

LAHD Responses to Brandt-Hawley Law Group (April 8, 2009)

1. Artificial division of the shipyard into three parcels precludes consideration of project impacts on the historic district.

Contrary to the comment, the shipyard was not “artificially” divided into three separate parcels. As discussed in both the Draft and Final SEIS/SEIR, the Cultural Resources analysis was based on a number of reports including *Phase I Cultural Resources Reconnaissance Survey of 7,500 Acres of Land and Water for the Port of Los Angeles* (Fugro West, 1995). The Phase I report evaluated prehistoric, historic, and underwater archaeological literature reviews and previous studies to identify cultural resources in the Port. A later Phase II study evaluated the potential significance of all historic buildings and structures on Port lands (Fugro West, 1997). Another Phase II study evaluated the historic and architectural significance of wooden wharves (*Jones and Stokes, 2000*).

As discussed in the SEIS/SEIR, through historical surveys, the Los Angeles Harbor Department (LAHD) evaluated the entire Southwest Marine Shipyard, encompassing the areas of Berth 240 and Berths 243-245, for historical significance. An architectural survey was performed (*Jones and Stokes 2000*) to determine the historical significance of the Southwest Marine site. That survey determined that the site was eligible for listing as a historical district due to ship building activities during World War II, established the historic district boundary, and listed elements on the site that were contributors to the district. A report prepared in 2008 (*Jones & Stokes 2008*) updated and confirmed these findings. The identified contributing elements of the historic district include the following (Attachment A at p. 21):

- Administration Building
- Medical Building (Building No. 8)
- Foreman’s Building (Building No. 34)
- Transportation Shop (Building No. 4)
- Blacksmith and Anglesmith Shop
- Plate Shop (Building No. 6)
- Machine Shop (Building No. 3)
- Machine Storage and Warehouse Building (Building No. 7)
- Shop (Building No. 9)
- Employees’ Building
- Paint Shop and Substation
- Substation No. 3
- Substation No. 7
- Building No. 22
- Dry Dock No. 2
- Pre-1946 cranes (6 Colby Cranes);

The compressor building (Building 26), Buildings 61 and 62, along with the Clyde crane were constructed, altered, or moved during the period of significance (1941-1945) and are not contributing elements to the historic district (*Jones and Stokes 2000a*). The wharves at Berths 243-245 are also not contributing elements. The wharves no longer retain integrity from their period of significance and are not contributors to the Southwest Marine National Register of Historic Places (NRHP) district. A recent report (*Jones and Stokes 2009*) has looked once again at the site, specifically at the question of the historical significance of the slips at Berths 243-245. This report confirmed that 1) the historic district boundary first delineated in 2000 and updated in 2008 is correct, 2) that the basins at Berths 243–245 have undergone extensive demolition and reconfiguration since the period of significance closed in 1945, and 3) that, as a result, the basins do not contribute to the significance of the district.

Consistent with NEPA and Section 106 of the National Historic Preservation Act (NHPA), the US Army Corps of Engineers (USACE) has requested the concurrence of the State Historic Preservation Office (SHPO) of this determination in a letter dated March 16, 2009, which is included in Appendix J of the Final SEIS/SEIR and included as Attachment B.

In regards to the assertion that the wharves at Berths 243-245 were identified as part of the historic district in the Southwest Marine DEIR, Attachment A shows the historic district as discussed in the DEIR. As shown, the wharves were not identified as contributing to the historic district. Cranes on the wharves were identified as contributing to the historic district. However, as discussed in the SEIS/SEIR, the cranes are mobile and have been moved a number of times when the shipyard was operational. There is no plan at this time to remove any cranes from the site.

