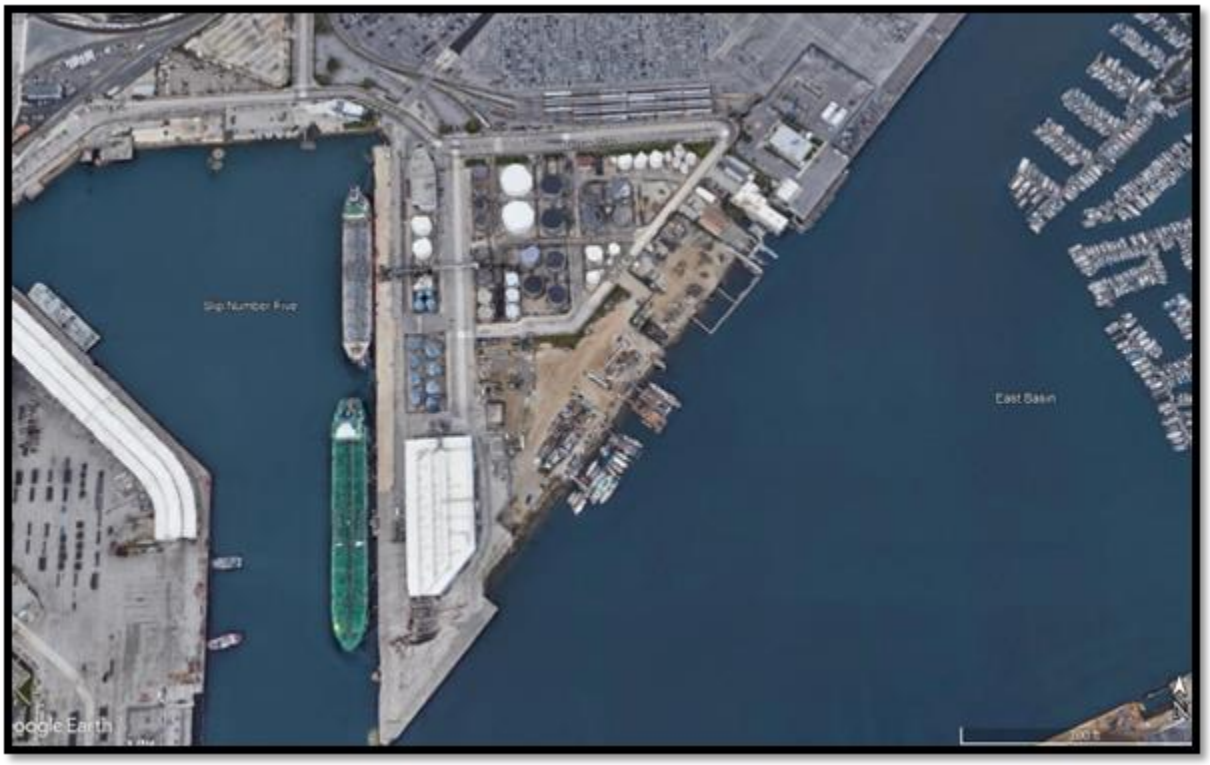
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Berths 191-194 [Ecocem] Low-Carbon Cement Processing Facility Project Environmental Impact Report

APP#: 180628-109, SCH#2022030294



April 2025

Prepared by:

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

With assistance from:

RAMBOLL

THE PORT OF LOS ANGELES

Contents

Chapter 1 Introduction....1-1
Chapter 2 Project Overview....2-1
2.1 Background....2-1
2.2 Project Purpose....2-1
2.3 Project Objectives....2-1
2.4 Project Description....2-2
Chapter 3 CEQA Findings....3-1
3.1 Environmental Impacts of the Proposed Project....3-1
3.1.1 Environmental Impacts Found to Be Significant and Unavoidable....3-1
3.1.2 Environmental Impacts Found to Be Less Than Significant after Mitigation....3-6
3.1.3 Environmental Impacts Found to Be Less Than Significant....3-7
3.2 Findings Regarding Environmental Impacts Found to Be Significant and Unavoidable....3-15
3.2.1 Air Quality and Meteorology....3-15
3.2.2 Noise....3-18
3.3 Findings Regarding Environmental Impacts Found to Be Less than Significant after Mitigation....3-20
3.3.1 Biological Resources....3-20
3.3.2 Greenhouse Gas Emissions....3-21
3.4 Cumulatively Considerable Impacts....3-23
3.4.1 Air Quality and Meteorology....3-27
3.4.2 Noise....3-30
3.4.3 Other Cumulative Impacts....3-32
Chapter 4 The Proposed Project and Alternatives....4-1
4.1 Reasonable Range of Alternatives....4-1
4.2 Alternatives Considered in the Draft EIR....4-1
4.2.1 Alternative 1 – No Project Alternative....4-2
4.2.2 Alternative 2 – Reduced Project Alternative....4-2
4.2.3 Alternative 3 – Product Import Terminal Alternative....4-3
4.3 Environmentally Superior Alternative....4-3
4.4 CEQA Findings for the Alternatives Analyzed....4-4
4.4.1 Alternative 1 – No Project Alternative....4-4
4.4.2 Alternative 2 – Reduced Project Alternative....4-4
4.4.3 Alternative 3 – Product Import Terminal Alternative....4-5

Chapter 5 Findings Regarding Irreversible Environmental Changes.....5-1
Chapter 6 Changes to the Draft EIR.....6-1
Chapter 7 Findings on Suggested Project Revisions in Comments on the Draft EIR.....7-1
Chapter 8 Statement of Overriding Considerations.....8-1

List of Tables

Table 1: Significant and Unavoidable Adverse Environmental Impacts for the Proposed Project.....3-3
Table 2: Significant Environmental Impacts that Can be Mitigated for the Proposed Project.....3-6
Table 3: Less Than Significant Environmental Impacts for the Proposed Project.....3-8
Table 6: Summary of Proposed Project and Alternatives at Full Operation (From 2027 and Thereafter).....4-2

Chapter 1
Introduction

These Findings of Fact have been prepared by the Los Angeles Harbor Department (LAHD or Port) as the Lead Agency pursuant to Section 21081 of the Public Resources Code (PRC) and Section 15091 of the State of California Environmental Quality Act (CEQA) Guidelines (14 Cal. Code of Regs. [CCR], § 15000 et. seq.), to support a decision to adopt the Berths 191-194 [Ecocem] Low-Carbon Cement Processing Facility Project (Proposed Project) considered in the Environmental Impact Report (EIR). Section 21081 of the Public Resources Code and Section 15091 of the CEQA Guidelines provide that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
2. Such changes or alterations are the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The Findings of Fact are based on substantial evidence, including the evaluations and impact determinations made in the EIR prepared pursuant to CEQA. The Lead Agency must not approve a project that will have a significant effect on the environment unless it finds that specific overriding economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of the project outweigh the unavoidable adverse environmental effects, thereby rendering them "acceptable" to the decisionmaker. (PRC Section 21081(b); CEQA Guidelines Section 15093). The Board of Harbor Commissioners (Board) adopts the Statement of Overriding Considerations set forth below, which identifies the specific overriding economic, legal, social, technological, or other benefits of the project that outweigh the significant environmental impacts identified in the Final EIR.

Chapter 2
Project Overview

This section describes the Proposed Project, which staff is recommending for adoption and as analyzed in the Berths 191-194 [Ecocem] Low-Carbon Cement Processing Facility Project EIR. The EIR analyzes the environmental impacts of construction and operation of the Proposed Project.

2.1 Background

The LAHD operates the Port under the legal mandates of the Port of Los Angeles Tidelands Trust (Los Angeles City Charter, Article VI, Section 601) and the California Coastal Act (PRC Division 20 Section 30700 et seq.), which identify the Port and its facilities as a primary economic and coastal resource of the State of California and an essential element of the national maritime industry for the promotion of commerce, navigation, fisheries, and Harbor operations. Activities should be water dependent and the LAHD must give highest priority to navigation, shipping, and necessary support and access facilities to accommodate the demands of foreign and domestic waterborne commerce. The LAHD is chartered to develop and operate the Port to benefit maritime uses, and it functions as a landlord by leasing Port properties to more than 200 tenants.

2.2 Project Purpose

CEQA Guidelines Section 15124(b) requires that an EIR's project description contain a statement of objectives, including the underlying purpose of a proposed project. As explained in the EIR, the purpose of the Proposed Project is to supply the Southern California construction industry with a low-carbon binder (ground granulated blast furnace slag [GGBFS]), to enable the use of Ecocem's cementitious technologies in the construction of eco-efficient projects, and to help the State of California meet its net-zero emissions target for the cement industry. To meet that purpose, the Proposed Project would construct and operate a low-carbon cement binder processing facility on the backlands behind Berths 192-194 and operate a vessel berthing facility at Berth 191.

2.3 Project Objectives

To achieve its purpose, the Proposed Project has the following objectives:

- Provide necessary raw material import capacity for an environmentally sustainable product;
- Establish a processing facility to produce the binder at a deep-water berth in Southern California, with permanent local manufacturing jobs, that is:
    - Capable of adapting to changes in raw material sources in order to maintain a steady supply of product;

  - Capable of providing storage capacity for the rapid unloading of bulk ships delivering raw materials and for loading product on bulk tanker trucks; and
  - Located near the center of the Southern California market to reduce the traffic burden, road wear, and energy requirements associated with truck transport of product.
- Facilitate the future development of improved low-carbon, high-performance binders.

2.4 Project Description

The Project site is a 6.1-acre parcel of land on Yacht Street in an industrial area in the vicinity of the East Basin in the Los Angeles Harbor within the Port of Los Angeles and within the County of Los Angeles, California. The Proposed Project includes construction of facilities on the backlands behind Berths 192-194, repairs and improvements to the wharf at Berth 191, and operation of the facility. Additional elements of the Proposed Project include amendment of the Port Master Plan to change the designated use of the Berths 192-194 site from liquid bulk to dry bulk and issuance by the LAHD of a 30-year entitlement for the site that would include access to Berth 191.

The Proposed Project would be constructed over a period of approximately 18 months; construction would include:

- Site preparation, including site clearance, ground improvements such as soil stabilization and paving;
- Repairs to the wharf at Berth 191, including repairing surfaces, replacing deteriorated pilings and bracing elements, and installing fender piles;
- Development of the enclosed milling plant, including construction of plant buildings, storage facilities such as silos and open storage yard, and installation of conveyance systems and processing equipment;
- Construction of ancillary buildings (workshop and plant office); and
- Improvement of site infrastructure, utilities, and supporting facilities, including fire hydrants, stormwater and energy infrastructure, a bermed area for refueling a front-end loader, and equipment for loading of customer trucks.

The majority of the Proposed Project construction would be land-based, including construction of the storage facilities, mill, and loading facilities in the backlands behind Berths 192-194, and repairs to the wharf deck at Berth 191. In-water work is expected at Berth 191 to replace damaged timber pilings, repair damaged concrete piles, and install an upgraded fendering system, as well as maintenance dredging to clean up the slope after construction activities.

Once in operation, the facility would produce GGBFS by grinding granulated blast furnace slag (GBFS) and blending it with natural gypsum minerals in the proportions of approximately 96% GBFS and 4% gypsum. The GBFS would arrive by oceangoing bulk carrier vessels and the gypsum by truck. Conveyor systems would transfer the GBFS and gypsum to storage piles and then, to a grinding mill. The GBFS would be ground in the mill and dried by hot air from a gas-fueled burner. The ground product would be filtered through a bag filter and conveyed to silos before being loaded onto trucks.

Chapter 3
CEQA Findings

3.1 Environmental Impacts of the Proposed Project

The Findings of Fact are based on information contained in the Draft EIR and the Final EIR for the Proposed Project, as well as information contained within the administrative record. The administrative record includes, but is not limited to, the Proposed Project application, project staff reports, reports and studies referenced in the Draft EIR and Final EIR, project public hearing records, public notices, written comments on the project and responses to those comments, proposed decisions and findings on the Proposed Project, and other documents relating to the agency decision on the project. When making CEQA findings required by Public Resources Code Section 21081(a), a public agency shall specify the location and custodian of the documents or other materials, which constitute the record of proceedings upon which its decision is based. These records are in the care of the Acting Director of Environmental Management, Los Angeles Harbor Department, 425 South Palos Verdes Street, San Pedro, California 90731.

The Draft EIR addresses the Proposed Project's potential effects on the environment and was circulated for public review and comment pursuant to the State CEQA Guidelines for a period of 60 days. Comments were received from a variety of public agencies, organizations, and Individuals. The Final EIR contains copies of all comments and recommendations received on the Draft EIR, a list of persons, organizations and public agencies commenting on the Draft EIR, responses to comments received during the public review, and changes to the Draft EIR. A summary of the public comments, the responses to those comments, and the resultant revisions to the Final EIR are summarized in Chapter 7. This section provides a summary of the environmental impacts of the Proposed Project that are discussed in the EIR and provides written findings for each of the significant impacts which are accompanied by a brief explanation of the rationale for each finding.

