include two action alternatives and the No Action Alternative. The action alternatives (Alternatives 1 and 2) are comprised of different combinations of the disposal options presented in Section I.2 (Project Description). The disposal options included under each of these alternatives are summarized below in Table III-1 below.

Disposal Sites	Alternative 1 Port Development and Environmental Enhancement (Proposed Project)	Alternative 2 Environmental Enhancement and Ocean Disposal	Alternative 3 No Action
Berths 243-245 (a)	0.368 (b)	N/A	N/A
Northwest Slip	0.128 (b)	N/A	N/A
CSWH Expansion	1.700 (b)	1.700 (b)	N/A
ARSSS (a)	N/A	0.080	N/A
Ocean Disposal Site LA-2	0.804	0.804	N/A
Ocean Disposal Site LA-3	NA	0.416	N/A
Total Volume	3.000	3.000	N/A
(a) Site would be used for material unsuitable for open water disposal.			
(b) Additional dredging of 0.090 mcy for Berths 243-245, 0.050 mcy for Northwest Slip, and 0.040 mcy for CSWH is required for trenching dike foundations and is not included in the volumes presented in this table. These volumes of material would be disposed in their respective disposal sites, thereby decreasing the amount of Channel Deepening Project material able to be accommodated by each disposal site. Therefore, a total of approximately 0.18 mcy would be available to be placed as surcharge on Berths 243-245.			

Table III-2, below, provides a summary of the impact analysis for the Proposed Action and alternatives, as identified in the Final SIES/SEIR.

Environmental Resource Area*	Alternative 1 Port Development and Environmental Enhancement (Proposed Project)	Alternative 2 Environmental Enhancement and Ocean Disposal	Alternative 3 No Action
Aesthetics and Visual Resources	L	L	N
Air Quality and Meteorology	S	S	N
Biological Resources	M	M	N
Cultural Resources	N	N	N
Geology	L	L	N
Ground Transportation and Circulation	L	L	N
Hazards and Hazardous Materials	L	L	N
Land Use	M	M	N
Marine Transportation	L	L	N
Noise	M	M	N

Table III-2 Summary of CEQA Significance Analysis by Alternative			
Environmental Resource Area*	Alternative 1 Port Development and Environmental Enhancement (Proposed Project)	Alternative 2 Environmental Enhancement and Ocean Disposal	Alternative 3 No Action
Recreation	L	L	N
Utilities	L	L	N
Water Quality and Oceanography	L	L	N
Socioeconomics	M	N	N
Environmental Justice	S	S	N
* Only environmental resources with unavoidable significant impacts or significant but mitigable impacts are included in the table and the analysis used to rank alternatives; the analysis includes project-level impacts, not cumulative effects. S = Unavoidable significant impact M = Significant but mitigable impact L = Less than significant impact (not significant) N = No impact			

Finally, Table III-3, below, reflects determinations made through the comparison of alternatives analysis presented in the Final SEIS/SEIR.

Table III-3 Comparison of Alternatives*		
Environmental Resource Area*	Alternative 2 (Environmental Enhancement and Ocean Disposal)	Alternative 3 (No Action)
Aesthetics	1	-1
Air Quality	-1	-2
Biological Resources	1	-1
Cultural Resources	0	0
Geology	0	0
Ground Transportation and Circulation	0	-1
Hazards and Hazardous Materials	1	-1
Land Use	-1	-1
Marine Transportation	1	-1
Noise	1	-1
Recreation	0	-1
Utilities	-1	-1
Water Quality and Oceanography	1	-1
TOTAL	3	-12
* Alternatives eliminated from further consideration are not included. (-2) = Impact considered to be substantially less when compared with the Proposed Project. (-1) = Impact considered to be somewhat less when compared with the Proposed Project. (0) = Impact considered to be equal to the Proposed Project. (1) = Impact considered to be somewhat greater when compared with the Proposed Project. (2) = Impact considered to be substantially greater when compared with the Proposed Project. Where significant unavoidable impacts would occur across numerous alternatives but there are impact intensity differences between those		

Table III-3 Comparison of Alternatives*		
Environmental Resource Area*	Alternative 2 (Environmental Enhancement and Ocean Disposal)	Alternative 3 (No Action)
alternatives, decimal points are used to differentiate alternatives (i.e., in some cases, there are differences at the individual impact level, such as differences in number of impacts or relative intensity).		

