



# INTRODUCTION

This chapter presents background and introductory information for the proposed Berths 136-147 Container Terminal Improvement Project (proposed Project), located in the north and eastern portions of the West Basin in the Port of Los Angeles (Port). This chapter presents the authorities of the Lead Agencies (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), the scope and content of the EIS/EIR, and the public outreach for the proposed Project.

This Draft EIS/EIR has been prepared in accordance with the requirements of the National Environmental Policy Act (NEPA) (42 United States Code [USC] 4341 et seq.), and in conformance with the Council for Environmental Quality (CEQ) Guidelines and the USACE NEPA Implementing Regulations. The document also fulfills the requirements of the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] 21000 et seq.), and the State CEQA Guidelines (California Administrative Code [CAC] 1500 et seq.). The USACE is the NEPA lead agency for this proposed Project, and the LAHD is the CEQA lead agency.

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, terminal, and transportation improvements to Berths 136-147.

## 1.1 Background

### 1.1.1 Project Location and Brief Project Overview

The LAHD operates the Port of Los Angeles 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

1 maritime industry for promotion of commerce, navigation, fisheries and harbor  
2 operations. Activities should be water dependent and give highest priority to  
3 navigation, shipping and necessary support and access facilities to accommodate the  
4 demands of foreign and domestic waterborne commerce. The LAHD is chartered to  
5 develop and operate the Port to benefit maritime uses, and functions as a landlord by  
6 leasing Port properties to more than 300 tenants.

7 The location of the proposed Project is shown on Figure 1-1. The existing Berths 136-  
8 147 Terminal, which is currently leased to TraPac, Inc., a container terminal operator  
9 and stevedore, for operation as a container terminal, is located in the north and eastern  
10 portions of the West Basin of the Port, in the Wilmington and San Pedro Districts of  
11 Los Angeles. In 2003, the Berths 136-147 Terminal handled 891,976 twenty-foot  
12 equivalent units (TEUs) of containerized cargo, and had 246 vessel calls.

13 Under the proposed Project, most of the improvements would occur on the 176 acres  
14 currently operated by TraPac. The proposed terminal expansion areas are bounded by  
15 Harry Bridges Boulevard, the existing terminal, and the Pier A Rail Yard. Major  
16 elements of the proposed Project include the following:

- 17 • Dredging 295,000 cubic yards (cy) of marine sediments to deepen the berthing  
18 areas to match recently approved –53-foot channel depths;
- 19 • Renovating 3,000 feet of wharf and constructing 705 feet of new wharf;
- 20 • Replacing six gantry (container) cranes with five new cranes for a net loss of one  
21 gantry crane (there would be a total of 12 gantry cranes at the proposed Project  
22 instead of the 13 that existed in 2003);
- 23 • Filling the 10-acre Northwest Slip and constructing a new 400-foot wharf built at  
24 an adjoining new berth;
- 25 • Expanding, redeveloping and constructing container terminal facilities and  
26 associated rail facilities;
- 27 • Constructing a new on-dock intermodal rail yard;
- 28 • Relocating the existing Pier A Rail Yard to an area adjacent to the Consolidated  
29 Slip;
- 30 • Improving Harry Bridges Boulevard; and
- 31 • Constructing a 30-acre landscaped area between “C” Street and Harry Bridges  
32 Boulevard.

## 33 **1.1.2 General Description of Container Terminal** 34 **Operations**

35 A modern container terminal is a facility that integrates several different physical  
36 components and operational processes in order to load and unload oceangoing vessels  
37 and to move the cargo through the terminal to and from trucks and trains as cost-  
38 effectively as possible. The physical components consist of marine container vessels,  
39 berths/wharves (docks), cranes, backland storage areas (container yard), entrance and exit

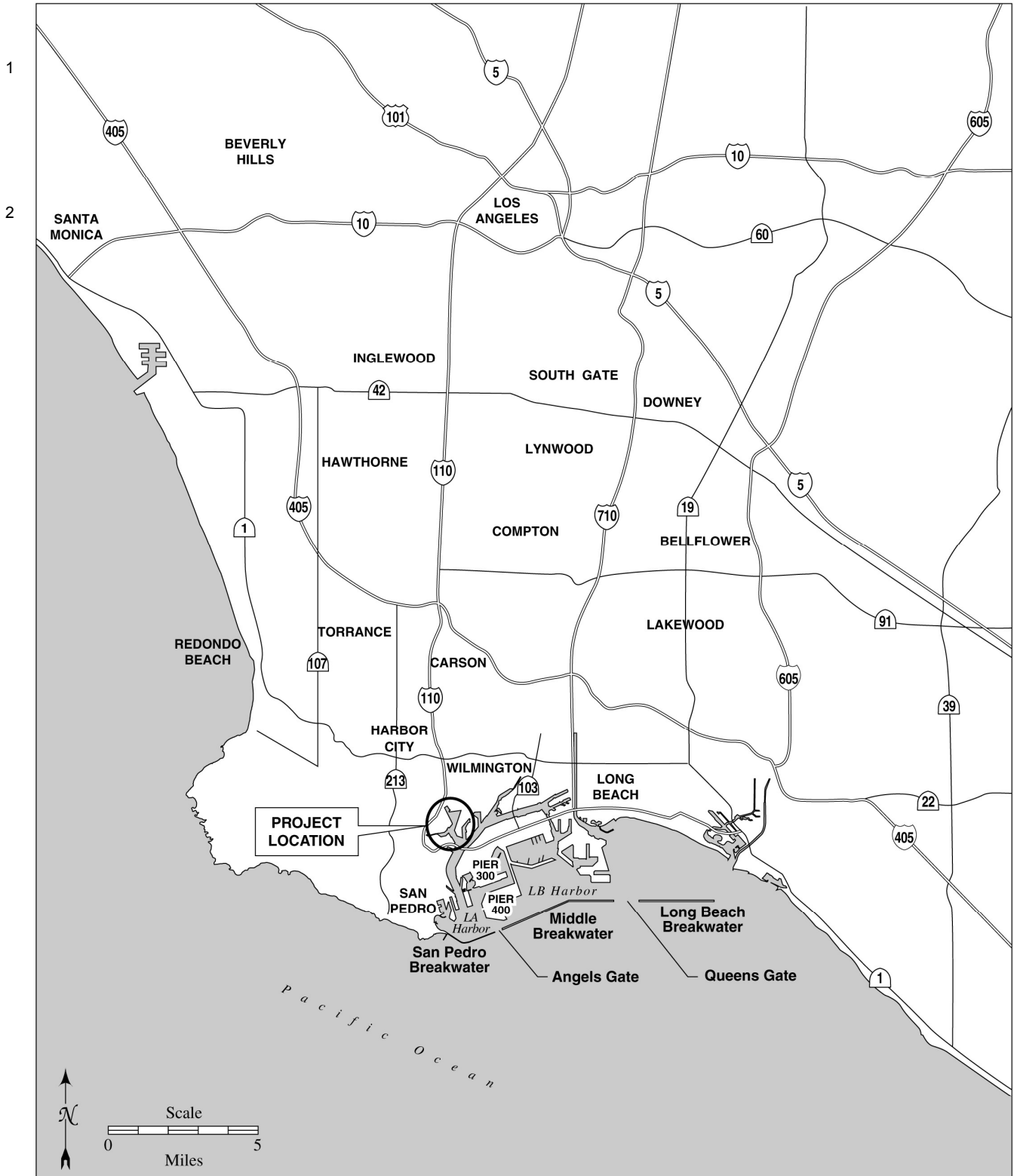


Figure 1-1. Project Location within the Region

1 gates, rail facilities (usually), and maintenance and administrative buildings (Figure  
2 1-2). The operational processes include stevedoring (loading/unloading ships),  
3 container storage and management, in-terminal drayage (hauling), on-dock rail  
4 operations, and trucking to offsite locations such as warehouses and rail yards.

5 In the case of the Berths 135-147 Terminal, the Port owns the major terminal  
6 infrastructure (wharves, container storage yard, and buildings) and TraPac owns the  
7 wharf gantry cranes (Figure 1-3), which directly affect terminal productivity and require  
8 regular maintenance.

9 Operationally, imported containers arrive at, and exported containers depart from, the  
10 Port via container ships. Container ships average between 700 feet to over 1,000 feet  
11 long, and have capacities between a few thousand to over 9,000 TEUs (Twenty-foot  
12 Equivalent Units; a TEU is a measure of containerized cargo capacity equal to one  
13 standard 20 ft [length] × 8 ft [width] × 8 ft 6 in [height] container; since most maritime  
14 containers are actually 40 or 45 feet long, one container, on average, is equivalent to  
15 approximately 1.8 TEUs.) As a container ship arrives at the Port, two tugboats, one in  
16 front and one behind, assist the ship through the main channel to its berth at the container  
17 terminal. Once at berth, the off-loading/loading process begins; the ships typically  
18 “hotel” or stay at the terminal for approximately 36 hours, or 1.5 days, but the largest  
19 ships may stay as long as three days. While at berth the ship’s main propulsion engine is  
20 shut down but large diesel auxiliaries run continuously to provide electrical power for  
21 ship’s functions, including supplying power to refrigerated containers.

22 When the vessel arrives, most of the export cargo to be loaded is already stacked in the  
23 yard. Gangs (groups) of longshore workers work night and day shifts to unload and load  
24 the ship. Dockside crane operators lift cargo containers to and from the ships onto and  
25 off of specialized trailers pulled by yard tractors. Typically, cranes can transfer 25 to  
26 40 containers per hour. The cranes have specialized equipment including anti-sway  
27 devices, lighting, and adjustable “spreaders” (cargo hooks) that allow attachment to the  
28 various container sizes. The number of cranes operating simultaneously on one ship can  
29 vary from one to ten, depending upon the size of the ship, the number of vessels at berth,  
30 crane gauge (distance between crane legs), and the availability of cranes.