3.1.1 Environmental Impacts Found to Be Significant and Unavoidable

The EIR concludes that some, but not all, impacts of the Proposed Project in the following environmental resource areas would remain significant and unavoidable despite incorporation of all feasible mitigation:

- Air Quality and Meteorology
- Noise.

The Board hereby finds that, despite the incorporation of all feasible mitigation measures, the environmental impacts of the Proposed Project are significant and unavoidable, as

listed in Table 1 below, which lists the required mitigation measures (designated "MM"), lease measures (designated "LM"), and standard conditions of permits (designated "SC"), and lists potential remaining impacts after mitigation.

Mitigation measures (MM) are measures that the CEQA lead agency (in this case, the LAHD) must impose "to substantially lessen or avoid [a project's] significant effects on the environment" (CEQA Guidelines § 15041(a)). CEQA imposes the duty on lead agencies not to approve projects unless there are feasible mitigation measures available that would substantially lessen any significant effects that the project would have on the environment (CEQA Guidelines § 15021(a)(2)) and provides the lead agency with the authority to impose mitigation (CEQA Guidelines § 15041(a)). Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines § 15126.4).

Lease measures (LM) are developed by the LAHD to address specific issues that cannot reasonably be addressed by mitigation measures. Lease measures are enforceable through permit conditions required for project approval and monitored, via inclusion in a monitoring and reporting program, in a manner to similar to mitigation measures.

A standard condition (SC) is imposed as a requirement of a permit issued by the LAHD prior to project approval. Standard conditions typically are not specific to a particular project, but rather are enforced through the permitting and design process to ensure compliance with generally applicable regulations, including those where compliance will keep impacts at less than significant levels. For example, the standard conditions that are described in LAHD's CEQA documents are typically included in construction permits and typically require that the permittee adheres to best management practices ("BMPs") and the standards prescribed by applicable construction regulations, such as the Port's Sustainable Construction Guidelines. As such, standard conditions function as conditions to project approval and permit issue and are therefore not necessarily adopted for the purpose of further mitigating a project specific significant environmental impact.

Table 1: Significant and Unavoidable Adverse Environmental Impacts for the Proposed Project

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
Air Quality and Meteorology				
AQ-3: The Proposed Project would result in operational emissions that exceed an SCAQMD threshold of significance in Table 3.1-7 of the Draft EIR	Impacts would be significant for NO_X in all operational years	MM AQ-1: Vessel Speed Reduction Program (VSRP) MM AQ-2: Front End Loader Replacement Schedule	Impacts would remain significant and unavoidable for NO_X in all operational years	LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment LM AQ-2: Periodic Review of New Technology LM AQ-3: At-Berth Vessel Emissions Control Pilot Study
AQ-4: Proposed Project operations would result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance in Table 3.1-8	Operation-related ambient pollutant concentrations would be significant in all years for annual and 24-hr PM_{10} and 24-hr $PM_{2.5}$	MM AQ-1: Vessel Speed Reduction Program (VSRP) MM AQ-2: Front End Loader Replacement Schedule	Impacts would remain significant and unavoidable for operation-related ambient pollutant concentrations in all years for annual and 24-hr PM_{10} and 24-hr $PM_{2.5}$	LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment LM AQ-2: Periodic Review of New Technology. LM AQ-3: At-Berth Vessel Emissions Control Pilot Study
Greenhouse Gas Emissions				
GHG-1: The Proposed Project would generate GHG emissions, either directly or indirectly that would have a significant effect on the	GHG emissions would be significant under CEQA in 2025, 2027 and 2049 analysis	MM GHG-1: GHG Reduction Offsets MM AQ-1: Vessel Speed Reduction Program (VSRP)	Less than significant	LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment LM AQ-2: Periodic

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
environment.	years	MM AQ-2: Front End Loader Replacement Schedule		Review of New Technology LM AQ-3: At-Berth Vessel Emissions Control Pilot Study LM AQ-4: Los Angeles Harbor Department (LAHD) Sustainable Construction Guidelines LM AQ-5: Fleet Modernization for On-Road Trucks During Construction LM AQ-6: Fleet Modernization for Construction Equipment LM AQ-7: Renewable Diesel Fuel for Construction Equipment and On-Road Trucks
Noise				
NOI-1a: Daytime construction activities could result in noise levels lasting more than 10 days in a 3-month period that would exceed existing ambient exterior noise levels by 5 dBA or more at a noise-sensitive/receptor	Significant	MM NOI-1: Noise Barriers Adjacent to Pile Driving Activities MM NOI-2: Noise Reduction of Landside Pile Driving MM NOI-3: Usage of Wooden Cushion Block	Significant and unavoidable	N/A
NOI-1b: Construction activities could result in noise	Significant	MM NOI-1: Noise Barriers Adjacent to Pile	Significant and	N/A

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
levels that would exceed the ambient noise level by 5 dBA at noise-sensitive receptors between the hours of 9:00 p.m. and 7:00 a.m., Monday through Friday, before 8:00 a.m. or after 6:00 p.m. on Saturday, or at any time on Sunday.		Driving Activities MM NOI-2: Noise Reduction of Landside Pile Driving MM NOI-3: Usage of Wooden Cushion Block	unavoidable	

1

3.1.2 Environmental Impacts Found to Be Less Than Significant after Mitigation

The EIR concludes that significant impacts of the Proposed Project to the following environmental resource would be less than significant after mitigation:

- Biological Resources
- Greenhouse Gases

The Board hereby finds that the following environmental impacts of the Proposed Project would be less than significant after implementation of mitigation measures, as summarized in Table 2, which also lists the mitigation measures applied and the impacts after mitigation.

Table 2: Significant Environmental Impacts that Can be Mitigated for the Proposed Project

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
Biological Resources				
BIO-1: The Proposed Project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	Potentially significant impact	MM BIO-1: Protect Marine Mammals	Less than significant	N/A
Greenhouse Gases				
GHG-1: The Proposed Project would generate GHG emissions, either directly or indirectly, may have a significant impact on the environment.	Potentially significant impact	MM GHG-1: GHG Reduction Offsets	Less than significant	MM AQ-1: Vessel Speed Reduction Program (VSRP) MM AQ-2: Front End Loader Replacement Schedule LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment LM AQ-2: Periodic Review of New Technology LM AQ-3: At-Berth Vessel Emissions Control Pilot Study LM AQ-4: Port of Los

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
				Angeles Harbor Department (LAHD) Sustainable Construction Guidelines

3.1.3 Environmental Impacts Found to Be Less Than Significant

The EIR concludes that all impacts of the Proposed Project to the following environmental resources would be less than significant.

- Energy
- Geology and Soils
- Land Use
- Ground Transportation
- Tribal Cultural Resources

In addition, the EIR concludes that some, but not all, impacts of the Proposed Project to the following environmental resources would be less than significant.

- Air Quality and Meteorology
- Noise

The Board finds that the following environmental impacts of the Proposed Project would be less than significant or that there would be no impact, and hereby makes the same determination based on the conclusions in the Final EIR, as summarized in Table 3. No mitigation measures are required for impacts that are less than significant (CEQA Guidelines Section 15126.4(3)(a)).

Table 3: Less Than Significant Environmental Impacts for the Proposed Project

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
Air Quality and Meteorology				
AQ-1: The Proposed Project would not result in construction-related emissions that exceed a SCAQMD threshold of significance in Table 3.1-4 of the Draft EIR.	Less than significant	Mitigation not required	Less than significant	LM AQ-4: Los Angeles Harbor Department (LAHD) Sustainable Construction Guidelines LM AQ-5: Fleet Modernization for On-Road Trucks During Construction LM AQ-6: Fleet Modernization for Construction Equipment LM AQ-7: Renewable Diesel Fuel for Construction Equipment and On-Road Trucks
AQ-2: Proposed Project construction would not result in off-site ambient air pollutant concentrations that exceed a SCAQMD threshold of significance in Table 3.1-6 of the Draft EIR.	Less than significant	Mitigation not required	Less than significant	LM AQ-4: Los Angeles Harbor Department (LAHD) Sustainable Construction Guidelines LM AQ-5: Fleet Modernization for On-Road Trucks During Construction LM AQ-6: Fleet Modernization for Construction Equipment LM AQ-7: Renewable Diesel Fuel for

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
				Construction Equipment and On-Road Trucks
AQ-5: The Proposed Project would not expose receptors to significant levels of TACs.	Less than significant	Mitigation not required	Less than significant	LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment LM AQ-2: Periodic Review of New Technology LM AQ-3: At-Berth Vessel Emissions Control Pilot Study LM AQ-4: Los Angeles Harbor Department (LAHD) Sustainable Construction Guidelines
AQ-6: The Proposed Project would not conflict with or obstruct implementation of an applicable AQMP.	Less than significant	Mitigation not required	Less than significant	N/A
Energy				
EN-1: The Proposed Project would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.	Less than significant	Mitigation not required	Less than significant.	LM AQ-4: Los Angeles Harbor Department (LAHD) Sustainable Construction Guidelines

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
Geology and Soils				
GEO-1: The Proposed Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse.	Less than significant	Mitigation not required	Less than significant	Not applicable
Land Use				
LU-1: The Proposed Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact	Less than significant	Mitigation not required	Less than significant	Not applicable
Noise				
NOI-1c: Project operations would not cause the ambient noise level measured at the property line of affected uses (i.e., sensitive receptors) to increase by 3 dBA in CNEL to or within the 'normally unacceptable' or 'clearly unacceptable category,' or any increase in CNEL	Less than significant	Mitigation not required	Less than significant	Not applicable

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
5 dBA or greater.				
NOI-2: The Proposed Project would not result in generation of excessive groundborne vibration or groundborne noise levels	Less than significant	Mitigation not required	Less than significant	Not applicable
Ground Transportation				
TRANS-1: The Proposed Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.	No impact	Mitigation not required	No impact	Not applicable
TRANS-2: The Proposed Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).	No impact	Mitigation not required	No impact	Not applicable

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
TRANS-3: The Proposed Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)	No impact	Mitigation not required	No impact	Not applicable
TRANS-4: The Proposed Project would not result in inadequate emergency access.	No impact	Mitigation not required	No impact	Not applicable
Tribal Cultural Resources				
TCR-1: The Proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as	Less than significant	Mitigation not required	Less than significant	SC TCR-1 - Stop Work in the Area if Prehistoric and/or Archaeological Resources are Encountered.

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
defined in Public Resources Code Section 5020.1(k).				
TCR-2: The Proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in	Less than significant	Mitigation not required	Less than significant	Not applicable

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				

3.2 Findings Regarding Environmental Impacts Found to Be Significant and Unavoidable

The EIR concludes that unavoidable significant impacts on the following environmental resources would occur if the Proposed Project was implemented:

- Air Quality and Meteorology
- Noise

All available feasible mitigation and lease measures have been incorporated into the Proposed Project to reduce significant impacts. However, even with the incorporation of all feasible mitigation and lease measures, impacts on these environmental resources would remain significant and unavoidable. The Board has determined that no additional feasible mitigation and/or lease measures or alternatives would reduce significant impacts to less-than-significant levels. In light of specific economic, legal, social, technological, and other considerations, the Board intends to adopt a Statement of Overriding Considerations (see Chapter 1 of this document for additional details). The impacts, mitigation and lease measures, findings, and rationale for the findings are presented below for all significant and unavoidable impacts identified in the Final EIR.

3.2.1 Air Quality and Meteorology

As discussed in Section 3.1 of the Draft EIR, there would be two unavoidable significant impacts to air quality and meteorology related to operation of the Proposed Project. As discussed below, no feasible mitigation measures were identified for the significant and unavoidable impacts to air quality, although several lease measures were identified that could reduce impacts. The impacts and mitigation and lease measures are discussed below.

Impact AQ-3: The Proposed Project would result in operational emissions that exceed an SCAQMD threshold of significance in Table 3.1-7.

As shown in Table 3.1-11 in the Draft EIR, emissions from the Proposed Project's peak daily operations would exceed SCAQMD significance thresholds for NOx in years 2025, 2027, and 2049 prior to mitigation. The largest contributors to peak daily operational emissions in all analysis years would be oceangoing vessel transits and hoteling. Those emissions are not assumed to decline from years 2025 to 2049 as the future composition of the vessel fleet cannot be predicted. Accordingly, air quality impacts associated with the Proposed Project's daily peak operations would be significant for NOx in all analysis years prior to the application of mitigation and lease measures.

Finding

The Board hereby finds that changes or alterations have been required in or incorporated into the Proposed Project that would reduce the significant environmental impacts identified in the Final EIR. The implementation of the following LAHD mitigation and lease measures would reduce Project-related emissions.

LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment. The Tenant shall replace cementitious material handling equipment used for operation with the cleanest available equipment, that meets operating and safety requirements, anytime new or replacement equipment is purchased, with a first preference for zero emission equipment, a second preference for near-zero equipment (such as, hybrid or low-nitrogen oxides [NOx]

equipment), and third for the cleanest available if zero or near-zero equipment is not feasible, provided that LAHD shall conduct engineering assessments to confirm that such equipment is capable of installation at the facility to confirm that such equipment is capable of installation at the facility. The Tenant shall provide substantial evidence including, but not limited to, inventory reports of available equipment from manufacturers, to verify the availability and feasibility of equipment sought to be purchased in accordance with this measure.

Starting one year after the effective date of a new entitlement between the Tenant and the LAHD, Tenant shall submit to the Port an equipment inventory and five-year procurement plan for new equipment, and infrastructure, and shall update the procurement plan annually in order to assist with planning for transition of equipment to zero emissions in accordance with the foregoing paragraph.

LM AQ-2: Periodic Review of New Technology and Regulations. The Tenant shall conduct a periodic review of any Port-identified or other new emissions-reducing technology and report to the LAHD on the feasibility of any new technology advancements that may reduce emissions not less frequently than once every five years following the effective date of the entitlement. The technology review would be subject to approval by LAHD and would involve consulting with appropriate resources (e.g., consultants, engineers, regulators) to validate the findings. If the review demonstrates the new technology would be effective in reducing emissions and is determined by the LAHD to be feasible, including but not limited to, financial, technical and operational considerations, the Tenant shall implement the new air quality technological advancements, subject to mutual agreement, which shall not be unreasonably withheld by the Tenant.

LM AQ-3: At-Berth Vessel Emissions Control Pilot Study. The Tenant shall complete a pilot study to evaluate the feasibility of implementing an at-berth vessel emissions control system within 3 years of entitlement execution. If proven to be feasible, including but not limited to financial, technical, and operational considerations, and upon California Air Resources Board certification, the Tenant shall be required to implement the technology when operationally feasible as described in Tenant's pilot study. Implementation of the technology required under this measure will rely on the Tenant's pilot study evaluation and determination, and is subject to mutual agreement between the Tenant and LAHD, which agreement shall not be unreasonably withheld nor implementation of technology unreasonably required.

MM AQ-1: Vessel Speed Reduction Program (VSRP). 100 percent of vessels calling at the Ecocem Dry Bulk Processing Facility shall be required to comply with the expanded VSRP at 40 nautical miles (nm) from Point Fermin by the Marine Exchange. Speed is confirmed by the Marine Exchange. Any vessel experiencing a maritime emergency[1] that prevents compliance with the expanded VSRP may be exempt from this measure. If a maritime emergency were to occur, the vessel operators shall provide substantial evidence of a qualifying event to LAHD**.**

MM AQ-2: Front End Loader Replacement Schedule. The Tenant shall replace the off-road diesel front end loader every two years. The new diesel front end loader shall meet operational requirements and meet Tier 4 standards or cleaner or as required by state and/or local agencies, whichever is stricter. During replacement, the following preference will be

[1] Maritime emergencies may include, but are not limited to, suspicious activity, drone/plane activity, security breaches or attempts, United States Coast Guard (USCG) safety/security/protection zone violations, crimes on land and water, navigation rule violations, vessels in distress, rescues, fires and emergencies, as defined by the Port of Los Angeles Mariners Guide.

used for consideration: first preference for zero-emission equipment, a second preference for near-zero equipment (such as, hybrid or low-NOx equipment), and third for Tier 4 standards if zero or near-zero equipment is not feasible, provided that LAHD shall conduct engineering assessments to confirm that such equipment is capable of installation at the facility. The Tenant shall provide substantial evidence including, but not limited to, inventory reports of available equipment from manufacturers, to verify the availability and feasibility of equipment sought to be purchased in accordance with this measure.

The Final EIR considered mitigation measures suggested by public comments. The EIR's consideration of those measures is presented in Chapter 2, Responses to Comments, of the Final EIR and summarized in these Findings.

Suggested measures related to air quality included: maximizing calls from IMO Tier 3 oceangoing vessels (OGVs), retrofitting OGVs with emissions reduction technologies, limiting truck idling, and requiring measures to incentivize and support use of zero-emissions or near-zero-emissions on-road trucks and terminal equipment (see comment AQMD-3 and comments CFASE-11, -15, and -19). LAHD evaluated these measures in terms of whether they were capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. In the responses to those comments, the Final EIR explained (Section 2.2.1) why measures related to OGVs and on-road trucks were infeasible because they were beyond the control of the Project proponent (i.e., due to legal factors). The Final EIR also pointed out that three lease measures in the DEIR (LMs AQ-1, AQ-2, and AQ-6) would result in the incorporation of zero- and near-zero-emissions technologies into the Project's operational equipment. The Final EIR modified those measures to provide more certainty in their implementation, and re-designated LM AQ-6 (Front End Loader Replacement Schedule) as a mitigation measure (MM AQ-2). Apart from these modifications, the Final EIR determined that no additional measures beyond those already identified in the EIR were necessary or feasible.

The California Department of Fish and Wildlife suggested several mitigation measures to reduce impacts from turbidity, contaminant remobilization, and underwater noise from in-water pile removal and driving (see comments CDFW-2, -3, and -4). LAHD evaluated these measures in terms of whether they were capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. In the responses to those comments, the Final EIR noted (Section 2.2.1) that the DEIR did not identify significant impacts of any of those activities that would require mitigation. The responses also explained why measures related to pile removal and driving were either infeasible or would not reduce impacts.

The Board finds that specific economic, environmental, legal, social, technological, or other considerations make infeasible additional mitigation or lease measures or Project alternatives identified in the Final EIR.

Rationale for Finding

Changes or alterations have been incorporated into the Proposed Project in the form of lease and mitigation measures **LM AQ-1** through **LM AQ-3,** and **MM AQ-1** and **MM AQ-2**, which would reduce the peak daily operational emissions impact relative to Project levels, and which represent feasible means to reduce air pollution impacts from the Project's operational sources. All lease and mitigation measures determined to be feasible by LAHD have been identified in the Final EIR.

Impact AQ-4: Operation of the Proposed Project would result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.

As shown in Table 3.1-13 of the Draft EIR, maximum localized off-site ambient pollutant concentrations associated with operation of the Proposed Project would be significant for particulate matter $(PM)_{10}$ (annual and 24-hour average) and $PM_{2.5}$ (24-hour average) in all analysis years. The largest contributors of maximum annual PM_{10} concentrations due to operational activities would be fugitive dust emissions from material handling through process hoppers and the movements by the front-end loader. The largest contributors of maximum daily PM_{10} concentrations would be fugitive dust emissions from material handling through conveyors and hoppers. The largest contributors of maximum daily $PM_{2.5}$ concentrations would be fugitive emissions from paved road dust sourced from on-site delivery trucks, transport of gypsum to storage silos, and loading chutes, and would occur at the facility's boundary and at Berth 191.

Finding

The Board hereby finds that changes or alterations have been required in or incorporated into, the Proposed Project that would avoid or substantially lessen the significant environmental impact identified in the Final EIR. The implementation of the following LAHD lease and mitigation measures would reduce operational emissions.

LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment.

LM AQ-2: Periodic Review of New Technology and Regulations.

LM AQ-3: At-Berth Vessel Emissions Control Pilot Study.

MM AQ-1: Vessel Speed Reduction Program (VSRP).

MM AQ-2: Front End Loader Replacement Schedule.

As described under Impact AQ-4, above, the Final EIR considered mitigation measures suggested by public comments. The EIR's consideration of these measures is presented in Chapter 2, Responses to Comments, of the Final EIR and summarized in these Findings. The Board finds that specific economic, environmental, legal, social, technological, or other considerations make infeasible additional mitigation or lease measures, or Project alternatives identified in the Final EIR.

Rationale for Finding

Changes or alternations have been incorporated into the Proposed Project in the form of lease measures **LM AQ-1**, **LM AQ-2**, **LM AQ-3**, and mitigation measures **MM AQ-1** and **MM AQ-2**, which would reduce ambient air quality impacts relative to Proposed Project levels and represent feasible means to reduce air pollution impacts from the Project's operational sources. Three mitigation measures that would reduce construction-related emissions (MM AQ-3 through MM AQ-5) have been added to the EIR. All mitigation measures determined feasible by LAHD have been identified in the Final EIR.

3.2.2 Noise

As discussed in Section 3.7 of the Draft EIR, there would be two unavoidable significant impacts related to construction noise from the Proposed Project. The impacts and mitigation measure are discussed below.

Impact NOI-1a: Daytime construction activities lasting more than 10 days in a 3-month period would exceed existing ambient exterior noise levels by 5 dBA or more at a noise-sensitive/receptor.

As shown in Table 3.7-11 and Table 3.7-12 of the Draft EIR, daytime peak-hour construction noise levels (Leq) from the Proposed Project would exceed the significance thresholds at the westernmost finger pier at the California Yacht Harbor. This is considered a significant impact. The sound levels at this location would be dominated by pile driving activity.

Impact NOI-1b: Construction activities could result in noise levels that would exceed the ambient noise level by 5 dBA at noise-sensitive receptors between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, before 8:00 a.m. or after 6:00 p.m. on Saturday, or at any time on Sunday.

As described in Section 2.5 of the Draft EIR, project night-time construction is not proposed. However, the LAMC permits nighttime construction in industrial areas, and this analysis cannot rule out the possibility that circumstances such as an emergency situation would necessitate some nighttime construction, including pile driving. In such a case, construction could result in the noise levels presented in Tables 3.7-11 and 3.7-12 of the Draft EIR, and impacts would likely be significant.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Proposed Project that avoid or substantially lessen the significant environmental impacts identified in the Final EIR. As construction would be of short duration, construction noise would be temporary. The implementation of mitigation measures **MM NOI-1**, **MM NOI-2**, and **MM NOI-3** would reduce noise impacts to the greatest extent feasible.

MM NOI-1: Noise Barriers Adjacent to Pile Driving Activities

Where feasible, erect temporary noise barriers around all landside pile driving equipment. The barriers should be installed directly between the pile driving equipment and the California Yacht Harbor so as to break line-of-sight.

MM NOI-2: Noise Reduction of Landside Pile Driving

In place of impact pile driving systems, where feasible, require the use a vibratory pile driving system or other pile driving system limited to 95 dBA or less when measured at a distance of 50 feet for landside pile driving.

Following the implementation of the mitigation measures, impacts would remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible.

The Board finds that specific economic, environmental, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives identified in the Final EIR. All mitigation measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the proposed Project. Nevertheless, even with the incorporation of feasible mitigation measures, impacts would remain significant and unavoidable.

MM NOI-3: Usage of Wooden Cushion Block

The construction contractor shall use a wooden cushion block to dampen the noise impact from pile driving. This wooden cushion block shall be placed between the pile and hammer. It shall only be applicable to driving concrete piles.

Rationale for Finding

As part of the Draft EIR, mitigation measures were developed that are aimed at reducing noise impacts through the application of on-site construction control measures, including noise barriers and decibel limitations during pile driving. Changes or alterations have been incorporated into the Proposed Project in the form of mitigation measures **MM NOI-1**, **MM NOI-2**, and **MM NOI-3**, which represent feasible means of reducing construction noise impacts. Impacts would be reduced to the greatest extent feasible as a result of implementation of those mitigation measures, but impacts would remain significant and unavoidable for construction noise. All mitigation measures determined feasible by LAHD have been identified in the Final EIR.

3.3 Findings Regarding Environmental Impacts Found to Be Less than Significant after Mitigation

The Final EIR concludes that less-than-significant impacts would occur after mitigation on the following environmental resources if the Proposed Project was implemented.

- Biological Resources
- Greenhouse Gases

The following Findings pertain to environmental impacts of the Proposed Project for which mitigation measures have been identified in the Final EIR that will avoid or substantially lessen the significant environmental effects to less than significant.

3.3.1 Biological Resources

As discussed in Section 3.2 of the Draft EIR, there would be one significant impact to Biological Resources that would be mitigated to less than significant levels as a result of a mitigation measure incorporated into the Proposed Project. The impact and the mitigation measure are discussed below.

Impact BIO-1: The Proposed Project has the potential to result in the loss of individuals or the reduction of habitat of a state- or federally listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or the loss of federally listed critical habitat.

Underwater noise from pile driving required for construction of the Proposed Project could result in disturbance (Level B harassment) to marine mammals (i.e., harbor seals and sea lions) if such mammals are present in the vicinity of pile driving operations. These potential noise impacts to marine mammals in the vicinity of pile driving operations would be potentially significant before mitigation.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Proposed Project that avoid or substantially lessen the environmental effect identified in the Final EIR. The implementation of mitigation measure **MM BIO-1**, shown

below, would reduce potential noise impacts to marine mammals as a result of pile driving during construction to less than significant.

MM BIO-1: Protect Marine Mammals. Although it is expected that marine mammals will voluntarily move away from the area at the commencement of the "soft start" of pile driving activities, as a precautionary measure, pile driving activities shall include establishment of a safety zone, by a qualified marine mammal professional, and the area surrounding the operations (including the safety zones) shall be monitored for marine mammals by a qualified marine mammal observer[2]. The pile driving site shall move with each new pile; therefore, the safety zones shall move accordingly.

