

Chapter 2

Responses to Comments

2.1 Distribution of the Recirculated Draft EIS/EIR

The Recirculated Draft EIS/EIR prepared for the LAHD was distributed to the public and regulatory agencies on April 30, 2008, for a 45-day review period. Approximately 200 copies of the Recirculated Draft EIS/EIR were distributed to various government agencies, organizations, individuals, and Port tenants. In addition, postcards in English and Spanish were mailed to all addresses in Wilmington and San Pedro. Because of the size and complexity of the document, the review period was extended for a total of 60 days to June 30, 2008. This extension was noted in Section 1.7 of the Recirculated Draft EIS/EIR. A further extension to July 15, 2008, was granted and made known by email, publication in newspapers, notices at public meetings, and a notation on the first page of the Web site for the Port of Los Angeles. Thus, the public review period on the Recirculated Draft EIS/EIR officially closed on July 15, 2008. LAHD, in cooperation with USACE, conducted a public hearing regarding the Recirculated Draft EIS/EIR on June 5, 2008, to provide an overview of the proposed Berths 97-109 Container Terminal Project and to accept public comments on the proposed Project and environmental document.

The Recirculated Draft EIS/EIR was available for review at the following locations:

- + Los Angeles Public Library, San Pedro Branch, 921 South Gaffey Street, San Pedro, California
- + Los Angeles Public Library, Central Branch, 630 West 5th Street, Los Angeles, California
- + Los Angeles Public Library, Wilmington Branch, 1300 North Avalon, Wilmington, California
- + Long Beach Public Library, Main Branch, 101 Pacific Avenue, Long Beach, California
- + Los Angeles Harbor Department, Environmental Management Division, 425 South Palos Verdes Street, San Pedro, California

The document was also available online at the Port of Los Angeles Web site: http://www.portoflosangeles.org/environment_pn.htm with the public notice available online at www.spl.usace.army.mil/regulatory/POLA.htm. Electronic copies of the Recirculated Draft EIS/EIR on a compact disc were available free of charge to interested parties.

2.2 Comments on the Draft EIS/EIR

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

The USACE and LAHD received 52 comment letters on the Recirculated Draft EIS/EIR during the public review period. Table 2-1 presents a list of those agencies, organizations, and individuals who provided comment on the Recirculated Draft EIS/EIR.

Table 2-1. Public Comments Received on the Recirculated Draft EIS/EIR

Letter Code	Date	Individual/Organization	Page
Federal Government			
1	7-21-08	United States Environmental Protection Agency	2-5
2	7-11-08	Bob Hoffman, National Marine Fisheries Service	2-33
3	4-30-08	United States Department of Homeland Security (FEMA)	2-41
51	5-9-08	United States Coast Guard	2-45
State Government			
4	6-6-08	California Department of Transportation	2-49
5	6-26-08	Public Utilities Commission	2-53
6	7-1-08	California Office of Planning and Research	2-57
7	7-3-08	Department of Toxic Substances Control	2-63
8	5-16-08	Native American Heritage Commission	2-67
Regional Government			
9	5-16-08	Southern California Association of Governments	2-73
10	7-15-08	South Coast Air Quality Management District	2-77
Local Government			
11	6-17-08	Rancho Palos Verdes	2-95
12	6-23-08	City of Riverside, Office of the City Attorney	2-99
13	6-30-08	Riverside County Transportation Commission	2-107
14	7-15-08	County of Los Angeles, Public Works Department	2-143

Table 2-1. Public Comments Received on the Draft EIS/EIR (continued)

Letter Code	Date	Individual/Organization	Page
National/Local Organizations			
15	6-5-08	NRDC – A	2-147
16	7-15-08	NRDC – B	2-165
17	7-3-08	Long Beach Area Chamber of Commerce	2-197
18	7-2-08	Harbor Association of Industry and Commerce	2-201
19	7-15-08	Gary Gregory, Propeller Club of Los Angeles, Long Beach	2-205
Community Groups			
20	7-10-08	Richard Havenick, Air Quality Subcommittee, PCAC	2-209
21	7-14-08	Past EIR Subcommittee, PCAC	2-215
22	5-24-08	Coastal San Pedro Neighborhood Council	2-271
23	7-14-08	Northwest San Pedro Neighborhood Council	2-275
24	7-14-08	San Pedro and Peninsula Homeowners Coalition	2-289
25	7-15-08	Coalition for Safe Environment	2-303
Individuals/Companies			
26	6-20-08	Edward and Joann Hummel	2-329
27	7-8-08	Breen Engineering	2-333
28	7-3-08	Presentation Media Incorporated	2-337
29	7-10-08	William Lyte, Kennedy Jenks	2-341
30	7-10-08	Bill Walles, Amplitude Consulting	2-345
31	7-2-08	Bruce D. Ackerman	2-349
32		Mohamed F. Kureshi, Eagle Protection of California	2-353
33	7-11-08	William Yang, Yang Management	2-357
34	7-14-08	Karen Drew, Far East National Bank	2-361
35	7-9-08	Anil Verma	2-367
36	7-15-08	Ann Kovara	2-371
37	7-9-08	Somesh Debnath	2-375
38	7-9-08	Viktoriya Kucherenko	2-379
39	7-9-08	Girdhari Lalwani	2-383
40	7-9-08	Ray Yumul	2-387
41	7-9-08	Jean Sandoval	2-391

Table 2-1. Public Comments Received on the Draft EIS/EIR (continued)

Letter Code	Date	Individual/Organization	Page
42	7-9-08	Andrew Allison	2-395
43	7-15-08	GKC Engineering	2-399
44	7-14-08	Efren Abratique, Abratique & Associates	2-403
45	7-8-08	Shield Anderson, Budlong & Associates	2-407
46	7-15-08	Carrie Scoville	2-411
47	7-15-08	Brian Kite, Leo A. Daly	2-449
48	7-15-08	Burlington Northern and Santa Fe Railway	2-453
49	7-21-08	JMC ²	2-459
50	7-14-08	JMDiaz	2-463
52	6-5-08	Public Hearing Transcript	2-469

2.3 Responses to Comments

In accordance with CEQA (Guidelines Section 15088) and NEPA (23 CFR Part 771), the USACE and LAHD 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 analyses contained in the Recirculated Draft EIS/EIR. In specific compliance with Section 15088(b) of CEQA Guidelines and implementing regulations 23 CFR Part 771 of 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 Project is provided. In each case, LAHD and USACE have expended a good faith effort, supported by reasoned analysis, to respond to comments.

This section includes responses not only to comments made at the public hearing for the Recirculated Draft EIS/EIR but also to written comments received during the 75-day public review period of the Recirculated Draft EIS/EIR. Some comments have prompted changes to the text of the Recirculated Draft EIS/EIR, which are referenced and shown in Chapter 3. A copy of each comment letter is provided, and responses to each comment letter immediately follow

US Environmental Protection Agency

- 1-1** Thank you for your comment. We also appreciated meeting with you to discuss your comments. The Port and USACE appreciate EPA's time and participation in the Project. Please see the detailed responses to your comments below.
- 1-2** The comment is noted. Please see the detailed response in Comments 1-9, 1-10, 1-11, and 1-12. 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, particularly those focused on upland operations, would be implemented, maintained, and monitored by the Port of Los Angeles as the local agency with continuing program control and responsibility through its tenant leases. The CAAP is a lasting emission-reduction plan for reduction of criteria pollutants. The mitigation measures contained in the Recirculated Draft EIS/EIR would be in effect over the 40-year life of the proposed Project (the 40-year lease began in 2005; therefore, a number of the mitigation measures would not begin until approval of Phases II and III, consistent with the ASJ) and would minimize emissions from construction and operation of the proposed Project. The CAAP, the construction mitigation, and the proposed Project-level mitigation included in the Recirculated Draft EIS/EIR, combined with federal, state, and regional regulations, would result in a substantial reduction of emissions at the Port and in the South Coast Air Basin.
- Regarding conformity, please see the response to Comment 1-16.
- 1-3** Thank you for your comment. The Port's primary means of reducing its air quality impacts on the community is by reducing the source of the impact (i.e., by reducing air emissions) through a variety of Port-wide clean air initiatives, as well as through mitigation measures imposed on the construction and operation of specific leaseholders. Please see the detailed responses to Comments 1-17, 1-18, 1-19, 1-23, and 1-25.
- 1-4** Thank you for your comment. Please see the detailed response to Comment 1-20, which includes a response to the least environmentally damaging practicable alternative (LEDPA) issue.
- 1-5** Thank you for your comment. Please see the detailed response to Comment 1-21.
- 1-6** Thank you for your comment. USEPA general concerns and additional mitigation recommendations are noted. Additional response with respect to marine mammal vessels strikes and additional mitigations beyond the vessel-strike reduction program is addressed in response to Comment 1-22.
- 1-7** Thank you for your comment. The general concerns of USEPA regarding the use of the word "maximize" are noted. Please see the detailed response to Comment 1-24.
- 1-8** Copies of the Final EIS will be furnished to USEPA as requested.
- 1-9** The mitigation measures prescribed for the proposed Project would become part of the applicant's lease and would no longer be tied to implementation of the CAAP. Any changes to the CAAP implementation schedule would not affect the implementation schedule for the proposed construction and operational mitigations measures. Therefore, the mitigation measures would not automatically change if the CAAP changes. However, should the CAAP measures be strengthened in the future, **MM AQ-22** provides a means for these additional measures to be incorporated into the applicant's lease if determined to be feasible for the proposed Project (or selected alternative). Under **MM AQ-22**, the opportunity to add new measures to the lease would occur once every 7 years. While the USACE Recirculated Draft and Final EIS disclose and

discuss various construction and operational impacts and mitigation measures for the proposed Project and alternatives, the ROD would recognize that most of the mitigation measures identified in the Recirculated Draft and Final EIS/EIR, particularly those focused on upland operations, would be implemented, maintained, and monitored by the Port of Los Angeles, as the local agency with continuing program control and responsibility, pursuant to the Mitigation Monitoring and Reporting Program (MMRP) required by the certified EIR and through its tenant leases

- 1-10** The Final EIS includes the proposed mitigation that would be implemented in a timely manner and implementation of the measures would be tracked and monitored in an MMRP under CEQA. While the USACE Recirculated Draft and Final EIS disclose and discuss various construction and operational impacts and mitigation measures for the proposed Project and alternatives, the ROD would recognize that most of the mitigation measures identified in the Recirculated Draft and Final EIS/EIR, particularly those focused on upland operations, would be implemented, maintained, and monitored by the Port of Los Angeles as the local agency with continuing program control and responsibility, pursuant to the MMRP required by the certified EIR and through its tenant leases.

The CAAP is a nonbinding plan containing several policies and implementation strategies, one of which is incorporating mitigation measures into leases for the terminal. The CAAP provides a menu of emission-reduction measures that can be adopted as mitigation through a lease if determined feasible on a project-specific level. In the Recirculated Draft EIS/EIR, all CAAP measures determined by the Port to be feasible for the proposed Project are prescribed as mitigation. Other CAAP measures were deemed not to be feasible on a project-specific level because they either are not applicable to the proposed Project (or alternatives) or they can be implemented only on a Port-wide basis.

The Port and USACE have prescribed a number of mitigation measures in the Recirculated Draft EIS/EIR that together would substantially reduce the cancer-risk impact of the proposed Project. These measures include **MM AQ-1** through **MM AQ-8** for the construction phase, and **MM AQ-9** through **MM AQ-24** for operation of the Terminal. The effects of these measures on the proposed Project are evident by comparing Table 3.2-36 (before mitigation) with Table 3.2-37 (after mitigation). For example, the mitigation measures would reduce the maximum NEPA increment at a residence by 79 chances in a million (specifically, from 90 to 11 chances in a million, or just over the identified 10 in a million significance threshold).

As mentioned in Comment 1-2, construction and operation of the proposed Project would generate significant emissions of criteria pollutants without mitigation. Therefore, while many of the mitigation measures for the proposed Project originate directly from the CAAP, several mitigation measures for Project operations would surpass the commitments of the CAAP, including:

- + **MM AQ-13** (Reroute Cleaner Ships). The CAAP has no similar element.
- + **MM AQ-15** (Alternative-Fueled Yard Tractors and Toppicks). The CAAP has fuel-neutral elements for cargo handling equipment. By contrast, this measure would replace diesel equipment with alternative-fueled equipment, thereby eliminating DPM emissions and reducing health risk impacts.
- + **MM AQ-17** (Electric RTGs and Electric Yard Tractors [pilot project]). The CAAP has fuel-neutral elements for cargo-handling equipment. By contrast, this measure would replace diesel rubber tired gantry cranes (RTGs) equipment with electric RTGs, thereby eliminating criteria pollutant and DPM emissions and reducing health risk impacts. In addition (as discussed below), the measure includes an electric yard tractor pilot program. The tenant at Berth 97-109 shall participate in a 1-year electric yard tractor (truck) pilot

project. As part of the pilot project, two electric tractors will be deployed at the terminal within 1 year of lease approval. If the pilot project is successful in terms of operation, costs, and availability, the tenant shall replace half of the Berth 97-109 yard tractors with electric tractors within 5 years of the feasibility determination.

- + **MM AQ-20** (LNG Trucks). The CAAP has fuel-neutral elements for trucks. By contrast, this measure would replace diesel trucks with LNG trucks, thereby eliminating DPM emissions and reducing health risk impacts.
- + **MM AQ-21** (Truck Idling Reduction). The CAAP has no similar element.

In response to a number of comments received on the Recirculated Draft EIS/EIR, **MM AQ-17** has been amended as shown below has been added to the Project:

MM AQ-17: Yard Equipment at Berth 97-109 Terminal.

- + September 30, 2004: All diesel-powered toppicks and sidepicks operated at the Berth 97-109 terminal shall run on emulsified diesel fuel plus a DOC (ASJ Requirement).
- + January 1, 2009:
 - All RTGs shall be electric.
 - All toppicks shall have the cleanest available NO_x alternative fueled engines meeting 0.015 gm/hp-hr for PM
 - All equipment purchases other than yard tractors, RTGs, and toppicks shall be either (1) the cleanest available NO_x alternative-fueled engine meeting 0.015 gm/hp-hr for PM or (2) the cleanest available NO_x diesel-fueled engine meeting 0.015 gm/hp-hr for PM. If there are no engines available that meet 0.015 gm/hp-hr for PM, the new engines shall be the cleanest available (either fuel type) and will have the cleanest VDEC.
- + By the end of 2012: all terminal equipment less than 750 hp other than yard tractors, RTGs, and toppicks shall meet the USEPA Tier 4 on-road or Tier 4 non-road engine standards.
- + By the end of 2014: all terminal equipment other than yard tractors, RTGs, and toppicks shall meet USEPA Tier 4 non-road engine standards.
- + In addition to the above requirements, the tenant at Berth 97-109 shall participate in a 1-year electric yard tractor [truck] pilot project. As part of the pilot project, two electric tractors will be deployed at the terminal within 1 year of lease approval. If the pilot project is successful in terms of operation, costs and availability, the tenant shall replace half of the Berth 97-109 yard tractors with electric tractors within 5 years of the feasibility determination.

1-11 The response to Comment 1-10 discusses five mitigation measures for project operations that go beyond the commitments of the CAAP, and the response to Comment 1-9 describes how these mitigation measures would become lease measures and, therefore, would be unaffected by future changes to the CAAP except for possible strengthening through implementation of **MM AQ-22**. In addition, all proposed mitigation measures in the Recirculated Draft and Final EIS/EIR would be included in an MMRP and would be referenced in the ROD. The MMRP would describe how and when the mitigation measures would be implemented. Many of the mitigation measures take effect prior to or concurrent with construction of Phases II and III of the Project (as a reminder, Phase I was constructed and has been operating since 2004). As discussed in the response to Comment 1-10 above, while the USACE Final EIS discloses and discusses various construction

and operational impacts and mitigation measures for the proposed Project and alternatives, the ROD would recognize that most of the mitigation measures identified in the Final EIS/EIR, particularly those focused on upland operations, would be implemented, maintained, and monitored by the Port of Los Angeles as the local agency with continuing program control and responsibility through its tenant leases, pursuant to the MMRP required by the certified EIR.

1-12 Thank you for your comment. Please see the detailed responses to Comments 1-10 and 1-11 above regarding mitigation in the ROD. Quantification of additional emission reductions from implementing construction mitigation is addressed below:

- + **MM AQ-5** (Best Management Practices) – Some of the best management practices (BMPs) identified in this measure, such as idling restrictions and emission-control devices on diesel engines, are included in **MM AQ-3** and **MM AQ-4**; therefore, emissions reductions from this measure are quantified in the Recirculated Draft EIS/EIR. As stated in the measure, the construction contractor's final equipment list would affect the extent to which additional BMP measures could be implemented. As a result, additional BMP measures were not quantified.
- + **MM AQ-7** (General Mitigation Measure) – This measure depends on the availability and feasibility of future technologies; therefore, emissions reductions from this measure cannot be quantified at this time.
- + **MM AQ-8** (Special Precautions near Sensitive Sites) – This measure involves public notification; therefore, this measure would have no effect on emissions.

The emission reductions associated with the following operational mitigation measures were not quantified in the Recirculated Draft EIS/EIR:

- + **MM AQ-13** (Reroute Cleaner Ships) – Although this measure would require that 75 percent of ships comply with NO_x Annex VI limits, its effectiveness was not quantified because the compliance rate of the unmitigated ship fleet cannot be known with certainty. In other words, it is likely that some of the ships in the unmitigated ship fleet would already be compliant with NO_x Annex VI. Therefore, to avoid overstating the effectiveness of this measure, the Port conservatively decided to treat all ships as noncompliant with Annex VI. This approach would tend to slightly overestimate NO_x emissions from ship main engines for both the unmitigated and mitigated Project.
- + **MM AQ-14** (New Vessel Builds) – The specific emission-reduction technologies used on new vessels would depend on availability and feasibility of the technology on a case-by-case basis; therefore, the effectiveness of this measure was not quantified.
- + **MM AQ-21** (Truck Idling Reduction Measure) – The effectiveness of this measure depends on the extent to which the terminal operator can implement the components of the measure; therefore, the effectiveness of this measure was not quantified.
- + **MM AQ-22** (Periodic Review of New Technology and Regulations) – This measure depends on the availability and feasibility of future technologies; therefore, emissions reductions from this measure cannot be quantified at this time.
- + **MM AQ-23** (Throughput Tracking) – This measure is a safeguard against emissions exceeding the projections in the Recirculated Draft EIS/EIR. Because throughput is not anticipated to exceed those projections, this measure is not assumed to reduce emissions.
- + **MM AQ-24** (General Mitigation Measure) – This measure depends on the availability and feasibility of future technologies; therefore, it cannot be quantified at this time.

- 1-13** Please refer to the discussion of **MM AQ-13** (Reroute Cleaner Ships) in response to Comment 1-12.
- 1-14** This comment pertains to the emission calculations for tugboats used during construction before mitigation. The tugs used for construction are often different than those of the existing Port fleet because contractors could have their own tugboats. Therefore, it is unknown if the fleet used during construction would have the same percentage of Tier 2 engines as the entire tugboat fleet at the Port. Therefore, to avoid understating the tugboat emissions, the emission calculations for unmitigated tugboats during construction of the Project assumed the use of uncontrolled engines. This represents a conservative approach in terms of identification of potential impacts. Note that after mitigation, Tier 2 or Tier 3 engines would be used on all harborcraft during construction, per **MM AQ-1**.
- 1-15** To facilitate the decision-making process under CEQA and NEPA, this Recirculated Draft EIS/EIR used approved rules, regulations, and the best available emission factors at the time of document preparation. Although emissions could be further reduced in the future due to CAAP implementation, the exact nature of those reductions is not currently foreseeable. It would be speculation to assume any specific future changes to rules, regulations or related emission factors. It should be noted that emission factors are likely to be improved, so the assumptions in the Recirculated Draft EIS/EIR are considered conservative.
- 1-16** On November 30, 1993, EPA promulgated final general conformity regulations at 40 CFR 93 Subpart B for all federal activities except those covered under transportation conformity. On September 14, 1994, South Coast Air Quality Management District (SCAQMD) adopted these regulations by reference as part of Rule 1901. The general conformity regulations apply to a proposed federal action in a nonattainment or maintenance area if the total of direct and indirect emissions of the relevant criteria pollutants and precursor pollutants caused by the proposed action equal or exceed certain de minimis amounts, thus requiring the federal agency to make a determination of general conformity. Regardless of the proposed action's exceedance of de minimis amounts, if this total represents 10 percent or more of the area's total emissions of that pollutant, the action is considered regionally significant, and the federal agency must make a determination of general conformity. By requiring an analysis of direct and indirect emissions, EPA intended the regulating federal agency to make sure that only those emissions that are reasonably foreseeable and that the federal agency can practicably control subject to that agency's continuing program responsibility will be addressed. The general conformity regulations incorporate a stepwise process, beginning with an applicability analysis.

According to EPA guidance (EPA, 1994), before any approval is given for a proposed action to go forward, the regulating federal agency must apply the applicability requirements found at 40 CFR 93.153(b) to the proposed action and/or determine the regional significance of the proposed action to evaluate whether, on a pollutant-by-pollutant basis, a determination of general conformity is required. The guidance states that the applicability analysis can be (but is not required to be) completed concurrently with any analysis required under NEPA. If the regulating federal agency determines that the general conformity regulations do not apply to the proposed action, no further analysis or documentation is required. If the general conformity regulations do apply to the proposed action, the regulating federal agency must next conduct a conformity evaluation in accord with the criteria and procedures in the implementing regulations, publish a draft determination of general conformity for public review, and then publish the final determination of general conformity.

A general conformity determination will be necessary for the proposed federal action. The Draft Conformity Determination has been prepared and is included as Appendix P in the Final EIS/EIR,

and Section 3.2.3.1 (Conformity Statement) has been updated to reflect this. It should be noted that the conformity finding is not the same as an impact finding under NEPA.

- 1-17** Thank you for your comment. The Recirculated Draft EIS/EIR identifies substantial mitigation that will be applied to the selected alternative to address Project-level impacts to air quality, transportation, and noise. These mitigation measures would also minimize the contribution of the Project (or alternative) to cumulative impacts. In Chapter 5 of the Recirculated EIS/EIR (Environmental Justice), the Port and USACE have put forth a tremendous level of effort to identify all feasible measures to reduce or avoid impacts of the proposed Project that would disproportionately affect minority or low-income populations.

The USACE 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 Port's overall existing and planned operations. Current and future proposed projects' approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the proposed San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall health risk effects of future projects and ongoing port operations' emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a standard of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed in order to ensure that the proposed project is fully contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP and on projected future Ports' operations through the specified CAAP implementation mechanisms and also assumed implementation of existing regulations. As long as the project is consistent with growth projection assumptions used to develop the San Pedro Bay Standards, and the CAAP mitigations for the project are consistent with the mitigation assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay Standards as it is consistent with projections of the Ports' future operations used in formulating the San Pedro Bay Standards, and as it exceeds compliance with applicable CAAP measures as shown in Table 3.2-26 of the Recirculated Draft EIS/EIR.

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 previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the overall off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. 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 of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the

Port would contribute \$3.50 per container received at the proposed Project terminal up to an amount of approximately \$4 million. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the 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.

Despite identification of all feasible mitigation measures, as required by CEQA, significant unavoidable adverse impacts will remain after implementation of the mitigation measures (under both CEQA and NEPA). The Environmental Justice evaluation bases its identification of high and adverse impacts to minority and low-income population upon these significant unavoidable adverse NEPA impacts. Regarding the comment that the Recirculated Draft EIS does not propose any measures to mitigate significant and unavoidable impacts identified in Chapter 5, all feasible mitigation measures have been identified for each environmental resource topic addressed in the Recirculated Draft EIS/EIR and would be implemented and tracked via the MMRP required under CEQA.

- 1-18** Please see response to Comment 1-17. As part of the San Pedro Bay Standards, the Port will complete a Port-wide Health Risk Assessment (HRA) covering both the Ports of Los Angeles and Long Beach that will include a quantitative estimate of overall health risk impacts from the Ports' existing and planned operations. Current and future projects' approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall effects of future projects and ongoing port operations emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a standard of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed to ensure that the proposed Project is contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP through the specified implementation mechanisms and implementation of existing regulations. As long as the mitigations for the project are consistent with the assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay Standards because it is consistent with the growth projections assumed in developing the San Pedro Bay Standards and exceeds compliance with applicable CAAP measures as shown in Table 3.2-26 of the Recirculated Draft EIS/EIR. The San Pedro Bay Standards were developed in close coordination with the South Coast AQMD and CARB.

The comment suggests conducting a port-wide Health Impact Assessment (HIA). 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 Recirculated Draft EIS/EIR discloses the environmental impacts, including health risk impacts, of the proposed Project, the Recirculated Draft EIS/EIR is not required to additionally include a separate, full-blown HIA. Nevertheless the Recirculated Draft EIR/EIR included a number of health assessment tools to accomplish many of the goals of an HIA. These tools include a full project-specific Health Risk Assessment (HRA), criteria pollutant modeling,

morbidity/mortality analysis, an Environmental Justice analysis, and a Socioeconomic analysis. These analyses are presented in the Recirculated Draft EIS/EIR for the proposed Project and all project alternatives (including the No Federal Action/No Project Alternative), allowing the reader, and subsequently the Board and USACE (the decision makers) to compare and contrast the benefits and costs among all proposals.

The HRA, as presented in Section 3.2 and Appendix E, examined the cancer risks and the acute and chronic noncancer health risks associated with the proposed Project and all Project alternatives on the local communities. Health risks are analyzed for five different receptor types: residential, sensitive (elderly and immuno-compromised), student, recreational, and occupational. Health risks are reported over geographical areas (for example, the HRA includes cancer risk isopleths to illustrate risk patterns in the communities). The HRA is based on procedures developed by public health agencies, most notably the California Office of Environmental Health Hazards Assessment (OEHHA). Section 3.2 and Appendix E also include a discussion of some recent studies that link pollution, specifically DPM, to various health impacts including cancer, asthma, and cardiovascular disease.

The Recirculated Draft EIS/EIR also includes a particulate matter mortality analysis that assesses the incidence (as opposed to risk) of premature death as a result of the proposed Project. As discussed in Section 3.2, epidemiological studies substantiate the correlation between the inhalation of ambient Particulate Matter (PM) and increased mortality and morbidity (CARB 2004a and CARB 2007). The analysis is based on guidance from CARB and relies on numerous studies and research efforts that focused on PM and ozone because these represent a large portion of known risk associated with exposure to outdoor air pollution. CARB's analysis of various studies allowed large-scale quantification of the health effects associated with emission sources.

The Environmental Justice Section (Chapter 5) of the Recirculated Draft EIS/EIR evaluates whether the proposed Project and its alternatives would result in disproportionately high and adverse human health or environmental impacts on minority populations and/or low-income populations. The Environmental Justice analysis looks at the Project and cumulative impacts as assessed in Chapters 3 and 4 of the Recirculated Draft EIS/EIR on minority and/or low-income individuals in the local communities surrounding the Port. The Socioeconomic Section (Chapter 7) encompasses a number of topical areas including employment and income, population, and housing. Within each of these areas, subtopics include an examination of conditions at different geographical scales that are relevant to the potential impacts associated with implementation of the proposed Project.

In addition, please see response to Comment 1-17 regarding the Port Community Mitigation Trust Fund geared toward addressing the overall off-Port impacts created by Port operations.

- 1-19** Please see the response to Comments 1-17 and 1-18. All feasible mitigation measures as required by CEQA have been applied to the proposed Project in the Recirculated Draft EIS/EIR. It should be noted that the mitigation measures provided in the Recirculated Draft EIS/EIR are consistent with the CAAP, which has undergone extensive public review and which serves as the overall guide to minimizing Port-wide air quality impacts to local communities. Regarding the recommendation to provide a health care clinic, such a measure would not reduce air emissions from the proposed Project, and so would not be an effective mitigation measure under CEQA or NEPA to avoid or reduce any significant impacts of the proposed Project on the physical environment. It is the intention of the Port to directly reduce or eliminate the source of emissions and, therefore, to reduce any long-term health care costs that might be associated with Port project development.

Regarding suggestion to engage in proactive efforts to hire local workers and the suggestion to provide public education programs, the Port has an ongoing set of mechanisms to promote

inclusion of small, minority, woman-owned, and similar business enterprises, many of which are 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 communities in the form of meetings with PCAC, other community groups, and individuals. The Port also provides educational information on its Web site, 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 of the Recirculated Draft EIS/EIR) that improves efficiency and reduces environmental impacts from 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 coast-dependent cargo transport activities and related facilities, including Berth 97-109 which is zoned industrial. 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 the zoning at Berth 97-109. Such a facility might be more appropriate for the San Pedro or Wilmington Waterfront Projects, projects that are developing applicable Port land for community use.

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 Project, if approved, would provide open space, recreation and pedestrian amenities.

The Port currently operates a monitoring station in Wilmington and is adding real-time recording that will be displayed on a Web site operated jointly by the Ports of Los Angeles and Long Beach. The Port focuses its health-related mitigation primarily on a wide array of measures to reduce the emissions that cause the health impacts. In addition, the Ports of Los Angeles and Long Beach are in the process of finalizing the CAAP San Pedro Bay Standards in coordination with SCAQMD and CARB. In support of the CAAP, the South Bay Ports will prepare a Port-wide Health Risk Assessment to more quantitatively estimate cumulative impacts from Port complex operations and individual projects.

In addition to the Port's mitigation of CEQA and NEPA impacts of Port construction and operations, the Port has previously agreed through an MOU, to establish a Port Community Mitigation Trust Fund geared toward addressing the overall off-Port impacts created by Port operations outside the context of project-specific NEPA and/or CEQA documents. 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 of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute \$3.50 per container received at the proposed Project terminal up to an amount of approximately \$4 million. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the Project, which means it is not an environmental justice mitigation per se, it would have particular benefits for harbor area communities where disproportionate effects could occur.

1-20 Commenter states that the proposed Project does not appear to be the least environmentally damaging practicable alternative (LEDPA) and that Alternative 4 appears to be practicable. Alternative 4 does make efficient use of backlands, but it has less wharf capacity and throughput capacity than the proposed Project. As shown in Appendix I of the Recirculated Draft EIS/EIR, the proposed Project is slightly more efficient than Alternative 4 based on TEUs per acre (10,900 versus 10,700 TEUs, respectively). The more efficient TEU throughput associated with the proposed Project is due to the southern extension of Berth 100, which will result in the additional 1.3 acres of fill. However, it is important to recognize this fill would not result in a permanent loss of waters of the U.S.; rather, soft bottomed habitat in this industrialized portion of the Port would be converted to hard substrates (rocks and piles), which studies have shown are as biologically productive as soft-bottomed habitat in a port setting. The only permanent impact would be the conversion from one aquatic habitat type to another in an industrialized and degraded portion of the Port, which the resource agencies have recognized is biologically less valuable than other areas in the Port, such as the Outer Harbor. Because container throughput demand (31.6 million TEUs) is projected to exceed the ultimate terminal capacity of the entire Port complex (22.4 million TEUs) by 2030 (see Section 1.1.3 of the Recirculated Draft EIS/EIR), a reduction in wharf length under Alternative 4 would likely still result in construction of additional wharfage elsewhere in the Port complex (less likely because the other terminals are assumed in the projections to be operating at maximum capacity) or conceivably at another location along the California coast, with potentially greater impacts to air, land, and coastal resources than would occur under the proposed Project.

Regarding the commenter's support for an alternative that reduces impacts by constructing the Project over time and in phases commensurate with throughput, it should be noted that the physical capacity of the Port complex would be exceeded regardless of construction phasing. Even with conservative growth projections, the issue from a terminal capacity standpoint is the level of future capacity shortfall. Extending the construction phasing across a greater number of years would result in the same or greater level of impacts, just spread across a greater timeframe because demand for terminal capacity would exceed supply (see Section 1.1.3 of the Recirculated Draft EIS/EIR). In addition, there are the logistical and economical issues associated with spreading or phasing construction over a greater timeframe, as detailed in the response to Comment 1-25 below.

1-21 The comment is noted. The majority of the dredging at Berth 102 was previously performed as part of the Channel Deepening Project. Due to the duration between when that dredging was performed and when the wharf at Berth 102 would be constructed, a minor amount of maintenance dredging may be required to remove sediments that have since settled on the marine bottom. The Port anticipates that if maintenance dredging is required, only a minimal or negligible amount of material would be removed (less than 1,000 cubic yards). The Port and USACE have established a dredging protocol to test for the presence of contaminants and to determine if the dredge material is contaminated and requires disposal or confinement as a contaminated material. This protocol has been added to the Final EIS/EIR. The Port will commit to the beneficial reuse of dredge materials, provided the material is not contaminated. However, if it is contaminated, the dredge material will be disposed of at the Anchorage Road soil storage site or another suitable site. In addition, it should be noted that POLA has been and will continue to participate in the referenced Dredged Material Management Team (DMMT) meetings, and would discuss Project dredging as the in-water construction approaches (subject to Project approval).

1-22 Thank you for the comments regarding mammal vessel strikes and the research on whale detection. An acoustic detection program was initiated off Cape Cod Bay, Massachusetts, to reduce the potential for vessel collisions with North Atlantic right whales. This species was

hunted to near extinction, and the current population is now at an estimated 350 to 400 individuals. The Cape Cod Bay system consists of 13 acoustic buoys that can detect right whales within a 5-mile radius. The buoys are moored within Cape Cod Bay and offshore in the shipping lanes. If right whales are detected, certain ships are required to slow to 10 knots and post lookouts to assist in sighting whales.

Several differences exist between Cape Cod Bay and the waters off Los Angeles-Long Beach Harbors. The shipping lanes where the buoys are moored off Cape Cod are in waters ranging up to 400 feet deep. The shipping lanes off the harbors of Los Angeles and Long Beach are considerably deeper, exceeding 400 fathoms (2,400 feet) north of the harbors. It is technologically difficult and infeasible from an economic standpoint to maintain a buoy system in water depths of this magnitude. Additionally, because the existing system in Cape Cod Bay relies on passive sonar (listening devices) to determine if whales are present, the lack of vocalizations from the primary species (gray whales) to be protected in the Project vicinity would offer little or no increased protection from ship strikes. Grey whales are not as vocal as some other whale species, and they are likely to be the most abundant whales in the area during specific times of year. Also, no data are published on the effectiveness of the system.

The cost associated with the Cape Cod right whale detection system was approximately \$47 million to maintain and operate a system of 15 buoys for 40 years in relatively shallow water up to 400 feet deep (Cornell University, 2008). The buoys being anchored in 400 feet are a manageable size that can be serviced by a smaller boat in the 30- to 50-foot range. However, anchoring in 1,000 to 3,000 feet (the depth of the shipping separation zone in the project area) would require a much greater-sized buoy just to hold the anchor cable because the cable alone would weigh thousands of pounds, which would require yearly maintenance using a 100- to 200-foot buoy tender vessel for maintenance. Costs would be significantly more than the Cornell estimate of \$47 million for 40 years.

Based upon the Jensen and Silber (2003) whale strike database and Laist et al. (2001), it is believed that vessel strikes where the vessel is traveling at a speed of less than 14 knots greatly reduces the risk for fatalities. The National Oceanic and Atmospheric Administration (NOAA) suggests speeds less than 10 knots. However, it is not known how effective speed reductions are in reducing collisions.

The Port also researched a paper regarding forward-looking sonar on ships. The ship-mounted sonar gave a warning within a radius of up to 84 meters, which is less than the length of most oceangoing vessels. Such a system would not provide adequate warning time or distance for an oceangoing vessel to take evasive action (Miller and Potter, 2001).

- 1-23** The evaluation of construction-related noise impacts in the Recirculated Draft EIS/EIR identifies the hours when noise-producing construction activities are prohibited by local ordinance, and Project construction would comply with the ordinance, as applicable. As a matter of course, construction activities for Port projects typically conclude by 6:00 p.m. Monday through Saturday for safety reasons. A review of past wharf construction logs at Berth 100 shows that pile-driving activity ceased by 6:00 p.m.
- 1-24** The comment is noted. The Port and USACE developed the purpose and need statement in the Recirculated Draft EIS/EIR with consideration that Port-wide terminal capacity will fall short of container throughput demand by the year 2030. As pointed out in the response to Comment 1-20, the Port-wide terminal capacity shortfall could be approximately 9.2 million TEUs, even with all terminals operating at maximum capacity. Because there is a need for all the terminals to maximize terminal capacity in the Port complex, it is not expected that any reduction in capacity at this terminal (i.e., less than what is proposed) could be accommodated at another terminal elsewhere in the Port. This would result in more demand going unmet.

The Port and USACE understand the concern over the word “maximize” in the overall Project purpose statement; therefore, the term “optimize” has replaced “maximize” in the purpose and need. Nonetheless, the Port and USACE recognize the supported need at this and other terminals in the Port of Los Angeles, as discussed in Section 1.1.3 of the EIS/EIR, for maximizing throughput (i.e., “terminals will need to function at *maximum* capacity to accommodate the cargo volumes coming into the Port.”). It should be noted that the Recirculated Draft EIS/EIR recognizes the need to consider terminals with less capacity and, clearly, the Recirculated Draft EIS/EIR equally analyzed multiple alternatives with a range of throughput capacity. The position of both lead agencies is to provide as much capacity as possible (i.e., attempt to meet the need) while still meeting the statutory and regulatory requirements of our Regulatory Program. Therefore, in recognizing the need to provide and optimize terminal capacity in the context of a projected capacity shortfall across the Port complex, consistent with the Section 404(b)(1) Guidelines, we would still consider the degree in which a particular project or alternative would practicably avoid and minimize impacts to the aquatic ecosystem and would not result in other potentially significant environmental consequences, in identifying the LEDPA (i.e., the proposed Project is not automatically the LEDPA).

- 1-25** Commenter recommended extending the construction duration to reduce overall construction-related impacts. However, it is more economical and less disruptive to construct the entire terminal as a single event early in the useful life of the terminal, which would minimize conflicts between construction and operations. Once a terminal is operational, throughput increases over time, and delaying some phases of terminal construction to the future could cause greater impacts due to conflicts between more intensive operations and new construction. Additionally, stopping terminal construction for extended periods and then restarting is not economical due to multiple mobilizations of equipment and resources, related air emissions, and conflicts with business operations on surrounding properties. As a consequence, delaying construction phases to a future date would likely result in increased overall construction durations, compared to the proposed Project. Furthermore, it is likely that the population will increase in the surrounding area over time, and delays in construction phases could actually result in impacts to a greater number of receptors (and minority and low-income populations) than if construction occurs earlier.

National Marine Fisheries Service

- 2-1 Comment noted.
- 2-2 This comment is accurate.
- 2-3 All construction sites within the Port require Caulerpa surveys prior to dredging. Surveys will comply with methods and reporting (including project delay if the algae is found until it has been eradicated), as outlined in the *Caulerpa Control Protocol* (Version 4.0, adopted February 25, 2008) (NMFS and CDF&G, 2003) developed by the Southern California Caulerpa Action Team. Appendix L of the Recirculated Draft EIS/EIR contains Version 2 of the protocol, and Version 4 of this protocol has been added to Appendix L in Chapter 3 of the Final EIS/EIR.
- 2-4 The comment regarding the use of mitigation credits is noted. Regarding the comment about Caulerpa, please see the response to Comment 2-3 above.
- 2-5 Comment noted; please see the response to Comment 2-3 above. A Caulerpa survey pursuant to approved methods/protocols will be conducted, as specified in the conservation recommendation. The USACE has provided written notification that this conservation recommendation will be incorporated into any USACE permit issued for this Project.
- 2-6 The USACE and Port will consult NMFS if the Project is revised in a way to adversely impact essential fish habitat (EFH) or if new information becomes available that could affect the basis of EFH conservation recommendations.
- 2-7 The comment is unclear in that the marine mammals that occur in the Project area are not listed under the Endangered Species Act (ESA). The statement on page 3.3-21 is that the USACE has determined the proposed Project would not affect any federally listed species (such as birds, fish, and mammals). Under Section 7 of the Endangered Species Act, the USACE does not have to consult with the NMFS or United States Fish and Wildlife Service (USFWS) for “no effect” determinations. If NMFS has information indicating that the proposed Project could affect federally listed species, NMFS is requested to provide this information. Our no-effect determination is based on available information, including what is in the Recirculated Draft EIS/EIR.
- 2-8 Comment noted. Please see response to comment 1-22 (USEPA). An acoustic detection program was initiated off Cape Cod Bay, Massachusetts, to reduce the potential for vessel collisions with North Atlantic right whales. This species was hunted to near extinction, and the current population is now at an estimated 350 to 400 individuals. The Cape Cod Bay system consists of 13 acoustic buoys that can detect right whales within a 5-mile radius. The buoys are moored within Cape Cod Bay and offshore in the shipping lanes. If right whales are detected, certain ships are required to slow to 10 knots and post lookouts to assist in sighting whales.
- Several differences exist between Cape Cod Bay and the waters off Los Angeles-Long Beach Harbors. The shipping lanes where the buoys are moored off Cape Cod are in waters ranging up to 400 feet deep. The shipping lanes off the harbors of Los Angeles and Long Beach are considerably deeper, exceeding 400 fathoms (2,400 feet) north of the harbors. It is technologically difficult and infeasible from an economic standpoint to maintain a buoy system in water depths of this magnitude. Additionally, because the existing system in Cape Cod Bay relies on passive sonar (listening devices) to determine if whales are present, the lack of vocalizations from the primary species (gray whales) to be protected in the Project vicinity would offer little or no increased protection from ship strikes. Grey whales are not as vocal as some other whale

species, and they are likely to be the most abundant whales in the area during specific times of year. Also, no data are published on the effectiveness of the system.

The cost associated with the Cape Cod right whale detection system was approximately \$47 million to maintain and operate a system of 15 buoys for 40 years in relatively shallow water up to 400 feet deep (Cornell University, 2008). The buoys being anchored in 400 feet are a manageable size that can be serviced by a smaller boat in the 30- to 50-foot range. However, anchoring in 1,000 to 3,000 feet (the depth of the shipping separation zone in the project area) would require a much greater-sized buoy just to hold the anchor cable because the cable alone would weigh thousands of pounds, which would require yearly maintenance using a 100- to 200-foot buoy tender vessel for maintenance. Costs would be significantly more than the Cornell estimate of \$47 million for 40 years

A review of the whale collision data (Jensen and Silber, 2003) shows that of the 134 collision cases where vessel type was known, only 58 cases had documented the speed of the vessel. In all of these cases, vessels were traveling in excess of 10 knots per hour. It is unknown at what speed the remaining ships were traveling, but as the majority of large ships travel at 10 knots or greater, it should be noted that if all of these large ships were to travel at speeds reduced to less than 10 knots, collisions/fatalities may or may not be reduced. As requested by NMFS, in the unlikely event of a vessel collision with a marine mammal, a report will be sent to the NMFS Southwest Regional Office Stranding Coordinator (Mr. Joseph Cordaro).

- 2-9** Comment noted. The Port and USACE have added a mitigation measure that requires slowly ramping up pile-driving activities (referred to as a “soft start”) at the start of pile-driving activities (at the beginning of the day and at restarting of construction after lunch breaks or other pile-driving interruptions of longer than 15 minutes). The added mitigation measure reads as follows:

MM BIO-3: Noise Reduction during Pile Driving.

The contractor shall be required to use sound abatement techniques to reduce noise and vibrations from pile-driving activities. Sound abatement techniques shall include, but not be limited to, vibration or hydraulic insertion techniques, drilled or augured holes for cast-in-place piles, bubble curtain technology, and sound aprons where feasible. At the initiation of each pile-driving event and after breaks of more than 15 minutes, the pile driving shall also employ a “soft-start” in which the hammer is operated at less than full capacity (i.e., approximately 40 to 60 percent energy levels) with no less than a 1-minute interval between each strike for a 5-minute period.

In addition, a qualified biologist hired by the Port shall be required to monitor the area in the vicinity of pile-driving activities for any fish kills during pile driving. If there are any reported fish kills, pile driving shall be halted and the USACE and NMFS shall be notified via the Port’s Environmental Management Division. The biological monitor shall also note (surface scan only) whether marine mammals are present within 100 meters of the pile driving and, if any are observed, temporarily halt pile driving until the observed mammals move beyond this distance.

Note that the operation of the hammer at 40 to 60 percent energy level during the soft start of pile driving is expected to result in similar levels of noise reduction (40 to 60 percent) underwater. Marine mammals are expected to voluntarily move away from the area upon commencement of the soft start of pile driving. While impacts from pile driving on marine mammals were found to be less than significant, **MM BIO-3** will further reduce the potential impact. In addition to the above mitigation measure, the Port and USACE understand that NMFS is pursuing a comprehensive study to evaluate noise levels and their effects on fish and marine mammals,

which could include addressing this issue at a Port-wide level; the Port of Los Angeles is interested in working with NMFS and other interested agencies on such a study.

- 2-10** Please see the response to Comment 2-9 above. We believe inclusion of a soft-start approach to pile driving will prevent “take” of marine mammals, and that an Incidental Harassment Authorization under MMPA will not be required.

FEMA

- 3-1** Comment noted. The requirements have been forwarded to the engineering staff at the Port for incorporation into the Project design.

United States Coast Guard

51-1 Thank you for the comment. The United States Coast Guard has been listed as a Cooperating Agency in Table 1-1 (see Chapter 3 of the Final EIS/EIR). The Coast Guard has also been listed as having permit authority for the bridges across the Southwest Slip. In addition, the Port and USACE will coordinate with your office during the bridge design process.

Caltrans

4-1 Mid-day analysis is not normally completed for traffic studies that are part of a CEQA or NEPA document. Traffic impacts are normally measured during the period of time when traffic is highest (often called the “rush hour” or “peak hour” or “commute hour” of traffic on weekdays). Generally speaking, due to the relatively high levels of congestion caused by background nonproject traffic during peak hours, those hours are the periods during which traffic attributable to a proposed project is likely to be most strongly felt, and therefore to have the greatest impact on the environment. Since there are two commute peak hours per weekday (morning inbound to work and evening outbound from work), both of those time periods are analyzed in the Recirculated Draft EIS/EIR. During those hours, the relative incremental impact of the project’s traffic to total traffic is measured. Then, jurisdictions establish a threshold that determines whether an impact is significant. For example, in Los Angeles, at level of service (LOS) E conditions, a change in the volume-to-capacity ratio of 0.01 (or 1 percent) is considered significant. When background traffic conditions are better such as mid-day (better levels of service) the amount of project traffic that is considered significant would be greater, meaning the project could add more traffic mid-day and not have a significant impact as compared to the peak commute hours. Thus, the true measurement of a significant impact depends not only on project traffic, but also the background nonproject traffic conditions that the project traffic contributes to. Adding 1 or even 2 percent project traffic to good traffic conditions mid-day is usually a lesser impact than adding 1 percent project traffic during the peak commute hours. During the mid-day time period, the analysis would likely result in much different results. First, the overall background traffic is usually lower than during the a.m. and p.m. peak hours, and, second, project traffic is generally lower for most types of land uses. In general, Port traffic peaks mid-day for some terminals, but other traffic contributing to the background traffic conditions (non-Port local and regional traffic) usually is much lower mid-day. Thus, it is a balance, higher mid-day port volumes but lower mid-day background “regional volumes.” In response to the comment, mid-day traffic-count data in the area immediately surrounding the Project, on John S. Gibson Boulevard and on Harry Bridges Boulevard, were collected and reviewed, which revealed the following:

- + Afternoon peak-hour traffic in the area near the project is much higher than mid-day or morning, both with and without the anticipated contribution of traffic attributable to the Project (and when trucks are converted for Passenger Car Equivalent)
- + Morning is about the same or slightly lower than mid-day

Because the Recirculated Draft EIS/EIR evaluated traffic impacts of the proposed Project and the alternatives during the p.m. peak-hour conditions, the Recirculated Draft EIS/EIR addressed the worst-case conditions. Therefore, a mid-day traffic analysis would not disclose different or more significant impacts or require mitigation beyond that stipulated in the Recirculated Draft EIS/EIR.

4-2 Comment noted. Mitigation worksheets have been added to Appendix F, Traffic Data.

