



INTRODUCTION

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This chapter presents background and introductory information for the San Pedro Waterfront Project (proposed Project), located along the west side of Los Angeles Harbor’s Main Channel from the Vincent Thomas Bridge to Cabrillo Beach in the Port of Los Angeles (Port). This chapter presents:

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- the authorities of the lead agencies—the United States (U.S.) Army Corps of Engineers (USACE) and the Los Angeles Harbor Department (LAHD)—preparing this draft environmental impact statement/environmental impact report (EIS/EIR),

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- the scope and content of the EIS/EIR, and

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- the public outreach for the proposed Project.

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This draft EIS/EIR has been prepared in accordance with the requirements of the National Environmental Policy Act (NEPA) (42 United States Code [USC] Section 4321 et seq.) and in conformance with the Council for Environmental Quality (CEQ) Regulations for Implementing NEPA (40 Code of Federal Regulations [CFR] Section 1500 et seq.) and the USACE Procedures for Implementing NEPA. The document also fulfills the requirements of the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] Section 21000 et seq.) and the Guidelines for Implementation of the California Environmental Quality Act of 1970 (CEQA Guidelines) (14 California Code of Regulations [CCR] Section 15000 et seq.). The USACE is the NEPA lead agency for the proposed Project, and LAHD is the CEQA lead agency.

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This draft EIS/EIR describes the affected resources and evaluates the potential impacts to those resources as a result of building and operating the proposed Project. In this document, the term *proposed Project* is used in the same way as “proposed action” is used under NEPA. The proposed Project and alternatives are described in detail in Chapter 2. This draft EIS/EIR will be used to inform decision makers and the public about the environmental effects of the proposed waterside, landside, and infrastructure improvements of the San Pedro Waterfront.

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1.1 Background

1.1.1 Project Location and Brief Project Overview

LAHD operates the Port under the legal mandates of the Port of Los Angeles Tidelands Trust (Los Angeles City Charter, Article VI, Sec. 601; California Tidelands Trust Act of 1911) and the California Coastal Act (PRC Div 20 S30700 et seq.), which identify the Port and its facilities as a primary economic/coastal resource of the state and an essential element of the national maritime industry for promotion of commerce, navigation, fisheries, and harbor operations. Activities should be water dependent and give highest priority to navigation, shipping, and necessary support and access facilities to accommodate the demands of foreign and domestic waterborne commerce. LAHD is chartered to develop and operate the Port to benefit maritime uses and functions as a landlord by leasing Port properties to more than 300 tenants.

Under the proposed Project, most of the improvements would occur on approximately 400 acres currently operated by the LAHD, with the exception of those areas on Harbor Boulevard north of 7th Street that are jointly controlled by LAHD and the City of Los Angeles (City). The proposed Project is generally located along the west side of Los Angeles Harbor's Main Channel, from the Vincent Thomas Bridge to Cabrillo Beach.

Major elements of the proposed Project include the following:

- new public open spaces such as promenade areas, plazas, parks, and landscape and hardscape areas, including a continuous waterfront promenade that would extend throughout the proposed Project area;
- upgrades to and expansion of the retail and commercial uses in Ports O'Call to 375,000 square feet;
- upgrades to public amenities such as the Ralph J. Scott historic fireboat and S.S. Lane Victory;
- development of a Waterfront Red Car Maintenance Facility at the existing Southern Pacific Railyard (SP Railyard) south of 7th Street;
- relocation of the Catalina Channel Express, Inc. (Catalina Express) Terminal from Berth 96 to the existing location of the S.S. Lane Victory at Berth 94;
- three new harbor basins (North, Downtown, and 7th Street);
- new Outer Harbor Cruise Terminals with two new berths located in the Outer Harbor at Berths 45–50;
- improved transportation infrastructure through enhanced intersection improvements at Sampson Way and 7th Street, expansion of Sampson Way to two lanes in each direction, and improvements to the landscape and hardscape on the west side and in the median of Harbor Boulevard starting at the Swinford Street intersection south to 22nd Street;

- 1 ■ deindustrialization of Port lands along the west side of the Main Channel,
2 including decommissioning of the Westway Terminal Company’s liquid bulk
3 marine terminal (Westway Terminal) at Berths 70–71 and Jankovich & Son
4 (Jankovich) fueling station at Berth 74, and removal of the SP Railyard.
- 5 ■ realignment of the Waterfront Red Car tracks within the median of Harbor
6 Boulevard and Sampson Way and extension to Cabrillo Beach, Outer Harbor,
7 and City Dock No. 1 (adjacent to Warehouse No. 1); and
- 8 ■ surface and structured parking to accommodate project development within the
9 proposed Project area.

10 **1.2 Purpose of an EIS/EIR**

11 **1.2.1 NEPA and the Purpose of an EIS**

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

24 **1.2.2 CEQA and the Purpose of an EIR**

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

1.3 Lead, Responsible, and Trustee Agencies

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

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

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

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

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

Table 1-1 lists responsible and trustee federal, state, and local agencies that may rely on this draft EIS/EIR in a review capacity or as a basis for issuance of a permit for the proposed Project or for related actions.

Table 1-1. Agencies Expected To Use This EIS/EIR

<i>Agency</i>	<i>Responsibilities, Permits, and Approvals</i>
FEDERAL AGENCIES	
U.S. Army Corps of Engineers (USACE)	Lead federal agency for implementation of NEPA. Responsible for navigational improvements in waters of the United States. Permitting authority for work and structures in navigable waters, the discharge of dredged or fill material in waters of the United States, and the transport and disposal of dredged material at approved ocean sites.
National Oceanographic and Atmospheric Association (NOAA) Fisheries/National Marine Fisheries Service	Reviews and submits recommendations to the USACE related to federal construction actions and issuance of permits in accordance with the Fish and Wildlife Coordination Act. Also responsible for Essential Fish Habitat (EFH) under the Magnuson-Stevens Fishery Conservation and Management Act. Provides EFH information, reviews federal action potential effects on EFH, and provides conservation recommendations to the USACE through consultation.