Rationale for Finding

Changes or alterations have been incorporated into the Proposed Project in the form of mitigation measure **MM BIO-1**. Mitigation measure **MM BIO-1** would reduce potentially significant impacts to marine mammals resulting from noise associated with pile driving by requiring initiation of pile driving with a soft start and establishment of a safety zone, as well as monitoring by a qualified marine mammal observer. Therefore, implementation of mitigation measure **MM BIO-1** would reduce impacts associated with the loss of individuals, or the reduction of existing habitat, of a state- or federally-listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern to a less-than-significant level.

3.3.2 Greenhouse Gas Emissions

As discussed in Section 3.5 of the Draft EIR, there would be one significant impact related to Greenhouse Gases that would be mitigated to less than significant levels as a result of a mitigation measure incorporated into the Proposed Project. The impact and mitigation and lease measures are discussed below.

Impact GHG-1: The Proposed Project would generate GHG emissions, either directly or indirectly, that would exceed the SCAQMD 10,000 mty CO_{2e} threshold.

The Proposed Project's GHG emissions would exceed the GHG threshold of 10,000 mty in all analysis years. Emissions from amortized construction and all operational source types would decrease between 2027 and 2049 because of reduced GHGs from electricity production and on-road trucks. Nevertheless, GHG emissions would exceed the significance threshold through 2049, representing a potentially significant impact.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Proposed Project that would reduce the significant environmental impacts identified in the Final EIR to less than significant. The implementation of mitigation measures **MM**

[2] Marine mammal professional qualifications shall be identified based on criteria established by LAHD during the construction bid specification process. Upon selection as part of the construction award winning team, the qualified marine mammal professional shall develop site specific pile driving safety zone requirements, which shall follow the National Oceanic and Atmospheric Administration (NOAA) Fisheries Technical Guidance Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (NOAA Fisheries 2018) in consultation with the Acoustic Threshold White paper prepared for this purpose by LAHD (LAHD 2017a). Final pile driving safety zone requirements developed by the selected marine mammal professional shall be submitted to LAHD Construction and Environmental Management Divisions prior to commencement of pile driving.

GHG-1, shown below, and **MM AQ-1** and **MM AQ-2** and lease measures **LM AQ-1** through **LM AQ-7**, as described above under Section 3.2.1, Air Quality and Meteorology, would reduce GHG emissions to less than significant. The Board notes that MM GHG-1 was described in the DEIR as a lease measure, but that because it was subsequently modified to mitigate GHG emissions it is now designated as a mitigation measure.

MM GHG-1: GHG Reduction Offsets: The Tenant shall be required to purchase and retire carbon offsets related to activities that reduce, avoid, destroy, or sequester an amount of GHG emissions in an off-site location to offset the equivalent amount of GHG emissions generated by the Project, with the exception of electricity consumption. The Tenant shall purchase and retire carbon offsets in an amount that would be the equivalent of the Project's GHG Emissions of 4,985 Metric Tons (MT) from first year of operation until 2049 and 4,073 MT from 2049 through the end of the term of the Permit. The Tenant shall purchase and retire carbon offsets on an annual basis, commencing after construction is complete and during the first year of operation. The LAHD is in the process of developing a Greenhouse Gas Program. The Program shall be used for GHG-reducing projects and programs approved by the Port of Los Angeles. If that Program is established during the term of the Permit, the Tenant shall have the option to offset the required amount of GHG emissions through a funding contribution to the Greenhouse Gas Program rather than towards purchasing carbon offsets from a CARB-recognized registry.

While the LAHD Greenhouse Gas Program is currently under development, the Tenant shall purchase and retire carbon offsets from a CARB-recognized offset registry as follows:

Carbon offsets: The Tenant shall purchase and retire carbon offsets from a CARB-recognized registry to ensure that offsets will result in real, permanent, additional, quantifiable, verifiable, and enforceable reductions. The carbon offsets shall be verifiable by LAHD and enforceable in accordance with the registry's applicable standards, practices, or protocols.

The order of priority for purchasing (any one or more) carbon offsets shall be considered as follows:

1. Originating within the local area;
2. Originating within the South Coast Air Basin;
3. Originating within the state of California; or
4. If sufficient local and in-state offsets are not available, the Tenant shall purchase conforming national offsets registered with a CARB-recognized registry.

Adjustment of Tenant's Required Offsets through Other Verified GHG Emission Reductions: The Tenant may pursue the following modifications to the Project's total estimated GHG emissions identified in this measure. These modifications may be pursued in conjunction with or independent of each other on an annual basis.

1. Adjustment in Natural Gas Consumption

In the event natural gas consumption differs from the assumptions or is offset in the future due to changes in technology, efficiency, reduced operations, or for any other purpose, the Tenant may request an adjustment of the required offsets based on actual natural gas consumption, as verified through utility bills, rather than projected future usage. To adjust the Tenant's required number of offsets for purchase, the Tenant shall make a request in writing to the LAHD for review and approval for the time period under consideration and

shall provide copies of utility bills showing the amount of natural gas consumed at the project site along with a revised greenhouse gas emission calculation performed by an independent, qualified third-party verifier.

or

2. Adjustment in GHG Emissions

In the event of changes in activities, efficiency, reduced operations, or for any other purpose, the Tenant may request an adjustment of the required carbon offsets based on an evaluation of actual GHG emissions rather than future projected GHG emission calculations. To adjust the Tenant's required number of carbon offsets for purchase, the Tenant shall make a request in writing to the LAHD for review and approval for the calendar year under consideration and shall submit a report within 60 days that quantifies the actual greenhouse gas emissions by an expert or an independent, qualified third-party. The evaluation of actual greenhouse gas emissions must be performed using acceptable industry standards and protocols for all sources that were included in the Project's GHG emissions calculations under MM GHG-X. LAHD review shall occur within 30 days of receipt of the submitted report. Any expenses incurred by LAHD in processing the Tenant's request, including retaining an independent third-party verifier to peer review the report, shall be borne by the Tenant.

or

3. Implementation of Additional GHG Reduction Methods

In addition, the Tenant may request a reevaluation of required carbon offsets to be purchased according to this paragraph. The Tenant may implement different and additional GHG reduction methods that are equally or more effective if new technology and/or other feasible measures become available during the term of the Permit. To adjust the Tenant's required number of carbon offsets for purchase, the Tenant shall identify such additional GHG reduction actions and must quantify the GHG emission reductions from these GHG reduction actions by an independent, qualified third-party verifier. Once the GHG reduction actions are found to be feasible and are reviewed and approved by LAHD staff, the Tenant may request that LAHD reduce its required purchase of carbon offsets by the equivalent amount of demonstrated reduction. Any expenses incurred by LAHD in processing the Tenant's request, including retaining a third-party verifier, shall be borne by the Tenant.

Rationale for Finding

As part of the Draft EIR, mitigation and lease measures were developed that are aimed at reducing emissions through reduced fossil fuel use and through the purchase of GHG mitigation credits from a CARB-approved exchange. Changes or alterations have been incorporated into the Proposed Project in the form of mitigation measures **MM AQ-1, MM AQ-2,** and **MM GHG-1** and lease measures **LM AQ-1** through **LM AQ-7** and, which represent feasible means of reducing GHG emissions. Impacts would be reduced as a result of implementation of those mitigation and lease measures to less-than-significant levels. All mitigation and lease measures determined feasible by LAHD have been identified in the Final EIR.

3.4 Cumulatively Considerable Impacts

CEQA Guidelines Section 15130 requires an analysis of the Project's contribution to significant and unavoidable cumulative impacts. Cumulative impacts include "two or more individual effects which, when considered together, are considerable or which compound or

increase other environmental impacts" (CEQA Guidelines, Section 15355). According to CEQA Guidelines Section 15130(b): "The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness..." The information presented in Chapter 4 ("Cumulative Analysis") of the Draft EIR meets this criterion.

As shown on DEIR Figure 4-1 and detailed in DEIR Table 4-1, a total of 48 current or reasonably foreseeable future projects (approved or proposed) were identified in the Ports of Los Angeles and Long Beach as well as the communities of San Pedro, Wilmington, and Carson that have the potential to contribute to cumulative impacts.

The discussion below identifies cumulatively significant impacts that can either be mitigated to less than significant or that cannot be mitigated to a less than significant level and represent significant unavoidable impacts. All feasible mitigation measures to reduce or avoid the cumulatively considerable contribution of the Proposed Project to these impacts have been required in, or incorporated into, the Proposed Project. However, even with the incorporation of all feasible mitigation and lease measures, cumulative impacts to these environmental resources would remain significant and unavoidable. The Board has determined that no additional feasible mitigation or lease measures, or project alternatives would reduce significant cumulative impacts to less-than-significant levels, and—in light of specific economic, legal, social, technological, and other considerations—the Board intends to adopt a Statement of Overriding Considerations (see Chapter 1 of this document for additional details). The impacts, mitigation and lease measures, findings, and rationale for the findings for all significant and unavoidable cumulative impacts identified in the Final EIR are summarized in Table 4 and discussed below. The DEIR (Chapter 4) determined that the Proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact in any resource areas other than air quality, greenhouse gas emissions, or noise (DEIR Table 4-2). A summary analysis of the cumulative impacts of resource areas for which the IS/NOP determined that the Proposed Project's potential impacts would be less than significant is included in Section 3.4.4, below; the Final EIR has been revised to include this information.

Table 4. Summary Matrix of Significant and Unavoidable Cumulative Impacts, Mitigation Measures, and Residual Impacts for the Proposed Project and Alternatives.

Resource Area	Environmental Impacts	Proposed Project and Alternatives[1] Impacts	Applied Mitigation/Lease Measures or Controls	Cumulative Analysis for Proposed Project and Alternatives
Air Quality	**AQ-3:** Would operation of the Proposed Project or alternatives result in operational emissions that would make a cumulatively considerable contribution to a significant cumulative impact from exceedance of a SCAQMD threshold of significance in Table 3.1-6?	Operation emissions would be significant for NOx in all operational years	LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment LM AQ-2: Periodic Review of New Technology and Regulations LM AQ-3: At-Berth Vessel Emissions Control Pilot Study MM AQ-1: Vessel Speed Reduction Program (VSRP) MM AQ-2: Front End Loader Replacement Schedule[2]	**Cumulatively considerable and unavoidable for the Proposed Project and Alternative 2 (Reduced Project) and Alternative 3 (Product Import Terminal)**
	AQ-4: Would operation of the Proposed Project or alternatives make a cumulatively considerable contribution to a significant cumulative impact related to offsite ambient air pollutant concentrations exceeding a SCAQMD threshold of significance?	Operation-related ambient pollutant concentrations would be significant in all years for annual and 24-hr PM_{10}, and 24-hr $PM_{2.5}$	LM AQ-1, LM AQ-2, LM AQ-3, MM AQ-1; MM AQ-2	**Cumulatively considerable and unavoidable for the Proposed Project and Alternative 2 (Reduced Project) and Alternative 3 (Product Import Terminal)**
	AQ-5: Would the Proposed Project or alternatives make a cumulatively considerable contribution to a significant cumulative impact from exposure of receptors to significant levels of toxic air contaminants?	Health risks would be below the significance threshold for all receptor types	LM AQ-1, LM AQ-2, LM AQ-3, LM AQ-4, MM AQ-1; MM AQ-2	**Cumulatively considerable and unavoidable for the Proposed Project and Alternative 2 (Reduced Project) and Alternative 3 (Product Import Terminal)**

Table 4. Summary Matrix of Significant and Unavoidable Cumulative Impacts, Mitigation Measures, and Residual Impacts for the Proposed Project and Alternatives.

Resource Area	Environmental Impacts	Proposed Project and Alternatives[1] Impacts	Applied Mitigation/Lease Measures or Controls	Cumulative Analysis for Proposed Project and Alternatives
Noise	**NOI-1a:** Daytime construction activities lasting more than 10 days in a 3-month period that would exceed existing ambient exterior noise levels by 5 dBA or more at a noise-sensitive/receptor.	Significant and unavoidable	MM NOI-1: Noise Barriers Adjacent to Pile Driving Activities MM NOI-2: Noise Reduction of Landside Pile Driving MM NOI-3: Usage of Wooden Cushion Block	**Cumulatively considerable and unavoidable for the Proposed Project and Alternative 2 (Reduced Project) and Alternative 3 (Product Import Terminal)**
	NOI-1b: Construction activities could result in noise levels that would exceed the ambient noise level by 5 dBA at noise-sensitive receptors between the hours of 9:00 p.m. and 7:00 a.m., Monday through Friday, before 8:00 a.m. or after 6:00 p.m. on Saturday, or at any time on Sunday.	Significant and unavoidable	MM NOI-1: Noise Barriers Adjacent to Pile Driving Activities MM NOI-2: Noise Reduction of Landside Pile Driving MM NOI-3: Usage of Wooden Cushion Block	**Cumulatively considerable and unavoidable for the Proposed Project and Alternative 2 (Reduced Project) and Alternative 3 (Product Import Terminal)**

1: Alternative 1 (No Project) is not included because it would have no cumulatively considerable contribution to a significant cumulative impact

2: MM AQ-2 would not apply to Alternative 3, Product Import Terminal because no front-end loader would be used.

