Executive Summary

ES.1 Introduction

This Draft Environmental Impact Report (EIR) has been prepared to evaluate environmental impacts related to the construction and operation of the Berths 167-169 [Shell] Marine Oil Terminal Wharf Improvement Project (hereafter referred to as the "proposed Project") and alternatives, as proposed by the Los Angeles Harbor Department (LAHD). The LAHD administers development within the Port of Los Angeles (Port) and overall Port operations. The Project site is located at Berths 167-169 in Planning Area 2, as designated in the Port Master Plan (Port of Los Angeles, 2013a). According to the Port Master Plan, Planning Area 2 designates the Project site for liquid bulk uses. The Project site occupies the southwestern end of a peninsula on Mormon Island along the east side of Slip 1, and is generally bounded by Rio Tinto Minerals to the north, Slip 1 to the west, the Turning Basin to the south, and Berths 170 – 173 to the east (East Basin Channel). (Figures ES-1 and ES-2). Land access to and from the Project site is provided by a network of freeways and arterial routes. The freeway network consists of the Harbor Freeway (Interstate [I]-110), the Long Beach Freeway (I-710), the San Diego Freeway (I-405), and the Terminal Island Freeway (State Route [SR]-103/SR-47). (Figure ES-1).

This Draft EIR has been prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] Sections 21000 et seq.) and the Guidelines for Implementation of the California Environmental Quality Act of 1970 (State CEQA Guidelines) (14 California Code of Regulations [CCR] Sections 15000 et seq.). Specifically, this Executive Summary has been prepared in accordance with Section 15123 (b) of the State CEQA Guidelines which states that the EIR should contain a brief summary of the proposed actions and its consequences and should identify: 1) each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect; 2) areas of controversy known to the lead agency; and 3) issues to be resolved including the choice among alternatives and whether or how to mitigate significant effects. Throughout the Executive Summary are references to various chapters and sections in the Draft EIR where detailed information and analyzes can be reviewed.

The LAHD is the lead agency responsible for preparation of the Draft EIR.

This Draft EIR describes the affected resources and evaluates the potential impacts to those resources as a result of building and operating the proposed Project or an alternative.

Basemap Source: U.S. Census Bureau, Geography Division, 2010

Figure ES-1
Regional Location Map

Berths 167-169 [Shell] Marine Oil Terminal Wharf Improvements Project

Basemap Source: U.S. Census Bureau, Geography Division, 2010

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Figure ES-2
Project Vicinity Map

Berths 167-169 [Shell] Marine Oil Terminal Wharf Improvements Project

ES.2 Purpose of the Draft EIR

This Draft EIR will be used to inform decision-makers and the public about the potential significant environmental effects of the proposed Project and alternatives. Within Chapter 1, Introduction, of this Draft EIR, Section 1.4 describes the agencies that are expected to use this document, including the lead, responsible, and trustee agencies under CEQA. Section 1.5 describes the scope and content required of the document, and Section 1.6 describes the key principles guiding the preparation of the document.

This Draft EIR is being provided to the public for review, comment, and participation in the planning process. After public review and comment, a Final EIR will be prepared that would include responses to comments on the Draft EIR received from agencies, organizations, and individuals. The Final EIR would then provide the basis for decision-making by the LAHD, as described below, and other concerned agencies.

ES.2.1 Introduction

The LAHD operates the Port of Los Angeles (Port) under the legal mandates of the Port of Los Angeles Tidelands Trust (Los Angeles City Charter, Article VI, Section 601; California Tidelands Trust Act of 1911) and the California Coastal Act (PRC Division 20 Sections 30700 *et seq*.), which identify the Port and its facilities as a primary economic and coastal resource of the State of California and an essential element of the national maritime industry for promotion of commerce, navigation, fisheries, and Harbor operations. Activities should be water dependent and the LAHD must give highest priority to navigation, shipping, and necessary support and access facilities to accommodate the demands of foreign and domestic waterborne commerce. The LAHD is chartered to develop and operate the Port to benefit maritime uses, and it functions as a landlord by leasing Port properties to more than 300 tenants.

According to Section 15121(a) of the State CEQA Guidelines (CCR, Title 14, Division 6, Chapter 3), the purpose of an EIR is to serve as an informational document that:

> *…will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.*

The actions under consideration by the LAHD involve physical changes to the environment that would have a potentially significant impact, as determined in the Initial Study of the Project (see Appendix A). In addition, comments provided by public agencies, including responsible and trustee agencies, and the public in response to the Notice of Preparation (NOP) have also indicated that the proposed Project could have significant impacts. Accordingly, an EIR pursuant to CEQA (PRC 21000 *et seq*.) is required. This Draft EIR evaluates the direct, indirect, and cumulative impacts of the proposed Project in accordance with the provisions set forth in the State CEQA Guidelines. It will be used to address potentially significant environmental issues.

The primary intended use of this Draft EIR by LAHD is to inform agencies considering permit applications and other actions required to construct, lease, and operate the selected alternative and to inform the public of the potential environmental consequences of the proposed Project and alternatives. The certification by LAHD of the EIR, Notice of Completion, and Statement of Overriding Considerations will document the decision of the

LAHD as to the adequacy of the Draft EIR and will inform subsequent decisions by the LAHD whether to approve and implement the proposed Project, implement a new lease for the Shell Oil Company, and grant the necessary operating permits. The LAHD would use this Draft EIR to support permit applications, construction contracts, the lease, and other actions required to implement the selected alternative and to adopt mitigation measures that, where possible, could reduce or eliminate significant environmental impacts.

Other agencies (federal, state, regional, and local) that have jurisdiction over an element of the proposed Project or a resource area affected by the proposed Project are expected to use this Draft EIR as part of their approval or permitting process.

ES.2.2 Project Objectives

The proposed Project is needed to comply with Chapter 31F –Marine Oil Terminals of the 2016 California Building Code, Title 24, Part 2, also referred to as Marine Oil Terminal Engineering & Maintenance Standards (MOTEMS). This facility helps maintain the Port's ability to accommodate fuel imports for the Southern California market over the long-term. Key project elements that would meet MOTEMS requirements include the construction of two new loading platforms to replace the existing timber wharf, new mooring dolphins, and shore side improvements on portions of the terminal. The tenant, Shell, has also applied to the Port for a new, long-term (30-year) lease to allow continued operations of its existing marine oil terminal.

The proposed Project would address the project objectives, as summarized below.

- Comply with MOTEMS requirements, which would ensure better resistance to earthquakes, protect the public and the environment, and reduce the potential of an oil spill, and consequently maintain the operation and viability of the marine oil facility (primary objective).
- Optimize the use of existing land at the terminal and associated waterways in a manner that is consistent with the LAHD's public trust obligations.
- Continue operations which contribute to Southern California's energy needs given evolving market conditions and business cycle variability.
- Maintain the existing facility's throughput capabilities and operational parameters.
- Comply with the LAHD's Source Control Program (SCP).

Together, these five objectives define the need for the proposed Project.

ES.2.3 CEQA Baseline

Section 15125 of the State CEQA Guidelines requires EIRs to include a description of the physical environmental conditions in the vicinity of a Project that exist at the time of the NOP. These environmental conditions would normally constitute the baseline physical conditions by which the CEQA lead agency determines if an impact is significant.

