

APPENDIX H

Summary of Changes in the Recirculated Draft EIR

APPENDIX H

SUMMARY OF CHANGES

The City of Los Angeles Harbor Department (LAHD), as lead agency, prepared a Draft Environmental Impact Report (EIR) for the Southern California International Gateway Project (proposed Project) in accordance with the requirements of the California Environmental Quality Act (CEQA). The Draft EIR was released for public review on September 23, 2011 and the comment period ended on February 1, 2012. A total of 143 comment letters and 329 oral and written comments were received during the public review and at the two public hearings held in November 2011 in the communities of Long Beach and Wilmington. Based on comments received, a decision was made to recirculate the document. This document provides a summary of the important information on the Recirculated Draft EIR.

This Recirculated Draft EIR dated September 2012 is a partial recirculation of the original Draft EIR. The following sections set forth (1) the CEQA requirements for recirculation, (2) summary of significant new information added or changes included in the Recirculated Draft EIR, (3) list of chapters included in this Recirculated Draft EIR, (4) list of chapters in the Draft EIR that are not being recirculated, and (5) procedural steps for public review and comment on the Recirculated Draft EIR.

1. REQUIREMENTS FOR RECIRCULATION

In accordance with CEQA Guidelines Section 15088.5, the requirements for recirculation of an EIR prior to certification are as follows:

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:
 - (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
 - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
 - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.

- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043).
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.
- (c) If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.
- (d) Recirculation of an EIR requires notice pursuant to Section 15087, and consultation pursuant to Section 15086.
- (e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

2. SIGNIFICANT NEW INFORMATION ADDED AND CHANGES INCLUDED IN THE RECIRCULATED DRAFT EIR

CEQA Baseline

The Notice of Preparation (NOP) for the proposed Project was released in September 2005. In the original Draft EIR, the baseline conditions for the proposed Project were the operational activities that occurred and conditions as they existed in 2005. For this Recirculated Draft EIR, the LAHD recognizes that the time that has elapsed between the release of the NOP and the release of the Draft EIR is long enough such that 2005 is no longer an appropriate baseline to use for the purpose of this analysis. Accordingly, the LAHD has determined 2010 as the new baseline for this Recirculated Draft EIR. This baseline incorporates more recent data and activity as it existed in 2010 rather than 2005 and allows the impacts of the proposed Project to be evaluated against a more realistic existing setting. The year 2010 was selected based on a complete data set that was readily available and accessible for the entire calendar year when this revised analysis was initiated in early 2012.

Operations Period for SCIG

In the Draft EIR, the operations period for SCIG was analyzed as a 30-year term occurring from 2016 to 2046. After the release of the Draft EIR, the project Applicant made a decision to revise the operations period for the SCIG facility from 30 years to 50 years. Accordingly, the new SCIG operations period analyzed in this Recirculated Draft EIR is 50 years occurring from 2016 to 2066.

2009 Cargo Demand Forecast

The Draft EIR analyzed intermodal cargo demand that would be handled at the SCIG facility up to its design capacity for all future operational years under the 2007 cargo demand forecast (Tioga, 2007), which predicted high cargo growth volumes for the San Pedro Bay ports and served as the official published forecast that was used during the time the Draft EIR analysis was underway. The revised analysis in the Recirculated Draft EIR is now based on the updated and published 2009 cargo demand forecast (Tioga, 2009), which predicts lower cargo volumes for the ports than the 2007 forecast due to the economic recession and downturn.

New Data and Updates to Air Quality Models

As a result of changing the CEQA baseline period from 2005 to 2010, recent available data and updated air quality models were utilized in this Recirculated Draft EIR. This includes, but is not limited to, the following:

- 2010 census data
- EMFAC 2011 mobile source emission inventory and other air quality model updates
- New traffic counts at study intersections
- New noise measurements at selected noise sensitive receiver locations
- Updated on-site operational activity within the proposed Project boundary

Floating Baseline for Health Risk Assessment

The health risk assessment (HRA) in the Draft EIR Air Quality Section 3.2 was conducted by analyzing the impacts of the proposed Project compared to existing baseline conditions. The Draft EIR also included, for information only, an analysis utilizing a “floating baseline” which accounts for changes in air emissions over time that would improve air quality due to adopted rules and regulations. The Recirculated Draft EIR includes both an existing baseline and a floating baseline analysis for the HRA; however, the CEQA impact determination is based on the floating baseline analysis for which a new significant impact related to cancer risk has been identified that requires feasible mitigation measures to reduce such an impact as required under CEQA.