<i>Agency</i>	<i>Responsibilities, Permits, and Approvals</i>
U.S. Coast Guard (USCG)	Has jurisdiction over marine facilities, bridges, and vessel transportation in harbor waters. Responsible for ensuring safe navigation and for preventing and responding to oil or hazardous materials releases in the marine environment. Responsible for enforcement of the Maritime Transportation Security Act (MTSA) and the International Ship and Port Facility Security (ISPS) Code standards for security at cruise terminals.
U.S. Environmental Protection Agency (EPA)	Has primary responsibility for implementing the Clean Air Act (CAA) and works with other federal agencies to implement conformity requirements. Reviews and submits recommendations for spill prevention control and countermeasure plans for nontransportation-related onshore and offshore facilities engaged in storing, processing, refining, transferring, distributing, or consuming oil and gas products. Regulatory authority for determining suitability of dredged sediments for ocean disposal in accordance with Section 103 of the Marine Protection, Research, and Sanctuaries Act (MPRSA). Reviews and submits recommendations to the USACE related to federal construction actions and issuance of permits.
U.S. Fish and Wildlife Service (USFWS)	Reviews and submits recommendations to the USACE related to federal construction actions and issuance of permits in accordance with the Fish and Wildlife Coordination Act and consultations pursuant to Section 7 of the Endangered Species Act (ESA).
STATE AGENCIES	
California Coastal Commission (CCC)	Reviews environmental document to ensure compliance with the Coastal Zone Management Act and consistency with the California Coastal Act. Performs a federal consistency determination. Reviews and must approve Coastal Development Permit (CDP) applications and Port Master Plan (PMP) amendments. The proposed Project would require an amendment to the PMP to modify the waterfront boundary for the three proposed harbor water cuts.
California Department of Fish and Game (CDFG)	Reviews and submits recommendations in accordance with CEQA. Consultation in accordance with the Fish and Wildlife Coordination Act.
California Department of Transportation (Caltrans)	Permitting authority for highway improvements and rail trackage, connections, and signage during construction operations. Potential lease approvals for use of Caltrans property.
California Office of Historic Preservation	Consultation under Section 106 of the National Historic Preservation Act (NHPA) regarding impacts on cultural resources (e.g., demolition of buildings and structures) that are either listed or eligible for listing on the National Register of Historic Places (NRHP).
California Public Utilities Commission	Permitting authority for rail trackage, connections, and signage during construction operations.
The California Waste Management Board	Statutory and regulatory authority to control the handling and disposal of solid nonhazardous waste in a manner that protects public safety, health, and the environment. State law assigns responsibility for solid waste management to local governments.

<i>Agency</i>	<i>Responsibilities, Permits, and Approvals</i>
Regional Water Quality Control Board, Los Angeles Region (LARWQCB)	Permitting authority for Clean Water Act of 1972 (CWA) Section 401 water quality certifications subject to Section 404 of the CWA. Permitting authority for California waste discharge requirements pursuant to the state Porter-Cologne Water Quality Control Act. Responsible for issuance of both construction and industrial National Pollutant Discharge Elimination System (NPDES) stormwater permits.
California State Lands Commission (CSLC)	The CSLC has oversight responsibility for tidal and submerged lands legislatively granted in trust to local jurisdictions and has adopted regulations for the inspection and monitoring of marine terminals. The CSLC inspects and monitors all marine facilities for effects on public health, safety, and the environment.
Toxic Substance Control Division of the California Environmental Protection Agency (CalEPA)	Regulatory jurisdiction over underground tanks containing hazardous materials. Implements groundwater monitoring provision of the Resource Conservation and Recovery Act. Responsible for general site cleanup outside of underground storage tanks (state superfund sites, etc.).
REGIONAL AGENCIES	
Los Angeles County Fire Department (LACFD)	Licensing and inspection authority for all hazardous waste generation in the City. Provides regulation and oversight of site remediation projects involving hazardous waste generators where surface and subsurface soils are contaminated with hazardous substances.
South Coast Air Quality Management District (SCAQMD)	Permitting authority for construction of landfill and operation of pump stations, storage tanks, and terminal facilities; activities involving hydrocarbon-containing soils (Rule 1166); and new or modified sources of air emissions (new source review).
Southern California Association of Government (SCAG)	Responsible for developing regional plans for transportation and federal conformity as well as developing the growth factors used in forecasting air emissions in the South Coast Air Basin (SCAB).
LOCAL AGENCIES	
Los Angeles Harbor Department (LAHD)	LAHD is the lead agency for CEQA and the California Coastal Act (via the certified PMP). Other City departments have various approval and permitting responsibilities and are listed separately below for the sake of clarity. Pursuant to its authority, LAHD may approve permits and other approvals (e.g., coastal development permits; leases for occupancy; and approval of operating, joint venture, or other types of agreements for the operation of the facilities) for the projects evaluated in this EIS/EIR. Leasing authority for the Port's land. Permitting authority for engineering construction. Responsible for general regulatory compliance. Responsible for master plan amendment and map change and issuance of coastal development permits. Responsible for activities of other City departments for the proposed Project.
City of Los Angeles Building and Safety Department	Permitting authority for building and grading permits.
City of Los Angeles Bureau of Engineering	Permitting authority for storm drain connections and stormwater discharges, permits for water discharges to the wastewater collection system, and approval of street vacations.

<i>Agency</i>	<i>Responsibilities, Permits, and Approvals</i>
City of Los Angeles Bureau of Sanitation	Permitting authority for industrial waste permit for discharges of industrial wastewater to the City sewer system.
City of Los Angeles Fire Department (LAFD)	Approval of business plan and risk management and prevention program. Reviews and submits recommendations regarding design for building permit.
City of Los Angeles Transportation Department	Reviews and approves changes in City street design, construction, signalization, signage, and traffic counts.
City of Los Angeles Planning Department	Zone changes or amendments, general plan amendments, variances for zoning or parking code requirements.

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2 **1.4 Scope and Content of the Draft EIS/EIR**

3 The scope of this draft EIS/EIR was established based on the initial study prepared
 4 pursuant to CEQA (see Appendix A) and comments received during the notice of
 5 intent/notice of preparation (NOI/NOP) review process.

6 **1.4.1 Scope of Analysis**

7 This draft EIS/EIR has been prepared in conformance with NEPA (42 USC Section
 8 4321 et seq.), the USACE Procedures for Implementing NEPA, the CEQ Regulations
 9 for Implementing NEPA, CEQA (PRC Section 21000 et seq.), the CEQA Guidelines
 10 (14 CCR Section 15000 et seq.), and the Port Guidelines for the Implementation of
 11 CEQA. It includes all of the sections required by NEPA and CEQA.

12 The criteria for determining the significance of environmental impacts in this draft
 13 EIS/EIR analysis are described in the section titled “Thresholds of Significance”
 14 under each resource topic in Chapter 3. The threshold of significance for a given
 15 environmental effect is the level at which LAHD or the USACE finds an effect of the
 16 proposed Project or alternative to be significant. *Threshold of significance* can be
 17 defined as a “quantitative or qualitative standard, or set of criteria, pursuant to which
 18 significance of a given environmental effect may be determined” (CEQA Guidelines,
 19 Section 15064.7 [a]). Except as noted in particular sections of the document, LAHD
 20 has adopted the *L.A. CEQA Thresholds* (City of Los Angeles 2006) for purposes of
 21 this draft EIS/EIR, although some criteria were adapted to the specific circumstances
 22 of the proposed Project. The USACE also has adopted the *L.A. CEQA Thresholds* for
 23 purposes of this draft EIS/EIR to achieve its NEPA responsibilities, unless otherwise
 24 noted in particular sections of the document.

1 The following is a timeline of the noticing and public involvement that has happened
2 to date:

- 3 ■ **December 22, 2006.** The NEPA NOI and CEQA NOP, jointly as the NOI/NOP,
4 was released and distributed to agencies, organizations, individuals, and the
5 California Office of Planning and Research, State Clearinghouse. The State
6 Clearinghouse assigned the following State Clearinghouse Number to the
7 proposed Project: 2005061041.
- 8 ■ **December 22, 2006.** The NOP was also filed with the Los Angeles City Clerk
9 and the Los Angeles County Clerk.
- 10 ■ **December 22, 2006.** The NOI was separately published in the *Federal Register*.
- 11 ■ **December 22, 2006.** The USACE issued a joint public notice of the public
12 hearing and receipt of application for a permit under Section 10 of the Rivers and
13 Harbors Act of March 3, 1899 (33 U.S.C. 403) (RHA), Section 404 of the CWA
14 (33 U.S.C. 1344), and Section 103 of the MPRSA (33 U.S.C.).
- 15 ■ **January 17, 2007.** A special notice, which identified changes to the originally
16 noticed project, was issued.
- 17 ■ **January 23, 2007.** A public scoping hearing was held.
- 18 ■ **February 28, 2007.** The comment period ended.