As described in Chapter 1 Introduction, supply and demand for petroleum and other energy products are subject to wide fluctuations based on variations in global/local economic activity, business cycles (e.g., recessions and recovery), and planned and unplanned or unforeseen supply disruptions. Due to these various factors, the Shell Marine Oil Terminal has experienced wide fluctuations in throughput during the past several years, ranging from 10.2 million barrels in 2014 to 20.6 million barrels in 2015.

An NOP was released on June 30, 2015 (2015 NOP) for the proposed Project. Although the throughput described in the 2015 NOP accurately represented the existing conditions for the baseline year of 2014, the revised baseline captures the year-to-year volatility of throughput at the terminal. Therefore, the "existing" conditions are based on average conditions over a wider timeframe than the set of conditions at the time the 2015 NOP was circulated (hereafter referred to as the 'Revised NOP'). The CEQA baseline takes into account the operational activity and throughput over a five-year period in order to provide an accurate and representative characterization of baseline activity level that occurs due to variations in global/local economic activity and/or production and distribution infrastructure, which in this case does not correlate with a more common definition of baseline conditions under CEQA.

Therefore, for purposes of this Draft EIR, conditions that occurred from calendar year 2011 through calendar year 2015 (January 2011 through December 2015) are considered to be the baseline throughput for evaluations herein. Using a five-year average for the baseline allows a more accurate comparison between baseline and future year conditions. The CEQA baseline for the proposed Project consists of a throughput of approximately 13.25 million barrels and 86 annual vessel calls, and the Project site includes the Shell Marine Oil Terminal at Berths 167-169 on Mormon Island. This facility encompasses a land area of approximately nine acres, an over water area of approximately three acres, and has two operating berths (Berths 168 and 169), a 1,240-foot timber wharf that accommodates two tankers, 11 storage tanks of various sizes, parking, and several ancillary buildings. Employees at the Project site consist of six full-time and one part-time employees.

ES.3 Proposed Project

ES.3.1 Background

There are seven marine oil terminals currently operating at the Port under separate leases. The Shell Marine Oil Terminal at Berths 167-169 has been in operation at Mormon Island since 1923 as a marine liquid bulk terminal (unloading and loading of petroleum products). The existing Harbor Department permit/lease (Permit No. 634) became effective in February 1988, and expires in February 2023.

ES.3.2 Overview

The primary goal of the proposed Project is to comply with Chapter 31F of the State Building Code MOTEMS. MOTEMS is a comprehensive set of codes and standards for the analysis, design, inspection/maintenance, and operation of existing and new marine oil terminals in the State of California. Section 1.2.2 in Chapter 1 Introduction details the MOTEMS requirements.

The proposed Project would construct new MOTEMS compliant loading platforms and mooring system for the Shell Marine Oil Terminal at Berths 167-169. Other Project elements include piping and related foundation supports, and topside equipment replacement. The tenant, Shell Oil Company, has also applied to the Port for a new 30-year lease through the year 2048 to allow continued operations of its existing marine oil terminal. The new lease would contain provisions for further minimizing the potential release of petroleum products at the terminal, beyond existing controls and measures, through the implementation of Shell's Source Control Program (SCP) Plan (SCP Plan).

The proposed Project elements are detailed in Section 2.5 below.

ES.3.3 Project Description

The proposed Project consists of various wharf, piping and related foundation supports and topside improvements to the Shell Marine Oil Terminal at Berths 167-169 on Mormon Island that are required in order to comply with MOTEMS, as well as other elements not required by MOTEMS. The proposed Project would not increase the capacity of the terminal. In general, the proposed Project would demolish the existing timber wharf (with two berths) and replace it with two new reinforced concrete loading platforms, access trestles (to the platforms), mooring dolphins and catwalks, and provide piping and related foundation supports along the landside portions of the terminal adjacent to both operating berths. Additionally, the proposed Project includes the issuance of a new 30-year lease along with implementation of a SCP Plan. Figure ES-3 shows the Project site and a plan view of the proposed wharf improvements, new loading platforms, and topside improvements.

The proposed Project consists of the following components to meet MOTEMS requirements:

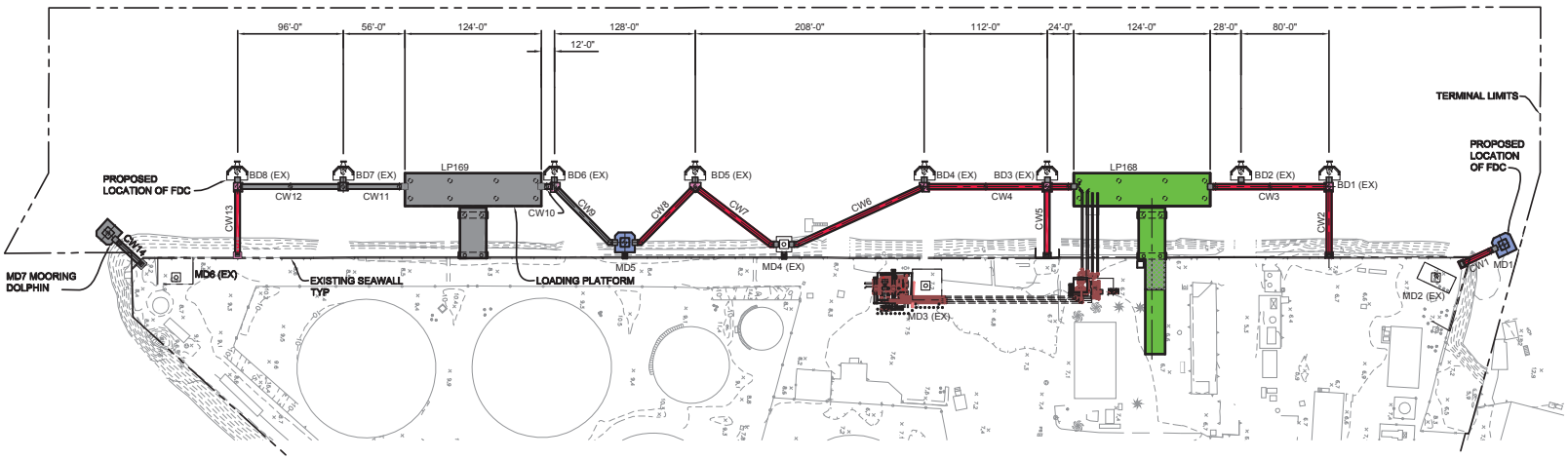
- Replacement piping and related foundation supports to meet seismic requirements at each operating berth.
- Demolition of the existing timber deck, access trestles, and approximately 900 creosote-treated timber piles of existing timber wharfs at Berths 167-169. Existing piles that cannot be extracted would be cut at the mudline.
- Construction of two new loading platforms at Berths 168 and 169, installation of new mooring dolphins, new fenders, approach trestles, catwalks, and installation of topside equipment required for loading and unloading operations at and adjacent to the new loading platforms.

In addition, the proposed Project would include the following elements that are not related to MOTEMS compliance:

- Modifications at the Mormon Island marine oil terminal to allow for the loading of refined products onto vessels, while meeting USCG safety regulations and SCAQMD air quality regulations.
- An SCP Plan will be provided by Shell to meet provisions in the new 30-year lease. The SCP Plan would include commitments for certain improvements. This work may include adding double bottoms or installing leak detection systems to existing storage tanks and pipelines to meet the LAHD's requirements. These improvements would further minimize the potential for accidental release of petroleum products.
- New 30-year lease would allow operations to continue from 2018 through 2048 (the existing lease terminates in 2023).