Environmentally Superior Alternative

As shown in Table III-3 (Comparison of Alternatives) the No Action Alternative is deemed to be the environmentally superior alternative under CEQA; however, this alternative would not meet all objectives of the Project, which are presented in Section I.1 (Project Objectives).

Evaluation of the Proposed Action alternatives in light of the overall project purpose (to complete the Channel Deepening project by providing 3.0 mcy of additional disposal capacity for dredged material, including the beneficial use of the dredged material within the POLA) and the need to avoid or minimize ocean disposal of dredged material under 40 C.F.R. Parts 227 and 228 has resulted in a conclusion that Alternative 1, Port Development and Environmental Enhancement, meets the overall project purpose as well as the requirement to minimize or avoid ocean disposal of dredged material through beneficial reuse, and is therefore considered to be the Environmentally Superior Alternative.

Alternative 1 provides sufficient capacity to complete the Channel Deepening Project and minimizes ocean disposal of dredged material by optimizing the beneficial reuse of dredge material through Port development (creation of a CDF at Berths 243-245 to isolate contaminated sediment and prevent its reintroduction into the marine environment) and environmental enhancement (increased biological value at the CSWH). Although creation of the CDF would result in the permanent loss of 12.4 acres of essential fish habitat (EFH), this loss represents very small percentage of available EFH within the POLA. Additionally, the habitat that would be lost as a result of creation of the CDF exhibits relatively low physical and biological functions compared to other marine habitat within the POLA, such as the CSWH. Alternative 1 would also require compensatory mitigation for unavoidable impacts to a degraded salt marsh area through transplantation of approximately 0.042 acre of pickleweed from the Northwest Slip Disposal site to another location within the Port in compliance with requirements of the 33 C.F.R. Part 332. With the creation of the CDF under Alternative 1, contaminated sediment at Berths 243-245 and the Northwest Slip would be sequestered from the marine environment, minimizing potential long-term impacts through beneficial reuse of dredged material. In addition, Alternative 1 would minimize the overall amount of ocean disposal of dredged material associated with the Channel Deepening Project.

Alternative 2, Environmental Enhancement and Ocean Disposal, would satisfy the overall project purpose of providing additional disposal capacity for dredged material, including the beneficial use of the dredged material within the POLA through expansion of the CSWH. However, Alternative 2 would not minimize ocean disposal of dredged material because not all practicable alternatives to ocean disposal would be implemented. Beneficial use of dredged materials to create a Confined Disposal Facility at Berths 243-245 would not occur under this Alternative, which would result in a greater volume of ocean disposal of dredged material (approximately 400,000 cubic yards) than under Alternative 1. In addition, without the creation of the CDF, contaminated sediment at Berths 243-453 would remain in place, resulting in potential direct and indirect adverse effects to marine organisms. Without the proposed placement of dredged material at Northwest Slip and Berths 243-245, beneficial reuse associated with Alternative 2 would be reduced by approximately 17% when compared to Alternative 1. In addition, this alternative

would substantially increase the amount of ocean disposal of dredged material when there are available practicable alternatives as defined at 40 C.F.R §227.15. Based on the above information, Alternative 2 would result in a substantial reduction in the amount of beneficial reuse of dredged material and a substantial increase in the amount of ocean disposal when compared to Alternative 1. Furthermore, Alternative 2 would allow contaminated sediment to remain in place at Berths 243-245, resulting in potential adverse impacts to the marine environment. As a result of the above environmental factors, Alternative 2 would not avoid and minimize impacts to the aquatic environment.