31 Once containers have been off-loaded from the ship or received through the gates on  
32 trucks and trains, they are stored and moved around the backlands area of the  
33 container terminal (the storage yards) using one of three systems: 1) a grounded or  
34 “stacked” system (where containers are stacked); 2) a chassis or “wheeled” system  
35 (where the containers are stored on a single wheeled chassis and are not stacked); 3)  
36 or, more usually, a combination grounded/chassis system.

37 Export containers from local areas typically arrive at the gate on chassis (trailers)  
38 pulled by street-legal tractors (i.e., semitrucks) a day to a week prior to the scheduled  
39 departure of the ship that they are booked to travel on, and are stored in the terminal  
40 until they are loaded onto the ship.

41 Export cargo from more distant locations typically arrives at the terminal via rail. It  
42 may arrive either directly at the on-dock rail yard inside the terminal or at another local  
43 rail yard from which it is trucked to the terminal gate for receiving. Cargo containers  
44 are transferred by “toppick” or Rubber Tired Gantry (RTG) cranes from the rail cars to



Figure 1-2. Existing Container Terminal



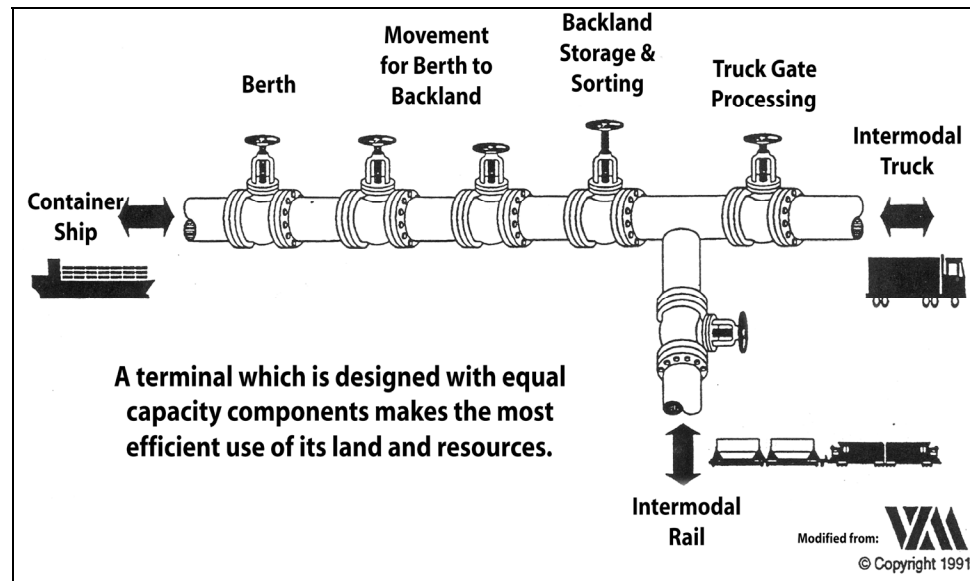
Figure 1-3. Gantry Cranes

1 chassis hauled by yard tractors, and the tractors then drive to pre-planned locations in  
2 the yard where the cargo is lifted to grounded locations by toppicks or RTGs.

3 As shown in Figure 1-2, the import cargo is shifted to stacks or wheeled trailer  
4 locations in the container yard (CY or backlands). Some import containers are shifted  
5 to stacks near the on-dock rail yard, to be loaded onto departing trains. Others are  
6 delivered to trucks that arrive to pick-up the cargo. Cargo containers loaded on trucks  
7 are then processed out of the terminal at the exit gate.

8 Import cargo that leaves the terminal by truck may be transferred to local rail yards  
9 (such as the ICTF, Burlington Northern-Santa Fe, or Union Pacific rail yards), to  
10 transloading warehouses, or directly to its final destination such as a distribution  
11 warehouse. The transloading warehouses unpack and reload containers that are then  
12 sent on to other locations.

13 The number of containers that passes through a terminal is called its throughput.  
14 Each container terminal has an annual “throughput capacity,” i.e., the maximum  
15 number of containers it can handle in a year. As described below and in Section 2.8,  
16 the maximum capacity of a terminal is based on site-specific modeling of the  
17 physical and operating parameters. That number is a function of the terminal’s  
18 configuration, berth length, backland area, the ratio of berth length to backland area,  
19 and the number and types of equipment it uses. Achieving the maximum capacity of  
20 terminals, which is the high end of a realistic operating range, requires that none of  
21 the various components of a terminal is a constraint to the movement of cargo  
22 through the terminal. The pipeline analogy shown in Figure 1-4 demonstrates that a  
23 terminal that is designed with equal-capacity components makes the most efficient  
24 use of its land and resources.



25  
26 **Fig 1-4. Flow of Containers through a Marine Cargo Terminal**

1 Historically, not all terminals at the Port were designed to provide for this maximum  
2 capacity. Accordingly, most terminals are limited by one or more of their components  
3 such as the amount of berth space available to accommodate the newest/largest ships in  
4 the fleet, the number and size of cranes used to unload the ships, the amount and shape  
5 of backland adjacent to the berth, adequate gate facilities for trucks, and access to on-  
6 dock rail yards. As a simplified example, a terminal of 500 acres and only one berth  
7 would be constrained by the berth (berth constrained), while a terminal with five long  
8 berths and only 50 acres of backland would be constrained by the amount of cargo that  
9 could be handled by the backlands (backland constrained).

### 10 **1.1.3 Growth in Containerized Cargo**

11 Since 1970, containerized shipping through U.S. West Coast ports has increased  
12 twenty-fold, driven by this nation's increasing trade with Asian economies. In 2000,  
13 the value of waterborne trade through West Coast ports reached \$309 billion, a 400  
14 percent increase since 1980 (Dickerson and Iritani 2002). Major West Coast ports,  
15 particularly the ports of Los Angeles, Long Beach, and Oakland, have continued to  
16 invest billions of dollars optimizing their facilities to accommodate increases in  
17 containerized shipping. These ports have deepened their harbors to accommodate  
18 large, deep-draft container ships; demolished existing facilities and built new container  
19 terminals in their place; and created new land to provide space for additional container  
20 terminal backlands. The terminal operators have purchased high-speed cranes and  
21 modernized transportation equipment and have installed automation to move containers  
22 more rapidly between ships and trucks or trains.

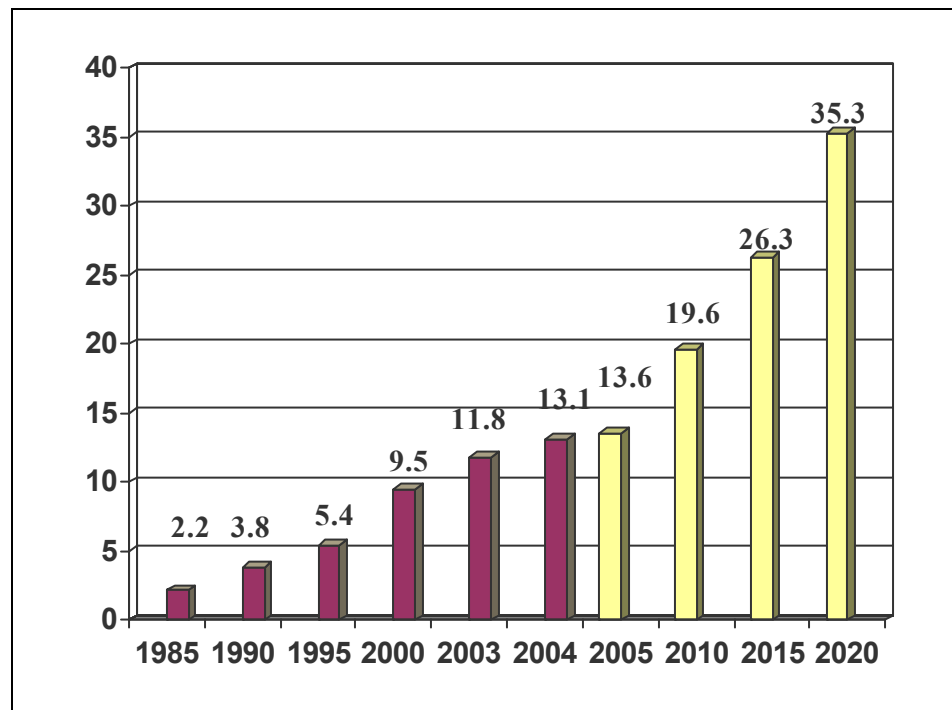
23 The importance of this cargo and related port expansion to the Nation, and the economic  
24 benefits of navigation improvements, have been supported by both project authorizations  
25 and financial authorizations from the U.S. Congress, notably through the Water  
26 Resources Development Act. These include: Resolution of the Senate Committee on  
27 Public Works – 1967; Resolution of the House Committee on Public Works – 1968;  
28 Water Resources Development Act of 1986 Public Law 99-662 – 1986; Water Resources  
29 Development Act – 1988 (USACE 1992, pp. I-1 – I-3), Water Resources Development  
30 Act – 2000, and Energy and Water Appropriation Bill – FY2004.

31 Anticipating the continued importance of containerized shipping, the ports of Los  
32 Angeles and Long Beach and the USACE conducted a series of studies to forecast  
33 cargo volumes through the year 2020 and to evaluate the capacity of the combined  
34 port complex in San Pedro Bay to accommodate those cargo volumes (e.g., LAHD et  
35 al. 1985; WEFA 1987, 1989, 1991). The cargo forecasts predicted significant increases  
36 in containerized cargo from Pacific Rim countries to the Pacific West Coast and the San  
37 Pedro Bay ports. These forecasts were used as a basis for development of an Operations,  
38 Facilities and Infrastructure (OFI) Study (VZM 1988). That study concluded that the  
39 ports needed to provide substantial additional physical facilities and make operational  
40 improvements in order to provide the necessary capacity.