Legend

ATB	Articulated tug and barge
BD	Berthing dolphin
CW	Catwalk
DWT	Deadweight ton
EX	Existing
FDC	Fire Department Connection
LOA	Length overall
LP168	Loading platform at Berth 168 (124'-0" x 30'-0")
LP169	Loading platform at Berth 169 (124'-0" x 30'-0")
MD	Mooring dolphin
	New catwalk
MD2 (EX)	Exist mooring point
MD1	New mooring point
	Berth 168 Loading Platform
	Berth 169 Loading Platform



Not to scale

Figure ES-3
Proposed Project

ES.3.3.1 Project Elements

Following is a more detailed discussion of several of the Project elements listed above:

ES.3.3.1.1 Shore Side Improvements: Piping Replacement and Related Support Structures

The existing piping from Berth 168 and 169 would be replaced with new piping and related support structures. Potential upgrades include, but are not limited to: piping and piping supports between the marine loading arms and the landside manifold to convey the various petroleum products to or from vessels.

ES.3.3.1.2 Wharf Demolition and Replacement

Under the proposed Project, the existing 1,240-foot by 40-foot timber wharf and access trestles would be demolished and replaced with new loading platforms to meet MOTEMS requirements. Demolition would include removal and disposal of the timber deck (cap beam, joists, decking, etc.) and approximately 900 creosote-treated timber support piles, which would be extracted or cut at the mudline. Demolition of the approximately 64,400 square-foot wharf is expected to result in approximately 2,385 cubic yards[1] of timber debris.

Existing topside equipment along Berth 168 would be decommissioned, followed by the demolition of the northern half of the terminal's existing wharf (Berth 168). The southern half of the existing wharf (Berth 169) would be demolished after the Berth 168 improvements becomes operational.

Upon completion of the platform and topside equipment at Berth 168 and its commissioning, the southern half of the existing wharf (Berth 169) would be demolished. Piles and catwalks would be installed to maintain access to the existing berthing dolphins. The second new loading platform, access trestle, catwalks, and topside equipment at Berth 169 would be similar to the loading platform at Berth 168. The improvements along Berth 169 would be constructed at a future yet-to-be-determined date based on throughput demands (assumed to occur beginning in 2021, after completion of the first platform).

ES.3.3.1.3 Mooring Dolphins

As shown on Figure ES-3, two new mooring dolphins (MD1 and MD5) would be constructed, one at the north end of Berth 168 (MD1) and another at the north end of Berth 169 (MD5), following demolition of the existing wharf.

The existing mooring dolphin (MD4) located just south of the new loading platform at Berth 168 would be modified to provide access from the shore.

ES.3.3.1.4 Steel Catwalks

Steel catwalks would be constructed to provide pedestrian access from the new loading platforms and the shore to the eight existing berthing dolphins and the two new mooring dolphins. Almost 1,000 feet of new catwalks would be constructed. The catwalks would have a 4-foot-wide clear distance between girders.

[1] Assumes 64,400 square feet x 1-foot thick, and 27 cubic feet per cubic yard.

ES.3.3.1.5 New Topside Equipment

The existing topside equipment at Berth 168 and 169 would be replaced with new equipment on and adjacent to the new loading platforms.

ES.3.3.1.6 Dredging

During wharf demolition and pile installation, there is a potential for sediment along the existing slope to slough off and settle along the harbor bottom. If necessary, up to 4,000 cubic yards of such sediment would be dredged from the berths (approximately 2,000 cubic yards from each operating berth area) after construction of the two loading platforms and associated structures to return the berths to their original designed water depths. Dredged spoils would be transported by barge to the existing and authorized confined disposal facility (CDF) at Berths 243-245.

ES.3.3.1.7 Other Project Elements

ES.3.3.1.7.1 Vapor Control System

The terminal would be modified to allow for the loading of refined products onto vessels at one berth. Equipment proposed is required to meet United States Coast Guard safety requirements as well as SCAQMD regulations.

The proposed Project components include piping modifications, two new 1,000-gallon above ground propane tanks (one for enriching product, and one to supply pilot burners), a Dockside Safety Unit, and a Vapor Destruction Unit (VDU).

ES.3.3.1.7.2 New Lease

The proposed Project would include a new 30-year lease that is expected to begin in 2018 and extend to 2048.

ES.3.3.1.7.3 Source Control Program Plan

Requirements of the SCP Plan are consistent with various standards required by the American Petroleum Institute. The new lease would contain provisions for Shell to comply with the LAHD's SCP through the development and implementation of a written Plan, which would outline measures to further reduce the potential for accidental release of petroleum products at the terminal. Key elements of the SCP Plan include inspections of and certain improvements to above ground tanks that are used to store petroleum products. This work may include; adding a double bottom, installation of leak detection systems, and/or maintenance and upgrades to cathodic protection systems. One of the terminal's tanks has been upgraded with a double bottom and a continuous leak detection system, and two additional tanks have been inspected and are scheduled to be upgraded in the near future. Inspections and added controls to the remaining eight tanks would occur after the tanks are temporarily removed from service for routine maintenance. Facility piping upgrades would occur on a case-by-case basis, and could include their relocation aboveground where feasible and/or new leak detection systems. Added controls and leak protection improvements would commence within five years of the start of the new lease, in accordance with the SCP Plan.

ES.3.3.2 Construction

Construction of the proposed Project is expected to begin in 2018. Construction associated with the first platform (Berth 168) would occur first and take approximately

two -years to complete, followed by a similar period for construction of a platform at Berth 169. The construction schedule is may be subject to some variations. Construction staging and lay down area is expected to occur on the Project site; however, it could include use of an adjacent vacant lot to the east of the Project site, adjacent to Berths 171 to 173, if necessary. The following nine phases would allow the terminal to continue to operate while improvements are being made:

- Phase I: Install the Vapor Control System at Berth 169
- Phase II: Prepare Berth 169 for Stand-Alone Operation
- Phase III. Berth 168 Demolition and Wharf Structure Improvements
- Phase IV: Shore Side Improvements: Piping Replacement and Related Support Structures
- Phase V: New Topside Equipment at Berth 168 and Commissioning
- Phase VI: Berth 169 Demolition and Improvements
- Phase VII: Berth 169 Wharf Structure Improvements
- Phase VIII: New Topside Equipment at Berth 169 and Commissioning
- Phase IX: Source Control Program Plan

Details regarding each phase of construction are provided in Chapter 2, Project Description.

ES.3.3.3 Project Operation

The proposed Project is required in order to bring the existing terminal into compliance with MOTEMS and would be comprised of replacing the existing two-berth timber wharf with two loading platforms (one at each berth) and ancillary improvements. The improvements under the proposed Project would not facilitate an increase in capacity (i.e., maximum barrels and vessel calls) during the new 30-year lease period. However, the proposed Project would allow the terminal to remain in operation through 2048 and the annual throughput could be affected over the lease period due to market fluctuations.

Although future total throughput cannot be forecasted with any level of certainty, for the purposes of the analysis, it is projected that the peak annual throughput associated with the proposed lease extension would be up to approximately 25.5 million barrels over the new lease term (the approximate annual throughput based on Shell's two percent compound annual growth rate projection). At an annual throughput of 25.5 million barrels, the terminal is projected to accommodate up to 166 annual vessel calls (comprised of both tankers and barges; 50 percent for each vessel type). The largest vessels that could be accommodated at the terminal would remain the same as existing conditions, approximately 86,000 dwt tankers. The increased throughput would not require additional employees.