1

3.4.1 Air Quality and Meteorology

Cumulative Impact AQ-3: The Proposed Project's operation would make a cumulatively considerable contribution to a significant cumulative impact related to an exceedance of a SCAQMD threshold of significance in Table 3.1-6.

The Proposed Project's operational emissions would exceed SCAQMD significance thresholds for NO_X in all of the analyzed years (DEIR Table 3.1-11). These impacts would combine with impacts from related projects, including the Vopak cement terminal operation that would also utilize Berth 191; as a result, despite the implementation of mitigation measures, the Proposed Project's operational emissions would make a cumulatively considerable contribution to an existing significant cumulative impact for NO_X.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. The implementation of lease measures **LM AQ-1:** Fleet Modernization for Cementitious Material Handling Equipment, **LM AQ-2:** Periodic Review of New Technology and Regulations, **LM AQ-3:** At-Berth Vessel Emissions Control Pilot Study, and **MM AQ-1:** Vessel Speed Reduction Program (VSRP) would help reduce cumulatively considerable operational emissions.

Although these mitigation and lease measures would reduce the cumulative effect of operational emissions, that reduction would not sufficiently reduce the Proposed Project's cumulatively considerable contribution of the impact to a less-than-significant level. In particular, these measures would not reduce NOx emissions to levels below thresholds in all operational years. The Board hereby finds that specific, environmental, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the Final EIR. Even with the incorporation of feasible lease measures and a mitigation measure, the Proposed Project would make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact related to NOx.

Rationale for Finding

The emissions from cumulative projects would be cumulatively significant if their combined operational emissions would exceed the SCAQMD daily operational emission thresholds. This would be the case for all analyzed criteria pollutants; therefore, the past, present, and future related projects would result in a significant cumulative air quality criteria pollutant impact and the Proposed Project's incremental contribution to that cumulatively significant impact would be cumulatively considerable. Lease measures **LM AQ-1:** Fleet Modernization for Cementitious Material Handling Equipment, **LM AQ-2:** Periodic Review of New Technology and Regulations, **LM AQ-3:** At-Berth Vessel Emissions Control Pilot Study, and **MM AQ-1:** Vessel Speed Reduction Program (VSRP) would help reduce operational emissions; however, they would not reduce the Proposed Project's contribution below a cumulatively considerable level. Consequently, emissions from operation of the Proposed Project would produce cumulatively considerable and unavoidable contributions to a significant cumulative impact for NO_X.

Cumulative Impact AQ-4: The Proposed Project's operation would make a cumulatively considerable contribution to a significant cumulative impact related to offsite ambient air pollutant concentrations exceeding a SCAQMD threshold of significance.

Operation of the Proposed Project would produce maximum off-site emissions of PM_{10} and $PM_{2.5}$ that would exceed the annual and 24-hour ambient air thresholds in all analysis years (DEIR Table 3.1-12). These impacts would combine with impacts from concurrent related projects, including the Vopak cement terminal operation that would also utilize Berth 191. As a result, despite the implementation of lease and mitigation measures, Proposed Project operations would make a cumulatively considerable contribution to an existing significant cumulative impact related to ambient concentrations of PM_{10} and $PM_{2.5}$.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Proposed Project that would reduce the significant environmental effect identified in the Final EIR. The implementation of lease measures **LM AQ-1:** Fleet Modernization for Cementitious Material Handling Equipment, **LM AQ-2:** Periodic Review of New Technology and Regulations, **LM AQ-3:** At-Berth Vessel Emissions Control Pilot Study, and **MM AQ-1:** Vessel Speed Reduction Program (VSRP) would help reduce cumulatively considerable operational emissions.

Although these lease measures would reduce the cumulative effect of operational emissions, that reduction would not sufficiently reduce the Proposed Project's cumulatively considerable contribution of the impact to a less-than-significant level. The Board hereby finds that specific economic, environmental, legal, social, technological, or other considerations make infeasible any mitigation measures or additional lease measures or Proposed Project alternatives identified in the Final EIR. Even with the incorporation of feasible lease measures and a mitigation measure, the Proposed Project would make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact related to offsite ambient concentrations of PM_{10} and $PM_{2.5}$.

Rationale for Finding

The emissions from cumulative projects would be cumulatively significant if their combined operational emissions would exceed the SCAQMD daily operational emission thresholds. This would be the case for all analyzed criteria pollutants; therefore, the past, present, and future related projects would result in a significant cumulative air quality criteria pollutant impact and the Proposed Project's incremental contribution to that cumulatively significant impact would be cumulatively considerable. Lease measures **LM AQ-1:** Fleet Modernization for Cementitious Material Handling Equipment, **LM AQ-2:** Periodic Review of New Technology and Regulations, **LM AQ-3:** At-Berth Vessel Emissions Control Pilot Study, and **MM AQ-1:** Vessel Speed Reduction Program (VSRP) would help reduce operational emissions; however, they would not reduce the Proposed Project's contribution below a cumulatively considerable level. Consequently, emissions from operation of the Proposed Project would produce cumulatively considerable and unavoidable contributions to a significant cumulative impact for offsite ambient concentrations of PM_{10} and $PM_{2.5}$.

Cumulative Impact AQ-5: The Proposed Project would make a cumulatively considerable contribution to expose receptors to significant levels of TACs.

Although the Proposed Project's construction and operational emissions of TACs would not increase cancer risk or population cancer burdens above the Project-level thresholds of significance, these impacts would combine with cumulative impacts from concurrent nearby projects. Therefore, the Proposed Project would make a cumulatively considerable contribution to an existing significant cumulative impact for cancer risk and population cancer burden.

Although the Proposed Project would not increase non-cancer chronic or acute impacts above Project-level significance thresholds, these impacts would combine with cumulatively significant non-cancer and acute impacts of concurrent nearby projects; therefore, the Proposed Project would make a cumulatively considerable contribution to significant cumulative non-cancer chronic and acute health impacts.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. The implementation of lease measures **LM AQ-1:** Fleet Modernization for Cementitious Material Handling Equipment, **LM AQ-2:** Periodic Review of New Technology and Regulations, **LM AQ-3:** At-Berth Vessel Emissions Control Pilot Study, and **MM AQ-1:** Vessel Speed Reduction Program (VSRP) would reduce the cumulative effect of exposure to TACs, but that reduction would not sufficiently reduce the Proposed Project's cumulatively considerable contribution of the impact to a less-than-significant level.

Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives identified in the Final EIR. Even with the incorporation of feasible lease measures and a mitigation measure, the Proposed Project would make a cumulatively considerable contribution to an existing significant cumulative impact for cancer risk, population cancer burden, and non-cancer chronic and acute health risks.

Rationale for Finding

SCAQMD's Multiple Air Toxics Exposure Study (MATES IV) showed that the cancer risk from toxic air contaminants was estimated at roughly 480 in one million in the San Pedro and Wilmington areas. In their *Diesel Particulate Matter Exposure Assessment Study for the Ports of Los Angeles and Long Beach*, the California Air Resources Board (CARB) estimated that elevated levels of cancer risk due to operational emissions from the Ports of Los Angeles and Long Beach occur within and in proximity to the two ports. Based on this information, cancer risk from TAC emissions within the project region, and non-cancer impacts associated with past, present, and reasonably foreseeable projects in the proposed project area, are therefore cumulatively significant.

Implementation of Proposed Project lease measures that reduce diesel combustion and other TAC emissions, specifically lease measures **LM AQ-1** through **LM AQ-3**, and **MM AQ-1**, would reduce TAC emissions from the Proposed Project. Although implementation of those lease measures would reduce overall emissions, the Proposed Project would add to the TAC burden in the vicinity and result in a cumulatively

considerable contribution to an existing cumulatively significant impact for cancer risk, population cancer burden, and non-cancer chronic and acute health risks. All mitigation and/or lease measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the Proposed Project.

3.4.2 Noise

Cumulative Impact NOI-1a: The Proposed Project's daytime construction activities lasting more than 10 days in a 3-month period could exceed existing ambient exterior noise levels by 5 dBA or more at a noise-sensitive/receptor.

As described in DEIR Section 4.2.7, only four related projects in the immediate vicinity of the Project site could reasonably be assumed to be under construction at the same time as the Proposed Project: the Vopak Liquid Bulk and Cement Terminal Project, the Wilmington Waterfront Plan, the Avalon and Fries Street Segments Closure Project, and the Avalon Freight Services Relocation Project. However, one of those, the Vopak project, would involve pile driving, which is the noisiest of the common construction activities. Construction of the Vopak project could result in daytime noise levels of up to 16 dBA above ambient noise levels, which would represent a significant impact. Accordingly, the related projects are considered to represent a significant cumulative impact with respect to daytime construction noise. As described in DEIR Section 3.7.4.3, construction of the Proposed Project would cause exceedances of noise thresholds at a sensitive receptor (the westernmost finger piers at the East Basin marinas). If construction of the Vopak project occurred at the same time as construction of the Proposed Project, construction of the Proposed Project would make a cumulatively considerable contribution to a significant cumulative noise impact.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Proposed Project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. The implementation of mitigation measures **MM NOI-1:** Noise Barriers Adjacent to Pile Driving Activities, **MM NOI-2:** Noise Reduction of Landside Pile Driving, and **MM NOI-3:** Usage of Wooden Cushion Block would help reduce daytime construction noise levels, but they would not mitigate the Proposed Project's cumulatively considerable contribution to the impact to a less-than-significant level.

The Board hereby finds that specific economic, legal, social, technological, or other considerations make additional mitigation measures or proposed project alternatives identified in the Final EIR infeasible. Even with the incorporation of feasible mitigation measures, the Proposed Project would make a cumulatively considerable contribution to a significant cumulative noise impact.

Rationale for Finding

The Proposed Project would generate noise levels during daytime construction that would exceed City of Los Angeles significance thresholds and would therefore result in significant noise impacts. Those impacts would combine with impacts from related projects and add to potential cumulatively significant construction noise impacts, thereby making a cumulatively considerable contribution to a cumulative noise impact.

Mitigation measures **MM NOI-1**, **MM NOI-2**, and **MM NOI-3** would help reduce noise but would not fully mitigate impacts to less-than-significant levels. Consequently, the Proposed Project would make a cumulatively considerable contribution to a significant cumulative impact. All feasible mitigation and/or lease measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the Proposed Project.

Cumulative Impact NOI-1b: The Proposed Project's construction activities could result in noise levels that would exceed the ambient noise level by 5 dBA at noise-sensitive receptors between the hours of 9:00 p.m. and 7:00 a.m., Monday through Friday, before 8:00 a.m. or after 6:00 p.m. on Saturday, or at any time on Sunday.

As described in DEIR Section 4.2.7, only four related projects in the immediate vicinity of the Project site could reasonably be assumed to be under construction at the same time as the Proposed Project: the Vopak Liquid Bulk and Cement Terminal Project, the Wilmington Waterfront Plan, the Avalon and Fries Street Segments Closure Project, and the Avalon Freight Services Relocation Project. However, one of those, the Vopak project, would involve pile driving, which is the noisiest of the common construction activities and which could occur during nighttime hours. Under the Los Angeles Municipal Code (LAMC) 41.40, nighttime construction would be allowed under emergency situations, but that does not indicate that the Vopak project would be partaking in nighttime construction. If construction of the Vopak project were to occur in the evening, it could result in nighttime noise levels of up to 16 dBA above ambient noise levels, which would represent a significant impact. Accordingly, the related projects are considered to represent a significant cumulative impact with respect to construction noise. As described in DEIR Section 3.7.4.3, if nighttime construction of the Proposed Project were to occur, it would cause exceedances of noise thresholds at a sensitive receptor (the westernmost finger piers at the East Basin marinas). If nighttime construction of the Vopak project occurred at the same time as construction of the Proposed Project, construction of the Proposed Project would make a cumulatively considerable contribution to a significant cumulative noise impact.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Proposed Project that avoid or substantially lessen the significant environmental impact identified in the Final EIR. The implementation of mitigation measures **MM NOI-1:** Noise Barriers Adjacent to Pile Driving Activities, **MM NOI-2:** Noise Reduction of Landside Pile Driving, and **MM NOI-3:** Usage of Wooden Cushion Block would help reduce nighttime construction noise levels but they would not mitigate the Proposed Project's cumulatively considerable contribution to the impact to less-than-significant levels.

The Board hereby finds that specific economic, legal, social, technological, or other considerations make additional mitigation measures or proposed project alternatives identified in the Final EIR infeasible. Even with the incorporation of feasible mitigation measures, the Proposed Project would make a cumulatively considerable contribution to a significant cumulative noise impact.