19 The scope of analysis and technical work plans developed as part of preparing this
20 draft EIS/EIR were designed to ensure that the comments received from regulatory
21 agencies and the public during the NOI/NOP review process would be addressed. It
22 should be noted that public comments received during the previous NOI/NOP
23 scoping period that occurred between September and October 2005—as well as the
24 three scoping meetings held on September 15, 2005; September 29, 2005; and
25 October 11, 2005—are part of the record and are considered in the scope of the
26 analysis for this EIS/EIR.

27 The scope of the federal review is normally defined by 33 CFR Part 325, Appendix
28 B, which states “the district engineer should establish the scope of the NEPA
29 document to address the impacts of the specific activity regarding the DA permit and
30 those portions of the entire project over which the district engineer has sufficient
31 control and responsibility to warrant federal review.” USACE regulations also
32 require the USACE to examine whether the USACE’s scope of review or scope of
33 analysis should be expanded to account for indirect and/or cumulative effects of the
34 issuance of a permit (33 CFR 325 Appendix B). Typical factors considered in
35 determining sufficient control and responsibilities include:

- 36 ■ whether or not the activity comprises merely a link in a corridor-type project,
- 37 ■ whether there are aspects of the upland facility in the immediate vicinity of the
38 regulated activity that affect the location and configuration of the regulated
39 activity,
- 40 ■ the extent to which the entire project will fall within USACE jurisdiction, and

- 1 ■ the extent of federal cumulative control and responsibility.

2 Based on 33 CFR Part 325, Appendix B, the appropriate scope of analysis for the
3 federal review of the proposed action consists of both permanent and temporary
4 impacts to waters of the United States associated with 1) the construction of new
5 wharves, promenade features, and harbor water cuts and 2) construction-related
6 activities such as temporary access occurring in uplands within 100 feet of proposed
7 water-related improvements that are connected to the water-related improvements
8 themselves. Additionally, the Outer Harbor Cruise Terminals and associated parking,
9 which are upland components, are included in the scope of federal review because
10 they would not be constructed if a permit were not issued by the USACE for the
11 cruise berth upgrades.

12 Normally, any ultimate permit decision would focus on direct impacts to the aquatic
13 environment as well as indirect and cumulative impacts in the uplands determined to
14 be within the scope of federal control and responsibility as part of the required public
15 interest review (i.e., traceable to the issuance of a permit such as air quality, traffic,
16 aesthetic, and noise impacts). These incremental impacts are typically defined by
17 comparing the proposed project to the NEPA baseline (usually equivalent to the no-
18 federal-action alternative), which details the work and impacts that could occur
19 without a permit from the USACE.

20 The USACE has identified potentially significant indirect and cumulative effects
21 within the scope of federal control that could occur as a result of the proposed
22 Project. While operational impacts in the uplands are outside the geographic
23 jurisdiction of the USACE, NEPA requires the USACE to fully disclose potentially
24 significant indirect and cumulative impacts occurring as a result of a proposed permit
25 action that fall within the scope of analysis as defined. Therefore, the USACE is
26 preparing this EIS for the proposed action and its alternatives.

27 Additionally, EPA Section 404(b)(1) guidelines (40 CFR 230) require the USACE to
28 issue a permit only for the least environmentally damaging practicable alternative,
29 which is the practicable alternative that has the least damage to aquatic resources.
30 The factors that influence whether an alternative is practicable include cost, logistics,
31 technology, and the ability of the alternative to meet the overall project purpose. The
32 Section 404(b)(1) guidelines primarily focus on impacts to the aquatic environment
33 of discharges of dredged or fill material in waters of the United States but do consider
34 other potentially significant environmental consequences. The scope of the Section
35 404(b)(1) analysis can be narrower than that of the NEPA analysis and could reach
36 different conclusions regarding the practicability of an alternative.

37 The Section 404(b)(1) guidelines state that no discharge of dredged or fill material
38 shall be permitted if there is a practicable alternative to the proposed discharge that
39 would have less significant impact on the aquatic ecosystem, so long as the
40 alternative does not have other significant environmental consequences (40 CFR
41 230.10[a]). A Section 404(b)(1) evaluation typically includes the following type of
42 analysis:

- 1 ■ factual determinations (e.g., on the physical substrate; water circulation,
2 fluctuation, and salinity; suspended particulates/turbidity; contaminants; aquatic
3 ecosystem and organisms; proposed disposal sites; and cumulative effects on the
4 aquatic ecosystem);
- 5 ■ findings of compliance or noncompliance with restrictions on discharge,
6 including evaluation of the availability of practicable alternatives that would have
7 a less significant impact on the aquatic ecosystem, and findings of compliance
8 with a variety of regulations (e.g., state water quality standards, the CWA, the
9 ESA, and the MPRSA);
- 10 ■ identification of practical steps taken to minimize potential significant impacts of
11 the discharge on the aquatic ecosystem; and
- 12 ■ a conclusion about the compliance of the proposed project with the Section
13 404(b)(1) guidelines.

14 The information presented in this draft EIS/EIR specific to impacts to the aquatic
15 environment would be used by the USACE as part of any proposed permit action
16 subject to jurisdiction under Section 404 of the CWA, Section 10 of the RHA, or
17 Section 103 of the MPRSA.

18 The following issues have been determined to be potentially significant and are
19 therefore evaluated in this draft EIS/EIR:

- 20 ■ aesthetics;
- 21 ■ air quality and meteorology;
- 22 ■ biological resources;
- 23 ■ cultural resources;
- 24 ■ geology;
- 25 ■ groundwater and soils;
- 26 ■ hazards and hazardous materials;
- 27 ■ land use and planning;
- 28 ■ noise;
- 29 ■ recreation;
- 30 ■ transportation and circulation (ground);
- 31 ■ transportation and navigation (marine);
- 32 ■ utilities and public services; and
- 33 ■ water quality, sediments, and oceanography.

34 There are no agricultural resources or mineral resources in the area, so agricultural
35 and mineral resources are not evaluated in this draft EIS/EIR.

Chapter 3, “Environmental Analysis,” discusses the issues that would be significantly affected by the proposed Project or alternatives. Mitigation measures to reduce impacts to a less-than-significant level are proposed whenever feasible.

This draft EIS/EIR has been prepared by ICF Jones & Stokes under contract to LAHD and has been independently reviewed by USACE and LAHD staff. The scope of the document, methods of analysis, and conclusions represent the independent judgment of the USACE and LAHD. Staff members from the USACE, LAHD, and ICF Jones & Stokes who helped prepare this draft EIS/EIR are identified in Chapter 11, “List of Preparers and Contributors.”