The proposed Project would not increase the existing terminal's capacity to handle petroleum products or affect the types of products handled. Accordingly, the proposed Project would not require installation of any other pipeline, storage, or refining projects. The proposed Project therefore would not affect the operations of any other facilities,

including those that are connected via pipelines (e.g., the Carson Distribution Facility). Thus, the proposed Project is deemed to have independent utility, and represents a rational end-point for a marine oil terminal project and for the review of the environmental impacts.

ES.4 Alternatives to the Project

ES.4.1 Basis of Alternatives

As described more fully in Section 2.7 of Chapter 2, Project Description, the State CEQA Guidelines require that an EIR, respectively, describe a range of reasonable alternatives to a project that could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any significant environmental impacts. The Draft EIR should briefly describe the rationale for selection and rejection of alternatives, compare the merits of the alternatives, and determine an environmentally superior alternative.

The lead agency may make an initial determination as to which alternatives are feasible and, therefore, merit in-depth consideration, and which alternatives are infeasible. The range of alternatives need not be beyond a reasonable range necessary to permit a reasoned choice between the alternatives and the proposed Project.

ES.4.2 Alternatives Considered

This Draft EIR evaluates a reasonable range of alternatives to the proposed Project. The identification by the LAHD of a reasonable range of alternatives is informed by the legal mandates of the lead agency. These mandates identify the LAHD 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 operations of a harbor. Activities should be water dependent and the LAHD is required to give highest priority to navigation, shipping and necessary support, and access facilities to accommodate the demands of foreign and domestic waterborne commerce. See Section 1.7 of Chapter 1, Introduction, for additional information regarding the Ports mandates/policies and Section 2.8 of Chapter 2, Project Description, for additional information regarding statutes, plans, policies and other regulatory requirements applicable to the proposed Project and alternatives.

Two alternatives were considered during the preparation of this Draft EIR;1) The No Project Alternative, which is required under CEQA and 2) a Reduced Project – One Platform alternative that complies with MOTEMS. This section presents a description of the two alternatives that are carried forward in the detailed impact analysis. A more detailed description of each alternative, is provided in Chapter 6 Analysis of Alternatives.

The two alternatives to the proposed Project that are considered in this Draft EIR are:

- Alternative 1 – No Project
- Alternative 2 – Reduced Project – One Platform

ES.4.2.1 Alternative 1 – No Project

The No Project Alternative required by CEQA represents what would reasonably be expected to occur in the foreseeable future if the proposed Project were not approved. Under this alternative, the existing marine oil terminal would not be compliant with all

MOTEMS requirements. Because the facility would not be MOTEMS compliant, the tenant (Shell Oil Company) would cease operation at the Project site at some time in the future. For purposes of the EIR, terminal operations are assumed to grow at an annual rate of two percent and reach approximately 15.5 million barrels and 101 vessel calls annually when the existing terminal lease expires in 2023, at which time operations would cease. Any subsequent use of the site, once identified, would be subject to additional environmental review.

ES.4.2.2 Alternative 2 – Reduced Project – One Platform

Under Alternative 2, only Berth 168 would be improved. Berth 169 would become non-operational once construction of Berth 168 is complete. As with the proposed Project, construction would be expected to begin in 2017 and occur over a three-year period. A new 30-year lease would be issued and the terminal would continue to operate as a fully functional marine oil terminal using one berth (Berth 168) through 2048. Similar to the proposed Project, this reduced platform alternative would generally be capable of accommodating the anticipated future throughput (i.e., approximately 25.5 million barrels and 166 vessel calls annually). However, in certain circumstances terminal operations would be limited, as two berths would be required to accommodate temporary peaks in throughput. This alternative would not be able to accommodate situations where a second berth would add redundancy to allow for undisrupted terminal operation if one berth becomes temporarily inoperable (e.g., during routine maintenance activities that shutdown a berth or a platform). However, to provide a conservative analysis and disclose maximum potential impacts, it is assumed that Alternative 2 will handle the same throughput as the proposed project over the course of the lease term.

ES.5 Scope of Analysis and Environmental Impacts

The scope of this Draft EIR was established based on the 2015 and Revised Initial Study's and NOP's prepared pursuant to CEQA (see Appendix A of this Draft EIR) and comments received during the two NOP review processes. The breadth of the analysis and technical work plans developed during the preparation of this Draft EIR were designed to ensure that comments received from regulatory agencies and public during this review process would be addressed. The 2015 NOP scoping period lasted from June 30, 2015 until July 31, 2015, and included one scoping meeting on July 15, 2015. The Revised NOP scoping process lasted from April 15, 2016 until May 16, 2016. Public and agency comments received during this period were considered in the scope of the analysis for this EIR.

This Draft EIR focuses on the significant environmental effects of the proposed Project and their relevance to the decision-making process. The State CEQA Guidelines (Section 15360) define the Environment as follows:

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

Based on the Initial Study in the Revised NOP, the following issues have been determined to be potentially significant and are therefore evaluated in this Draft EIR:

- Air Quality and Meteorology
- Biological Resources

- Greenhouse Gas Emissions and Climate Change
- Hazards

Chapter 3, Environmental Analysis, discusses these issues that would be potentially impacted by the proposed Project. The criteria for determining the significance of environmental impacts in this Draft EIR analysis are described in the "Thresholds of Significance" sections for each resource topic in Chapter 3, Environmental Analysis. Mitigation measures to reduce impacts to less than significant levels are proposed whenever feasible. In addition, the Draft EIR includes an Energy Conservation analysis to address energy consumption and conservation related to the proposed Project consistent with the guidance in Appendix F of the CEQA Guidelines.

Chapter 4, Socioeconomics, evaluates the potential socioeconomic effects for the proposed Project and the alternatives in terms of employment directly and indirectly related to construction and operation, as well as associated wages and tax revenues. Chapter 5, Cumulative Analysis, discusses the cumulative impacts of the proposed Project. Chapter 6, Analysis of Alternatives, discusses the anticipated potential environmental effects of the alternatives. Summary descriptions of the impacts, mitigation measures, and residual impacts for the proposed Project are provided in Table ES-1. This table also presents significant cumulative impact results and environmental justice impact determinations.

ES.5.1 Impacts Not Considered in this Draft EIR

The 2015 NOP and Revised NOP (Appendix A) indicated that there would be no impact to agriculture and forest resources, cultural resources, land use and planning, mineral resources, population and housing, and recreation. The 2015 NOP and Revised NOP also indicated that there would be a less than significant impact related to aesthetics, geology and soils, hydrology and water quality, noise, public services, transportation/traffic, and utilities and service systems. As such, these resource areas are not evaluated in this EIR in accordance with State CEQA Guidelines Section 15063(c)(3)(B). In accordance with Sections 15063(c)(3)(A) and 15128 of the State CEQA Guidelines, further analysis of specific issue areas where impacts were determined to be less than significant in the Initial Study is not required and will not be provided in this EIR.

ES.5.2 Impacts of the Proposed Project

The following sections describe the significant and less than significant impacts.

ES.5.2.1 Unavoidable Significant Impacts

Table ES-1 identifies unavoidable significant impacts associated with the proposed Project. This Draft EIR has determined that implementation of the proposed Project would result in significant impacts on:

- Air Quality and Meteorology
    - Construction would result in significant emissions of NOx and the overlap of construction and operation would result in significant emissions of $PM_{2.5}$, NOx, and VOCs.
    - Construction would result in significant concentrations of NO_2, as would the overlap of construction and operation.