41 The resulting San Pedro Bay 2020 Plan included the construction of new land for new  
42 container terminals and the optimization of existing terminals at both ports. In the Port of  
43 Los Angeles, this resulted in the construction of the Pier 300 container terminal operated  
44 by American President Lines (APL), the 562-acre Pier 400 supporting the container

terminal operated by APM Terminals, construction of the Alameda Corridor, and construction projects to modernize existing terminals and improve the port's transportation infrastructure (see USACE 1992; USACE and LAHD 1992). Presently the Port of Los Angeles is also deepening its main channels to accommodate newer generation container ships at existing container terminals in the Inner Los Angeles Harbor (USACE and LAHD 2000; USACE 2000).

Since the early 1990s, actual volumes of containerized cargo through the two San Pedro Bay ports have greatly exceeded both the WEFA forecasts and subsequent projections. A more recent, market-based forecast (Mercer 2001) reevaluated the previous cargo projections through the year 2020 and concluded that there would be continued growth in containerized cargo for the San Pedro Bay ports (Figure 1-5). The Mercer study anticipated that the volume of containers would increase from 9.5 million TEUs in 2000 to approximately 35.2 million TEUs in the year 2020. Based on past performance of the two Ports, their gross acreage in container terminals, and their future development plans, port planners expect that this cargo would be approximately evenly split between the two ports. Therefore, the Port anticipates that approximately 17.6 million TEUs could come through the Port in the year 2020.



**Figure 1-5. Actual (brown) and Forecasted (yellow) Cargo Volumes through San Pedro Bay Ports, in Millions of TEUs**

The original Mercer 2001 cargo forecast projected growth to the year 2020. By assuming a continual annualized growth rate of 6% per year (as used in the out-years by Mercer) for 10 additional years, a reasonable forecast for the year 2030 can be derived. Assuming the growth rate of 6% annually, the number of TEU's at the Port would be expected to grow to 23.6 million TEUs in 2025 and 31.6 million TEUs in 2030 (Appendix I). This unconstrained demand number of 31.6 million TEUs does not account for the increasing

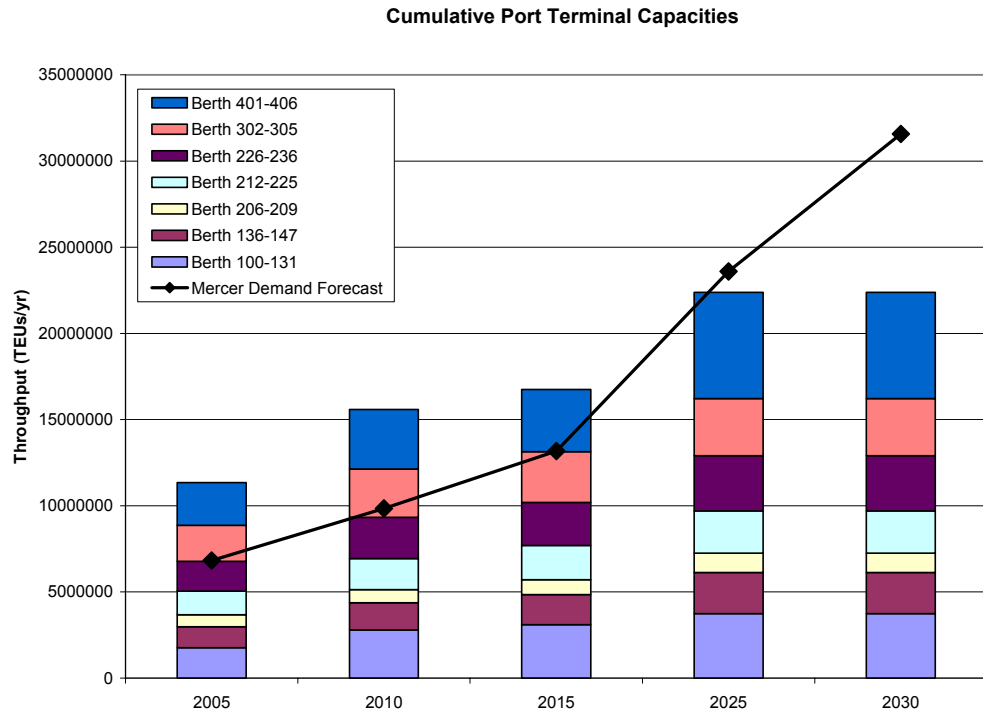


1 trade imbalance that has occurred since the Mercer study, which could drive this number  
2 up due to increases in empty containers, nor does it account for possible cargo diversion  
3 through Mexico ports, or the Suez or Panama Canals, which could result in a reduced  
4 forecast. As discussed below, absent implementation of new operational technology  
5 beyond that already assumed in the cargo projections, Port container facilities are  
6 expected to be constrained by the physical capacity of the terminals at approximately  
7 22.4 million TEUs in the year 2030.

8 Since the cargo forecast provided by Mercer is a demand forecast that is not constrained  
9 by the ability of individual terminals in Los Angeles and Long Beach to accommodate  
10 the projected cargo, the Port, with support from experts in container terminal operation  
11 (JWD Group 2005) and input from its terminal operators, developed a methodology to  
12 determine the actual physical/operational capacity of each terminal (Appendix I). By  
13 making realistic assumptions in regards to different physical improvements (e.g.,  
14 increasing the length of a berth or adding more container yard) and operating parameters  
15 (e.g., increasing the number of hours worked per day or crane productivity, decreasing  
16 the amount of time containers are allowed to remain in the terminal) it is possible to  
17 model the future operating capacity of a terminal. The methodology uses a combination  
18 of two capacity models, one that analyzes backland capacity and one that analyzes berth  
19 capacity, to project the maximum capacity of each terminal through the year 2030. As  
20 mentioned in section 1.1.2, a terminal may be berth-constrained, backlands-constrained,  
21 or evenly balanced between the two. In addition, some terminals may have a calculated  
22 throughput capacity that exceeds its projected cargo demand (Mercer) or does not have  
23 enough capacity to meet the demand. The Port's methodology selects the cargo volume  
24 that allows growth to occur until the terminal reaches the constraining factor as the  
25 reasonably foreseeable estimate of cargo throughput (Appendix I). The Port has  
26 confirmed its estimates by comparing actual throughput numbers with model projections  
27 in "hindcasting" exercises (Appendix I) and through discussions with individual terminal  
28 operators.

29 The methodology for throughput projection was carried out for all seven of the  
30 existing container terminals at the Port (Appendix I; Figure 1-6). For each terminal,  
31 reasonable assumptions were made concerning necessary construction projects and  
32 operational improvements to optimize capacity. Accordingly, the capacities shown  
33 in Figure 1-6 do not reflect existing terminal configurations and operating practices.  
34 Instead, they reflect the assumption that the Port will be able to build improvements  
35 and the terminal operators will be able to institute operational changes.

36 The results of the capacity modeling show that even with the expansion and  
37 modernization of terminals that was assumed, throughput at the Port will be constrained  
38 at 22.4 million TEUs starting in approximately the year 2030. A comparison of Figures  
39 1-5 and 1-6 shows that between now and 2030, all terminals will need to be functioning  
40 at their maximum capacities in order to accommodate the cargo volumes coming to the  
41 Port. Overall, this represents a projected throughput of approximately 10,000 TEUs per  
42 acre, compared to the throughput of existing terminals of between 5,000 and 7,000 TEUs  
43 per acre. The projected throughput of 10,000 TEU is a very aggressive assumption for a  
44 non-transshipment port. (A transshipment port, such as exist in Asia, is one that receives  
45 cargo from barges or other ships for transshipment to another port, whereas at the Port, all  
46 import and export cargo comes/goes to/from inland destinations.)



**Figure 1-6. Projected Throughput of Port Container Terminals (JWD Group 2005) Compared to Projected Capacity**

It is possible that operational improvements may eventually increase the capacity of Port container terminals beyond 22.4 million TEUs, but at present such improvement are speculative for technical, economic, or social reasons. However, should new feasible technology become available that would increase Port capacity beyond that anticipated, improvements to implement the technology would require discretionary actions and environmental evaluation in accordance with CEQA in order to evaluate potential environmental effects. The project evaluated in this Draft EIS/EIR represents part of a continued effort to meet the goals and objectives of the joint federal, state, and local planning process initiated by the 2020 Plan and the Deep Draft Navigation Improvement Project EIS/EIR (USACE 1992), and continued in the West Basin Transportation Improvements Program and the Channel Deepening SEIS/SEIR.

## 1.2 Purpose of an EIS/EIR

### 1.2.1 NEPA and the Purpose of an EIS

NEPA was enacted by Congress in 1969 and requires federal agency decision makers to document and consider the environmental implications of their actions or decisions, with the intent of helping public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore,

1 and enhance the environment. When a federal agency determines that a proposed  
2 project could result in significant environmental effects, an EIS is prepared that  
3 provides full and fair discussion of anticipated significant environmental impacts. The  
4 EIS informs decision makers and the public of the reasonable alternatives that would  
5 avoid or minimize significant impacts or enhance the quality of the human  
6 environment. An EIS is not only a disclosure document, it is a decision-making aid  
7 that is used by federal officials in conjunction with other relevant material to plan  
8 actions and make decisions.