4-3 Comment noted. The referenced traffic volumes are from 2002 count data, which practice is consistent with the approach taken in other recent Port projects (Berth 136-147 [TraPac] EIR and the Port of Los Angeles Port-wide Transportation Master Plan Study).

4-4 Project-related traffic at northbound I-710 at Willow Street would be well below the Congestion Management Program (CMP) threshold of 150 peak-hour trips (there would be 34 a.m. peak-hour

trips and 39 p.m. peak-hour trips). Hence, no mitigation is required under the CMP guidelines. In fact, no analysis is even required if below 150 peak-hour trips.

- 4-5** Comment noted. The model capacity of 2,100 vehicles per hour rather than the CMP capacity of 2,000 vehicles per hour was incorrectly applied. One of the segments on I-710 actually has a higher volume today than the model is reporting in the future. While this is counterintuitive, it often happens when applying regional models. Based upon recalculated results with the correct capacity of 2,000 vehicles per hour, it is shown that this correction does not affect any findings or conclusions of the traffic analysis contained in the Recirculated Draft EIS/EIR. Appendix F has been revised to reflect freeway capacity identified in the 2004 CMP. This change will reflect the level of service identified by Caltrans, but the change does not affect the results of the freeway impact analysis conducted for the proposed Project or alternatives. Finally, it should be noted that a major study is underway of I-710 that will determine improvements to the freeway, and the ports are active participants and funding partners with Caltrans and other agencies.
- 4-6** Comment noted. The CMP information provided is not inconsistent with the CMP information for the reference intersection in the Recirculated Draft EIS/EIR, and would not result in new or substantially more severe impacts than discussed in the Recirculated Draft EIS/EIR.
- 4-7** Comment noted. The analysis worksheets have been included in Appendix F, including the correct capacity values (see response to Comment 4-4 above).
- 4-8** The completion dates of the transportation improvement have been updated. The off-ramps are scheduled to be completed prior to Phase II completion. On the basis of the revised schedule, we do not foresee the occurrence of an additional significant impact. Please note that Caltrans is the lead agency for the off-ramp projects in question and has been working with the Port to coordinate permitting and construction schedules.

The completion dates of the transportation improvement have been updated. Caltrans is working with Port on developing the "C" Street and John S. Gibson projects to alleviate traffic congestion in the area (Caltrans is the lead agency for the off-ramp projects in question and is coordinating permitting and construction schedules with the Port). These two transportation improvement projects are scheduled to complete design in 2011 and to complete construction in June 2013. With Phase III of China Shipping scheduled to open in 2012, the time lapse between them is fairly short. The acreage and terminal capacity added under Phases II and III of the China Shipping Container Terminal will require additional time before it operates at the capacity levels analyzed in the Recirculated Draft EIS/EIR, which probably would not occur until after the "C" Street and Gibson projects are completed. Considering these factors, the Port believes that the traffic impacts discussed in the comment would not be significant and that no further mitigation is needed.

Public Utilities Commission

- 5-1** Thank you for the comment. The analysis of potential impacts at nearby at-grade rail crossings in the Recirculated Draft EIS/EIR focuses on rail crossings along the public roadway system. These roadways would have the most potential for impacts because they are located between the Project site and the first point of drop-off and because the public roadways are most congested during the peak hours. The recommendation to also analyze nearby crossings appears to apply to crossings within or adjacent to existing terminals but not along public streets. Because at-grade crossings at internal Port locations are not used by the motoring public and would not result in traffic impacts on public streets, an evaluation of such locations is not warranted in this environmental document.
- 5-2** The Recirculated Draft EIS/EIR identified a potentially significant impact related to vehicle delays at two at-grade crossings in the vicinity of the Port (at Avalon Boulevard and at Henry Ford Avenue). Although these crossings are located close to terminal operations in the Port, neither conveys large numbers of general non-Port-related or background traffic. As an example, the hourly volumes along Avalon Boulevard (two lanes in each direction) at the grade crossings in the a.m. peak hour are projected to range from 145 to 155 vehicles in 2030 depending on the direction, and for Henry Ford Avenue (also two lanes in each direction), would range from 518 to 707 vehicles (or 259 to 353.5 vehicles per lane). During the p.m. peak in 2030, Avalon Boulevard volumes are projected to range from 226 to 262 vehicles, and for Henry Ford Avenue, would range from 483 to 1,103 (or 241.5 to 551.5 per lane) vehicles. Due to proximity to the Port, most of the vehicles would be serving the Port and would not comprise a large portion of background or regional traffic. Low traffic volumes such as these generally do not warrant grade separations because the costs are too high for the benefit received. To illustrate the cost-benefit decision-making, Los Angeles Metro considers at-grade operations to be feasible at volumes up to 800 vehicles per lane (Metro, 2003). Costs of grade separations vary depending on various physical constraints, but start at nearly \$102 million (based on actual costs from prior grade separation projects at the Port of Los Angeles and not assuming the increased costs of materials). Such projects also often take a number of years to be constructed, which often results in periodic delays in traffic. For relatively low traffic volumes such as the two at-grade crossings, the costs and potential traffic delays outweigh the potential benefits. In addition, as discussed in the Recirculated Draft EIS/EIR, a number of grade crossings and traffic improvements unrelated to the proposed in the area are expected to further decrease traffic congestion. The recommendation to install vandal-resistant fencing or other access barriers at these crossing locations would not serve as effective mitigation for the identified vehicle delay impacts.

Office of Planning and Research

There are no comments that require responses.

Department of Toxic Substances Control

7-1 Comment noted.

Native American Heritage Commission

8-1 Comment noted. Section 3.4 of the Recirculated Draft EIS/EIR includes a discussion of pertinent regulations, requirements, and Project impacts related to cultural resources.

Regarding the comment to conduct a records search at the appropriate California Historical Resources Information System (CHRIS), a records search was performed in 2003 at the South Central Coastal Information Center. Although not specifically named as such, the records search discussed in the Recirculated Draft EIS/EIR (Section 3.4.2.5.2.1) included a search of the CHRIS. As discussed in that section, the likelihood of finding any intact prehistoric cultural deposits is extremely low.

Regarding the comment about an archaeological inventory survey, the potential for encountering archaeological resources at the Project site is low, as described in Section 3.4.4.3.1.1 of the Recirculated Draft EIS/EIR. It should be noted that **MM CR-1** has been required in the unlikely event that any artifact or archaeological resource is encountered during construction.

Commenter recommended contacting the Native American Heritage Commission (NAHC) for a Sacred Lands File (SLF) search. An SLF search was conducted by the NAHC for the Project in October 2007. The NAHC responded in November 2007 that the SLF failed to indicate the presence of Native American cultural resources in the immediate project area. **MM CR-1** includes provisions for a trained archaeologist to monitor construction. In addition, the Native American Contacts recommended by NAHC were contacted in October 2007 to determine if the contacts know of traditional cultural properties or values at the Project site. To date, only one contact (Sam Dunlap of the Gabrielino Tongva Tribal Council) has responded to the requests, which requests that mitigation be included in the environmental document for a Native American monitoring component. **MM CR-1** includes archaeological resource monitoring.

The comment indicating the lack surface evidence of archaeological resources does not preclude their subsurface existence is noted. The Recirculated Draft EIS/EIR identifies a low potential for encountering such resources based on the records search and the extensively disturbed nature of the Project site. Nonetheless, **MM CR-1** was included in the Recirculated Draft EIS/EIR in the unlikely event that such resources are encountered during construction. Commenter stated that the CEQA Guidelines (Section 15064.5d) requires the Lead Agency to work with the Native Americans (identified by the NAHC) if the Initial Study identifies the presence or likely presence of Native American remains in the area of potential effects. The likelihood of such remains at the Project site is minimal given the records search and disturbed nature of the Project site, as discussed in Section 3.4 of the Recirculated Draft EIS/EIR, and given the coordination that has occurred with the recommended Native American Contacts.

Regarding the comment about an accidental discovery of human remains, the Port would comply with applicable laws and regulations, including the Health and Safety Code, the Public Resources Code, and the California Code of Regulations.

The comment that Lead Agencies should consider avoidance when significant cultural resources are discovered during the course of project planning and implementation is noted. As discussed in the Recirculated Draft EIS/EIR, the likelihood of encountering cultural resources at the Project site is low. However, LAHD/USACE will continue to coordinate with the tribal contacts to ensure there is no conflict with traditional cultural properties as part of the proposed Project.

Southern California Association of Governments

9-1 Thank for you comment.

South Coast Air Quality Management District

- 10-1** Thank you for your comment. Please see more detailed response to Comment 10-8. Contrary to the comment, there may be an occasional third party invitee that docks at the China Shipping berths; however, this number is expected to be minimal.
- 10-2** Thank you for your comment. Please see more detailed response to Comment 10-20. Because of space limitations, expansion of the Berth 121-131 on-dock rail yard would disrupt Berth 121-131 operations. Therefore, the air quality impacts of the proposed Project were assessed assuming that the on-dock rail yard would remain at its current physical capacity. Future addition of on-dock rail capacity at the Berth 121-131 terminal could occur as part of a future improvement project at that terminal.
- 10-3** Thank you for your comment. Please see more detailed response to Comment 10-10. The emission control technologies for main engines in new ships identified in **MM AQ-14** are currently not feasible for large oceangoing vessels such as container ships, and for this reason **MM AQ-14** was not included in the emissions calculations in the Recirculated Draft EIS/EIR. However, the Port expects that some or all of the technologies identified in **MM AQ-14** will be feasible and available in the future. Such technologies would be implemented through measure **MM AQ-22**.
- 10-4** Thank you for your comment. The primary purpose of the San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall effects of future projects and ongoing port operations emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a measure for impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutants in the San Pedro Bay Standards will be performed to ensure that the proposed Project is contributing to attainment of the San Pedro Bay Standards.

The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP through the specified implementation mechanisms and implementation of existing regulations. As long as the mitigations for the project are consistent with the assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay Standards since it is consistent with the growth projections assumed in developing the San Pedro Bay Standards and exceeds compliance with applicable CAAP. Table 3.2-26 of the Recirculated Draft EIS/EIR demonstrates that the proposed Project's mitigation measures are consistent with, and in some cases exceed, the Project-Specific and Source-Specific Standards in the CAAP. The San Pedro Bay Standards were developed in close coordination with the South Coast AQMD and CARB.

10-5 As stated in the Recirculated Draft EIS/EIR, all harbor craft used during construction Phases II and III (Phase I has already occurred) shall be, at a minimum, repowered to meet the cleanest existing marine engine emission standards or USEPA Tier 2. Additionally, where available, harbor craft shall meet the proposed USEPA Tier 3 (which are proposed to be phased-in beginning 2009) or cleaner marine engine emission standards. The construction mitigation measures were based on the Port recently approved Sustainable Construction Guidelines for Reducing Air Emissions (2008) by the Port. The Port conducted a survey in early 2008 of construction contractors and equipment providers, including information on future equipment orders. The survey found there would be limited availability of Tier 3 tugboats in 2009 with inventories increasing over the years. As discussed in the mitigation measure, the Port will encourage use of Tier 3 tugs. In addition, as described below, the Port will encourage use of cleaner construction equipment, including the cleanest available harbor craft, through the Environmental Compliance Plan required of all contractors. Each contractor is required to submit an Environmental Compliance Plan for work completed as part of the Berth 97-109 Container Terminal 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 backup person to be responsible for environmental compliance
- + 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.

10-6 Please see the response to Comment 10-5. Per the LAHD Sustainable Construction Guidelines for Reducing Air Emissions, all on-road heavy-duty diesel trucks with a gross vehicle weight rating (GVWR) of 19,500 pounds or greater shall comply with USEPA 2004 on-road emission standards for PM₁₀ and NO_x prior to December 31, 2011. Beginning January 1, 2012, on, 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 NO_x. According to the Project construction schedule, construction will be completed prior to December 31, 2012. As a result, construction beginning January 1, 2012, will require the use of USEPA 2007 on-road trucks. 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 sufficient quantities before the end of 2012 (construction is anticipated to be complete by the end of 2012). However, as described above, the Port will encourage use of USEPA 2007 compliant trucks through the Environmental Compliance Plan required of all contractors.

10-7 Please see responses to Comments 10-5 and 10-6. The construction contractor would be required to use construction equipment meeting Tier 3 standards beginning in January 2012. 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 Tier 3 construction equipment would not be available in large quantities before 2012. However, as described above, the Port will encourage use of the cleanest construction equipment through the Environmental Compliance Plan required of all contractors.

10-8 In response to a number of comments received on the Recirculated Draft EIS/EIR, **MM AQ-11** has been revised as follows:

MM AQ-11: Low-Sulfur Fuel.

Ships owned by the terminal operator calling at Berths 97-109 shall use low-sulfur fuel (maximum sulfur content of 0.2 percent) in auxiliary engines, main engines, and boilers within 40 nautical miles (nm) of Point Fermin (including hoteling for non-AMP ships) at the following annual participation rates: All ships (100 percent) calling at Berth 97-109 shall use low-sulfur fuel (maximum sulfur content of 0.2 percent) in auxiliary engines, main engines, and boilers within 40 nm of Point Fermin (including hoteling for non-AMP ships) beginning on Day 1 of operation. Ships with mono-tank systems or having technical issues prohibiting use of low-sulfur fuel would be exempt from this requirement. The tenant shall notify the Port of such vessels prior to arrival and shall make every effort to retrofit such ships within 1 year.

The following annual participation rates were assumed in the air quality analysis:

- + 2009 and thereafter: 30 percent of auxiliary engines, main engines, and boilers
- + 2010: 50 percent of auxiliary engines, main engines, and boilers
- + 2013 and thereafter: 100 percent of auxiliary engines, main engines, and boilers

The incremental mitigation benefits of accelerating the implementation of **MM AQ-11** have not been quantified. Nevertheless, it is certain that accelerated implementation of **MM AQ-11** would result in emissions lower than those identified in the Draft Recirculated EIS/EIR, although not sufficiently low that any significant and unavoidable impact identified in the Draft Recirculated EIS/EIR would be reduced to a less-than-significant level. Therefore, the findings in the Recirculated Draft EIS/EIR with regard to air quality impacts would remain the same.

The comment also calls for the phase-in of fuel with a maximum sulfur content of 0.1 percent. To allow for some margin of error and product contamination in the distribution system, when a shipping line orders 0.2 percent sulfur fuel, the shipping line is actually receiving a fuel with a lower sulfur content of between 0.13 and 0.16 percent (POLA, 2007). Therefore, if the mitigation measure required 0.1 percent fuel, the supplier would have to provide fuel at a content of lower than 0.1 percent, which might not be possible in current refineries (POLA, 2007). Additionally, 0.2 percent is consistent with the CAAP. In developing and approving the CAAP, the Ports of Los Angeles and Long Beach met and collaborated with agencies (including CARB, SCAQMD, and USEPA), environmental and community groups, and the shipping industry. As a result of this collaborative process, 0.2 percent sulfur fuel was found to be the lowest-sulfur-level fuel

feasible Port-wide and for mitigation of the impacts of the proposed Project, and use of this fuel for that purpose represents consensus.

- 10-9** Slide valves are relatively easy to install as a retrofit on container ships, not overly expensive, and provide good reductions of NO_x and PM. However, slide valves are specific to Man B&W engines and currently cannot be installed on ships with engines of different manufacture. Other engine manufactures are working on equivalent technologies, and preliminary tests appear promising. Therefore, slide valves are being phased in over time in **MM AQ-12** to allow for this research and development.

The other emission control technologies for ship main engines mentioned in the comment are currently not feasible for retrofits on large oceangoing vessels (OGVs), such as container ships. For example, although selective catalytic reduction (SCR) technology has been demonstrated on four new OGVs carrying scrap/steel in the San Francisco Bay Area, the applicability of low-emissions technologies like SCR to large OGVs such as container ships needs to be further evaluated and demonstrated. SCR is currently being tested as part of the CAAP TAP. There are still a number of feasibility questions regarding SCR, including spatial needs and available reactant (ammonia) and by-product issues. At this time, SCR is not considered feasible.

However, the Port expects that some or all of the technologies mentioned in the comment will be feasible for retrofits in the future. **MM AQ-22** provides a process to consider new or alternative emission control technologies in the future and an implementation strategy to ensure compliance. Under **MM AQ-22**, the opportunity to add new measures to the lease would occur not less frequently than once every 7 years.

- 10-10** The emission control technologies for main engines in new ships identified in **MM AQ-14** are currently not feasible for large oceangoing vessels such as container ships. For example, although SCR technology has been demonstrated on four new smaller vessels with a limited geographical range carrying scrap/steel in the San Francisco Bay area, the applicability of low-emission technologies like SCR to large OGVs that travel long distances such as container ships needs to be further evaluated and demonstrated.

However, as discussed above, the Port expects that some or all of the technologies identified in **MM AQ-14** will be feasible and available in the future. **MM AQ-22** provides a process to consider new or alternative emission control technologies in the future and an implementation strategy to ensure compliance. Under **MM AQ-22**, the opportunity to add new measures to the lease would occur not less frequently than once every 7 years.

Regarding the recent proposal by the IMO, the Port fully supports such efforts. The IMO regulation, however, sets emissions limits and does not dictate specific technology. As discussed above, specific technologies identified in **MM AQ-14** are not yet considered feasible; therefore, the Port at this time cannot require such technology.

- 10-11** In response to a number of comments received on the Recirculated Draft EIS/EIR, **MM AQ-17** has been amended as shown below:

MM AQ-17: Yard Equipment at Berth 97-109 Terminal.

- + September 30, 2004: All diesel-powered toppicks and sidepicks operated at the Berth 97-109 terminal shall run on emulsified diesel fuel plus a DOC (*ASJ Requirement*).
- + January 1, 2009:
 - All RTGs shall be electric.

- ❑ All topicks shall have the cleanest available NO_x alternative fueled engines meeting 0.015 gm/hp-hr for PM
 - ❑ All equipment purchases other than yard tractors, RTGs, and topicks shall be either (1) the cleanest available NO_x alternative-fueled engine meeting 0.015 gm/hp-hr for PM or (2) the cleanest available NO_x diesel-fueled engine meeting 0.015 gm/hp-hr for PM. If there are no engines available that meet 0.015 gm/hp-hr for PM, the new engines shall be the cleanest available (either fuel type) and will have the cleanest VDEC.
- + By the end of 2012: all terminal equipment less than 750 hp other than yard tractors, RTGs, and topicks shall meet the USEPA Tier 4 on-road or Tier 4 non-road engine standards.
- + By the end of 2014: all terminal equipment other than yard tractors, RTGs, and topicks shall meet USEPA Tier 4 non-road engine standards.
- + In addition to the above requirements, the tenant at Berth 97-109 shall participate in a 1-year electric yard tractor [truck] pilot project. As part of the pilot project, two electric tractors will be deployed at the terminal within 1 year of lease approval. If the pilot project is successful in terms of operation, costs and availability, the tenant shall replace half of the Berth 97-109 yard tractors with electric tractors within 5 years of the feasibility determination.

Because electric yard tractor is a pilot program at this time, no additional emissions reductions were assumed as part of the Final EIS/EIR.

10-12 China Shipping has no direct control over locomotive operations at the Berth 121-131 (on-dock) railyard. The current yard locomotive operator at the Berth 121-131 rail yard is PHL. PHL is a third-party independent rail company that provides rail transportation, yard switching, maintenance, and dispatching services to the San Pedro Bay Ports. PHL manages all rail dispatching and switching functions at the on-dock rail yards at the two ports. PHL's current lease at the Port of Los Angeles expires at the end of 2014. Therefore, January 1, 2015, represents the earliest date at which the Port can require diesel particulate filters (DPFs) on yard locomotives through new lease measures.

In contrast to switchers operating at on-dock rail yards, the Port has much less control over main line locomotives, which enter the South Coast Air Basin from all parts of the U.S. (although CARB has had some success in reducing locomotive emissions through their MOU with the rail lines). The railroads are a federal source and controlled by federal regulation under the purview of USEPA. The Ports, therefore, would request that USEPA move to strengthen and/or speed up implementation of emission controls on main line locomotives. In the meantime, the Port will continue to negotiate with Class 1 railroads to work toward reducing emissions from line-haul locomotives using on-dock rail yards, consistent with the schedule set forth in CAAP measures RL-2 and RL-3.

10-13 Electric (on-road) drayage trucks are currently being tested in certain applications around the Port as part of the TAP. Electric drayage trucks are not currently feasible. To illustrate the difficulties, a recent test of an electric drayage trip found that the electric truck did not have enough power to traverse the Vincent Thomas Bridge. Although the solutions are being worked on, it is unclear if or when feasibility will be demonstrated. If electric drayage trucks are determined to be feasible and become commercially available in the future, they can be considered a new lease measure through **MM AQ-22** (Periodic Review of New Technology and Regulations).

10-14 Due to the complexity and cost of implementing new low-emission technologies, such as rail electrification, development and implementation of these technologies are best handled on a Port-wide basis. The CAAP TAP is a process to achieve this objective. Although technical feasibility might exist for some technologies, the Port must also consider economic feasibility.

10-15 Please see response to Comment 10-12.

10-16 Criteria pollutant emissions were quantified within the South Coast Air Basin to match the SCAQMD emission thresholds, upon which the significance thresholds for the Port are based. Although the Project would generate substantially more emissions within the South Coast Air Basin than any other affected air basin, the Port acknowledges that criteria pollutant emissions from Project operations would also occur across numerous other air basins beyond the South Coast Air Basin and beyond California borders. However, in response to the comment regarding emissions from trucks and rail traveling within California, for the purposes of assessing significance, the Port conservatively chose to compare emissions within the South Coast Air Basin to the SCAQMD thresholds as its means of determining significance of regional emission impacts.

The Port acknowledges that trucks would generate emissions in the San Joaquin Valley, Mojave Desert, Salton Sea, and San Diego air basins. However, as discussed in Section 2.4.2.7 of the Recirculated Draft EIS/EIR, only 13.5 percent of total truck trips are projected to travel outside the South Coast Air Basin, and actual travel routes in these areas; therefore, the number of truck trips through any given air basin outside the South Coast Air Basin is speculative because the ultimate destination of cargo varies. Trains would also generate emissions in the Mojave Desert and Salton Sea air basins. As discussed in Chapter 2 and in Section 3.6 of the Recirculated Draft EIS/EIR, the Port is serviced by two Class I railroad companies, and the percentages of China Shipping cargo per train and ultimate rail routes outside the air basin would be different depending on which rail company serviced the actual retailer purchasing the goods.

Criteria pollutant emissions were quantified within the South Coast Air Basin and compared against the SCAQMD emission thresholds, which apply to the South Coast Air Basin. This approach is conservative for the air basins adjacent to the South Coast Air Basin because substantially more Project-generated truck and rail emissions would occur within the South Coast Air Basin than in any other affected air basin. The Recirculated Draft EIS/EIR identifies significant impacts for volatile organic compounds (VOCs), carbon monoxide (CO), nitrogen oxide (NO_x), sulfur oxide (SO_x), and particulate matter with diameters of 10 microns or smaller (PM₁₀) and 2.5 microns or smaller (PM_{2.5}) based on the thresholds issued by the SCAQMD and adopted by the City of Los Angeles. No new or substantially more severe significant impact would occur due to criteria pollutant emissions outside the South Coast Air Basin; these impacts would occur over numerous adjacent air basins and would be substantially less in volume or concentration in any other air basin compared to emissions within the South Coast Air Basin. Additionally, all technically feasible and/or commercially viable mitigation measures as required by CEQA have been applied to the proposed Project in the Recirculated Draft EIS/EIR, and no additional feasible mitigation measures would avoid or substantially lessen the impacts of the Project's air quality emissions.

10-17 The reduction in line-haul locomotive idling time per the 2005 Memorandum of Agreement (MOA) is an assumption of how the MOA will affect actual in-practice idling times based on the best estimate from railroad staff. It is an average idling time; some locomotives would idle longer, some shorter. This assumption in the Air Quality analysis is not intended to be a mandated limit on idling times, but rather a best estimate of actual operating conditions.

The USEPA 2008 Locomotives and Marine Diesel Engines Emissions Standards rule was promulgated after the air quality analysis in the EIS/EIR was completed. As a result, the

emission benefits of this rule, which would affect harbor craft and locomotives, are not accounted for in the EIS/EIR. Nevertheless, a description of this rule has been added to Section 3.2.3.1 of the Final EIS/EIR.

- 10-18** The ship fleet mix for future Project analysis years was provided by the Port Marketing and Engineering group based on the Vessel Forecast Study (*Forecast of Container Vessel Specifications and Port Calls Within San Pedro Bay Final Report, 2005*) completed for the Port by the Mercator Group and direct communication with the proposed tenant.
- 10-19** In the air quality analysis, the year 2010 was a designated analysis year for Project operations that happened to coincide with the construction period of Phases II and III. Therefore, for Impacts AQ-3 and AQ-4, the Recirculated Draft EIS/EIR analyzed the year 2010 by adding the construction emissions of Phases II and III to the 2010 operational emissions. To ensure a worst-case analysis, the peak construction emissions during Phases II and III were added to the 2010 operational emissions, even though the peak construction emissions may, in actuality, occur in a year other than 2010.
- 10-20** The “expanded rail yard” language is an error. The existing on-dock rail yard would not be expanded under the proposed Project or any of the alternatives, and corrections have been made in Chapter 3. The Recirculated Draft EIS/EIR assumes that the existing rail yard at Berth 121-131 is not expanded; therefore, eliminating that language from the document would not result in any new impacts or more severe impacts than is discussed.

The Port, through consultation with the transportation engineer, determined that the most appropriate way to estimate the China Shipping throughput at the on-dock rail yard is to assume that its throughput share is proportional to its total TEU throughput relative to the total TEU throughput at both the China Shipping and Yang Ming terminals. For example, in years when China Shipping TEU throughput is less than Yang Ming TEU throughput, the air quality analysis assumed that the China Shipping share of on-dock rail yard throughput would be smaller than the Yang Ming share. Conversely, in years when China Shipping TEU throughput is greater than Yang Ming TEU throughput, the air quality analysis assumed that the China Shipping share of on-dock rail yard throughput would be larger than the Yang Ming share. Using this approach, the air quality analysis assumed that China Shipping containers would account for 17, 34, 51, 57, and 57 percent of the on-dock rail yard capacity in the years 2005, 2010, 2015, 2030, and 2045, respectively. These percentages represent a best estimate from the Port; they are not intended to be minimum usage requirements for China Shipping. Regardless of which terminal captures the largest share of throughput at the on-dock rail yard, the same overall container throughput would occur, and the same overall number of containers would need to be hauled by truck to near-dock rail yards due to on-dock rail yard capacity constraints.

Rancho Palos Verdes

- 11-1** The professional protocols that have been established for conducting visual analyses call for selecting views for simulation and analysis that are sensitive, are accessible to the public, and are generally representative of views seen in a larger viewing area. The referenced photograph from the vicinity of Clevis Road and Palos Verdes Drive East was included in the Recirculated Draft EIS/EIR because it provides a good representation of the views toward the Project site from a range of viewpoints in Rancho Palos Verdes and because it provides a sound basis for understanding how the presence of the Project would affect views from other Rancho Palos Verdes viewing locations. As the distance from the Project site increases, the Project site becomes a smaller part of the overall field of view, and the potential for visual impacts is reduced. As can be seen from Photograph 18 in the Recirculated Draft EIS/EIR, the Project site represents a very small part of the composition that comprises the views from the vicinity of Clevis Road and Palos Verdes Drive. Because of this, no substantial view impacts or view blockages were anticipated; therefore, no simulations from this perspective were performed.
- 11-2** Following public release of the Recirculated Draft EIR/EIS, CARB developed a long-term mortality methodology for particulate matter of less than 2.5 micrometers in aerodynamic diameter (PM_{2.5}) that would be appropriate for individual projects. The methodology is similar to that used in the Recirculated Draft EIR/EIS, but it is based on a more conservative estimate of the relative risk of premature death.

Based on the new CARB methodology, the long-term impacts associated with the proposed Project after mitigation would be:

1. An increase in the mortality incidence rate from baseline in 2005
2. An increase in the mortality incidence rate from baseline in 2010
3. A decrease to below baseline in the mortality incidence rate for future project years 2015, 2030, and 2045

The incremental increase in 2005 would be 0.138 premature deaths. The incremental increase in 2010 would be 0.078 premature deaths. However, in subsequent analysis years, the long-term incidence rate would decrease below the baseline, resulting in a net improvement in the mortality incidence rate. Specifically, the incremental change would be -0.043 premature deaths in 2015, -0.008 premature deaths in 2030, and -0.010 premature deaths in 2045. These results represent an analysis of long-term mortality from the overall Project to the surrounding community.

The eastern boundary of the City of Rancho Palos Verdes is just outside the 0.01-microgram-per-cubic-meter ($\mu\text{g}/\text{m}^3$) PM_{2.5} annual concentration isopleth during the maximum impact year, as predicted by the AERMOD dispersion model. This means that the increase in annual PM_{2.5} concentrations associated with the mitigated Project would be less than 0.01 $\mu\text{g}/\text{m}^3$ during all Project analysis years. Therefore, the City of Rancho Palos Verdes would not see a measurable increase in annual PM_{2.5} concentrations associated with the mitigated Project relative to baseline conditions.

- 11-3** The Project would contribute virtually no truck traffic to Gaffey Street or any other non-freeway roadway west of Interstate (I-) 110. The vast majority of trucks are oriented to and from the north and east, with origins and destinations many miles from the Port. The truck origins and destinations are not in the local area west of the Port or west of I-110; thus, none or very few

trucks would ever be expected to use streets to the west of I-110. The majority of trucks would use I-110 itself and Alameda Street to reach the Project area. Some employee trips might occur on Gaffey or other streets west of I-110. Again, this would be a very small proportion of employee trips and would include only those who live near the Project terminal. Nearly all employee trips are expected to use I-110 to reach the Project area. Thus, the I-110 freeway acts as a natural barrier to travel and is the main travel corridor to the Project site. Cumulative impacts on Gaffey Street and other streets west of I-110 likely would be the result of other cumulative projects in the San Pedro, not a result of the proposed Project. In addition, the background ambient traffic growth rate and cumulative project analysis that was applied in the Recirculated Draft EIS/EIR would account for any contribution of expected projects, including the subject Project.

- 11-4** Regarding the areas west of the Harbor Freeway and Gaffey Street, these locations would have lower exposure to noise from the proposed Project than the Knoll Hill receivers that have been included in the evaluation due to the greater distance of these areas from the Project site and shielding from intervening structures. However, given the existing noise exposure from I-110 at the referenced locations of concern, they would not experience the same impacts as anticipated for other locations closer to the site. Furthermore, the nearest areas in Rancho Palos Verdes are approximately 0.75 miles away from the project site. At such locations, potential Project-related contributions to overall noise levels would be much lower than those at receiver locations adjacent to the Project. This is due to the distance attenuation that would reduce Project noise levels to a point where they would not contribute to overall noise levels. Therefore, no significant noise impacts are expected at the referenced areas in Rancho Palos Verdes.

City of Riverside

- 12-1** The count of 817 rail round trips required for the proposed Project is based on the projected terminal TEU throughput and the percentage of total throughput that would be transported via rail. Please see Table E12.-13 in Appendix E of the Recirculated Draft EIS/EIR.
- 12-2** On-dock rail yards are located at the container terminal, whereas off-dock rail yards are located farther inland such as in Carson or downtown Los Angeles.
- 12-3** Commenter is correct that one round trip is equal to two one-way trips. The presentation of the data does not change the underlying analysis.
- 12-4** The Middle Harbor Project is included as a related project in Table 4-1 of the Recirculated Draft EIS/EIR, and the discussion of cumulative impacts in Chapter 4 assumes implementation of the Middle Harbor Project.
- 12-5** The Recirculated Draft EIS/EIR identified a potentially significant impact related to vehicle delays at two at-grade crossings in the vicinity of the Port (at Avalon Boulevard and at Henry Ford Avenue). Although these crossings are located close to terminal operations in the Port, neither conveys large numbers of general non-Port-related or background traffic. As an example, the hourly volumes along Avalon Boulevard (two lanes in each direction) at the grade crossings in the a.m. peak hour are projected to range from 145 to 155 vehicles in 2030 depending on the direction, and for Henry Ford Avenue (also two lanes in each direction), would range from 518 to 707 vehicles (or 259 to 353.5 vehicles per lane). During the p.m. peak in 2030, Avalon Boulevard volumes are projected to range from 226 to 262 vehicles, and for Henry Ford Avenue, would range from 483 to 1,103 (or 241.5 to 551.5 per lane) vehicles. Due to proximity to the Port, most of the vehicles would be serving the Port and would not comprise a large portion of background or regional traffic. Low traffic volumes such as these generally do not warrant grade separations because the costs are too high for the benefit received. To illustrate the cost-benefit decision-making, Los Angeles Metro considers at-grade operations to be feasible at volumes up to 800 vehicles per lane (Metro, 2003). Costs of grade separations vary depending on various physical constraints, but start at nearly \$102 million (based on actual costs from prior grade separation projects at the Port of Los Angeles and not assuming the increased costs of materials). Such projects also often take a number of years to be constructed, which often results in periodic delays in traffic. For relatively low traffic volumes such as the two at-grade crossings, the costs and potential traffic delays outweigh the potential benefits. In addition, as discussed in the Recirculated Draft EIS/EIR, a number of grade crossings and traffic improvements unrelated to the proposed in the area are expected to further decrease traffic congestion. The recommendation to install vandal-resistant fencing or other access barriers at these crossing locations would not serve as effective mitigation for the identified vehicle delay impacts
- 12-6** Please see the response to Comment 13-27 (attached) from the Riverside County Transportation Committee. As shown in the associated evaluation in that response, the proposed Project is not expected to result in a significant vehicle delay impact at the at-grade crossings in Riverside County and City of Riverside.
- 12-7** The Port would like to thank the City for the supplemental information, in particular, the 2006 Federal Railroad Administration (FRA) report entitled *Impact of Blocked Highway/Rail Grade Crossings on Emergency Response Services*. The FRA report acknowledges (in Section IV.A) that in many parts of the country, communities grew up around the railroad, which means the railroad often runs right through the middle of town. The report further acknowledges that, as the towns spread out into the suburbs, development leads to new roads and demands for additional

grade crossings if there is no nearby grade-separated highway. Investigation by the Port confirms that circumstances in the City of Riverside conform to this typical pattern. Aerial photographs show that the railroad rights-of-way extend through the City of Riverside, with development around the rights-of-way and numerous grade crossings. Areas along the railroad rights-of-way and in the areas surrounding the railroad rights-of-way have been developed with industrial, commercial, and residential uses, and various roadway infrastructure features have been developed. Southern California Association of Governments (SCAG) documents show that the City of Riverside, Riverside County, and the Inland Empire are the fastest growing areas in the state. The EIRs for Riverside General Plans show that land use development in the City of Riverside and the nearby jurisdictions has resulted in numerous environmental impacts, such as traffic congestion on local roadways, freeway congestion, air emissions, and noise. As discussed in the Recirculated Draft EIS/DEIR, roadway congestion, in combination with passing trains, contributes to at-grade rail crossing delay impacts.

However, the assertion by the City that Project-related rail traffic would cause significant environmental impacts in the City of Riverside is inconsistent with the conclusions of the Final EIR for the City's General Plan (City of Riverside, 2007). In that EIR, the City acknowledged that traffic delays at the at-grade rail crossings would occur under the Plan. However, the City did not identify those delays as potentially significant environmental impacts. In a letter dated September 7, 2007, the Friends of Riverside Hills commented on the Draft EIR, urging that the EIR consider impacts of the City's growth upon the at-grade crossings and include a study of the present and projected delays at the City's grade crossings. The City responded to the Friends of Riverside Hills stating the following (City of Riverside, 2007):

- + *In 2003, the City completed the Railroad Grade Separation Report that will help the City prioritize the grade separation projects. The City has identified a total of 28 grade separation projects, listed below. Of the 28 grade separation projects, one project is fully funded, and four are partially funded.*
- + *The report will help the City prioritize future grade separations in a comprehensive manner, similar to but on a smaller scale than the Alameda Corridor project . . .”*
- + *. . . the General Plan includes Policy CCM-12.3 which calls for the City to “Aggressively pursue grade-separated rail crossings to alleviate traffic congestion and associated air quality and noise impacts.”*
- + *Thus, because the City has already studied the impacts of railroad crossings in its 2003 Railroad Grade Separation Report, which was specifically referenced in the Draft PEIR, and has already identified a priority list of grade separation projects, no further analysis is required in the Draft PEIR.*

However, although the City's response acknowledged the role of “expected growth” of the City in contributing to at-grade rail crossing delays, the City did not revise its EIR to provide the requested detailed traffic impact delay analysis at the at-grade crossings. Instead, the City in reliance on the above-quoted statements, declined to make any change to its conclusion that at-grade rail crossings in the City would not be significantly impacted or require mitigation. Please see the response to Comment 13-27 (attached).

- 12-8** Comment noted. Regarding the rail capacity comment, based upon the vehicle delay analysis in the responses to Comments 13-9 and 13-27 (attached), adequate capacity on rail tracks is apparent.
- 12-9** Comment noted. Please see the response to Comments 12-7 and 12-8. This comment appears to be quoting regional emissions data rather than emissions generated by the proposed Project. Comment noted.

- 12-10** Comment noted. Please see the response to Comment 12-7.
- 12-11** Comment noted. Please see the response to Comment 12-7.
- 12-12** Comment noted. Please see the response to Comment 12-7.
- 12-13** Please see the response to Comment 12-7.
- 12-14** Regarding the comment that the Port should consider a fair-share contribution to grade separation projects (presumably in the City of Riverside), it should be noted that many of the problems described by the City are being addressed by a partnership of regional and state organizations. Various Southern California counties (including the County of Riverside) comprise the Southern California National Freight Gateway, referred to as the Trade Corridor Improvement Fund (TCIF). During the past 2 years, the following Southern California agencies have worked closely together to develop of list of Tier I and Tier II projects to address various goods movement issues throughout all of the respective counties.

- | | |
|--|---|
| + Port of Los Angeles | + Riverside County Transportation Agency (to which the City of Riverside belongs) |
| + Port of Long Beach | + San Bernardino Associated Governments |
| + Alameda Corridor Transportation Authority | + Orange County Transportation Authority |
| + Alameda Corridor East Construction Authority | + Los Angeles County METRO |
| + Ventura County Transportation Commission | + Southern California Rail Authority |
| + Southern California Association of Governments | |

These agencies have submitted numerous applications to the California Transportation Commission for the TCIF funding of individual projects in each county, including grade separation projects. Furthermore, as indicated on page 20 of the Federal Railroad Administration report that the City of Riverside provided, grade separations generally are funded by the State Department of Transportation (Caltrans) or local agencies (FRA, 2006). The FRA report also calls for communities to work with the railroad (in their communities) to determine the most effective methods for addressing at-grade crossing traffic congestion and to minimize costs for grade separations.

Lastly, the response to Comment 13-8 attached is also applicable to the City of Riverside, which is a member of RCTC.

Riverside County Transportation Commission

13-1 The commenter's opinion is noted. Please see the detailed responses regarding rail, truck, air quality, and cumulative impacts that follow

13-2 Comment noted. The comment characterizes "port traffic" as one of the "main causes" of traffic snarls in Riverside County. As a point of clarification, the Port does not own or operate trucks or trains that call upon container terminals. Trucks are owned by trucking companies or independent owner-operators, and trains are owned by railroad companies.

The comment fails to acknowledge the contribution of planning by local land use agencies in the Inland Empire to at-grade rail crossing delay impacts. The commenter is referred to the response to Comment 12-7 for discussion of the role of traffic congestion due to land use development as an underlying cause of at-grade crossing delay impacts in the counties of Riverside and San Bernardino. The ultimate source of traffic congestion along major highways and arterials, including at-grade rail crossings within these counties, is from planned and approved land developments and the associated population growth that has occurred on either side of long-standing railroad rights-of-way. A review of the County of Riverside 2003 General Plan and EIR shows that "it is projected that at build out, a population of 1.77 million persons will reside in unincorporated areas of Riverside County" (<http://www.rctlma.org/genplan/content/eir/volume1.html>). Nevertheless, despite the substantial growth planned for the unincorporated areas of Riverside County, the County General Plan EIR did not identify traffic delays at the at-grade rail crossings as potentially significant environmental impacts.

13-3 The City of Riverside provided similar comments about existing delays to emergency service providers in the City of Riverside. Please see responses to Comments 12-7 and 12-12 from the City of Riverside (attached). The Final EIR for the City's 2007 General Plan concluded that the planned grade separations in the City would address at-grade rail crossing impacts sufficiently to keep them from having to be evaluated as potentially significant impacts in that EIR.

13-4 The model capacity of 2,100 vehicles per hour rather than the CMP capacity of 2,000 vehicles per hour was incorrectly applied. One of the segments on I-710 actually has a higher volume today than the model is reporting in the future. While this is counterintuitive, it often happens when applying regional models. Based upon recalculated results with the correct capacity of 2,000 vehicles per hour, it is shown that this correction does not affect any findings or conclusions of the traffic analysis contained in the Recirculated Draft EIS/EIR. Appendix F has been revised to reflect freeway capacity identified in the 2004 CMP. This change will reflect the level of service identified by Caltrans, but the change does not affect the results of the freeway impact analysis conducted for the proposed Project or alternatives. Finally, it should be noted that a major study is underway of I-710 that will determine improvements to the freeway, and the ports are active participants and funding partners with Caltrans and other agencies. The proposed Project would not result in significant CMP impacts at freeways near the Port and, with greater dilution of the proposed Project's traffic contribution at greater distances, is not expected to result in significant impacts to freeways in Riverside County.

While some trucks that service the Ports of Los Angeles and Long Beach use the roadway system in Riverside County, identifying truck traffic from the Ports as one of the "main causes" of that congestion is a gross overstatement. Trips from the Ports constitute a small percentage of trips in Riverside County. Analysis prepared by the RCTC consultant in 2006 (Cambridge Systematics, Inc., 2006) indicated that the traffic volume on freeways into Riverside County includes only 0.5

to 0.7 percent Port truck traffic. Those data include trucks from both ports (Los Angeles and Long Beach), so the volume from the Port of Los Angeles only is even smaller (Cambridge Systematics, Inc., 2006).

Most of the technical support in the comment letter appears to be drawn from two sources: an article in the *Los Angeles Times* (Weikel and Rubin, June 10, 2008) and personal opinions from State Senator George Runner. Both of these sources have technical limitations:

- + The *Los Angeles Times* article states that the truck trips on Riverside County freeways “are expected to double in order to accommodate port growth by the year 2025.” There is no citation for this projection in the article, and some simple calculations illustrate the inaccuracy of that statement:
 - ❑ Only a small percentage of the projected increase in truck volumes can be attributed to Port traffic. Based on RCTC statistics, less than 1 percent of freeway traffic in Riverside County comes from the Ports of Los Angeles and Long Beach (Cambridge Systematics, Inc., 2006).
 - ❑ Approximately 10 percent of all freeway traffic in Riverside County is trucks (based on Caltrans data available from its Web site <http://www.dot.ca.gov/hq/traffops/saferesr/trafdata/truck2007final.pdf>).
 - ❑ If 1 percent of all traffic comes from the Ports, and nearly all of this traffic is trucks, less than 10 percent of the truck traffic on Riverside County freeways comes from the Ports.
 - ❑ If overall Riverside County freeway truck traffic doubled due to Port-related traffic only, the percentage of overall Riverside County freeway truck traffic that is Port-related would have to increase to over 50 percent.

There is no evidence to support a contention that the percentage of overall Riverside County freeway truck traffic that is Port-related has or will increase so substantially.

- + The second citation (Runner) is to a partisan political statement by an elected official. For example, one of the assertions in the cited document begins with the rhetorical question, “What is the typical left-wing radical response...?” (As an aside, the cited Web site is no longer active, but an updated address is <http://cssrc.us/web/17/publications.aspx?id=3391>). Senator Runner’s staff identified one piece of data (about trucks taking 25 to 30 percent of freeway space) from a document prepared by the Reason Foundation (<http://www.reason.org/ps324.pdf>). The accuracy of this particular “fact” is addressed later in this document, but third-hand, unsupported statements are not sufficiently credible to constitute substantial evidence.

It should be noted that Riverside County, through its land use policies, has located a large number of industrial facilities, warehouses, and commercial uses (including big boxes) that generate numerous daily truck trips not only within the county but also between the county and the rest of the nation. These developments or their tenants import, export, or otherwise transport goods, raw materials, and finished products to and from Riverside County. Although there are Port-related trips that travel on freeways that extend through Riverside County, the congestion along the freeways in the county is more predominantly a result of agency-approved land use planning and development throughout the county. As discussed in the response to Comment 13-2 above, the Riverside County General Plan projects a population of 1.77 million, with associated vehicular growth on the transportation system.

It should also be pointed out that freeways are public transportation resources that do not belong to any one county. As discussed in the response to Comment 12-14, various regional and

statewide efforts exist to address various goods movement issues and to fund solutions. The Riverside County Transportation Authority has been an integral part of those processes.

- 13-5** Comment noted. As a point of clarification, freeways and interstate highways across the nation serve as transportation corridors for goods between origins and destinations, as well as for local, regional, and national passenger vehicle trips. Truck trips that travel to and from the “distribution warehouses and rail yards within the region (presumed to be the Inland Empire)” are a direct result of the land use permitting of warehouse operations. Truck traffic that carries containers to and from facilities in the region would have been addressed in the CEQA analysis conducted for the facilities and would have been referenced in the land use decisions of local agencies.
- 13-6** Comment noted, please see the response to Comment 13-7 below. While the numbers are provided in terms of daily traffic, traffic impacts are measured during peak hours. Peak-hour traffic varies by facility but typically ranges from approximately 6 to 12 percent of average daily traffic.
- 13-7** In addition, although the truck trip numbers and the respective percentage increases provided in the comment letter might appear to be large, they are in fact minimal when compared to the capacities of the referenced freeways. As an example, U.S. Route 60 has a peak-hour capacity of between 12,400 to 21,600 vehicles per hour (based on County of San Bernardino CMP capacity values, and depending on location and number of mixed-flow and high-occupancy vehicle lanes), and the effects of alleged 180 to 385 total port truck trips by 2025 during the peak hour would be minimal. It should be noted that the proposed Project’s peak-hour truck trips are 342 total coming out of the driveway of the Project site at the highest peak in 2015 in the p.m. peak hour; thus, the actual peak hour trucks on any freeway in Riverside County would be substantially lower.

Furthermore, regarding the likely effects of the proposed Project on freeways at more distant locations from the terminal site, please see the response to Comment 4-5. The level of truck trips from the proposed Project would not result in a CMP impact or even require a CMP analysis. The Port concurs that the proposed Project will generate the number of annual truck trips that are stated in the Recirculated Draft EIS/EIR. However, Riverside County Transportation Commission (RCTC) substantially overstates the number of train trips expected to serve the proposed Project. A review of referenced Table E1.2-13 in the Recirculated Draft EIS/EIR shows that 303,996 TEUs annually would be hauled by trains serving the Project, not that 303,996 train trips would result. As shown in Table 2-1 of the Recirculated Draft EIS/EIR, the proposed Project would result in 817 annual rail round trips, not 303,996 train trips as indicated in the letter. The Recirculated Draft EIS/EIR uses the number of anticipated truck trips as the basis for part of its analysis and presents the information using truck trips during the peak hour, consistent with the significance thresholds and consistent with industry standards for performing traffic analyses. Although the number of annual truck trips might appear “enormous” to the commenter, CEQA and NEPA traffic impact analyses on freeways are performed based on peak-hour impacts, not aggregated annual trip generation. The impacts of the proposed Project on the local freeway system are discussed on page 3.6-43 of the Recirculated Draft EIS/EIR, which shows that the proposed Project would not result in impacts to freeways in the vicinity of the Project. Furthermore, regarding potential effects on freeways at more distant locations from the terminal site, please see the response to Comment 13-4 above. Truck trips from the proposed Project would not result in a CMP impact or even require a CMP analysis.