- Operation would result in significant impacts related to NOx and VOC.

- Greenhouse Gas Emissions and Climate Change
  - The Project would result in GHG emissions in excess of 10,000 mty CO2e.

For impacts to air quality and GHG emissions, mitigation has been required; however, no additional mitigation is available that could reduce the impacts to less than significant levels.

ES.5.2.2 Summary of Significant Impacts that Can Be Mitigated, Avoided, or Substantially Lessened

Table ES-1 identifies the significant impacts that can be mitigated, avoided or substantially lessened. This Draft EIR has determined that implementation of the proposed Project would result in significant impacts that can be mitigated to less than significant on:

- Biological Resources
  - Potential impacts to marine mammals from pile driving would be mitigation to a less than significant impact.
  - Potential construction impacts to eelgrass beds near the southern tip of the existing wharf would be mitigated to a less than significant impact.

ES.5.2.3 Summary of Less than Significant Impacts

Table ES-1 identifies the resource areas where less than significant impacts were determined. This Draft EIR has determined that implementation of the proposed Project would result in a less than significant impact on:

- Air Quality and Meteorology
  - Construction emissions would not exceed the daily significance thresholds for PM_{10}, $PM_{2.5}$, SOx and CO.
  - Combined construction and operation would not exceed the daily significance thresholds for PM_{10}, SOx and CO.
  - Off-site ambient air pollutant concentrations of $PM_{2.5}$ and PM_{10} due to construction or overlapping construction and operation operations would not exceed significance thresholds.
  - Off-site ambient air pollutant concentrations of SOx and CO due to construction or overlapping construction and operation operations would not exceed significance thresholds.
  - Operations would not exceed the daily significance thresholds for PM_{10}, $PM_{2.5}$, SOx and CO.
  - Off-site ambient air pollutant concentrations of NO_2, SO_2, CO, $PM_{2.5}$ and PM_{10} due to operations would not exceed significance thresholds.
  - Construction and operation of the proposed Project would not result in significant odor impacts.

- The proposed Project would not expose receptors to significant levels of toxic air contaminants.
- The proposed Project would not conflict with the AQMP.

- Biological Resources
  - Operation would not result in the loss of individuals, or the reduction of existing habitat, of a protected species.
  - Operation would not substantially reduce or alter designated natural habitats.
  - New wharf structures would not substantially disrupt biological communities in the Harbor.
  - Operation has a low potential to increase the introduction of nonnative species into the Harbor that could substantially disrupt local biological communities.
  - An accidental release of a hazardous substance at the terminal or in transit would not result in significant impacts to protected species, designated or natural habitat, nor disrupt a local biological community.
- Hazards
  - Project construction would not substantially increase the risk to people or property related to an accidental release of a hazardous substance.
  - Operation would not substantively increase the risk to people or property related to an accidental release of a hazardous substance at the terminal or in-transit.
  - The proposed Project would not measurably increase the risks of a terrorist attack.
- Energy Conservation
  - Construction and operation would not result in the wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources.

Table ES-1: Summary of Potential Significant Impacts and Mitigation for the Proposed Project

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
3.1 Air Quality and Meteorology			
AQ-1: The proposed Project would result in construction-related emissions that exceed an SCAQMD threshold of significance in Table 3.1-7.	Construction would be significant for NO_X and VOC in construction Year 3 (2019) and for NOx in Year 4 (2020). Overlapping construction and operations would be significant for VOC, NO_X, and $PM_{2.5}$.	MM AQ-1: Fleet Modernization for Harbor Craft Used During Construction MM AQ-2: Fleet Modernization for On-Road Trucks Used during Construction MM AQ-3: Fleet Modernization for Construction Equipment MM AQ-4: General Mitigation Measure	Construction would be significant and unavoidable for NOx in construction Year 3. Overlapping construction and operations would be significant and unavoidable for $PM_{2.5}$, VOC, and NO_X.
AQ-2: Proposed Project construction would result in off-site ambient air pollutant concentrations that exceed a SCAQMD threshold of significance in Table 3.1-8.	Maximum off-site ambient air pollutant concentrations would be significant for NO_2 (federal and state 1-hour averages). Concurrent construction and operations would be significant for NO_2 (federal and state 1-hour averages).	MM AQ-1 through MM AQ-4	Maximum off-site ambient air pollutant concentrations would be significant and unavoidable for NO_2 (federal and state 1-hour averages). Concurrent construction and operations would be significant and unavoidable for NO_2 (federal and state 1-hour averages).
AQ-3: The proposed Project would result in operational emissions that exceed an SCAQMD threshold of significance in Table 3.1-9.	Operations would be significant for NO_X and VOC in 2019, 2031, and 2048	MM AQ-5: Vessel Speed Reduction Program (VSRP). The following lease measures would also be implemented to reduce impacts: LM AQ-1: Periodic Review of New Technology and Regulations	Operations would be significant and unavoidable for NO_X and VOC in 2019, 2031, and 2048.

Table ES-1: Summary of Potential Significant Impacts and Mitigation for the Proposed Project

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
		LM AQ-2: At-berth Vessel Emission Capture and Control System Study	
AQ-4: Proposed project operations would not result in off-site ambient air pollutant concentrations that exceeds a SCAQMD threshold of significance in Table 3.1-10.	Less than significant	No mitigation is required	Less than significant
AQ-5: The proposed Project would not create an objectionable odor at the nearest sensitive receptor.	Less than significant	No mitigation is required	Less than significant
AQ-6: The proposed Project would not expose receptors to significant levels of TACs.	Less than significant	No mitigation is required	Less than significant
AQ-7: The proposed Project would not conflict with or obstruct implementation of an applicable AQMP.	Less than significant	No mitigation is required	Less than significant
3.2 Biological Resources			
BIO-1: The proposed Project has the potential to result in the loss of individuals, or the reduction of existing habitat, of a state or federally listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or the loss	Construction – Significant	MM BIO-1. Protect marine mammals	Less than significant
	Operation – Less than significant	No mitigation is required	Less than significant.

Table ES-1: Summary of Potential Significant Impacts and Mitigation for the Proposed Project

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
of federally designated critical habitat.			
BIO-2: The proposed Project has the potential to result in a substantial reduction or alteration of a state, federally, or locally designated natural habitat, special aquatic site, or plant community, including wetlands.	Construction - Significant	MM BIO-2. Protect eelgrass	Less than significant
	Operation – Less than significant	No mitigation is required	Less than significant
BIO-3: The proposed Project would not result in a substantial disruption of local biological communities (e.g., from construction impacts or the introduction of noise, light, or invasive species).	Less than significant	No mitigation is required	Less than significant
3.3 Greenhouse Gas Emissions and Climate Change			
GHG-1: The proposed Project would generate GHG emissions, either directly or indirectly that would exceed the SCAQMD 10,000 mty CO2e threshold.	Significant	MM AQ-5: Vessel Speed Reduction Program. The following lease measures would also be implemented to reduce impacts: LM AQ-1: Periodic Review of New Technology and Regulations. LM GHG-1: GHG Credit Fund.	Significant and Unavoidable

Table ES-1: Summary of Potential Significant Impacts and Mitigation for the Proposed Project

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
3.4 Hazards			
RISK-1: The proposed Project would not substantially increase the probable frequency or severity of consequences to people or property as a result of a potential accidental release or explosion of a hazardous substance.	Less than significant	No mitigation is required	Less than significant
RISK-2: The proposed Project would not result in a measurable increase in the probability of a terrorist attack, which would result in adverse consequences to the Project site and nearby areas.	Less than significant	No mitigation is required	Less than significant
3.5 Energy Conservation			
The proposed Project would not result in the wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation, and would not result in significant energy efficiency impacts	Less than significant	No mitigation is required.	Less than significant

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ES.5.2.4 Cumulative Impacts

The proposed Project was analyzed in conjunction with other related projects in the area for potential to contribute to significant cumulative impacts.