Alternatives Suggested as Part of Public Comment on the Draft SEIS/SEIR

No comments were received on the Draft SEIS/SEIR that requested or proposed additional alternatives to the proposed Project. However, 22 comments were received on the Draft SEIS/SEIR requesting the Port and Corps analyze alternative disposal options or alternative locations for disposal options included in the Draft SEIS/SEIR. Eight comments suggested moving or removing the Eelgrass Habitat Area (CBYC-1 and 2, PH-1 through 3, PH-5, PH-8, and DN-2). Three comments suggested storing contaminated sediments in a confined aquatic disposal facility (WBOA-2 through 4). Three comments suggested sequestering contaminated sediments in one of the proposed fills (PH-13, WM-5, and WBOA-6). Two comments suggested disposing contaminated sediments at upland/inland locations (PH-16 and SPPHC-6). Two comments suggested transporting dredge material to upland/inland locations (CRPV-2 and LACDRP-1). USEPA-15 recommended use of an additional ocean disposal site. The remaining three comments suggested deepening the southeast side of Pier 400 (KWJM-3), relocating the CSWH (KWJM-5), and reconfiguring a jetty in the outer harbor (LACDRP-4).

With regard to the Eelgrass Habitat Area, this disposal option has been eliminated from further consideration in response to public concern about how construction of this disposal site would affect recreational boating activities and aesthetic resources in the outer harbor.

With regard to incorporating a CAD facility into the proposed Project (WBOA-2 through 4), confined aquatic disposal is considered by the Los Angeles Regional Contaminated Sediments Task Force (CSTF) as one of the least preferred methods of managing contaminated sediments due to uncertainties relative to the long-term environmental consequences. Heal the Bay, an active participant in the CSTF, continues to oppose development of a multi-user CAD facility within San Pedro Bay. Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible using dredge material from the Channel Deepening Project to create a CAD facility for disposal of material from future maintenance dredging.

With regard contaminated soil from Cabrillo Bay Marina in one of the proposed fills (PH-13, WM-5, and WBOA-6), the contaminated material at Cabrillo Way Marina and material from future maintenance dredging are not part of the Channel Deepening Project and are therefore beyond the scope of the proposed Project, which is to dispose of approximately 3.0 mcy to complete the Channel Deepening Project. The Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible the alternatives suggested in PH-13, WM-5, and WBOA-6.

With regard to disposing contaminated sediments at upland/inland locations as an alternative to in-water disposal (PH-16 and SPPHC-6), sediments would not be used to construct any shallow water habitat areas. Furthermore, future dredging of contaminated material is not part of the Channel Deepening Project and is therefore beyond the scope of the proposed Project, which is to dispose of approximately 3.0 mcy to complete the Channel Deepening Project. The Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible the alternative suggested in PH-16 and SPPHC-6.

With regard to transporting dredge material to upland/inland locations (CRPV-2 and LACDRP-5), there is adequate capacity within the Port (including LA-2) to dispose all the material, therefore it is not feasible to transport material to upland disposal outside the Port. The Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible the alternative suggested in CRPV-2 and LACDRP-5.

With regard to comment USEPA-15, ocean disposal site LA-3 has been included as a disposal option for Alternative 2.

With regard to KWJM-3 (deepening the east side of Pier 400), this SEIS/SEIR evaluates the impacts associated with implementation of the proposed Project, which is to dispose of approximately 3.0 mcy to complete the Channel Deepening Project. Therefore the use of Pier 400 is outside the scope of the proposed Project. Furthermore, the suggested alternative would not meet the project objectives listed in Sections 2.2 and 2.3. The suggested alternative would not complete the first objective, completion of the Channel Deepening Project, nor would it provide for additional disposal capacity, the second and third objectives. The Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible the alternative suggested in KWJM-3.

With regard to relocating the proposed CSWH Expansion (KWJM-5), the Cabrillo Shallow Water Habitat is valuable habitat and its expansion is an important part of the Port's mitigation banking and credit process. Further, the impacts to recreation in the CSWH Expansion Area would be less than significant. The expansion of the CSWH would remove approximately 50 acres of open water from use by container vessels, but not from recreational boaters. In exchange, the expansion would provide 50 acres of improved habitat for fish species, thereby enhancing and creating more recreational fishing opportunities. The Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible the alternative suggested in KWJM-5.