2. The slipways are within the boundary of the historic district and are integral to the shipyard's historic uses.

Please see the response to comment number 1 above; a number of historic surveys have found that the wharves at Berths 243-245 do not contribute to the historic district. While we appreciate the information on the Port of San Francisco's Bethlehem Steel Facility, your comments point out that the wharves at the facility were also not found to be significant contributors to the historic district ("It is particularly noteworthy that Pier 70 historic district includes altered and filled-in slipways within its boundaries, albeit as non-contributing elements"). Retaining the wharves at the Bethlehem Steel facility is within the Port of San Francisco's discretion to do so. LAHD also retains discretion on how to use its land if uses are consistent with the Port's Master Plan and the State Tidelands Trust. The proposed Project would construct a confined disposal facility (CDF) at Berths 243-245, which is an approved use of LAHD land. This CDF would provide a location to sequester 80,000 cubic yards (cy) of dredge material unsuitable for ocean disposal and improve water quality and eliminate the potential for bioaccumulation of existing heavy metals and organochlorides through capping of existing contaminated sediments within Berths 243-245. Creating a CDF would also avoid having to send 288,000 cy of clean sediment for ocean disposal, which is consistent with the US Environmental Protection Agency (USEPA) guidance to avoid ocean disposal (Attachment C).

As discussed in the SEIS/SEIR, Berths 243-245 is located within Port Development Area 7, and is designated Industrial in the Port Master Plan and General/Bulk Cargo and Commercial/Industrial (Non-Hazardous) in the Port Master Plan. Consistent with these land use designations, the site is zoned Heavy Industrial. No specific future use has been identified for the area beyond the CDF designation. The CDF would be covered with clean dredge material placed as surcharge to an elevation of approximately +30 feet MLLW, which would remain in place until a future geotechnical investigation/monitoring determines the fill has been consolidated. In the future, if LAHD decides to remove the surcharge material, an appropriate CEQA document would be prepared to analyze potential impacts of surcharge removal.

3. The SEIR/SEIS fails to analyze the project's adverse impacts on the shipyard's ability to continue its historic function contrary to the Secretary of Interior's "Standard for Rehabilitation".

As discussed above, the slips are not part of the historic district. Therefore removing the slips would not adversely impact the historic district, nor impact the shipyard's historic function.

The Berth 243-245 site is not currently operating as a ship repair facility; Southwest Marine's tenancy was terminated in October of 2004 and the site was turned over to LAHD in October of 2005. The site is currently secured by a caretaker, Gambol Industries (Gambol), whose duties include site security and promoting the site for use by the movie industry, in accordance with the City of Los Angeles Mayor's initiative, receiving reported gross revenues of approximately \$750,000 for 2008 (LAHD, 2008).

The Port of Los Angeles currently supports one large ship repair facility with the ability to haul out vessels up to 250 feet and service vessels in-water up to 450 feet, Al Larson Boat Shop. There are two smaller repair facilities that service ships less than 100 feet: Colonial Yacht Anchorage, and Wilmington Boat Repair. In addition, Gambol has a facility in the Port of Long Beach with the ability to haul vessels up to 150 feet and service vessels in-water up to 350 feet. There are also smaller ship repair firms that provide in-water service, including Oceanwide Ship Repair in Long Beach and Dockside Machine and Ship Repair in Wilmington. LAHD has recently reviewed the supply of ship repair facilities both locally and along the coast and there is sufficient capacity to address demand for such facilities. The need was found to be low, as the service is already provided by Al Larson and most foreign flagged vessels will seek repairs in Asia or other ship calls as part of routine ship rotations due to lower costs. For domestic ships and barges serving the San Pedro Bay ports, large shipbuilding facilities supporting the Southern California area currently exist in San Diego. Many ships routinely travel between the San Pedro and San Diego port complexes to transport materials and provide services and will schedule maintenance repairs to coincide with such trips. Additionally, there are fourteen ship repair and shipbuilding facilities along the U.S. West Coast.

In addition, Al Larson submitted an application to the LAHD in June 2008 to expand and upgrade their existing facilities, which would increase the capacity for ship repairs in the San Pedro Bay, provide jobs and potentially reduce costs for larger ships seeking repairs outside of their normal

schedules. Consistent with the LAHD's Leasing Policy, LAHD is working with Al Larson Boat Shop, an existing long-term tenant, on their proposal.

4. The SEIS/SEIR should consider a proposal submitted by Gambol Marine Center to partially fill one of the slipways and reuse them for ship repair uses.