The proposed Project would not result in cumulatively considerable contributions to significant cumulative impacts (including after applicable mitigation) for the following resource areas:

- Air Quality and Meteorology
  - Operation of the proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact related to ambient pollutant concentrations.
  - Operation of the proposed Project would not make a considerable contribution to cumulative odor impacts.
  - The proposed Project would not make a cumulatively considerable contribution to a cumulative impact in terms of conflicting with or obstructing implementation of an applicable AQMP.
- Biological Resources
  - Pile driving for the proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact to marine mammals after mitigation.
  - Operation of the proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact to marine mammals (the potential contribution to whale mortality) from vessel strikes.
  - A spill from a Project–related vessel would not represent a substantial contribution to a significant cumulative impact to biological resources.
  - A spill from a Project-related vessel would not likely make a cumulatively considerable contribution to a significant cumulative impact on sensitive or protect species.
  - The proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact related to special-status species from under-water noise.
  - Construction of the proposed Project would not make a cumulatively considerable contribution to a significant impact to a marine biota.
  - Construction of the proposed Project's contribution to a significant cumulative impact to eelgrass would not be cumulatively considerable after mitigation.
  - A product spill from a vessel would not likely make a cumulatively considerable contribution to a cumulative impact to designated natural habitat or sensitive site.
  - Construction of the proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact to the local biological community.

- Operation of the proposed Project is not expected to make a cumulatively considerable contribution to a significant cumulative impact to the local biological community (including invasive species).
- A product spill from a vessel would not likely make a cumulatively considerable contribution to a significant cumulative impact to biological communities.

- Hazards
  - Construction and operation of the proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact related to increased risks of an accidental release of hazardous substance.
  - The proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact due to increased risks of terrorism.
- Energy Conservation
  - The proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact due to wasteful, inefficient, or unnecessary consumption of energy.

The proposed Project could result in cumulatively considerable impacts for the following resource areas:

- Air Quality and Meteorology
  - Construction of the proposed Project would make a cumulatively considerable and unavoidable contribution to a significant cumulative impact for NOx, and VOC emissions after mitigation.
  - Construction and overlapping construction with operations of the proposed Project would make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact for NO_2 after mitigation.
  - Operation of the proposed Project would make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact for NOx and VOC emissions after mitigation.
  - The proposed Project would make a cumulatively considerable contribution to an existing significant cumulative impact for cancer risk and population cancer burden after mitigation.
  - The proposed Project would make a considerable contribution to cumulative non-cancer chronic or acute health impacts.

- Greenhouse Gas Emissions and Climate Change
  - GHG emissions from the proposed Project would make a cumulatively considerable contribution to a significant cumulative impact related to GHG and global climate change.

Cumulative impact evaluations for each resource are included in Chapter 5 of this Draft EIR.

ES.5.2.5 Socioeconomic and Growth-Inducing Impacts

As mentioned above, CEQA is only concerned with the disclosure and mitigation of significant physical environmental effects related to the construction and operation of a proposed project. For the purposes of informational disclosure, however, socioeconomics and environmental quality issues are analyzed in Chapter 4 of this EIR. Socioeconomics encompasses a number of topical areas, including employment and income, population, and housing.

The proposed Project would not involve acquisitions or relocations of housing. The proposed Project would not result in significant impacts related to business displacement. No new land is being acquired as part of the proposed Project, as all of the proposed improvements would take place within the existing Shell Marine Oil Terminal property.

The proposed Project would lead to an increase in temporary construction jobs and some additional permanent employment upon completion of the Project. It is not anticipated that the proposed Project would change residential property trends in the areas immediately adjacent to the Port, as a substantial demand for housing would not occur as a result of the proposed Project.

The proposed Project would generate 350 direct construction jobs (based on 8.04 construction jobs/million dollars of construction cost; estimate from the IMPLAN economic impact modeling system). Construction of the proposed Project is subject to some variations. Up to 24 construction workers would be required at the site at any given time, depending on the construction phase, over the course of the construction period. The direct construction jobs would also further result in approximately 286 indirect and induced jobs (based on 2.34 indirect jobs and 4.21 induced jobs/million dollars of construction cost, from IMPLAN). These indirect/induced increases in employment are related to purchases from materials supply firms and their suppliers and household expenditures by workers, referred to, when combined, as “secondary employment.”

When compared to regional employment levels expected to occur at the corresponding times, the Project would account for well under 0.1 percent of regional employment.

The proposed Project would indirectly increase earnings to firms and households throughout the region as Project expenditures are spent throughout the region. The short-term indirect effects from construction would incrementally increase activity in nearby retail establishments as a result of construction workers patronizing local establishments. However, the long-term effects in the immediate area from the proposed Project would be extremely small relative to the size of the regional economy. Overall, the proposed Project would not generate significant indirect growth-inducing impacts.

ES.5.2.6 Significant Irreversible Changes to the Environment

Pursuant to Section 15126.2(c) of the State CEQA Guidelines, and EIR must consider any significant irreversible environmental changes that would be caused by the proposed Project should it be implemented.

Implementation of the proposed Project would require the use of nonrenewable resources, such as fossil fuels, and nonrenewable construction materials.

The proposed Project would implement improvements to comply with MOTEMS requirements and includes a new 30-year lease. Resources that are committed irreversibly and irretrievably are those that would be used by a project on a long-term or permanent basis.

Resources committed to the proposed Project during construction include the use of fossil fuels to run diesel oil and gasoline-powered construction equipment and vehicles, electrical energy and natural gas to power other construction equipment and vehicles, and nonrenewable construction materials such as iron, concrete and gravel.

Although the proposed Project would not increase the capacity of the terminal, it includes a new 30-year lease, which would allow for an increase in throughput over the new lease period (i.e., an increase relative to current throughput levels). Fossil fuels and energy would be consumed during operational activities. During operations, ocean-going vessel fuels, diesel and gasoline would be used for ships, tugboats, terminal operations, and on-road vehicles associated with employees. Electrical energy and natural gas would be consumed during construction and operation.

Non-renewable materials (i.e., irreversible/irretrievable resources) such as iron, concrete and gravel would be used during construction activities, and energy would be used during construction and operation activities, but the amounts needed would be accommodated by existing supplies. Although the increase in amount of materials and energy used would be limited and considered minor relative to existing supplies and reserves, they would nevertheless be unavailable for other uses. The minimal irreversible changes would be justified by the improvements to better protect public health, safety and the environment (e.g., from MOTEMS improvements), and would contribute over the 30-year lease to the reliability of the region's future energy handling capabilities. Therefore, the irretrievable commitments of resources associated with the proposed Project and alternatives are justified under CEQA.

ES.5.3 Environmentally Superior Alternative

CEQA requires the identification of an environmentally superior alternative. Under CEQA, if the No Project Alternative is determined to be environmentally superior, the EIR must identify an environmentally superior alternative from among the other alternatives.