1.4.2 Intended Uses of This Draft EIS/EIR

This draft EIS/EIR has been prepared in accordance with applicable federal and state environmental regulations, policies, and laws to inform federal, state, and local decision makers regarding the potential environmental impacts of the proposed Project and its alternatives. As an informational document, an EIS/EIR does not recommend approval or denial of a project. This draft EIS/EIR is being provided to the public for review, comment, and participation in the planning process. After public review and comment, a final EIS/EIR will be prepared. The final EIS/EIR will include responses to comments on the draft EIS/EIR received from agencies, organizations, and individuals. It will be distributed to provide the basis for decision making by the CEQA and NEPA lead agencies, as described below, and other concerned agencies.

1.4.2.1 USACE Use

The USACE has jurisdictional authority over the proposed Project pursuant to Section 404 of the CWA, Section 10 of the RHA, and Section 103 of the MPRSA. The USACE will consider this document in any permit actions that LAHD might undertake to implement the proposed Project or alternative. The USACE published a public notice on December 22, 2006, addressing the USACE’s receipt of an application for the San Pedro Waterfront Project, concurrent with the NOI to prepare an EIS/EIR and the notice for the January 23, 2007, scoping meeting.

The USACE record of decision will document the USACE’s decision on the proposed action, including issuance of any permit pursuant to Section 404 of the CWA and Section 10 of the RHA, as well as any required environmental mitigation commitments.

1.4.2.2 LAHD Use

LAHD has jurisdictional authority over the proposed Project primarily pursuant to the Port of Los Angeles Tidelands Trust, CEQA, and the California Coastal Act.

1 This EIS/EIR will be used by LAHD, as the lead agency under CEQA, in making a
2 decision with regard to the construction and operation of the proposed Project and to
3 inform agencies considering permit applications and other actions required to
4 construct, lease, and operate the proposed Project. LAHD's certification of the EIR,
5 notice of completion, findings of fact, and statement of overriding considerations (if
6 necessary) will document LAHD's decision as to the adequacy of the EIR and inform
7 subsequent decisions by LAHD whether to approve and construct the proposed Project.

8 Other agencies (federal, state, regional, and local) that have jurisdiction over some
9 part of the proposed Project or a resource area affected by the proposed Project are
10 expected to use this EIS/EIR as part of their approval or permit process as set forth in
11 Table 1-1 above. Specific approvals that could be required for this proposed Project
12 include but are not limited to:

- 13 ■ coastal development permit,
- 14 ■ USACE permit (pursuant to Section 404 of the CWA, Section 10 of the RHA,
15 and Section 103 of the MPRSA),
- 16 ■ building and safety permits,
- 17 ■ Port Master Plan (PMP) amendments,
- 18 ■ water quality permits (CWA Section 401 water quality certification and NPDES
19 permits),
- 20 ■ approval of a lease by LAHD,
- 21 ■ approval of condemnation by LAHD,
- 22 ■ amendments to the City of Los Angeles General Plan, and
- 23 ■ construction contracts.

24 Actions that could be undertaken by LAHD following preparation of the final EIR
25 include:

- 26 ■ certification of the EIR,
- 27 ■ project approval,
- 28 ■ lease approvals,
- 29 ■ land condemnation,
- 30 ■ PMP amendments,
- 31 ■ issuance of coastal development permits,
- 32 ■ completion of final design,
- 33 ■ approval of engineering permits,
- 34 ■ obtaining other agency permits and approvals (e.g., dredge and fill, grading,
35 construction, occupancy, and fire safety), and
- 36 ■ approval of construction contracts.

1.4.3 Draft EIS/EIR Organization

Table 1-2 contains contents of an EIS/EIR required under NEPA and CEQA and references the specific chapter in this document where this information is located. To easily obtain information about the proposed Project and alternatives and their specific impacts, this draft EIS/EIR is organized into the chapters described below. For the sake of efficiency, Chapter 3, “Environmental Analysis,” considers impacts under CEQA and then impacts under NEPA, rather than the more traditional format of NEPA then CEQA. This is because, in general, the scope of the CEQA impact analysis is greater than the NEPA analysis; presenting the CEQA analysis first allows a more efficient presentation of the NEPA impacts.

Table 1-2. Organization and Contents of the Draft EIS/EIR

<i>Draft EIS/EIR Chapter</i>	<i>Description</i>
Executive Summary	Summarizes the proposed Project and alternatives, potential significant impacts and mitigation measures, the environmentally preferred alternative (in accordance with NEPA) and the environmentally superior alternative (in accordance with CEQA), public comments and concerns, and unresolved issues and areas of controversy.
Chapter 1, “Introduction”	Describes the purpose and need and the objectives of the proposed Project, the intended uses of the document and authorizing actions, the relationship to previous CEQA and NEPA documents, the relationship to existing plans and policies, the scope and content of the document, and the organization of the document.
Chapter 2, “Project Description”	Describes the proposed Project, alternatives initially considered but eliminated from further consideration, and alternatives evaluated in this document.
Chapter 3, “Environmental Analysis”	Describes, for each environmental resource area, the baseline conditions as of December 2006, criteria for judging whether an impact is significant, impact assessment methodology, impacts that would result from the proposed Project and each alternative, applicable mitigation measures that would eliminate or reduce significant impacts, and the mitigation monitoring aspects.
Chapter 4, “Cumulative Analysis”	Provides a summary of significant cumulative impacts and whether or not the proposed Project contributes to that significant impact.
Chapter 5, “Environmental Justice”	Addresses the possible effects of the proposed Project on minority populations and low-income communities adjacent to the proposed Project site.
Chapter 6, “Comparison of Alternatives”	Compares the significant environmental impacts of the proposed Project and alternatives and identifies the environmentally preferred and superior alternatives.
Chapter 7, “Socioeconomics and Environmental Quality”	Identifies the proposed Project’s socioeconomic effects, including potential blight effects.
Chapter 8, “Growth-Inducing Impacts”	Presents whether or not the proposed Project would result in growth-inducing impacts.
Chapter 9, “Significant Irreversible Changes”	Describes the significant irreversible changes associated with the proposed Project.
Chapter 10, “References”	Identifies the documents and persons consulted in preparing this draft EIS/EIR.

<i>Draft EIS/EIR Chapter</i>	<i>Description</i>
Chapter 11, “List of Preparers and Contributors”	Lists the individuals involved in preparing this draft EIS/EIR.
Chapter 12, “Acronyms and Abbreviations”	Provides the full names for acronyms and abbreviations used in this document.
Appendices	Present additional background information and technical detail for several of the resource areas.

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2 **1.5 Key Principles Guiding Preparation of** 3 **this Draft EIS/EIR**

4 **1.5.1 Emphasis on Significant Environmental** 5 **Effects**

6 This draft EIS/EIR focuses on the significant environmental effects of the proposed
7 Project and alternatives and their relevance to the decision-making process. NEPA
8 requires the federal lead agency to rely on a “scientific and analytical basis for the
9 comparison of alternatives” (40 CFR 1502.16) in making its decisions. Commonly,
10 when preparing a joint document in the State of California the federal lead agency
11 will adopt the CEQA significance thresholds as its scientific basis, unless otherwise
12 noted.

13 *Environmental impacts*, as defined by CEQA, include physical effects on the
14 environment. In this document the term is used synonymously with the term
15 *environmental effects* under NEPA. The CEQA Guidelines (Section 15360) define
16 the *environment* as follows:

17 The physical conditions which exist within the areas which will be affected
18 by a proposed project, including land, air, water, minerals, flora, fauna,
19 ambient noise, and objects of historic or aesthetic significance.