With regard to reconfiguring the jetty in the outer harbor to allow interchange of water from the open ocean (LACDRP-4), creation of connections between the outer harbor and waters outside the breakwater would not achieve any of the objectives of the current proposed Project and is therefore beyond the scope of this project. The Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible the alternative suggested in LACDRP-4.

Proposal Suggested after release of Final SEIR

In addition, as described above, a number of letters were received after the release of the Final SEIR regarding Gambol's proposal to reuse the former Southwest Marine facility as the proposed Gambol Maritime Center and to modify the Channel Deepening project to only partially fill in Berths 243-245. The Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible the Gambol proposal. Specifically, engineering analysis demonstrates that the Gambol proposal recommends a technically flawed structure for containment of contaminated material as described in Attachment 2 (Briefing Paper, Berths 243-245; LAHD, 2009). The proposed design does not meet the Port's engineering standards for seismic retainment structures and is therefore, not technically feasible. As discussed in the SEIS/SEIR, approximately 80,000 cubic yards (cy) of material from the remaining Channel Deepening project are unsuitable for ocean disposal. As shown in Figure 2-13 of the SEIS/SEIR, a properly designed CDF requires a seismically stable retainment structure, a clean material berm inside the retainment structure for encapsulation and or seismic stability purposes and additional clean material to create a cap to encapsulate contaminated material held within. In the proposed Project, 80,000 cy of contaminated material will be encapsulated by 288,000 cy of clean sediment and 180,000 cy of surcharge will be placed on the completed CDF to promote densification of deposited

dredge material. The volume of material required to construct the CDF as described above will require the use of both slips as described in Attachment 2.

Further, the Gambol proposal does not meet the objectives of the proposed Project and would not reduce any significant impacts of the proposed Project. Therefore, this proposal is not an alternative as defined by CEQA, need not be analyzed in the EIR, and is hereby rejected.

CEQA Findings for Alternatives Analyzed

Project Purpose:

The purpose of the Proposed Project is to complete the Channel Deepening Project by providing 3.0 mcy of additional disposal capacity for dredge material and maximizing beneficial use of the dredge material within the POLA. The Proposed Project is needed to allow the new generation of deeper draft container ships access to Port terminals along the Main Channel of the Port. Additional disposal sites are needed because disposal sites developed for dredge material from the Channel Deepening Project are inadequate for the total volume of sediments that require removal from the Main Channel and adjacent berth areas to complete the project (see Section 2.3.2 of the Final SEIS/SIER for details regarding the increased volume).

The remaining material needed to be dredged to complete the Channel Deepening Project presents an beneficial reuse opportunity for using the dredge material as construction material to enhance terminal efficiency and safety, as well as to provide environmental enhancement as feasible. The present needs and opportunities for immediate use of the dredge material at the Port are:

- (1) Create an additional five acres of land at the Northwest Slip to enhance terminal efficiency and safety;
- (2) Expand the Cabrillo Shallow Water Habitat (CSWH) to enhance shallow water habitat in the outer harbor area; and
- (3) Place contaminated dredged material associated with the Channel Deepening Project at Berths 243-245 to create a CDF.

Project Objectives:

As presented above in Section I.1 (Project Objectives), the primary objectives of the Proposed Project that were developed by the USACE and Port, taking into consideration comments received on the October 2005 Supplemental Notice of Intent / Notice of Preparation (SNOI/SNOP) are threefold, including the following:

- (1) Complete the Channel Deepening Project for dredging of navigation channels and berthing areas up to the depth of -53 feet MLLW;
- (2) Provide disposal capacity for placement of approximately 3.0 mcy of remaining dredge materials; and

- (3) Provide disposal capacity for placement of contaminated dredge materials unsuitable for open water disposal through construction of a CDF.

Table IV-1 (Comparison of How Alternatives Meet Project Objectives), presented below, indicates that Alternative 1 would meet all three Project Objectives, while Alternative 2 would meet two of the three Project Objectives, and Alternative 3 would meet none of the Project Objectives.