Rationale for Finding

The Proposed Project would generate noise levels during nighttime construction that would exceed City of Los Angeles significance thresholds and would therefore result in significant noise impacts. Those impacts would combine with impacts from related projects and add to potential cumulatively significant construction noise impacts, thereby making a cumulatively considerable contribution to a cumulative noise impact. Mitigation measures **MM NOI-1**, **MM NOI-2**, and **MM NOI-3** would help reduce noise but would not mitigate impacts to a less-than-significant level. Consequently, the Proposed Project would make a cumulatively considerable contribution to a significant cumulative impact. All feasible mitigation measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the Proposed Project.

3.4.3 Other Cumulative Impacts

The Initial Study (IS) for the Proposed Project evaluated the environmental issues in accordance with CEQA Guidelines Appendix G and concluded that the Proposed Project's impacts in a number of resource areas would be less than significant and eliminated those areas from further analysis in the DEIR. LAHD has determined that it is appropriate to consider the potential for those less-than-significant impacts to make cumulatively considerable contributions to existing significant cumulative impacts. Table 5 summarizes LAHD's conclusions in that regard, which are presented in more detail in Section 3.2.7 of the Final EIR. The analysis determined that none of the impacts identified as less than significant in the IS would result in the Proposed Project making a cumulatively considerable contribution to an existing significant cumulative impact.

Table 5. Findings Regarding Cumulative Environmental Impacts Found to Be Less than Significant

Appendix G Checklist Question	Would the Project	Basis for Finding
Aesthetics-1a	have a substantial adverse effect on a scenic vista?	The Project site is in a remote, industrial portion of the Port that is not readily visible to the public and is not part of a scenic vista.
Aesthetics-1c	conflict with applicable zoning and other regulations governing scenic quality?	The Proposed Project's physical features would be consistent with the existing visual character of the immediate area.
Aesthetics-1d	create a new source of substantial light or glare?	The existing nighttime light environment is characterized by bright industrial lighting.
Air Quality-3d	result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Any additional odors generated by the Proposed Project and the nearby Vopak project (primarily exhaust fumes) would be consistent with the existing odor environment and would not be adjacent to sensitive receptors.
Biology-4b	have a substantial adverse effect on any riparian habitat or other sensitive natural community?	Construction and operation of the Proposed Project would not adversely affect eelgrass or kelp, and the small number of vessels and the existing biofouling and ballast water programs minimize the potential for the Proposed Project to introduce invasive species.

Appendix G Checklist Question	Would the Project	Basis for Finding
Cultural Resources-5a	cause a substantial adverse change in the significance of a historical resource?	A cultural resources study determined that the Proposed Project does not have the potential to adversely affect historical resources.
Cultural Resources-5b	cause a substantial adverse change in the significance of an archeological resource?	Because the Project site is on engineered fill placed early in the 20th Century, archaeological resources would not be encountered during construction.
Energy-6b	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	The Proposed Project would be required to comply with applicable renewable energy and energy efficiency standards and regulations
Geology-7a	directly or indirectly cause potential substantial adverse effects involving fault rupture, strong ground shaking, ground failure including liquefaction, or landslides?	Project design and construction would take geological risk factors into account, incorporating appropriate geotechnical and engineering methods. Furthermore, seismic and soil issues are site-specific, meaning that a significant cumulative impact does not exist.
Geology-7b	result in substantial soil erosion or the loss of topsoil?	
Geology-7c	be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project?	
Geology-7d	be located on expansive soil?	
Hazards-9a	create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Routine control measures would be employed during construction and operation to control the small amounts of hazardous materials that would be used and to minimize potential releases of hazardous materials and hazardous wastes.
Hazards-9b	create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials?	Construction activities at the Project site would not disturb offsite contamination, and routine measures would be employed during construction to minimize the exposure of workers and the environment to hazardous wastes at the Project site.
Hydrology & Water Quality-10a	violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	Construction-related controls required by the Construction General Permit and Waste Discharge Requirements, operational controls required by the Industrial General Permit, and structural controls required by the City's stormwater programs and permit would prevent substantial contamination from entering harbor waters or groundwater.
Hydrology & Water Quality-10b	substantially decrease groundwater supplies or interfere substantially with groundwater recharge?	Groundwater underlying the Project site has no beneficial uses and would not be substantially affected by the Proposed Project.
Hydrology & Water Quality-10c(iii)	create or contribute runoff water that would exceed the capacity of existing or	The Proposed Project includes a new stormwater system designed to accommodate

Appendix G Checklist Question	Would the Project	Basis for Finding
	planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	anticipated flood flows and manage runoff pollutants.
Hydrology & Water Quality-10d	in flood hazard, tsunami, or seiche zone, risk release of pollutants due to project inundation?	The Project site is not vulnerable to substantial flooding.
Public Services-15a(v)	Result in substantial adverse physical impacts associated with the provision of or need for new or physically altered other public facilities?	The Proposed Project and the adjacent Vopak project would add oceangoing vessel traffic to the overall vessel traffic in the Port, but the increase would be negligible in the context of total traffic volumes and the existing facilities are adequate to manage vessel traffic safely,
Transportation/Traffic-17d	result in inadequate emergency access?	The Proposed Project in concert with other nearby projects would not alter emergency access and would not substantially hinder access to Fire Station 49.
Transportation/Traffic-17e	result in a change in marine vessel traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	Vessel traffic at Berth 191, including that serving the Vopak terminal, would be too infrequent to hinder fireboat operations or increase vessel safety risks.
Utilities and Service Systems-19a	require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities?	The existing utility infrastructure is adequate to serve the Proposed Project and nearby users, and no off-site construction would occur requiring relocation of facilities.
Utilities and Service Systems-19d	generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Existing solid waste disposal facilities are adequate to accommodate the Proposed Project's small amount of solid waste.
Utilities and Service Systems-19e	comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	The Proposed Project would comply with federal, state, and city solid waste regulations and codes and with state and city waste minimization, diversion, and recycling regulations and policies.

1

Chapter 4
The Proposed Project and Alternatives

Three alternatives were considered during the preparation of this Draft EIR; 1) The No Project Alternative (Alternative 1), which is required under CEQA, 2) the Reduced Project Alternative (Alternative 2) that consists of lower throughput and facility activity levels, and 3) the Product Import Terminal Alternative (Alternative 3), which does not include a processing facility but instead imports finished cement products. Chapter 5 Comparison of Alternatives of the Draft EIR contains an analysis of these alternatives because they were found to achieve the Project's objectives, are considered ostensibly feasible, and may reduce environmental impacts associated with the Proposed Project.

4.1 Reasonable Range of Alternatives

Lead agencies are required to evaluate a "reasonable range" of alternatives but are not required to evaluate every possible alternative: "an EIR need not consider every conceivable alternative to a project" (State CEQA Guidelines Section 15126.6(a)). The "range of alternatives required in an EIR is governed by a 'rule of reason' that requires an EIR to set forth only those alternatives necessary to permit a reasoned choice" (State CEQA Guidelines Section 15126.6(f)).

Based on the primary purpose and objectives associated with the Proposed Project, the three alternatives analyzed in the Draft EIR constitute a reasonable range of alternatives, which permits the decision makers to make a reasoned choice regarding proposed project approval (or approval of one of its alternatives), approval with modifications, or disapproval. Furthermore, CEQA does not require an EIR to consider multiple variations of the alternatives analyzed in the Draft EIR. Similarly, "[a]bsolute perfection is not required; what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned" (*Village Laguna of Laguna Beach, Inc. v. Board of Supervisors of Orange County* (1982) 134 Cal.App.3d 1022, 1029).

4.2 Alternatives Considered in the Draft EIR

Under CEQA, the analysis of alternatives need not be as in-depth as the analysis for the Proposed Project but should be at a level that allows the decision-makers to make an informed determination regarding the differences in impacts between the Proposed Project and each of its alternatives. The three alternatives analyzed in Chapter 5 of the Draft EIR are summarized in Table 6 below, which also shows the Proposed Project for comparison.

Table 6: Summary of Proposed Project and Alternatives at Full Operation (From 2027 and Thereafter)

Activity	Alternative			
	Proposed Project	Alt 1: No Project	Alt. 2: Reduced Project	Alt. 3: Product Import Terminal
Granulated Blast Furnace Slag (GBFS) Import (metric tons/year)	800,000	0	540,000	0
Gypsum Imports (metric tons/year)	39,500	0	26,700	0
Ground Granulated Blast Furnace Slag (GGBFS) Production/Import (metric tons/year)	775,000	0	522,950	775,000*
Vessel Calls per year	24	0	16	23
Gypsum truck trips, one-way trips/year	3,950	0	2,670	0
Product truck trips, one-way trips/year	62,000	0	41,836	62,000
Total Truck Trips, one-way trips/year	65,950	0	44,506	62,000
Employees	26	0	18	12

* Includes import of non-GGBFS products such as Portland cement, fly ash, and pozzolans.

Note: Import amounts are greater than product amounts for the Proposed Project and Alternative 2 because of loss of moisture during processing.

4.2.1 Alternative 1 – No Project Alternative

The No Project Alternative (Alternative 1) required by CEQA represents what would reasonably be expected to occur in the foreseeable future if the Proposed Project were not approved (State CEQA Guidelines, Section 15126.6(e)). Under this alternative, the existing site at Berths 192-194 would remain largely vacant, the improvements to the wharf at Berth 191 would not be undertaken (unless by another, unrelated project), and the land use designation under the Port Master Plan would not be changed from "liquid bulk" to "dry bulk." The site would be available for use consistent with its current zoning designation (heavy industrial uses) and the Port Master Plan's current land use designation (liquid bulk facility). Any subsequent use of the site, once identified, would be subject to additional environmental review, but at this time the LAHD does not contemplate any other projects on the site.

4.2.2 Alternative 2 – Reduced Project Alternative

In the Reduced Project Alternative (Alternative 2), all of the elements of the Proposed Project would be built but the capacity of the facility to produce GGBFS would be reduced, such that the facility would produce 522,950 tons of GGBFS per year rather than the 775,000 tons that the Proposed Project would produce. This production would be derived from 540,000 metric tons per year of GBFS and 26,7000 metric tons per year of raw gypsum material that is annually received. However, the logistics of stockpiling granulated blast-furnace slag (GBFS) delivered by oceangoing vessels, and gypsum delivered by trucks, and the economies that could arise from simply operating the mill fewer hours per day mean that it is likely that the Reduced Project Alternative (Alternative 2) would construct a facility very similar in size and configuration to the Proposed Project. Only the activity levels of the facility (see Table 4) would be different from the Proposed Project. As a result, the facility would generate approximately 44,500

total one-way truck trips per year and 16 vessel calls per year, and employ 18 full-time workers on site.

4.2.3 Alternative 3 – Product Import Terminal Alternative

In the Product Import Terminal Alternative (Alternative 3) there would not be any processing of raw materials and the GGBFS finished product would come from overseas by vessel. The finished powder product that is produced overseas would be transported by ocean-going bulk vessels to Berth 191, where it would be off-loaded to storage silos on the Berth 192-194 site by the vacuum conveyor system. The operations would be essentially the import and storage of the product and the loading of customer trucks. The scale of construction would be similar to the Proposed Project in terms of ground improvements, but the actual structures and site configuration would be simpler and thus require a less intensive construction effort. In particular, the office building, truck-loading silos, weighbridges, and electric substation would be constructed, but there would be no open storage piles for GBFS and gypsum, and none of the mobile equipment needed to manage the storage piles would be installed. The Product Import Terminal Alternative (Alternative 3) would also include 60,000-ton bulk storage structures and a fixed, enclosed vacuum suction conveyor system that connects Berth 191 to the storage structure, which would house GBFS storage piles.

In addition to importing GGBFS, the Product Import Terminal Alternative (Alternative 3) would be expected to handle a variety of cementitious products of the types handled by other cement import terminals at Southern California ports (e.g., Portland cement, fly ash, ground natural pozzolan) in order to lower the risk of not being able to secure large cargoes of GGBFS, given the uncertainties in foreign supplies of that material and remain profitable as a terminal owned by a business not operating a cement plant in California. As a result, the Product Import Terminal Alternative (Alternative 3) would likely supply lower quantities of low-carbon binder than either the Proposed Project or the Reduced Project Alternative (Alternative 2), and would instead likely import other, higher-carbon construction binders. Finally, under this alternative, the maximum capacity of the Ecocem facility would be unchanged at 775,000 metric tons of cementitious materials per year. The facility would generate approximately 62,000 one-way truck trips per year, receive 23 vessel calls per year, and have 12 employees.