- 13-8** This comment attempts to draw a nexus between Port and/or Project-related truck and rail traffic and allegedly significant environmental impacts in Riverside County, including allegedly significant at-grade rail crossing delay impacts. However, the commenter's assertion that analysis in the Recirculated Draft EIS/EIR is “deficient in light of the traffic problems experienced in Riverside County due to port cargo movement” is undercut by analysis in RCTC's own *Grade*

Separation Funding Strategy: A Blueprint for Advancing Projects (2006), page 21, which concludes that the County has not identified significant traffic delays at the at-grade crossings:

If the ports of Los Angeles and Long Beach believe goods movement through the port is constrained by ACE grade crossings, they might be willing to make contributions. However, because no significant delays due to the at-grade nature of the crossings have been identified as of yet, this type of contribution is unlikely.

Additionally, with regard to impacts of Project-related trucks on traffic congestion in Riverside County, there is no dispute that there are traffic operations issues in Riverside County. However, those deficiencies are predominantly due, not to Port cargo movement, but to work, social, and recreational travel from Riverside County residents, employees, and visitors. As discussed in response to Comment 13-4, approximately 10 percent of vehicles on Riverside County freeways are trucks, and less than 1 percent of traffic on Riverside County freeways is related to operations of the Ports of Los Angeles and Long Beach, combined. Regarding the rail capacity comment, based upon the vehicle delay analysis in the responses to Comments 13-9 and 13-27 below, adequate capacity on rail tracks is apparent.

- 13-9** As explained in the Recirculated Draft EIS/EIR (Chapter 2 and Section 3.6), some project trains would be built at the on-dock rail yard (at Berths 121-131) and others would be built at off-dock rail yards. A railroad company would then pick up the train for conveyance via the Alameda Corridor. The Recirculated Draft EIS/EIR addressed impacts at the at-grade crossings between the terminal and the Alameda Corridor because the on-dock rail yard at Berth 121-131 has a limited capacity and must move trains out of the yard to accommodate incoming containers. The movement of trains from the on-dock yard can be reasonably predicted and is close to Port operations such that operational scheduling can be assumed as nearby at-grade crossings. For more distant rail yard locations, larger capacities to store and build trains, and to manage incoming and outgoing containers, such as at the Hobart Yard in downtown Los Angeles, factor in the railroad company operations. The railroad companies control and determine the disassembly and assembly of trains, their scheduling, and their routing, and these operational factors are based on product and material demand, as well as other market forces throughout the United States. In addition, regarding the issue of rail impacts at the at-grade rail crossings in Riverside County, please see the response to Comment 13-27 below (Kimley-Horn evaluation provided by RCTC).
- 13-10** Please see the response to Comment 13-6 above regarding potential impacts to freeways in the Inland Empire. In addition, the commenter is directed to the presentation that was made to the RCTC presented in *Critical Goods Movement Issues Scan for Riverside County* (page 13) (Cambridge Systematics, 2006), which shows that direct port-related trucks using freeways (I-10, SR-60, and SR-91) that approach Riverside County represent “a small percentage of total traffic.” The proposed Project would not result in significant impacts to the freeway system at locations close to the Port because the number of truck trips during the peak hour would not exceed the threshold established by the CMP guidelines (see page 3.6-43 of the Recirculated Draft EIS/EIR). At freeway locations more distant from the terminal site, truck trips would likely be less than those at closer locations because trucks would be traveling to more dispersed locations. Thus, the proposed project would not result in significant impacts to freeways in the Inland Empire.
- 13-11** In response to the comment that the freeways in Riverside County are already congested with Port traffic, please see the responses to Comments 13-4 and 13-10 above. In addition, characterizing congestion in Riverside County as caused by the Ports is incorrect and unsubstantiated. Rather, congestion in Riverside County is predominantly a result of land use planning and growth policies and decisions of the jurisdictions within the county (please see the response to Comment 13-2 above).

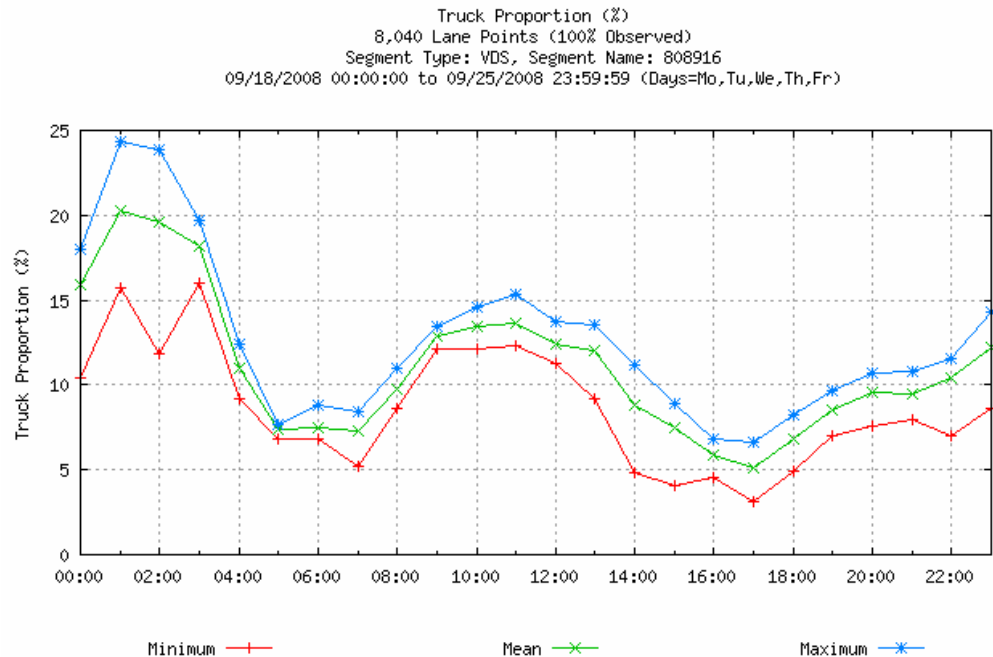
RCTC suggests that trucks traveling at slower speeds will lead to a “slow-down of freeway traffic generally.” While trucks do travel at slower speeds than cars, the effects are not significant. A small change in speed will have a negligible impact on overall capacity. For example, a 5-mile-per-hour (mph) difference in free-flow speed (FFS) of the overall traffic stream translates to a difference of 50 vehicles per hour per lane in the capacity of a freeway, per the Highway Capacity Manual (HCM). If trucks travel 20 percent slower than the current average traffic, and 10 percent more trucks are added, the average travel speed will be reduced by less than 0.2 percent. Even a 1 percent difference in average speed would translate to a capacity difference of only 6 vehicles per hour per lane (or 24 vehicles per hour on a four-lane directional freeway). While this might be loosely interpreted as a “general slow-down,” it is not significant.

RCTC asserts that “trucks slowing down and merging leads to congestion and increases the likelihood of accidents.” While most research suggests that speed differentials do have an effect on safety, quantifying these effects due to a specific increase in truck volumes is not possible. Similarly, the congestion impacts of an increase in truck traffic can only be quantified if the exact volume of trucks on a specific freeway is known. Note also that the trucks in question (from Project traffic) are either through-trucks or trucks destined for local land uses (e.g., distribution centers, warehouses, or manufacturing facilities in Riverside County). Through-trucks do not use the ramps in Riverside County (i.e., they do not need to slow down and merge). Based on RCTC data, these are somewhat less than 50 percent of Port trucks in Riverside County (see page 2 of the *Critical Goods Movement Issues Scan for Riverside County*) (Cambridge Systematics, 2006). Furthermore, if trucks traveling on freeways within Riverside County slow down to exit the freeway or merge onto the freeway, it is because they are traveling to and from destinations such as businesses or warehouse facilities within the Inland Empire. These destinations or origins are likely land uses that have been approved by a local jurisdiction, which has also considered the environmental impacts of its approvals.

The statement that “trucks take up 25-30% of valuable freeway space” is without merit. The original source (<http://www.reason.org/ps324.pdf>) states that

On some of these routes, even though very heavily trafficked by commuters and other light vehicle traffic, trucks constitute over 10 percent of the traffic stream. Considering that a tractor/semitrailer [sic] occupies about 2.5 to 3 times the road space of a light vehicle, trucks often take up 25 to 35 percent of highway capacity in these corridors.

This calculation is not correct. First, while trucks are up to three times longer than passenger vehicles, they do not take up “2.5 to 3 times” more space. The space requirements for all vehicles depend on the size of the vehicle and the gaps between vehicles. The standard traffic engineering reference on this topic is the HCM, which has factors to estimate the amount of capacity (“road space” in the common vernacular) for different vehicle types. On level freeways (which constitute most of the congested freeways in Riverside County), the passenger car equivalent (PCE) factor for trucks is 1.5 (per the HCM). While the word “space” hasn’t been clearly defined, trucks constitute 25 to 30 percent of available freeway capacity only if they constitute 19 to 25 percent of the vehicles on the freeway. As examples, average daily truck percentages in Riverside County range from 6 to 8 percent on SR-91, from 11 to 14 percent on SR-60, 6 to 9 percent on I-15, and 6 to 7 percent on I-215 (Caltrans, USDOT, and FHWA, 2008). During the peak periods, when congestion occurs, the percentages are much lower. For example, on I-15 near SR-60, the graph below shows the reduced truck percentages during the peak periods. The average percentage for trucks at that location is about 9 percent, but the peak average is 5 to 7 percent (Caltrans, 2008).



The comment expresses concern regarding wear and tear of the freeways caused by trucks. However, all vehicular users of the freeways pay taxes applied to fuels, which are used to fund highway maintenance and improvements. Wear and tear from trucks traveling on any section of freeway are treated the same as wear and tear generated by any other vehicle traveling on the freeway, and is not generally regarded as an environmental impact for purposes of CEQA or NEPA analysis. As discussed in the response to Comment 12-14 (attached), there are various regional and statewide efforts to address various goods movement issues and fund solutions, and the RCTC has been an integral part of those processes.

- 13-12** As concluded in these responses to comments, the Project will not have a significant impact on transportation in Riverside County; therefore, no mitigation is required. Nevertheless, in response to the statement that RCTC staff would like to work with the Port to develop and implement appropriate mitigation for impacts, please see the response to Comment 12-14 (attached) for a description of the regional- and state-level efforts to address issues pertaining to goods movement. In addition, it is the understanding of the Port that RCTC and the City of Riverside are implementing various grade-separation projects to address the impacts associated with land use development and growth in their respective jurisdictions. The Port would appreciate meeting with RCTC staff to better understand the implementation plans of RCTC grade separation projects.
- 13-13** Comments were made that on/off-ramp improvements could serve as mitigation for Project impacts to freeways in Riverside County. As concluded in these responses to comments, the Project will not have a significant impact on transportation in Riverside County; therefore, no mitigation is required. If a truck uses freeway ramps in Riverside County, the trucks are most likely traveling to and from origins or destination land uses in Riverside County such as warehouses, industrial facilities, and commercial “big box” retailers. Local agencies have approved these facilities and other land uses, for which appropriate CEQA certifications have been made, either at the individual project level or the General Plan level. In addition, please see the response to Comment 13-11.
- 13-14** Criteria pollutant emissions were quantified within the South Coast Air Basin to match the SCAQMD emission thresholds, upon which the significance thresholds for the Port are based.

The Port acknowledges that trucks would generate emissions in the San Joaquin Valley, Mojave Desert, Salton Sea, and San Diego air basins. However, as discussed in Section 2.4.2.7 of the Recirculated Draft EIS/EIR, only 13.5 percent of total truck trips are projected to travel outside the South Coast Air Basin, and actual travel routes in these areas; therefore, the number of truck trips through any given air basin outside the South Coast Air Basin is speculative because the ultimate destination of cargo varies. Trains would also generate emissions in the Mojave Desert and Salton Sea air basins. As discussed in Chapter 2 and in Section 3.6 of the Recirculated Draft EIS/EIR, the Port is serviced by two Class I railroad companies, and the percentages of China Shipping cargo per train and ultimate rail routes outside the air basin would be different depending on which rail company serviced the actual retailer purchasing the goods.

Criteria pollutant emissions were quantified within the South Coast Air Basin and compared against the SCAQMD emission thresholds, which apply to the South Coast Air Basin. This approach is conservative for the air basins adjacent to the South Coast Air Basin because substantially more Project-generated truck and rail emissions would occur within the South Coast Air Basin than in any other affected air basin. The Recirculated Draft EIS/EIR identifies significant impacts for volatile organic compounds (VOCs), carbon monoxide (CO), nitrogen oxide (NO_x), sulfur oxide (SO_x), and particulate matter with diameters of 10 microns or smaller (PM₁₀) and 2.5 microns or smaller (PM_{2.5}) based on the thresholds issued by the SCAQMD and adopted by the City of Los Angeles. No new or substantially more severe significant impact would occur due to criteria pollutant emissions outside the South Coast Air Basin; these impacts would occur over numerous adjacent air basins and would be substantially less in volume or concentration in any other air basin compared to emissions within the South Coast Air Basin. Additionally, all technically feasible and/or commercially viable mitigation measures as required by CEQA have been applied to the proposed Project in the Recirculated Draft EIS/EIR, and no additional feasible mitigation measures would avoid or substantially lessen the impacts of the Project's air quality emissions. The air quality impacts from project-generated truck and locomotive trips were assessed together with ships, harbor craft, and cargo-handling equipment in Section 3.2 of the Recirculated Draft EIS/EIR. For example, Impact AQ-3 determines total project-generated criteria pollutant emissions within the South Coast Air Basin and compares the emissions to the SCAQMD significance thresholds. Because the thresholds apply to the South Coast Air Basin as a whole, it was not necessary in the Recirculated Draft EIS/EIR to perform this assessment on a county-by-county basis. In addition, Impacts AQ-4 and AQ-7 include a dispersion modeling analysis and health risk assessment, respectively, of project-generated emissions. As discussed in Recirculated Draft EIS/EIR Appendixes E2 and E3, the dispersion modeling performed for Impacts AQ-4 and AQ-7 focused on the communities close to the Berth 97-109 Container Terminal. The concentration of project-generated emission sources (i.e., trucks, locomotives, ships, harbor craft, and cargo-handling equipment) in and around the Berth 97-109 terminal would far exceed the concentration of project-generated emission sources in any other location, including Riverside County. Therefore, the project-associated increases in pollutant concentrations and health risks (i.e., Project minus Baseline) reported in Impacts AQ-4 and AQ-7 would be greater than the Project-associated increases in Riverside County or other locations away from the Berth 97-109 terminal. Although the Project would generate substantially more emissions within the South Coast Air Basin than any other affected air basin, the Port acknowledges that criteria pollutant emissions from Project operations would also occur across numerous other air basins beyond the South Coast Air Basin and beyond California borders. However, in response to the comment regarding emissions from trucks and rail traveling within California, for the purposes of assessing significance, the Port conservatively chose to compare emissions within the South Coast Air Basin to the SCAQMD thresholds as its means of determining significance of regional emission impacts.

13-15 Please refer to response to Comment 13-14.

- 13-16** Cumulative air quality impacts associated with trucks, trains, and all other project-related emission sources are discussed in Section 4.2.2 of the Recirculated Draft EIS/EIR. Also, please refer to response to Comment 13-14.
- 13-17** Because the proposed Project would have both truck and train usage, the Recirculated Draft EIS/EIR discusses the air quality impacts from a combination of both source types. Tables 3.2-23 through 3.2-25, 3.2-28 through 3.2-30, and Figures 3.2-7, through 3.2-9 in the Recirculated Draft EIS/EIR give an indication of the relative magnitude of emissions between Project-associated truck and train trips. Tables E3-7-2 and E3-7-5 in Appendix E3 give an indication of the relative magnitude of health risk impacts between project-associated truck and train trips at the maximum receptor locations. While interpreting these tables and figures, it should be noted that approximately twice as many TEUs would be hauled by truck (either deliveries or drayage) than by train for the proposed Project. Also please note that **MM AQ-20** would convert all diesel trucks entering the Berth 97-109 Terminal to LNG by 2018, thereby substantially reducing cancer risk impacts from trucks.
- 13-18** See response to Comment 13-16. **MM AQ-19** (Clean Truck Program) and **MM AQ-20** (LNG Trucks) for the proposed Project would reduce air quality impacts from trucks in the South Coast Air Basin, including those portions of that Air Basin that lie within Riverside County.

China Shipping has no direct control over locomotive operations at any of the off-dock rail yards, nor does the Port have control over main line locomotives, which enter the South Coast Air Basin from all parts of the United States (although CARB has had some success in reducing locomotive emissions through their MOU with the rail lines). The railroads are a federal source and controlled by federal regulation under the purview of USEPA. The Ports, therefore, would request that USEPA move to strengthen and/or speed up implementation of emission controls on main line locomotives. In the meantime, the Port will continue to negotiate with Class 1 railroads to work toward reducing emissions from line-haul locomotives using on-dock rail yards, consistent with the schedule set forth in CAAP measures RL-2 and RL-3.

In addition to Project mitigation, Section 3.2.3 (Applicable Regulations) of the Recirculated Draft EIS/EIR describes a number of regulations and agreements that will reduce truck and locomotive emissions in the South Coast Air Basin, including Riverside County. They include: Emission Standards for Locomotives, Emission Standards for On-Road Trucks, Nonroad Diesel Fuel Rule, Highway Diesel Fuel Rule, Heavy-Duty Diesel-Truck Idling Regulation, 1998 South Coast Locomotive Emissions Agreement, 2005 CARB/Railroad Statewide Agreement, and California Diesel Fuel Regulations.

- 13-19** The Middle Harbor project is listed in Table 4-1, Related Projects, and is included in the cumulative impacts analyses throughout Chapter 4 of the Recirculated Draft EIS/EIR. The cumulative impacts discussion in Chapter 4 regarding transportation impacts includes a quantitative analysis based on the container terminal projects in the West Basin because these projects are located near each other and could affect the same localized transportation system. In response to the potential for cumulative impacts to the transportation system in Riverside County, please see the response to Comment 13-4.
- 13-20** The comment correctly points out that Riverside County is one of the “state’s fastest growing areas, adding more commuters on the freeways in addition to truck traffic.” As discussed in response to Comment 13-2, the land use development governed by the growth policies of the County of Riverside jurisdictions are predominantly responsible for the generation of secondary traffic effects within its county boundaries. RCTC, as a body composed of municipalities in Riverside County, is tasked with addressing congestion in Riverside County. As such, it is the responsibility of RCTC member jurisdictions to analyze all significant impacts of their long-

standing growth policies, including secondary impacts, and to identify mitigation for those impacts.

- 13-21** The commenter is correct that the Recirculated Draft EIS/EIR identifies a significant cumulative transportation impact, but should refer to Section 3.6, which identifies feasible measures to mitigate the Project-level impacts to a less than significant level. However, additional feasible measure do not exist to entirely eliminate the Project contribution to cumulative traffic impacts, as the only way to fully reduce such impacts would be to reduce the total amount of truck trips. As discussed in the Recirculated Draft EIS/EIR, the Port and other agencies are studying the implementation of large-scale transportation systems, including alternatives to trucks and the existing rail systems, at the ports. However, such alternative transportation systems are not feasible for consideration as mitigation for the impacts of the proposed Project. These systems generally require very large capital investments, have extensive geographical coverage, and are disproportionate to the impacts of an individual project. Additionally, the project applicant has no means to implement such system-wide transportation improvements. The recommendations of alternative transportation systems are better implemented on a Port-wide or regional basis.
- 13-22** Please see the responses to Comments 12-14 (attached), 13-4, and 13-9. As discussed in the Recirculated Draft EIS/EIR and the responses above, the Port does not assemble trains, make routing decisions, or otherwise determine the scheduling of trains. The City of Riverside submitted a comment similar to Comment 13-22 and included a study by the FRA regarding at-grade rail crossing issues. That study recommends that local agencies work with the railroad companies to develop solutions to address these issues.

Contrary to the comment, the cumulative analysis regarding rail delay does not merely repeat that rail operators, not the ports, make decisions about train route. Rather, the cumulative impacts discussion regarding rail delay in Section 4.2.6.6 (page 4-97) of the Recirculated Draft EIS/EIR acknowledges that “it is possible that the cumulative development of the West Basin (Berths 97-109, Berths 121-131, Berths 136-147) may together result in an added train during the peak hour.” Section 4.2.6.6 also calculates the average vehicle delay at near-Port at-grade rail crossings (based on gate closure times that are, in turn, based on average train speed and length), and determined that the added train during the peak hour from the three combined West Basin terminals would result in an average vehicle delay greater than the significance threshold of 55 seconds per vehicle. Because of this, the proposed Project was deemed to make a cumulatively considerable contribution to a significant impact related to at-grade crossings at the two near-Port crossings.

As described in the response to Comment 13-27 below, the Port conducted a field survey of trains traveling along rail lines through Riverside County and the City of Riverside, and confirmed that trains in outlying areas travel at an average speed that is much greater than the 9 miles per hour assumed in the Recirculated Draft EIS/EIR for at-grade crossings in the near-Port areas. Close to the project site and the Port, trains are just leaving the on-dock rail yards and traveling at slower speeds (less than 9 mph) because they have not yet reached full travel speeds. The speeds would increase once they enter the Alameda Corridor and/or after they leave off-dock rail yards. The substantially higher-speed trains in the outlying region translated into an average gate closure time at the at-grade crossings that is substantially less than the gate closures at near-Port locations (approximately 3 minutes in the Riverside area compared to an estimated 11.7 minutes at the near-Port locations). As shown in the response to Comment 13-27 below, one additional train in the peak hour in Riverside County and City of Riverside would result in an average vehicle delay of approximately 5 to 6 seconds, which is considerably below the significance threshold in the Recirculated Draft EIS/EIR of 55 seconds per vehicle.

A cumulative analysis considers the impact of multiple trains from different sources. While the delay would increase, multiple trains would cumulatively contribute to an impact that is less than significant. For example, four trains arriving in a peak hour (with an average gate time of 3 minutes) would result in an average delay of approximately 24 seconds per vehicle. It should be noted that the likelihood of even four trains per hour is very low. During 48 separate hours of observations in Riverside County in October 2008, there were only 3 hours (out of 48) when more than two trains were observed. The breakdown of trains per hour was as follows:

- 0 trains per hour: 29 percent
- 1 train per hour: 35 percent
- 2 trains per hour: 29 percent
- 3 trains per hour: 4 percent
- 4 trains per hour: 2 percent
- 5 or more trains per hour: 0 percent

It should also be pointed out that this average vehicle delay of 5 to 6 seconds per vehicle represents a cumulative impact of the trains assembled from three West Basin terminals combined. Because the average vehicle delay from cumulative trains from the West Basin terminals would be substantially less than the significance threshold of 55 seconds per vehicle, there is no requirement to provide mitigation, as suggested in the comment.

13-23 Please see the response to Comment 13-22. In addition, please see the responses to Comments 12-14, 13-4, and 13-9 regarding the regional and state efforts to address issues pertaining to goods movement.

13-24 Thank you for your recommendation.

13-25 Thank you for your comment; your opinion has been noted.

13-26 The Port has added RCTC to the list of agencies that received CEQA notifications.

13-27 This response discusses the attachment to the RCTC Comment Letter (*Technical Review of Draft EIS/EIR for Berth 97-109 Container Terminal Project* prepared by Kimley-Horn and Associates, Inc.). The first part of the technical review (pages 1 to 5) does not provide new information; it reiterates information already provided in the Recirculated Draft EIS/EIR. Nevertheless, two items in the introductory sections of the technical review are of note:

- + The standards cited for impacts on the top of page 3 (of the Kimley-Horn *Technical Review*) are drawn from the City of Los Angeles CEQA Thresholds Guide, and so are automatically applicable only to the City of Los Angeles. While these could be applied elsewhere, CEQA analysis is typically based on the relevant standards for the affected jurisdictions (e.g., in the General Plan).
- + Similarly, the threshold for vehicle delay of 55 seconds per vehicle (cited on page 4 of the *Technical Review*) is based on national resource (the HCM) that are consistent with traffic analysis guidelines in Los Angeles. There is no specific applicable guidance for Riverside County rail crossings, although the HCM procedures could be applied. Note also that the HCM is not a standard; it simply provides an analysis tool. For example, the HCM describes the conditions at different levels of service, but does not identify an acceptable LOS.

The supplemental analysis (starting on page 6 of the *Technical Review*) is organized in two parts. The first part (top half of page 6), suggests that about 1,465 additional daily project truck trips will be added to Riverside County roadways. No assessment of the impacts is included. In fact, the supplemental “analysis” supports a conclusion that RCTC’s letter appears to argue against: that the impact of Project-related truck trips on Riverside County roadways “cannot be

determined with available information.” In other words, the Kimley-Horn analysis reinforces the concept that analyzing impacts of truck trips on Riverside County roadways is speculative and infeasible because (a) the number of trips is relatively low and (b) the trips are unpredictably disbursed over multiple routes.

The second part (“Rail Crossing Traffic Delay”) provides more quantitative information. The Kimley-Horn estimate of additional rail cars (per day) does not appear to be inconsistent with the assumptions and analysis in the Recirculated Draft EIS/EIR; however, the Recirculated Draft EIS/EIR uses more accurate train data based on project-specific information rather than general derivations that are used in the Kimley-Horn evaluation. The Recirculated Draft EIS/EIR evaluated the impact of one train during the peak hour, but noted that the “Project operations alone would not result in an additional train during the peak hour on a regular basis.” The resulting Kimley-Horn calculations yield four new trains per day, which can be used for analysis purposes. It should be noted that the proposed Project would result in just over two average daily round train trips per day, and up to four on the peak day.

After this point, the Kimley-Horn analysis cannot be verified because no backup calculations are provided. The Kimley-Horn estimates of added delay are 36.3 to 119.2 vehicle-hours per day throughout Riverside County, which is consistent with the calculations prepared to develop the seconds/vehicle calculations in the Recirculated Draft EIS/EIR. Backup calculations developed as part of the Recirculated Draft EIS/EIR analysis suggested total delays of 5 to 20 vehicle-hours per train during the peak hours at the Los Angeles County at-grade crossings. These delays were calculated for the peak hour, so delays caused by four trains throughout the day could be expected to result in total delays of 36.3 to 119.2 vehicle-hours.

However, there are no significance criteria attached to these values. The Riverside County General Plan focuses on LOS as its policy guidance on traffic operations. There are no standards for assessing whether a daily increase in delay (e.g., 119.2 vehicle-hours per day) is significant. There are no standards for total delay because the impact of total delay varies depending on traffic volumes. For example, a total delay of 119.2 vehicle-hours per day at a stop-controlled intersection with 2,000 vehicles per day, is 215 seconds per vehicle. A total delay of 119.2 vehicle-hours per day spread over 12 intersections (as calculated by RCTC) with 30,000 vehicles per day (typical for a signalized intersection) would be 1.2 seconds per vehicle. Also, consider the delay at signalized intersections. A typical signalized intersection might have a total traffic volume of 50,000 vehicles per day (the intersection Jurupa Avenue and Van Buren Boulevard in Riverside County has similar traffic volumes, per http://www.rctlma.org/trans/documents/traffic_count_book.pdf). At the mid-point of LOS C (27.5 seconds of delay per vehicle), the total delay at that intersection would be 382 vehicle-hours on a typical day, which is substantially higher than the highest total vehicle delay provided in the Kimley-Horn evaluation (on page 8 of the *Technical Review*). It should be noted that all but one of the intersections in the table on page 8 of the Kimley-Horn analysis have a total delay difference of less than 10 vehicle-hours.

Total vehicle delay does not appear to represent a valid or meaningful threshold upon which to assess significant impacts under CEQA or NEPA, for three reasons:

- + The total vehicle delay for the rail crossings provided by Kimley-Horn would be less than the total vehicle delay for a typical signalized intersection along a highway in Riverside County.
- + Signalized intersections within Riverside County form an integral part of traffic management.

- + The total vehicle delays at these signalized intersections are generally considered acceptable (as demonstrated by the ubiquitous nature of signalized intersections along County roadways).

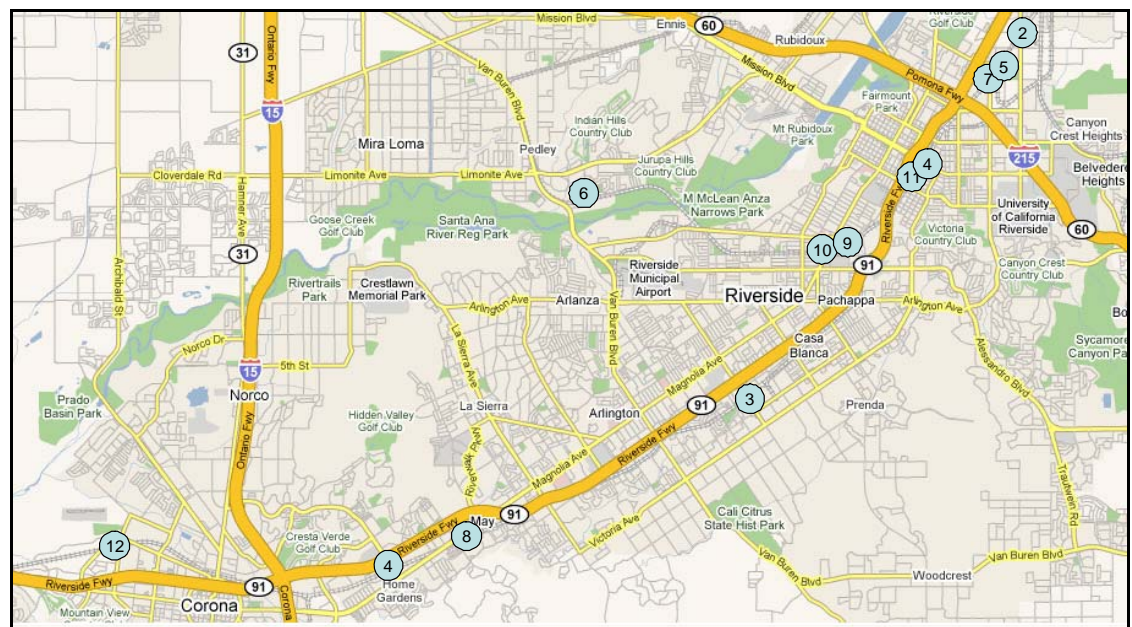
Average vehicle delay, as evaluated in the Recirculated Draft EIS/EIR, would appear to be a better methodology for assessing significance (than using total vehicle delay), for the above reasons and because it is based on the Highway Capacity Manual. The analysis methodology is summarized in the formula on page 3.6-47 of the Recirculated Draft EIS/EIR (line 10), where the average delay is calculated for vehicles at grade crossings. The Recirculated Draft EIS/EIR includes the following delay calculation formula on page 3.6-47:

$$Delay = \left(\frac{Tb^2 \times q \times nl}{2 \times 60 \times \left(1 - \frac{q}{25}\right)} \right) \times f$$

Where:

- Tb* = gate blockage time in minutes
- q* = average arrival rate in vehicles per minute per lane
- f* = train frequency in trains per hour
- nl* = number of lanes

To assess the impact of trains in Riverside County, a comprehensive data collection and analysis study was conducted to determine gate time. Trains were observed at 12 crossings in Riverside County for the week of October 20 to 24, 2008. The 12 crossings are the same locations identified on page 8 in the Kimley-Horn report (e.g., McKinley Street in Corona, Iowa Avenue in Riverside, as well as others listed). The exhibit below illustrates the specific locations.



During 48 hours of observations (4 hours per location) from October 20, 2008, through October 24, 2008, a total of 54 freight trains were observed (Metrolink trains were not counted). Of those

trains, 39 trains were BNSF, and 15 were UP. Most (50) of the trains were container trains. The average train included 103 platforms (commonly called “cars”). There was no pattern to the train arrivals; they occurred randomly throughout the week.

The average train crossing time was 2:23 (2 minutes, 23 seconds). This time does not include the additional gate down/up time (per the analysis in the Draft Recirculated Draft EIS/EIR, which value is 36 seconds per train). Therefore, the average total gate time is 2:59 for trains in Riverside County. At the two at-grade crossings analyzed in the Recirculated Draft EIS/EIR, that time is approximately 11.7 minutes including the gate time because trains are moving slowly near the Port facilities (trains close to the Port have just left the on-dock yards and are traveling slowly due to inertia and because they have not yet reached the Alameda Corridor).

Traffic volumes vary by locations, and throughout the day. To test the sensitivity of the calculation and assess potential impacts, traffic volumes between 1,000 and 25,000 vehicles/day were evaluated on two- and four-lane roadways (one or two lanes in each direction). The percentage of traffic during each hour was developed from a random location in Riverside County (on SR-60) using data from the Caltrans PeMS database. Then, the resulting delay was calculated on each of six roadways for a 24-hour period, recording the average and highest (peak hour delay).

Table 13-1 is a summary of the projected average delay (for a range of at-grade crossings) for different traffic volumes during each hour of the day.

Table 13-1. Sample Delay Calculation

Hour	Delay % of Traffic	Daily Traffic Volumes					
		1,000	5,000	10,000	15,000	20,000	25,000
12 to 1 a.m.	1.1%	4.5	4.5	4.6	4.6	4.6	4.7
1 to 2 a.m.	0.8%	4.5	4.5	4.6	4.5	4.6	4.6
2 to 3 a.m.	0.7%	4.5	4.5	4.6	4.5	4.6	4.6
3 to 4 a.m.	0.8%	4.5	4.5	4.6	4.5	4.6	4.6
4 to 5 a.m.	1.6%	4.5	4.6	4.7	4.6	4.7	4.8
5 to 6 a.m.	35%	4.5	4.7	5.0	4.9	5.0	5.2
6 to 7 a.m.	6.1%	4.5	4.9	5.6	5.2	5.6	6.0
7 to 8 a.m.	6.8%	4.6	5.0	5.8	5.4	5.8	6.2
8 to 9 a.m.	6.4%	4.5	5.0	5.7	5.3	5.7	6.1
9 to 10 a.m.	5.6%	4.5	4.9	5.5	5.2	5.5	5.8
10 to 11 a.m.	5.3%	4.5	4.9	5.4	5.1	5.4	5.7
11 a.m. to 12 p.m.	5.5%	4.5	4.9	5.4	5.2	5.4	5.8
12 to 1 p.m.	5.7%	4.5	4.9	5.5	5.2	5.5	5.8
1 to 2 p.m.	5.8%	4.5	4.9	5.5	5.2	5.5	5.9
2 to 3 p.m.	5.8%	4.5	4.9	5.5	5.2	5.5	5.9
3 to 4 p.m.	5.8%	4.5	4.9	5.5	5.2	5.5	5.9
4 to 5 p.m.	5.7%	4.5	4.9	5.5	5.2	5.5	5.8
5 to 6 p.m.	5.7%	4.5	4.9	5.5	5.2	5.5	5.8
6 to 7 p.m.	4.9%	4.5	4.8	5.3	5.1	5.3	5.6
7 to 8 p.m.	4.5%	4.5	4.8	5.2	5.0	5.2	5.5
8 to 9 p.m.	4.1%	4.5	4.8	5.1	5.0	5.1	5.4
9 to 10 p.m.	3.6%	4.5	4.7	5.1	4.9	5.1	5.2
10 to 11 p.m.	2.6%	4.5	4.6	4.9	4.8	4.9	5.0
11 p.m. to 12 a.m.	1.7%	4.5	4.6	4.7	4.6	4.7	4.8
Weighted Average		4.5	4.9	5.4	5.1	5.4	5.7

Table 13-1. Sample Delay Calculation

Hour	Delay % of Traffic	Daily Traffic Volumes					
		1,000	5,000	10,000	15,000	20,000	25,000
Maximum		4.6	5.0	5.8	5.4	5.8	6.2

To summarize the results, a comprehensive set of calculations was completed to assess the impacts of different trains on different roads at different times of day. Based on the adjusted average gate time of 2:59, the results are summarized in Table 13-2.

Table 13-2. Projected Average Delay (per vehicle per hour of traffic) at Riverside County Crossings

Lanes ^a	1	1	1	2	2	2
Daily Traffic Volume ^b	1,000	5,000	10,000	15,000	20,000	25,000
Average Delay ^c	4.5	4.9	5.4	5.1	5.4	5.7
Peak Hour Delay ^c	4.6	5.0	5.8	5.4	5.8	6.2

^aNumber of approach lanes per direction

^bVehicles/day

^cSeconds/vehicle

Source: CH2M HILL calculations

As can be seen in Table 13-2, based on the average total gate time of 2:59, the average delay (approximately 5 to 6 seconds per vehicle throughout the peak hour) will be below the impact threshold (55 seconds average delay per vehicle per hour of traffic), and significant vehicle delay impacts at the at-grade crossings in Riverside County (and City of Riverside) are not anticipated. Therefore, no mitigation for such impacts is required.

Los Angeles County Department of Public Works

14-1 Thank you for your comment.

National Resources Defense Council

15-1 A quantitative analysis of cumulative emissions and health risk impacts is not feasible for this Recirculated Draft EIS/EIR because the data necessary to conduct such an analysis are not available and cannot be obtained with reasonable effort. For example, for every cumulative project identified in Table 4-1 of the Recirculated Draft EIS/EIR, a quantitative analysis would require detailed project-level information on the types of stationary and mobile emission sources, activity levels, fuel usage, chemical usage, emission controls, operating schedule, stack parameters, vehicle trip generation, routes driven, building configuration, and project construction schedule. This is an enormous amount of information that is not currently available in sufficient detail for most of the cumulative projects. Without such information, an attempt to quantify cumulative air quality impacts would produce speculative and unreliable results. The magnitude and geographic distribution of modeled health risk impacts around each cumulative project are very dependent on such detailed information. Without such information, it would be impossible to predict whether, and to what degree, risk impacts from the cumulative projects would overlap each other to produce a combined effect.

Because of the infeasibility of collecting sufficient information needed for a quantitative cumulative air quality analysis, we assessed cumulative impacts qualitatively. We used broader regional studies to gain an indication of the magnitude of impacts from the cumulative projects. For example, the 2006 CARB report *Diesel Particulate Matter Exposure Assessment Study for the Ports of Los Angeles and Long Beach*, estimated that DPM emissions from the two ports result in potential cancer risk levels exceeding 500 in a million near the Port boundaries. Furthermore, the SCAQMD *MATES-III* report, which considered all emission sources in the South Coast Air Basin, predicted cancer risk values ranging from 1,100 to 2,900 in a million near the ports. Given these two studies, health risk impacts from the cumulative projects were considered to be significant. Therefore, a cumulatively considerable contribution to this impact from the proposed Project would represent a significant cumulative impact.

1-20 The Recirculated Draft EIS/EIR identifies substantial mitigation that will be applied to the selected alternative to address Project-level impacts to air quality, transportation, and noise. These mitigation measures would also minimize the contribution of the Project (or alternative) to cumulative impacts. In Chapter 5 of the Recirculated EIS/EIR (Environmental Justice), the Port and USACE have put forth a tremendous level of effort to identify all feasible measures to reduce or avoid impacts of the proposed Project that would disproportionately affect minority or low-income populations.

The USACE 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 Port's overall existing and planned operations. Current and future proposed projects' approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the proposed San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall health risk effects of future projects and ongoing port operations' emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a

tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a standard of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed in order to ensure that the proposed project is fully contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP and on projected future Ports' operations through the specified CAAP implementation mechanisms and also assumed implementation of existing regulations. As long as the project is consistent with growth projection assumptions used to develop the San Pedro Bay Standards, and the CAAP mitigations for the project are consistent with the mitigation assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay Standards as it is consistent with projections of the Ports' future operations used in formulating the San Pedro Bay Standards, and as it exceeds compliance with applicable CAAP measures as shown in Table 3.2-26 of the Recirculated Draft EIS/EIR.

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 previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the overall off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. 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 of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute \$3.50 per container received at the proposed Project terminal up to an amount of approximately \$4 million. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the 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.

Despite identification of all feasible mitigation measures, as required by CEQA, significant unavoidable adverse impacts will remain after implementation of the mitigation measures (under both CEQA and NEPA). The Environmental Justice evaluation bases its identification of high and adverse impacts to minority and low-income population upon these significant unavoidable adverse NEPA impacts. Regarding the comment that the Recirculated Draft EIS does not propose any measures to mitigate significant and unavoidable impacts identified in Chapter 5, all feasible mitigation measures have been identified for each environmental resource topic addressed in the Recirculated Draft EIS/EIR and would be implemented and tracked via the MMRP required under CEQA.

As discussed above, the forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP, as well as on projected future operations of the Ports through the specified CAAP implementation mechanisms and assumed implementation of existing regulations. As another example of using broader regional studies to gain an indication of the magnitude of impacts from the cumulative projects, Table 3.2-3 of the Recirculated Draft EIS/EIR shows that concentrations of ambient particulate matter of less than 10 micrometers in aerodynamic diameter (PM₁₀) and PM_{2.5} monitored in Wilmington have exceeded the state and

national ambient air quality standards. Therefore, as discussed in the Recirculated Draft EIS/EIR, we considered concentrations of ambient PM₁₀ and PM_{2.5} associated with the cumulative projects to be significant, and that a cumulatively considerable contribution to this impact from the proposed project would represent a significant cumulative impact.

All feasible mitigation measures as required by CEQA have been applied to the proposed Project in the Recirculated Draft EIS/EIR.

- 15-2** Please refer to response to Comment 15-1. Because of the lack of sufficient information needed for a quantitative cumulative air quality analysis, cumulative impacts were assessed qualitatively. Broader regional studies were used to gain an indication of the magnitude of impacts from the cumulative projects. The Recirculated Draft EIS/EIR identifies and evaluates cumulatively considerable contributions of the proposed Project, and mitigates those contributions to the extent feasible. The treatment of the cumulative impacts in the Recirculated Draft EIS/EIR fully complies with the requirements of CEQA and the ASJ.
- 15-3** Please refer to response to Comment 15-1. Because of the infeasibility of collecting sufficient information needed for a quantitative cumulative air quality analysis, cumulative impacts were assessed qualitatively. Broader regional studies were used to gain an indication of the magnitude of impacts from the cumulative projects. All feasible mitigation measures as required by NEPA and CEQA have been applied to the proposed Project in the Recirculated Draft EIS/EIR.
- 15-4** Please see response to Comment 15-1. The USACE 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 from the overall existing and planned operations of the Ports. Current and future proposed project approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the proposed San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall health risk effects of future projects and ongoing port operation emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a measure of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed to ensure that the proposed project is fully contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP and on projected future operations of the Ports through the specified CAAP implementation mechanisms and assumed implementation of existing regulations. As long as the project is consistent with growth projection assumptions used to develop the San Pedro Bay Standards, and the CAAP mitigations for the project are consistent with the mitigation assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project satisfies these criteria; therefore, it is consistent with the San Pedro Bay Standards. Table 3.2-26 of the Recirculated Draft EIS/EIR demonstrates that the proposed Project's mitigation measures are consistent with, and in some cases exceed, the Project-Specific and Source Specific Standards in the CAAP.

As detailed in Table 3.2-26 of the Recirculated Draft EIS/EIR, and further discussed in responses to Comments 1-2 and 1-9, the proposed Project is consistent with the CAAP.

- 15-5** As stated in the Recirculated Draft EIS/EIR, the supplemental HRA (2009 to 2078) is provided for informational purposes only. The main HRA (2004 to 2073) is presented first, and its conclusions are used to assess significance for the proposed Project in the Recirculated Draft EIS/EIR.

The Port believes that the supplemental HRA provides useful information because of the unique situation in which the first several years of the project have already occurred, per the ASJ. The only mitigation measures in effect during the period 2004 to 2008 are those required by the ASJ. As a result, the first 5 years of the main HRA (2004 to 2073) include emissions that cannot be retroactively mitigated beyond the ASJ measures. By contrast, the supplemental HRA evaluates health risk impacts for a 70-year period starting in 2009, when the Port can first implement numerous mitigation measures beyond those in the ASJ.

All feasible mitigation measures as required by CEQA have been applied to the proposed Project in the Recirculated Draft EIS/EIR. The 2009 to 2078 supplemental HRA, therefore, provides important information concerning the effectiveness of the new mitigation measures.

- 15-6** Electric [on-road] drayage trucks are currently being tested in certain applications around the Port as part of the TAP. It is unclear if electric drayage trucks will be determined to be feasible and when they might be commercially available. To illustrate the difficulties, a recent drayage trip found that the electric truck did not have enough power to traverse the Vincent Thomas Bridge. Although the solutions are being worked on, it is unclear if or when feasibility will be demonstrated. If electric drayage trucks are determined to be feasible and become commercially available in the future, they can be considered a new lease measure through **MM AQ-22** (Periodic Review of New Technology and Regulations).

While on-road electric trucks are not considered feasible at this time, electric yard trucks [yard tractors] have proved potentially more feasible through TAP tests. In response to the comment and others received on the Recirculated Draft EIS/EIR, **MM AQ-17** has been amended as shown below:

MM AQ-17: Yard Equipment at Berth 97-109 Terminal.

- + September 30, 2004: All diesel-powered toppicks and sidepicks operated at the Berth 97-109 terminal shall run on emulsified diesel fuel plus a DOC (*ASJ Requirement*).
- + January 1, 2009:
 - All RTGs shall be electric.
 - All toppicks shall have the cleanest available NO_x alternative fueled engines meeting 0.015 gm/hp-hr for PM
 - All equipment purchases other than yard tractors, RTGs, and toppicks shall be either (1) the cleanest available NO_x alternative-fueled engine meeting 0.015 gm/hp-hr for PM or (2) the cleanest available NO_x diesel-fueled engine meeting 0.015 gm/hp-hr for PM. If there are no engines available that meet 0.015 gm/hp-hr for PM, the new engines shall be the cleanest available (either fuel type) and will have the cleanest VDEC.
- + By the end of 2012: all terminal equipment less than 750 hp other than yard tractors, RTGs, and toppicks shall meet the USEPA Tier 4 on-road or Tier 4 non-road engine standards.
- + By the end of 2014: all terminal equipment other than yard tractors, RTGs, and toppicks shall meet USEPA Tier 4 non-road engine standards.

- + In addition to the above requirements, the tenant at Berth 97-109 tenant shall participate in a 1-year electric yard tractor [truck] pilot project. As part of the pilot project, two electric tractors will be deployed at the terminal within 1 year of lease approval. If the pilot project is successful in terms of operation, costs and availability, the tenant shall replace half of the Berth 97-109 yard tractors with electric tractors within 5 years of the feasibility determination.

Because the electric yard tractor is a pilot program at this time, no additional emission reductions were assumed as part of this Final EIS/EIR.

- 15-7** In response to a number of comments received on the Draft EIS/EIR, **MM AQ-11** has been amended as follows:

MM AQ-11: Low-Sulfur Fuel.

~~Ships owned by the terminal operator calling at Berths 97-109 shall use low sulfur fuel (maximum sulfur content of 0.2 percent) in auxiliary engines, main engines, and boilers within 40 nautical miles (nm) of Point Fermin (including hoteling for non-AMP ships) at the following annual participation rates: All ships (100 percent) calling at Berth 97-109 shall use low-sulfur fuel (maximum sulfur content of 0.2 percent) in auxiliary engines, main engines, and boilers within 40 nm of Point Fermin (including hoteling for non-AMP ships) beginning on Day 1 of operation. Ships with mono-tank systems or having technical issues prohibiting use of low-sulfur fuel would be exempt from this requirement. The tenant shall notify the Port of such vessels prior to arrival and shall make every effort to retrofit such ships within 1 year. The following annual participation rates were assumed in the air quality:~~

- + 2009 ~~and thereafter~~: 30 percent of auxiliary engines, main engines, and boilers
- + 2010: 50 percent of auxiliary engines, main engines, and boilers
- + 2013 and thereafter: 100 percent of auxiliary engines, main engines, and boilers

The incremental mitigation benefits of accelerating the implementation of **MM AQ-11** have not been quantified. Nevertheless, it is certain that accelerated implementation of **MM AQ-11** would result in emissions lower than those identified in the Draft Recirculated EIS/EIR, although not sufficiently low that any significant and unavoidable impact identified in the Draft Recirculated EIS/EIR would be reduced to a less-than-significant level. Therefore, the findings in the Recirculated Draft EIS/EIR with regard to air quality impacts would remain the same.