Table IV-1 Comparison of How Alternatives Meet Project Objectives			
Objective	Alternative 1 Port Development and Environmental Enhancement (Proposed Project)	Alternative 2 Environmental Enhancement and Ocean Disposal	Alternative 3 No Action
Complete Channel Deepening Project	Yes	Yes	No
3.0 mcy of Disposal Capacity	Yes	Yes	No
Capping of Contaminated Sediments (CDF)	Yes	No	No

Following is a discussion of the CEQA finding and facts in support of finding as relevant to the Proposed Project and alternatives.

Alternative 2: Environmental Enhancement and Ocean Disposal

Alternative 2 (Environmental Enhancement and Ocean Disposal) was developed with a focus on environmental enhancement related uses of the remaining material and does not include any disposal options associated with port development. As described in Table III-1 (Disposal Volume Summary for Proposed Project and Alternatives (mcy)) dredge material under Alternative 2 would be disposed at the CSWH, LA-2, LA-3, and the Anchorage Road Soil Storage Site (ARSSS). The disposal volume and construction activities at the CSWH would be identical to those that would occur under the proposed Project. However, as indicated in Table III-1, a five-acre land area would not be created at the Northwest Slip and a CDF would not be created at the Berths 243-245 disposal site. Under Alternative 2, approximately 0.804 mcy of material would be disposed at LA-2, 0.416 would be disposed at LA-3, and approximately 0.080 mcy of contaminated material would be disposed at the existing ARSSS. No new land areas would be created at the Port under Alternative 2.

Finding

The Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible Alternative 2 (Environmental Enhancement and Ocean Disposal) and, on that basis, rejects Alternative 2.

Facts in Support of Finding

When compared against the CEQA baseline, Alternative 2 (Environmental Enhancement and Ocean Disposal) would result in greater environmental impacts than the proposed Project. As compared to

the proposed Project, Alternative 2 would result in greater impacts to Aesthetics, Biology, Hazardous Materials, Marine Transportation, Noise and Water Quality. Compared to the proposed Project, Alternative 2 would have reduced environmental impacts to Air Quality (reduced construction emissions), Land Use (fewer temporary restrictions to existing operations in the vicinity of the Northwest Slip), and Utilities (the storm drain system at Berths 243-245 would not be redesigned). As discussed above in Sections S.7.1 through S.7.5 and summarized in Table S-2, Alternative 1 and Alternative 2 would result in identical significant and unavoidable impacts (see Sections 2.7.1 through 2.7.5 for more detailed discussion). Therefore, with respect to these impacts, Alternatives 1 and Alternative 2 are considered to be identical. Although Alternative 1 would require implementation of mitigation measures for four more impacts than Alternative 2, as discussed in Section 2.7.2, after mitigation the net adverse effects of implementation of Alternative 1 would be negligible. Therefore, with respect to these impacts, Alternatives 1 and Alternative 2 are considered to be substantially similar.

As discussed above in Section S.7.5, both Alternative 1 and Alternative 2 would result in several long-term beneficial impacts, primarily through anticipated increased biological value within the outer harbor as a result of the CSWH expansion and through removal of contaminated sediments from the Main Channel and in areas in the vicinity of Berths 127-131 and Berths 136-140. However, because Alternative 1 would also cap existing contaminants at Berths 243-245 (contaminants which would remain in place under Alternative 2), it would result in more beneficial effects to water quality and biological resources than Alternative 2. Sediments that would be capped in the CDF are contaminated with mercury, lead, zinc, PCBs, TBT, and PAHs. Leaving these contaminants in place would likely continue to result in adverse effects to benthic infaunal organisms and their predators, especially if these contaminated sediments were to become resuspended during a storm event. Alternative 2 would meet the overall project purpose of the proposed Project under CEQA to provide additional disposal capacity to complete the Channel Deepening Project. However, Alternative 2 would not meet the project objectives of maximizing beneficial use of the dredge material within the POLA (Alternative 2 would result in ocean disposal of 400,000 cubic yards more dredge material than the proposed Project), capping existing contaminants in a CDF (consequently resulting in fewer beneficial impacts to water quality and biological resources than the proposed Project), and improved safety for truck turning movements at the Northwest Slip. Therefore, the proposed Project would better accomplish the Project goals and objectives than would Alternative 2.