## 9 **1.2.2 CEQA and the Purpose of an EIR**

10 CEQA was enacted by the California Legislature in 1970 and requires public agency  
11 decision makers to consider the environmental effects of their actions. When a state  
12 or local agency determines that a proposed project has the potential to significantly  
13 affect the environment, an EIR is prepared. The purpose of an EIR is to identify  
14 significant effects of a proposed project on the environment, to identify alternatives  
15 to the project, and to indicate the manner in which those significant effects can be  
16 mitigated or avoided. A public agency must mitigate or avoid significant  
17 environmental impacts of projects it carries out or approves whenever it is feasible to  
18 do so. In instances where significant impacts cannot be avoided or mitigated, the  
19 project may nonetheless be carried out or approved if the approving agency finds that  
20 economic, legal, social, technological, or other benefits outweigh the unavoidable  
21 significant environmental effects.

## 22 **1.3 Lead, Responsible, and Trustee** 23 **Agencies**

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

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

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

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

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

1 Table 1-1 lists responsible and trustee federal, state, and local agencies that may rely  
 2 on this Draft EIS/EIR in a review capacity or as a basis for issuance of a permit for  
 3 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 U.S., and permitting authority for work and structures in navigable waters and the discharge of dredged or fill material in waters of the U.S. A USACE permit pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the River and Harbor Act (RHA) would be required for the proposed Project. If the proposed Project or alternative involves transportation of dredged material for ocean disposal (LA-2, LA-3), USACE authorization pursuant to Section 103 of the Marine Protection, Research, and Sanctuaries Act (MPRSA) would also be required.
National Oceanographic and Atmospheric Association (NOAA) Fisheries/National Marine Fisheries Service	Reviews and submits recommendations to 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 Act. Provides EFH information, reviews federal action potential effects on EFH, and provides conservation recommendations to USACE through consultation.
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.
U.S. Environmental Protection Agency (USEPA)	Has primary responsibility for implementing the Clean Air Act and works with other federal agencies to implement conformity requirements. Reviews and submits recommendations for Spill Prevention Control and Countermeasure Plan (SPCC), for non-transportation 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 USACE related to federal construction actions and issuance of permits.
U.S. Federal Railroad Administration (USFRA)	Reviews and approves changes in rail trackage, connections, signage, and bridges.
U.S. Fish and Wildlife Service (USFWS)	Reviews and submits recommendations to 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).

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**Table 1-1. Agencies Expected to Use this EIS/EIR (continued)**

<i>Agency</i>	<i>Responsibilities, Permits, and Approvals</i>
STATE AGENCIES	
California Coastal Commission (CCC)	Reviews environmental document to assure compliance with the Coastal Zone Management Act (CZMA) and consistency with the California Coastal Act; performs a Federal Consistency Determination; reviews and must approve Port of Los Angeles Master Plan Amendments.
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.
California Office of Historic Preservation	Consultation under Section 106 of the National Historic Preservation Act regarding impacts on cultural resources (i.e., demolition of buildings and structures) that are either listed, or eligible for listing, on the National Register of Historic Places.
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, non-hazardous waste in a manner that protects public safety, health, and the environment. State law assigns responsibility for solid waste management to local governments. Solid waste requiring disposal would be generated from the demolition of existing wharves and other structures.
Regional Water Quality Control Board, Los Angeles Region (LARWQCB)	Permitting authority for 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; and responsible for issuance of both construction and industrial National Pollutant Discharge Elimination System (NPDES) storm water 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 material and implements groundwater monitoring provision of the Resource Conservation and Recovery Act (RCRA); and responsible for general site clean-up outside of UST's (state superfund sites, etc.).
REGIONAL AGENCIES	
Los Angeles County Fire Department (LACFD)	Licensing and inspection authority for all hazardous waste generation in the City of Los Angeles. Provides regulation and oversight of site remediation projects involving hazardous waste generators, where surface and subsurface soils are contaminated with hazardous substances.

**Table 1-1. Agencies Expected to Use this EIS/EIR (continued)**

<i>Agency</i>	<i>Responsibilities, Permits, and Approvals</i>
REGIONAL AGENCIES (CONTINUED)	
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.
LOCAL AGENCIES	
City of Los Angeles Harbor Department (LAHD)	<p>The City of Los Angeles, through its Harbor Department, is the Lead Agency for CEQA and the California Coastal Act (via the Port's Certified Port Master Plan). Other City departments have various approval and permitting responsibilities, however, and are listed separately below for the sake of clarity.</p> <p>Pursuant to its authority, the Harbor Department may approve permits and other approvals (e.g., coastal development permits; leases for occupancy; 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. Master Plan amendment and map change (if required). Responsible for activities of other City of Los Angeles Departments for the projects evaluated in this EIS/EIR.</p>
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.
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. The proposed vacation and downgrade of streets between Harry Bridges Boulevard and "C" Street for the proposed Harry Bridges Buffer Area would require a City General Plan Amendment. The addition of Q conditions restricting the use of the property encompassing the proposed Harry Bridges Buffer Area to open space would also require a City General Plan Amendment.

**Table 1-1. Agencies Expected to Use this EIS/EIR (continued)**

<i>Agency</i>	<i>Responsibilities, Permits, and Approvals</i>
LOCAL AGENCIES (CONTINUED)	
City of Los Angeles	Lease approval from the Los Angeles City Council (if required). The proposed vacation and downgrade of streets between Harry Bridges Boulevard and “C” Street for the proposed Harry Bridges Buffer Area would require a City General Plan Amendment. The addition of Q conditions restricting the use of the property encompassing the proposed Harry Bridges Buffer Area to open space would also require a City General Plan Amendment. The Port may amend the boundaries of the Port Master Plan to include proposed Harry Bridges Buffer Area, which would also require an amendment to remove the area from the City General Plan.

## 1.4 Scope and Content of the Draft EIS/EIR

The scope of this Draft EIS/EIR was established based on the Initial Study prepared pursuant to CEQA, the Environmental Assessment Checklist prepared pursuant to NEPA (see Appendix A), and comments received during the NOI/NOP review process.

### 1.4.1 Scope of Analysis

This Draft EIS/EIR has been prepared in conformance with the USACE NEPA Implementing Regulations; the Council for Environmental Quality (CEQ) Guidelines; CEQA (Public Resources Code, Section 21000 et seq.); the State CEQA Guidelines (14 CCR Section 15000 et seq.); and Port Guidelines for the Implementation of CEQA; it includes all of the sections required by NEPA and CEQA.

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

The NEPA Notice of Intent (NOI) was published in the Federal Register on October 27, 2003 and the original CEQA Notice of Preparation (NOP) was mailed out on

1 October 19, 2003. A public scoping hearing was held November 5, 2003. The  
2 comment period ended December 10, 2003. A Special Notice, which identified  
3 changes to the originally noticed project, was issued March 7, 2006 with a public  
4 meeting on April 26, 2006 to receive additional public comments. The scope of  
5 analysis and technical work plans developed as part of preparing this Draft EIS/EIR  
6 were designed to ensure that the comments received from regulatory agencies and the  
7 public during the NOI/NOP review process would be addressed.

8 The scope of the federal review is normally defined by 33 *Code of Federal Regulations*  
9 (CFR) Part 325, Appendix B, which states “the district engineer should establish the  
10 scope of the NEPA document to address the impacts of the specific activity regarding  
11 the DA permit and those portions of the entire project over which the district engineer  
12 has sufficient control and responsibility to warrant Federal review.” USACE  
13 Regulations also require the USACE to examine whether the USACE’s “scope of  
14 review” or “scope of analysis” should be expanded to account for indirect and/or  
15 cumulative effects of the issuance of a permit (33 CFR 325 Appendix B). Typical  
16 factors considered in determining “sufficient control and responsibility” include:

- 17 1. Whether or not the activity comprises merely a link in a corridor type project
- 18 2. Whether there are aspects of the upland facility in the immediate vicinity of the  
19 regulated activity that affect the location and configuration of the regulated  
20 activity
- 21 3. The extent to which the entire project will fall within USACE jurisdiction
- 22 4. The extent of federal cumulative control and responsibility.

23 Based on 33 CFR Part 325, Appendix B, the appropriate scope of analysis for the  
24 federal review of the proposed action consists of both permanent and temporary impact  
25 to waters of the U.S. associated with the construction of new wharves, creation of new  
26 land, deepening vessel navigation areas, and construction-related activities such as  
27 temporary access occurring in uplands within 100 feet of proposed wharves.

28 Based on the Environmental Assessment Checklist, the USACE identified potentially  
29 significant indirect and cumulative effects within the scope of federal control in uplands  
30 that could occur as a result of the proposed Project (directly traceable to the construction  
31 of wharves). While operational impacts in the uplands are outside of the jurisdiction of  
32 USACE, NEPA requires the USACE to fully disclose potentially significant indirect and  
33 cumulative impacts occurring as a result of a proposed permit action. Therefore, the  
34 USACE is preparing this EIS for the proposed action and its alternatives.

35 Normally, any ultimate permit decision would focus on direct impacts to the aquatic  
36 environment, as well as indirect and cumulative impacts in the uplands determined to  
37 be within the scope of federal control and responsibility as part of the required public  
38 interest review. These incremental impacts are typically defined by comparing the  
39 proposed Project to the No Federal Action alternative, which details the work and  
40 impacts that could occur without a permit from the USACE.

41 Additionally, United States Environmental Protection Agency (USEPA) Section  
42 404(b)(1) guidelines require the USACE to issue a permit only for the least  
43 environmentally damaging practicable alternative (LEDPA), which is the practicable



1 alternative that has the least damage to aquatic resources. The factors that influence  
2 whether an alternative is “practicable” include cost, logistics, technology, and the  
3 ability of the alternative to meet the overall Project purpose. The Section 404(b)(1)  
4 guidelines focus on the impacts to the aquatic environment of discharges of dredged  
5 or fill material in waters of the U.S. The scope of the Section 404(b)(1) analysis can  
6 be narrower than that of the NEPA analysis and could reach different conclusions  
7 regarding the practicability of an alternative.