The comment also calls for the phase-in of fuel with a maximum sulfur content of 0.1 percent. To allow for some margin of error and product contamination in the distribution system, when a shipping line orders 0.2 percent sulfur fuel, the shipping line is actually receiving a fuel with a lower sulfur content of between 0.13 and 0.16 percent (POLA, 2007). Therefore, if the mitigation measure required 0.1 percent fuel, the supplier would have to provide fuel at a content of lower than 0.1 percent, which might not be possible in current refineries (POLA, 2007). Additionally, 0.2 percent is consistent with the CAAP. In developing and approving the CAAP, the Ports of Los Angeles and Long Beach met and collaborated with agencies (including CARB, SCAQMD, and USEPA), environmental and community groups, and the shipping industry. As a result of this collaborative process, 0.2 percent sulfur fuel was found to be the lowest-sulfur-level fuel feasible Port-wide and for mitigation of the impacts of the proposed Project, and use of this fuel for that purpose represents consensus

- 15-8** China Shipping has no direct control over locomotive operations at the Berth 121-131 (on-dock) railyard. The current yard locomotive operator at the Berth 121-131 rail yard is PHL. PHL is a third-party independent rail company that provides rail transportation, yard switching, maintenance, and dispatching services to the San Pedro Bay Ports. PHL manages all rail dispatching and switching functions at the on-dock rail yards at the two ports. PHL's current lease at the Port of Los Angeles expires at the end of 2014. Therefore, January 1, 2015, represents the earliest date at which the Port can require diesel particulate filters (DPFs) on yard locomotives through new lease measures.
- 15-9** In contrast to switchers operating at on-dock rail yards, the Port has much less control over main line locomotives, which enter the South Coast Air Basin from all parts of the U.S. (although CARB has had some success in reducing locomotive emissions through their MOU with the rail lines). The railroads are a federal source and controlled by federal regulation under the purview of USEPA. The Ports, therefore, would request that USEPA move to strengthen and/or speed up implementation of emission controls on main line locomotives. In the meantime, the Port will continue to negotiate with Class 1 railroads to work toward reducing emissions from line-haul locomotives using on-dock rail yards, consistent with the schedule set forth in CAAP measures RL-2 and RL-3
- 15-10** The Recirculated Draft EIS/EIR identifies substantial mitigation that will be applied to the selected alternative to address Project-level impacts to air quality, transportation, and noise. These mitigation measures would also minimize the contribution of the Project (or alternative) to cumulative impacts. In Chapter 5 of the Recirculated EIS/EIR (Environmental Justice), the Port and USACE have put forth a tremendous level of effort to identify all feasible measures to reduce or avoid impacts of the proposed Project that would disproportionately affect minority or low-income populations.

The USACE 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 Port's overall existing and planned operations. Current and future proposed projects' approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the proposed San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall health risk effects of future projects and ongoing port operations' emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a standard of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed in order to ensure that the proposed project is fully contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP and on projected future Ports' operations through the specified CAAP implementation mechanisms and also assumed implementation of existing regulations. As long as the project is consistent with growth projection assumptions used to develop the San Pedro Bay Standards, and the CAAP mitigations for the project are consistent with the mitigation assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay Standards as it is consistent with projections of the Ports' future

operations used in formulating the San Pedro Bay Standards, and as it exceeds compliance with applicable CAAP measures as shown in Table 3.2-26 of the Recirculated Draft EIS/EIR.

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 previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the overall off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. 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 of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute \$3.50 per container received at the proposed Project terminal up to an amount of approximately \$4 million. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the 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.

Despite identification of all feasible mitigation measures, as required by CEQA, significant unavoidable adverse impacts will remain after implementation of the mitigation measures (under both CEQA and NEPA). The Environmental Justice evaluation bases its identification of high and adverse impacts to minority and low-income population upon these significant unavoidable adverse NEPA impacts. Regarding the comment that the Recirculated Draft EIS does not propose any measures to mitigate significant and unavoidable impacts identified in Chapter 5, all feasible mitigation measures have been identified for each environmental resource topic addressed in the Recirculated Draft EIS/EIR and would be implemented and tracked via the MMRP required under CEQA.

- 15-11** On November 30, 1993, EPA promulgated final general conformity regulations at 40 CFR 93 Subpart B for all federal activities except those covered under transportation conformity. On September 14, 1994, South Coast Air Quality Management District (SCAQMD) adopted these regulations by reference as part of Rule 1901. The general conformity regulations apply to a proposed federal action in a nonattainment or maintenance area if the total of direct and indirect emissions of the relevant criteria pollutants and precursor pollutants caused by the proposed action equal or exceed certain de minimis amounts, thus requiring the federal agency to make a determination of general conformity. Regardless of the proposed action's exceedance of de minimis amounts, if this total represents 10 percent or more of the area's total emissions of that pollutant, the action is considered regionally significant, and the federal agency must make a determination of general conformity. By requiring an analysis of direct and indirect emissions, EPA intended the regulating federal agency to make sure that only those emissions that are reasonably foreseeable and that the federal agency can practicably control subject to that agency's continuing program responsibility will be addressed. The general conformity regulations incorporate a stepwise process, beginning with an applicability analysis.

According to EPA guidance (EPA, 1994), before any approval is given for a proposed action to go forward, the regulating federal agency must apply the applicability requirements found at 40 CFR 93.153(b) to the proposed action and/or determine the regional significance of the proposed

action to evaluate whether, on a pollutant-by-pollutant basis, a determination of general conformity is required. The guidance states that the applicability analysis can be (but is not required to be) completed concurrently with any analysis required under NEPA. If the regulating federal agency determines that the general conformity regulations do not apply to the proposed action, no further analysis or documentation is required. If the general conformity regulations do apply to the proposed action, the regulating federal agency must next conduct a conformity evaluation in accord with the criteria and procedures in the implementing regulations, publish a draft determination of general conformity for public review, and then publish the final determination of general conformity.

- 15-12** A general conformity determination will be necessary for the proposed federal action. The Draft Conformity Determination has been prepared and is included as Appendix P in the Final EIS/EIR, and Section 3.2.3.1 (Conformity Statement) has been updated to reflect this. It should be noted that the conformity finding is not the same as an impact finding under NEPA
- 15-13** Please refer to the responses to Comment 15-6. In regards to electric rail, due to the complexity and cost of implementing new low-emission technologies, such as rail electrification, development and implementation of these technologies are best handled on a Port-wide basis. The CAAP TAP is a process to achieve this objective. Although technical feasibility might exist for some technologies, the Port must also consider economic feasibility
- 15-14** The implementation of large-scale transportation systems at the ports, such as Maglev, is not feasible for consideration as mitigation for the impacts of the proposed Project. These systems generally require very large capital investments, have extensive geographical coverage, and are disproportionate to the impacts of an individual project. Additionally, the project applicant has no means to implement such system-wide transportation improvements. The recommendations of alternative transportation systems are better implemented on a Port-wide or regional basis. The Clean Truck Program at the Port is an example of a large-scale transportation system that currently is being implemented on a Port-wide basis. However, transportation systems for cargo movement such as Maglev represent an infrastructure system over which the Port has no jurisdiction or ability to control. The commenter's opinion is noted. The project alternatives represent a reasonable range of alternatives, as required by CEQA that would reduce or avoid the significant impacts of the proposed Project. As discussed in Section 2.5 of the document, and as required under NEPA and CEQA, the alternatives given detailed consideration in the document are reasonable, would be potentially feasible, and would be able to implement most basic Project objectives.

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- 16-1** Please refer to response to Comment 15-1 (NRDC A) (attached).
- 16-2** Please refer to response to Comment 15-1 (NRDC A) (attached).
- 16-3** Please refer to the responses to Comment 15-6 and 15-7 (NRDC A attached). All feasible mitigation measures as required by CEQA have been applied to the proposed Project in the Recirculated Draft EIS/EIR.
- 16-4** The comment calls for additional mitigation measures for proposed Project operations. Please refer to the response to Comment 15-9 (NRDC A) and the responses to specific mitigation measures (Comments 16-5 through 16-16) below.
- 16-5** The comment calls for expediting the phase-in of AMP at the terminal. China Shipping, in compliance with the ASJ, retrofitted 29 ships all within the 3,000- to 5,000-TEU range. Since that time, China Shipping has installed AMP on an additional four 8,500-TEU ships at 6.6 kV. As discussed in Chapter 2 and Section 3.2 of the Recirculated Draft EIS/EIR, the ship size is expected to increase from the 3,000- to 5,000-TEU class to the 8,000- to 9,000-TEU ship size with occasional visits from 9,000- to 11,000-TEU ships. While a large portion of the ships in China Shipping's current Port of Los Angeles service are retrofitted with AMP, only four of the larger ships in their worldwide fleet are retrofitted (while China Shipping will order some brand new ships to service the Port, some of the ships will be repositioned from existing vessel strings elsewhere). To comply with the ASJ and to achieve the proposed AMP levels in MM AQ-9, these ships will also need to be retrofitted. The phase-in schedule allows for such retrofits to occur.
- 16-6** **MM AQ-10** makes vessel speed reduction compulsory, not voluntary. Compliance with this mitigation measure would be monitored via the MMRP.
- Slowing ships to 12 knots inside a 40-nm radius from Point Fermin would increase the emissions from auxiliary engines because a ship would require more time to travel the same distance. Emissions from ship main engines would also increase on a horsepower-hour basis, due to the engines running less efficiently at a lower load. This low-load effect was accounted for in the emission calculations, as shown in Table PP-16 of Appendix E1. However, despite the low-load effect, the overall emissions from the ship main engine are still reduced because of the substantial reduction in horsepower-hours needed to propel the ship through the water at a lower speed. After implementing **MM AQ-10**, the combined emissions from main and auxiliary engines would be 48 percent lower for volatile organic compounds (VOCs), 50 percent lower for carbon monoxide (CO), 64 percent lower for NO_x, 66 percent lower for SO_x, 60 percent lower for PM₁₀, and 60 percent lower for PM_{2.5}.
- 16-7** Please refer to response to Comment 15-7, which discusses a revision to **MM AQ-11** that would require low-sulfur fuels in all China Shipping vessels starting in 2009. The China Shipping terminal is currently operating in accordance with the ASJ, and, until a new lease is signed, the Port has no means to require low-sulfur fuels in ship engines.
- The Port does not view dockside power as a substitute for cleaner fuels in ships, as evidenced by **MM AQ-9** (AMP) and **MM AQ-11** (low-sulfur fuels). Ships that comply with the AMP measure will also be subject to the low-sulfur fuel requirements and vice versa.
- 16-8** Slide valves are relatively easy to install as a retrofit on container ships, not overly expensive, and provide good reductions of NO_x and PM. However, slide valves are specific to Man B&W

engines and currently cannot be installed on ships with engines of different manufacture. Other engine manufactures are working on equivalent technologies, and preliminary tests appear promising. Therefore, slide valves are being phased in over time in **MM AQ-12** to allow for this research and development.

The other emission control technologies for ship main engines mentioned in the comment are currently not feasible for retrofits on large oceangoing vessels (OGVs), such as container ships. For example, although selective catalytic reduction (SCR) technology has been demonstrated on four new OGVs carrying scrap/steel in the San Francisco Bay Area, the applicability of low-emissions technologies like SCR to large OGVs such as container ships needs to be further evaluated and demonstrated. SCR is currently being tested as part of the CAAP TAP. There are still a number of feasibility questions regarding SCR, including spatial needs and available reactant (ammonia) and by-product issues. At this time, SCR is not considered feasible.

However, the Port expects that some or all of the technologies mentioned in the comment will be feasible for retrofits in the future. **MM AQ-22** provides a process to consider new or alternative emission control technologies in the future and an implementation strategy to ensure compliance. Under **MM AQ-22**, the opportunity to add new measures to the lease would occur not less frequently than once every 7 years

- 16-9** The Blue Skies Series Category 3 engines refer to a theoretical ship retrofit program developed for the No Net Increase (NNI) Plan being considered by the Port. NNI was never adopted by the Port or the City of Los Angeles. The Blue Sky Series engines are not yet available and, therefore, are not considered feasible at this time. Should these engines become available, **MM AQ-22** provides a process to consider new or alternative emission control technologies in the future and an implementation strategy to ensure compliance. Under **MM AQ-22**, the opportunity to add new measures to the lease would occur at least once every 7 years.
- 16-10** The comment is acknowledged.
- 16-11** As discussed in response to Comment 15-6, the terminal operator has agreed to conduct a demonstration project for electric yard tractors. If electric yard tractors are determined to be feasible and become commercially available, they can be considered as a new lease requirement through **MM AQ-22** if found to represent a superior air quality benefit than liquefied propane gas (LPG) or liquefied natural gas (LNG) yard tractors. In addition, the Port believes that idling limits are not necessary for mitigation in the Recirculated Draft EIS/EIR. In practice, idling for yard tractors is minimal since they are in constant motion for production purposes and fuel costs associated with idling are high (personal communication with Charles Zhao, West Basin Container Terminal LLC, September 26, 2008).
- 16-12** The time needed for preparation and review of this EIS/EIR is the only reason for the change in scheduled implementation for **MM AQ-16**. The new mitigation measure schedule of 2009 is based on the estimated new lease date. Commitments cannot be applied retroactively from the present.
- 16-13** The comment is acknowledged.
- 16-14** As mentioned in Section 3.2.3.3 of the Recirculated Draft EIS/EIR, PHL has replaced its existing uncontrolled switch locomotive with a new locomotive meeting the Tier 2 standards at the Berth 121-131 (on-dock) rail yard. Please refer to response to Comment 10-12 for a discussion of mitigation measures for switch and line-haul locomotives. In addition to **MM AQ-18**, the Port is working with PHL to identify additional options for reducing switch locomotive emissions. However, these additional options would be implemented as a Port-wide measure under the CAAP rather than at a Project level.

The “expanded rail yard” language is an error. The existing on-dock rail yard would not be expanded under the proposed Project or any of the alternatives, and corrections have been made in Chapter 3. The Recirculated Draft EIS/EIR assumes that the existing rail yard at Berth 121-131 is not expanded; therefore, eliminating that language from the document would not result in any new impacts or more severe impacts than is discussed.

The Port, through consultation with the transportation engineer, determined that the most appropriate way to estimate the China Shipping throughput at the on-dock rail yard is to assume that its throughput share is proportional to its total TEU throughput relative to the total TEU throughput at both the China Shipping and Yang Ming terminals. For example, in years when China Shipping TEU throughput is less than Yang Ming TEU throughput, the air quality analysis assumed that the China Shipping share of on-dock rail yard throughput would be smaller than the Yang Ming share. Conversely, in years when China Shipping TEU throughput is greater than Yang Ming TEU throughput, the air quality analysis assumed that the China Shipping share of on-dock rail yard throughput would be larger than the Yang Ming share. Using this approach, the air quality analysis assumed that China Shipping containers would account for 17, 34, 51, 57, and 57 percent of the on-dock rail yard capacity in the years 2005, 2010, 2015, 2030, and 2045, respectively. These percentages represent a best estimate from the Port; they are not intended to be minimum usage requirements for China Shipping. Regardless of which terminal captures the largest share of throughput at the on-dock rail yard, the same overall container throughput would occur, and the same overall number of containers would need to be hauled by truck to near-dock rail yards due to on-dock rail yard capacity constraints.

- 16-15 MM AQ-19** is aligned with the Clean Truck Program of the Port. The Port believes that the implementation schedule of this measure is as aggressive as possible, given the magnitude and complexity of this program. Similarly, the Port believes that the implementation schedule for **MM AQ-20** (LNG Trucks) is as aggressive as possible, considering the large number of truck replacements that would be necessary.
- 16-16** Please refer to response to the above Comment 16-15.
- 16-17** The comment calls for additional mitigation measures for construction of the proposed Project. Please refer to the responses to Comments 16-18 through 16-25 on specific mitigation measures.
- 16-18** As shown in Tables E1.1-7a and E1.1-8a in the construction emission calculations in Appendix E1, a derrick barge is estimated to be needed for 44 days during Phase II of construction and for 18 days during Phase III of construction. Given this relatively little use of a derrick barge, it is not feasible to install the infrastructure needed for shoreside power. In addition, shoreside power connections are built into the wharves. Because derrick barges are used for wharf construction, no new shoreside power connections would be available until after the wharves are completed (the existing wharf would not be located close enough to provide access to shoreside power).
- 16-19** As shown in Tables E1.1-7g and E1.1-8c in the construction emission calculations in Appendix E1, two general cargo ships would deliver shoreside cranes during Phase II of construction, and one general cargo ship would deliver a shoreside crane during Phase III of construction. Given that there would be only three ship visits, it is not feasible to require low-sulfur fuel, best available control technology (BACT), or shoreside power for construction-related ships due to the technical upgrades needed to comply with such restrictions.
- 16-20** The comment is acknowledged.
- 16-21 MM AQ-4** limits idling to 5 minutes for construction equipment. Please refer to response to Comment 10-7 for a discussion of the Port construction equipment specifications for construction contractors. The Port will encourage use of cleaner construction equipment through the Environmental Compliance Plan required of all contractors. Each contractor is required to submit

an Environmental Compliance Plan for work completed as part of the Berth 97-109 Container Terminal Project.

- 16-22** The comment is acknowledged. The Los Angeles Harbor Department will ensure that grid power is available to the construction site whenever power is needed in place of using diesel generators. In addition, MM AQ-5 has been amended as shown below:

MM AQ-5: Best Management Practices (BMPs)

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

1. Use diesel oxidation catalyts and catalyzed diesel particulate traps
2. Maintain equipment according to manufacturers' specifications
3. Restrict idling of construction equipment and on-road heavy-duty trucks to a maximum of 5 minutes when not in use
4. Install high-pressure fuel injectors on construction equipment vehicles
5. Maintain a minimum buffer zone of 300 meters between truck traffic and sensitive receptors
6. Improve traffic flow by signal synchronization
7. Enforce truck parking restrictions
8. Provide onsite 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.
9. Re-route construction trucks away from congested streets or sensitive receptor areas
10. Provide dedicated turn lanes for movement of construction trucks and equipment on- and offsite.
11. Use electric power in favor of diesel power where available.

LAHD shall implement a process to select additional BMPs to further reduce air emissions during construction. The LAHD shall determine the BMPs once the contractor identifies and secures a final equipment list. ~~The LAHD shall implement a process to add BMPs to reduce air emissions from all LAHD-sponsored construction~~

- 16-23** The comment is acknowledged.

- 16-24** Due to the short-term nature of construction contracts, it is not feasible to expect retrofits or upgrades of construction equipment during the construction period. Often construction equipment is rented or leased, and equipment changeouts during a construction activity could be disruptive to the progress of the construction.

- 16-25** An extensive disclosure of the air quality impacts and health effects associated with project construction is included in the Recirculated Draft EIS/EIR as part of Impacts AQ-1, AQ-2, AQ-6, AQ-7, and AQ-9. The purpose of the notifications is to provide additional notice to the residents of the anticipated construction schedule as a courtesy.

- 16-26** Please refer to response to Comment 15-9 (NRDC A).

The Port has applied all feasible mitigation measures to avoid or reduce significant environmental effects of the proposed Project, as required by CEQA. Please refer to response to Comment 10-13 regarding electric drayage trucks as a potential mitigation measure. The Port is also developing a comprehensive Climate Change Action Plan to address GHG emissions from Port operations. Through this program, the Port is exploring Port-wide options for reducing GHG at the Port-wide level, including a solar energy program agreed to with the California Attorney General. GHG emissions at the Port are largely a function of diesel combustion; therefore, addressing these emissions will help address not only potential climate change effects but also local health issues from diesel sources.

- 16-27** The Recirculated Draft EIS/EIR identifies all feasible mitigation to reduce or avoid greenhouse gas emissions. 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. A footnote in the comment questions the decision to quantify GHG emissions within California borders only. The Port acknowledges that GHG emissions from ships, trains, and a portion of the trucks associated with the proposed Project would extend beyond state borders. However, for the purposes of this NEPA/CEQA document, and after consulting California Climate Action Registry (CCAR) (personal communication with Robyn Camp, April 24, 2007), the Port elected to address GHG emissions quantitatively within state borders and qualitatively outside state borders. This approach is consistent with the CCAR goal of reporting all GHG emissions within California. A quantification of GHG emissions outside California borders would not change the significance conclusions in Impact AQ-9 of the Recirculated Draft EIS/EIR and would carry a high degree of uncertainty given the uncertainty in the ultimate destinations of project-generated trucks, trains, and ships. Therefore, a qualitative discussion was provided.

Another footnote in the comment expresses confusion over the GHG mitigation measures. **MM AQ-9** (AMP), **MM AQ-10** (vessel speed reduction), **MM AQ-17** (electrifying yard equipment), **MM AQ-20** (LNG trucks), and **MM AQ-21** (truck idling reduction) are primarily designed to reduce criteria pollutants; however, they also would reduce GHGs. **MM AQ-25** through **MM AQ-30** are designed specifically to reduce GHGs. Table 3.2-42 in the Recirculated Draft EIS/EIR shows how the GHG mitigation measures are consistent with the recommendations found in the *California Climate Action Team's report to the Governor* (State of California, 2006) and in *Proposed Early Actions to Mitigate Climate Change in California* (CARB, 2007). Only those items determined to be feasible and effective at reducing or avoiding the GHG impacts of the proposed Project were adopted as mitigation. The mitigation measures for the proposed Project are designated with an "MM AQ-" prefix.

- 16-28** Bulbous bows are already a standard design feature of oceangoing vessels because of their fuel savings potential.
- 16-29** Sky Sails are still under development through a pilot program. Should they become feasible and commercially available, shipping companies would have a built-in incentive to use sky sails on appropriate routes because of the potential fuel savings.
- 16-30** Ship energy recovery systems that are proven feasible and effective would have a built-in incentive for their use because of the potential fuel savings. Therefore, a mandate from the Port to adopt such feasible and effective systems would be redundant and would not serve to mitigate GHG impacts.
- 16-31** The shipping companies, ship designers, and ship builders will be responsible for complying with the mitigation measures set by the Port and the regulations set by the local, state, and federal

agencies. If additional fuel tanks and piping are necessary for compliance, then the shipping companies, ship designers, and ship builders will need to plan and act accordingly.

- 16-32** The ASJ required an analysis of the China Shipping Container Terminal Project alone, rather than in combination with changes to any other facility. Therefore, the Berth 121-131 on-dock rail yard at the Yang Ming terminal was assumed to remain at its current physical capacity in the Recirculated Draft EIS/EIR. Any proposed rail yard expansion would be part of a separate EIS/EIR.
- 16-33** Due to the complexity and cost of implementing new low-emission technologies, such as Maglev, LIM-rail, or electric dual-mode trams, development and implementation of these technologies are only feasibly handled on a Port-wide or regional basis. The CAAP TAP is a process to achieve this objective. Please also refer to response to Comment 15-12 (NRDC A).
- 16-34** Please refer to response to Comment 16-33.
- 16-35** Please refer to response to Comment 16-33.
- 16-36** The TAP is funded primarily by both Ports with additional funding from participating agencies. **MM AQ-22** provides a process to consider new or alternative emission control technologies in the future and an implementation strategy to ensure compliance. Under **MM AQ-22**, the opportunity to add new measures to the lease would occur at least once every 7 years.
- 16-37** Please refer to response to Comment 15-12. Electric Drayage Trucks are currently being tested as part of the TAP.
- 16-38** The Port has reduced truck-idling emissions through operational changes such as PierPASS, which uses financial disincentives to divert peak-period truck traffic to off-peak hours, thereby reducing long wait times on the terminals. Gate modifications and appointment systems on various terminals at the Port have further reduced idling times. Implementation of the Clean Truck Program will reduce idling emissions by modernizing the truck fleet and requiring regular truck maintenance.
- 16-39** As discussed in response to Comment 16-15, **MM AQ-19** incorporates the Port Clean Truck Program into the China Shipping Terminal. The Clean Truck Program includes replacing older trucks with trucks from model year 2007 or newer and will accomplish many of the suggested measures including improved aerodynamics and a driver training program. Other measures, such as automatic tire inflation systems, single wide-base tires, weight reduction, and low viscosity lubricants, will be considered as part of the Clean Truck Program provided the measures do not conflict with manufacturer specifications or warranties, or with state and federal trucking regulations. However, the Clean Truck Program is being developed on a Port-wide, rather than Project-level, basis. Additionally, as discussed previously, the Port is performing a GHG inventory and will be developing GHG reduction strategies as part of the CAAP.
- 16-40** Please refer to response to Comment 16-39.
- 16-41** Please refer to response to Comment 16-39.
- 16-42** Please refer to response to Comment 16-39.
- 16-43** Please refer to response to Comment 16-39.
- 16-44** Please refer to response to Comment 16-39.
- 16-45** Tugboats at the Port are already being plugged into shoreside auxiliary power when at rest at their home bases (i.e., docking terminals). No feasible technology currently exists for electrifying main propulsion engines on tugboats while they assist ships.

- 16-46** The new China Shipping cranes proposed for Phases II and III would use regenerative braking technology. (Unlike these new cranes, which are equipped with an AC drive and AC hoist motor, the existing China Shipping cranes are DC drive; therefore, they cannot use a regenerative power system). The captured energy would be used to the greatest extent feasible on the terminal. Furthermore, **MM AQ-17** would require all RTGs to be electric starting January 1, 2009.
- 16-47** Please refer to response to Comment 15-6 (attached).
- 16-48** While the Port supports intelligent container design, such mitigation is not feasible on a project-specific level. Containerization is a standardized shipping method. Changing container design would affect the global goods movement chain. Such changes are only feasibly implemented through a larger governing body, such as the state, or directly through shipping consortiums that can implement changes given industry-wide logistical considerations. It should be noted that shipping companies and associated consortiums deal with competition and efficiency issues on a daily basis and are in the best position to identify and implement container design changes within the shipping framework.
- 16-49** Please refer to response to Comment 16-27.
- 16-50** Through the Million Trees L.A. Initiative, the City of Los Angeles is in the process of planting 1 million trees throughout Los Angeles via public-private partnerships. As part of this initiative, the Port will be adding more than 7,300 trees to the Harbor and Los Angeles areas by the end of 2009. The Port will plant trees in its neighboring communities of Wilmington and San Pedro. The Port has also embarked upon an aggressive community tree give-away program, and will be giving away more than 500 trees per month.
- 16-51** The Recirculated Draft EIS/EIR uses the CARB emission factor of 1.5 grams per kilowatt-hour (g/kWh) for PM from ship auxiliary engines, not 0.8 g/kWh as the comment suggests. The Recirculated Draft EIS/EIR also assumes that 71 percent of container ship auxiliary engines at the Port use residual fuel, based on the Vessel Boarding Program for the Port and OGV survey results for CARB, as reported in the *2005 POLA Inventory of Air Emissions* (Starcrest, 2007). The residual fuel was assumed to have an average sulfur content of 2.7 percent, higher than the 2.5 percent used by CARB. The remaining 29 percent of auxiliary engines were assumed to use diesel oil with an average sulfur content of 0.5 percent.
- 16-52** The Recirculated Draft EIS/EIR added an additional 30 percent to tugboat emissions to account for harborcraft activity occurring before and after an assist.
- 16-53** Truck emissions are quantified to the first drop-off point or to the edge of the air basin, whichever comes first. Emissions are calculated only within the air basin to match SCAQMD thresholds. The Port acknowledges that truck emissions would also occur outside the air basin. Criteria pollutant emissions were quantified within the South Coast Air Basin to match the SCAQMD emission thresholds, upon which the significance thresholds for the Port are based. Although the Project would generate substantially more emissions within the South Coast Air Basin than any other affected air basin, the Port acknowledges that criteria pollutant emissions from Project operations would also occur across numerous other air basins beyond the South Coast Air Basin and beyond California borders. However, in response to the comment regarding emissions from trucks traveling within California, for the purposes of assessing significance, the Port conservatively chose to compare emissions within the South Coast Air Basin to the SCAQMD thresholds as its means of determining significance of regional emission impacts.

The Port acknowledges that trucks would generate emissions in the San Joaquin Valley, Mojave Desert, Salton Sea, and San Diego air basins. However, as discussed in Section 2.4.2.7 of the Recirculated Draft EIS/EIR, only 13.5 percent of total truck trips are projected to travel outside the South Coast Air Basin, and actual travel routes in these areas; therefore, the number of truck

trips through any given air basin outside the South Coast Air Basin is speculative because the ultimate destination of cargo varies. Criteria pollutant emissions were quantified within the South Coast Air Basin and compared against the SCAQMD emission thresholds, which apply to the South Coast Air Basin. This approach is conservative for the air basins adjacent to the South Coast Air Basin because substantially more Project-generated truck and rail emissions would occur within the South Coast Air Basin than in any other affected air basin. The Recirculated Draft EIS/EIR identifies significant impacts for volatile organic compounds (VOCs), carbon monoxide (CO), nitrogen oxide (NO_x), sulfur oxide (SO_x), and particulate matter with diameters of 10 microns or smaller (PM₁₀) and 2.5 microns or smaller (PM_{2.5}) based on the thresholds issued by the SCAQMD and adopted by the City of Los Angeles. No new or substantially more severe significant impact would occur due to criteria pollutant emissions outside the South Coast Air Basin; these impacts would occur over numerous adjacent air basins and would be substantially less in volume or concentration in any other air basin compared to emissions within the South Coast Air Basin. Additionally, all technically feasible and/or commercially viable mitigation measures as required by CEQA have been applied to the proposed Project in the Recirculated Draft EIS/EIR, and no additional feasible mitigation measures would avoid or substantially lessen the impacts of the Project's air quality emissions

16-54 An average on-terminal idling time of 20 minutes per truck for the combined China Shipping and Yang Ming terminals was provided by Starcrest as part of its data collection effort to support the 2005 emission inventory for the Port. Because this is an average idling time, some trucks would idle longer than 20 minutes and others would idle less than 20 minutes. To facilitate the decision-making process under CEQA and NEPA, this Recirculated Draft EIS/EIR used the best available emission factors and assumptions at the time of document preparation. Although changes in emissions and assumptions could occur in the future, the exact nature of those changes is currently unknown. It would be speculation to assume any specific future changes to rules, regulations or related emission factors. It should be noted that emission factors are likely to be improved, so the assumptions in the Recirculated Draft EIS/EIR are considered conservative

16-55 Please see the response to Comment 16-53.

16-56 The emissions associated with hauling a container by train are calculated from the on-dock or off-dock rail yard to the edge of the air basin for each container traveling by train. Emissions are also calculated for the trucks hauling containers from the terminal to the off-dock rail yard, if applicable. The Port acknowledges that train emissions would also occur outside the air basin. Criteria pollutant emissions were quantified within the South Coast Air Basin to match the SCAQMD emission thresholds, upon which the significance thresholds for the Port are based. Although the Project would generate substantially more emissions within the South Coast Air Basin than any other affected air basin, the Port acknowledges that criteria pollutant emissions from Project operations would also occur across numerous other air basins beyond the South Coast Air Basin and beyond California borders. However, in response to the comment regarding emissions from rail traveling within California, for the purposes of assessing significance, the Port conservatively chose to compare emissions within the South Coast Air Basin to the SCAQMD thresholds as its means of determining significance of regional emission impacts.

Trains would generate emissions in the Mojave Desert and Salton Sea air basins. As discussed in Chapter 2 and in Section 3.6 of the Recirculated Draft EIS/EIR, the Port is serviced by two Class I railroad companies, and the percentages of China Shipping cargo per train and ultimate rail routes outside the air basin would be different depending on which rail company serviced the actual retailer purchasing the goods. Criteria pollutant emissions were quantified within the South Coast Air Basin and compared against the SCAQMD emission thresholds, which apply to the South Coast Air Basin. This approach is conservative for the air basins adjacent to the South Coast Air Basin because substantially more Project-generated truck and rail emissions would

occur within the South Coast Air Basin than in any other affected air basin. The Recirculated Draft EIS/EIR identifies significant impacts for volatile organic compounds (VOCs), carbon monoxide (CO), nitrogen oxide (NO_x), sulfur oxide (SO_x), and particulate matter with diameters of 10 microns or smaller (PM₁₀) and 2.5 microns or smaller (PM_{2.5}) based on the thresholds issued by the SCAQMD and adopted by the City of Los Angeles. No new or substantially more severe significant impact would occur due to criteria pollutant emissions outside the South Coast Air Basin; these impacts would occur over numerous adjacent air basins and would be substantially less in volume or concentration in any other air basin compared to emissions within the South Coast Air Basin. Additionally, all technically feasible and/or commercially viable mitigation measures as required by CEQA have been applied to the proposed Project in the Recirculated Draft EIS/EIR, and no additional feasible mitigation measures would avoid or substantially lessen the impacts of the Project's air quality emissions

16-57 As a point of clarification, construction could occur 6 days per week. The peak daytime emissions from construction and the associated criteria pollutant modeling do not depend on the number of construction days per week. For the HRA and GHG calculations, total construction emissions were modeled, which included all construction workdays as projected over the lifetime of the construction (also not dependent on the days-per-week schedule). As a result, the air quality analysis in the Recirculated Draft EIS/EIR is not dependent on the number of construction days per week. The clarification would not result in new significant impacts or increases in the severity of identified impacts.

16-58 NEPA does not specify the scope of analysis that federal agencies must conduct in determining whether their actions, when combined with private actions, come within the mandate of 4332(2)(C). USACE, however, adopted regulations that set forth how it should determine the proper scope of analysis under NEPA. Where the activity requiring a permit is one component of a larger project, USACE regulations provide that the USACE must address in the NEPA document impacts of the specific activity requiring a Department of the Army permit and those portions of the entire project over which the USACE has sufficient control and responsibility to warrant federal review, 33 CFR Part 325, Appendix B Section 7(b)(1). The USACE District Engineer has control and responsibility for portions of the project beyond USACE jurisdiction "where the environmental consequences of the larger project are essentially products of USACE action," 33 CFR Part 325, Appendix B Section 7(b)(2).

The USACE scope of analysis established in the Recirculated Draft EIS/EIR includes 1) activities specifically requiring a permit (all dredging and associated ocean disposal activities, the construction of new wharves, the two bridges over the Southwest Slip, and the floating docks for the relocated Catalina Express), 2) portions of the entire project for which USACE has sufficient control and responsibility (i.e., 25 acres currently used by Catalina Express because this area would only be redeveloped if USACE authorizes the 375-foot southern extension of Berth 100, the wharf at Berth 102, and other uplands within 100 feet of the shoreline that could be affected by temporary access, storage, and staging necessary to complete the work and structures in and over water), and 3) the additional increments of upland impact attributable to the federal action on the remaining 117 acres, which include most of the resources or issues of concern evaluated in the EIS/EIR, such as air quality, traffic, aesthetics, and noise. For these resources or issues of concern, we evaluated the impacts associated with the proposed Project (which is the same under CEQA and NEPA) net the impacts attributable to the NEPA baseline (i.e., the specific impacts expected to occur on 117 acres of the Project area absent federal action).

This Project differs from the shipping terminal example in 33 CFR 325, Appendix B Section 7(b)(3) "...a shipping terminal normally requires dredging, wharves, bulkheads, berthing areas and disposal of dredged material in order to function. Permits for such activities are normally considered sufficient Federal control and responsibility to warrant extending the scope of analysis

to include the upland portions of the facility.” In the case of China Shipping, the past, present, and reasonably foreseeable future use of the uplands include, and would continue to include, container shipping storage and transfer operations for the adjacent Berth 121-131 (Yang Ming) Container Terminal immediately to the north. In 2001, approximately 11 acres of the 142-acre project area were used for container storage and transfer. By 2004, the acreage used for this purpose had increased to approximately 72 acres, and, absent USACE authorization of regulated activities in waters and navigable waters of the U.S., acreage used for container storage and transfer by Yang Ming at the Project site would increase to approximately 117 acres. This represents more than 80 percent of the uplands in the Project area that could be developed for container storage and transfer (i.e., nonfederal or private action) entirely independent of the Clean Water Act Section 404 and River and Harbor Act Section 10 authorization from USACE (i.e., federal action). The environmental consequences of using this site for container storage and transfer are clearly not the product of USACE permit action, and there is no other federal funding, guarantee, other financial assistance, or regulation pertaining to the Project area uplands requiring further expansion of the USACE scope of analysis into the 117-acre nonfederal portion of the Project area (i.e., minimal federal control and responsibility). Vessel traffic and container throughput have increased and substantial additional increases are expected, necessitating an increased need for cargo-handling areas, such as this one, whether or not a USACE permit is issued.

While Section 1.4.1, Scope of Analysis, in the Recirculated Draft EIS/EIR discusses that USACE identified indirect and cumulative effects in the uplands that could occur as a result of the proposed Project and that such impacts must be fully disclosed in the EIS, we recognize this text should have been more specific with regard to the resources or issues of concern warranting expansion of the scope of analysis to analyze the upland increments attributable to our federal action. As such, this section has been revised in the Final EIS/EIR to clarify this point for the reader. Nevertheless, in the EIS, USACE correctly identified its scope of analysis and area subject to federal control and responsibility for each resource or issue of concern, performed the appropriate independent analyses, and made justifiable NEPA impact determinations for the project’s direct and indirect impacts (Chapter 3) as well as the cumulative (Chapter 4) impacts.

16-59 MM AQ-22 provides a process to consider new or alternative emission control technologies in the future and an implementation strategy to ensure compliance. Under **MM AQ-22**, the opportunity to add new measures to the lease would occur at least once every 7 years.

16-60 Please refer to responses to Comments 16-1 through 16-59.

The Chamber: Long Beach Area Chamber of Commerce

17-1 Thank you for your comments.

Harbor Association of Industry and Commerce

18-1 Thank you for your comments.

The Propeller Club of Los Angeles – Long Beach

19-1 Thank you for your comments

Port Community Advisory Committee – Air Quality Subcommittee

20-1 The Recirculated Draft EIS/EIR identifies substantial mitigation that will be applied to the selected alternative to address Project-level impacts to air quality, transportation, and noise. These mitigation measures would also minimize the contribution of the Project (or alternative) to cumulative impacts. In Chapter 5 of the Recirculated EIS/EIR (Environmental Justice), the Port and USACE have put forth a tremendous level of effort to identify all feasible measures to reduce or avoid impacts of the proposed Project that would disproportionately affect minority or low-income populations.

The USACE 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 Port's overall existing and planned operations. Current and future proposed projects' approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the proposed San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall health risk effects of future projects and ongoing port operations' emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a standard of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed in order to ensure that the proposed project is fully contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP and on projected future Ports' operations through the specified CAAP implementation mechanisms and also assumed implementation of existing regulations. As long as the project is consistent with growth projection assumptions used to develop the San Pedro Bay Standards, and the CAAP mitigations for the project are consistent with the mitigation assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay Standards as it is consistent with projections of the Ports' future operations used in formulating the San Pedro Bay Standards, and as it exceeds compliance with applicable CAAP measures as shown in Table 3.2-26 of the Recirculated Draft EIS/EIR.

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 previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the overall off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. 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 of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and

cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute \$3.50 per container received at the proposed Project terminal up to an amount of approximately \$4 million. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the 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.

Despite identification of all feasible mitigation measures, as required by CEQA, significant unavoidable adverse impacts will remain after implementation of the mitigation measures (under both CEQA and NEPA). The Environmental Justice evaluation bases its identification of high and adverse impacts to minority and low-income population upon these significant unavoidable adverse NEPA impacts. Regarding the comment that the Recirculated Draft EIS does not propose any measures to mitigate significant and unavoidable impacts identified in Chapter 5, all feasible mitigation measures have been identified for each environmental resource topic addressed in the Recirculated Draft EIS/EIR and would be implemented and tracked via the MMRP required under CEQA. In this EIS/EIR, all CAAP measures determined by the Port to be feasible for the proposed Project are prescribed as mitigation. Other CAAP measures were deemed not to be feasible on a project-specific level because either they are not applicable to the project or they can feasibly be implemented only on a Port-wide basis. The Port expects that implementation of the CAAP on a Port-wide basis, as well as at the Port of Long Beach, will substantially reduce pollution levels and health risks in the community. However, the effects of full implementation of the CAAP on a Port-wide basis were not quantified in the EIS/EIR because the EIS/EIR addresses impacts from the proposed Project rather than from the ports as a whole. The two ports are currently preparing a Port-wide HRA (discussed above) of all Port operations that will quantify the effectiveness of full CAAP implementation. The Ports plan to publish this risk assessment in 2008.

In addition, **MM AQ-22** provides a process to consider new or alternative emission control technologies at regular intervals during the lease and an implementation strategy to ensure compliance. Under **MM AQ-22**, the opportunity to add new measures to the lease would occur at least every 7 years. Regarding the comment to provide offset mitigation and to apply mitigations to sources other than the Project, neither NEPA nor CEQA authorize the imposition of mitigation in the context of this EIS/EIR for the purpose of reducing or avoiding impacts that are not directly or indirectly attributable to the proposed Project. Such impacts are being addressed by the Port outside the NEPA/CEQA process, through implementation of CAAP, the recently agreed upon MOU. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the 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.

20-2 In response to a number of comments received on the Recirculated Draft EIS/EIR, **MM AQ-11** has been revised as follows:

MM AQ-11: Low-Sulfur Fuel.

~~Ships owned by the terminal operator calling at Berths 97-109 shall use low-sulfur fuel (maximum sulfur content of 0.2 percent) in auxiliary engines, main engines, and boilers within 40 nautical miles (nm) of Point Fermin (including hoteling for non-AMP ships) at the following annual participation rates: All ships (100 percent) calling at Berth 97-109~~

shall use low-sulfur fuel (maximum sulfur content of 0.2 percent) in auxiliary engines, main engines, and boilers within 40 nm of Point Fermin (including hoteling for non-AMP ships) beginning on Day 1 of operation. Ships with mono-tank systems or having technical issues prohibiting use of low-sulfur fuel would be exempt from this requirement. The tenant shall notify the Port of such vessels prior to arrival and shall make every effort to retrofit such ships within 1 year.

The following annual participation rates were assumed in the air quality analysis:

- + 2009 and thereafter: 30 percent of auxiliary engines, main engines, and boilers
- + 2010: 50 percent of auxiliary engines, main engines, and boilers
- + 2013 and thereafter: 100 percent of auxiliary engines, main engines, and boilers

The incremental mitigation benefits of accelerating the implementation of **MM AQ-11** have not been quantified. Nevertheless, it is certain that accelerated implementation of **MM AQ-11** would result in emissions lower than those identified in the Draft Recirculated EIS/EIR, although not sufficiently low that any significant and unavoidable impact identified in the Draft Recirculated EIS/EIR would be reduced to a less-than-significant level. Therefore, the findings in the Recirculated Draft EIS/EIR with regard to air quality impacts would remain the same.

The comment also calls for the phase-in of fuel with a maximum sulfur content of 0.1 percent. To allow for some margin of error and product contamination in the distribution system, when a shipping line orders 0.2 percent sulfur fuel, the shipping line is actually receiving a fuel with a lower sulfur content of between 0.13 and 0.16 percent (POLA, 2007). Therefore, if the mitigation measure required 0.1 percent fuel, the supplier would have to provide fuel at a content of lower than 0.1 percent, which might not be possible in current refineries (POLA, 2007). Additionally, 0.2 percent is consistent with the CAAP. In developing and approving the CAAP, the Ports of Los Angeles and Long Beach met and collaborated with agencies (including CARB, SCAQMD, and USEPA), environmental and community groups, and the shipping industry. As a result of this collaborative process, 0.2 percent sulfur fuel was found to be the lowest-sulfur-level fuel feasible Port-wide and for mitigation of the impacts of the proposed Project, and use of this fuel for that purpose represents consensus.

20-3 Please see the response to Comment 20-2.

20-4 Slide valves are relatively easy to install as a retrofit on container ships, not overly expensive, and provide good reductions of NO_x and PM. However, slide valves are specific to Man B&W engines and currently cannot be installed on ships with engines of different manufacture. Other engine manufactures are working on equivalent technologies, and preliminary tests appear promising. Therefore, slide valves are being phased in over time in **MM AQ-12** to allow for this research and development. The other emission control technologies for ship main engines mentioned in the comment are currently not feasible for retrofits on large oceangoing vessels (OGVs), such as container ships. For example, although selective catalytic reduction (SCR) technology has been demonstrated on four new OGVs carrying scrap/steel in the San Francisco Bay Area, the applicability of low-emissions technologies like SCR to large OGVs such as container ships needs to be further evaluated and demonstrated. SCR is currently being tested as part of the CAAP TAP. There are still a number of feasibility questions regarding SCR, including spatial needs and available reactant (ammonia) and by-product issues. At this time, SCR is not considered feasible

20-5 The throughput numbers presented in the analysis represent the maximum physical and operational capacity of the marine terminal based on all known present and future technology and operational strategies. As discussed in the Recirculated Draft EIS/EIR Section 1.1.3 and

Appendix I, the EIS/EIR used a number of Port studies to determine the maximum capacity for the terminal. Port approval of changes to operation or new technology that could increase throughput beyond what was analyzed in the document would require a separate environmental analysis. Currently, such changes are not reasonably foreseeable and, therefore, speculative.

20-6 China Shipping has no direct control over locomotive operations at the Berth 121-131 (on-dock) railyard. The current yard locomotive operator at the Berth 121-131 rail yard is PHL. PHL is a third-party independent rail company that provides rail transportation, yard switching, maintenance, and dispatching services to the San Pedro Bay Ports. PHL manages all rail dispatching and switching functions at the on-dock rail yards at the two ports. PHL's current lease at the Port of Los Angeles expires at the end of 2014. Therefore, January 1, 2015, represents the earliest date at which the Port can require diesel particulate filters (DPFs) on yard locomotives through new lease measures. In contrast to switchers operating at on-dock rail yards, the Port has much less control over main line locomotives, which enter the South Coast Air Basin from all parts of the U.S. (although CARB has had some success in reducing locomotive emissions through their MOU with the rail lines). The railroads are a federal source and controlled by federal regulation under the purview of USEPA. The Ports, therefore, would request that USEPA move to strengthen and/or speed up implementation of emission controls on main line locomotives. In the meantime, the Port will continue to negotiate with Class 1 railroads to work toward reducing emissions from line-haul locomotives using on-dock rail yards, consistent with the schedule set forth in CAAP measures RL-2 and RL-3

20-7 The mortality calculations were updated with the new CARB methodology. Following public release of the Recirculated Draft EIR/EIS, CARB developed a long-term mortality methodology for particulate matter of less than 2.5 micrometers in aerodynamic diameter (PM_{2.5}) that would be appropriate for individual projects. The methodology is similar to that used in the Recirculated Draft EIR/EIS, but it is based on a more conservative estimate of the relative risk of premature death.

Based on the new CARB methodology, the long-term impacts associated with the proposed Project after mitigation would be:

4. An increase in the mortality incidence rate from baseline in 2005
5. An increase in the mortality incidence rate from baseline in 2010
6. A decrease to below baseline in the mortality incidence rate for future project years 2015, 2030, and 2045

The incremental increase in 2005 would be 0.138 premature deaths. The incremental increase in 2010 would be 0.078 premature deaths. However, in subsequent analysis years, the long-term incidence rate would decrease below the baseline, resulting in a net improvement in the mortality incidence rate. Specifically, the incremental change would be -0.043 premature deaths in 2015, -0.008 premature deaths in 2030, and -0.010 premature deaths in 2045. These results represent an analysis of long-term mortality from the overall Project to the surrounding community.

20-8 The TAP is funded primarily by both Ports with additional funding from participating agencies. **MM AQ-22** provides a process to consider new or alternative emission control technologies in the future and an implementation strategy to ensure compliance. Under **MM AQ-22**, the opportunity to add new measures to the lease would occur at least once every 7 years

20-9 Please see the responses to Comments 10-2, 10-20 (SCAQMD), and 16-32 (NRDC B) The "expanded rail yard" language is an error. The existing on-dock rail yard would not be expanded under the proposed Project or any of the alternatives, and corrections have been made in Chapter

3. The Recirculated Draft EIS/EIR assumes that the existing rail yard at Berth 121-131 is not expanded; therefore, eliminating that language from the document would not result in any new impacts or more severe impacts than is discussed. The Port, through consultation with the transportation engineer, determined that the most appropriate way to estimate the China Shipping throughput at the on-dock rail yard is to assume that its throughput share is proportional to its total TEU throughput relative to the total TEU throughput at both the China Shipping and Yang Ming terminals. For example, in years when China Shipping TEU throughput is less than Yang Ming TEU throughput, the air quality analysis assumed that the China Shipping share of on-dock rail yard throughput would be smaller than the Yang Ming share. Conversely, in years when China Shipping TEU throughput is greater than Yang Ming TEU throughput, the air quality analysis assumed that the China Shipping share of on-dock rail yard throughput would be larger than the Yang Ming share. Using this approach, the air quality analysis assumed that China Shipping containers would account for 17, 34, 51, 57, and 57 percent of the on-dock rail yard capacity in the years 2005, 2010, 2015, 2030, and 2045, respectively. These percentages represent a best estimate from the Port; they are not intended to be minimum usage requirements for China Shipping. Regardless of which terminal captures the largest share of throughput at the on-dock rail yard, the same overall container throughput would occur, and the same overall number of containers would need to be hauled by truck to near-dock rail yards due to on-dock rail yard capacity constraints.