4.3 Environmentally Superior Alternative

CEQA requires identification of an environmentally superior alternative. The No Project Alternative (Alternative 1) is the Environmentally Superior Alternative because it would have no impacts to the three resource areas in which unavoidable significant impacts were identified in the Draft EIR. However, none of the Proposed Project's objectives, including the primary objective to supply the Southern California construction industry with a low-carbon binder (ground granulated blast furnace slag [GGBFS]), to enable the use of Ecocem's cementitious technologies in the construction of eco-efficient projects, and to help the State of California meet its net-zero emissions target for the cement industry. CEQA Guidelines Section 15126.6(e)(2) requires that in cases where the No Project Alternative (Alternative 1) is determined to be the environmentally superior alternative, another alternative must also be identified as environmentally superior.

As discussed in Draft EIR Section 5.3.1, the Proposed Project, the Reduced Project Alternative (Alternative 2), and the Product Import Terminal Alternative (Alternative 3) would have significant unavoidable impacts related to air quality, greenhouse gases

(GHGs), and noise. Under the Reduced Project Alternative (Alternative 2), impacts to air quality and GHGs would be slightly reduced as compared to the Proposed Project due to lower operational activity levels (Table 4). The Product Import Terminal Alternative (Alternative 3) would have lower impacts to air quality and GHGs than either the Proposed Project or the Reduced Project Alternative (Alternative 2) because there would be less construction emissions and no operational emissions from a processing facility. For noise, the Reduced Project Alternative (Alternatives 2) and the Product Import Terminal (Alternative 3) would have similar impacts to those of the Proposed Project. Due to the reduced impacts related to air quality and GHGs, the Product Import Terminal Alternative (Alternative 3) is deemed to be the "Environmentally Superior Alternative."

4.4 CEQA Findings for the Alternatives Analyzed

4.4.1 Alternative 1 – No Project Alternative

The No Project Alternative (Alternative 1) is required under CEQA Guidelines Section 15126.6(e) and would not result in any physical improvements to the existing site. Under the No Project Alternative (Alternative 1), construction and operation of a low-carbon cement processing facility would not occur and the Southern California region would not have increased access to supplies of low-carbon binder. Under this alternative, the Berths 192-194 site would remain largely vacant.

Finding

The Board hereby finds that although the No Project Alternative (Alternative 1) would result in reduced construction and operationally related environmental impacts as compared to the Proposed Project, this alternative would not result in a low-carbon cement facility, and thus it would not meet the underlying primary purpose and objectives of the Project of maximizing supplies of low-carbon binder, establishing a facility capable of producing a low-carbon binder at a deep-water berth in Southern California, facilitating the future development of improved low-carbon binders, and reducing the carbon footprint of the cement consumed in California. As a result, the Board finds that the No Project Alternative (Alternative 1) is not a feasible alternative to the Proposed Project because it would not accomplish the Project's primary purpose and objectives.

Facts in Support of the Finding

The No Project Alternative (Alternative 1) would result in reduced environmental impacts related to air quality, GHG emissions, noise, and cumulative impacts as compared to the Proposed Project because this alternative would not include any construction or operational activity. However, although the No Project Alternative (Alternative 1) would result in reduced environmental impacts, it would not meet the underlying purpose and objective of the Proposed Project, which is to maximize supplies of low-carbon binder in the Southern California region.

4.4.2 Alternative 2 – Reduced Project Alternative

Under the Reduced Project Alternative (Alternative 2), all of the elements of the Proposed Project would be built, but the capacity of the facility to produce GGBFS would be reduced. The terminal would operate at a lower throughput, and therefore at lower activity levels, than the Proposed Project.

Finding

The Board hereby finds that although the Reduced Project Alternative (Alternative 2) would feasibly meet the Project's underlying purpose and objectives, it would not provide Southern California with the maximum amount of low-carbon construction binder, and thus not fully realize the Proposed Project's benefit related to reducing the carbon footprint of the cement consumed in California. In particular, the Reduced Project Alternative (Alternative 2) would only produce approximately 523,000 tons of GGBFS per year, rather than the 775,000 tons that the Proposed Project would produce. Thus, the Reduced Project Alternative (Alternative 2) would not provide Southern California's construction industry with the supply chain for GGBFS that the Proposed Project would provide, and would therefore not achieve the objective of maximizing production of one of the lowest-carbon binders. The Reduced Project Alternative (Alternative 2) would also have the same types of significant and unavoidable environmental impacts as the Proposed Project would, including those to air quality, GHGs, and noise. Even though those impacts would be somewhat less severe under the Reduced Project Alternative (Alternative 2), they would still remain significant and unavoidable even with mitigation. Thus, the Board finds that the Reduced Project Alternative (Alternative 2) is not a feasible alternative to the Proposed Project because it would not accomplish the Project's goals and objectives as successfully as the Proposed Project, and would not provide the environmental benefits that the Proposed Project would.

Facts in Support of the Finding

The Reduced Project Alternative (Alternative 2) would result in reduced activity levels but would not substantially reduce environmental impacts relative to the Proposed Project, in part because construction would be nearly identical and would still result in significant and unavoidable air quality impacts (see DEIR Section 3.1 and Chapter 5), and noise impacts (see DEIR Section 3.7 and Chapter 5). Further, as described in DEIR Chapter 5, the Reduced Project Alternative (Alternative 2) would not fully meet the Project's objective of facilitating the development of low-carbon, high-performance binders and reaping the Proposed Project's benefit related to reducing the carbon footprint of cement consumed in Southern California. Accordingly, the Board finds that the Reduced Project Alternative (Alternative 2), while feasible, would not provide substantial environmental benefits compared to those provided by the Proposed Project, and would not meet the Project's objectives as successfully as the Proposed Project would.

4.4.3 Alternative 3 – Product Import Terminal Alternative

Construction of the Product Import Terminal Alternative (Alternative 3) would be similar to the Proposed Project in terms of ground improvements, but the actual structures and site configuration would be simpler and thus require a less intensive construction effort. Operations would entail the import and storage of a variety of cementitious products, including the types handled by other cement import terminals at Southern California ports, and loading those products onto customer trucks. The Product Import Terminal Alternative (Alternative 3) would likely supply lower quantities of low-carbon binder than the Proposed Project and Reduced Project Alternative (Alternative 2) would, and would instead likely import other, higher-carbon construction binders. As a result, the Proposed Project's benefit related to reducing the carbon footprint of the cement consumed in California would not be realized.

Finding

The Board hereby finds that the Product Import Terminal Alternative (Alternative 3) would feasibly meet some of the underlying purposes and objectives of the Proposed Project because it would help California meet some of its net-zero emissions targets for cement and would facilitate the future development of improved low-carbon, high-performance binders. However, the Board finds that, by not including a processing facility, the Product Import Terminal Alternative (Alternative 3) would not provide the industry with a supply chain for GGBFS, would not provide necessary raw material import capacity for an environmentally sustainable cementitious construction product, and would not help the State of California meet its net-zero emission targets for all cement used in the state to the same extent as the Proposed Project would. Furthermore, because the maximum capacity of the Product Import Terminal Alternative (Alternative 3) would remain the same as that of the Proposed Project—i.e., 775,000 metric tons of cementitious materials per year—the environmental impacts of the Product Terminal Alternative (Alternative 3) would not be substantially less than those of the Proposed Project.

As a result, the Board finds that the Product Import Terminal Alternative (Alternative 3), while feasible, does not meet the fundamental project goals and objectives as successfully as the Proposed Project would, and does not provide substantive environmental benefits relative to the Proposed Project.

Facts in Support of the Finding

Although the Product Import Terminal Alternative (Alternative 3) would not include an on-site processing facility, it would still handle the same quantity of cementitious materials per year as that of the Proposed Project (i.e., 775,000 metric tons per year). As a result, the Product Import Terminal Alternative (Alternative 3) would not substantially reduce environmental impacts relative to the Proposed Project, as oceangoing vessels, trucks, and on-site equipment, which account for the bulk of impacts of the Proposed Project, would still be necessary to handle the imported products and construction would still occur on the site to provide vessel unloading, product storage, and truck loading facilities. Construction of the storage facility would still result in significant and unavoidable air quality impacts (see Chapter 3, Section 3.1, and Chapter 5 of the Draft EIR), and because it would handle the same throughput as the Proposed Project, GHG emissions would also constitute a significant and unavoidable impact, even after mitigation (see Chapter 3, Section 3.5, and Chapter 5 of the Draft EIR). Further, as described in Chapter 5, the Product Import Terminal Alternative (Alternative 3) would likely not import as much GGBFS as the Proposed Project would, but would instead import traditional binders with higher carbon footprints than GGBFS. This, in turn, would reduce the potential regional and statewide benefits that would otherwise be gained by using low-carbon binders, including a reduced carbon footprint associated with the cement consumed in California. Accordingly, the Board finds that Alternative 3 (Product Import Terminal), while feasible, would not provide substantial environmental benefits compared to the Proposed Project, and would not meet the fundamental goals and objectives as well as the Proposed Project.

Chapter 5
Findings Regarding Irreversible Environmental Changes

Irreversible and irretrievable environmental changes caused by a project include long-term uses of non-renewable and non-recoverable resources during construction and operation. (CEQA Guidelines, Section 15126.2(c).)

Finding and Rationale

The Proposed Project would require the use of non-renewable resources to develop the site for Port-related activities. Construction of the Proposed Project would require the use of non-renewable resources, such as fossil fuels, electrical energy, and some types of construction materials, such as steel, concrete, and rock. Fossil fuels and electrical energy would be consumed during the construction and the operational phases of the Proposed Project. Ocean-going vessel fuels, diesel, and gasoline would continue to be used for ships, tugboats, facility operations, and on-road vehicles (including trucks and employee automobiles). Those energy resources would for the most part be irretrievable and would cause irreversible changes in supplies of fossil fuel available for other uses. However, as described in DEIR Section 3.3, some electricity provided by the Los Angeles Department of Water and Power is provided from renewable sources, and recently adopted legislation (Senate Bill 100) raises California's renewable portfolio requirements for retail electricity sales, so that future operation of the Proposed Project would consume less non-renewable electrical resources.

Non-recoverable materials would be used during construction and operation, but the amounts would be accommodated by existing supplies. In particular, apart from fossil fuels, non-recoverable material resources committed to the Proposed Project would include construction materials such as steel, concrete, and gravel. Although the amounts needed are considered minor relative to existing supplies and reserves, they would nevertheless be unavailable for other uses. The minimal irreversible changes would be justified by the benefits from the Proposed Project's increased supplies of a low-carbon construction binder that would help meet the State and region's emissions goals. Therefore, the irreversible and irretrievable commitments of resources associated with the Proposed Project are justified under CEQA.

Chapter 6
Changes to the Draft EIR

Changes were made to the Draft EIR following the public review period. Actual changes to the text can be found in Chapter 3, Modifications to the Draft EIR, of the Final EIR. Changes are identified by text strikeout and underline. Changes to the Draft EIR include:

- Modifications to the Executive Summary to incorporate the revisions to the EIR described below;
- Minor modifications of the project description to clarify details of Proposed Project construction in response to comments by the California Department of Fish and Wildlife, and a clarification of the length of the entitlement period;
- Modifications to Section 3.1, Air Quality, to revise the lease measures, add mitigation measures, make minor text revisions and errata, and correct a mis-statement in the description of Figure 3.1-2; in addition, a discussion of health effects related to criteria pollutant impacts was added to Section 3.1;
- Minor modifications of Section 3.2.5, Biological Resources, to clarify implementation of MM BIO-1 and strengthen its language;
- Minor text modifications in Section 3.5, Greenhouse Gases, to correct descriptions of global warming potentials, substitution of MM GHG-1 for LM GHG-1, revision of air quality lease and mitigation measures in text and tables, change to the significance determination for impacts from significant to less than significant, and addition of a paragraph to address an issue of sea level rise raised by the California Coastal Commission;
- Addition of a mitigation measure (MM NOI-3) to Section 3.7 Noise to address pile-driving noise;
- Modification of Table 3.8-4 to reconcile a discrepancy in truck trip numbers noted by the SCAQMD and modification of Table 3.8-5 to reflect updated project construction schedules;
- Revisions in Chapter 4, Cumulative Analysis, to provide support for a statement about vessel traffic, modification of the greenhouse gas impact to less than significant, and the addition of a section (4.2.10 Other Cumulative Impacts) that considers potential cumulative impacts of resource areas eliminated from the Draft EIR in the Initial Study;
- Minor modifications of Appendix B1 and Appendix B3 to reconcile discrepancies, clarify assumptions, and correct minor data errors; and
- Addition of two appendices (a noise study and the Proposed Project's Soil Management Plan).

Finding and Rationale

Although Chapter 3 of the Final EIR includes minor amounts of new information and clarification, generated in response to comments received on the Draft EIR, the information is not significant new information that would require recirculation per CEQA Guidelines Section 15088.5. For instance, no new information was included that would result in: (1) A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented; (2) A substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance; and/or (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed were added that would clearly lessen the environmental impacts of the project (CEQA Guidelines Section 15088.5(a).)