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

- 13 1. Factual determinations (e.g., on the physical substrate; water circulation,  
14 fluctuation, and salinity; suspended particulates/turbidity; contaminants; aquatic  
15 ecosystem and organisms; proposed disposal sites; and cumulative effects on the  
16 aquatic ecosystem)
- 17 2. Findings of compliance or noncompliance with restrictions on discharge,  
18 including evaluation of the availability of practicable alternatives that would  
19 have less significant impact on the aquatic ecosystem; and compliance with a  
20 variety of regulations (e.g., applicable state water quality standards; toxic  
21 effluent standards or prohibitions under Section 307 of the CWA; the federal  
22 Endangered Species Act; the Marine Protection, Research and Sanctuaries Act)
- 23 3. Identification of practical steps taken to minimize potential significant impacts of  
24 the discharge on the aquatic ecosystem
- 25 4. A conclusion about the compliance of the proposed Project with the Section  
26 404(b)(1) guidelines.

27 The information presented in this Draft EIS/EIR specific to impacts to the aquatic  
28 environment would be used by USACE as part of any proposed permit action subject  
29 to jurisdiction under Section 404 of the CWA, Section 10 of the RHA, or Section 103  
30 of the MPRSA.

31 The following issues have been determined to be potentially significant and are  
32 therefore evaluated in this Draft EIS/EIR.

- aesthetics and visual resources
- air quality and meteorology
- biological resources
- cultural resources
- geology
- groundwater and soils
- hazards and hazardous materials
- land use
- marine transportation
- noise
- transportation/circulation
- utilities and public services
- water quality, sediments, and oceanography

1 There are no agricultural soils or resources in the area, so agricultural resources are not  
2 evaluated in this Draft EIS/EIR. Mineral resources are evaluated in Section 3.5,  
3 Geology, and population impacts are evaluated in Chapter 5, Environmental Justice.

4 Chapter 3 discusses the issues that could be significantly affected by the proposed  
5 Project or alternatives. Mitigation measures to reduce impacts to a less-than-  
6 significant level are proposed whenever feasible.

7 This Draft EIS/EIR has been prepared by SAIC under contract to the Port and has been  
8 independently reviewed by USACE and Port staff. The scope of the document,  
9 methods of analysis, and conclusions represent the independent judgment of USACE  
10 and the Port. Staff members from the USACE, the Port, and SAIC who helped prepare  
11 this Draft EIS/EIR are identified in Chapter 11 (List of Preparers and Contributors).

## 12 **1.4.2 Intended Uses of this Draft EIS/EIR**

13 This Draft EIS/EIR has been prepared in accordance with applicable federal and state  
14 environmental regulations, policy, and law to inform federal, state, and local decision  
15 makers regarding the potential environmental impacts of the proposed Project and  
16 alternatives. As an informational document, an EIS/EIR does not recommend  
17 approval or denial of a project. This Draft EIS/EIR is being provided to the public for  
18 review, comment, and participation in the planning process. After public review and  
19 comment, a Final EIS/EIR will be prepared, including responses to comments on the  
20 Draft EIS/EIR received from agencies, organizations, and individuals. The Final  
21 EIS/EIR will be distributed to provide the basis for decision-making by the CEQA and  
22 NEPA lead agencies, as described below, and other concerned agencies.

### 23 **1.4.2.1 USACE Use**

24 The USACE has jurisdictional authority over the proposed Project pursuant to Section  
25 404 of the CWA, Section 10 of the RHA, and Section 103 of the MPRSA. The  
26 USACE will consider this document in any permit actions that the LAHD might  
27 undertake to implement the proposed Project or alternative. This document, however,  
28 does not serve as a public notice of application for any Department of the Army (DA)  
29 permit at this time. Rather, such public notice of any permit application will be  
30 separate from and concurrent with the public review period for this Draft EIS/EIR.

31 The USACE Record of Decision (ROD) will document the decision of the USACE  
32 on the proposed action, including issuance of any permit pursuant to Section 404 of  
33 the CWA and Section 10 of the RHA, as well as any required environmental  
34 mitigation commitments.

### 35 **1.4.2.2 LAHD Use**

36 The LAHD has jurisdictional authority over the proposed Project primarily pursuant  
37 to the Tidelands Trust, California Environmental Quality Act, and California Coastal  
38 Act. This EIR will be used by LAHD, as the lead agency under CEQA, in making a  
39 decision with regard to the construction and operation of the proposed Project and to  
40 inform agencies considering permit applications and other actions required to

1 construct, lease, and operate the proposed Project. The LAHD’s certification of the  
2 EIR, Notice of Completion, Findings of Fact, and Statement of Overriding  
3 Considerations (if necessary) would document LAHD’s decision as to the adequacy of  
4 the EIR and inform subsequent decisions by the LAHD whether to approve and  
5 construct the proposed Project and whether to lease the Berths 136-147 Terminal to  
6 TraPac for a 30-year period and grant the necessary operating permits.

7 LAHD would also use this Draft EIS/EIR to seek California Coastal Commission  
8 approvals to amend the Port Master Plan to redesignate land areas to accommodate  
9 expansion of container terminal operations. The Port Master Plan amendment would  
10 also allow container terminal operations on the 10-acre landfill that would be  
11 constructed in the Northwest Slip and would redesignate lands currently used for Port  
12 operations to non-port uses (Harry Bridges Buffer Area).

- 13 • Other agencies (federal, state, regional, and local) that have jurisdiction over  
14 some part of the proposed Project or a resource area affected by the proposed  
15 Project are expected to utilize this EIS/EIR as part of their approval or permit  
16 process as set forth in Table 1-1. Specific approvals that could be required for  
17 this proposed Project include but not limited to: Coastal Development Permit,  
18 U.S. Army Corps of Engineers Permit (pursuant to Section 404 of the CWA,  
19 Section 10 of the RHA and Section 103 of the MPRSA), building and safety  
20 permits, Port Master Plan Amendments (PMP), water quality permits (CWA  
21 Section 401 Water Quality Certification, National Pollution Discharge  
22 Elimination System (NPDES) permits), approval of a lease by the Port and City  
23 Council, City General Plan Amendments and Construction contracts.

24 Actions that could be undertaken by the LAHD following preparation of the Final  
25 EIR include: certification of the EIR, project approval, lease approvals, PMP  
26 Amendments as required, issuance of Coastal Development Permits, completion of  
27 final design, approval of engineering permits, obtaining other agency permits and  
28 approvals (e.g., dredge and fill, grading, construction, occupancy, fire safety, etc. and  
29 approval of construction contracts.

### 30 **1.4.3 Draft EIS/EIR Organization**

31 Table 1-2 contains a list of sections required under NEPA and CEQA, and references  
32 the specific chapter in this document where this information is located. To easily  
33 obtain information about the proposed Project and alternatives, and their specific  
34 impacts, this Draft EIS/EIR is organized into the chapters described below. Note that  
35 for the sake of efficiency Section 3, the analysis of impacts, considers impacts under  
36 CEQA first, then impacts under NEPA, rather than the more traditional format of  
37 NEPA then CEQA. This is because, in general, the scope of the CEQA impact  
38 analysis is greater than the NEPA analysis, so that presenting the CEQA analysis first  
39 allows a more efficient presentation of the NEPA impacts.

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

<i>Draft EIS/EIR Section</i>	<i>Description</i>
Executive Summary	Summary of the proposed Project and alternatives, potential significant impacts and mitigation measures, the environmentally preferred alternative (in accordance with CEQA) and the Preferred Alternative (in accordance with NEPA), 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, relationship to existing plans and policies, the scope and content of the document, and the organization of the document.
Chapter 2, proposed Project Description	Describes the proposed Project, alternatives initially considered but eliminated from further consideration, and alternatives evaluated in this document.
Chapter 3, Affected Environment and Environmental Analysis	Describes, for each environmental resource area, the baseline conditions as of December 2003; criteria for judging whether an impact is significant; impact assessment methodology; impacts that would result from the proposed Project and each proposed Project 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 (from Chapter 3) 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 proposed Project alternatives and identifies the Environmentally Preferred and Superior Alternatives.
Chapter 7, Socio-Economic Analysis	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 consulted in preparing this Draft EIS/EIR.
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	Presents additional background information and technical detail for several of the resource areas.

## 1.5 Key Principles Guiding Preparation of this Draft EIS/EIR

### 1.5.1 Emphasis on Significant Environmental Effects

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

“Environmental impacts”, as defined by CEQA, include physical effects on the environment, and in this document the term is used synonymously with the term “environmental effects” under NEPA. 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.*

This definition does not include strictly economic impacts (e.g., changes in property values) or social impacts (e.g., a particular group of persons moving into an area). The CEQA Guidelines (Section 15131[a]) state, “economic or social effects of a project shall not be treated as significant effects on the environment.” However, economic or social effects are relevant to physical effects in two situations. In the first, according to Section 15131(a) of the State CEQA Guidelines, “an EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes to physical changes caused in turn by the economic or social changes.” In other words, if a physical impact leads to an economic impact, which then leads to another physical impact, that ultimate physical impact must be evaluated in the EIR. In the second instance, according to Section 15131(b) of the Guidelines, “economic or social effects of a project may be used to determine the significance of a physical change caused by a project.” For example, the closure and demolition of a fully occupied commercial building could be considered more significant than the demolition of a similar vacant building, even though the physical effects are the same.