20 This definition does not include strictly economic impacts (e.g., changes in property
21 values) or social impacts (e.g., a particular group of persons moving into an area).
22 The CEQA Guidelines (Section 15131[a]) state, “economic or social effects of a
23 project shall not be treated as significant effects on the environment.” However,
24 economic or social effects are relevant to physical effects in two situations. In the
25 first, according to Section 15131(a) of the CEQA Guidelines, “an EIR may trace a
26 chain of cause and effect from a proposed decision on a project through anticipated
27 economic or social changes to physical changes caused in turn by the economic or
28 social changes.” In other words, if a physical impact leads to an economic impact,
29 which then leads to another physical impact, that ultimate physical impact must be
30 evaluated in the EIR. In the second instance, according to Section 15131(b) of the

1 CEQA Guidelines, “economic or social effects of a project may be used to determine
2 the significance of a physical change caused by a project.” For example, the closure
3 and demolition of a fully occupied commercial building could be considered more
4 significant than the demolition of a similar vacant building, even though the physical
5 effects are the same.

6 As with economic or social impacts, psychological impacts are outside the definition
7 of the term “environmental.” While not specifically discussed in the CEQA
8 Guidelines, the exclusion of psychological impacts was specifically affirmed in a
9 court decision (National Parks and Conservation Association v. County of Riverside
10 71 Cal. App. 4th 1341, 1364. 1999).

11 In view of these legal precedents, LAHD is not required to treat economic, social, or
12 psychological impacts as significant environmental impacts absent a related physical
13 effect on the environment. Therefore, such impacts are only discussed to the extent
14 necessary to determine the significance of the physical impacts of the proposed
15 Project and alternatives. Additionally, this draft EIS/EIR addresses environmental
16 justice in Chapter 5 and socioeconomics and environmental quality in Chapter 7.

17 **1.5.2 Forecasting**

18 In this draft EIS/EIR, the USACE and LAHD have made their best efforts to predict
19 and evaluate the reasonable, foreseeable, direct, indirect, and cumulative
20 environmental impacts of the proposed Project and alternatives. NEPA and CEQA
21 do not require the USACE and LAHD to engage in speculation about impacts that are
22 not reasonably foreseeable (CEQA Guidelines Sections 15144, 15145). In these
23 instances, CEQA does not require a worst-case analysis. Similarly, NEPA does not
24 require a worst-case analysis when confronted with incomplete or unavailable
25 information (40CFR 1502.22).

26 **1.5.3 Reliance on Environmental Thresholds and** 27 **Substantial Evidence**

28 The identification of impacts as significant or less than significant is one of the
29 important functions of an EIR. While impacts determined to be less than significant
30 need only be acknowledged as such, an EIR must identify mitigation measures for
31 any impact identified as significant. In preparing this document, LAHD has based its
32 conclusions about the significance of environmental impacts on identifiable
33 thresholds and has supported these conclusions with substantial scientific evidence.
34 The USACE has adopted the *L.A. CEQA Thresholds* to meet its NEPA
35 responsibilities, unless otherwise noted in particular sections of this document for the
36 NEPA analysis.

1.5.4 Disagreement among Experts

It is possible that evidence that might raise disagreements will be presented during the public review of the draft EIS/EIR. Such disagreements will be noted and will be considered by the decision makers during the public hearing process. However, to be adequate under CEQA and NEPA, the draft EIS/EIR need not resolve all such disagreements.

In accordance with the provisions of the CEQA Guidelines, conflict of evidence and expert opinions on an issue concerning the environmental impacts of the proposed Project—when LAHD knows of these controversies in advance—has been identified in this draft EIS/EIR. The draft EIS/EIR has summarized the conflicting opinions and has included sufficient information to allow the public and decision makers to take intelligent account of the environmental consequences of their actions.

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

1.5.5 NEPA and CEQA Baselines

1.5.5.1 NEPA Baseline

In analyzing a proposed project in a joint CEQA/NEPA format, the USACE must distinguish the scientific and analytical basis for its decisions from the CEQA lead agency's decision. The NEPA baseline condition for determining significance of impacts is primarily dependent on the no-federal-action condition, which is defined by examining the full range of construction and operational activities the applicant (in this case LAHD) could implement and is likely to implement absent a USACE permit (e.g., air emissions and traffic likely to occur without issuance of permits to modify wharves or dredge). In the proposed Project, the NEPA baseline coincides with Alternative 5, the No-Federal-Action Alternative, and the two terms are used interchangeably throughout this document. The NEPA baseline determination is based on direct statements and empirical data from LAHD, as well as the judgment and experience of the USACE.

Unlike the CEQA baseline, which is defined by conditions at a point in time, the NEPA baseline is not bound by statute to a “flat” or “no growth” scenario; therefore, the NEPA baseline may project increases in operations over the life of a project that do not require federal action or approval. Normally, any ultimate permit decision would focus on direct impacts to the aquatic environment, as well as indirect and cumulative impacts in the uplands determined to be within the scope of federal

1 control and responsibility. Significance of the proposed Project or alternative is
2 defined by comparing the proposed Project or alternative to the NEPA baseline (i.e.,
3 the increment). The NEPA baseline is identified as Alternative 5, and is discussed in
4 detail in Chapter 2 of this EIS/EIR.

5 **1.5.5.2 CEQA Baseline**

6 Section 15125 of the CEQA Guidelines requires EIRs to include a description of the
7 physical environmental conditions in the vicinity of a proposed project that exists at
8 the time of the NOP. The conditions that existed at the time the NOP was circulated
9 for review (December 2006) are described in Chapter 2 and are also described in the
10 respective sections of Chapter 3 prior to the impact analysis. These environmental
11 conditions constitute the baseline physical conditions by which the CEQA lead
12 agency determines whether an impact is significant. The CEQA baseline represents
13 the setting at a fixed point in time, with no project growth over time, and differs from
14 the Alternative 6, the No-Project Alternative (discussed in Section 2.6, “Project
15 Baselines”) in that the No-Project Alternative addresses what is likely to happen at
16 the site over time, starting from the existing conditions. The No-Project Alternative
17 allows for growth at the proposed Project site that would occur without additional
18 approvals.

19 **1.5.6 Duty to Mitigate**

20 Under NEPA, 40 CFR 1505.3 *requires* that “mitigation and other conditions
21 established in the environmental impact statement or during its review and committed
22 as part of the decision shall be implemented by the lead agency or other appropriate
23 consenting agency.” While the USACE may identify and analyze impacts outside its
24 jurisdiction, the USACE limits the placement of special conditions in its permits
25 (requirements for mitigation) to areas within the USACE jurisdiction (i.e., areas
26 directly subject to its permitting authority under Section 404 of the CWA, Section 10
27 of the RHA, and Section 103 of the MPRSA). The USACE cannot constrain
28 operations outside its jurisdiction where, absent USACE permits for construction in
29 waters of the United States, the federal government has no authority over operations
30 that could otherwise occur. Therefore, while there may be an increment of upland
31 indirect and/or cumulative effects within the USACE scope of review (i.e., traceable
32 to the issuance of a permit), the USACE would not place special conditions on those
33 upland impacts. This is because activities in the uplands are not within USACE
34 jurisdiction, and some portion of those impacts would occur absent a USACE permit.