Alternative 3: No Action

Under Alternative 3 (the No Action Alternative), no further dredging would take place and the Channel Deepening Project would not be completed. Approximately 1.025 mcy of material within the federally-authorized channel and 0.675 mcy of berth dredging would remain to be dredged and disposed. In addition, the 0.815 mcy of surcharge on Southwest Slip Area would remain to be removed and disposed. Additionally, approximately 0.080 mcy of contaminated dredge material would remain within the Main Channel of the Port.

Under this alternative, the primary goal of the Channel Deepening Project, to allow the latest generation of container vessels to access POLA terminals, would be limited to the terminals at Berths 100 and 144. Vessels would be restricted by the 45-foot depth available at all other berths and the undredged portion of the East Basin Channel and Cerritos Channel. The existing channel depth of -45 feet MLLW would result in continued restrictions on use of the new generation of container vessels.

A portion of the land created at the Southwest Slip would also not be able to be developed due to the remaining surcharge present there. This would preclude the potential use of this area for additional port

capacity for container throughput as described in the December 2000 SEIS/SEIR and the July 2002 Supplemental EA.

Finding

The Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible the No Action alternative, and that this alternative would not feasibly meet any of the Project Objectives, and on that basis, rejects the No Action alternative.

Facts in Support of the Finding

When compared against the CEQA baseline, the No Action Alternative would result in fewer environmental impacts than the proposed Project because no construction activities would occur. The reduced environmental impacts include: fewer aesthetic impacts (no dredging equipment, cranes, or barges), decreased air quality impacts (no construction emissions), environmental justice (decreased air quality impacts), land use (no temporary restriction of adjacent uses), and noise (no construction-related would occur).

However, although the No Action Alternative would result in fewer unavoidable significant adverse impacts or mitigated impacts than the proposed Project, it would not meet the Project's stated needs under NEPA to complete the Channel Deepening Project, provide the disposal capacity needed for 3.0 mcy of dredged materials, or provide for the construction of a CDF. Therefore, based on the analyses in Chapter 3 of the Final SEIS/SEIR, the No Action Alternative would result in fewer environmental impacts than the proposed Project or Alternative 2 (Environmental Enhancement and Ocean Disposal), but would not meet the overall project purpose or objectives under CEQA. This alternative is infeasible in light of the overall benefits to be gained by implementation of the proposed Project, including those described below in the Statement of Overriding considerations.

IV. Statement of Overriding Considerations

Pursuant to Section 15093 of the CEQA Guidelines, the Board must balance the benefits of the proposed Project against unavoidable environmental risks in determining whether to approve the project. The proposed Project would result in significant unavoidable impacts to Air Quality and Environmental Justice. The proposed Project would also result in a cumulatively considerable and unavoidable contribution to significant cumulative impacts to Air Quality.

Air Quality

The proposed Project would result in significant unavoidable impacts to air quality during construction even with the adoption and implementation of mitigation measures. Specifically, construction emissions would contribute to an exceedance of the one-hour ambient nitrogen dioxide (NO₂) emissions standard, (Impact AQ-3). The Port will implement mitigation measures for direct impacts that will substantially reduce impacts, however, the impact would still remain significant and unavoidable (Impacts AQ-3).

As provided in the Findings above, there will also be cumulative air quality construction impacts (see Cumulative Impact AQ-3 through AQ-4) that would remain significant and unavoidable. However, these impacts would be temporary and would cease upon completion of construction.

Project Benefits

The proposed project offers several benefits that outweigh the unavoidable adverse environmental effects of the project. The Board of Harbor Commissioners adopts the following Statement of Overriding Considerations. The Board recognizes that significant and unavoidable impacts will result from implementation of the Project, as discussed above. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible alternatives to the Project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the Board hereby finds that the benefits outweigh and override the significant unavoidable impacts for the reasons stated below.