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

In view of these legal precedents, the LAHD is not required to treat economic, social, or psychological impacts as significant environmental impacts absent a related physical

1 effect on the environment. Therefore, such impacts are only discussed to the extent  
2 necessary to determine the significance of the physical impacts of the proposed Project  
3 and alternatives. Additionally, this Draft EIS/EIR addresses Environmental Justice in  
4 Chapter 5 and Socioeconomics and Environmental Quality in Chapter 7.

## 5 **1.5.2 Forecasting**

6 In this Draft EIS/EIR, the USACE and LAHD have made their best efforts to predict  
7 and evaluate the reasonable, foreseeable, direct, indirect, and cumulative  
8 environmental impacts of the proposed Project and alternatives. NEPA and CEQA  
9 do not require the USACE and LAHD to engage in speculation about impacts that are  
10 not reasonably foreseeable (CEQA Guidelines Sections 15144, 15145). In these  
11 instances, CEQA does not require a worst-case analysis. Similarly, NEPA does not  
12 require a worst-case analysis when confronted with incomplete or unavailable  
13 information (40CFR 1502.22).

## 14 **1.5.3 Reliance on Environmental Thresholds and** 15 **Substantial Evidence**

16 The identification of impacts as “significant” or “less than significant” is one of the  
17 important functions of an EIR. While impacts determined to be “less than  
18 significant” need only be acknowledged as such, an EIR must identify mitigation  
19 measures for any impact identified as “significant.” In preparing this document, the  
20 LAHD has based its conclusions about the “significance” of environmental impacts  
21 on identifiable thresholds and has supported these conclusions with substantial  
22 scientific evidence. The USACE has adopted the City of Los Angeles CEQA  
23 Thresholds to meet its NEPA responsibilities, unless otherwise noted in particular  
24 sections of this document for the NEPA analysis.

25 The criteria for determining the significance of environmental impacts in this analysis  
26 are described in each resource section in Chapter 3. The “threshold of significance”  
27 under CEQA for a given environmental effect is the level at which LAHD finds a  
28 potential effect of the proposed Project or alternative to be significant. “Threshold of  
29 significance” can be defined as a “quantitative or qualitative standard, or set of  
30 criteria, pursuant to which significance of a given environmental effect may be  
31 determined” (CEQA Guidelines, Section 15064.7 [a]).

## 32 **1.5.4 Disagreement Among Experts**

33 During preparation of the Draft EIS/EIR, it is possible that evidence that might raise  
34 disagreements will be presented during the public review of the Draft EIS/EIR. Such  
35 disagreements will be noted and will be considered by the decision makers during the  
36 public hearing process. However, to be adequate under CEQA and NEPA, the Draft  
37 EIS/EIR need not resolve all such disagreements.

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

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

## 14 **1.5.5 NEPA and CEQA Baselines**

### 15 **1.5.5.1 NEPA Baseline/No Federal Action**

16 In analyzing a proposed project in a joint CEQA/NEPA format, the USACE must  
17 distinguish the scientific and analytical basis for its decisions from the CEQA Lead  
18 Agency’s decision. The NEPA baseline condition for determining significance of  
19 impacts is primarily dependent on the “No Federal Action” condition, which is  
20 defined by examining the full range of construction and operational activities the  
21 applicant could implement and is likely to implement absent a permit from the  
22 USACE. In this project the NEPA Baseline coincides with the No Federal Action  
23 scenario, and the two terms will be used interchangeably throughout this document.  
24 The No Federal Action/NEPA Baseline includes all of the construction and  
25 operational impacts likely to occur absent a USACE permit (e.g., air emissions and  
26 traffic likely to occur without issuance of permits to modify wharves or dredge). The  
27 determination is based on direct statements and empirical data from the applicant, as  
28 well as the judgment and experience of the USACE.

29 Unlike the CEQA Baseline, which is defined by conditions at a point in time, the  
30 NEPA Baseline is not bound by statute to a “flat” or “no growth” scenario; therefore,  
31 the No Federal Action/NEPA Baseline may project increases in operations over the  
32 life of a project which do not require federal action or approval. Normally, any  
33 ultimate permit decision would focus on direct impacts to the aquatic environment, as  
34 well as indirect and cumulative impacts in the uplands determined to be within the  
35 scope of federal control and responsibility. Significance of the proposed project or  
36 alternative is defined by comparing the proposed Project or alternative to the No  
37 Federal Action/NEPA Baseline (i.e., the increment).

### 38 **1.5.5.2 CEQA Baseline**

39 Section 15125 of the CEQA Guidelines requires EIRs to include a description of the  
40 physical environmental conditions in the vicinity of the proposed Project that exists

1 at the time of the NOP. The conditions that existed at the time the NOP was  
2 circulated for review (December 2003) are described in Chapter 3. These  
3 environmental conditions constitute the baseline physical conditions by which the  
4 CEQA lead agency determines whether an impact is significant. The CEQA Baseline  
5 represents the setting at a fixed point in time, with no project growth over time, and  
6 differs from the No Project Alternative (discussed in Section 2.6) in that the No  
7 Project Alternative addresses what is likely to happen at the site over time, starting  
8 from the existing conditions. The No Project Alternative allows for growth at the  
9 proposed Project site that would occur without additional approvals.

## 10 1.5.6 Duty to Mitigate

11 Under NEPA, 40 CFR 1505.3 *requires* “mitigation and other conditions established in  
12 the environmental impact statement or during its review and committed as part of the  
13 decision shall be implemented by the lead agency or other appropriate consenting  
14 agency.” While the USACE may identify and analyze impacts outside its jurisdiction, the  
15 USACE limits the placement of special conditions in Corps permits (requirements for  
16 mitigation) to areas within the USACE jurisdiction (i.e., areas directly subject to its  
17 permitting authority under Section 404 of the Clean Water Act, Section 10 of the River  
18 and Harbor Act, and Section 103 of the Marine Protection, Research, and Sanctuaries  
19 Act). The Corps cannot constrain operations outside its jurisdiction where, absent Corps  
20 permits for construction in waters of the U.S., the federal government has no authority  
21 over operations that could otherwise occur. Therefore, while there may be an increment  
22 of upland indirect and/or cumulative effects within the USACE scope of review (i.e.,  
23 traceable to the issuance of a permit), the USACE would not place special conditions on  
24 those upland impacts because activities in the uplands are not within the USACE  
25 jurisdiction, and some portion of those impacts would occur absent a USACE permit.

26 According to CEQA Guidelines Section 15126.4(a), each significant impact  
27 identified in an EIR must also include a discussion of feasible mitigation measures  
28 that would avoid or substantially reduce the significant environmental effect. To  
29 reduce significant effects, mitigation measures must avoid, minimize, rectify, reduce,  
30 eliminate, or compensate for a given impact of the proposed Project.

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

42 CEQA Guidelines Section 15041 grants a public agency the authority to require  
43 feasible changes (mitigation) that would substantially lessen or avoid significant  
44 effect on the environment associated with all activities involved in a project. Public



1 agencies, however, do not have unlimited authority to impose mitigation. An agency  
2 may exercise only those express or implied powers provided by law, aside from those  
3 provided by CEQA. However, where another law grants an agency discretionary  
4 powers, CEQA authorizes its use (CEQA Guidelines Section 15040).

5 In addition to limitations imposed by CEQA, the U.S. Constitution also limits the  
6 authority of regulatory agencies. The Constitution limits an agency's authority to  
7 impose conditions to those situations where there is a clear and direct connection  
8 ("nexus" in legal terms) between a project impact and the mitigation measure.  
9 Finally, there must be a proportional balance between the impact caused by the  
10 proposed Project and the mitigation measure imposed upon the project applicant. A  
11 project applicant cannot be forced to pay more than its fair share of the mitigation,  
12 which should be roughly proportional to the impacts caused by the proposed Project.

### 13 **1.5.7 Requirements to Evaluate Alternatives**

14 According to NEPA and CEQA Regulations, the alternatives section of an EIS/EIR is  
15 required to:

- 16 • Rigorously explore and objectively evaluate all reasonable alternatives;
- 17 • Include reasonable alternatives not within the lead agency's jurisdiction or  
18 congressional mandate, if applicable;
- 19 • Include the no-action alternative;
- 20 • Develop substantial treatment to each alternative, including the proposed action,  
21 so that reviewers may evaluate their comparative merits;
- 22 • Identify the lead agency's preferred alternative;
- 23 • Include appropriate mitigation measures (when not already part of the proposed  
24 action or alternatives); and
- 25 • Present the alternatives that were eliminated from detailed study and briefly  
26 discuss the reasons for elimination.

27 NEPA (40 CFR 1502.14[a]) and CEQA Guidelines 15126.6 require that an EIS and  
28 an EIR, respectively, describe a range of reasonable alternatives to the proposed  
29 Project, or to the location of the proposed Project that could feasibly attain most of  
30 the basic objectives of the proposed Project but would avoid or substantially lessen  
31 any significant environmental impacts. According to CEQA Guidelines, the EIR  
32 should compare merits of the alternatives and determine an environmentally superior  
33 alternative. Section 2.8 of this Draft EIS/EIR sets forth potential alternatives to the  
34 proposed Project and evaluates their suitability, as required by CEQA Guidelines  
35 (Section 15126.6).