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

1 Mitigation measures must meet certain requirements in order to be considered
2 adequate. Mitigation should be specific, define feasible actions that would actually
3 improve adverse environmental conditions, and be measurable to allow monitoring of
4 their implementation. Mitigation measures that only require further studies or
5 consultation with regulatory agencies that are not tied to a specific action that would
6 directly reduce impacts, or those that defer mitigation until some future time, should
7 be avoided. Accordingly, effective mitigation measures clearly explain objectives,
8 how a given measure should be implemented, who is responsible for its
9 implementation, and where and when the mitigation would occur. Finally, mitigation
10 measures must be enforceable, meaning that the lead agency must ensure that the
11 measures will be imposed through appropriate permit conditions, agreements, or
12 other legally binding instruments.

13 CEQA Guidelines Section 15041 grants a public agency the authority to require
14 feasible changes (mitigation) that would substantially lessen or avoid significant
15 effect on the environment associated with all activities involved in a project.
16 However, public agencies do not have unlimited authority to impose mitigation. An
17 agency may exercise only those express or implied powers provided by law, aside
18 from those provided by CEQA. However, where another law grants an agency
19 discretionary power, CEQA authorizes its use (CEQA Guidelines Section 15040).

20 In addition to limitations imposed by CEQA, the U.S. Constitution also limits the
21 authority of regulatory agencies. The Constitution limits an agency's authority to
22 impose conditions to those situations where there is a clear and direct connection
23 (*nexus* in legal terms) between a project impact and the mitigation measure. Finally,
24 there must be a proportional balance between the impact caused by a proposed
25 project and the mitigation measure imposed upon the project applicant (in this case,
26 LAHD). A project applicant cannot be forced to pay more than its fair share of the
27 mitigation, which should be roughly proportional to the impacts caused by a
28 proposed project.

29 **1.5.7 Requirements to Evaluate Alternatives**

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

- 32 ■ rigorously explore and objectively evaluate all reasonable alternatives;
- 33 ■ include reasonable alternatives not within the lead agency's jurisdiction or
34 congressional mandate, if applicable;
- 35 ■ include a no-action alternative;
- 36 ■ develop substantial treatment to each alternative, including the proposed action,
37 so that reviewers may evaluate their comparative merits;
- 38 ■ identify the lead agency's preferred alternative;

- 1 ■ include appropriate mitigation measures (when not already part of the proposed
2 action or alternatives); and
- 3 ■ present the alternatives that were eliminated from detailed study and briefly
4 discuss the reasons for elimination.

5 NEPA (40 CFR 1502.14[a]) and CEQA Guidelines Section 15126.6 require that an
6 EIS and an EIR, respectively, describe a range of reasonable alternatives to a
7 proposed project, or to the location of a proposed project that could feasibly attain
8 most of the basic objectives of the proposed project but would avoid or substantially
9 lessen any significant environmental impacts. According to CEQA Guidelines, the
10 EIR should compare merits of the alternatives and determine an environmentally
11 superior alternative. Section 2.5, “Alternatives,” of this draft EIS/EIR sets forth
12 potential alternatives to the proposed Project and evaluates their suitability, as
13 required by CEQA Guidelines (Section 15126.6).

14 Alternatives for an EIS and EIR usually take the form of no project, no federal action
15 (no federal permits, equivalent to the NEPA baseline), reduced project size, different
16 project design, or suitable alternative project sites (40 CFR 1502.14[c]). The range
17 of alternatives discussed in an EIS need not be beyond a reasonable range (40 CFR
18 1502.14[a]), and an EIR is governed by the “rule of reason” that requires the
19 identification of only those alternatives necessary to permit a reasoned choice
20 between the alternatives and the proposed project. An EIS and an EIR need not
21 consider an alternative that would be infeasible. CEQA Guidelines Section 15126.6
22 explains that the evaluation of project alternative feasibility can consider “site
23 suitability, economic viability, availability of infrastructure, general plan consistency,
24 other plans or regulatory limitations, jurisdictional boundaries, and whether the
25 proponent can reasonably acquire, control or otherwise have access to the alternative
26 site.” The EIR is also not required to evaluate an alternative that has an effect that
27 cannot be reasonably identified or that has remote or speculative implementation, and
28 that would not achieve the basic proposed project objectives. Additionally, for
29 impacts to aquatic resources, EPA’s Section 404(b)(1) guidelines and USACE
30 regulations (33 CFR 320–330), require the USACE only to issue a permit for the
31 least environmentally damaging practicable alternative (focusing primarily on
32 impacts to aquatic resources), where practicable is defined in terms of cost, logistics,
33 and technology that still meet the overall proposed project purpose. In order to
34 comply with these guidelines, the USACE typically analyzes alternatives that reduce
35 impacts to aquatic resources through alternative configurations, locations,
36 construction methods, sizes, etc.

1.6 Port of Los Angeles Environmental Initiatives

1.6.1 Port of Los Angeles Environmental Management Policy

The Port of Los Angeles Environmental Management Policy as described in this section was adopted on April 11, 2005. The purposes of this policy are to provide an introspective, organized approach to environmental management, to further incorporate environmental considerations into day-to-day Port operations, and to achieve continual environmental improvement. The text of the policy reads as follows:

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

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

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

The Port is committed to the spirit and intent of this policy and the laws, rules and regulations, which give it foundation. (Port of Los Angeles 2005.)

1 The Port of Los Angeles Environmental Management Policy is exemplified in
2 existing environmental initiatives of the Port and its customers, such as the voluntary
3 Vessel Speed Reduction Program (VSRP), Source Control Program, Least Tern
4 Nesting Site Agreement, Hazardous Materials Management Policy, and the Clean
5 Engines and Fuels Policy. In addition, the environmental management policy will
6 encompass new initiatives, such as the development of an environmental
7 management system (EMS) with LAHD's Construction and Maintenance Division
8 and a Clean Marinas Program. These programs are Port-wide initiatives to reduce
9 environmental pollution. Many of the programs relate to the proposed Project. The
10 following discussion includes details on a number of the programs and their goals.

11 **1.6.2 Environmental Plans and Programs**

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

17 **1.6.2.1 Clean Air Action Plan**

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

25 In 2004, LAHD developed a plan to reduce air emissions through a number of
26 near-term measures. The measures were primarily focused on decreasing nitrogen
27 oxide (NO_x), but also diesel particulate matter (PM) and sulfur oxides (SO_x). In
28 August 2004, a policy shift occurred and Mayor James K. Hahn established the No
29 Net Increase Task Force to develop a plan that would achieve the goal of No Net
30 Increase (NNI) in air emissions at the Port relative to 2001 levels. The plan
31 identified 68 measures to be applied over the next 25 years that would reduce PM and
32 NO_x emissions to the baseline year of 2001. The 68 measures included near-term
33 measures; local, state, and federal regulatory efforts; technological innovations; and
34 longer-term measures still in development.