CEQA requires identification of an environmentally superior alternative. The No Project Alternative (Alternative 1) is the Environmentally Superior Alternative because it would have reduced impacts in all the resource areas. However, none of the proposed Project objectives, including the primary objective of compliance with MOTEMS requirements would be met (see Section 6.3). State CEQA Guidelines Section 15126.6(e)(2) requires that in cases where the No Project Alternative is determined to be the environmentally superior alternative, another alternative must also be identified as environmentally superior. Therefore, Alternative 2 – Reduced Project – One Platform would be the environmentally superior alternative. Under the Reduced Project Alternative, only one berth would be upgraded and thus less construction would occur. Terminal throughput would be similar. Consequently, under Alternative 2, impacts in the area of air quality, biological resources, and greenhouse gases would be somewhat reduced as compared to the proposed Project due to less construction, and impacts in the area of hazards and energy conservation would be similar.

ES.6 Public Comment

ES.6.1 Issues Raised

During the scoping process, various individuals or organization representatives provided comments on the scope and content of the Draft EIR.

The LAHD determined that an EIR should be prepared for the proposed Project. The LAHD issued an NOP for on June 30, 2015. Agencies and the public submitted written responses to the NOP. Table 1-2 presents a summary of the relevant comments on the 2015 NOP and where a particular comment would be addressed in this Draft EIR.

A Revised NOP was released on April 15, 2016 to reflect an average baseline between 2011 through 2015 and a higher future throughput projection. Table ES-3 presents a summary of the relevant comments on the 2015 NOP and where a particular comment would be addressed in this Draft EIR.

The scope of this Draft EIR was established based on the NOP issued by LAHD on April 15, 2016. Written and oral comments have been grouped into common topics and are summarized below by the topic raised.

Table ES-2: Summary of Key 2015 NOP Comments

Commenter	Key Issues Raised	Sections Addressed
CSLC	- Acknowledges that the proposed Project is located on sovereign submerged lands that have been transferred, in trust, to the City of Los Angeles (Statute of 1911, Chapter 656), and that the City should ensure that uses are consistent with the Public Trust Doctrine. - Notes that the Project Description in the Draft EIR should be as detailed as possible. - Suggests revising the primary Project goal to refer to comprehensive MOTEMS code compliance. - Recommends revising the following sentence, found on page 2 in the first paragraph, as follows, "The MOTEMS are reviewed and updated every three years and all marine oil terminals are this Project is required to comply with the most recent version." - Recommends that USACE and LAHD should conduct queries of CDFW's California Natural Diversity Database and USFWS's Special Status Species Database to identify any special-status plant or wildlife species that may occur in the proposed Project area. Coordination with CDFW and USFWS, as well as direct surveys or data collection, should be performed. - Recommends that the EIR should evaluate	Refer to the Revised NOP for revisions requested. Chapter 1, Introduction Chapter 2, Project Description. Section 3.2, Biological Resources (which includes noise mitigation during pile diving).

Table ES-2: Summary of Key 2015 NOP Comments

Commenter	Key Issues Raised	Sections Addressed
	noise and vibration impacts on marine wildlife from construction, as follows: "As mentioned in the NOP, installation of steel pipe piles is anticipated to result in underwater sound levels that could adversely affect marine mammals. In addition to underwater sound impacts on marine mammals, please consider the impacts of underwater sound on fish during wharf demolition and pile driving. Mitigation measures could include species-specific work windows as defined by CDFW, USFWS, and the NMFS." - Recommends that the EIR include a discussion of sea level rise, as it pertains to the proposed Project. Particularly whether the proposed Project would increase the risk of oil spills from the proposed Project due to flooding of the wharf or facilities.	Regarding Sea Level Rise, Checklist Item IX. (j) of the Initial Study Checklist (see 2015 NOP and Revised NOP in Appendix A of this Draft EIR) discusses the anticipated sea level rise by 2050, and determined that sea level rise would not result in overtopping of the new loading platforms. In addition, sea level rise should be considered as part of the design. In addition, Section 3.3, Greenhouse Gas Emissions and Climate Change, briefly describes sea level rise.
South Coast Air Quality Management District	- Requests copy of Draft EIR along with all appendices and related technical documents. - Recommends citing SCAQMD Rule 1166 – Volatile Organic Compound Emissions From Decontamination of Soil, and SCAQMD Rule 1403 - Asbestos Emissions from Demolition/Renovation Activities. - Notes that the SCAQMD CEQA Air Quality Handbook (1993) is available to assist with preparation of the air quality analysis, and that CalEEMOD is the preferred land use emissions model. - Recommends quantifying localized air quality impacts using SCAQMD methodology and guidance, and compare the results to SCAQMD's localized significance thresholds	SCAQMD is a standard agency on this and other LAHD project mailing lists; Section 3.1, Air Quality and Meteorology

Table ES-2: Summary of Key 2015 NOP Comments

Commenter	Key Issues Raised	Sections Addressed
	(LSTs) or performing dispersion modeling if necessary. - Notes that CEQA requires the identification of all feasible mitigation measures, including those that go beyond what is required by law.	
Joyce Dillard	- Requests that watershed quality and degradation issues be addressed. - Provides information regarding LARWQCB issued MS4 permit.	Checklist Item IX. (d) of the Initial Study Checklist (see 2015 NOP and Revised NOP in Appendix A of this Draft EIR), the City would continue to be covered under the NPDES requirements (including the MS4 Permit) regarding discharges to the harbor.
Los Angeles Conservancy	- Notes that it should not be assumed that new construction is the only way to bring Berths 167-169 into MOTEMS compliance, as there is a precedent for the structural rehabilitation of timber-framed infrastructure at terminal facilities that are MOTEMS compliant. - Disagrees with the 2009 and 2104 update cultural resources reports that determined that the timber wharf does not retain integrity. - Recommends the timber wharf be evaluated (in the Draft EIR) under Criterion A due to its association with Shell Oil Company, which for over ninety years and played an active role at the Los Angeles Harbor in Los Angeles' burgeoning petroleum industry during the twentieth century. - Recommends that if the timber wharf at Berths 167-169 is determined to be a historical resource as defined under CEQA, the Draft EIR should include at least one preservation alternative that attempts to meet project goals and reduce significant adverse impacts to the timber wharf.	Checklist Item V. of the Initial Study Checklist (see 2015 NOP and Revised NOP in Appendix A of this Draft EIR)
Los Angeles City, Bureau of Sanitation	- Notes that the proposed Project will require implementation of stormwater control measures, based on Standard Urban Stormwater Mitigation Plan (SUSMP) and LID requirements. - Notes that the proposed Project will require implementation of stormwater control measures during construction, including	As described in Checklist Item IX (a) in the 2015 NOP and Revised NOP (Appendix A of the Draft EIR), the existing storm drain system for the land portion of the terminal would not be affected by the proposed Project and

Table ES-2: Summary of Key 2015 NOP Comments

Commenter	Key Issues Raised	Sections Addressed
	compliance with the California General Construction Stormwater Permit. - Provides information about the City's Green Streets initiative.	would continue comply with the requirements regarding discharges to the harbor from the wharf, including complying with SUSMP requirements. Checklist Item IX(a) also discusses compliance with the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities.