- 20-10** Electric (on-road) drayage trucks are currently being tested in certain applications around the Port as part of the TAP. Electric drayage trucks are not currently feasible. To illustrate the difficulties, a recent test of an electric drayage trip found that the electric truck did not have enough power to traverse the Vincent Thomas Bridge. Although the solutions are being worked on, it is unclear if or when feasibility will be demonstrated. If electric drayage trucks are determined to be feasible and become commercially available in the future, they can be considered a new lease measure through **MM AQ-22** (Periodic Review of New Technology and Regulations).
- 20-11** Please see response to Comment 20-1. Through an 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 Recirculated Draft EIS/EIR adequately identifies and evaluates all feasible mitigation to reduce or avoid the significant environmental effects of the proposed Project. Therefore, the Recirculated Draft EIS/EIR adequately fulfills the requirements of CEQA with regard to mitigation for the proposed Project. The Recirculated Draft EIS/EIR also fully complies with the mitigation requirements of the ASJ. The TraPac EIS/EIR MOU does not affect these obligation or ability of the lead agencies to mitigate the significant environmental effects of the proposed Project. Therefore, no revisions to the document are required.

Port of Los Angeles Community Advisory Committee – EIR/Aesthetic Mitigation Subcommittee

- 21-1** The relocation of the Catalina Express Terminal is described in Chapter 2 of the Recirculated Draft EIS/EIR. Although the relocation represents a minor part of the proposed Project, it is included or discussed in applicable areas of the document including Chapter 2, Chapter 3 (Sections 3.1, 3.2, 3.3, 3.4, 3.5, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, and 3.14), Chapter 4, and Chapter 5. Regarding the air quality impacts of the relocation, the construction emission calculations are based on a worst-case scenario with overlap of site construction and operation of earlier phases. The scheduling of the relocation would occur outside the worst-case daily scenario. Additionally, all construction-related mitigation would apply to all parts of Project construction. The Catalina Express building is not a the ideal building for solar panels as shadows from the Vincent Thomas Bridge would limit the amount of solar exposure on the building.
- 21-2** The relocation of the Catalina Express terminal represents a minor and conceptually peripheral part of the proposed Project. It had not yet been identified as an element of the Project at the time the Notice of Preparation was issued. However, that element of the proposed Project was prominently identified in the Recirculated Draft EIS/EIR, and has been fully and consistently described and analyzed throughout the EIS/EIR.
- 21-3** Throughput tracking would occur at the staff level, but it would be presented to the Board of Harbor Commissioners at Board meetings. **MM AQ-23** will be incorporated into the lease with the implementation plan described below.

*Throughput shall be monitored by the Wharfingers Office and the Environmental Management Division. Environmental Management Division will report on throughput in 2010, 2015, 2030, and 2045, and numbers will be made available to the Board at a regularly scheduled public Board meeting. If it is determined that throughput numbers exceed EIR assumptions, staff would evaluate actual air emissions for comparison with the EIR. If the criteria pollutant emissions exceed those in the EIR, then new/additional mitigations would be applied through **MM AQ-22**.*

However, staff does not expect actual throughput to exceed the assumptions in the Recirculated Draft EIS/EIR because throughput projections have been maximized based on backland area, wharf length, and demand projections, as described in the Recirculated Draft EIS/EIR (Section 1.1.3 and Appendix I) and as explained in the response to Comment 20-5. As described in that response, changes to terminal operations or new technology that could increase throughput beyond what was analyzed in the Recirculated Draft EIS/EIR would require a separate environmental analysis at some later date (subject to public review and consideration by the Board of Harbor Commissioners). Currently, such changes are unknown and, therefore, speculative.

- 21-4** As described in the responses to Comment 21-3, throughput is not expected to exceed the estimates contained in the Recirculated Draft EIS/EIR unless new technology that allows for increased throughput is developed and implemented. However, such implementation would be subject to further environmental review, including identification of mitigation. Because new technology does not currently exist, analyzing it for the proposed Project is considered speculative. As stated in the mitigation measure, the Port shall determine feasibility, not the tenant. The Port intends to help the tenant implement the new technology. Such assistance could

come in the form of financial contributions and/or incentives, technical expertise, and physical modifications (subject to appropriate environmental analysis).

21-5 Please see the response to Comment 21-4.

21-6 Section 1.1.3 of the Recirculated Draft EIS/EIR contains an explanation of throughput projections based on market demand factors and on terminal capacity within the entire Port, and explains how the Port forecasts throughput. Appendix I of the Recirculated Draft EIS/EIR describes the methodology for determining throughput, specific assumptions for the proposed Berth 97-109 Container Terminal (and alternatives), along with tables and figures showing the project acreage, throughput per acre, as well as many other calculation factors, and project-related assumptions and projections. Additional information regarding specific formulas and relationships built in the estimation model for TEU throughput for the proposed Project and alternatives can be obtained upon request.

21-7 As discussed in Section 1.1.3, the maximum capacity of a terminal is based on site-specific modeling of the physical and operating parameters. That capacity number is a function of the configuration of the terminal, berth length, backland area, ratio of berth length to backland area, and number and types of equipment used at the terminal. Achieving the maximum capacity of terminals, which is the high end of a realistic operating range, requires that none of the various components of terminal operation is a constraint to the movement of cargo through the terminal. As further discussed, this document analyzed the maximum throughput that could be physically accommodated by the terminal. Market demand is expected to increase throughput over the term of the Project until 2030, when this maximum physical capacity is reached. In 2030, the terminal will be berth limited, meaning there will not be enough additional berth space to accommodate additional ships, and throughput will remain steady.

It is possible that operational improvements could eventually increase the capacity of the throughput projections assumed as part of the proposed Project, but at present, such improvements are speculative for technical, economic, or social reasons. However, should new feasible technology become available that would increase Port capacity beyond that anticipated, improvements to implement the technology would require discretionary actions and environmental evaluation in accordance with CEQA.

The throughput presented in the Recirculated Draft EIS/EIR is correct. As throughput grows, more gate movements would be distributed to the night and hoot shifts. Infrastructure (such as the highway network) and employee levels can handle the majority of gate movements during the day hours. However, although expected future upgrades to both on- and off-Port infrastructure and additional employees would increase capacity, the gate would become more congested during these hours shifting the additional throughput to the night and hoot shifts. Most cargo would continue to move through the gate during the day because warehouses and other cargo end users are expected to operate primarily during the day. To ensure cargo can be handled and moved through the gate at night, the Port and industry groups are exploring operational changes both at the Port and with end users. For example, PierPASS, is a new program that implements financial disincentives to the movement of containers during peak hours (3:00 a.m. to 6:00 p.m., Monday through Friday). While this project assumes constant operation (24 hours per day, 7 days per week) in the future, the terminal, rail facilities, distribution centers and warehouses, and retailers are not expected to operate at full capacity during the night and hoot shifts.

21-8 Please see the response to Comment 21-4. Information such as ship calls and truck/rail trips are inherent to any throughput calculations and would be part of the analysis completed by staff through **MM AQ-23**. Therefore, an environmental scorecard mitigation is not required.

- 21-9** As described in Section 2.6.1 of the Recirculated Draft EIS/EIR, prior to March 2001, China Shipping containers were being shipped to the Berth 121-131 Container Terminal (Yang Ming). Under CEQA and the ASJ, because Yang Ming used a portion of the Project site as supplemental backlands, the use of 45,135 TEUs as the China Shipping baseline is appropriate. As described in the baseline discussion (Section 2.6.1 in the Recirculated Draft EIS/EIR), Yang Ming was using the Berth 97-109 area to spread out existing containers, not to increase overall throughput because the terminal is considered berth limited. As such, the baseline does not assume emissions from the ships, trucks, and rail trips associated with the 45,135 TEUs. The only emissions associated with these containers are the emissions from the yard equipment used to move the containers from Berth 121-131 to Berth 97-109 area. It is assumed that, when Yang Ming gave up the additional acreage, the 45,135 TEUs were moved back to the Berth 121-131 terminal.
- 21-10** Please see response to Comment 21-9. As described in Section 2.6.1 of the Recirculated Draft EIS/EIR, in March 2001, Yang Ming used a portion of the undeveloped land at Berth 97-109 to store containers (mainly empty containers) under a series of temporary space assignments. Use of this area did not allow Yang Ming to increase its overall throughput because the terminal is berth limited. The only emissions associated with these containers are the emissions from the yard equipment used to move the containers from Berth 121-131 to the Berth 97-109 area. Yang Ming operations are included in the cumulative analysis. The cumulative impacts analysis and discussions contained in Chapter 4 of the Recirculated Draft EIS/EIR include the existing operations and the expected future expansion of the Yang Ming terminal. Please see related project Number 29 in Table 4-1 of the Recirculated Draft EIS/EIR.
- 21-11** The comment is noted. Please see response to Comments 21-9 and 21-10. The proposed Project is for a container terminal at Berths 97-109. The comment refers to the existing container terminal at Berths 121-131, which will not change as a result of the proposed Project.
- 21-12** The commenter's opinion is noted. Section 15125 of the CEQA Guidelines requires EIRs to include a description of the physical environmental conditions in the vicinity of the proposed Project that exists at the time of the NOP. In the case of the proposed Project, the ASJ established a CEQA baseline of March 2001 (see Section 1.4.3 of the Recirculated Draft EIS/EIR).
- 21-13** Comment noted. Please see the response to Comments 21-9, 21-10, and 21-12. As discussed in Section 2.6.1 of the Recirculated Draft EIS/EIR, the baseline is established per the ASJ. Prior to March 2001, 43,135 TEUs were being stored at the Berth 97-109 area. The baseline does not assume any operations at the Yang Ming terminal as a result of these containers.
- 21-14** Answers to the questions in this comment are as follows:
- 21-14.1 As discussed in Section 2.6.1, Yang Ming began using the site in 2000. In a space assignment running from April 21 through May 20, 2000, Yang Ming was allowed to use 0.5 acre. On April 25, 2000, Yang Ming was allowed to use an additional 7.7 acres through May 24, 2000. From May 25 to July 18, 2000, Yang Ming was allowed to use 20 acres. From July 19, 2000, through August 6, 2001, Yang Ming was allowed to use 11.8 acres.
- 21-14.2 Please see response to Comments 21-9, 21-10, and 21-14.1. Yang Ming was permitted to use the site under a temporary space assignment. This space assignment did not allow Yang Ming to increase throughput.
- 21-14.3 The Yang Ming terminal has not been significantly expanded or modified in recent years. As described in the Recirculated Draft EIS/EIR, Yang Ming is

currently berth limited and the Port expects to expand the terminal in the near future. Such expansion would require an EIS/EIR.

- 21-14.4 Please see response to Comments 21-14.2 and 21-14.3. Because the terminal has not been expanded, no mitigation measures have been required. However, Yang Ming and Yang Ming's terminal operator, West Basin Container Terminals, have participated in a number of Port-sponsored environmental programs including the VSR Program, the Low-Sulfur Fuel Incentive Program, and use of alternative-fueled and electric yard equipment.
- 21-14.5 Please see response to Comments 21-9, 21-10, and 21-14.1 and Section 2.6.1 of the Recirculated Draft EIS/EIR. Throughput for Yang Ming did not change.
- 21-14.6 Future expansion of the Yang Ming terminal would be subject to an EIR, as discussed in Table 4-1 of the Recirculated Draft EIS/EIR.

21-15 Answers to the questions in this comment are as follows:

- 21-15.1 The capacity of the terminal assuming 100 percent terminal uses at all times of the day is not a realistic assumption (see the response to Comment 21-7).
- 21-15.2 Within the context of container terminals, "optimize" means use the terminal as efficiently, effectively, or functionally as possible. The word "maximize" means to move as many containers as possible considering acreage, berth length, number of cranes, rail capacity and gates.
- 21-15.3 Yes, the throughput described in the Recirculated Draft EIS/EIR represents the maximum terminal capacity based on terminal acreage, berth length, number of cranes, size of gate, type and number of terminal equipment, and gate hours. For the proposed Project, the throughput projections are ultimately limited based on the berth. But overall throughput is projected based on a number of components, including acreage, number of cranes, and the gate, not simply berth length.
- 21-15.4 Please see the answer to Comment 21-15.3 above. The assumed throughput per acre is approximately 10,900 TEUs, as contained in Appendix I of the Recirculated Draft EIS/EIR.
- 21-15.5 The answer to this question is unknown; however, as discussed above, the terminal is assumed to be berth limited in the future, meaning extra backlands would not necessarily allow additional throughput. It should be noted that container terminals require backlands and wharves to be integrated at the same location.
- 21-15.6 Please see the response to Comment 21-15.3 above.
- 21-15.7 The length of vessel that can be accommodated at a terminal is based on the wharf length, not the number of cranes. The number of cranes factors into how quickly containers can be loaded and unloaded.
- 21-15.8 Larger cranes are not expected to be required for future operations under the proposed Project. New or additional cranes would also require a separate environmental analysis.
- 21-15.9 Please see the response to Comment 21-15.3. The Port does not monitor truck or rail movements. The assumptions of truck and rail trips are a function of throughput. The analysis used the maximum throughput based on terminal components, not truck and rail trips.

- 21-15.10 The 16.9 percent figure is correct. The figures differ due to rounding.
- 21-15.11 The Port, through consultation with the transportation engineer, determined that the most appropriate way to estimate the China Shipping throughput at the on-dock rail yard is to assume that its throughput share is proportional to its total TEU throughput relative to the total TEU throughput at both the China Shipping and Yang Ming terminals. For example, in years when China Shipping TEU throughput is less than Yang Ming TEU throughput, the air quality analysis assumed that the China Shipping share of on-dock rail yard throughput would be smaller than the Yang Ming share. Conversely, in years when China Shipping TEU throughput is greater than Yang Ming TEU throughput, the air quality analysis assumed that the China Shipping share of on-dock rail yard throughput would be larger than the Yang Ming share. Using this approach, the air quality analysis assumed that China Shipping containers would account for 17, 34, 51, 57, and 57 percent of the on-dock rail yard capacity in the years 2005, 2010, 2015, 2030, and 2045, respectively. These percentages represent a best estimate from the Port; they are not intended to be minimum usage requirements for China Shipping. Regardless of which terminal captures the largest share of throughput at the on-dock rail yard, the same overall container throughput would occur, and the same overall number of containers would need to be hauled by truck to near-dock rail yards due to on-dock rail yard capacity constraints. These percentages represent a best estimate from the Port; they are not intended to be minimum usage requirements for China Shipping. Regardless of which terminal captures the largest share of throughput at the on-dock rail yard, the same overall container throughput would occur, and the same overall number of containers would need to be hauled by truck to near-dock rail yards due to on-dock rail yard capacity constraints.
- 21-15.12 It is unclear from the comment how purchasing power in two states can translate into errors in the local delivery assumptions. The 50 percent assumption is based on Port and other Goods Movement studies and economic forecasts.
- 21-15.13 The proposed Project is based on the best available data. It is unclear which assumptions the commenter is referring to or whether those assumptions would be less than or greater than those assumed. Therefore, any answer would be considered speculative.
- 21-15.14 The height of the proposed bridges would be approximately 5 feet above mean sea level (msl), which generally corresponds with the grade of the two terminals.
- 21-15.15 The storage of containers at Berth 206-209 has no bearing on the proposed Project or the analysis in the EIS/EIR.
- 21-15.16 The operational assumptions are based on the best available operational information and data from past container terminals. These assumptions are not requirements and would not be specified in the lease. Mitigation measures that depend on lease provisions for their implementation would be included in the lease.
- 21-16** As discussed in Section 4.2.2 of the Recirculated Draft EIS/EIR, the proposed Project would make a cumulatively considerable contribution to several cumulative air quality impacts. The contribution of the Project to these impacts is discussed in Section 3.2 of the Recirculated Draft EIS/EIR, and include Impacts AQ-1, -2, -3, -4, -6, -7, and -9. **MM AQ-1** through **MM AQ-30**, which represent all feasible measures as required by CEQA, specifically target the reduction of

impacts associated with the proposed Project. In addition to these Project-specific mitigation measures, the Port is working toward reducing the overall impacts of the Port to regional air quality. Examples of Port-wide actions include the CAAP, negotiations with Class I railroads, the electric drayage-truck demonstration program (response to Comment 10-13), the Clean Truck Program, the solar energy program (response to Comment 16-27), PierPASS, and the Million Trees L.A. Initiative.

- 21-17** On November 30, 1993, EPA promulgated final general conformity regulations at 40 CFR 93 Subpart B for all federal activities except those covered under transportation conformity. On September 14, 1994, South Coast Air Quality Management District (SCAQMD) adopted these regulations by reference as part of Rule 1901. The general conformity regulations apply to a proposed federal action in a nonattainment or maintenance area if the total of direct and indirect emissions of the relevant criteria pollutants and precursor pollutants caused by the proposed action equal or exceed certain de minimis amounts, thus requiring the federal agency to make a determination of general conformity. Regardless of the proposed action's exceedance of de minimis amounts, if this total represents 10 percent or more of the area's total emissions of that pollutant, the action is considered regionally significant, and the federal agency must make a determination of general conformity. By requiring an analysis of direct and indirect emissions, EPA intended the regulating federal agency to make sure that only those emissions that are reasonably foreseeable and that the federal agency can practicably control subject to that agency's continuing program responsibility will be addressed. The general conformity regulations incorporate a stepwise process, beginning with an applicability analysis.

According to EPA guidance (EPA, 1994), before any approval is given for a proposed action to go forward, the regulating federal agency must apply the applicability requirements found at 40 CFR 93.153(b) to the proposed action and/or determine the regional significance of the proposed action to evaluate whether, on a pollutant-by-pollutant basis, a determination of general conformity is required. The guidance states that the applicability analysis can be (but is not required to be) completed concurrently with any analysis required under NEPA. If the regulating federal agency determines that the general conformity regulations do not apply to the proposed action, no further analysis or documentation is required. If the general conformity regulations do apply to the proposed action, the regulating federal agency must next conduct a conformity evaluation in accord with the criteria and procedures in the implementing regulations, publish a draft determination of general conformity for public review, and then publish the final determination of general conformity. A general conformity determination will be necessary for the proposed federal action. The Draft Conformity Determination has been prepared and is included as Appendix P in the Final EIS/EIR, and Section 3.2.3.1 (Conformity Statement) has been updated to reflect this. It should be noted that the conformity finding is not the same as an impact finding under NEPA.

- 21-18** The Recirculated Draft EIS/EIR identifies substantial mitigation that will be applied to the selected alternative to address Project-level impacts to air quality, transportation, and noise. These mitigation measures would also minimize the contribution of the Project (or alternative) to cumulative impacts. In Chapter 5 of the Recirculated EIS/EIR (Environmental Justice), the Port and USACE have put forth a tremendous level of effort to identify all feasible measures to reduce or avoid impacts of the proposed Project that would disproportionately affect minority or low-income populations.

The USACE 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 Port's overall existing and planned operations. Current and future proposed projects' approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the proposed San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall health risk effects of future projects and ongoing port operations' emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a standard of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed in order to ensure that the proposed project is fully contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP and on projected future Ports' operations through the specified CAAP implementation mechanisms and also assumed implementation of existing regulations. As long as the project is consistent with growth projection assumptions used to develop the San Pedro Bay Standards, and the CAAP mitigations for the project are consistent with the mitigation assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay Standards as it is consistent with projections of the Ports' future operations used in formulating the San Pedro Bay Standards, and as it exceeds compliance with applicable CAAP measures as shown in Table 3.2-26 of the Recirculated Draft EIS/EIR.

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 previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the overall off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. 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 of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute \$3.50 per container received at the proposed Project terminal up to an amount of approximately \$4 million. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the 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.

Despite identification of all feasible mitigation measures, as required by CEQA, significant unavoidable adverse impacts will remain after implementation of the mitigation measures (under both CEQA and NEPA). The Environmental Justice evaluation bases its identification of high and adverse impacts to minority and low-income population upon these significant unavoidable adverse NEPA impacts. Regarding the comment that the Recirculated Draft EIS does not propose any measures to mitigate significant and unavoidable impacts identified in Chapter 5, all feasible mitigation measures have been identified for each environmental resource topic addressed in the Recirculated Draft EIS/EIR and would be implemented and tracked via the

MMRP required under CEQA. In this EIS/EIR, all CAAP measures determined by the Port to be feasible for the proposed Project are prescribed as mitigation. Other CAAP measures were deemed not to be feasible on a project-specific level because either they are not applicable to the project or they can feasibly be implemented only on a Port-wide basis. The Port expects that implementation of the CAAP on a Port-wide basis, as well as at the Port of Long Beach, will substantially reduce pollution levels and health risks in the community. However, the effects of full implementation of the CAAP on a Port-wide basis were not quantified in the EIS/EIR because the EIS/EIR addresses impacts from the proposed Project rather than from the ports as a whole. The two ports are currently preparing a Port-wide HRA (discussed above) of all Port operations that will quantify the effectiveness of full CAAP implementation. The Ports plan to publish this risk assessment in 2008.

In addition, **MM AQ-22** provides a process to consider new or alternative emission control technologies at regular intervals during the lease and an implementation strategy to ensure compliance. Under **MM AQ-22**, the opportunity to add new measures to the lease would occur at least every 7 years. Regarding the comment to provide offset mitigation and to apply mitigations to sources other than the Project, neither NEPA nor CEQA authorize the imposition of mitigation in the context of this EIS/EIR for the purpose of reducing or avoiding impacts that are not directly or indirectly attributable to the proposed Project. Such impacts are being addressed by the Port outside the NEPA/CEQA process, through implementation of CAAP, the recently agreed upon MOU. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the 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.

21-19 Answers to the questions in this comment are as follows:

- 21-19.1 Regional power plant emissions from AMP electricity generation are included in the “Ships – Hoteling” category in the emission tables.
- 21-19.2 Criteria pollutant emissions associated with electricity generation were calculated using SCAQMD emission factors. GHG emissions associated with electricity generation were calculated using CCAR emission factors. Neither set of emission factors distinguishes between peaker and baseload power plants. Electricity would be provided by the Los Angeles Department of Water and Power, and the Project is not expected to require peaker plants.
- 21-19.3 Equipment and rail usage rates will not be incorporated as limits into the lease because the project terminal assumptions developed by the Port for the Recirculated Draft EIS/EIR represent the upper bound of projected throughput for each analysis year. Therefore, the Port is confident that the air quality impacts predicted in the Recirculated Draft EIS/EIR are worst-case estimates. Nevertheless, **MM AQ-23** (Throughput Tracking) is a safeguard against emissions exceeding the projections in the Recirculated Draft EIS/EIR. It gives the Port the means to place additional requirements on the terminal operator should Project throughputs be exceeded in any analysis year.
- 21-19.4 Please refer to response to Comments 10-2 and 10-20 (SCAQMD).
- 21-19.5 The potential for carbon monoxide (CO) hot spots was assessed in Impact AQ-4 of the Recirculated Draft EIS/EIR. The intersection of Harbor Boulevard/SR-47 eastbound off-ramp/Swinford Avenue (p.m. peak) was selected as the worst-case

intersection for the CO analysis for the reasons stated in the Recirculated Draft EIS/EIR. The highest CO concentrations near that intersection were predicted to be 39 percent of the 1-hour CO standard and 60 percent of the 8-hour CO standard. We do not expect CO concentrations to be as great near rail crossings because those concentrations would involve traffic on only two opposing legs of an intersection rather than four, and the congestion would be intermittent during an hour rather than continuous.

- 21-19.6 The potential for CO hot spots from Project operational emissions, including vehicles waiting inside terminals, was assessed in Impact AQ-4 of the Recirculated Draft EIS/EIR. Table 3.2-31 shows that the highest CO concentrations were predicted to be only 29 percent of the 1-hour CO standard and 45 percent of the 8-hour CO standard.
- 21-19.7 Locations of local air quality monitoring stations can be obtained from SCAQMD and/or CARB. Please refer to response to Comment 24-11C for a description of the Port monitoring program.
- 21-19.8 All sensitive receptors identified within 5 kilometers (km) of the proposed Project terminal were analyzed in the air quality study and health risk assessment.
- 21-19.9 Please see the response to Comment 16-54 (NRDC B) for a discussion of the on-terminal idling time of 20 minutes per truck round trip. Regarding off-terminal idling, the Port believes that the average off-terminal idling time of 30 minutes per truck round trip is a reasonable estimate, considering the following factors: (1) This represents the average off-terminal idling time at the truck trip end points. Incidental idling that would occur along the driving route between the Port and the pick-up/drop-off point, such as at traffic signals, is included in the per-mile emission factors used in the driving emission calculations and, therefore, is in addition to the 30 minutes. (2) Some trucks would consist of an empty chassis or no trailer at all (that is, bobtails) on one of their trips and would have relatively little off-terminal idling time, thereby reducing the overall fleet-wide average idling time. (3) The CARB Heavy-Duty Diesel-Truck Idling Regulation, which limits truck idling to 5 minutes except while queuing, would tend to minimize truck idling at the pick-up/drop-off point.
- 21-19.10 The comment appears to be referring to **MM AQ-21**, not **MM AQ-22**. Approval of the Project is dependent upon an acceptable Mitigation Monitoring and Reporting Program (MMRP) that identifies all feasible measures to reduce Project air quality impacts. The Port and Project terminal operator will comply with the MMRP, including **MM AQ-21** (minimize idling), for the life of the lease, or 30 years. In addition, **MM AQ-21** has been revised to improve its monitoring and enforceability. The revised measure is as follows:

MM AQ-21: Truck Idling Reduction Measure.

Within 6 months of the effective date and thereafter for the remaining term of the Berth 97-109 Permit and any holdover, the Berth 97-109 terminal operator shall ensure that truck idling is reduced to less than 30 minutes in total or 10 minutes at any given time while on the Berth 97-109 terminal through measures that at the terminal. Potential methods to reduce idling include, but are not limited to, the following: (1) operator shall maximize the durations when the main gates are left open, including during off-peak hours (6 p.m. to 7 a.m.), (2) operator shall

implement a container tracking and appointment-based truck delivery and pick-up system to minimize truck queuing (trucks lining up to enter and exit the terminal's gate), and (3) operator shall design the main entrance and exit gates to exceed the average hourly volume of trucks that enter and exit the gates (truck flow capacity) to ensure queuing is minimized.

- 21-19.11 The off-terminal idling time of 30 minutes per truck round trip is an estimate of the average off-terminal idling time at the truck trip end points within the South Coast Air Basin. Please refer to Comment 21-19.9, above, for additional explanation.
- 21-19.12 Please refer to the response to Comment 21-19.9.
- 21-19.13 Please see response to Comment 21-17. CARB has submitted the 2006 SIP to the USEPA. USEPA has not yet approved the SIP. According to EPA Guidance, a federal project must demonstrate conformity with the most recently approved SIP, which is the 1997 SIP. The Port provides cargo projections to SCAG on an annual basis for a number of forecasting studies.
- 21-19.14 Transport of pollutants in and out of the South Coast Air Basin to and from adjacent air basins can occur as wind conditions dictate.
- 21-19.15 The ship fleet mix for future Project analysis years was provided by the Port Marketing and Engineering group based on the Vessel Forecast Study (*Forecast of Container Vessel Specifications and Port Calls Within San Pedro Bay Final Report, 2005*) completed for the Port by the Mercator Group and direct communication with the proposed tenant
- 21-19.16 As stated in Section 3.2.4.1 of the Recirculated Draft EIS/EIR, an average anchorage time of 4.1 hours was assumed for each arriving ship for all Project analysis years. The anchorage time was derived from actual data for China Shipping ship visits for 2004, 2005, and 2006.
- 21-19.17 Lead was not included in the emissions tables in the Recirculated Draft EIS/EIR because lead generally is not considered a contaminant of concern for container terminal projects. Lead emissions can be determined by applying the CARB California Emission Inventory Development and Reporting System (CEIDARS) speciation profiles to the PM₁₀ emission rates associated with the proposed Project. The CEIDARS speciation profiles are listed in Table E3-2-1 in Appendix E3 of the Recirculated Draft EIS/EIR. For example, the peak daily lead emission rate for the unmitigated project, prior to subtracting the baseline emissions, would be 2.6 pounds per day (lb/day), occurring in project year 2030. This unmitigated peak daily emission rate is less than the SCAQMD threshold of 3 lb/day. Ships would be the primary source of the lead emissions. The mitigated project would substantially reduce lead emissions relative to the unmitigated project because of the use of cleaner fuels, AMP, and vessel speed reduction.
- 21-19.18 According to the traffic engineer, the average trip for all trucks leaving or entering the Port is 25.6 miles, based on odometer surveys (Hamrick, 2007). As shown in Table E1-11 of Appendix E1, the average truck-trip length assumed in the Recirculated Draft EIS/EIR, which includes local trips, trips to the edge of the South Coast Air Basin, and trips to near-dock rail yards, ranges from 27 to 43 miles, depending on the alternative and analysis year. Therefore, the total truck vehicle-miles-traveled (VMT) assumed in the Recirculated Draft EIS/EIR is consistent with, or greater than, the survey data.

- 21-19.19 Estimates of truck trips were provided by the traffic study and include nonproductive trip ends.
- 21-19.20 Truck emissions include running exhaust, tire wear, brake wear, road dust, and idling emissions between the Port and the first pick-up/drop-off point or the edge of the South Coast Air Basin, whichever comes first. This approach is consistent with the *2005 POLA Inventory of Air Emissions* (Starcrest, 2007).
- 21-19.21 PHL began using a Tier 2 yard locomotive at the Berth 121-131 rail yard in 2007. This is consistent with the emission calculations in the Recirculated Draft EIS/EIR, which assumed that a Tier 2 yard locomotive would commence at the beginning of 2008.
- 21-19.22 Operational air quality mitigation measures in the EIS/EIR would be incorporated into the lease. Construction measures would become part of all bid specifications.
- 21-19.23 One of the known adverse effects of ozone is vegetation damage, as discussed in Table 3.2-1 of the Recirculated Draft EIS/EIR. Adverse air quality impacts to agriculture are regulated by the national secondary ambient air quality standards, which represent the levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant. The secondary standard for ozone is 0.075 parts per million (ppm) for an 8-hour average, the same as the primary standard, which is shown in Table 3.2-2 of the Recirculated Draft EIS/EIR. Because of the complexity of modeling ozone concentrations, the SCAQMD significance thresholds for VOC and NO_x, both ozone precursors, are used to indirectly assess the impact of the proposed Project on regional ozone levels. This impact is discussed as Impact AQ-3 of the Recirculated Draft EIS/EIR.
- 21-20** The HRA and mortality analyses are based on a comparison of the proposed Project to the operations on the project site during the baseline year, which is the appropriate baseline to use, per CEQA and the ASJ. This EIS/EIR hereby incorporates by reference the following document referred to in the comment and its references: *Health Effects of Diesel Exhaust Air Pollution* (PCAC, 2003).
- 21-21** Children are given special consideration in the HRA (Impact AQ-7) of the Recirculated Draft EIS/EIR. The Hot Spot Analysis and Reporting Program (HARP) risk assessment model considers residential cancer risk for the first 70 years of life, which includes childhood. Mother's milk ingestion is one of the exposure pathways evaluated by HARP. The chronic and acute hazard indices are calculated using Reference Exposure Levels (RELs) that have a built-in margin of safety to protect sensitive individuals such as children, the elderly, and the infirm. In addition, health risk results for student receptors were evaluated in the HRA and included in all health risk results tables. The student receptors were modeled with a higher breathing-rate-to-body-weight ratio representative of children.
- 21-22** Studies on the adverse health effects associated with exposure to airborne particulate matter are taken into consideration by the CARB and USEPA when establishing the ambient air quality standards for PM₁₀ and PM_{2.5}. Therefore, the impacts of the proposed Project are assessed for significance by comparing the emissions and modeled concentrations of the proposed Project to the PM₁₀ and PM_{2.5} thresholds established by the SCAQMD in Impacts AQ-1 and AQ-2 (for construction) and Impacts AQ-3 and AQ-4 (for operation). Nevertheless, for public disclosure purposes, the Port conducted a project-level mortality analysis using CARB methodology; that analysis is presented in the Recirculated Draft EIS/EIR as part of Impact AQ-7. Neither the SCAQMD nor the Port has established a significance threshold for project-level mortality. Subsequent to release of the Recirculated Draft EIS/EIR, the CARB updated its methodology for

estimating mortality on a project level. Please refer to response to Comment 11-2 for a discussion of the revised mortality analysis.

21-23 Answers to the questions in this comment follow.

21-23.1 The Recirculated Draft EIS/EIR indicates that the City of Los Angeles has adopted the L.A. City CEQA Threshold. As a Department of the City of Los Angeles, the Port relies on City thresholds.

21-23.2 When using a dispersion model on sources that extend great distances, common practice is to define a finite geographical source domain and exclude that portion of the sources that fall outside the domain. The selected domain is made large enough such that the excluded sources would have a negligible contribution to the maximum concentrations predicted by the model. Although the excluded sources would generate relatively small impacts near the sources, they would not appreciably affect the overall maximum concentrations predicted by the model. This technique is done to keep the modeling effort manageable from a computing resources standpoint. This technique was done for the dispersion modeling and HRA analyses in the Recirculated Draft EIS/EIR, as discussed in Section E3-2.1 of Appendix E3. Specifically, truck routes, rail lines, and shipping lanes were modeled out to a sufficient distance and truncated at that point. The distances were tested in the model to assure that the excluded sources would not affect the results presented in the tables in Impacts AQ-4, AQ-7, and Appendices E2 and E3. In the case of shipping lanes, the emissions were modeled out to and slightly beyond the 50-km distance regarded in the USEPA *Guideline on Air Quality Models* as the upper limit of Gaussian model validity.

21-23.3 Please refer to the response to Comment 21-21.

21-23.4 The acute hazard indices evaluated in the HRA do consider the reproductive and developmental systems as potential toxic endpoints. Analysis results in Tables E3-7-3 and E3-7-6 of Appendix E3 show that the top contributing pollutant to the acute hazard index is arsenic. Results shown in Table E3-5-1 indicate that arsenic is listed by the Office of Environmental Health Hazard Assessment (OEHHA) as affecting the reproductive and developmental endpoints. The chronic hazard indices evaluated in the HRA also consider the reproductive and developmental systems as potential toxic endpoints; however, the chronic hazard indices were shown to be less than significant for all receptors.

21-23.5 Please refer to the response to Comment 21-22.

21-23.6 In accordance with NEPA and CEQA, the Recirculated Draft EIS/EIR estimates health impacts from the proposed Project by itself rather than from the Port as a whole. Furthermore, the mitigation measures evaluated in the Recirculated Draft EIS/EIR are limited to those measures that are feasible for implementation on a project level. Some CAAP measures that can be implemented only on a Port-wide basis are not accounted for in the Recirculated Draft EIS/EIR. As a result, the health impacts reported in the Recirculated Draft EIS/EIR are not necessarily indicative of the overall health impacts of the Port under the CAAP. Please refer to the response to Comments 1-2, 15-4, and 20-1 for additional discussion. The Recirculated Draft EIS/EIR uses the accepted threshold of 10 in a million to determine CEQA and NEPA significance. The Board will consider all EIR/EIS findings when considering Project approval

- 21-24** The cumulative impact analysis for traffic considers background traffic and, therefore, includes local and regional traffic. Regarding Project-level impacts to I-710 and I-110, please see Section 3.6 (Impact TRANS-4) of the Recirculated Draft EIS/EIR. Regarding cumulative impacts to I-710 and I-110, please see Section 4.2.6.5 (Impact TRANS-4) of the Recirculated Draft EIS/EIR. As presented in the Recirculated Draft EIS/EIR, the Project includes a number of mitigation measures designed to reduce impacts at local intersections.
- 21-25** Answers to the questions in this comment are as follows:
- 21-25.1 The Project is not expected to generate truck trips on local streets, except for a few trips to local destinations such as container storage or possibly truck repair facilities. Trucks are legally required to stay off non-truck routes. It is speculative to predict truck trips that might occur illegally on non-truck routes, which is an enforcement issue not an environmental review issue. In any case, the project would not be expected to generate a significant share of truck trips in the local area because the origins and destinations of container trucks are mostly more removed from the ports, such as major truck warehousing facilities, intermodal yards, and other destinations that are not in the local area.
- 21-25.2 It is correct that not “all” downstream intersections are grade separated, that statement will be corrected. However, it should be noted that nearly all intersections up to an approximately 25-mile distance from the port are grade separated due to the Alameda Corridor. Some grade crossings exist between the project site and the Corridor, and those crossings are addressed in the study.
- 21-25.3 Trips generated by projects listed in Table 3.6-2 in the Recirculated Draft EIS/EIR were included in the future background traffic, along with ambient traffic growth rate, which also accounts for cumulative growth from elsewhere.
- 21-25.4 Mid-day analysis is not normally completed for traffic studies that are part of a CEQA or NEPA document. Traffic impacts are normally measured during the period of time when traffic is highest (often called the “rush hour” or “peak hour” or “commute hour” of traffic on weekdays). Generally speaking, due to the relatively high levels of congestion caused by background nonproject traffic during peak hours, those hours are the periods during which traffic attributable to a proposed project is likely to be most strongly felt, and therefore to have the greatest impact on the environment. Since there are two commute peak hours per weekday (morning inbound to work and evening outbound from work), both of those time periods are analyzed in the Recirculated Draft EIS/EIR. During those hours, the relative incremental impact of the project’s traffic to total traffic is measured. Then, jurisdictions establish a threshold that determines whether an impact is significant. For example, in Los Angeles, at level of service (LOS) E conditions, a change in the volume-to-capacity ratio of 0.01 (or 1 percent) is considered significant. When background traffic conditions are better such as mid-day (better levels of service) the amount of project traffic that is considered significant would be greater, meaning the project could add more traffic mid-day and not have a significant impact as compared to the peak commute hours. Thus, the true measurement of a significant impact depends not only on project traffic, but also the background nonproject traffic conditions that the project traffic contributes to. Adding 1 or even 2 percent project traffic to good traffic conditions mid-day is usually a lesser impact than adding 1 percent project traffic during the peak commute hours. During the mid-day time period, the analysis would likely result in much different results. First, the overall background traffic is usually lower than during the a.m. and p.m. peak hours, and, second, project traffic is generally lower for most types of land uses. In general, Port traffic peaks mid-day for some terminals, but other traffic contributing to the background traffic conditions (non-Port local and regional traffic) usually is much lower mid-day. Thus, it is a balance,

higher mid-day port volumes but lower mid-day background “regional volumes.” In response to the comment, mid-day traffic-count data in the area immediately surrounding the Project, on John S. Gibson Boulevard and on Harry Bridges Boulevard, were collected and reviewed, which revealed the following:

- + Afternoon peak-hour traffic in the area near the project is much higher than mid-day or morning, both with and without the anticipated contribution of traffic attributable to the Project (and when trucks are converted for Passenger Car Equivalent)
- + Morning is about the same or slightly lower than mid-day

Because the Recirculated Draft EIS/EIR evaluated traffic impacts of the proposed Project and the alternatives during the p.m. peak-hour conditions, the Recirculated Draft EIS/EIR addressed the worst-case conditions. Therefore, a mid-day traffic analysis would not disclose different or more significant impacts or require mitigation beyond that stipulated in the Recirculated Draft EIS/EIR. The p.m. peak hour represents the worst-case analysis for this project and the project vicinity, as verified by local traffic data.

- 21-25.5 The highest 1 hour of traffic flow is within the peak periods. The peak periods are defined as 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. The highest single hour within each period is then obtained from the traffic-count data. For example, the 1-hour peak might be from 7:30 to 8:30 a.m. or from 7:15 to 8:15 a.m. or other, depending on the peak at each location. For future traffic, the highest project traffic flow estimate during those same peak hours are used for the future analysis.
- 21-25.6 While the percent might be lower in the future, the total use of on-dock rail to move containers clearly increases in the future. This is because the volume of container throughput is greater in the future. Thus, although the percent might decline slightly, the on-dock rail facility is actually carrying more of the containers in real terms in the future. An on-dock rail facility has a generally fixed capacity (with the exception of capacity increases that will occur due to improvements in operations, labor, and efficiencies). With a fixed capacity for on-dock rail and an increasing total throughput, the percent carried by on-dock rail will necessarily decrease even though the volume of containers moved via on-dock rail continue to increase in the future.
- 21-25.7 The referenced traffic improvements in mitigation measures **MM TRANS-1** through **MM TRANS-6** will not be fully funded by the Project Applicant because the improvements would also provide benefits to other roadway users. The Port is expected to also provide funding for these measures. Funding source is not a determinant of whether an proposed future improvement is treated as project mitigation, so long as the lead agency commits to implementation of that improvement, and determines that the improvement will feasibly reduce or avoid significant impacts of the proposed Project. Regardless, if the listed improvements were considered changes to future background conditions rather than as mitigation measures, the environmental result would be the same: The significant impacts anticipated to occur in the absence of the listed improvements will not occur if the listed improvements are.
- 21-25.8 The commenter is correct. Under CEQA, any impacts from mitigation measures must be analyzed. Potential impacts from the roadway improvements proposed as mitigation in the Recirculated Draft EIS/EIR were consider and were found to not be significant. The draft document determined at page 3.6-36 that mitigation measures **MM TRANS-1** through **MM TRANS-6** are largely striping projects that involve minimal construction, and would be completed in off-peak traffic hours, and so are not anticipated to result in significant secondary impacts to the environment. No revision of the document is required

- 21-25.9 The referenced number of cars (28) per train in Section 3.6 is correct; as is the length of train (8,760 feet) is correct. Each car is made of five platforms, each of which supports one or more containers. Typically, one platform will hold up to two containers (stacked one on top of the other). As discussed in Section 2.4.2.7 of the Recirculated Draft EIS/EIR, a typical train would carry 225 containers outbound and 150 containers inbound. A typical train that travels to and from the Port would be composed of up to 28 cars or up to 140 platforms. The rail delay analysis in Section 3.6 is based on an 8,760-foot train traveling at 9 miles per hours at two grade-separation locations just outside the Port.
- 21-25.10 Please see response to Comments 21-25.2. Nearly all intersections up to an approximately 25-mile distance from the Port are grade separated due to the Alameda Corridor. Some grade crossings do exist between the Project site and the Corridor, and those crossings are addressed in the study.
- 21-25.11 Please see response to Comments 21-25.2 and 21-25.10. Nearly all intersections up to an approximately 25-mile distance from the Port are grade separated due to the Alameda Corridor. Emergency vehicles are not expected to be delayed at area grade crossings.
- 21-25.12 The City of Los Angeles Department of Transportation has prescribed methods and protocols that must be adhered to for any construction activity that occurs within a street or roadway, as described on page 3.6-21 of the Recirculated Draft EIS/EIR.
- 21-25.13 The Project, along with other Port projects, is mitigating the impacts at all significantly affected locations including key I-110 freeway interchanges that provide project access. The Port continues to fund local and regional transportation system improvements related to goods movement, including participation in the I-710 Major Corridor Study, which will develop a proposed plan for the I-710 corridor, a major route for truck travel to and from both ports.
- 21-26** Comment noted. Please see applicable resource sections in Chapter 3 of the Recirculated Draft EIS/EIR.
- 21-27** The Recirculated Draft EIS/EIR addresses potential impacts on land uses from both Project-specific (Section 3.9) and cumulative (Section 4.2.9) perspectives associated with construction and operation. Current community plans and zoning ordinances are designed to address off-Port land use compatibility concerns including container storage and scrap material yards. Furthermore, neither the proposed Project nor the alternatives would establish offsite container storage facilities.
- 21-28** The Community Plan goals and objectives apply to land uses within the Plan area. Although there are objectives for buffers between industrial uses and residential uses within the Plan area, the Project site is unique in that there are no residential uses that are located adjacent to the site. The nearest residential use to the Project site is the single-family home set on Knoll Hill, which is separated from the Project site by rail lines, Front Street, and Knoll Hill itself. In addition, the Recirculated Draft EIS/EIR analyzes the impacts of the project on land use plan consistency in Section 3.9.
- 21-29** The comment related to Project impacts on Knoll Hill is not precise about the Project's visual effects on this view, and more importantly, does not indicate why the effects of the Project on this view should be of significant concern. The impacts of the proposed Project on views from Knoll Hill are evaluated in Section 3.1.4.3.3.1.7. Figure 3.1-6.2 provides images that allow a comparison to be made of the view from Knoll Hill that existed during the baseline period with the view as it would appear after the Project has been completed and is in operation. As the analysis points out and review of Figure 3.1-6-2 makes clear, the Project will not impede views toward the Vincent Thomas Bridge from this area. The analysis and review of Figure 3.1-6.2

indicate that the cranes, berthed ships, and stacks of containers (when present) have the potential to partially block views toward the Port operations on Terminal Island. Careful review of Figure 3.1-6.2b makes it clear that berthed ships and stacked containers will have a very small effect on views of the open sky and that, although the cranes will break the skyline, their visual effects will be reduced by their open, lattice-like form and by their visual consistency with the existing elements of this view of a working port. Although the berthed ships, stacked containers, and cranes will be visible in this view and will change the view to some degree, the impacts of this change are less than significant because of the at-most moderate level of visual change and the low level of visual sensitivity of this view. For the reasons cited, the Project-related visual elements will not substantially degrade the existing visual character and quality of this view. The importance and sensitivity of this view are not high in that this view is not one that is seen from a residential area and has not been designated or developed as a scenic viewing area. As the description of existing conditions on Knoll Hill in Section 3.1.2.4 indicates, the top of Knoll Hill has been developed as an active recreation area, targeted for a specific use (Little League baseball), and no formal or informal provisions exist for enjoyment of the views toward the port. For example, there are no paths, viewing areas, or benches that have been sited in a way to provide users of this area opportunities to appreciate views of the port.

The commenter provides no indication of which views toward the Vincent Thomas Bridge from I-110 would be “lost,” how consequential these views are, or precisely how the presence of the cranes would affect those views. Section 3.1.2.4 of the Recirculated Draft EIR/EIS documents the existing views toward the Project site and the Vincent Thomas Bridge from I-110. As this section points out, after the southbound lanes of I-110 have passed the cranes in the TraPac terminal area that block views toward the Vincent Thomas Bridge, the freeway curves to the west. As a consequence, the Project site and the Vincent Thomas Bridge do not fall within the primary view of travelers. Lines 36-42 on page 3.1-15 and lines 1-17 on page 3.1-16 more fully document these viewing conditions. The impacts of the Project on views from I-110 are evaluated in Section 3.1.4.3.3.1.1, and this analysis does not substantiate the claim embedded in this comment about impacts on views from I-110.

- 21-30** The cumulative aesthetic impacts of past, present, and future projects at the Port and the potential contribution of the proposed Project to these impacts are considered in Section 4.2.1 of the Recirculated Draft EIS/EIR. This analysis recognizes the fact that past, present, and future projects have and will have effects on the port’s visual environment that are cumulatively considerable and significant. This analysis also concludes that, although the proposed Project would not add in a substantial way to the cumulative impact on visual resources that has occurred at the port, the visual changes the Project would bring about will represent a cumulatively considerable contribution to a significant cumulative impact.
- 21-31** This comment makes reference to “the restrictive standard for determination of impacts” but does not cite which standards it is referring to and why the commenter finds them to be “restrictive.” The standards used for determination of impact significance are those that the City of Los Angeles has developed for determination of significance in evaluations conducted to respond to the requirements of the California Environmental Quality Act. In addition, a standard was used that is related to the requirements of the National Environmental Protection Act. The commenter also makes reference to impacts being declared insignificant that “the community finds to be significant and adverse.” These impacts are not identified, and no evidence is provided to support the claim that substantial numbers of people who live in the area (that is, “the community”) has found these impacts to be significant and adverse.