35 In 2006, in response to a new mayor and the Los Angeles Board of Harbor
36 Commissioners, LAHD—along with the Port of Long Beach and in conjunction with
37 the SCAQMD, California Air Resources Board (CARB) and EPA—began work on
38 the CAAP, a comprehensive strategy to cut air pollution and reduce health risks from
39 port-related air emissions. The CAAP's goal was to expand upon existing emissions

1 reductions strategies and to develop new ones. The draft CAAP was released as a
2 draft plan for public review on June 28, 2006, and it was approved at a joint meeting
3 of both the Los Angeles and Long Beach Boards of Harbor Commissioners on
4 November 20, 2006.

5 Through the CAAP, the ports have established uniform air quality standards for the
6 San Pedro Bay. To attain such standards, the ports will leverage a number of
7 implementation mechanisms including, but not limited to, lease requirements, tariff
8 changes, CEQA mitigation, and incentives. Specific strategies to significantly reduce
9 the health risks posed by air pollution from port-related sources include:

- 10 ■ aggressive milestones with measurable goals for air quality improvements,
- 11 ■ specific standards for individual source categories,
- 12 ■ recommendations to eliminate emissions of ultra-fine particulates,
- 13 ■ a technology advancement program to reduce greenhouse gases, and
- 14 ■ a public participation process with environmental organizations and the business
15 communities.

16 The CAAP focuses primarily on reducing diesel PM, along with NO_x and SO_x, with
17 two main goals: 1) to reduce port-related air emissions in the interest of public health,
18 and 2) to disconnect cargo growth from emissions increases. The CAAP is expected
19 to eliminate more than 47% of diesel PM emissions, 45% of smog-forming NO_x
20 emissions, and 52% of SO_x from port-related sources within the next 5 years.

21 The CAAP includes near-term measures implemented largely through the
22 CEQA/NEPA process and through new leases at both ports. Port-wide measures at
23 both ports are also part of the plan. This draft EIS/EIR analysis assumes compliance
24 with the CAAP. Proposed project-specific mitigation measures applied to reduce air
25 emissions and public health impacts are consistent with, and in some cases exceed,
26 the emission reduction strategies of the CAAP.

27 **1.6.2.2 Environmental Management System**

28 In December 2003, LAHD was selected by the EPA, the American Association of
29 Port Authorities, and the Global Environment and Technology Foundation to
30 participate in the Port Environmental Management System Assistance Project. One
31 of only 11 U.S. ports to be selected, the Port of Los Angeles is the first California
32 seaport to incorporate the program into its operations.

33 An EMS is a set of processes and practices that enable an organization to reduce
34 environmental impacts and increase operational efficiency. Participating ports are
35 selected on the basis of existing environmental programs, diverse maritime facilities,
36 and management resources. An EMS weaves environmental decision making into
37 the fabric of an organization's overall business practices, with a goal of
38 systematically improving environmental performance. An EMS follows the "Plan-

1 Do-Check-Act" model of continual improvement. LAHD has implemented the EMS
2 within its Construction and Maintenance Division facilities, with the goal of
3 expanding the EMS to additional functions over the course of the next several years.

4 **1.6.2.3 Other Environmental Programs**

5 **1.6.2.3.1 Air Quality**

6 ■ **Alternative Maritime Power.** AMP reduces emissions from container vessels
7 docked at the Port and is proposed to be applied to cruise ships as mitigation for
8 the proposed project. Normally, ships shut off their propulsion engines when at
9 berth but use auxiliary diesel generators to power electrical needs such as lights,
10 pumps, and refrigerator units. These generators emit an array of pollutants,
11 primarily NO_x, SO_x, and particulate matter smaller than or equal to 10 or 2.5
12 microns in diameter (PM10 or PM2.5). The AMP program dramatically reduces
13 these emissions by allowing ships to “plug in” to shore-side electrical power
14 while at dock instead of using their onboard generators. (This process is also
15 referred to as cold ironing.) Before being used at the Port, AMP was only used
16 commercially by the cruise ship industry in Juneau, Alaska. However, AMP
17 facilities have been installed and are currently in use at the wharf at Berth 100.
18 Additionally, AMP facilities are complete at the Yusen Terminals (the NYK ship
19 Atlas is AMP-capable and has begun plug-in testing at Yusen) with plans for
20 additional facilities at the Evergreen and TraPac Terminals, among others. AMP
21 facilities are being designed for the existing World Cruise Center at Berths 91/21
22 and 93 and are proposed to be incorporated at Berths 45–50 in the Outer Harbor
23 under the proposed Project.

24 ■ **OffPeak Program.** The OffPeak program extends cargo terminal operations by
25 five night and weekend work shifts. It is managed by PierPASS, an organization
26 created by marine terminal operators. This program has been successful in
27 increasing cargo movement, reducing truck waiting time inside Port terminals,
28 and reducing truck traffic during peak daytime commuting periods.

29 ■ **On-Dock Rail and the Alameda Corridor.** Use of rail for long-haul cargo is
30 acknowledged as an air quality benefit. Four on-dock railyards at the Port
31 significantly reduce the number of short-distance truck trips (the trips that would
32 normally convey containers to and from offsite rail yards). Combined, these
33 intermodal facilities eliminate an estimated 1.4 million truck trips per year and
34 the emissions and traffic congestion that go along with them. A partner in the
35 Alameda Corridor Project, LAHD is using the corridor to transport cargo to
36 downtown railyards at 10 to 15 miles per hour faster than before. Use of the
37 Alameda Corridor allows cargo to travel the 20 miles to downtown Los Angeles
38 at a faster pace and promotes the use of rail versus truck. In addition, the
39 Alameda Corridor eliminates 200 rail/street crossings and emissions produced by
40 cars waiting on the streets as the trains pass.

41 ■ **Tugboat Retrofit Project.** The engines of several tugboats in the Port were
42 replaced with ultra-low-emission diesel engines. This was the first time this

1 technology had been applied to such a large engine. Emissions testing showed a
2 reduction of more than 80 tons of NO_x per year, which is nearly three times
3 better than initial estimates. Under the Carl Moyer Program, the majority of
4 tugboats operating in the Ports of Los Angeles and Long Beach have since been
5 retrofitted.

- 6 ■ **Electric and Alternative Fuel Vehicles.** More than 35% of the Port's fleet has
7 been converted to electric or alternative-fuel vehicles. These include heavy-duty
8 vehicles as well as passenger vehicles. LAHD has proactively embarked on the
9 use of emulsified fuels that are verified by CARB to reduce diesel PM by more
10 than 60% compared to diesel-powered equipment.
- 11 ■ **Electrified Terminal Operating Equipment.** The 57 ship-loading cranes
12 currently in use at the Port run on electric power. In addition, numerous other
13 terminal operations equipment has been fitted with electric motors.
- 14 ■ **Yard Equipment Retrofit Program.** Over the past 5 years, diesel oxidation
15 catalysts have been applied to nearly all yard tractors at the Port. This program
16 has been carried out with Port funds and funding from the Carl Moyer Program.
- 17 ■ **Vessel Speed Reduction Program.** Under this voluntary program, oceangoing
18 vessels slow down to 12 knots within 20 miles of the entrance to Los Angeles
19 Harbor, thus reducing emissions from main propulsion engines. Currently,
20 approximately 80% of ships comply with the voluntary program.