The below stated reasons summarize the benefits, goals, and objectives of the proposed Project and provide the rationale for the benefits of the Project. These overriding considerations justify adoption of the Project and certification of the completed Final SEIR. Many of these overriding considerations individually would be sufficient to outweigh the adverse environmental impacts of the Project. These benefits include the following:

- **Completes the Channel Deepening Project to the approved depth of -53 feet MLLW:** The proposed Project allows the Port and Corps to complete the Federally approved Channel Deepening Project to the design depth of -53 feet MLLW. Completing the Project will allow the Port to service newer vessel classes (newer ships are more efficient and cleaner than older smaller ships).
- **Improves Water Quality:**
 - The proposed Project improves water quality through removal of existing contaminated sediments from the Main Channel and in areas that remain to be dredged in the vicinity of Berths 127-131 and Berths 136-140.
 - The proposed Project improves water quality through capping of existing contaminated sediments within Berths 243-245 in a new CDF at Berths 243-245.
- **Eliminates Bioaccumulation Potential:**
 - The proposed Project eliminates the potential for bioaccumulation of existing heavy metals and organochlorides within the Main Channel and in areas that remain to be dredged in the vicinity of Berths 127-131 and Berths 136-140 through removing contaminated sediment.
 - Eliminated potential for bioaccumulation of existing heavy metals and organochlorides at and in the vicinity of Berths 243-245 through capping contaminated sediment.
- **Increases Marine Habitat:** The proposed Project increases the marine habitat value at the CSWH by expanding the shallow water habitat. This area supports a rich diversity of marine life and birds.
- **Improves Safe Terminal Operations:** The proposed Project improved safety for truck turning movements at the Northwest Slip by eliminating a sharp turn on an existing marine terminal.
- **Implements the Port of Los Angeles Sustainable Construction Guidelines.** Project-specific standards implemented through CEQA are one of several mechanisms for implementing the Port of Los Angeles Sustainable Construction Guidelines. The Project includes mitigation measures consistent with the Guidelines and through implementation, reduces criteria pollutant emissions to below significant levels (see Figures 1, 2).
- **Provides new construction jobs.** Construction would result in an average of 424 annual full-time direct construction jobs and an additional 776 annual indirect construction jobs over the 2-year construction period. These workers would receive an annual pay for direct, indirect, and induced jobs.
- **Provides new tax revenue.** Annual tax revenues contributed by all workers for the peak construction activity year would reach approximately \$6.7 million.

The Board hereby finds that the benefits of the proposed Project (Alternative 1 of the Proposed Action) described above outweigh the significant and unavoidable environmental effects of the Project, which are therefore considered acceptable.

Figure 1: Proposed Project Emissions. Emissions remain below significance for all project years.