The issue underlying this comment appears to be a concern about cumulative impacts and their mitigation. As noted in the response to Comment 21-30, the cumulative impacts of past, present, and future projects and the potential contribution by the proposed Project to them are considered

in Section 4.2.1 of the Recirculated Draft EIS/EIR. As this response notes, this analysis recognizes the fact that past, present, and future projects have and will have effects on the Port visual environment, which are cumulatively considerable and significant. This analysis also concludes that, although the proposed Project would not add in a substantial way to the cumulative impact on visual resources that has occurred at the Port, it recognizes that the visual changes the Project would bring about will represent a cumulatively considerable contribution to a significant cumulative impact. In response to the impacts identified, mitigation measures are recommended.

21-32 The lighting guidelines cited in the text already have been and will continue to be adhered to in the development of the Project. Most of the lighting that is part of this Project has already been installed and that measurements of nighttime lighting conditions in nearby residential areas did not identify substantial negative light spill or glare effects attributable to the existing Project lighting.

21-33 Answers to the questions in this comment are as follows:

21-33.1 All of the photographs used as the basis for preparation of visual simulations are photos that represent baseline (that is, pre-March 2001) conditions. With one exception, all of the photos of baseline views are photos that were taken before March 2001. Because no archival photos could be found to represent baseline conditions in Simulation View 4, it was necessary to use a photograph taken in December 2003. As is explained in footnote 5 on page 3.1-21, this photograph was altered to remove the four cranes that were present on the site at the time.

21-33.2 The view from Ports O' Call (Simulation View 5) approximates views from the waters of the Main Channel that would be used by recreational boaters. Photograph 18 in Figure 3.1-3j is a view from Rancho Palos Verdes. As explained in the response to Comment 11-1, this view was included because it provides a good representation of the views toward the Project site from a range of viewpoints in Rancho Palos Verdes and provides a sound basis for understanding how the presence of the Project would affect views from other Rancho Palos Verdes viewing locations. As the distance from the Project site increases, the site becomes a smaller part of the overall field of view and the potential for visual impacts is reduced. As can be seen in reviewing this photograph, the Project site represents a very small part of the view seen from Rancho Palos Verdes. Because of this, no view blockages or other substantial view impacts are likely; therefore, no simulations from this perspective were required.

21-33.3 Because expansion of the area of fill had already been permitted under another project and the area was not a part of the Berth 97-109 project, there was no basis for including it in this analysis. Figures 3.1-5.2, 3.1-6.2, 3.1-7.2, and 3.1-8.2 present versions of the simulations that include a container ship in Port at Berth 100. In the views from SR-47 (Figure 3.1-5.2) and Ports O' Call (Figure 3.1-8.2), the presence of the Project and a ship at Berth 100 have no effect at all on the amount of open water that can be seen. In the views from Knoll Hill (Figure 3.1-6.2) and Channel Street (Figure 3.1-7.2), the presence of the Project and a ship at Berth 100 result in a very small decrease in the amount of open water visible in the views from these locations. Review of the simulations of these two views and comparison of them with the conditions seen in the baseline views make it clear that the small change in the amount of open water will not constitute a substantial alteration of the existing character and quality of these views.

21-33.4 This question rests on a number of unexamined assumptions about the past existence and importance of views toward the Vincent Thomas Bridge from I-110. The Recirculated Draft EIR/EIS analysis documents the fact that, because of the orientation of I-110 as it approaches the bridge and because of the heavy traffic conditions, the Vincent Thomas Bridge is not within the primary cone-of-vision of travelers on this road and is not a central part of the traveler's visual experience. No sources are presented to support the statement that "This is often the first view of the port area for foreign and out-of state visitors coming from LAX and as such is highly significant." As Section 3.1.2.1 of the analysis points out, views of the Vincent Thomas Bridge from the north (the direction from which the bridge would be seen in views from I-110) are seldom found in tourist-oriented materials. The views of the bridge that are iconic and are seen on post cards and in tourism brochures are those from the Main Channel and Ports O' Call and from the approach to the bridge from San Pedro.

The heart of this question has to do with the analysis and treatment of cumulative impacts. In the Recirculated Draft EIS/EIR, Section 4.2.1.3 of the cumulative impacts analysis evaluates the effects of the proposed Project on views of the Vincent Thomas Bridge, including those from I-110. This analysis recognizes the cumulative impact of past, present, and future Port activities on these views and finds that the cumulative impacts are significant. In response to these impacts, a set of mitigation measures is proposed.

21-33.5 The only scenic route in the project area is the route along John S. Gibson Boulevard, Pacific Avenue, Front Street, and Harbor Boulevard, this route is designated in Appendix E, the Transportation Element of the Los Angeles General Plan, adopted in 1999. The stated rationale of the adoption of this set of streets as a scenic route was that these streets provide a view of the working harbor. Because these streets are located in an area that is flat and at the same elevation as the lands between it and the waters of the harbor, views toward the open waters of the harbor would have always been limited because of the intervening land and the activities on them. The only place where any substantial views of the harbor waters would have been visible are in the area along John S. Gibson Boulevard north of Channel Street where there would have been views up the channel that extends west from the Main Basin. This channel has been narrowed because of recent fill activities, but these activities are not a part of this project. Increased numbers of cranes and container stacks in views from this route would not be inconsistent with the purpose of this scenic route, which is to provide views of port activities.

21-33.6 This comment makes the assertion that the aesthetics and visual resources analysis dismisses views as "degraded" but does not specify which formerly attractive views it is referring to. This assertion is curious because a word search reveals that the term "degraded" is not used anywhere in the entire visual analysis. The concern of this question appears to be the cumulative effects of past port projects on views toward the port. These concerns are addressed in the Recirculated Draft EIS/EIR, in Section 4.2.1.3, which acknowledges that the cumulative effects of port projects have created a significant impact on views, and proposes measures to mitigate the effects.

21-33.7 The widely accepted practice in visual impact assessment is to evaluate the relative importance of visual changes in the context of the degree of sensitivity of the views involved. A high degree of sensitivity is assigned to views that have been recognized and given special status and/or protection in publicly adopted plans and policies. For views like those from SR-47, which have not been given any special public

recognition, a look is taken at the numbers and kinds of viewers. The reasonable assumption is made that viewers in residential environments and in some classes of recreational environments are likely to be highly sensitive to changes in their views, while viewers in working environments are more likely to be focused on their work and less likely to be focused on or be concerned about changes to their views. These assumptions about the varying sensitivity of different kinds of views are reasonable, and make no assumptions about the “worthiness” of any particular population group. These assumptions are an integral part of visual resource assessment methods adopted by the Federal Highway Administration, the Bureau of Land Management, and other federal agencies.

- 21-33.8 This question raises a concern that the cumulative impacts of port activities might have altered past perceptions of SR-47 as a scenic drive. As the question notes, SR-47 has never received any formal recognition as a scenic route. Without a reference to documentation of the past role of SR-47 as a scenic drive, it is difficult to evaluate this question. In any case, the cumulative impact analysis more generally recognizes that past port activities have had a cumulative impact on views in the port area and proposes a number of measures to mitigate them.
- 21-33.9 Please see the Recirculated Draft EIS/EIR, Section 3.1.2.4, for documentation of the existing views from C Street.
- 21-33.10 The land on the top of Knoll Hill is Port-owned land that is being leased on a temporary basis for Little League use. Review of the site layout makes it clear that this area has been developed specifically for Little League baseball and does not include facilities or areas that have been designed for viewing the Port.
- 21-33.11 Figures 3.1.5.2, 3.1.6.2, 3.1.7.2, and 3.1.7.2, which include simulations of large container ships berthed at the Project site provide a clear understanding of how the larger vessels that will be accommodated at the site will affect views.
- 21-33.12 The heights of the cranes at Berths 97-109 would be of similar height as other cranes used throughout the port complex.
- 21-33.13 The lighting standards are spelled out in Section 3.1.4.3.3.2.1. Much of the Project lighting has already been installed and adheres to these standards. These standards have not been proposed as a mitigation measure because adherence to them will be required by the Port as a condition of the lease for the site.
- 21-33.14 Please see the response to Comment 21-33.13.
- 21-33.15 The standards take safety needs and aesthetics into consideration.
- 21-33.16 Containers will likely be stacked no more than five containers high, which is approximately 40 feet.
- 21-33.17 Container chassis can be stacked approximately 15 to 20 feet.
- 21-33.18 Please see Section 4.2.1.5 of the Recirculated Draft EIS/EIR.
- 21-33.19 The discussion of low-profile cranes in the Recirculated Draft EIS/EIR is correct and is based upon procedures specified in the ASJ. Please see Section 3.1.4.4.1 for documentation of the findings that substitution of low-profile cranes for the A-frame cranes proposed for this Project would be infeasible.
- 21-33.20 Comment noted. Port leases contain standard requirements to ensure safe operations and that lease areas are maintained.

- 21-33.21 Plaza Park is listed as a mitigation measure to compensate for views lost under all phases of the project.
- 21-34** The Community Plans for Wilmington and San Pedro delineate land use zones and associated compatible uses and are implemented through zoning and other health and safety ordinances. Enforcement of these ordinances is designed to eliminate incompatible land uses and to allow development only to specified levels of intensity. Furthermore, neither the proposed Project nor the alternatives would establish offsite container storage facilities.
- Please see response to Comment 21-14 (all sections). As discussed in the Recirculated Draft EIS/EIR, Yang Ming periodically used undeveloped acreage at Berth 97-109 during the baseline. Yang Ming usage of the Project site during the baseline period also allowed Yang Ming to operate more of a wheeled operation (containers on chassis rather than being stacked). The annual throughput associated with Yang Ming usage of the Project site was minimal with only about 45,000 TEUs, as discussed in Section 2.6.1 of the Recirculated Draft EIS/EIR. The loss of use of this site by the Yang Ming terminal would not result in the need for Yang Ming to require offsite container storage because the use of the Berth 97-109 did not result in additional throughput.
- 21-35** The commenter's opinion regarding Port planning programs is noted. The potential for inconsistencies between the proposed Project and the policies contained in adopted Port plans and programs is addressed in Section 3.9 of the Recirculated Draft EIS/EIR. Applicable planning documents are updated on a periodic basis and the update process includes extensive public participation.
- 21-36** Plans considered in the Recirculated Draft EIS/EIR include the Port Master Plan (PMP), Port of Los Angeles Plan, and other community plans. It is unclear if throughput would be an appropriate designator for Port land uses because throughput is an operational characteristic, whereas land use intensity is related to the density of uses, or the floor area. However, the proposed measures of land use intensity for the port can be suggested for inclusion in future revisions to land use plans that guide growth and development at the Port.
- 21-37** The City of Los Angeles Planning Department conducts the required coordination as part of the Los Angeles General Plan development process.
- 21-38** The PMP, Port of Los Angeles Plan, and community plans identify broad land uses and policies, including infrastructure policies, for the Project site and area. In addition, the City's General Plan includes circulation and air quality elements. Growth at the Port and in communities adjacent to the Port are addressed in environmental compliance documents (EIS/EIRs) prepared for specific projects or at the General Plan level.
- 21-39** Until such time as a new PMP is prepared and adopted, the existing PMP is in force and is not "moot." Projects approved in the area subject to the PMP are approved as subject to that comprehensive Plan, which calls for the project site and the West Basin area to be used for cargo handling, and so are not and will not be approved on a "piecemeal" basis.
- 21-40** Answers to the comments in this comment are as follows:
- 21-40.1 The rail delay impacts discussed in the Recirculated Draft EIS/EIR focused on the at-grade rail crossings located between the Port and the Alameda Corridor, which eliminated at-grade rail crossings between the Port and Downtown Los Angeles. In addition, please see the responses to Comments 12-6, 12-7, 13-8, 13-9, 13-22 and 13-27. Please see the response to Comment 21-23.2 regarding the HRA and its geographical area of influence. The issue of rail corridor noise is addressed in Section 3.11.4.3.1.2 of the Recirculated Draft EIS/EIR. As discussed in that section,

the greatest incremental increase in noise levels along rail corridors serving the Port of Los Angeles is calculated to be 0.8 dBA CNEL, which falls below the significance threshold. Farther inland, the percentage of trains to and from the Project versus total trains traveling along any particular route would decrease because there are multiple tracks that the trains from the Project could take, and there are other trains that are using the inland tracks. The decrease in percentage of trains to and from the Project on inland tracks would translate into a lower increase in noise to the CNEL than the 0.8 dBA at locations closer to the Project site. Therefore, significant rail noise impacts at inland locations are not anticipated.

- 21-40.2 The amendments to the PMP have been specific amendments regarding particular sites or projects. The Port of Los Angeles Plan is a community plan that contains the broad land use goals and objectives for the Port. The Port of Los Angeles Plan provides the overall land use framework within the context of the City's General Plan, whereas the PMP serves as the coastal development plan for the Port under the California Coastal Act. The two plans are not inconsistent with each other. In addition, the PMP includes a public input process, and any public concerns about potential inconsistencies on a project-specific basis can be addressed during that process.
- 21-40.3 Please see the Port of Los Angeles Plan available at the City of Los Angeles Planning Department.
- 21-40.4 The Project site is zoned M3, which does not specify a height limit. Height limits for buildings are limited by height district; however, the Project site is not located in a height district.
- 21-40.5 SCAG employment and population projections are prepared using numerous techniques and data sources: econometric, demographic, and land use. The projections, prepared at the regional level and disaggregated to smaller geographical areas, are adopted by all association members. Project employment is consistent with SCAG projections.
- 21-40.6 The definition of "local" can vary with the context and can range from the communities adjacent to the Port (such as San Pedro and Wilmington) to a larger City area.
- 21-40.7 As of July, 2008, the unemployment rate stood at 7.3 percent for the State of California, 7.5 percent for the Los Angeles-Long Beach-Santa Ana area, and 8.9 percent for the Riverside-San Bernardino-Ontario area.
- 21-41** The Recirculated Draft EIS/EIR has evaluated the potential operational noise impacts in terms of CNEL effects, which is a 24-hour metric, in accordance with the City of Los Angeles applicable standards. The noise evaluation includes the nearest receivers in Wilmington. In regard to evaluation of single-event noise level (SENEL), it is believed that the project would not necessarily result in a magnitude increase of noise events from the Port operations. Sporadic loud events are anticipated to continue to occur as would be expected in a location in immediate vicinity to Port operations. Frequency of any such events would be random and their contribution to the overall noise environment is inherent in the calculated CNEL changes due to the proposed project.
- 21-42** The noise analysis in the Recirculated Draft EIS/EIR includes an evaluation of railroad noise in Section 3.11.4.3.1.2. Answer to the questions raised by this comment are as follows:

- 21-42.1 Potential noise impacts due to traffic-generated noise along roadways have been examined in the study by analyzing the noise level changes arising from increases in vehicular traffic against the baseline conditions as required by CEQA and NEPA. The CEQA Baseline uses 2001 noise conditions, as described in Section 3.11.4.1.1. In addition, Section 3.11.4.1.2 explains the NEPA baseline.
- 21-42.2 The specific pre-school mentioned in the comment is not disclosed; however, the noise level increases due to the proposed project and alternatives (construction and operation) are discussed in the Noise Section (Section 3.11) of the Recirculated Draft EIS/EIR. Potential noise level changes at the pre-school would be similar to anticipated increases at the nearest representative noise receiver location discussed in the Recirculated Draft EIR.
- 21-42.3 Train noise varies based on number and type of locomotives, number of cars, and speed of the train. Contribution of train noise to overall noise levels and resultant changes in noise has been accounted for in Section 3.11.4.3.1.2 of the Recirculated Draft EIS/EIR. The greatest incremental increase in noise levels along rail corridors serving the Port of Los Angeles is calculated to be 0.8 dBA CNEL, which falls below the significance threshold.
- 21-42.4 Project-related train activity has been included in both the project impact evaluation and assessment of cumulative impacts in Section 4.2.11.4 of the Recirculated Draft EIS/EIR. The cumulative impacts reflect the Related Projects listed in Table 4-1. The cumulative impact analysis includes rail noise and concludes that the proposed Project would make a cumulatively considerable contribution to a cumulative noise impact.
- 21-42.5 Comment noted. Railroad noise has been evaluated in the Recirculated Draft EIS/EIR; please see the responses to Comment 21-42.4.
- 21-42.6 Number and type of locomotives per train will vary depending on seasonal fluctuations in throughput and other factors. Trains typically have more than one locomotive attached to the front, rear or both ends. However, only one locomotive is typically used at a time within Port boundaries.
- 21-43** Hardcopies (all four volumes) of the Recirculated Draft EIS/EIR were available at all local libraries and at the Port of Los Angeles as listed in Section 1.7 of the Recirculated Draft EIS/EIR. In addition, hard copies were provided to the PCAC and local Neighborhood Councils. CDs and hard copies of the Executive Summary were provided to over 200 individuals, agencies and groups. The entire document was also posted on the Port's website. The Port is concerned about paper use as the document was over 6,000 pages long. The Port is currently working with the Past EIR Subcommittee on ways to improve the Executive Summary and electronic copies to support both public access and sustainability.
- 21-44** The Port and USACE generally try to avoid having numerous environmental documents under public review at the same time. In addition, the Port and the USACE appreciate the voluminous nature of the EIS/EIRs, and has circulated the environmental documents for time periods greater than legally required. As an example, the public review period for the Recirculated Draft EIS/EIR was 75 days.
- 21-45** The comment is noted. Please see Chapter 5 and Table 5-3 of the Recirculated Draft EIS/EIR for the relevant information.
- 21-46** Answers to the comments in this comment are as follows:

- 21-46.1 Comment noted. Please see Sections 5.3 and 5.4 of the Recirculated Draft EIS/EIR which lists all relevant EJ policies and describes the proposed Project in light of these policies.
- 21-46.2 Chapter 5 describes the potential impacts to minority and low-income populations, consistent with applicable regulations. The purpose of the environmental justice evaluation is to identify potential impacts to such populations so that the decision-makers can consider those impacts in their deliberations and the balancing of benefits and impacts.
- 21-46.3 Please see the response to 21-46.2. It should be noted that decision-makers will also consider the overall project impacts regardless of race, and will balance the project benefits in deciding whether to approve or disapprove the proposed Project or alternative.
- 21-46.4 The comment is noted. As described in the Draft EIS/EIR, the proposed Project includes numerous mitigation measures to reduce any potential impacts on the local community.
- 21-46.5 Please see the responses to Comments 21-19.8 and 21-42.3.
- 21-47** Under CEQA, the baseline is generally established as of the date of the Notice of Preparation. For the proposed Project, the baseline was established as of March 2001 by the ASJ. The cumulative effects of past, present, and future projects are described, and the proposed Project's cumulative contribution to those effects are evaluated for each resource area in Chapter 4 of the Recirculated Draft EIS/EIR. Neither NEPA nor CEQA provides authority for the mitigation of impacts not attributable to the proposed Project in this EIS/EIR.
- 21-48** Comment noted. Please see the response to Comment 21-9.
- 21-49** Comment noted. Please see the discussions under the heading "Contributions of the Proposed Project" for each resource area in Chapter 4 of the Recirculated Draft EIS/EIR.
- 21-50** Answers to the questions in this comment are as follows:
- 21-50.1 All vessels operate under strict procedures both in, and on approach to, the Port and many vessel characteristics (including size) are incorporated into these procedures. The Port does not anticipate any substantial increase in the risk of vessel collisions based on the procedures and the use of Port Pilots.
- 21-50.2 Terminal operators attempt to minimize crane accidents and falling cargo, and due to the unknown nature or frequency of such events, there is no way to accurately predict such accidents. However, given that the cranes and containers would be confined to the terminal site during loading and unloading operations, the potential of an accidents resulting in significant physical changes to the environment is not large.
- 21-50.3 Please see the response to Comment 21-25.11. In addition, a rail delay evaluation for at-grade crossings in Riverside County show that average vehicle delay would not be significantly affected by the proposed Project.
- 21-50.4 The proposed Project is not expected to increase security risks at the Port as compared to baseline conditions. However, the Port as a whole is an area of national interest and the state and federal governments have committed significant funds to establish preventative measures.
- 21-51** The commenter's concerns are noted. Please see the impact discussion under Impact PS-5 in Section 3.13 of the Recirculated Draft EIS/EIR.

- 21-52** The commenter’s opinions are noted. The document, as appropriate and required under NEPA and CEQA, adequately addresses the impacts of the proposed Project to the physical environment
- 21-53** Thank you for referencing the documents. The decision-makers may consider these documents as part of their review process. In addition, the decline in manufacturing employment in Southern California during the past few decades is undeniable. However, the reasons behind this decline are numerous and subject to interpretation. There are many “costs of doing business” such as availability and cost of labor and materials, compliance with local, state, and federal rules and regulations governing environmental, health, and safety conditions, and changing market conditions at the local, regional, national, and international levels. It is not required that this level of detail (even if it were feasible to accomplish) be included in the environmental document.
- 21-54** The Port cannot be responsible for performing economic analyses on regulations developed by the SCAQMD upon the local or regional economy. Rather, the evaluation of impacts under CEQA and NEPA focus on anticipated physical changes in the environment.
- 21-55** The commenter’s opinions are noted. Property values can and do vary dramatically between communities, even between adjacent communities and are influenced by a multitude of factors. Real estate values in communities adjacent to the Port, however, have responded similarly to other communities under similar market conditions; positive and negative.
- 21-56** Please see Sections 3.2 and 4.2.2 of the Recirculated Draft EIS/EIR for a description of the project-level and cumulative impacts to air quality. In addition, the MATES III study is referenced in the environmental document.
- 21-57** The commenter’s opinions are noted. Please see Section 3.9.2.2 of the Recirculated Draft EIS/EIR for a discussion of blight, as defined by the California Community Redevelopment Law. In addition, there are several Redevelopment Projects in the vicinity, and the CRA is addressing blight through those projects.
- 21-58** Answers to the questions in this comment are as follows:
- 21-58.1 Information presented by the federal Bureau of Transportation Statistics, indicates that the Port of Los Angeles handled imports with a value of \$105 billion in 2003 (the latest year for which data are available). The value of imported goods varies by season, year, and reporting period.
- 21-58.2 Information presented by the federal Bureau of Transportation Statistics, the Port of Los Angeles handled exports with a value of \$17 billion in 2003 (the latest year for which data are available). The value of exported goods varies by season, year, and reporting period.
- 21-58.3 Whether the trade imbalance associated with imports and exports through the Port of Los Angeles is healthy from an economic perspective is a concern beyond the scope of this environmental document.
- 21-58.4 The source of information is the Los Angeles County Economic Development Corp. (LAEDC), <http://www.laedc.org>.
- 21-58.5 The number of jobs includes not only longshoremen but also a wide-array of other activities including vessel operation, services to vessels, cargo handling, surface transportation, (rail and truck), air cargo, trade finance, freight forwarding, customs brokers, insurance and law (the latter are necessary to interpret the growing roster of trade security regulations).
- 21-58.6 The focus of the section pertaining to housing was on property values and the potential linkage with operations at the Port.

- 21-58.7 The communities for which information is presented in Table 7.2-12 are located in the area referred to as “South Bay” in Los Angeles County.
- 21-58.8 At the time the recirculated EIR/EIS was developed, the latest information available was used. It is derived from a report entitled “South Bay, Los Angeles County, 2002-2003 Economic Overview and Forecast” published in December 2002 by the LAEDC.
- 21-58.9 The focus of the Recirculated Draft EIS/EIR is on impacts resulting from physical changes in the environment, and is not intended to be a cost-benefit study.
- 21-59** The proposed Project does not include offsite container storage or warehousing. Section 3.9 (Impact LU-4) discusses the anticipated secondary impacts of the proposed Project and alternatives. Long-term direct employment at the proposed site could range from about 2,200 to 8,400 jobs, depending on which alternative is selected, if any. Although it is possible that creation of these job opportunities could result in the relocation of some workers and families, the potential number is small when placed in perspective to the availability of housing, locally and regionally.
- 21-60** The decision-makers will consider your concerns.
- 21-61** Comment noted. The project-level and cumulative health risks of the proposed Project are evaluated in Section 3.2 and Chapter 4 of the Recirculated Draft EIS/EIR.
- 21-62** The comments received on the NOP are a part of the administrative record and are available for review at the Port. Because the environmental document was revised and recirculated, comments received on the first Draft EIS/EIR are not applicable to the Recirculated Draft EIS/EIR.
- 21-63** The commenter’s opinion is noted.
- 21-64** Please see the response to Comment 21-44.
- 21-65** The Port appreciates the commenter’s concern. Given the voluminous nature of Port environmental documents (the Recirculated Draft EIS/EIR is approximately 6,000 pages including all the volumes), the Port has placed the document on its website and hardcopies at five locations in the project area.
- 21-66** Comment noted. Comments submitted to either agency by the deadline have been included in the Final EIS/EIR.

Coastal San Pedro Neighborhood Council

22-1 This comment summarizes Comments 22-3 and 22-4, below. Please refer to those responses.

22-2 The Recirculated Draft EIS/EIR identifies substantial mitigation that will be applied to the selected alternative to address Project-level impacts to air quality, transportation, and noise. These mitigation measures would also minimize the contribution of the Project (or alternative) to cumulative impacts. In Chapter 5 of the Recirculated EIS/EIR (Environmental Justice), the Port and USACE have put forth a tremendous level of effort to identify all feasible measures to reduce or avoid impacts of the proposed Project that would disproportionately affect minority or low-income populations.

The USACE 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 Port's overall existing and planned operations. Current and future proposed projects' approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the proposed San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall health risk effects of future projects and ongoing port operations' emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a standard of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed in order to ensure that the proposed project is fully contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP and on projected future Ports' operations through the specified CAAP implementation mechanisms and also assumed implementation of existing regulations. As long as the project is consistent with growth projection assumptions used to develop the San Pedro Bay Standards, and the CAAP mitigations for the project are consistent with the mitigation assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay Standards as it is consistent with projections of the Ports' future operations used in formulating the San Pedro Bay Standards, and as it exceeds compliance with applicable CAAP measures as shown in Table 3.2-26 of the Recirculated Draft EIS/EIR.

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 previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the overall off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. 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 of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and

cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute \$3.50 per container received at the proposed Project terminal up to an amount of approximately \$4 million. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the 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.

Despite identification of all feasible mitigation measures, as required by CEQA, significant unavoidable adverse impacts will remain after implementation of the mitigation measures (under both CEQA and NEPA). The Environmental Justice evaluation bases its identification of high and adverse impacts to minority and low-income population upon these significant unavoidable adverse NEPA impacts. Regarding the comment that the Recirculated Draft EIS does not propose any measures to mitigate significant and unavoidable impacts identified in Chapter 5, all feasible mitigation measures have been identified for each environmental resource topic addressed in the Recirculated Draft EIS/EIR and would be implemented and tracked via the MMRP required under CEQA. In this EIS/EIR, all CAAP measures determined by the Port to be feasible for the proposed Project are prescribed as mitigation. Other CAAP measures were deemed not to be feasible on a project-specific level because either they are not applicable to the project or they can feasibly be implemented only on a Port-wide basis. The Port expects that implementation of the CAAP on a Port-wide basis, as well as at the Port of Long Beach, will substantially reduce pollution levels and health risks in the community. However, the effects of full implementation of the CAAP on a Port-wide basis were not quantified in the EIS/EIR because the EIS/EIR addresses impacts from the proposed Project rather than from the ports as a whole. The two ports are currently preparing a Port-wide HRA (discussed above) of all Port operations that will quantify the effectiveness of full CAAP implementation. The Ports plan to publish this risk assessment in 2008.

In addition, **MM AQ-22** provides a process to consider new or alternative emission control technologies at regular intervals during the lease and an implementation strategy to ensure compliance. Under **MM AQ-22**, the opportunity to add new measures to the lease would occur at least every 7 years. Regarding the comment to provide offset mitigation and to apply mitigations to sources other than the Project, neither NEPA nor CEQA authorize the imposition of mitigation in the context of this EIS/EIR for the purpose of reducing or avoiding impacts that are not directly or indirectly attributable to the proposed Project. Such impacts are being addressed by the Port outside the NEPA/CEQA process, through implementation of CAAP, the recently agreed upon MOU. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the 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.

In response to a number of comments received on the Recirculated Draft EIS/EIR, **MM AQ-11** has been revised as follows:

MM AQ-11: Low-Sulfur Fuel.

~~Ships owned by the terminal operator calling at Berths 97-109 shall use low-sulfur fuel (maximum sulfur content of 0.2 percent) in auxiliary engines, main engines, and boilers within 40 nautical miles (nm) of Point Fermin (including hoteling for non-AMP ships) at the following annual participation rates: All ships (100 percent) calling at Berth 97-109~~

shall use low-sulfur fuel (maximum sulfur content of 0.2 percent) in auxiliary engines, main engines, and boilers within 40 nm of Point Fermin (including hoteling for non-AMP ships) beginning on Day 1 of operation. Ships with mono-tank systems or having technical issues prohibiting use of low-sulfur fuel would be exempt from this requirement. The tenant shall notify the Port of such vessels prior to arrival and shall make every effort to retrofit such ships within 1 year.

The following annual participation rates were assumed in the air quality analysis:

- + 2009 and thereafter: 30 percent of auxiliary engines, main engines, and boilers
- + 2010: 50 percent of auxiliary engines, main engines, and boilers
- + 2013 and thereafter: 100 percent of auxiliary engines, main engines, and boilers

The incremental mitigation benefits of accelerating the implementation of **MM AQ-11** have not been quantified. Nevertheless, it is certain that accelerated implementation of **MM AQ-11** would result in emissions lower than those identified in the Draft Recirculated EIS/EIR, although not sufficiently low that any significant and unavoidable impact identified in the Draft Recirculated EIS/EIR would be reduced to a less-than-significant level. Therefore, the findings in the Recirculated Draft EIS/EIR with regard to air quality impacts would remain the same.

The comment also calls for the phase-in of fuel with a maximum sulfur content of 0.1 percent. To allow for some margin of error and product contamination in the distribution system, when a shipping line orders 0.2 percent sulfur fuel, the shipping line is actually receiving a fuel with a lower sulfur content of between 0.13 and 0.16 percent (POLA, 2007). Therefore, if the mitigation measure required 0.1 percent fuel, the supplier would have to provide fuel at a content of lower than 0.1 percent, which might not be possible in current refineries (POLA, 2007). Additionally, 0.2 percent is consistent with the CAAP. In developing and approving the CAAP, the Ports of Los Angeles and Long Beach met and collaborated with agencies (including CARB, SCAQMD, and USEPA), environmental and community groups, and the shipping industry. As a result of this collaborative process, 0.2 percent sulfur fuel was found to be the lowest-sulfur-level fuel feasible Port-wide and for mitigation of the impacts of the proposed Project, and use of this fuel for that purpose represents consensus.

- 22-3** Throughput tracking would occur at the staff level, but it would be presented to the Board of Harbor Commissioners at Board meetings. **MM AQ-23** will be incorporated into the lease with the implementation plan described below

*Throughput shall be monitored by the Wharfingers Office and the Environmental Management Division. Environmental Management Division will report on throughput in 2010, 2015, 2030, and 2045, and numbers will be made available to the Board at a regularly scheduled public Board meeting. If it is determined that throughput numbers exceed EIR assumptions, staff would evaluate actual air emissions for comparison with the EIR. If the criteria pollutant emissions exceed those in the EIR, then new/additional mitigations would be applied through **MM AQ-22***

However, staff does not expect actual throughput to exceed the assumptions in the Recirculated Draft EIS/EIR because throughput projections have been maximized based on backland area, wharf length, and demand projections, as described in the Recirculated Draft EIS/EIR (Section 1.1.3 and Appendix I) and as explained in the response to Comment 20-5. As described in that response, changes to terminal operations or new technology that could increase throughput beyond what was analyzed in the Recirculated Draft EIS/EIR would require a separate environmental analysis at some later date (subject to public review and consideration by the Board of Harbor Commissioners). Currently, such changes are unknown and, therefore, speculative.

Northwest San Pedro Neighborhood Council

- 23-1** Comment noted. All feasible mitigation measures as required by NEPA/CEQA have been applied to the proposed project in the EIS/EIR. The Project would contribute virtually no truck traffic to Gaffey Street or any other non-freeway roadway west of Interstate (I-) 110. The vast majority of trucks are oriented to and from the north and east, with origins and destinations many miles from the Port. The truck origins and destinations are not in the local area west of the Port or west of I-110; thus, none or very few trucks would ever be expected to use streets to the west of I-110. The majority of trucks would use I-110 itself and Alameda Street to reach the Project area. Some employee trips might occur on Gaffey or other streets west of I-110. Again, this would be a very small proportion of employee trips and would include only those who live near the Project terminal. Nearly all employee trips are expected to use I-110 to reach the Project area. Thus, the I-110 freeway acts as a natural barrier to travel and is the main travel corridor to the Project site. Cumulative impacts on Gaffey Street and other streets west of I-110 likely would be the result of other cumulative projects in the San Pedro, not a result of the proposed Project. In addition, the background ambient traffic growth rate and cumulative project analysis that was applied in the Recirculated Draft EIS/EIR would account for any contribution of expected projects, including the subject Project
- 23-2** 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, particularly those focused on upland operations, would be implemented, maintained, and monitored by the Port of Los Angeles as the local agency with continuing program control and responsibility through its tenant leases. The CAAP is a lasting emission-reduction plan for reduction of criteria pollutants. The mitigation measures contained in the Recirculated Draft EIS/EIR would be in effect over the 40-year life of the proposed Project (the 40-year lease began in 2005; therefore, a number of the mitigation measures would not begin until approval of Phases II and III, consistent with the ASJ) and would minimize emissions from construction and operation of the proposed Project. The CAAP, the construction mitigation, and the proposed Project-level mitigation included in the Recirculated Draft EIS/EIR, combined with federal, state, and regional regulations, would result in a substantial reduction of emissions at the Port and in the South Coast Air Basin.
- 23-3** The EIS/EIR identifies, evaluates, and identifies feasible mitigation to reduce or avoid the significant impacts of all reasonably foreseeable activity under the proposed Project. Therefore, environmental impacts under the proposed Project are not anticipated to be greater than estimated. Nevertheless, Mitigation Measure AQ-22 and AQ-24 provide a basis by which the applicant may implement and/or the Port may require additional mitigation measures that may become available with the continuing development of emissions control technology. Throughput tracking would occur at the staff level, but would be presented to the Board of Harbor Commissioners at Board meetings. **MM AQ-23** will be incorporated into the lease with the implementation plan described below. Throughput shall be monitored by the Wharfingers Office and the Environmental Management Division. Environmental Management Division will report on throughput in 2010, 2015, 2030 and 2045 and numbers will be made available to the Board at a regularly scheduled public Board Meeting. If it is determined that throughput numbers exceed EIR assumptions, staff would evaluate actual air emissions for comparison with the EIR and if the criteria pollutant emissions exceed those in the EIR, then new/additional mitigations would be applied through **MMAQ-22**. Information such as ship calls and truck/rail trips are inherent to any throughput calculations and would be part of the analysis completed by staff through **MM AQ-23**.

- 23-4** Throughput tracking would occur at the staff level, but it would be presented to the Board of Harbor Commissioners at Board meetings. **MM AQ-23** will be incorporated into the lease with the implementation plan described below.

*Throughput shall be monitored by the Wharfingers Office and the Environmental Management Division. Environmental Management Division will report on throughput in 2010, 2015, 2030, and 2045, and numbers will be made available to the Board at a regularly scheduled public Board meeting. If it is determined that throughput numbers exceed EIR assumptions, staff would evaluate actual air emissions for comparison with the EIR. If the criteria pollutant emissions exceed those in the EIR, then new/additional mitigations would be applied through **MM AQ-22**.*

However, staff does not expect actual throughput to exceed the assumptions in the Recirculated Draft EIS/EIR because throughput projections have been maximized based on backland area, wharf length, and demand projections, as described in the Recirculated Draft EIS/EIR (Section 1.1.3 and Appendix I) and as explained in the response to Comment 20-5. As described in that response, changes to terminal operations or new technology that could increase throughput beyond what was analyzed in the Recirculated Draft EIS/EIR would require a separate environmental analysis at some later date (subject to public review and consideration by the Board of Harbor Commissioners). Currently, such changes are unknown and, therefore, speculative. As specified in the Recirculated Draft EIS/EIR, (1) adherence to current State guidelines minimize the possibility for future introductions of non-native species, and (2) no feasible mitigation is available to further minimize potential introductions of non-native species. However, if/when new measures become available they will be implemented as required at that time.

- 23-5** This comment is a summary of Comment 23-7. Please refer to response to Comment 23-7. The proposed Project includes construction mitigation measures consistent with the Port's recently approved Sustainable Construction Guidelines.
- 23-6** All feasible mitigation measures as required by NEPA/CEQA have been applied to project construction in the EIS/EIR. **MM AQ-3** and **MM AQ-4** impose a 5-minute idling limit for trucks and construction equipment, respectively. **MM AQ-5** would require emission control technologies such as diesel oxidation catalysts and catalyzed diesel particulate traps, where feasible. In addition, California Diesel Fuel Regulations would require ultra low sulfur fuel in construction equipment, trucks, and harborcraft, as described in Table 3.2-19 of the EIS/EIR. Responses to Comments 10-5, 10-6, and 10-7 provide additional information regarding the construction equipment specifications that the Port would require during project construction.
- 23-7** The Recirculated Draft EIS/EIR identifies substantial mitigation that will be applied to the selected alternative to address Project-level impacts to air quality, transportation, and noise. These mitigation measures would also minimize the contribution of the Project (or alternative) to cumulative impacts. In Chapter 5 of the Recirculated EIS/EIR (Environmental Justice), the Port and USACE have put forth a tremendous level of effort to identify all feasible measures to reduce or avoid impacts of the proposed Project that would disproportionately affect minority or low-income populations.

The USACE 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 Port's overall existing and planned operations. Current and future proposed projects' approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the proposed San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall health risk effects of future projects and ongoing port operations' emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a standard of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed in order to ensure that the proposed project is fully contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP and on projected future Ports' operations through the specified CAAP implementation mechanisms and also assumed implementation of existing regulations. As long as the project is consistent with growth projection assumptions used to develop the San Pedro Bay Standards, and the CAAP mitigations for the project are consistent with the mitigation assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay Standards as it is consistent with projections of the Ports' future operations used in formulating the San Pedro Bay Standards, and as it exceeds compliance with applicable CAAP measures as shown in Table 3.2-26 of the Recirculated Draft EIS/EIR.

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 previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the overall off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. 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 of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute \$3.50 per container received at the proposed Project terminal up to an amount of approximately \$4 million. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the 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.

Despite identification of all feasible mitigation measures, as required by CEQA, significant unavoidable adverse impacts will remain after implementation of the mitigation measures (under both CEQA and NEPA). The Environmental Justice evaluation bases its identification of high and adverse impacts to minority and low-income population upon these significant unavoidable adverse NEPA impacts. Regarding the comment that the Recirculated Draft EIS does not propose any measures to mitigate significant and unavoidable impacts identified in Chapter 5, all feasible mitigation measures have been identified for each environmental resource topic addressed in the Recirculated Draft EIS/EIR and would be implemented and tracked via the MMRP required under CEQA. In this EIS/EIR, all CAAP measures determined by the Port to be

feasible for the proposed Project are prescribed as mitigation. Other CAAP measures were deemed not to be feasible on a project-specific level because either they are not applicable to the project or they can feasibly be implemented only on a Port-wide basis. The Port expects that implementation of the CAAP on a Port-wide basis, as well as at the Port of Long Beach, will substantially reduce pollution levels and health risks in the community. However, the effects of full implementation of the CAAP on a Port-wide basis were not quantified in the EIS/EIR because the EIS/EIR addresses impacts from the proposed Project rather than from the ports as a whole. The two ports are currently preparing a Port-wide HRA (discussed above) of all Port operations that will quantify the effectiveness of full CAAP implementation. The Ports plan to publish this risk assessment in 2008.

In addition, **MM AQ-22** provides a process to consider new or alternative emission control technologies at regular intervals during the lease and an implementation strategy to ensure compliance. Under **MM AQ-22**, the opportunity to add new measures to the lease would occur at least every 7 years. Regarding the comment to provide offset mitigation and to apply mitigations to sources other than the Project, neither NEPA nor CEQA authorize the imposition of mitigation in the context of this EIS/EIR for the purpose of reducing or avoiding impacts that are not directly or indirectly attributable to the proposed Project. Such impacts are being addressed by the Port outside the NEPA/CEQA process, through implementation of CAAP, the recently agreed upon MOU. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the 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.

- 23-8** As pointed out in the comment, the maximum residential cancer risk increment moved from Knoll Hill before mitigation to Wilmington after mitigation, as shown in Figures 7-3 and 7-8 in Appendix E3 of the EIS/EIR. A number of factors influence the location of the maximum receptor location, including the relative contributions of the various emission sources and the effect of subtracting the baseline impacts to obtain the increment. Before mitigation, the relatively high impacts from the proposed Project tend to wash out any effect from subtracting the baseline. This tends to result in the maximum receptors being very near the greatest emission sources. However, after mitigation, the relatively low proposed Project impacts cause the baseline impacts to have a much greater influence when subtracted. In certain situations, this effect can sometimes move post-mitigation maximum increment receptors farther away from the emission sources, where the impacts from baseline are less and therefore the project increment is greater.

Please refer to response to Comment 20-1 for a discussion of mitigation.

- 23-9** The Port will encourage use of cleaner construction equipment, including the cleanest available harbor craft, through the Environmental Compliance Plan required of all contractors. Each contractor is required to submit an Environmental Compliance Plan for work completed as part of the Berth 97-109 Container Terminal 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 backup person to be responsible for environmental compliance
- + 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, and to identify additional measures, practices, or project elements to further reduce environmental impacts.

In addition, the Port, through the CAAP, has established the TAP to fund new technology to reduce air emission. The TAP is funded primarily by both Ports with additional funding from participating agencies.

- 23-10** It is the goal of the Port and USACE to apply mitigation to the source of emissions to reduce health effects from proposed projects in NEPA/CEQA environmental documents. The Recirculated Draft EIS/EIR incorporates all feasible mitigation measures that would reduce air pollution and human health impacts from proposed construction and operational emission sources, and could be accomplished in a successful manner within a reasonable period of time, taking into consideration economic, environmental, legal, social, and technological factors (CEQA Guidelines Section 15364). Reducing emissions at the source benefits both indoor and outdoor air quality in all receptor locations, and is therefore much more effective than controlling ambient concentrations at individual receptors.

By contrast, mitigation applied at the receptors, such as installing air purifiers in homes and schools, is economically infeasible at the project level because relatively few individuals would benefit at a relatively high cost. For example, according to data compiled for the POLA's TraPac EIS/EIR, the purchase of air filters for 2,645 homes, 38 elementary schools, 4 hospitals, and 33 day care centers in the Wilmington, San Pedro, and Harbor City areas would cost approximately \$8.5 million, not including installation and maintenance costs, which would also be substantial. The effectiveness of air filtration would also depend on consistent and proper operation of the filters, which would be out of the control of the Port or the applicant. Therefore, an air purifier program would only be economically feasible on a Port-wide basis, outside the NEPA/CEQA project-level process. For this reason, the Port, through a Memorandum of Understanding, has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the off-Port impacts created by Port operations. This fund includes as one of its elements approximately \$6 million for air filtration in schools in Wilmington and San Pedro.

- 23-11** Slide valves are relatively easy to install as a retrofit on container ships, not overly expensive, and provide good reductions of NO_x and PM. However, slide valves are specific to Man B&W engines and currently cannot be installed on ships with engines of different manufacture. Other engine manufactures are working on equivalent technologies, and preliminary tests appear promising. Therefore, slide valves are being phased in over time in **MM AQ-12** to allow for this

research and development. The other emission control technologies for ship main engines mentioned in the comment are currently not feasible for retrofits on large oceangoing vessels (OGVs), such as container ships. For example, although selective catalytic reduction (SCR) technology has been demonstrated on four new OGVs carrying scrap/steel in the San Francisco Bay Area, the applicability of low-emissions technologies like SCR to large OGVs such as container ships needs to be further evaluated and demonstrated. SCR is currently being tested as part of the CAAP TAP. There are still a number of feasibility questions regarding SCR, including spatial needs and available reactant (ammonia) and by-product issues. At this time, SCR is not considered feasible. However, the Port expects that some or all of the technologies mentioned in the comment will be feasible for retrofits in the future. **MM AQ-22** provides a process to consider new or alternative emission control technologies in the future and an implementation strategy to ensure compliance. Under **MM AQ-22**, the opportunity to add new measures to the lease would occur not less frequently than once every 7 years.

- 23-12** This comment addresses annual truck flow and annualized impacts. As is standard procedure in traffic impact studies, the worst case peak hour impacts are the focus of the analysis. Daily or annual data do not provide any useful insights into peak flow nor needed roadway capacity. Thus, the peak hour analysis as provided is the most conservative and worst case approach and provides the required data to make decisions on significant impacts, mitigation measures and cumulative impacts.

The cumulative analysis does consider the traffic of both TraPac and the China Shipping projects on the I-110 freeway. The “Alameda Flyway” or otherwise called the SR-47 Expressway project extension, is not a funded project, thus it cannot be included in the underlying assumptions (it would unrealistically take traffic from other routes in the analysis and result in an analysis that did not represent the worst case). In any event, it is unlikely that much or any of the China Shipping traffic would use the SR-47 as the most direct route to areas to the east as along Harry Bridges and Alameda Street and the SR-47 would not represent a direct route for China Shipping trips.

- 23-13** The Project would contribute virtually no truck traffic to Gaffey Street or any other non-freeway roadway west of Interstate (I-) 110. The vast majority of trucks are oriented to and from the north and east, with origins and destinations many miles from the Port. The truck origins and destinations are not in the local area west of the Port or west of I-110; thus, none or very few trucks would ever be expected to use streets to the west of I-110. The majority of trucks would use I-110 itself and Alameda Street to reach the Project area. Some employee trips might occur on Gaffey or other streets west of I-110. Again, this would be a very small proportion of employee trips and would include only those who live near the Project terminal. Nearly all employee trips are expected to use I-110 to reach the Project area. Thus, the I-110 freeway acts as a natural barrier to travel and is the main travel corridor to the Project site. Cumulative impacts on Gaffey Street and other streets west of I-110 likely would be the result of other cumulative projects in the San Pedro, not a result of the proposed Project. In addition, the background ambient traffic growth rate and cumulative project analysis that was applied in the Recirculated Draft EIS/EIR would account for any contribution of expected projects, including the subject Project. Also, the Distribution Center gets truck traffic from all over the region and from all Port of Long Beach and Los Angeles terminals; this project will not by itself cause significant impacts due to trucks to/from that location as it will only represent a small proportion of the trips to and from the distribution center. In addition, the impacts of the Distribution Center were previously assessed as part of separate environmental documentation. Additional ramps to the Distribution Center have been in the City of Los Angeles Community Plan for many years, but the improvements have not been found to be feasible nor required.

23-14 The analysis in the traffic study does account for overlapping impacts of all three shifts in the future, thus the worst case scenario is assessed and presented. A reasonable level of operations for each shift is assumed, it is not realistic to assume that the night shifts and hoot shifts would operate at day shift levels. As discussed in Section 1.1.3, the maximum capacity of a terminal is based on site-specific modeling of the physical and operating parameters. That capacity number is a function of the configuration of the terminal, berth length, backland area, ratio of berth length to backland area, and number and types of equipment used at the terminal. Achieving the maximum capacity of terminals, which is the high end of a realistic operating range, requires that none of the various components of terminal operation is a constraint to the movement of cargo through the terminal. As further discussed, this document analyzed the maximum throughput that could be physically accommodated by the terminal. Market demand is expected to increase throughput over the term of the Project until 2030, when this maximum physical capacity is reached. In 2030, the terminal will be berth limited, meaning there will not be enough additional berth space to accommodate additional ships, and throughput will remain steady.

It is possible that operational improvements could eventually increase the capacity of the throughput projections assumed as part of the proposed Project, but at present, such improvements are speculative for technical, economic, or social reasons. However, should new feasible technology become available that would increase Port capacity beyond that anticipated, improvements to implement the technology would require discretionary actions and environmental evaluation in accordance with CEQA.