21 1.6.2.3.2 Water Quality

- 22 ■ **Clean Marinas Program.** To help protect water and air quality in Los Angeles
23 Harbor, LAHD is developing a Clean Marinas Program. The program advocates
24 that marina operators and boaters use best management practices (BMPs)—
25 environmentally friendly alternatives to some common boating activities that
26 may cause pollution or contaminate the environment. It also includes several
27 innovative clean water measures unique to the Port. The Clean Marinas Program
28 features both voluntary components and measures required through Port leases;
29 CEQA mitigation requirements; or established federal, state, and local
30 regulations.
- 31 ■ **Water Quality Monitoring.** LAHD has been monitoring water quality at
32 31 established stations in San Pedro Bay since 1967, and the water quality today
33 at the Port is among the best of any industrialized port in the world. Samples are
34 tested on a monthly basis for dissolved oxygen, biological oxygen demand, and
35 temperature. Other observations are noted, such as odor and color, as well as the
36 presence of oil, grease, and floating solids. The overall results of this long-term
37 monitoring initiative show the tremendous improvement in harbor water quality
38 that has occurred over the last four decades.
- 39 ■ **Cabrillo Beach Water Quality Improvements.** The Port is one of the few
40 industrial ports in the world that also has a swimming beach. Inner Cabrillo
41 Beach provides still water for families with small children. However, bacteria in
42 shoreline waters frequently exceed water quality standards. LAHD has invested

1 several million dollars in water circulation/quality models and studies to
2 investigate and remediate the problem. Recently, LAHD repaired storm drains
3 and sewer lines in this area and replaced the beach sand as part of its
4 commitment to make sure that Cabrillo Beach continues to be an important
5 regional recreational asset.

6 **1.6.2.3.3 Endangered Species**

- 7 ■ **California Least Tern Nesting Site Management.** The endangered California
8 least tern (a species of bird) shares a home with the Port's largest container
9 terminal on Pier 400. LAHD maintains, monitors, and protects 15 acres on
10 Pier 400 for the nesting of these indigenous birds. Reproductive success is
11 evident with the number of nesting pairs and fledglings increasing over the last
12 decade. In recent years, the Port has had the second largest colony in the state,
13 with more than 1,000 nests.

14 **1.6.2.3.4 Port Planning**

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

35 **1.6.3 Port of Los Angeles Leasing Policy**

36 On February 1, 2006, the Los Angeles Board of Harbor Commissioners approved a
37 comprehensive leasing policy for the Port that not only establishes a formalized,

1 transparent process for tenant selection but also includes environmental requirements
2 as a provision in Port leases.

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

- 4 ■ compliance with VSRPs;
- 5 ■ use of clean AMP (or cold-ironing technology), plugging into shore-side electric
6 power while at dock, where appropriate;
- 7 ■ use of low sulfur fuel in main and auxiliary engines while sailing within the
8 SCAB boundaries;
- 9 ■ for all Cargo Handling Equipment purchases, adherence to one of the following
10 performance standards:
 - 11 □ cleanest available NO_x alternative-fueled engine, meeting 0.01 gram/brake
12 horsepower-hour (g/bhp-hr) PM, available at time of purchase;
 - 13 □ cleanest available NO_x diesel-fueled engine, meeting 0.01 g/bhp-hr PM,
14 available at time of purchase; or
 - 15 □ if no engines meet 0.01 g/bhp-hr PM, then cleanest available engine (either
16 fuel type) and installation of cleanest Verified Diesel Emissions Controls
17 (more commonly known as VDEC) available; and
- 18 ■ use of clean, low-emission trucks within terminal facilities.

19 **1.6.4 Aesthetic Mitigation Projects**

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

- 28 ■ open space and parks;
- 29 ■ landscaping and beautification; or
- 30 ■ educational, arts, and athletic facilities.

31 Proposed projects funded under this program are to be divided as evenly as possible
32 between the San Pedro and Wilmington communities. Proposed projects will:

- 33 ■ mitigate existing or future impacts of Port operations on surrounding
34 communities,
- 35 ■ be consistent with the State Tidelands Trust and the public trust doctrine,

- 1 ■ be consistent with the Los Angeles City Charter,
- 2 ■ be consistent with the California Coastal Act, and
- 3 ■ be consistent with any other applicable laws and regulations.

4 **1.6.5 Port Community Advisory Committee**

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

- 8 ■ assess the impacts of Port developments on the harbor area communities and
9 recommend suitable mitigation measures to the Los Angeles Board of Harbor
10 Commissioners for such impacts;
- 11 ■ review past, present, and future environmental documents in an open public
12 process and make recommendations to the Los Angeles Board of Harbor
13 Commissioners to ensure that impacts to the communities are appropriately
14 mitigated in accordance with federal and California law; and
- 15 ■ provide a public forum and make recommendations to the Los Angeles Board of
16 Harbor Commissioners to assist the Port in taking a leadership role in creating
17 balanced communities in Wilmington, Harbor City, and San Pedro so that the
18 quality of life is maintained and enhanced by the presence of the Port.

19 The role of the PCAC in LAHD environmental documents is described in
20 Appendix B.

21 **1.7 Availability of the Draft EIS/EIR**

22 This draft EIS/EIR is being distributed directly to agencies, organizations, and
23 interested groups and persons for comment during a 75-day review period, although
24 only 45 days are required to comply with Section 15087 of the CEQA Guidelines and
25 40 CFR Section 1506.10 of the CEQ NEPA regulations. During the public review
26 period, which begins on September 22, 2008 and ends on December 8, 2008, the
27 draft EIS/EIR is available for general public review at the following locations:

28 Los Angeles Harbor Department
29 Environmental Management Division
30 425 S. Palos Verdes Street
31 San Pedro, CA 90731

32 Los Angeles Public Library
33 Central Branch
34 630 West 5th Street
35 Los Angeles, CA 90071

1 Los Angeles Public Library
2 San Pedro Branch
3 921 South Gaffey Street
4 San Pedro, CA 90731

5 Los Angeles Public Library
6 Wilmington Branch
7 1300 North Avalon Boulevard
8 Wilmington, CA 90744

9 In addition to printed copies of the draft EIS/EIR, electronic versions are also
10 available. Due to the size of the document, the electronic versions have been
11 prepared as a series of PDF files to facilitate downloading and printing. Members of
12 the public can request a CD containing the EIS/EIR. The draft EIS/EIR is also
13 available in its entirety on the Port web site at:
14 www.portoflosangeles.org/environmental/publicnotice.htm

15 The executive summary has been translated into Spanish and is available to the
16 public. To request the executive summary in Spanish, or a copy of the CD mentioned
17 above, please call the LAHD Environmental Management Division at
18 (310) 732-3675.

19 Interested parties may provide written comments on the draft EIS/EIR, which must
20 be postmarked by December 8, 2008. Please address comments to:

21 Spencer D. MacNeil, D. Env.
22 Senior Project Manager
23 U.S. Army Corps of Engineers
24 Regulatory Division
25 Ventura Field Office
26 2151 Alessandro Drive, Suite 110
27 Ventura, California 93001

28 and

29 Dr. Ralph Appy
30 Director of Environmental Management
31 Los Angeles Harbor Department
32 425 South Palos Verdes Street
33 P.O. Box 151
34 San Pedro, CA 90733-0151

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