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Table ES-3: Summary of Key Revised NOP Comments

Commenter	Key Issues Raised	Sections Addressed
Jesse N. Marquez of Coalition for A Safe Environment et al.	- Notes that the NOP should represent the baseline year of 2014; no significant justification to use an averaged baseline. Port cargo has been and will continue to increase annually in all categories. A one-year significant increase does not warrant a five-year averaged baseline. - Requests an accurate projection of the number of ship visits, imported products, and annual terminal capacity, and notes that these factors are expected to increase; however, using an averaged baseline will show less emissions associated with operations (i.e., ship exhaust, loading/unloading, storage tanks).	As shown in Table 1 of the Revised NOP, the terminal throughput has been in a general decline throughout the averaging period, with the exception of 2015 where there was a substantial increase. Refer to Section 2.4 of the Revised NOP and Section 2.6 of Chapter 2 of the Draft EIR for information on the CEQA Baseline. The increment would be greater between the baseline and future lease year (2048) using the five-year average than under the 2014 baseline used in the 2015 NOP.
	- Recommends not bypassing SCAQMD requirements, for best available control technology (BACT) when operations increase emissions and capacity.	Section 3.1, Air Quality and Meteorology for emission assumptions.
	- Notes that no information on whether Shell will retrofit ships to connect with shore power systems like the Alternative Maritime Power (AMP) at POLA is provided in the NOP. Suggests considering other technology, such as the Advanced Maritime Emission Control System (AMECS), which captures and	Regarding AMP, because the use of AMP requires a costly retrofit to the vessels and that a terminal can only require that retrofit for vessels that it controls, AMP is not currently

Table ES-3: Summary of Key Revised NOP Comments

Commenter	Key Issues Raised	Sections Addressed
	removes more airborne emissions from diesel auxiliary engines and boilers of oceangoing vessels than AMP. (Attachment provided) - Recommends considering the use of Vapor Recovery Units (VRU) to capture gases flashed from the petroleum storage tanks; and notes that as a result, VRUs can help to reduce methane and greenhouse gas emissions below actionable levels specified in Title V of Clean Air Act. (Attachment provided) - Notes that use of Regenerative Thermal Oxidizers (RTO) can also help to efficiently collect and treat volatile organic compounds (VOC) from storage tanks. (Attachment provided) - Suggests that air quality, public safety, and biological impacts cannot be mitigated to less than significant impacts; therefore, Shell would be required to contribute to the Harbor Community Benefit Foundation at the rate of $0.25 per metric ton of imported product. - Recommends addressing the potential for ship whale strikes and loss of whale food resources as a result of increases in annual ship visits to POLA. - Recommends addressing the Green Port Policy for green construction options and community mitigation measures. - Requests that all types of permits required by SCAQMD and other governmental regulatory agencies be disclosed in EIR (e.g., Title V permit).	proposed for marine oil terminals (due to lack of tenant owned fleet vessels). As noted in Section 2.5.1.2 of the Revised NOP and Chapter 2, Project Description, the proposed Project is proposing use of a vapor control system for the loading of vessels, as well as maintaining BACT of floating roofs for storage tanks. Refer to Section 3.1, Air Quality and Meteorology, Section 3.4, Hazards (related to safety), and Section 3.2, Biological Resources for the detailed analysis. Section 3.2, Biological Resources for information on whale strikes and loss of habitat and food sources. Refer to Section 3.1, Air Quality and Meteorology for the application of LAHD's Sustainable Construction Guidelines. Refer to Table 2-2 regarding regulatory requirements associated with the proposed Project.
Dr. Tom Williams of Citizens Coalitions for A Safe Community	- Requests the following: o Provide an unsecured version of the Draft EIR to copy text and for ease of commenting. o Revise the following objectives in order to not mix NEPA/CEQA terms: ▪ Primary objective fulfilling MOTEMS, ▪ **Optimize** existing land and associated waterways,	The Draft EIR has been prepared in accordance with the CEQA Statutes and the State CEQA Guidelines and at the discretion of the Lead Agency. The terminal only handles refined petroleum products or feedstock to petroleum products; no crude oil is processed through the terminal.

Table ES-3: Summary of Key Revised NOP Comments

Commenter	Key Issues Raised	Sections Addressed
	▪ **evolving market conditions** - removal of crude oil export prohibition, ▪ **business cycle** - depressed crude oil prices, ▪ **Existing** facility's throughput capabilities and operational parameters, ▪ **Comply** with source control program, ▪ **minimize** the **potential** for accidental **product** release o Use of correct title of project proponent/tenant, such as Shell Oil Co., Shell Oil Products, Equilon Enterprises L.L.C. o Provide descriptions and links to all permits applied for and granted during 2011. o Clearly separate product and crude petroleum fluids. o Clarify sources and characterization of foreign and US crude oil imports (2010-15) (i.e., API gravity, vapor generation, sulfer). o Clarify sources of potential exports of domestic crudes and condensates (2014 to present). o Include maximum operational and physical loading/offloading off-gasing (2010-16) and maximum capacity of current and proposed terminal vapor recovery systems (i.e., storage capacity, venting/flaring/liquefaction capacity). o Provide volumes with converted values. o Provide clear definitions and quantification of MOTEMS requirements, such as “to reduce the likelihood of petroleum product loss in case of a significant seismic event.” o Provide maximum physical loading/offloading throughput and transfer of terminal facilities rather than projections. o Provide proposed and planned use of terminal area vacant, located east of	Chapter 2, Project Description (for existing and projected throughput in barrels, pump rates, and vessel assumptions). Chapter 1, Introduction (for MOTEMS requirements). Any future use of any vacant facility near the Project site would be a related (and separate) project analyzed in Chapter 5, Cumulative Analysis. The Project site and proposed Project do not include rail or rail access. Section 3.1, Air Quality and Meteorology for berthing assumption. Chapter 2, Project Description for a description of the logical termini of the proposed Project, as well as information on maximum tanker sizes. Refer to Section 3.4, Hazards for the risk analysis.

Table ES-3: Summary of Key Revised NOP Comments

Commenter	Key Issues Raised	Sections Addressed
	facilities and south of railroad systems. o Provide any POLA studies regarding provision of rail access to any MOTEMS facilities by tankage relocation, installation of new pipelines, and/or extension of existing tracks. o Provide description and process flow diagrams for reversibility and capacities of berth facilities, tank pumps, gas processing, terminal storage, and terminal in/outbound pipelines. o Provide anticipated berth time for import-offloading and export-loading tankers; highest ten percent of berth times (hours) for years exceeding 20 million barrels/year (bbl/yr). o Provide description of pipelines connected to Mormon Island facilities and those between the project and railroad/oil transfer facilities within LA County (i.e., vapor pressure limits ad maximum physical capacities [bbl/hour or day] at maximum permitted pipeline pressures to/from project). o Provide maximum tanker sizes (i.e., tonnage, depth and berth length) and capacity of Panama Canal passage after 2016. o Include mitigation measures for the risk management plan; the emergencies response plans relative to spills and fire explosions; and contingencies for identified risks, resource, drills, and reporting and coordination. o Link to all water discharges (NPDES NO. CA0003557, CI-1596) Order No. R4-2011-0097. o Link to all air emission release for Mormon Island MOTEMS facilities.	

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ES.6.2 Issues to be Resolved

Section 15123(b)(3) of the State CEQA Guidelines requires that an EIR contain issues to be resolved; this includes whether or how to mitigate significant impacts. This section discusses the major issues to be resolved regarding the proposed Project. The major issues to be resolved include decisions by the lead agency as to whether:

- This EIR adequately describes the environmental impacts of the proposed Project and alternatives,
- The proposed Project is preferable over one or more of the alternatives,
- The recommended mitigation measures should be adopted or modified,
- Additional mitigation measures need to be applied to the Project, or
- The proposed Project should or should not be approved for implementation.