The throughput presented in the Recirculated Draft EIS/EIR is correct. As throughput grows, more gate movements would be distributed to the night and hoot shifts. Infrastructure (such as the highway network) and employee levels can handle the majority of gate movements during the day hours. However, although expected future upgrades to both on- and off-Port infrastructure and additional employees would increase capacity, the gate would become more congested during these hours shifting the additional throughput to the night and hoot shifts. Most cargo would continue to move through the gate during the day because warehouses and other cargo end users are expected to operate primarily during the day. To ensure cargo can be handled and moved through the gate at night, the Port and industry groups are exploring operational changes both at the Port and with end users. For example, PierPASS, is a new program that implements financial disincentives to the movement of containers during peak hours (3:00 a.m. to 6:00 p.m., Monday through Friday). While this project assumes constant operation (24 hours per day, 7 days per week) in the future, the terminal, rail facilities, distribution centers and warehouses, and retailers are not expected to operate at full capacity during the night and hoot shifts.

23-15 The proposed Project would utilize electrical power provided by LADWP via three industrial stations on the project site, as discussed in Section 3.13.2.2.5 of the Recirculated Draft EIS/EIR. These stations connect with existing power lines maintained by LADWP. Contrary to the comment, the proposed Project would not increase the number of utility poles or cross arms, and the project would not result in an aesthetic impact that could be mitigated by placing all of the electrical lines along Front Street and John S. Gibson underground. However, please see mitigation measure **MM AES-2**, which calls for a feasibility study of undergrounding some of the utility line along Front Street. Regarding the recommendation to place landscaping along the perimeter of the site, please see mitigation measure **MM AES-3**, which provides for beautification improvements along a portion of John S. Gibson Boulevard and Pacifica Avenue (at the intersection of Channel Street), including landscaping. Regarding the recommendation that the NWSPNC China Shipping mitigation project be undertaken as part of the first phase of terminal construction, it is the understanding of the Port that the referenced mitigation project includes many improvements to areas in which a nexus has not been established in the Recirculated Draft EIS/EIR. It should be noted that **MM AES-3** includes some of the

recommendations in the referenced mitigation plan, namely landscaping along John S. Gibson Boulevard and portions of Pacific Avenue.

23-16 Comment noted. The recommendation is included in the Recirculated Draft EIS/EIR as **MM AES-2**.

23-17 This comment asserts that in views toward the Vincent Thomas Bridge from neighborhoods to the northwest of the project site, view lines toward the bridge and decorative lighting on the bridge will be changed by the new cranes and light standards that are a part of the project. Review of the photographs and simulations presented in the Section 3.1 Aesthetics and Visual Resources reveals that this assertion is incorrect. The reality of the physical relationships between the hillside neighborhoods to the west and northwest of the project site and the Vincent Thomas Bridge is that when the bridge is visible, it is seen at an oblique angle on the right side of the views from these areas, and the cranes will be seen to the left of the bridge and will not block the views toward it. This relationship can be seen in Photograph 16 on Figure 3.1-3i, which is a view from the edge of the bluff in the Shields Drive neighborhood, the residential neighborhood that lies closest to the project site. In this view, the Vincent Thomas Bridge is visible at the far right of the view, while the four cranes that were installed after 2001 can be seen to the left of it, and do not interfere with lines of sight toward the bridge. It should also be noted that most of the backland light standards that are a part of the project had already been installed at the time this photograph had been taken. These light standards can be seen in this photo, and it is evident that because of their trim profiles and locations, they have little potential to interfere with views toward the bridge. The relationship of the cranes to views of the bridge can also be seen in the simulations presented as Figures 3.1-7.1 and 3.1-7.2, which simulate the view from Channel Street at Cabrillo Avenue in the hillside neighborhood located 0.3 mile to the west of the project site. As these simulations make very clear, when the ten cranes are present, they will not interfere with sight lines toward the bridge in this view. Photograph 18 in Figure 3.1-3j is representative of views toward the project site and the Vincent Thomas Bridge from viewpoints located at higher elevations on the hillside to the west and northwest of the site. From this viewpoint, the existing cranes and light standards do not interfere with sight lines toward the bridge. In addition, as this photo suggests, from these viewpoints, because of the distance, the project site and Vincent Thomas Bridge play a relatively small part in the overall panorama of the Ports of Los Angeles and Long Beach.

Farther to the northwest of the site, in the corridor that lies along Gaffey Street to the north of Channel Street, and in the neighborhoods to the west of the commercial corridor that lines the west side of Gaffey Street, the elevation is relatively low. Because of this, this area does not offer clear views toward either the project site or the Vincent Thomas Bridge. Because the corridor along Gaffey Street to the north of Channel Street does not have views that would be substantially affected by the visual changes that the proposed Project would bring about, there does not appear to be a nexus between the mitigation measures this comment mentions and the visual impacts of the Project.

Specifically, the proposed Project would not result in aesthetic impacts that would be mitigated by the recommendation to complete Phase II – Gatun to Channel, of the Northwest San Pedro beautification Project, which would implement beautification improvements along North Gaffey Street from Gatun Street to Channel Street, or the recommendation to remove the EZ Smog business along North Gaffey Street (assumed to be located at 1500 N. Gaffey Street).

San Pedro & Peninsula Homeowners Coalition

- 24-1** Comment noted. The Port appreciates the commenter's concern. Given the voluminous nature of Port environmental documents (the Recirculated Draft EIS/EIR is approximately 6,000 pages including all the volumes), the Port has placed the document on its website and hardcopies at five locations in the project area. The voluminous nature of the Recirculated Draft EIS/EIR reflects the level of interest by the public, residents, agencies, and organizations in the proposed Project. The Recirculated Draft EIS/EIR attempts to make the technical discussions as clear as possible, but unfortunately, some resource evaluations are complex by their nature.
- 24-2** The commenter's opinions are noted. The physical conditions and assumptions used in the Recirculated Draft EIS/EIR are based on actual physical parameters and a number of studies, technical plans, reports and conversations with the proposed tenant.
- 24-3** The purpose of the environmental document is to identify project impacts and identify alternatives and mitigation measures that could feasibly reduce or avoid those impacts. All feasible mitigation measures have been applied to the proposed Project and alternatives. The comment will be considered by the decision-makers.
- 24-4** The comment appears to refer to the site plan presented in the Executive Summary compared to the aerial photograph depicted on the cover of the Recirculated Draft EIS/EIR. The project boundaries shown on the cover of the document are based on an older aerial photograph that shows the Southwest Slip prior to its filling by the Channel Deepening Project whereas Figures ES-1 and ES-2 show the area of the Southwest Slip filled in from the Channel Deepening Project. The description of the Project is contained in Chapter 2 of the Recirculated Draft EIS/EIR, and this project description is consistent and stable throughout the EIS/EIR. The Project boundaries as shown on the EIS/EIR cover are the same as the Project boundaries shown in Figures ES-1 and ES-2. The Berth 97-109 Container Terminal Project was originally started prior to the placement of the Channel Deepening Project fill in the Southwest Slip, however the aerial photograph on the document cover has not been updated. As the Project has developed over time following the placement of the Channel Deepening Project, the project details have been reflected in the site plans. The fact that the cover of the document uses an older aerial photograph of the project site does not mean that the placement of the fill in the Southwest Slip under the Channel Deepening Project is a part of the Project. Rather, as stated in Section 2.4.2.3 of the Recirculated Draft EIS/EIR, the fill was placed in the Southwest Slip as part of the Channel Deepening Project. Furthermore, the Project boundaries shown on the cover are not intended to describe the Project; rather, they are intended to provide the reader with an easy way to identify the project site at a glance.
- 24-5** Answers to the questions in this comment are as follows:
- 24-5.1 It is unclear what other statistics the commenter is referring to.
- 24-5.2 The meaning of this comment is unclear. Buildings used for operation are indicated on the proposed Project figures.
- 24-5.3 Please see Section 2.4.2.5 of the Recirculated Draft EIS/EIR for a description of how the on-dock rail yard at Berths 121-131 would be utilized by the proposed Project.
- 24-5.4 Knoll Hill is not included as part of the Project backlands.
- 24-5.5 Local trucks refer to trucks that stay within the Los Angeles metropolitan area and average approximately 20 miles per one-way trip to or from the Port of Los Angeles.

- 24-5.6 It is unclear how the earthquake analysis is inadequate. During the Project design stage, the Port bases the structural needs of the wharf and cranes, in part, on the maximum credible earthquake that is likely to occur.
- 24-5.7 It is unclear in what manner the comment is asserting that the cumulative impacts analysis does not comply with legal requirements. The cumulative impact analysis in Chapter 4 of the Recirculated Draft EIS/EIR focuses on whether the impacts of the proposed Project are cumulatively considerable within the context of impacts caused by other past, present, or future projects. In addition, the potential for the proposed Project (and alternatives) to make cumulatively a considerable contribution to a significant cumulative impact for each resource area is contained in Chapter 4.
- 24-5.8 One container is approximately equal to 1.8 TEUs or Twenty-foot Equivalent Units. Page 1-6 of the Recirculated Draft EIS/EIR provides an explanation of a TEU.
- 24-5.9 The proposed Project would handle approximately 1.55 million TEUs annually; it is unclear why the commenter is referring to 5 million TEUs.
- 24-5.10 It is unclear what the project phases are out of compliance with. Please see Section 2.4.4 of Chapter 2 of the Recirculated Draft EIS/EIR for a description of the construction phasing of the proposed Project.
- 24-5.11 Please see Section 2.4.2.6 of the Recirculated Draft EIS/EIR.
- 24-5.12 The removal of rock from the quarry at Catalina Island has been permitted as part of the quarry operations.
- 24-6** The project alternatives represent a reasonable range of alternatives, as required by CEQA that would reduce or avoid the significant impacts of the proposed Project. As discussed in Section 2.5 of the document, and as required under NEPA and CEQA, the alternatives given detailed consideration in the document are reasonable, would be potentially feasible and would be able to implement most basic Project objectives
- 24-7** Container terminal wharves serve as a key interface between a terminal's landside operations and the waterside operations such as berthing of the container ships. The wharves must be able to support the weight of the A-Frame Cranes and its associated rail track system. In addition, the wharves must also be able to withstand the lateral forces of the container ships being acted upon by the tide, as well as the tugboats that maneuver the container vessels into position along the wharves. Due to the massing of both the cranes and the container vessels, as well as the tremendous forces exerted by the tugboats (tugboats often have main engines in excess of 5,000 horsepower), the wharves are usually constructed of reinforced concrete fixed to a pile support system. The recommendation of using floating wharves is not considered technically feasible due to the loading requirements of container terminal wharves.
- 24-8** Section 2.5 of the Recirculated Draft EIS/EIR identifies and describes the 18 project alternatives, including 10 alternatives that were considered and withdrawn. As discussed in Section 2.5.2, the Port and USACE considered and withdrew 10 alternatives that had different locations and/or uses, including the use of other West Coast ports outside California, expansion of terminals in Southern California but outside the Port of Los Angeles, a Liquefied Natural Gas facility, and a terminal with narrower wharves. Other alternatives are also described in Section 2.5.2. These 10 alternatives were considered in light of the project objectives and eliminated from further consideration either because they did not adequately meet the Project objectives or because they would involve unacceptable risks. Of the eight alternatives that are carried forward in the Recirculated Draft EIS/EIR (including the proposed Project), six are container terminals, one is a bulk cargo terminal, and one is a regional development project that has been evaluated, per the

requirements of the ASJ. The alternatives evaluated in the EIS/EIR represent a reasonable range of alternatives that have been determined to best meet the Project objectives, or that meet the requirements of the ASJ. It should be noted that none of the Project alternatives would include elements or terminal features that would be located outside of the Port's boundaries or within local communities. Although the preservation or enhancement of local communities are not included in the project objectives, they are reflected in the Port decisions to withdrawal consideration of an LNG Terminal as discussed in Section 2.5.2.5 and the Offsite Backlands Alternatives discussed in Section 2.5.2.6.

24-9 The Recirculated Draft EIS/EIR has been prepared with the intent of complying with NEPA and CEQA, and both the Port and USACE believe that this has been accomplished. Although numerous comments have been submitted to the Port and USACE, the comments have been responded to in this section. Regarding the comments that the EIR process is a sham and the agencies are not in command of executing the laws in an appropriate way, the commenter's opinion is noted.

24-10 Answers to the questions in this comment are as follows:

24-10.1 The commenter does not specify how the Recirculated Draft EIS/EIR is deficient. Please see the responses to Comments provided by other agencies, community groups, and individuals.

24-10.2 The Recirculated Draft EIS/EIR does not include a cost-benefit analysis regarding public health and Project revenues. Despite the application of all feasible mitigation measures, significant unavoidable adverse project-level and cumulative impacts would remain. These impacts have been identified in the EIS/EIR, and the decision-makers will have to consider them as part of deliberations to approve or disapprove the project. In addition, the Findings of Fact and Statement of Overriding Considerations (a public document that will be released prior to Board consideration) will include a discussion comparing and contrasting the proposed Project, the reduced Project, and the No Project. The discussion includes comparison charts and ratings. In certifying the EIR and approving the Project, the Board must consider and adopt the Findings of Fact and Statement of Overriding Considerations.

24-10.3 The USACE 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 from the overall existing and planned operations of the Ports. Current and future proposed project approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the proposed San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall health risk effects of future projects and ongoing port operation emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a measure of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay

Standards will be performed to ensure that the proposed project is fully contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP and on projected future operations of the Ports through the specified CAAP implementation mechanisms and assumed implementation of existing regulations. As long as the project is consistent with growth projection assumptions used to develop the San Pedro Bay Standards, and the CAAP mitigations for the project are consistent with the mitigation assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project satisfies these criteria; therefore, it is consistent with the San Pedro Bay Standards. Table 3.2-26 of the Recirculated Draft EIS/EIR demonstrates that the proposed Project's mitigation measures are consistent with, and in some cases exceed, the Project-Specific and Source Specific Standards in the CAAP.

- 24-10.4 As detailed in Table 3.2-26 of the Recirculated Draft EIS/EIR, and further discussed in responses to Comments 1-2 and 1-9, the proposed Project is consistent with the CAAP.
- 24-10.5 The purpose of an EIS/EIR is not to “justify” or advocate for a proposed Project, nor is it to provide a cost/benefit analysis. Rather, the purpose, which this EIS/EIR adequately fulfills, is to identify, evaluate, and discuss alternatives and mitigation measures to reduce or avoid, the significant environmental impacts of the proposed Project – including the proposed Project's health risk. In addition to this EIS/EIR, the Harbor Board of Commissioners will consider other information concerning the economic aspects of the proposed Project.
- 24-10.6 The project applicant will be required to implement mitigation measures, to reduce or avoid significant effects on the environment, as described in the Recirculated Draft EIS/EIR.

24-11 Answers to the questions in this comment are as follows:

- 24-11.1 The TAP is funded primarily by both Ports with additional funding from participating agencies. **MM AQ-22** provides a process to consider new or alternative emission control technologies in the future and an implementation strategy to ensure compliance. Under **MM AQ-22**, the opportunity to add new measures to the lease would occur at least once every 7 years.
- 24-11.2 It is the goal of the Port and USACE to apply mitigation to the source of emissions to reduce health effects from proposed projects in NEPA/CEQA environmental documents. The Recirculated Draft EIS/EIR incorporates all feasible mitigation measures that would reduce air pollution and human health impacts from proposed construction and operational emission sources, and could be accomplished in a successful manner within a reasonable period of time, taking into consideration economic, environmental, legal, social, and technological factors (CEQA Guidelines Section 15364). Reducing emissions at the source benefits both indoor and outdoor air quality in all receptor locations, and is therefore much more effective than controlling ambient concentrations at individual receptors. By contrast, mitigation applied at the receptors, such as installing air purifiers in homes and schools, is economically infeasible at the project level because relatively few individuals would benefit at a relatively high cost. For example, according to data compiled for the POLA's TraPac EIS/EIR, the purchase of air filters for 2,645 homes, 38 elementary schools, 4 hospitals, and 33 day care centers in the Wilmington, San Pedro, and Harbor City areas would cost approximately \$8.5 million, not including installation

and maintenance costs, which would also be substantial. The effectiveness of air filtration would also depend on consistent and proper operation of the filters, which would be out of the control of the Port or the applicant. Therefore, an air purifier program would only be economically feasible on a Port-wide basis, outside the NEPA/CEQA project-level process. For this reason, as discussed in response to Comment 1-17, the Port, through a Memorandum of Understanding, has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the off-Port impacts created by Port operations. This fund includes as one of its elements approximately \$6 million for air filtration in schools in Wilmington and San Pedro.

- 24-11.3 The Port of Los Angeles is conducting an air quality monitoring program within its operational region of influence (ROI). This monitoring program supports the Port's commitment to improve air quality within the San Pedro Bay Ports area under the Clean Air Action Plan (CAAP), by helping to better manage and provide feedback on the Port's air quality improvement efforts. The monitoring program includes a network of four air monitoring stations that measure a comprehensive set of air pollutants within the ROI.

The air quality monitoring stations measure ambient air pollution levels in the vicinity of the Port. The program includes a number of real-time air quality measurements: ozone, sulfur dioxide, nitrogen dioxide, carbon monoxide, two sizes of particulate matter (PM₁₀ or coarse particles, and PM_{2.5} or fine particles), polycyclic aromatic hydrocarbons (PAHs), and ultrafine particles. In addition, twenty-four hour integrated samples of particulates are collected on filters every third day for detailed chemical analyses, which can not be done with real-time monitors. As part of the program, meteorological monitoring stations operate adjacent to each air monitoring station, to help interpret the air quality data and for use in other Port programs. Each meteorological monitoring station collects wind speed, wind direction, and temperature data; in addition, one station also collects solar radiation, relative humidity, and barometric pressure data.

The monitoring stations are strategically located within the Port's ROI at (1) the Outer Harbor area at Berth 47 near the south end of the Port, (2) the Terminal Island Treatment Plant (TITP) in the center of Port operations, (3) within the San Pedro community near the intersection of South Harbor Boulevard and 3rd Street, and (4) within the Wilmington community at the Sts. Peter & Paul Elementary School. Selection of the locations for the two community stations was dependent on a special "validation study" to ensure that the monitoring sites were representative of ambient conditions within the community.

All of the real-time data are available for public review on the CAAP web site, which can be accessed from this location. The CAAP web site also displays data collected by two stations operated on behalf of the Port of Long Beach, which provides a more comprehensive picture of air quality within the San Pedro Ports area.

The proposed Project is not expected to result in unusual air pollution such that a warning system would be required.

- 24-11.4 Please see the response to Comment 1-18 As part of the San Pedro Bay Standards, the Port will complete a Port-wide Health Risk Assessment (HRA) covering both the Ports of Los Angeles and Long Beach that will include a quantitative estimate of overall health risk impacts from the Ports' existing and planned operations. Current

and future projects' approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall effects of future projects and ongoing port operations emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a standard of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed to ensure that the proposed Project is contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP through the specified implementation mechanisms and implementation of existing regulations. As long as the mitigations for the project are consistent with the assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay Standards because it is consistent with the growth projections assumed in developing the San Pedro Bay Standards and exceeds compliance with applicable CAAP measures as shown in Table 3.2-26 of the Recirculated Draft EIS/EIR. The San Pedro Bay Standards were developed in close coordination with the South Coast AQMD and CARB.

The comment suggests conducting a port-wide Health Impact Assessment (HIA). 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 Recirculated Draft EIS/EIR discloses the environmental impacts, including health risk impacts, of the proposed Project, the Recirculated Draft EIS/EIR is not required to additionally include a separate, full-blown HIA. Nevertheless the Recirculated Draft EIR/EIR included a number of health assessment tools to accomplish many of the goals of an HIA. These tools include a full project-specific Health Risk Assessment (HRA), criteria pollutant modeling, morbidity/mortality analysis, an Environmental Justice analysis, and a Socioeconomic analysis. These analyses are presented in the Recirculated Draft EIS/EIR for the proposed Project and all project alternatives (including the No Federal Action/No Project Alternative), allowing the reader, and subsequently the Board and USACE (the decision makers) to compare and contrast the benefits and costs among all proposals.

The HRA, as presented in Section 3.2 and Appendix E, examined the cancer risks and the acute and chronic noncancer health risks associated with the proposed Project and all Project alternatives on the local communities. Health risks are analyzed for five different receptor types: residential, sensitive (elderly and immunocompromised), student, recreational, and occupational. Health risks are reported over geographical areas (for example, the HRA includes cancer risk isopleths to illustrate risk patterns in the communities). The HRA is based on procedures developed by public health agencies, most notably the California Office of Environmental Health

Hazards Assessment (OEHHA). Section 3.2 and Appendix E also include a discussion of some recent studies that link pollution, specifically DPM, to various health impacts including cancer, asthma, and cardiovascular disease.

The Recirculated Draft EIS/EIR also includes a particulate matter mortality analysis that assesses the incidence (as opposed to risk) of premature death as a result of the proposed Project. As discussed in Section 3.2, epidemiological studies substantiate the correlation between the inhalation of ambient Particulate Matter (PM) and increased mortality and morbidity (CARB 2004a and CARB 2007). The analysis is based on guidance from CARB and relies on numerous studies and research efforts that focused on PM and ozone because these represent a large portion of known risk associated with exposure to outdoor air pollution. CARB's analysis of various studies allowed large-scale quantification of the health effects associated with emission sources.

The Environmental Justice Section (Chapter 5) of the Recirculated Draft EIS/EIR evaluates whether the proposed Project and its alternatives would result in disproportionately high and adverse human health or environmental impacts on minority populations and/or low-income populations. The Environmental Justice analysis looks at the Project and cumulative impacts as assessed in Chapters 3 and 4 of the Recirculated Draft EIS/EIR on minority and/or low-income individuals in the local communities surrounding the Port. The Socioeconomic Section (Chapter 7) encompasses a number of topical areas including employment and income, population, and housing. Within each of these areas, subtopics include an examination of conditions at different geographical scales that are relevant to the potential impacts associated with implementation of the proposed Project.

24-12 Answers to the questions in this comment are as follows:

- 24-12.1 The Port of Los Angeles is the Lead Agency under CEQA for the proposed Project, and is responsible for the preparation of the EIR, including the applicable seismic evaluation. A major element of the Project is the construction of the wharves, which will require dredging and fill placement and require a permit from the USACE. Because of this, the USACE is the Lead Agency under NEPA and is responsible for preparation of the EIS, including the applicable seismic evaluation. The USGS does not have jurisdiction over the project or project site. Section 3.5 of the Recirculated Draft EIS/EIR evaluated the geology and soils impacts of the project and alternatives, including the anticipated seismic and liquefaction related impacts. To summarize, Section 3.5.4.3.1 identifies significant seismic impacts related to the construction and operation of the project, including impacts related to faults and liquefaction. Regarding the commenter's concerns that the project would use taxpayer monies during a State budget crisis, construction and operation of the proposed Project would not be funded by taxpayers. The Port is an income-generating Department of the City and is not dependent on taxes from City residents for its capital expenditures.
- 24-12.2 Questions regarding the seismic design parameters of the Vincent Thomas Bridge should be directed to Caltrans. When docked, ocean-going vessels would be secured to the wharf. Also, please see the discussion about tsunami probabilities in Section 3.8 of the Recirculated Draft EIS/EIR.
- 24-12.3 Under NEPA and CEQA, the Draft EIS/EIR is required to focus on the significant impacts of the proposed Project and Project alternatives to the physical environment. The question regarding the economic impacts of a 6-7.0 earthquake on Port operations appears to fall outside of the scope of the Recirculated Draft EIS/EIR.

- 24-12.4 See response to comment 24-12.3.
- 24-12.5 Terminal activity is not expected to result in vibrations that could affect nearby structures. It is unclear what aspect of the proposed Project that the commenter's believes will cause vibration damage to residences.

24-13 The commenter is referred to Section 3.8 (Impact RISK-5) for a discussion of potential impacts from seismically induced tsunami's that could affect the project site. Terminal construction would utilize equipment that is commonly used throughout urbanized and rural areas, and generally do not produce vibrations at levels capable of resulting in structural damage. In addition, the project site is located far enough from surrounding residential land uses for vibrations to be unnoticeable due to attenuation. Regarding the recommendation that the Port stabilize all unstable land and hillside retaining walls surrounding the Port, the Project would not result in activities that could result in destabilization of the hillside areas to the west of the Project site, and the recommended measure would thus not provide mitigation for any Project impact.

24-14 Answers to the questions in this comment are as follows:

- 24-14.1 A complete analysis of potential Project impacts from cranes on views of the Vincent Thomas Bridge are addressed in Section 3.2 of the Recirculated Draft EIS/EIR.
- 24-14.2 The comment incorrectly states that the pile of soil in the Southwest Slip is a part of the China Shipping project; it is not. When new fill is created in the Port, excess soil or surcharge is placed on top of the fill area to compact the fill over time. The soil is then removed at a later date and the new landfill is complete. The existing fill and surcharge in the Southwest Slip was created as part of the Channel Deepening Project in 2003, and the removal of the surcharge is also a part of that project. As stated in Section 2.4.2.3 of the Recirculated Draft EIS/EIR, the Channel Deepening Project is a separate project from the Berth 97-109 Container Terminal Project. The proposed Project would include some backlands on the fill created by the Channel Deepening Project. The fill was evaluated in the Supplemental EIS/EIR for the Channel Deepening Project (USACE and LAHD, 2000) and supplemental environmental assessment (USACE, 2002). The use of the fill created by the Channel Deepening Project as backlands for the proposed Project is described in the Project Description in Chapter 2 of the Recirculated Draft EIS/EIR, and analyzed throughout the remainder of that EIS/EIR, including the aesthetic impacts in Section 3.1. Because the creation of fill in the Southwest Slip is a separate project that has been evaluated in the previous environmental document, not repeating the evaluating for the referenced fill creation in the Berth 97-109 Container Terminal project is not considered segmentation.
- 24-14.3 The proposed Project would generate additional noise, as discussed in Section 3.11 of the Recirculated Draft EIS/EIR.
- 24-14.4 Sound walls were considered for noise mitigation, as discussed in Section 3.11 of the Recirculated Draft EIS/EIR; however, they are not determined feasible or effective, given the local topography and location of noise receptors. Please see Section 3.11 for further explanation.
- 24-14.5 Nighttime lighting is ubiquitous throughout the Port, the City of Los Angeles, and the surrounding developed region. The effects of lighting on human health are not quantifiable.

24-15 Answers to the questions in this comment are as follows:

- 24-15.1 Impact AQ-9 in Section 3.2 of the Recirculated Draft EIS/EIR discusses greenhouse gas impacts of the proposed Project. Project level mitigation measures identified in Section 3.2 also reduce the generation of greenhouse gasses.
- 24-15.2 The intent of the Recirculated Draft EIS/EIR is not to neglect the US Presidential Ocean Policy. It is unknown what the commenter means by the "US Presidential Ocean Policy". There is a US Commission on Ocean Policy which prepared a report containing 212 recommendations addressing all aspects of ocean and coastal policy. The 16 members of the Commission call on the President and Congress to take decisive, immediate action to carry out these recommendations, which will halt the steady decline of our nation's oceans and coasts. Draft EIS/EIR includes mitigation measures to reduce any potential impacts on the marine environment.
- 24-15.3 The question appears to fall outside of the scope of the Recirculated Draft EIS/EIR. It is unknown what the commenter means by Global Lifestyle.
- 24-15.4 The question appears to fall outside of the scope of the Recirculated Draft EIS/EIR.
- 24-15.5 The question appears to fall outside of the scope of the Recirculated Draft EIS/EIR.
- 24-15.6 The question appears to fall outside of the scope of the Recirculated Draft EIS/EIR. China Shipping's operation in China is governed by China.
- 24-15.7 The question appears to fall outside of the scope of the Recirculated Draft EIS/EIR.
- 24-15.8 The question appears to fall outside of the scope of the Recirculated Draft EIS/EIR. As noted above by the commenter, the Port, state and federal government have invested significant funds in security to prevent potential terrorist actions.
- 24-15.9 Please see the Homeland Security discussion in Section 3.8.2.4 of the Recirculated Draft EIS/EIR.
- 24-15.10 Please see the discussion of terminal security measures in Section 3.8.2.5.2 of the Recirculated Draft EIS/EIR.
- 24-15.11 Please see the responses to Comments 24-15.9 and 24-15.10.
- 24-15.12 The question is best directed to the Mayor of the City of Los Angeles.
- 24-15.13 The commenter's opinion is noted.
- 24-15.14 The comment will be considered by the decision-makers.

Coalition for a Safe Environment

- 25-1** The comment is noted and will be considered by the decision-makers.
- 25-2** The comment is noted and will be considered by the decision-makers.
- 25-3** 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, particularly those focused on upland operations, would be implemented, maintained, and monitored by the Port of Los Angeles as the local agency with continuing program control and responsibility through its tenant leases. The CAAP is a lasting emission-reduction plan for reduction of criteria pollutants. The mitigation measures contained in the Recirculated Draft EIS/EIR would be in effect over the 40-year life of the proposed Project (the 40-year lease began in 2005; therefore, a number of the mitigation measures would not begin until approval of Phases II and III, consistent with the ASJ) and would minimize emissions from construction and operation of the proposed Project. The CAAP, the construction mitigation, and the proposed Project-level mitigation included in the Recirculated Draft EIS/EIR, combined with federal, state, and regional regulations, would result in a substantial reduction of emissions at the Port and in the South Coast Air Basin.
- 25-4** The Recirculated Draft EIS/EIR complies with NEPA and CEQA by disclosing and evaluating significant impacts and identifying feasible alternatives and mitigation measures to reduce or avoid those impacts. In addition, the document discloses and evaluates disproportional impacts on the environmental justice community. Despite the application of all feasible mitigation measures, significant unavoidable adverse project-level and cumulative impacts would remain. These impacts have been identified in the Recirculated Draft EIS/EIR, and the decision-makers will have to consider them as part of their deliberations to approve or disapprove the project or.
- 25-5** The comment is acknowledged. It should be noted that natural resources have been degraded over time, but this is not unexpected given that this Port has been in existence for approximately 100 years. The degradation to natural resources has been acknowledged in Section 4.3.2 of the Cumulative Impacts Chapter of the Recirculated Draft EIS/EIR.
- 25-6** Regarding the comment that the DEIR/DEIS fails to prove there is a need to expand the current terminal, please refer to the container throughput projections included in Section 1.1.3 of the Recirculated Draft EIS/EIR, as well as Appendix I, which identifies throughput projections for the Project and alternatives. As can be seen from these references, projected container throughput demand will exceed the aggregate container terminal capacity within the Port Complex by the year 2030. Because of this, the Port and USACE have established Project objectives that include establishing a new container terminal to accommodate projected throughput demand. Section 2.3.1 of the Recirculated Draft EIS/EIR discusses the CEQA Project Objectives and Section 2.3.2 discusses the USACE Purpose and Need. Furthermore, as required by NEPA and CEQA, the Recirculated Draft EIS/EIR focuses on the significant environmental effects of the proposed Project, and is not intended or required to be an economic cost/benefit analysis, nor is the EIS/EIR intended to allocate employment benefits to the residents of any particular community.
- 25-7** The Project alternatives have been developed within the framework of the Port Master Plan and the requirements of the ASJ, and represent a reasonable range of alternatives that would reduce or avoid the significant impacts of the proposed Project, while allowing implementation of most, if not necessarily all, of the basic purpose and need for the proposed Project. None of the

alternatives provided in the comment would meet most of the project goals and objectives or the overall Project purpose.

- 25-8** The proposed Project is consistent and in some cases exceeds the CAAP, which is the Port's blueprint for the Mayor's mandate to "Grow Green". It is unclear what specific significant impacts or mitigation measures the commenter or others have identified that should be considered in the Recirculated Draft EIS/EIR. Regarding the comment that not all impacts have been mitigated to a less than significant level, please see the response to Comment 25-4.
- 1-21** On November 30, 1993, EPA promulgated final general conformity regulations at 40 CFR 93 Subpart B for all federal activities except those covered under transportation conformity. On September 14, 1994, South Coast Air Quality Management District (SCAQMD) adopted these regulations by reference as part of Rule 1901. The general conformity regulations apply to a proposed federal action in a nonattainment or maintenance area if the total of direct and indirect emissions of the relevant criteria pollutants and precursor pollutants caused by the proposed action equal or exceed certain de minimis amounts, thus requiring the federal agency to make a determination of general conformity. Regardless of the proposed action's exceedance of de minimis amounts, if this total represents 10 percent or more of the area's total emissions of that pollutant, the action is considered regionally significant, and the federal agency must make a determination of general conformity. By requiring an analysis of direct and indirect emissions, EPA intended the regulating federal agency to make sure that only those emissions that are reasonably foreseeable and that the federal agency can practicably control subject to that agency's continuing program responsibility will be addressed. The general conformity regulations incorporate a stepwise process, beginning with an applicability analysis.
- According to EPA guidance (EPA, 1994), before any approval is given for a proposed action to go forward, the regulating federal agency must apply the applicability requirements found at 40 CFR 93.153(b) to the proposed action and/or determine the regional significance of the proposed action to evaluate whether, on a pollutant-by-pollutant basis, a determination of general conformity is required. The guidance states that the applicability analysis can be (but is not required to be) completed concurrently with any analysis required under NEPA. If the regulating federal agency determines that the general conformity regulations do not apply to the proposed action, no further analysis or documentation is required. If the general conformity regulations do apply to the proposed action, the regulating federal agency must next conduct a conformity evaluation in accord with the criteria and procedures in the implementing regulations, publish a draft determination of general conformity for public review, and then publish the final determination of general conformity.
- 25-9** A general conformity determination will be necessary for the proposed federal action. The Draft Conformity Determination has been prepared and is included as Appendix P in the Final EIS/EIR, and Section 3.2.3.1 (Conformity Statement) has been updated to reflect this. It should be noted that the conformity finding is not the same as an impact finding under NEPA
- 25-10** Contrary to the comment, the proposed Project would meet the project objectives. The recommendation to build a terminal with docks situated such that a ship can be unloaded from both sides is not a feasible or desirable alternative because it would require the conversion of large amounts of backlands to channel in order to maintain the existing Main Channel configuration and would pose inefficiencies in the docking of ships. The reduction in backlands would likely reduce the overall efficiency of the container terminals.
- 25-11** Although the proposed Project and container terminal alternatives do not include an on-dock rail yard on the China Shipping site, they do utilize the on-dock rail yard at the Berth 121-131 Container Terminal. On-dock rail yards require a large section of area with a relatively straight orientation so that train segments and trains can be assembled efficiently. In addition, on-dock

rail yards adjacent to container terminals are best situated along one side of the terminal adjacent to rail line access. A review of the Berth 97-109 site configurations shows that there are no large areas with a relatively straight orientation adjacent to the existing rail line near the western end of the site. As can be seen in Figure 2-2 of the Recirculated Draft EIS/EIR, the western boundary of the Project site is configured in a stair-step fashion that would not allow efficient train assembly if an on-dock yard is placed along that boundary. In addition, a review of the on-dock yard at Berths 121-131 in the same Figure highlights the needs of such a yard and the lack of suitable area on the Project site for such a yard. Furthermore, the establishment of an on-dock-yard elsewhere on the Project site would either interfere with the movement of containers from the vessels to the backlands, or interfere with efficient backland utilization and access. As a consequence, the placement of an on-dock rail yard at the Berth 97-019 site is not considered feasible. Because of this and because of the desire to utilize rail for the transport of containers, the proposed Project would use the on-dock rail yard at the Berth 121-131 container terminal. The terminal operators at both terminals are affiliated and are demonstrating operational coordination via the shared gate. As discussed in Section 2.4.2.7 of the Recirculated Draft EIS/EIR, a portion of the containers from the proposed terminal would be transported through the on-dock rail yard located at Berths 121-131 via the internal road that connects the two terminals. The internal roadway is depicted in Figure 2-2. In addition, the proposed Project would construct additional bridges across the Southwest Slip, which could also be used to transport containers from the terminal at Berth 97-109 to the on-dock rail yard at Berths 121-131. The internal roadway and the proposed bridges across the Southwest Slip would ensure that operational efficiency between the on-dock rail yard at Berths 121-131 and the backlands at Berths 97-109 is maximized. As a point of clarification, Yang Ming terminal operators would only be allowed to store 632,000 TEUs on the terminal site under Alternative 1, No Federal Action alternative. The air emissions associated with the storage of the 632,000 TEUs have been quantified in Section 3.2 under Alternative 1.

- 25-12** The commenter is incorrect in implying that the truck and yard equipment trips between the Berths 121-131 and Berths 97-019 terminal is not accounted for. The evaluation of the Project impacts includes all anticipated trips between the two terminals via the existing internal roadway. Specifically, equipment trips between the proposed Berth 97-109 and the on-dock rail yard at Berths 121-131 are included in the emissions calculations for the proposed Project and Alternatives (1-6) in Section 3.2 of the Recirculated Draft EIS/EIR. The Recirculated EIS/EIR, as required under NEPA and CEQA, focuses on evaluating, and identifying alternatives and mitigation measures to reduce or avoid, the significant impacts of the proposed Project to the physical environment, and is not required to conduct an economic cost/benefit comparison. In response to the comment regarding the use of an on-dock rail yard, the proposed Project would utilize the yard at Berths 121-131, but no on-dock rail yard is proposed for the project site for the reason stated in the response to Comment 25-11. In response to the comment regarding the USACE scope of analysis for this Project, please see the response to Comment 16-58.
- 25-13** As a point of clarification, the terminal operator's obligation is to bring the containers to the terminal from overseas and load them on third party trucks or transport them to the on-dock rail yard where a third party railroad company would assemble trains loaded with the containers for rail transport by a fourth party. The terminal operator is not a railroad company that is in the position to dictate use of the Alameda Corridor, nor is the terminal operator able to dictate the means of container transport to the person or firm that has ordered the goods within the container. Likewise, the Port does not have the ability to mandate that the terminal operator use rail exclusively. As discussed in the Recirculated Draft EIS/EIR, approximately 50 percent of the cargo is local cargo that stays within 20 miles of the Port. Much of the non-local cargo is trucked to Southern California distribution centers for repackaging. The current rail system cannot accommodate this cargo; the rail system is designed for long-distance deliveries.

25-14 The comment calls for expediting the phase-in of AMP at the terminal. China Shipping, in compliance with the ASJ, retrofitted 29 ships all within the 3,000- to 5,000-TEU range. Since that time, China Shipping has installed AMP on an additional four 8,500-TEU ships at 6.6 kW. As discussed in Chapter 2 and Section 3.2 of the Recirculated Draft EIS/EIR, the ship size is expected to increase from the 3,000- to 5,000-TEU class to the 8,000- to 9,000-TEU ship size with occasional visits from 9,000- to 11,000-TEU ships. While a large portion of the ships in China Shipping's current Port of Los Angeles service are retrofitted with AMP, only four of the larger ships in their worldwide fleet are retrofitted (while China Shipping will order some brand new ships to service the Port, some of the ships will be repositioned from existing vessel strings elsewhere). To comply with the ASJ and to achieve the proposed AMP levels in MM AQ-9, these ships will also need to be retrofitted. The phase-in schedule allows for such retrofits to occur.

The Advanced Maritime Emissions Control System (AMECS) is still in the demonstration phase and is currently not a feasible mitigation measure.

The Port anticipates that AMECS technology could eventually prove feasible and cost-effective as an alternative to AMP for some or all vessels calling the Port, especially marine oil tankers. Parts of an AMECS system have been tested as part of a pilot project at the Port of Long Beach that is focused on vessels carrying dry bulk, break bulk, and roll-on/roll-off cargo (Port of Long Beach, 2006). However, at this time, the full system has not been tested on any vessel.

Should AMECS become feasible and commercially available in the future, **MM AQ-22** provides a process to consider new or alternative emission control technologies in the future and an implementation strategy to ensure compliance. Under **MM AQ-22**, the opportunity to add new measures to the lease would occur not less frequently than once every 7 years.

25-15 MM AQ-18 would require diesel particulate filters on yard locomotives at the on-dock rail yard by 2015. China Shipping has no direct control over locomotive operations at the Berth 121-131 (on-dock) railyard. The current yard locomotive operator at the Berth 121-131 rail yard is PHL. PHL is a third-party independent rail company that provides rail transportation, yard switching, maintenance, and dispatching services to the San Pedro Bay Ports. PHL manages all rail dispatching and switching functions at the on-dock rail yards at the two ports. PHL's current lease at the Port of Los Angeles expires at the end of 2014. Therefore, January 1, 2015, represents the earliest date at which the Port can require diesel particulate filters (DPFs) on yard locomotives through new lease measures. In contrast to switchers operating at on-dock rail yards, the Port has much less control over main line locomotives, which enter the South Coast Air Basin from all parts of the U.S. (although CARB has had some success in reducing locomotive emissions through their MOU with the rail lines). The railroads are a federal source and controlled by federal regulation under the purview of USEPA. The Ports, therefore, would request that USEPA move to strengthen and/or speed up implementation of emission controls on main line locomotives. In the meantime, the Port will continue to negotiate with Class 1 railroads to work toward reducing emissions from line-haul locomotives using on-dock rail yards, consistent with the schedule set forth in CAAP measures RL-2 and RL-3

The emission calculations in Impact AQ-3 include all locomotive emissions associated with transporting China Shipping containers by rail into and out of the South Coast Air Basin. The emissions include locomotive activity at on-dock and off-dock rail yards as well as along the various haul corridors including the Alameda Corridor. For the purposes of the air emission calculations, the Berth 121-131 rail yard, Carson ICTF, and LA Rail yards were used as representative rail yards for all project-affected rail yards in the South Coast Air Basin. For a discussion of the modeling and health risk assessment approaches for rail emissions, please refer to response to Comment 21-23.2.

The Advanced Locomotive Emissions Control System (ALECS) is still in the demonstration phase and therefore is currently not a feasible mitigation measure. However, should ALECS become feasible and commercially available in the future, **MM AQ-22** provides a process to consider new or alternative emission control technologies in the future and an implementation strategy to ensure compliance. Under **MM AQ-22**, the opportunity to add new measures to the lease would occur not less frequently than once every 7 years.

Regarding the noise comments, the proposed Project would on average introduce approximately two train round trips per day to existing rail lines. These additional trains would have virtually no effective increase in noise energy levels along the rail corridors or at rail yards throughout the region. Expected increases in the number of trains per day due to the proposed Project would not be high enough to cause a real difference in the noise environment around the Port either, as described in the response to Comment 21-40. Noise due to train movements near the project site currently includes braking, car coupling, locomotive noise, and such noises will continue with the proposed project; however, increases in train noise are not expected to be significant because very few Project-related trains would operate in the project area on a daily basis.

- 25-16** The rail delay impacts discussed in the Recirculated Draft EIS/EIR focused on the at-grade rail crossings located between the Port and the Alameda Corridor, which eliminated at-grade rails crossings between the Port and Downtown Los Angeles. In addition, please see the responses to Comments 12-6, 12-7, 13-8, 13-9, 13-22 and 13-27. Please see the response to Comment 21-23.2 regarding the HRA and its geographical area of influence. The issue of rail corridor noise is addressed in Section 3.11.4.3.1.2 of the Recirculated Draft EIS/EIR. As discussed in that section, the greatest incremental increase in noise levels along rail corridors serving the Port of Los Angeles is calculated to be 0.8 dBA CNEL, which falls below the significance threshold. Farther inland, the percentage of trains to and from the Project versus total trains traveling along any particular route would decrease because there are multiple tracks that the trains from the Project could take, and there are other trains that are using the inland tracks. The decrease in percentage of trains to and from the Project on inland tracks would translate into a lower increase in noise to the CNEL than the 0.8 dBA at locations closer to the Project site. Therefore, significant rail noise impacts at inland locations are not anticipated. Regarding the existing ICTF facility in Carson, impacts associated with that facility were evaluated as part of the environmental documentation for that project.
- 25-17** The CARB study mentioned in the comment evaluates cancer risk impacts from both Ports as a whole, whereas the Recirculated Draft EIS/EIR evaluates incremental health risk impacts from a single proposed Project relative to baseline conditions. Therefore, the Port-wide and Project-level studies mentioned in the comment are not directly comparable.

The Project-level health risk impacts assessed in the Recirculated Draft EIS/EIR were conducted in accordance with current guidance from the California Air Resources Board and Office of Health Hazard Assessment. There is a substantial amount of uncertainty in human health risk assessments, as discussed in Section 8.0 of Appendix E3 of the EIS/EIR. Therefore, risk assessments are best used as a decision-making tool to compare proposed actions to each other and to regulatory thresholds. Additionally, it is not possible to conduct a public health survey to validate the results of the health risk assessment in the Recirculated Draft EIS/EIR because the health risk assessment predicted hypothetical future exposure scenarios that would result after many years of project operation.

The USACE 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 from the overall existing and planned operations of the Ports. Current and future proposed project approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the proposed San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall health risk effects of future projects and ongoing port operation emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a measure of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed to ensure that the proposed project is fully contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP and on projected future operations of the Ports through the specified CAAP implementation mechanisms and assumed implementation of existing regulations. As long as the project is consistent with growth projection assumptions used to develop the San Pedro Bay Standards, and the CAAP mitigations for the project are consistent with the mitigation assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project satisfies these criteria; therefore, it is consistent with the San Pedro Bay Standards. Table 3.2-26 of the Recirculated Draft EIS/EIR demonstrates that the proposed Project's mitigation measures are consistent with, and in some cases exceed, the Project-Specific and Source Specific Standards in the CAAP.

As detailed in Table 3.2-26 of the Recirculated Draft EIS/EIR, the proposed Project is consistent with the CAAP.

- 25-18** Regarding the recommendation to provide a health-care clinic as mitigation, mitigation measures at the project level have been identified to minimize the health risks associated with the Project and alternatives. The recommended mitigation would not substantially reduce or avoid health risk impacts on the physical environment, and is not appropriate mitigation under CEQA. The request is noted. 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. As part of the MOU, the Port would contribute \$3.50 per container received at the terminal up to an amount of approximately \$4 million. The off-Port community benefits of the MOU are designed to offset cumulative effects of Port operations.
- 25-19** Mitigation has been proposed in Section 3.3 of the Recirculated Draft EIS/EIR to mitigate the impacts of loss of water. Wetlands would not compensate for such impacts. Also mitigation for Port impacts outside the CEQA/NEPA process will be considered in accordance with the Port's Biological Memorandum of Understanding with multiple agencies. The request is noted. The use of mitigation credits regardless of origination is acceptable.
- 25-20** It is unclear that the proposed mitigation would address any impact associated with the proposed Project. Therefore, the proposed mitigation does not appear appropriate for inclusion in the Recirculated EIS/EIR. Mitigation for Port impacts outside the CEQA/NEPA process will be considered in accordance with the Port's Memorandum of Understanding with multiple agencies. In addition, it is unclear what Project impact this recommended measure would mitigate for.

- 25-21** Commenter suggested decontaminating and sanitizing containers before they are placed in container storage yards in Wilmington or other communities, the Port of Los Angeles does not have control over land uses or the operation of facilities that exist outside its jurisdiction. The terminal operator is responsible for transporting the containers from overseas to the Berth 97-109 Container Terminal, where either trucking firms pick up the containers or where containers are then transported to the on-dock rail yard. In either case, the destination of the container becomes the responsibility of the original firm or person that ordered the container or the trucking firm. The comment implies that empty containers are in some way hazardous; however, any shipment of hazardous materials must comply with strict packaging and transportation requirements, as described in Section 3.8.3 of the Recirculated Draft EIS/EIR. Due to the strict regulatory framework regarding the packaging and transportation of hazardous materials, the potential for such materials to contaminate the containers is considered minimal. It should also be noted that no offsite container storage facilities would be constructed as part of the proposed Project.
- 15-15** The commenter's opinions are noted. The Project as proposed would include a 40-year lease, with lease reopeners to address the development of new technology (**MM AQ-22**), because this lease length allows the terminal operator to amortize the capital costs of the terminal and specialized equipment or vessel modifications that result from implementation of the required mitigation measures. The decision-makers will consider the commenter's request for a shorter lease period. regards to electric rail, due to the complexity and cost of implementing new low-emission technologies, such as rail electrification, development and implementation of these technologies are best handled on a Port-wide basis. The CAAP TAP is a process to achieve this objective. Although technical feasibility might exist for some technologies, the Port must also consider economic feasibility. The implementation of large-scale transportation systems at the ports, such as Maglev, is not feasible for consideration as mitigation for the impacts of the proposed Project. These systems generally require very large capital investments, have extensive geographical coverage, and are disproportionate to the impacts of an individual project. Additionally, the project applicant has no means to implement such system-wide transportation improvements. The recommendations of alternative transportation systems are better implemented on a Port-wide or regional basis. The Clean Truck Program at the Port is an example of a large-scale transportation system that currently is being implemented on a Port-wide basis. However, transportation systems for cargo movement such as Maglev represent an infrastructure system over which the Port has no jurisdiction or ability to control. The commenter's opinion is noted. The project alternatives represent a reasonable range of alternatives, as required by CEQA that would reduce or avoid the significant impacts of the proposed Project. As discussed in Section 2.5 of the document, and as required under NEPA and CEQA, the alternatives given detailed consideration in the document are reasonable, would be potentially feasible, and would be able to implement most basic Project objectives.
- 25-22** It is unclear what specific assumptions the commenter is referring to.
- 25-23** The commenter's opinions are noted, and the commenter is referred to Section 3-13 of the Recirculated Draft EIS/EIR for a discussion of the anticipated impacts to police services. It should be noted that police services in the communities of Wilmington and San Pedro fall under the purview of the Los Angeles Police Department, not the Port Police.