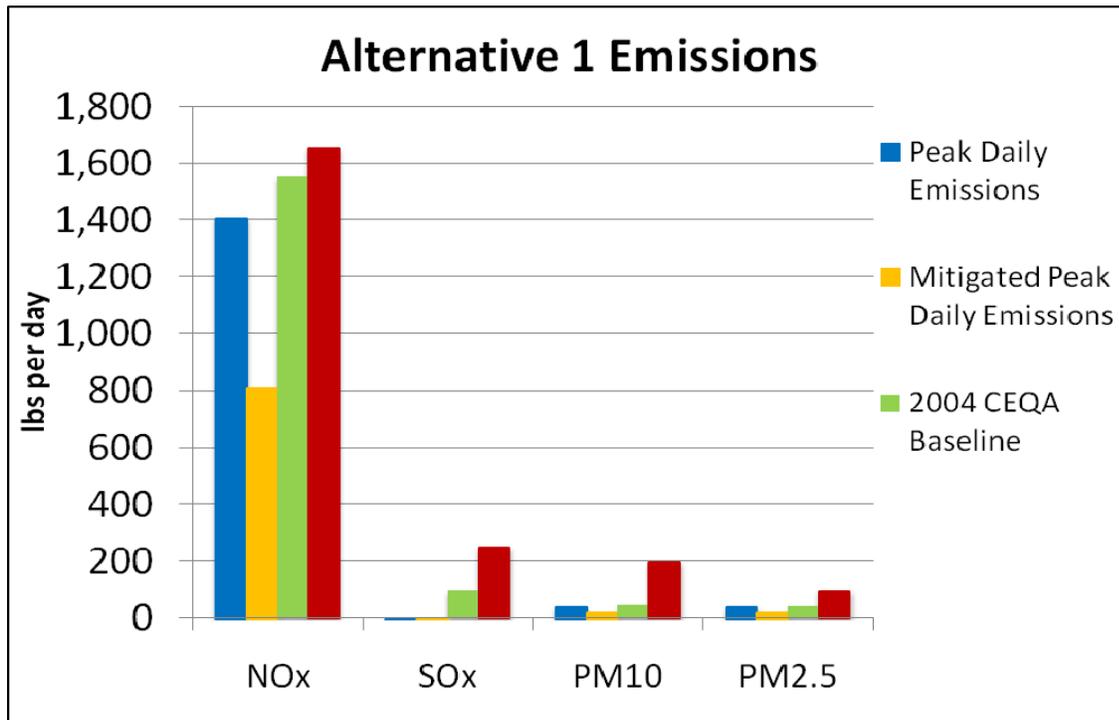


Figure 2: Project Emissions – 1-hour Ambient NO₂ Exceedance.

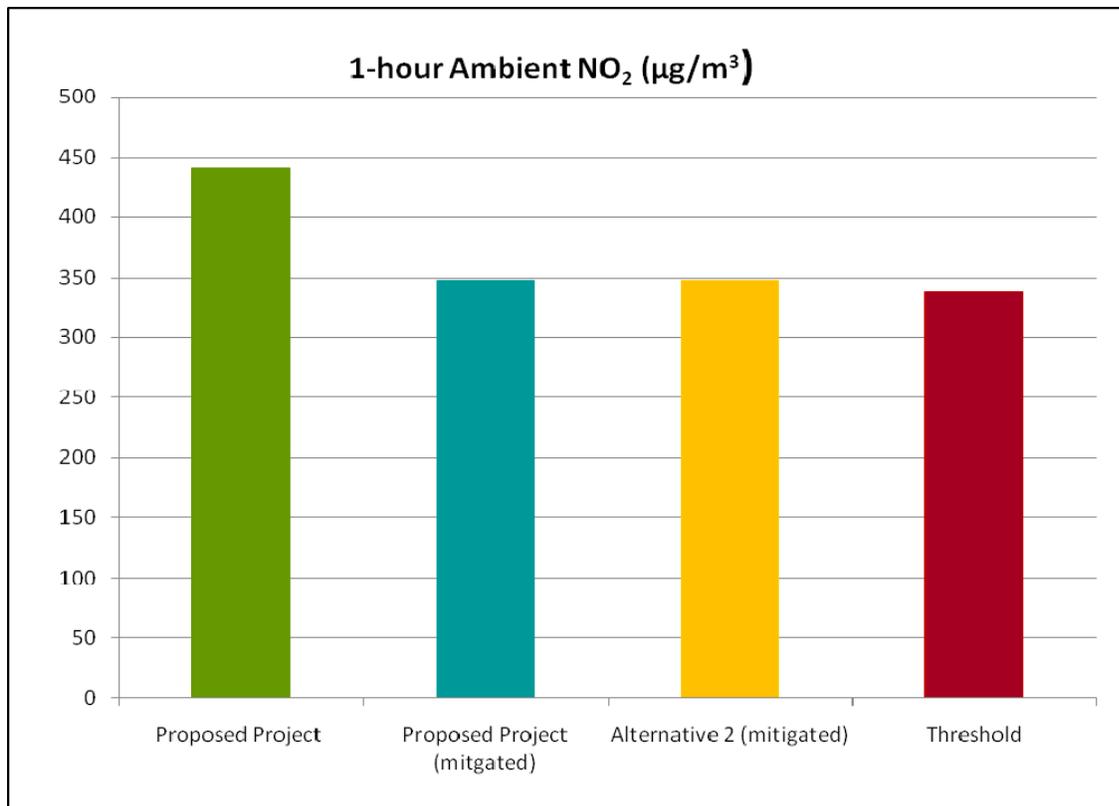


Figure 2: Comparison of Emissions Among Alternatives