3. LIST OF RECIRCULATED CHAPTERS AND APPENDICES

Consistent with CEQA Guidelines Section 15088.5(c), this Recirculated Draft EIR contains only the portions of the Draft EIR that have been revised and replaced. The revised chapters (including sections) and appendices include:

- Executive Summary
- Chapter 1 Introduction
- Chapter 2 Project Description
- Chapter 3 Environmental Analysis
 - Section 3.1 Aesthetics/Visual Resources
 - Section 3.2 Air Quality and Meteorology
 - Section 3.6 Greenhouse Gas Emissions and Climate Change
 - Section 3.7 Hazards and Hazardous Materials
 - Section 3.8 Land Use
 - Section 3.9 Noise
 - Section 3.10 Transportation/Circulation
- Chapter 4 Cumulative Analysis
- Chapter 5 Alternatives
- Chapter 6 Environmental Justice
- Chapter 7 Socioeconomics and Environmental Quality

- Chapter 10 References
- Chapter 12 Acronyms
- Appendix C1 through C3 (Air Quality Appendices)
- Appendix F1 SCIG Noise Technical Study
- Appendix G1 SCIG Transportation Appendix
- Appendix G2 SCIG Rail Simulation Modeling Study
- Appendix G4 Intermodal Rail Analysis
- Appendix H Summary of Changes

4. DRAFT EIR CHAPTERS AND APPENDICES NOT SUBJECT TO RECIRCULATION

The LAHD has determined that the following chapters (including sections) and appendices do not require recirculation because the new information added or changes made to those portions of the Draft EIR did not trigger any of the requirements under CEQA Guidelines Section 15088.5(a).

- Section 3.3 Biological Resources
- Section 3.4 Cultural Resources
- Section 3.5 Geology and Soils
- Section 3.11 Public Services and Utilities
- Section 3.12 Water Resources
- Chapter 8 Growth-Inducing Impacts
- Chapter 9 Significant Irreversible Changes
- Chapter 11 List of Preparers and Contributors
- Appendix A Notice of Intent/Notice of Preparation/Initial Study
- Appendix B Aesthetics Visual Resource Methodology
- Appendix D SCIG Cultural and Paleontological Reports
- Appendix E SCIG Environmental Site Assessments
- Appendix F2 Combined Analysis of SCIG and ICTF Facilities – Supporting Noise Data
- Appendix G3 Traffic Grade Crossing Delay Methodology

5. PUBLIC REVIEW PROCESS FOR THE RECIRCULATED DRAFT EIR

The public review process for the Recirculated Draft EIR includes the following procedural steps:

Public Notice and Public Review

In accordance with CEQA Guidelines Section 15087 and 15088.5(3), the LAHD is distributing a public Notice of Availability of the Recirculated Draft EIR to agencies, organizations, and interested groups and persons as well as to every agency, person, or organization that commented on the Draft EIR. The Recirculated Draft EIR will be subject to public review and comment for a period of 45 days starting on September 27, 2012 and ending on November 9, 2012. Because the LAHD is recirculating only the portions of the Draft EIR that have been revised and

replaced, reviewers are advised when submitting comments to limit their comments to the Recirculated Draft EIR only and the analysis contained herein, consistent with CEQA Guidelines Section 15088.5(f)(2). Furthermore, comment letters submitted on the previous Draft EIR during the prior comment period on non-recirculated chapters need not be resubmitted.

The Recirculated Draft EIR, with appendices included as a Compact Disk (CD), is available for review at:

- Port of Los Angeles Environmental Management Division, 222 W. 6th Street, Suite 1080, San Pedro, CA 90731
- Los Angeles City Library, San Pedro Branch, 931 S. Gaffey Street, San Pedro, CA 90731
- Los Angeles City Library, Wilmington Branch, 1300 N. Avalon, Wilmington, CA 90744
- Carson Library, 23317 Avalon Blvd., Carson, CA 90745
- Los Angeles Public Library, Central Branch, 630 W. 5th Street, Los Angeles, CA 90071
- Long Beach Main Library, 101 Pacific Ave., Long Beach, CA 90822
- Bret Harte Neighborhood Library, 1595 Willow St., Long Beach, CA 90810

The entire document is available at the Port's web site: <http://www.portoflosangeles.org> under the Environment/CEQA EIR Projects tab. A limited number of hard copies of the Recirculated Draft EIR, with appendices included on a CD, are also available at the Environmental Management Division offices to purchase. The entire document is also available on CD for no charge.

The LAHD will conduct a public hearing on the Recirculated Draft EIR to receive public and agency comments. The meeting will be conducted in both English and Spanish. The public hearing will be on October 18, 2012 from 6:00 to 8:00 pm at Banning's Landing Community Center at 100 E. Water Street, Wilmington, CA 90744.

Written comments on the Recirculated Draft EIR should be sent to Christopher Cannon, Director of Environmental Management Division, 425 S. Palos Verdes Street, San Pedro, CA 90731 or via e-mail to ceqacomments@portla.org. Comments sent via email should include the project title in the e-mail's subject line and a valid mailing address within the email. Comment letters must be postmarked by November 9, 2012.

Responses to Comments

The LAHD, as lead agency, will only respond to 1) new comments submitted on the Recirculated Draft EIR and 2) the original comments received on the prior Draft EIR that were not revised or subject to recirculation. Although part of the administrative record, previous comments received on the Draft EIR sections or chapters that were revised may no longer be considered pertinent and as such, would not require a written response by the LAHD in the Final EIR.