- 36 • Alternatives for an EIS and EIR usually take the form of no project, No Federal  
37 Action (no federal permits, equivalent to the NEPA baseline), reduced project  
38 size, different project design, or suitable alternative project sites (40 CFR  
39 1502.14[c]). The range of alternatives discussed in an EIS need not be beyond a

1 reasonable range (40 CFR 1502.14[a]) and an EIR is governed by the “rule of  
2 reason” that requires the identification of only those alternatives necessary to  
3 permit a reasoned choice between the alternatives and the proposed Project. An  
4 EIS and an EIR need not consider an alternative that would be infeasible. CEQA  
5 Guidelines 15126.6 explains that the evaluation of project alternative feasibility  
6 can consider “site suitability, economic viability, availability of infrastructure,  
7 general plan consistency, other plans or regulatory limitations, jurisdictional  
8 boundaries, and whether the proponent can reasonably acquire, control or  
9 otherwise have access to the alternative site.” The EIR is also not required to  
10 evaluate an alternative whose effects could not be reasonably identified, or  
11 whose implementation is remote or speculative, and that would not achieve the  
12 basic proposed Project objectives. Additionally, for impacts to aquatic  
13 resources, USEPA’s Section 404(b)(1) guidelines require the USACE only to  
14 issue a permit for the least environmentally damaging practicable alternative  
15 (LEDPA), where practicable is defined in terms of cost, logistics and technology,  
16 that still meets the overall proposed Project purpose.

17 In order to comply with the guidelines, the Corps typically analyzes alternatives that  
18 reduce impacts to aquatic resources through alternative configurations, locations,  
19 construction methods, sizes, etc. Pursuant to the Section 404(b)(1) guidelines and Corps  
20 regulations (33 CFR 320-330), the Corps can only issue a permit for a project that is the  
21 least environmentally damaging practicable alternative (focusing primarily on impacts to  
22 aquatic resources) that is not contrary to public interest.

## 23 **1.6 Port of Los Angeles Environmental** 24 **Initiatives**

25 The Port’s Environmental Policy as described in this section was approved by the  
26 Los Angeles Board of Harbor Commissioners on April 27, 2003. The purposes of the  
27 Environmental Policy are to provide an introspective, organized approach to  
28 environmental management; to further incorporate environmental considerations into  
29 day-to-day Port operations; and to achieve continual environmental improvement.

30 The Environmental Policy is exemplified in existing environmental initiatives of the Port  
31 and its customers, such as the voluntary Vessel Speed Reduction Program (VSRP),  
32 Source Control Program, Least Tern Nesting Site Agreement, Hazardous Materials  
33 Management Policy, and the Clean Engines and Fuels Policy. In addition, the Policy will  
34 encompass new initiatives such as the development of an Environmental Management  
35 System (EMS) with the Construction and Maintenance Division of the Port, and a Clean  
36 Marina Program. These programs are Port wide initiatives to reduce environmental  
37 pollution. Many of the programs relate to the proposed Project. The following  
38 discussion includes details on a number of the programs and their goals.

### 39 **1.6.1 Port Environmental Policy**

40 The Port is committed to managing resources and conducting Port developments and  
41 operations in an environmentally and fiscally responsible manner. The Port will

1 strive to improve the quality of life and minimize the impacts of its development and  
2 operations on the environment and surrounding communities. This will be done  
3 through the continuous improvement of its environmental performance and the  
4 implementation of pollution-prevention measures, in a feasible and cost-effective  
5 manner that is consistent with the overall mission and goals of the Port, as well as  
6 with those of its customers and the community.

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

- 9 • Ensure this environmental policy is communicated to Port staff, its customers,  
10 and the community;
- 11 • Ensure compliance with all applicable environmental laws and regulations;
- 12 • Ensure environmental considerations include feasible and cost-effective options  
13 for exceeding applicable regulatory requirements;
- 14 • Define and establish environmental objectives, targets, and Best Management  
15 Practices (BMPs), and monitor performance;
- 16 • Ensure the Port maintains a Customer Outreach Program to address common  
17 environmental issues; and
- 18 • Fulfill the responsibilities of each generation as trustee of the environment for  
19 succeeding generations through environmental awareness and communication  
20 with employees, customers, regulatory agencies, and neighboring communities.

21 The Port is committed to the spirit and intent of this policy and the laws, rules and  
22 regulations, which give it foundation.

## 23 **1.6.2 Environmental Plans and Programs**

24 The Port has implemented a variety of plans and programs to reduce the  
25 environmental effects associated with operations at the Port. These programs range  
26 from the San Pedro Bay Ports Clean Air Action Plan to deepening the channels of the  
27 Port to accommodate larger and more efficient ships, to converting to electric and  
28 alternative-fuel vehicles. All of these efforts ultimately reduce environmental effects.

### 29 **1.6.2.1 Clean Air Action Plan**

30 On November 26, 2006, the LAHD Board of Harbor Commissioners, in conjunction  
31 with the Port of Long Beach Harbor Commissioners, approved the San Pedro Bay  
32 Ports Clean Air Action Plan (SPBP CAAP), a comprehensive strategy to cut air  
33 pollution and reduce health risks from Port-related air emissions. Through the  
34 CAAP, the Ports have established uniform air quality standards for the San Pedro  
35 Bay. To attain such standards, the Ports will leverage a number of implementation  
36 mechanisms including, but not limited to, lease requirements, tariff changes,  
37 California Environmental Quality Act (CEQA) mitigation, and incentives. Specific  
38 strategies to significantly reduce the health risks posed by air pollution from port-  
39 related sources include:

- 1 • Aggressive milestones with measurable goals for air quality improvements.
- 2 • Specific standards for individual source categories.
- 3 • Recommendations to eliminate emissions of ultra-fine particulates.
- 4 • A technology advancement program to reduce green house gases.
- 5 • A public participation process with environmental organizations and the business
- 6 communities.

7 The Plan is expected to eliminate more than 47% of diesel particulate matter (PM)  
8 emissions, 45% of smog-forming nitrogen oxide (NO<sub>x</sub>) emissions, and 52% of sulfur  
9 oxides (SO<sub>x</sub>) from port-related sources within the next five years.

10 The Port has had a Clean Air Program in place since 2001 and began monitoring and  
11 measuring air quality in surrounding communities in 2004. Through the 2001 Air  
12 Emissions Inventory, the Port has been able to identify emission sources and relative  
13 contributions in order to develop effective emissions reduction strategies. The Port's  
14 Clean Air Program has included progressive programs such as alternative maritime  
15 power (AMP), use of emulsified fuel and diesel oxidation catalysts (DOCs) in yard  
16 equipment, alternative fuel testing, and the Vessel Speed Reduction Program (VSRP).

17 In 2004, the Port developed a plan to reduce air emissions through a number of near-  
18 term measures. The measures were primarily focused on decreasing nitrogen oxides  
19 (NO<sub>x</sub>), but also particulate matter (PM) and sulfur oxides (SO<sub>x</sub>). In August 2004, a  
20 policy shift occurred and Mayor James K. Hahn established the No Net Increase Task  
21 Force to develop a plan that would achieve the goal of No Net Increase (NNI) in air  
22 emissions at the Port relative to 2001 levels. The plan identified 68 measures to be  
23 applied over the next 25 years that would reduce PM and NO<sub>x</sub> emissions to the  
24 baseline year of 2001. The 68 measures included near term measures; local, state and  
25 federal regulatory efforts; technological innovations; and longer-term measures still  
26 in development. Appendix B contains a document that identifies and analyzes all of  
27 the NNI measures in terms of proposed Project applicability.

28 In 2006, in response to a new Mayor and Board of Harbor Commissioners, the Port,  
29 along with the Port of Long Beach and in conjunction with the AQMD, CARB and  
30 USEPA, began work on the Clean Air Action Plan (CAAP). The CAAP's goal was to  
31 expand upon existing emissions reductions strategies and to develop new ones. The  
32 Draft CAAP was released as a draft plan for public review on June 28, 2006, and it was  
33 approved at a joint meeting of both the Los Angeles and Long Beach Boards of Harbor  
34 Commissioners on November 20, 2006. The CAAP focuses primarily on reducing  
35 diesel particulate matter (DPM), along with NO<sub>x</sub> and SO<sub>x</sub>, with two main goals: (1) to  
36 reduce Port-related air emissions in the interest of public health, and (2) to disconnect  
37 cargo growth from emissions increases. The Plan includes near-term measures  
38 implemented largely through the CEQA/NEPA process and through new leases at both  
39 ports. Port-wide measures at both ports are also part of the Plan. This Draft EIS/EIR  
40 analysis assumes compliance with the CAAP. Proposed Project-specific mitigation  
41 measures applied to reduce air emissions and public health impacts are consistent with,  
42 and in some cases exceed, the emission reduction strategies of the Plan.

## 1.6.2.2 Environmental Management System

In December 2003, the Port was selected by the U.S. Environmental Protection Agency (EPA), American Association of Port Authorities (AAPA) and the Global Environment and Technology Foundation to participate in the Port Environmental Management System (EMS) Assistance Project. One of only 11 U.S. ports to be selected, the Port is the first California seaport to incorporate the program into its operations.

An EMS is a set of processes and practices that enable an organization to reduce environmental impacts and increase operational efficiency. Participating ports are selected on the basis of existing environmental programs, diverse maritime facilities and management resources. An EMS weaves environmental decision-making into the fabric of an organizations overall business practices, with a goal of systematically improving environmental performance. An EMS follows the "Plan-Do-Check-Act" model of continual improvement. The Port is currently implementing the EMS within its Construction and Maintenance facilities, with the goal of expanding the EMS to additional functions over the course of the next several years.