All information included in the Final EIR merely clarifies or amplifies or makes insignificant modifications to the EIR. (See *Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1992) 6 Cal.4th 112, 1129–1130.) Consequently, the changes and clarifications presented in Chapter 3 of the Final EIR were reviewed by the Board to determine whether they constitute "significant new information" requiring recirculation prior to certification of the EIR. The information contained in Chapter 3 of the Final EIR was found to merely clarify or amplify the information presented in the Draft EIR. No new feasible alternatives or mitigation measures that are considerably different from others previously analyzed were identified that would clearly or substantively lessen the significant effects of the Proposed Project.

Further, as discussed in Chapter 3, modifications to lease measures (i.e., **LM AQ-1, LM AQ-2, LM AQ-3,**) would not reduce their effectiveness in reducing significant impacts nor would the added mitigation measures (**MM GHG-1**, **MM AQ-1**, and **MM AQ-2**) and lease measures (LM AQ-5, LM AQ-6, and LM AQ-7) reduce significant impacts to less than significant. As a result, all clarifying information included in the Final EIR does not constitute significant new information requiring recirculation because the EIR is not changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the Proposed Project. The information presented in Chapter 3 does not result in or disclose any new significant impacts or a substantial increase in the severity of any impact already identified in the EIR.

Therefore, recirculation of the Draft and Final EIR is not required and the EIR can be certified without additional public review, consistent with Public Resources Code Section 21092.1 and State CEQA Guidelines Section 15088.5.

The Board finds that all information added to the Final EIR after public notice of the availability of the Draft EIR for public review but before certification merely clarifies or makes insignificant modifications to an adequate Draft EIR that does not require recirculation.

Chapter 7
Findings on Suggested Project Revisions in Comments on the Draft EIR

Comment letters were received on the Draft EIR suggesting mitigation modifications, mitigation additions, and impact determination revisions. Where the suggestions (1) requested minor modifications in adequate mitigation measures, (2) requested mitigation for impacts that the Draft EIR determined were less than significant, or (3) requested mitigation for impacts for which the Draft EIR already identified measures that would reduce the impact to less than significant, these requests were declined as unnecessary or not appropriate. Additionally, certain mitigation measures suggested in comments could reduce impacts that would otherwise be significant, but implementation of measures and/or alternatives would be infeasible due to specific economic, environmental, legal, social, technological, policy, or other considerations. LAHD has identified and proposes to incorporate all feasible mitigation measures, including feasible revisions to the existing mitigation measures recommended by commenters, or otherwise initiated by the Port. No additional mitigation measures to reduce significant impacts disclosed in the EIR have been determined to be feasible.

The suggested mitigation measures and revisions, and the reasons supporting why the recommendations were accepted or rejected, are summarized below. Additional detail can be found in the comments and responses to comments chapter of the Final EIR (Chapter 2). The Board adopts and incorporates by reference the specific reasons for declining such measures contained in the responses to comments in the Final EIR as its grounds for rejecting those measures.

Air Quality

Comments were received suggesting that the Proposed Project require additional emission reduction strategies or accelerate the application of existing measures, including requiring zero and near-zero emission technologies, requiring stricter engine emission standards for marine and land-based vehicles, implementing at-berth emission reduction strategies, and eliminating the open storage of raw materials.

Several comments recommended implementing zero emission technologies to reduce air pollutant emissions (e.g., Comments SCAQMD-3 and CFASE-11). As described in Section 3.1 of the Draft EIR, however, the only potential sources that could be converted to zero emission technologies are the heavy-duty on-road trucks hauling the finished product and the few pieces of off-road mobile equipment used to manage the on-site stockpiles. The on-road trucks are not under either the project proponent's or the LAHD's control, as they would be owned and operated by third-party entities. Accordingly, the Proposed Project has no mechanism for imposing zero-emissions technologies on that source; instead, heavy-duty trucks would be governed by the State's regulations, which mandate zero-emission

trucks by 2035. For the on-site equipment (primarily a large front-end loader), electric-powered models are not yet available, and thus zero-emission technologies are infeasible at this time. However, the Project includes MM AQ-2 (Front End Loader Replacement Schedule), LM AQ-1 (Fleet Modernization for Cementitious Material Handling Equipment), and LM AQ-2 (Periodic Review of New Technology and Regulations), which would ensure that zero-emissions equipment is incorporated into the facility's operations as soon as it is commercially available,

Comment SCAQMD-2 recommended use of at-berth control of oceangoing vessel (OGV) emissions under the CARB 2020 At-Berth Regulation. As the Draft EIR (Section 3.1) and the Response to Comment SCAQMD-2 explain, however, that regulation does not apply to the type of OGV that would service the Ecocem facility (i.e., dry-bulk freighters), so that current at-berth technologies have not been certified for use to control their emissions. LM AQ-3 (At-Berth Vessel Emissions Control Pilot Study) obligates Ecocem to attempt to implement an at-berth system within the first three years of receiving the necessary entitlements.

Comments recommended requiring Ecocem to enclose the raw material stockpiles to reduce escape of particulate matter (e.g., Comments WNC-1, WNC-5). This measure was considered in the Draft EIR (Section 5.4.3) as a project alternative but rejected because a stockpile cover would have limited benefits, given the controls already part of the Proposed Project, that would not justify its considerable cost.

Biological Resources

A comment from the California Department of Fish and Wildlife (CDFW) recommended additional measures to reduce impacts of underwater noise and turbidity on fish (Comment CDFW-2). These measures included bubble curtains, silt curtains, and vibratory pile driving methods. The Draft EIR considered the potential impacts of underwater noise on fish and concluded they would be less than significant; accordingly, the response to comment concluded that additional measures are unnecessary. Furthermore, the response explained that vibratory pile driving methods are not feasible for the proposed wharf improvements. The response also considered CDFW's suggested turbidity-reducing measures, but ultimately determined they were not necessary because, given compliance with construction permit requirements related to control of turbidity, the impact would already be less than significant.

CDFW also suggested implementation of a marine mammal monitoring program and a disclosure of potential impacts on sea turtles (Comment CDFW-4). The response to that comment clarified that the marine mammal monitors would also monitor sea turtles.

Comment CDFW-3 recommended that piles that cannot be fully removed be broken off two feet below the mudline, in order to minimize the possibility of leaching wood preservatives into the water column. The response to that comment concluded that the sediment disturbance resulting from the necessary excavation would have more water quality impacts than the possibility of further leaching from old pilings.

Hazards and Hazardous Materials

The California Department of Toxic Substances Control recommended that all imported soil and fill material be tested to ensure that any contaminants of concern are within approved screening levels for the intended land use (Comment DTSC-3). The response to that comment pointed out that DTSC's recommendation was already included in the Proposed Project because LAHD policy specifies soil testing procedures and

methodologies, and incorporates relevant regulatory guidance regarding allowable concentrations of metals and organic compounds.

Traffic

Several comments expressed concern over truck traffic and recommended that the Port implement a monitoring program. Although truck traffic is no longer required to be analyzed in CEQA documents (CEQA Guidelines Section 15064.3 subdivision (b)(1)), the Draft EIR does contain an analysis, for informational purposes, of the potential impacts of truck traffic on local intersections DEIR Section 3.8.6). That analysis confirms that the volume of truck traffic generated by the Proposed Project would have very little effect on roadway operational conditions. Accordingly, additional control measures, including implementation of a monitoring program, were considered unnecessary.

Alternatives

Several comments suggested modifying the Proposed Project to incorporate rail transport, either of the product or of the GBFS raw material, to an inland distribution (for product transport) or processing and distribution (for the raw material scenario) facility (e.g., Comments CESPNC-6, NWSPNC-4, WNC-1, WNC-6, and PH-2a). The commenters assumed that such an alternative would reduce impacts by removing trucks from the local roads.

The Draft EIR did consider rail transport of the product as an alternative to the Proposed Project (DEIR Section 5.4.2) and concluded that the provision of rail to the Project site was technically infeasible, that few of Orcem's customers have rail facilities for receiving the product, and that it would actually increase impacts. Although truck traffic generated by the Proposed Project would be substantially reduced in the Port area, the impacts of locomotive operations (air quality, noise, and traffic delays at grade crossings) would be added, and truck traffic impacts would simply be relocated to inland areas.

The Draft EIR did not consider an inland processing plant in any detail, noting only that a number of potential sites were eliminated on the basis of unavailability or increased operational costs. Accordingly, the Response to Comment CESPNC-6 includes such an analysis; the conclusion of the analysis is that in addition to the factors rendering the product transport scenario infeasible, the raw material transport scenario would be inconsistent with the operating practices of the UP and BNSF railroad companies and the double-handling of the raw material and the additional truck miles for distribution would result in additional impacts.

Chapter 8
Statement of Overriding Considerations

Pursuant to Public Resources Code Section 21081 and Section 15093 of the State CEQA Guidelines, the Board must balance the benefits of the Proposed Project against unavoidable environmental risks in determining whether to approve the Project. As detailed in the Findings, the Proposed Project would result in significant unavoidable impacts to air quality and noise. The Proposed Project would also result in cumulatively considerable contributions to significant cumulative impacts on air quality and noise.

The Proposed Project offers several benefits that outweigh its unavoidable adverse environmental effects. The Board adopts the following Statement of Overriding Considerations. The Board recognizes that significant and unavoidable impacts will result from implementation of the Proposed Project, as discussed above. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible any alternatives that would avoid or reduce the significant impacts of the Proposed Project, as discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Proposed Project against the Proposed Project's significant and unavoidable impacts, the Board hereby finds that the benefits outweigh and override the significant unavoidable impacts for the reasons stated below.

The below stated reasons summarize the benefits, goals, and objectives of the Proposed Project and provide the rationale for the benefits of the Proposed Project. The Board finds that any one of the environmental, technological, policy, and economic benefits of the Proposed Project set forth below is sufficient by itself to warrant approval of the Proposed Project. These overriding considerations justify adoption of the Proposed Project and certification of the completed Final EIR. This determination is based on the findings herein and the evidence in the record. These benefits include the following:

- **Fulfills LAHD's legal mandates and objectives**. The Proposed Project would fulfill the LAHD's legal mandate under the Port of Los Angeles Tidelands Trust (Los Angeles City Charter, Article VI, Sec. 601; California Tidelands Trust Act of 1911) to promote and develop commerce, navigation, fisheries, and other uses of statewide interest and benefit, including industrial, recreational, and transportation uses. It would also promote the mandates of the California Coastal Act (PRC Division 20, Section 30700, et seq.), which identifies the Port and its facilities as a primary economic/coastal resource of the State and an essential element of the national maritime industry and obligates LAHD to modernize and construct necessary facilities to accommodate the demands of foreign and domestic waterborne commerce and other traditional water-dependent and related facilities in order to preclude the necessity for developing new ports elsewhere in the state. Further, the California Coastal Act provides that the LAHD should give highest priority to the use of existing land space within harbors for Port purposes, including, but not limited to navigational facilities, shipping industries, and

necessary support and access facilities. The Project would also meet LAHD's strategic green growth objectives by maximizing the efficiency and capacity of facilities, while applying measures that adhere to and/or exceed those required by the San Pedro Bay Clean Air Action Plan (CAAP) and raise environmental standards.

- **Facilitates California's emissions and climate change goals.** By providing the region's construction industry with a substantial, reliable supply of a low-carbon-intensity construction binder, the Proposed Project would help meet California's 2030 and 2045 net-zero cement emissions targets.
- **Optimizes land use.** The Proposed Project would maximize the utilization of Port lands by constructing a water-dependent import terminal on currently vacant Port land. The Proposed Project would be consistent with LAHD's public trust obligations under the tidelands grant to the City of Los Angeles for the purposes of commerce, navigation, fishery, and various public access, recreational, and commercial uses.

  The Proposed Project would optimize maritime commerce at the Berths 191-194 site, consistent with Port Master Plan policies 1.1 (develop new commercial or industrial projects in or near existing developed areas), 1.2 (protect coastal areas for port-related developments and water-dependent developments, 1.3 (modernize and construct necessary facilities within the boundaries of the Port), and 2.1 (locate, design, and construct port-related projects to minimize substantial impacts, and prioritize the use of existing space for port-purposes).
- **Implements the San Pedro Bay Clean Air Action Plan (CAAP).** The Proposed Project incorporates Project-specific environmental features that are consistent with CAAP requirements, along with implementation of additional standards and lease and mitigation measures identified through the CEQA findings that meet CAAP requirements and objectives (see Section 3.1, Air Quality and Meteorology, of the Draft EIR).
- **Fosters economic growth.** The Proposed Project would augment local employment and business opportunities by directly supporting numerous short-term construction jobs, long-term operational jobs, and a variety of indirect jobs related to construction and operation (see Chapter 8, Socioeconomics, of the Draft EIR). The Project would also support long-term economic growth by generating revenues to the Port over the operational life of the Project.

In summary, the Proposed Project would allow LAHD to meet its legal mandates to accommodate growing international commerce, while maintaining compliance with important environmental programs and policies. The Board hereby finds that each of the benefits of the Proposed Project described above outweighs the significant and unavoidable environmental effects and are therefore considered acceptable.