Please see response to comment number 3 above; assessing a potential use by a particular company at Berth 240Z is not part of the of the Channel Deepening Project and is therefore outside the scope of the Proposed Project, which is to create additional disposal capacity for disposal of approximately 3.0 million cy of dredge material to complete the Channel Deepening Project. However, LAHD did consider a proposal from Gambol through LAHD's Application for Development Project (ADP) process.

LAHD received an ADP by Gambol on February 18, 2009, after the Draft SEIS/SEIR was released and after the comment period had closed. LAHD retains the discretion to deny applications. After assessing Gambol's application it was rejected for a number of reasons. First, LAHD's long term land use concept for the site is to accommodate the relocation of commercial fishing facilities from Fish Harbor and a marine service station (concepts that would require separate environmental analysis if proposed). Secondly, in its application, Gambol applied to use the site to support commercial fishing, filming, and handling liquid bulk, along with using the site as a shipyard. The area is not large enough to support all the proposed uses. Additionally, film and television production activities are inconsistent with the Port Master Plan and the California Coastal Act as these activities are not maritime-related nor water dependent or related uses. Third, in its application, Gambol proposed that LAHD should partially fill only one of the slipways. 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 (Attachment D).

Finally, as discussed above a number of shipyards/ship repair facilities, the largest being Al Larson, already exist in the Port. LAHD has recently reviewed the supply of ship repair facilities both locally and along the coast and there appears to be sufficient capacity to address demand for such facilities. The need was found to be low, as the service is already provided by Al Larson and most foreign flagged vessels will seek repairs in Asia or other ship calls as part of routine ship rotations due to lower costs. For domestic ships and barges serving the San Pedro Bay ports, large shipbuilding facilities supporting the Southern California area currently exist in San Diego. Many ships routinely travel between the San Pedro and San Diego port complexes to transport materials and provide

services and will schedule maintenance repairs to coincide with such trips. In addition, Al Larson submitted an application to the LAHD in June 2008 to expand and upgrade their existing facilities, which would increase the capacity for ship repairs in the San Pedro Bay, provide jobs and potentially reduce costs for larger ships seeking repairs outside of their normal schedules. Consistent with the LAHD's Leasing Policy, LAHD is working with Al Larson Boat Shop, an existing long-term tenant, on their proposal.

5. The slipways at Berths 243-245 have greater capacity than needed to dispose of all the contaminated dredge spoils from the Main Channel Deepening Project and need not be completely filled to meet project objectives.

One of the objectives of the Proposed Project is "to maximize beneficial use of dredge material by construction of additional lands for eventual terminal uses and to provide environmental enhancements at locations in the Port". LAHD and USACE have had several meetings with USEPA because of their keen interest in fulfilling this objective to the extent practicable in order to reduce the amount of material disposed in the open ocean. The slips at Berths 243-245 will be able to accommodate a total of 368,000 cy of dredge material. An estimated 80,000 cy of dredge material unsuitable for open water disposal would be directed to Berths 243-245 in the Proposed Project. As discussed in the response to Comment 4, both slips are required to construct a functional CDF for containment of 80,000 cy of contaminated dredge material generated by the Channel Deepening Project and the 90,000 cy of contaminated dredge material generated by the dike construction at the proposed CDF at Berths 243-245.

Further, filling the slips at Berths 243-245 would sequester contaminated sediments underlying the slips at Berths 243-245, eliminating the potential for bioaccumulation of heavy metals and organochlorides. This material would then need to be accommodated at some alternative disposal site. In the absence of another CDF within the Port, this material would either need to be placed at Anchorage Road disposal site which has little remaining capacity and is being phased out due to its proximity to the marinas, or it would need to be disposed of at a suitable upland landfill. Neither of these disposal options is considered a better environmental solution than the Proposed Project.

6. Section 106 review should inform the SEIS/SEIR analysis.

Please see response to Comment 1 and Attachment B. Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties, and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The USACE is the federal lead for the Project and has initiated Section 106 consultations. As shown in Attachment B, comments from LA Conservancy were forwarded to the State Historic Preservation Office (SHPO) for consideration.