## 1.6.2.3 Other Environmental Programs

### Air Quality

- **Alternative Maritime Power.** AMP reduces emissions from container vessels docked at the Port. Normally, ships shut off their propulsion engines when at berth, but use auxiliary diesel generators to power electrical needs such as lights, pumps, and refrigerator units. These generators emit an array of pollutants, primarily nitrogen oxide (NOX), sulfur dioxide (SOX), and small particulate matter (PM10 and PM2.5). The Port is beginning to provide shore-based electricity as an alternative to running the generators. (This process is also referred to as cold ironing.) The AMP program allows ships to “plug in” to shoreside electrical power while at dock, instead of using their on-board generators, which will dramatically reduce emissions. Before being used at the Port, AMP was only used commercially by the cruise ship industry in Juneau, Alaska. However, AMP facilities have been installed and are currently in use at the wharf at Berth 100. Additionally, AMP facilities are complete at the Yusen Terminals (the NYK ship Atlas is AMP-capable and has begun plug-in testing at Yusen) with plans for additional facilities at the Berth 206-209 Terminal and Evergreen Terminal among others.
- **OffPeak Program.** Extending cargo terminal operations by five night and weekend work shifts, the OffPeak program, managed by PierPASS – an organization created by marine terminal operators – has been successful in increasing cargo movement, reducing truck waiting time inside port terminals and truck traffic during peak daytime commuting periods.
- **On-Dock Rail and the Alameda Corridor.** Use of rail for long-haul cargo is acknowledged as an air quality benefit. Four on-dock rail yards at the Port significantly reduce the number of short-distance truck trips (the trips that would

1 normally convey containers to and from off-site rail yards). Combined, these  
2 intermodal facilities eliminate an estimated 1.4 million truck trips per year at the  
3 Port, and the emissions and traffic congestion that go along with them. A partner  
4 in the Alameda Corridor project, the Port is utilizing the corridor to transport  
5 cargo to downtown rail yards at 10 to 15 miles per hour faster than before. Use  
6 of the Alameda Corridor allows cargo to travel the 20 miles to downtown Los  
7 Angeles at a faster pace and promotes the use of rail versus truck. In addition,  
8 the Alameda Corridor eliminates 200 rail/street crossings and emissions  
9 produced by cars waiting on the streets as the trains pass.

- 10 • **Tugboat Retrofit Project.** The engines of several tugboats in the Port were  
11 replaced with ultra-low-emission diesel engines. This was the first time such  
12 technology had been applied to such a large engine. Emissions testing showed a  
13 reduction of more than 80 tons of NOx per year, nearly three times better than  
14 initial estimates. Under the Carl Moyer Program, the majority of tugboats  
15 operating in the Los Angeles/Long Beach Port Complex have since been  
16 retrofitted.
- 17 • **Electric and Alternative Fuel Vehicles.** The Port has converted more than 35  
18 percent of its fleet to electric or alternative-fuel vehicles. These include heavy-  
19 duty vehicles as well as passenger vehicles. The Port has proactively embarked  
20 on the use of emulsified fuels that are verified by the California Air Resources  
21 Control Board to reduce diesel particulates by more than 60 percent compared to  
22 diesel-powered equipment.
- 23 • **Electrified Terminal Operating Equipment.** The 57 ship-loading cranes  
24 currently in use at the Port run on electric power. In addition, numerous other  
25 terminal operations equipment has been fitted with electric motors.
- 26 • **Yard Equipment Retrofit Program.** Over the past 5 years, diesel oxidation  
27 catalysts have been applied to nearly all yard tractors at the Port. This program  
28 has been carried out with Port funds and funding from the Carl Moyer Program.
- 29 • **Vessel Speed Reduction Program.** Under this voluntary program oceangoing  
30 vessels slow down to 12 knots within 20 miles of the entrance to Los Angeles  
31 Harbor, thus reducing emissions from main propulsion engines. Currently,  
32 approximately 70 percent of ships comply with the voluntary program.

## 33 Water Quality

- 34 • **Clean Marinas Program.** To help protect water and air quality in the Harbor,  
35 the Port is developing a Clean Marinas Program (CMP). The program advocates  
36 that marina operators and boaters use best management practices —  
37 environmentally friendly alternatives to some common boating activities that  
38 may cause pollution or contaminate the environment. It also includes several  
39 innovative clean water measures unique to the Port. The CMP features both  
40 voluntary components and measures required through Port leases, California  
41 Environmental Quality Act (CEQA) mitigation requirements, or established  
42 federal, state, and local regulations.
- 43 • **Water Quality Monitoring.** The Port has been monitoring water quality at 31  
44 established stations in San Pedro Bay since 1967, and the water quality today at  
45 the Port is among the best of any industrialized port in the world. Samples are

1 tested on a monthly basis for dissolved oxygen, biological oxygen demand and  
2 temperature. Other observations are noted, such as odor and color, as well as the  
3 presence of oil, grease and floating solids. The overall results of this long-term  
4 monitoring initiative show the tremendous improvement in harbor water quality  
5 that has occurred over the last four decades.

- 6 • **Cabrillo Beach Water Quality Improvements.** The Port is one of the few  
7 industrial ports in the world that also has a swimming beach. Inner Cabrillo  
8 Beach provides still water for families with small children. However, in recent  
9 years, upland runoff has resulted in high levels of bacteria in shoreline waters.  
10 The Port has invested hundreds of thousands of dollars in water  
11 circulation/quality models and studies to investigate the problem. Recently, the  
12 Port repaired storm drains and sewer lines in this area as part of its commitment  
13 to make sure that Cabrillo Beach continues to be an important regional  
14 recreational asset.

## 15 **Endangered Species**

- 16 • **California Least Tern Site Management.** The endangered California least  
17 tern (a species of bird) shares a home with the Port's largest container  
18 terminal on Pier 400. The Port maintains, monitors, and protects 15 acres on  
19 Pier 400 for the nesting of these indigenous birds. Reproductive success is  
20 evident with the number of nesting pairs and fledglings increasing yearly.  
21 For the last few years, the Port has had the second largest colony in the state,  
22 with more than 1,000 nests.

## 23 **Port Planning**

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

### 1.6.3 Port of Los Angeles Leasing Policy

On February 1, 2006, the Board approved a comprehensive Leasing Policy for the Port of Los Angeles that not only establishes a formalized, transparent process for tenant selection, but also includes environmental requirements as a provision in Port leases.

Specific emission-reducing provisions contained in the Leasing Policy are:

- Compliance with vessel speed reduction programs
- Use of clean Alternative Maritime Power (“AMP” or cold-ironing technology), plugging into shore-side electric power while at dock, where appropriate;
- Low sulfur fuel use in main and auxiliary engines while sailing within the boundaries of the South Coast Air Basin;
- Use of alternative fuel in all new yard tractors; and
- Clean, “low emission” truck and locomotive use within terminal facilities.

### 1.6.4 Aesthetic Mitigation Projects

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

- Open space and parks,
- Landscaping and beautification, or
- Educational, arts, and athletic facilities.

Proposed projects funded under this program shall be divided as evenly as possible between the San Pedro and Wilmington communities. Proposed projects must:

- Mitigate existing or future impacts of Port operations on surrounding communities,
- Be consistent with the State Tidelands Trust and the public trust doctrine,
- Be consistent with the Los Angeles City Charter, and
- Be consistent with the California Coastal Act, and consistent with any other applicable laws and regulations.



## 1.6.5 Port Community Advisory Committee

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

- Assess the impacts of Port developments on the harbor area communities and recommend suitable mitigation measures to the Board for such impacts;
- Review past, present, and future environmental documents in an open public process and make recommendations to the Board to ensure that impacts to the communities are appropriately mitigated in accordance with federal and California law; and
- Provide a public forum and make recommendations to the Board to assist the Port in taking a leadership role in creating balanced communities in Wilmington, Harbor City, and San Pedro so that the quality of life is maintained and enhanced by the presence of the Port.

The role of the PCAC in Port environmental documents is described in Appendix C.

## 1.7 Availability of the Draft EIS/EIR

This Draft EIS/EIR for the proposed Project is being distributed directly to agencies, organizations, and interested groups and persons for comment during the 45-day formal review period in accordance with Section 15087 of the State CEQA Guidelines and 40 CFR Section 1506.10 of the CEQ NEPA Regulations. Five additional days are being added to the 45-day public review period to accommodate the July 4th Holiday. During the public review period, which begins on June 29, 2007 and ends on August 20, 2007, the Draft EIS/EIR is available for general public review at the following locations:

LAHD  
Environmental Management Division  
425 S. Palos Verdes Street  
San Pedro, CA 90731

Los Angeles Public Library  
Central Branch  
630 West 5<sup>th</sup> Street  
Los Angeles, CA 90071

Los Angeles Public Library  
San Pedro Branch  
921 South Gaffey Street  
San Pedro, CA 90731

Los Angeles Public Library  
Wilmington Branch  
1300 North Avalon Boulevard  
Wilmington, CA 90744

1 Long Beach Public Library  
2 Main Branch  
3 101 Pacific Avenue  
4 Long Beach, CA 90822

5 In addition to printed copies of the Draft EIS/EIR, electronic versions are also available.  
6 Due to the size of the document, the electronic versions have been prepared as a series of  
7 PDF files to facilitate downloading and printing. Members of the public can request a  
8 CD containing the EIS/EIR. The Draft EIS/EIR is also available in its entirety on the  
9 Port Web site at: [www.portoflosangeles.org/environmental/publicnotice.htm](http://www.portoflosangeles.org/environmental/publicnotice.htm)

10 The Executive Summary has been translated into Spanish and is available to the public.  
11 To request the Executive Summary in Spanish, or a copy of the CD mentioned above,  
12 please call the LAHD Environmental Management Division at (310) 732-3675.

13 Interested parties may provide written comments on the Draft EIS/EIR, which must  
14 be postmarked by August 20, 2007. Please address comments to:

15 Spencer D. MacNeil, D. Env.  
16 Senior Project Manager  
17 U.S. Army Corps of Engineers  
18 2151 Alessandro Drive, Suite 110  
19 Ventura, California 93001

20 and/or

21 Dr. Ralph Appy  
22 Director of Environmental Management  
23 Port of Los Angeles  
24 425 South Palos Verdes Street  
25 P.O. Box 151  
26 San Pedro, CA 90733-0151

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