The Port has an approved Risk Management Plan (RMP) that also includes emergency response and evacuation plans. The Port RMP was written to incorporate issues associated with container terminals in the West Basin. The proposed Project is consistent with the Port's RMP as noted in Draft EIS/EIR Impact RISK-4. Also, note that Los Angeles Municipal Code (Fire Protection – Chapter 5, Section 57, Divisions 4 and 5) will require the preparation of Project-specific emergency response and evacuation plans.

Evacuation planning for all hazards, man-caused or naturally occurring (such as earthquakes), is a continuing planning effort. Federal, state and local agencies meet and develop planning contingencies, develop communication and logistic protocols, and exercise them. Because the events could change and conditions could become dynamic, the planning teams stage resources, plan exercises, and optimize response strategies. Evacuation planning continues between the Port Police, the Los Angeles Fire and Police Departments (LAPD and LAFD), and the California Highway Patrol. LAPD and LAFD have the primary responsibility for evacuation of community areas that are outside the borders of the Port complex. Even in these instances, the Port Police might fulfill a support role to ensure coordination and assist with planning, evacuations, and perimeter control.

Because of the Port's proximity to the community, the Port police could be called upon to function as first responders to any incident in or near the complex until a unified command is established to control the scenario. In all occurrences a primary goal of the managing entities is the incident command and control under a "Unified Command"¹ approach. Whereas, it is appropriate to communicate general emergency preparedness and evacuation planning information to the community in advance, it is not prudent to share detailed tactical plans that are scenario- and/or location-based, or that contain sensitive security information. However, the City of Los Angeles is committed to protecting its citizens first and foremost in the event of an emergency.

25-24 Section 3.2 of the Recirculated Draft EIS/EIR evaluates the aesthetic impacts of the proposed Project and its applicable elements. The land uses that are the subject of this comment are not a part of the proposed Project or project alternatives. Contrary to the comment, Section 3.2 of the Recirculated Draft EIS/EIR does evaluate the impacts of the Project at off-Port locations, and where significant impacts were identified, mitigation measures are applied. As an example, the Recirculated Draft EIS/EIR identifies a view blockage impact from residents located to the west of the project site in San Pedro, and mitigation measures **MM AES-2**, **MM AES-3**, and **MM AES-4**. As part of the ASJ and federal settlement agreement described in Section 1.4.3 of the Recirculated Draft EIS/EIR, moneys have been set aside for improvements to off-Port locations. In addition, regarding the comment that the Port has not conducted a comprehensive assessment of off-Port impacts, the affected areas for each resource area is described in the sections in Chapter 3 of the Recirculated Draft EIS/EIR. The majority of project-related impacts would occur in the vicinity of the project site, and the farther a particular location is to the project site, lower levels of impacts are anticipated. In addition, please see the responses to Comment 25-15.

20-12 The Recirculated Draft EIS/EIR identifies substantial mitigation that will be applied to the selected alternative to address Project-level impacts to air quality, transportation, and noise. These mitigation measures would also minimize the contribution of the Project (or alternative) to cumulative impacts. In Chapter 5 of the Recirculated EIS/EIR (Environmental Justice), the Port and USACE have put forth a tremendous level of effort to identify all feasible measures to reduce or avoid impacts of the proposed Project that would disproportionately affect minority or low-income populations.

The USACE 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

¹A Unified Command structure involves establishing a management and command hierarchy that acts upon incident information to develop actionable plans and carries authority need to delegate responders.

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 Port's overall existing and planned operations. Current and future proposed projects' approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the proposed San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall health risk effects of future projects and ongoing port operations' emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a standard of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed in order to ensure that the proposed project is fully contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP and on projected future Ports' operations through the specified CAAP implementation mechanisms and also assumed implementation of existing regulations. As long as the project is consistent with growth projection assumptions used to develop the San Pedro Bay Standards, and the CAAP mitigations for the project are consistent with the mitigation assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay Standards as it is consistent with projections of the Ports' future operations used in formulating the San Pedro Bay Standards, and as it exceeds compliance with applicable CAAP measures as shown in Table 3.2-26 of the Recirculated Draft EIS/EIR.

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 previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the overall off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. 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 of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute \$3.50 per container received at the proposed Project terminal up to an amount of approximately \$4 million. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the 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.

Despite identification of all feasible mitigation measures, as required by CEQA, significant unavoidable adverse impacts will remain after implementation of the mitigation measures (under both CEQA and NEPA). The Environmental Justice evaluation bases its identification of high and adverse impacts to minority and low-income population upon these significant unavoidable adverse NEPA impacts. Regarding the comment that the Recirculated Draft EIS does not propose any measures to mitigate significant and unavoidable impacts identified in Chapter 5, all feasible mitigation measures have been identified for each environmental resource topic addressed in the Recirculated Draft EIS/EIR and would be implemented and tracked via the

MMRP required under CEQA. In this EIS/EIR, all CAAP measures determined by the Port to be feasible for the proposed Project are prescribed as mitigation. Other CAAP measures were deemed not to be feasible on a project-specific level because either they are not applicable to the project or they can feasibly be implemented only on a Port-wide basis. The Port expects that implementation of the CAAP on a Port-wide basis, as well as at the Port of Long Beach, will substantially reduce pollution levels and health risks in the community. However, the effects of full implementation of the CAAP on a Port-wide basis were not quantified in the EIS/EIR because the EIS/EIR addresses impacts from the proposed Project rather than from the ports as a whole. The two ports are currently preparing a Port-wide HRA (discussed above) of all Port operations that will quantify the effectiveness of full CAAP implementation. The Ports plan to publish this risk assessment in 2008.

In addition, **MM AQ-22** provides a process to consider new or alternative emission control technologies at regular intervals during the lease and an implementation strategy to ensure compliance. Under **MM AQ-22**, the opportunity to add new measures to the lease would occur at least every 7 years. Regarding the comment to provide offset mitigation and to apply mitigations to sources other than the Project, neither NEPA nor CEQA authorize the imposition of mitigation in the context of this EIS/EIR for the purpose of reducing or avoiding impacts that are not directly or indirectly attributable to the proposed Project. Such impacts are being addressed by the Port outside the NEPA/CEQA process, through implementation of CAAP, the recently agreed upon MOU. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the 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.

- 25-25** The effects of atmospheric deposition of port-related emissions on land and water surfaces are discussed in Section 3.2.2.2 of the Recirculated Draft EIS/EIR. At the project level, all feasible mitigation has been applied in the Recirculated Draft EIS/EIR and significant residual impacts would remain. At the Port-wide level, implementation of the CAAP will reduce air pollutants from future Port operations, which will work towards the goal of reducing atmospheric deposition for purposes of water quality protection. The CAAP will reduce air pollutants that generate both acidic and toxic compounds, including emissions of NO_x, SO_x, and DPM. In addition, Impact WQ-1 in Section 3.14 of the Recirculated Draft EIS/EIR addresses atmospheric deposition on water quality.
- 25-26** Please refer to response to Comment 25-27.
- 25-27** In accordance with NEPA/CEQA, GHG impacts were determined by calculating the incremental change in GHG emissions associated with the proposed Project relative to baseline conditions. As shown in Tables 3.2-41 and 3.2-43 of the Recirculated Draft EIS/EIR, the proposed Project's GHG emissions include refrigerant losses from reefers which, although not negligible, represent a relatively small portion of the total emissions. All feasible project-level GHG mitigation has been applied in the Recirculated Draft EIS/EIR as part of Impact AQ-9. Compliance with AB 32 will be accomplished on a Port-wide basis, separate from this EIS/EIR, where the Port will be subject to future rules and market mechanisms adopted by CARB in 2012. The Port is an active member of the California Climate Action Registry (CCAR) and is currently embarking on a Port-wide inventory of GHG emissions.
- 25-28** The commenter is referred to Section 4.2.3.2 of the Recirculated Draft EIS/EIR for a discussion of the cumulative impacts to whales and mammals. The recommended mitigation measure is not considered enforceable, reasonable, or feasible due to its drastic effect on shipping lanes.

- 25-29** The cumulative impacts analyses for air quality, and in particular health risks, considers the cumulative effects of a larger region than the immediate Port area, and also references risks as determined by the MATES II study. Because the cumulative risks are described in Section 4.2.2.8 of the Recirculated Draft EIS/EIR are based on the larger area and consider numerous sources such as those that were factored into the MATES III study, the cumulative health risk impact determination is considered reasonable.
- 25-30** Regarding the issue of offsite container storage facilities, please see the responses to Comment 25-21.
- 25-31** The comment refers to a facility that is not related or not a part of the proposed project or alternatives. In addition, please see the responses to Comment 25-21.
- 25-32** Please see the responses to Comment 25-21.
- 25-33** The comment raises concerns related to existing operations or illegal traffic violations of the truckers. The Recirculated Draft EIS/EIR discusses the anticipated traffic impacts from the proposed Project and alternatives on the street and freeway systems. It should be noted that Harry Bridges Boulevard and Pacific Coast Highway are designated as major highways and their use by trucks is considered appropriate.
- 25-34** The measured and evaluated noise exposure values in the Recirculated Draft EIS/EIR inherently include all Port-related sources of noise. For the purpose of the evaluation, measured existing noise levels have been combined with expected additional noise generated by the proposed project, including terminal noise and traffic noise. The noise sources mentioned in the comment primarily are sources not associated with the proposed Project and would not be the subject of a detailed noise analysis. In addition, Chapter 4 of the Recirculated Draft EIS/EIR acknowledges a potential for cumulative noise impacts.
- 25-35** The commenter's opinion about the state of emergency service provider infrastructure is noted.
- 25-36** The health risk isopleth figures in Appendix E3 show contour lines of equal health impact in the vicinity of the proposed Project. A contour line should not be misinterpreted as a limit of how far the emissions travel. Impacts would continue beyond the farthest contour line shown in each figure; however, the impacts would be lower than the farthest contour line's value and would continue to decline with increasing distance from the emission source. The purpose of the isopleth figures in Appendix E3 is to show the geographical pattern of impacts in the area with the greatest project-related health impacts.
- 25-37** The 45-acre dirt pile mentioned in the comment is associated with the Channel Deepening Project; therefore, its creation was not analyzed as part of the proposed Project. The pile is actively managed through daily watering and fencing to minimize fugitive dust, although the Port acknowledges there have been periods of dust events from the site. The pile will be removed prior to Phase II, which is anticipated to begin in mid-2009.

Regarding the comment about boat owners in the Consolidated Slip being exposed to dust from Pier A, such dust is not attributable to the proposed Project. It should be noted that tests of the marine sediments in the vicinity of the Consolidated Slip have tested positive of contaminants, many of which have been deposited in the channels from historical industrial uses located in upland. To the extent that the Channel Deepening Project removed contaminated sediments from the area around the Consolidated Slip, improvements in sediment quality have been provided.

- 25-38** The cumulative air quality impact analysis was conducted qualitatively in the EIS/EIR. Several of the cumulative projects identified in Table 4-1 of the EIS/EIR would involve liquid petroleum products and would have VOC emissions from storage tanks, pipelines, valves, and/or bulk loading terminals. They include Plains All American Oil Marine Terminal, Pier 400, POLA;

Ultramar Lease Renewal Project, POLA; Southern California International Gateway Project (SCIG); Union Pacific Railroad ICTF Modernization Project; Pier T, TTI (formerly Hanjin) Terminal, Phase III, Port of Long Beach; and Chemoil Marine Terminal, Tank Installation, Port of Long Beach.

- 25-39** Port staff will monitor and track implementation of the required mitigation measures pursuant to the Mitigation Monitoring and Reporting Program that will be part of any certified EIR for this project. The results of their efforts will be documented and be available as a public record.

Edward and Joann Hummel

- 26-1** The comment is acknowledged. Section 3.2.2.2 of the Recirculated Draft EIS/EIR includes a discussion of ultrafine particles as it relates to the Ports.
- 26-2** Comment noted. The tracking and monitoring of mitigation compliance will be a part of the MMRP, which will be incorporated into the lease provisions for the Berth 97-109 terminal.
- 26-3** The comment is noted. The public review and comment period for the Recirculated Draft EIS/EIR was extended from 60 days to 75 days. Under NEPA, only 45 days are required.
- 26-4** The commenter's opinions are noted. The Project as proposed would include a 40-year lease, with lease reopeners to address the development of new technology (**MM AQ-22**), because this lease length allows the terminal operator to amortize the capital costs of the terminal and specialized equipment or vessel modifications that result from implementation of the required mitigation measures. The decision-makers will consider the commenter's request for a shorter lease period.

Breen Engineering, Inc.

27-1 The comment is noted.

Kennedy/Jenks Associates

29-1 The comment is noted

Amplitude Consulting

30-1 The comment is noted.

2.3.1 Bruce D. Ackerman

31-1 The comment is noted.

Eagle Protection of California

32-1 The comment is noted

Yang Management

33-1 The comment is noted

Far East National Bank

34-1 The comment is noted.

Anil Verma

35-1 The comment is noted.

Ann B. Kovara

36-1 The comment is noted.

Somesh Debnath

37-1 The comment is noted.

Viktoriya Kucherenko

38-1 The comment is noted.

Girdhari Lalwani

39-1 The comment is noted.

Ray Yumul

40-1 The comment is noted.

Jean Sandoval

41-1 The comment is noted.

Andrew Allison

42-1 The comment is noted.

GKC Engineering Corp

43-1 The comment is noted.

Abratique & Associates Inc.

44-1 The comment is noted.

Budlong & Associates

45-1 The comment is noted.

Carrie Scoville

46-1 The comment is noted. As discussed in Section 3.9 (Land Use), the proposed Project area is zoned industrial and falls under Master Plan Areas 3 and 4 in the Port Master Plan. Area 3 is zoned for cargo handling, heavy industrial, and commercial land uses; Area 4 is zoned for container and liquid bulk operations. Use of the area as a container terminal is consistent with the aforementioned designations. The proposed Project is also a water-dependent use that makes efficient use of the water-to-land interface at the Project site. Operations of maritime container terminals require that, in the interests of efficiency and productivity, a portion of incoming and outgoing containers are handled dockside. The backland areas of the container terminals in the West Basin are designed to achieve these efficiencies. In addition, the proposed Project would use the Yang Ming on-dock rail facility. Because China Shipping and Yang Ming are located adjacent to one another, this arrangement would allow the transfer of containers to rail without movement on public roads.

As discussed in Section 1.1.3 of the Recirculated Draft EIS/EIR, the Ports of Los Angeles and Long Beach (San Pedro Bay Ports), along with USACE, conducted a series of studies and forecasts to evaluate the capacity of the ports in light of the forecasted cargo volume increases. These studies found that even with the anticipated redevelopment and expansion of existing and new terminals, the ports will not have the physical capacity to accommodate the projected growth in the future. Therefore, in response to the comment to move the operation to a different location to accommodate the forecasted growth projected for the Port, the Port will need to maximize all its facilities. There is currently no additional space for the facility on Terminal Island, which is either already developed or has uses already planned. As discussed in Section 2.5, the Recirculated Draft EIS/EIR looked at a number of alternative locations and operations, including use of other sites in the Los Angeles Harbor District, use of offsite backlands, and a nonshipping use.

The alternatives for the use of other sites and the use of offsite backlands were withdrawn from full consideration. As discussed above, the Port does not have any additional large tracts of land available to accommodate the operation in an alternative location. Offsite alternatives are considered infeasible because they would not meet the primary proposed Project objective of optimizing and improving cargo-handling efficiencies of the terminals of the proposed Project. Also, local and regional planning programs encourage upgrading and improving transportation systems within the Port; and offsite alternatives would not result in such improvements within the West Basin. Finally, container terminal operators are consolidating facilities wherever possible to improve operating efficiencies. Consolidation results in reduced traffic within the Port and reduced air emissions.

While the nonshipping use was considered under Alternative 7 in the Recirculated Draft EIS/EIR, as described in Section 2.5.1.7, a nonshipping use alternative normally would not be evaluated in detail in an EIS/EIR for the Port because such use of the site would not be consistent with the Project objectives (that is, maximum utilization of Port lands for Port-related uses) or with the Port Master Plan for the Project site. However, the Nonshipping Use Alternative is included for detailed analysis in this Recirculated Draft EIS/EIR pursuant to the terms of the ASJ. Additional information regarding the Project alternatives is contained in the response to Comment 24-8.

It should also be noted that the environmental impacts, including aesthetics, traffic, air quality, and noise associated with locating a container terminal at the Project site are addressed in the Recirculated Draft EIS/EIR.

46-2 In response to the comment about Alternative 7, please see response to Comment 46-1. This alternative was analyzed to comply with the ASJ, but it is not determined to be the best use of

Port land. In response to the comment about relocating the terminal to be near the Alameda Corridor or Terminal Island, please see response to Comment 46-1. The Project site is located near the existing on-dock rail yard at Berths 121-131, and a portion of the containers from the proposed Project would be transported to this rail yard where they would be loaded onto trains and transported via the Alameda Corridor. The existing landfill was created as part of the Channel Deepening Project and is consistent with the use of the West Basin for cargo handling.

- 46-3** Regarding the recommendation to use the site as a cruise terminal, the site would not be an ideal location for a cruise terminal due to limitations with the height of the Vincent Thomas Bridge. As discussed in the San Pedro Waterfront Draft EIS/EIR, the existing cruise terminal, located just south of the China Shipping site, is not able to accommodate the newer cruise ships. These ships are too large to pass under the Vincent Thomas Bridge (they require an air draft of more than 200 feet, but the Vincent Thomas Bridge is 185 feet) and, therefore, could not access the site or the West Basin turning basin. Smaller ships could berth at the Berth 97-100 wharf; however, as described above, the Port already has a cruise terminal that can accommodate the smaller ships at Berth 91-93.
- 46-4** The Port and USACE circulated a Notice of Intention (NOI)/NOP of an EIS/EIR in 2003. The NOP served as the mechanism to receive formal comments regarding the scope and content of the EIR, including project alternatives, and the Port and USACE held a joint public scoping meeting. Table ES-5 in the Recirculated Draft EIS/EIR contains a summary of the comments received during the scoping process. The Port and USACE originally released the Berth 97-109 Draft EIS/EIR in August 2006. Based on comments received on the Draft EIS/EIR, a decision was made to recirculate the document. The April 2008 Recirculated Draft EIS/EIR is a full recirculation of the original Draft EIS/EIR and addresses comments received on the August 2006 document. The proposed Project and Alternatives discussed in the original Draft EIS/EIR did not change in the Recirculated Draft EIS/EIR. In addition, the Port was required to satisfy the requirements of the ASJ about including a nonshipping alternative in the EIR.
- 46-5** Comment noted. Please see the response to Comment 21-43. Hardcopies (all four volumes) of the Recirculated Draft EIS/EIR were available at all local libraries and at the Port of Los Angeles as listed in Section 1.7 of the Recirculated Draft EIS/EIR. In addition, hard copies were provided to the PCAC and local Neighborhood Councils. CDs and hard copies of the Executive Summary were provided to over 200 individuals, agencies and groups. The entire document was also posted on the Port's website. The Port is concerned about paper use as the document was over 6,000 pages long. The Port is currently working with the Past EIR Subcommittee on ways to improve the Executive Summary and electronic copies to support both public access and sustainability. The Port and USACE are committed to making environmental documents accessible to the public and routinely go beyond the public noticing requirements of CEQA and NEPA.
- 46-6** The Port and USACE appreciate the comment. It is not the desire of the Port or the USACE to publish such lengthy environmental documents; however, given the complex and technical nature of environmental concerns on Port projects, the Port and USACE are attempting to provide the public and decision makers with all pertinent information at a level of detail that ensures the full disclosure of environmental impacts.
- 46-7** Comment noted. The Port extended the public review period for the Recirculated Draft EIS/EIR from 60 days to 75 days. The Port and USACE routinely go beyond the public review requirements of both CEQA and NEPA (45-day review period for CEQA when the EIR is sent to the State Clearinghouse, and 45-day review period for NEPA). As discussed above, the Recirculated Draft EIS/EIR provides both the public and decision makers with all the pertinent information at a level of detail that ensures the full disclosure of environmental impacts.

- 46-8** The largest container ship currently visiting the Port as part of normal operations can carry approximately 8,000 TEUs. (One of the largest ships in the world, the Emma Maresk at 11,000 TEUs, has visited the Port; however, it is not currently in the regular ship rotation.) The terminal operator anticipates that oceangoing vessels with capacities up to 10,000 TEUs would dock at the terminal. Existing channel depths, the clearance height of the Vincent Thomas Bridge (approximately 185 feet), and the wharf and cranes of the proposed terminal would adequately accommodate the anticipated container vessels. The container vessels would be maneuvered into position along the wharf with tugboats, and the vessels can be turned in the adjacent West Basin turning basin. Section 1.1.2 of the Recirculated Draft EIS/EIR provides an overview of terminal operations, including the vessel berthing process. As discussed in Section 1.1.3 and in Appendix I, the Port used a number of studies, including a vessel forecast study, and direct conversations with the proposed tenant to determine eventual ship size and to design the terminal to accommodate such ships.
- 46-9** The three-ship scenario evaluated in the air quality analysis was used because it represents the worst-case scenario in terms of air quality emissions. As discussed in Section 2.4, the terminal would normally be able to accommodate two ships. However, three small ships (each under 4,000 TEUs) could fit at the berth. This scenario would produce the most emissions and, therefore, was used in the analysis as a conservative assumption.
- 46-10** As noted in the analysis, the filling of the Southwest Slip occurred as a part of another, previously approved project (is not a part of the proposed Project), and for that reason, was not included in this impact assessment. The proposed Project would entail developing this area as backlands and would include extending the area of fill slightly to provide for construction of new wharves and installation of the cranes. The visual impacts associated with development and operation of this fill have been considered in the visual impact assessment presented in Section 3.1 of the Recirculated Draft EIS/EIR. The cumulative impacts of the proposed Project and other Port projects, such as the Channel Deepening Project, are disclosed in Chapter 4 of the Recirculated Draft EIS/EIR.
- 46-11** Comment noted. Please see the responses to Comments 24-12.7 and 46-10. The fill and the pile were analyzed as part of the Supplemental EIS/EIR for the Channel Deepening Project (USACE and LAHD, 2000) and supplemental environmental assessment (USACE, 2002). The pile was placed in the area to compact the new fill and store clean material for future use. The material will be relocated prior to Phase II and III construction. In addition, **MM AQ-6** has been amended to include additional provisions to control fugitive dust during construction:

MM AQ-6: Additional Fugitive Dust Controls

The construction contractor shall reduce fugitive dust emissions by 90 percent from uncontrolled levels. The Project construction contractor shall specify dust-control methods that will achieve this control level in an 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.
- + 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
- + 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.
- + 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 onsite or roads adjacent to the site to reduce fugitive dust emissions.
- + Appoint a construction relations officer to act as a community liaison concerning onsite 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.

46-12 Please see Section 3.1.4 of the Aesthetics and Visual Resources analysis in the Recirculated Draft EIS/EIR, which includes simulations that depict stacked containers and ships at the Project site. The Project includes backland development on the referenced 45-acre site.

46-13 Designating local streets as *scenic highways* is not within the purview of the Port of Los Angeles. However, as discussed in Section 3.1, the proposed Project includes a mitigation measure to landscape and beautify the areas of Front Street, John S. Gibson Boulevard, and Pacific Avenue adjacent to the terminal and to implement recommendations of the Northwest Harbor Beautification Plan along Channel Street and Harbor Boulevard. Plans include new landscaping and work to remove billboards, as well as prohibit future billboards. Specifically, as part of **MM AES-3**, the Port would remove a large billboard and a deteriorated building on Pacific Avenue. In addition, **MM AES-1** has been amended as shown below to include plants that promote erosion control:

MM AES-1

1. Reconfigure fence line bordering Front Street to create a 5-foot-wide planting strip alongside the edge of the street that will be planted with low shrubs and some trees. Plant species used for the relandscaping must be selected for attractiveness, relationship to existing planting themes in the surrounding area, and environmental values. The plants installed must be of an adequate size to create an attractive planting composition within 5 years

2. Implement the recommendations of the Northwest Harbor Beautification Plan as applicable. The recommendations include landscaping two gateways to the Port—the area adjacent to the Channel Street on- and off-ramps from I-110 and SR-47, and the Harbor Boulevard on- and off-ramps from SR-47. Planting shall be designed to promote erosion control along all hillsides.

- 46-14** The proposed Project includes a mitigation measure (**MM AES-3**) to look at the feasibility of placing all aboveground utility poles underground. If the undergrounding cost exceeds \$1,000 per linear foot, the Port will propose alternative measures to beautify the area. As discussed in the response to Comment 46-13, the proposed Project includes a number of mitigation measures to include new landscaping adjacent to the terminal. This landscaping would include erosion control planting.
- 46-15** The truck lines could be visible from the small number of residences at the edge of the bluff in the Shields Drive neighborhood. Because these residences are located at an elevation that is approximately 100 feet higher than the proposed Project site, the truck lines would be visible but would not block views. The lines of trucks are one element in a complex view of a working port, are consistent with the working-port character of the view, and do not necessarily dominate or alter the quality of the view. The Recirculated Draft EIS/EIR aesthetic analysis includes the truck lines and other backland operations. The analysis was performed utilizing established methodologies that underlie the Federal Highway Administration Visual Impact Assessment and the United States Bureau of Land Management Visual Resources Management Systems, as described in Section 3.1.4.1.4 (Evaluation Framework).
- 46-16** The anticipated impacts from stacked containers and lighting associated with the proposed Project (and alternatives) are addressed in Section 3.1 of the Recirculated Draft EIS/EIR. The referenced dirt pile was created as part of the Channel Deepening Project and is not a part of this Project; thus, the dirt pile is not evaluated in the Recirculated Draft EIS/EIR.
- 46-17** Contrary to the comment, Knoll Hill is not a historic or scenic landmark. In addition, views from Knoll Hill have been documented and discussed in the Recirculated Draft EIS/EIR (please see Figure 3.1-6.1 and the discussion of Knoll Hill in Section 3.1.4.3.3.1.7 of the Recirculated Draft EIS/EIR).
- 46-18** Plaza Park is located approximately 0.8 miles from the site and was included as a mitigation to provide high-quality views toward the Port and the surrounding area that would be accessible to large numbers of local residents and tourists to help offset some of the views that are lost in development of the proposed Project. Plaza Park, however, does not fully compensate for the loss of views and the impact remains significant and unavoidable. The proposed Project also includes several mitigation measures, namely **MM AES-1** and **MM AES-3**, that entail landscape improvements in areas near the Project site. Please see response to Comment 46-13.
- 46-19** The primary factor contributing to the microclimate of the Project area is the effect of the Palos Verdes Hills on the local wind direction. When the prevailing sea breeze is deflected in a counterclockwise direction around the hills, cool and moist air flows toward the Project area from the ocean. When the prevailing sea breeze is deflected in a clockwise direction around the hills, warmer and relatively drier air flows toward the Project area from the east side of the hills. The proposed Project does not contain any substantial features that would significantly alter or block this local wind pattern. While additional asphalt on the terminal could tend to slightly warm the air immediately above the asphalt, the effect on temperatures in the surrounding community would be negligible, given that the amount of new asphalt would be small compared to the

relatively large amount of existing asphalt and concrete in the surrounding terminals, commercial and industrial areas, and neighborhoods.

- 46-20 MM AQ-21**, as revised, would require the Berth 97-109 terminal operator to ensure that truck idling is reduced to less than 30 minutes in total or 10 minutes at any given time while at the terminal. Hence, compliance with this measure would also result in compliance with AB 2650. As described in **MM AQ-21**, potential methods to reduce idling include, but are not limited to, the following: (1) operator shall maximize the durations when the main gates are left open, including during off-peak hours, (2) operator shall implement a container-tracking and appointment-based truck delivery and pick-up system to minimize truck queuing at the entrance and exit gates, and (3) operator shall design main entrance and exit gates to exceed the average hourly volume of trucks that enter and exit the gates (truck flow capacity) to ensure queuing is minimized. Please refer to response to Comment 21-19.10 for revisions to **MM AQ-21** to enable better monitoring and enforcement of this measure.

On a Port-wide basis, the Ports of Los Angeles and Long Beach created PierPASS in 2005 with the goal of reducing the long queues of trucks discussed in the comment. PierPASS is described further in response to Comment 16-38.

- 46-21** The 45-acre dirt pile mentioned in the comment is associated with the Channel Deepening Project; therefore, the dirt pile was analyzed in the Channel Deepening Project environmental document, not as part of the proposed Project. The pile is actively managed through daily watering and fencing to minimize fugitive dust, although the Port acknowledges there have been periods of dust events from the site. The pile will be removed prior to Phase II, which is anticipated to begin in mid-2009.
- 46-22** As described in Section 3.3 of the Recirculated Draft EIS/EIR, mitigation for impacts to marine biological resources has been developed by the Port in coordination with the National Marine Fisheries Service (NMFS), United States Fish and Wildlife Service (USFWS), and California Department of Fish and Game (CDFG) through agreed-upon mitigation policy. This policy defines the value of different habitats in the Harbor relative to a system of mitigation credits accrued by creating or enhancing habitat in the Harbor and at offsite locations. The credits used for this Project come from the Bolsa Chica mitigation bank, meaning the Port contributed to the Bolsa Chica restoration project and was given “credit” through the aforementioned mitigation policy. The Port generally uses Inner or Outer Harbor credits as offset mitigation, and will continue to do so. However, if there is a reason for not using Inner or Outer Harbor credits for the selected alternative at the time the credits need to be applied, then the Port would use credits from the Bolsa Chica mitigation bank, which is acceptable per the aforementioned mitigation policy. Furthermore, the Port uses mitigation credits to mitigate biological resource impacts rather than implementing restoration projects in the Harbor because harbor area is required to meet anticipated demand for water-dependent uses.
- 46-23** The 45-acre fill was created and mitigated as part of the Channel Deepening Project. Mitigation for impacts associated with the Channel Deepening Project are addressed in the Channel Deepening EIS/EIR.
- 46-24** The referenced mudslides, due mainly to water erosion occurred on private parcels that are not located on or immediately adjacent to the Project site. If due to water erosion, they most likely occurred during or following rain events that caused the surface soils to become saturated to the point where surface slides occurred. Project operations closest to the referenced mudslide area would primarily consist of container storage and movement via yard equipment, and these activities do not generally produce noticeable vibrations. Construction of backlands would involve grading and asphalt or concrete placement, which are also activities that do not generally produce noticeable vibrations. In addition, although vibrations would be produced during pile

driving, the wharf is located over 0.5 mile from the mudslide area, and attenuation would cause vibrations to fall below noticeable levels. Furthermore, contractors generally do not construct or curtail construction activity during substantive rain events for worker safety reasons. Minimal construction activity, if any, would occur when there is a possibility for saturated soils to occur in the referenced slide area. Therefore, due to either the lack of vibrations or attenuation, neither construction nor operation would result in noticeable vibrations along Shields Drive or MacArthur Avenue.

- 46-25** Comment noted. See the response to Comment 46-20.
- 46-26** Like other freeways, I-110 was designed to be a corridor for regional truck travel. Impacts on the freeway were examined in the Recirculated Draft EIS/EIR based on the County of Los Angeles Congestion Management Program. Even with Port growth, I-110 is not expected to ever carry the same level of truck traffic as I-710. The regional travel demand model developed by the Southern California Association of Governments (SCAG) and the Port travel demand model have forecasted that I-110 will continue to carry fewer port truck trips than I-710 in the future. The year 2035 forecast for Port trucks from the most recent update of the Port travel demand model on I-110 is approximately 19,000 Port trucks per day at Pacific Coast Highway versus approximately 65,000 Port trucks per day on I-710 at Pacific Coast Highway. Thus, I-710 is expected to carry over 2.4 times the Port truck volumes as I-110, and these proportions are consistent with previous Port travel model forecasts that were completed for 2030. There are several reasons that I-110 will continue to carry fewer Port trucks than I-710 in the future, including the fact that most of the major Port truck-related trip origins and destinations are located to the north and east of the ports, thereby making I-710 a more direct route to and from those locations for most port terminals. Furthermore, only a few port terminals have closer and more direct access to I-110, including the West Basin terminals; whereas, for most other terminals, I-710 is the more direct route to or from the Port areas due to their locations in relationship to the freeway system.
- 46-27** Vibration amplitude is expressed in decibels using a decibel reference of 1×10^{-6} inches per second, and is abbreviated VdB to avoid confusion with sound decibels, which is abbreviated as dBA. The threshold for human perception of vibrations is approximately 64 VdB. Typical vibrations from buses or trucks are approximately 62 to 63 VdB at a distance of 50 feet from the source. Typically, vibration levels must exceed 100 VdB before building damage occurs (City of Los Angeles, 2005). Measurements taken via Google Earth show that no residences are located closer than 50 feet of either I-110 or SR-47, with most of the residences located between 60 feet to over 200 feet from the main lines. Similar to noise, vibrations attenuate with distance. Given that the typical vibrations levels associated with trucks fall below the human perception level and far below levels at which structural damage occurs, it is unlikely that vibrations from trucks traveling on I-110 or SR-47 are the cause of referenced damage to the homes.
- 46-28** The proposed Project would enable transport of containers to the on-dock rail yard at Berths 121-131, to near-dock rail yards located in Wilmington (the Union Pacific rail yard), and to downtown (the Hobart yard). Container trains do not use the rail line that would block the noted intersections. That line is used primarily by bulk trains, namely Westways, and occasionally Amtrak.
- 46-29** The decision and responsibility to remove oil pipelines within a designated corridor or easement fall within the purview of the pipeline owner(s), not the Port.
- 46-30** Comment noted. The abandoned tank was not able to be located. In some instances, underground storage tank records are not complete, and the tank might have already been removed, but no record of the removal exists in the agency files. As part of the lease, the Port will complete a site-specific baseline land report to ensure there are no hazardous material issues.

In addition, if during construction, the tank or any other unexpected hazard is encountered, the proposed Project includes a number of provisions and mitigation measures to prevent or reduce any potential impacts, including **MM GW-1** (Site Remediation) and **MM GW-2** (Contamination Contingency Plan).

- 46-31** As discussed on page 3.14-23, testing revealed that the underlying sediment in the Southwest Slip was contaminated. This contaminated sediment was encapsulated and covered with the clean fill from the Channel Deepening Project. Any contaminated dredge material from the Channel Deepening Project was disposed of at regulated upland fill disposal sites. Only clean fill was used for the fill at Southwest Slip.
- 46-32** Please see the response to Comment 46-21. It should be noted that the proposed Project would develop the reference fill as backlands, which is clearly stated in the Recirculated Draft EIS/EIR in Section 2.4.2.3. The impacts associated with the creation of the fill were addressed in the Supplemental EIS/EIR for the Channel Deepening Project (USACE and LAHD, 2000) and supplemental environmental assessment (USACE, 2002). The development of the Channel Deepening Project fill as backlands and the subsequent operation of those backlands addressed in the Recirculated Draft EIS/EIR. Mitigation is applied to both the development and operation. The Cumulative Analysis (Chapter 4) includes the Channel Deepening Project.
- 46-33** Comment noted.
- 46-34** Regarding the referenced dirt pile, please see the response to Comment 46-55 below. The topics of land use compatibility and blight are addressed in Section 3.9 (Land Use) and Chapter 7 (Socioeconomics) of the Recirculated Draft EIS/EIR. Multiple factors existing over long periods of time contribute to an area being classified as “blighted,” and it is difficult, if not impossible, to attribute the condition to one factor. A number of redevelopment programs that are sponsored by the City of Los Angeles Community Redevelopment Agency are currently in place in San Pedro and Wilmington, as well as in other areas throughout the City, to rectify and alleviate those blight conditions. In addition, please see the response to Comment 21-57.
- 46-35** Comment noted. Questions regarding the development of the referenced parcels can be directed to the City of Los Angeles Planning Department. It is common, especially in long-established and mixed-use areas, for nonconforming uses to occur. Zoning ordinances are designed to guide future development in an area but do not require that nonconforming uses (existing prior to the zoning designation) be removed. It should be noted that the referenced nonconforming residential uses were identified in the Recirculated Draft EIS/EIR as residential receptors, and the presence of those nonconforming uses does not change the conclusions in the environmental document.
- 46-36** No established neighborhoods would be directly or indirectly physically isolated or divided by the proposed Project. Truck trips from the proposed Project would use existing roadways. Proposed Project operations would increase rail trips; however, the proposed Project would not result in the construction of new rail lines or yards outside port boundaries. Rail transport of containers would occur on existing rail lines from existing on-dock and near-dock facilities. The proposed Project does not include, and would not result in, the construction of new offsite roadways. Therefore, the proposed Project would not result in the construction of new offsite rail lines or roadways that would further divide or isolate existing communities.
- 46-37** As outlined in Section 3.9.4.3.1.2, “blight” has a specific legal definition under redevelopment law and refers mainly to substantial physical deterioration of an area caused by physical or economic forces. Adverse physical conditions include structures with serious code violations, buildings that are dilapidated and deteriorated, inadequate lot sizes or configurations for existing market conditions, or incompatible adjacent land uses that prevent the economic development of

- those or other parcels. Adverse economic conditions include depreciated or stagnant property values, abnormally high amount of business vacancies or excessive vacant lots, a lack of necessary commercial facilities that are normally found in neighborhoods (for example, grocery stores or banks), residential overcrowding, an excess of businesses that cater to adults, and crime rates that constitute a serious threat to public safety and welfare. As discussed in Section 3.1 of the Recirculated Draft EIS/EIR, the aesthetic impacts of the proposed Project are primarily related to view blockages of the Vincent Thomas Bridge from various viewing locations, including the residential areas to the west of the proposed Project site. However, these aesthetic impacts would not adversely affect the physical or economic conditions in the surrounding area that constitute blight, as described above.
- 46-38** The environmental analysis did not find any significant unavoidable impacts in Section 3.9 (Land Use). Therefore, mitigation was not applied and a monitoring program was not developed. In addition, this Final EIS/EIR does not include any changes to significance findings as a result of comments.
- 46-39** Please see the responses to Comments 46-1 and 46-2.
- 46-40** The Vincent Thomas Bridge has a vertical clearance of approximately 185 feet, which would allow the largest ships predicted for the terminal to access the site. As discussed in Section 3.10.2.1, use of a Port Pilot is required for all vessels of foreign registry and vessels of the United States that do not have a federally licensed pilot on board. The Los Angeles and Long Beach pilot services and the Marine Exchange operate radar systems to monitor vessel traffic in the Harbor, and information is available to all vessels upon request. The pilots are trained and familiar with the landmarks and water system of both ports and with the ships that they pilot.
- 46-41** Please see the response to Comment 46-8.
- 46-42** All day (24-hour) operations were assumed for the noise analysis of the proposed Project. While the assumed baseline for the study dates to 2001, the noise evaluation conducted for this EIS/EIR was performed in 2007 and adjusted to accurately represent baseline conditions.
- 46-43** The referenced track realignment and rail spur are not a part of the proposed Project or its alternatives. Grade crossing noise has been included in the context of expected increases in frequency of use of horns at such locations. Additionally, rail noise analysis is included Section 3.11.4.3.1.2 of the Recirculated Draft EIS/EIR to address train noise contribution to values of the community noise equivalent level (CNEL). The greatest incremental increase in noise levels along rail corridors serving the Port of Los Angeles is calculated to be 0.8 dBA CNEL, which falls below the significance threshold.
- 46-44** Correct impact evaluation methodology takes into account existing operations on the proposed Project site because the Project operations would replace those previous operations, which comprised the baseline conditions under CEQA. The noise analysis factors in future terminal operations based on forecasted total throughput.
- 46-45** Contrary to the comment, the noise evaluation in the Recirculated Draft EIS/EIR accounts for 24-hour Port operations. The analysis includes three major components: traffic, rail, and onsite operations noise. CNEL contributions attributable to each component are accounted for in the analysis. Noise from trucker protests would be relatively rare and random, and its timing would not be regular or predictable.
- 46-46** The comment that the Pacific Harbor Line realignment has resulted in wheel squeal from trains built is noted. The realignment was made as part of the on-dock rail yard at Berths 121-131, and it represents an existing condition that is associated with the rail yard rather than the proposed Project. The existing rail yard has a capacity of approximately 462,500 TEUs, and this capacity

would be used by the existing Berths 121-131 terminal whether the proposed Project is approved or not. Because of this, the proposed Project would not result in additional wheel-squeal noise than would otherwise occur. In addition, wheel squeal at the on-dock rail yard is intermittent and does not contain high energy levels. Therefore, with the limited number of trains built at the on-dock rail yard, the additional wheel squeal would not result in measurable increases in ambient noise levels in terms of the applicable CNEL criterion. Because of this, wheel squeal that might occur at the rail yard is not expected to result in increases in ambient noise levels that would exceed the level of significance. Nonetheless, the Port recognizes that wheel squeal can be annoying and is working with the rail yard operator to implement measures that could minimize wheel squeal. Specifically, the Port is in the process of installing a rail lubricator between the Yang Ming loading and storage yards where the track curvature is most severe. This lubricator should substantially reduce the existing wheel squeal noise and be in place by the end of the year. This action would also address future wheel squeal noise, and annoyances from wheel squeal should be substantially reduced.

- 46-47** The noise levels of the proposed Project evaluated in the Recirculated Draft EIS/EIR encompass the port operations noise, which includes loading and unloading, and is based on measurements of overall activities. Future Project operational noise levels are forecast based on measured noise levels of port operations, which included loading and unloading of containers. Therefore, the noise analysis does take these sources into account.
- 46-48** Due to the presence of other container terminals in the West basin, such noises are part of the existing noise environment. Back-up siren noise would not substantively contribute much to CNEL values; however, it is a distinct, high-pitched type of noise that is designed to capture attention and commonly known to be annoying.
- 46-49** The referenced 43 acres of fill is not a part of the proposed Project; rather, it was a part of the Channel Deepening Project and analyzed in the environmental document for that project. The 2.54 acres of fill would replace existing soft-bottomed habitat with hard-substrate habitat (dike rock) and would be submerged. The Project would not block the Main Channel and, therefore, would not impede recreational use of the waterways. As a note, recreational use of the Southwest Slip is prohibited because it is in a Controlled Navigation Area, as described in Section 3.12.3.3 of the Recirculated Draft EIS/EIR.
- 46-50** Comment noted. Section 3.13 of the Recirculated Draft EIS/EIR estimates that the proposed Project would increase the demand for Port Police by less than one officer, which is not considered significant.
- 46-51** As described in Section 3.3 of the Recirculated Draft EIS/EIR, the proposed Project would result in the conversion of approximately 2.54 acres of soft-bottomed substrate to hard substrate by the placement of dike rock and piles. The dike and fill would be primarily submerged and would not substantially reduce water surface area. However, the loss of soft-bottomed habitat would be fully mitigated as described in Section 3.3 of the Recirculated Draft EIS/EIR. As described in Section 3.14.4.3.1.1, the dike placement would result in a negligible loss of surface water (most of the dike rock would be submerged), but the loss would not affect surface-water movement or water quality. Because of this and because the habitat loss would be fully mitigated, there would be no effective loss of waters of the U.S. All submerged fill would be mitigated/compensated in accordance with agreed-upon multi-agency mitigation agreements.
- 46-52** Comment noted. Anchorage Road soil storage site is an approved confined disposal site, and as stated on page 3.14-32, is a potential site. Dredged contaminated sediments would be placed in an approved confined disposal site(s) at either the Port of Los Angeles or the Port of Long Beach, or at an appropriate upland site such as the Anchorage Road soil storage site that is engineered and constructed in such a manner that the contaminants cannot enter Harbor waters after the fill is

- complete. The specific confined disposal facility would be determined at the time of dredging and would depend on the capacity of available sites. If the Anchorage Road soil storage site is not available or environmental conditions described above are not met, the material would be disposed of at an approved disposal facility.
- 46-53** Please see the response to Comment 46-49. The pile will be removed prior to the construction of Phase II. Regarding the dust control at the existing fill in the Southwest Slip, please see the response to Comment 46-21.
- 46-54** Comment noted. The proposed Project assumes the implementation of PierPASS, as described in Section 2.4.1.1 of the Recirculated Draft EIS/EIR. The proposed Project discloses that part of the backlands would be constructed on fill created as part of the Channel Deepening Project, as described in Section 2.4.2.1 and as included as a Related Project in Table 4-1 in Chapter 4. Furthermore, the referenced Yang Ming project is included in Table 4-1. The operational assumptions of PierPASS are inherent in the Project operations. The Channel Deepening Project and the Yang Ming project are distinct projects with their own environmental documents.
- 46-55** Comment noted. Please see the Cumulative Analysis impact discussions (for each resource area) in Chapter 4 and, in particular, the list of related projects in Table 4-1.
- 46-56** Comment noted. Please see the Cumulative Analysis impact discussions (for the referenced resource areas) in Chapter 4 and the Environmental Justice discussions in Chapter 5 of the Recirculated Draft EIS/EIR.
- 46-57** Comment noted. The applicable cumulative impact evaluations for the proposed Project and alternatives are contained in Chapter 4 of the Recirculated Draft EIS/EIR.
- 46-58** Please see the response to Comment 1-23 regarding typical construction hours that are likely to occur. During the winter months when darkness falls early, there could be times when the contractor uses lights to illuminate the work area before ceasing activity for the day. However, contractors generally avoid construction during darkness because even with lights, working after dark poses a greater safety hazard to workers. Although there could be times when a contractor is required to illuminate the work area, due to limitations in daily construction hours as described in Section 3.11.3.1 of the Recirculated Draft EIS/EIR and the response to Comment 1-23, such work area illumination would be short term and would not occur during general sleep hours. Furthermore, because any illumination would be directed at the work area and not at the surrounding hillside to the west, impacts related to potential short-term night lighting would not be significant; therefore, no mitigation is required.
- 46-59** The Port is not the lead agency for the sidewalk improvements project. However, the Port will coordinate with the City of Los Angeles Department of Transportation to understand its plans for sidewalk improvements at this location and will offer assistance if necessary.
- 46-60** The recommendation for the mural program might best be directed to the Community Redevelopment Agency (CRA) because the proposed Project would not result in impacts that could be mitigated by the referenced program.
- 46-61** The Board of Harbor Commissioners will consider the recommendations listed in this comment. However, the recommendations would not reduce aesthetic impacts due to the 10 cranes to a level below significant because the only way to fully mitigate the impacts would be to remove the cranes altogether. Although the USACE would also be making a decision regarding the Project, nearly all of the listed recommendations are beyond the jurisdiction and control of the USACE. For those that are, the USACE will consider the requests.

Leo A. Daly (Comment Letter 47)

47-1 The comment is noted.

BNSF Railway Company (Comment Letter 48)

- 48-1** The comment is noted.
- 48-2** The potential of the Project for creating jobs is noted.
- 48-3** The effectiveness of the mitigation measures in reducing health risks is noted.
- 48-4** The comment is noted.
- 48-5** The comment is noted.

JMC² (Comment Letter 49)

49-1 The comment is noted.

JMDiaz Inc. (Comment Letter 50)

50-1 The comment is noted.