DRAFT FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Document considered draft until Board review and approval

Berths 226-236 [Everport] Container Terminal Improvements Project Environmental Impact Report

October 2017

Prepared by:

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

THE PORT OF LOS ANGELES

With assistance from:

CDM Smith

US Army Corps of Engineers

APP No. 131015-136
SCH No. 2014101050

Table of Contents

Chapter 1 CEQA Findings of Fact and Statement of Overriding Considerations 1-1
1.1 Introduction 1-1
Chapter 2 Recommend Alternative Overview 2-1
2.1 Introduction 2-1
2.1.1 Project Purpose 2-1
2.1.2 CEQA Objectives 2-2
2.1.3 Project Description (Recommended Alternative) 2-2
Chapter 3 CEQA Findings 3-1
3.1 Environmental Impacts of the Recommended Alternative 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 3-4
3.1.3 Environmental Impacts Found to Be Less than Significant 3-5
3.2 Findings Regarding Environmental Impacts Found to Be Significant and Unavoidable 3-10
3.2.1 Air Quality and Meteorology 3-10
3.2.2 Biological Resources 3-17
3.2.3 Cultural Resources 3-17
3.2.4 Greenhouse Gas Emissions 3-20
3.3 Findings Regarding Environmental Impacts Found to Be Less than Significant after Mitigation 3-22
3.3.1 Biological Resources 3-22
3.3.2 Cultural Resources 3-24
3.3.3 Noise 3-25
3.4 Cumulatively Considerable Impacts 3-26
3.4.1 Air Quality and Meteorology 3-27
3.4.2 Biological Resources 3-31
3.4.3 Cultural Resources 3-32
3.4.4 Greenhouse Gases 3-33
3.4.5 Ground Transportation 3-34
3.4.6 Noise 3-35
Chapter 4 The Proposed Project and Alternatives 4-1
4.1 Reasonable Range of Alternatives 4-1
4.2 Alternatives Eliminated from Further Consideration 4-3
4.3 Alternatives Analyzed in the EIS/EIR 4-3
4.4 Environmentally Superior Alternative 4-4
4.5 CEQA Findings for Adoption of Alternative 5 in Lieu of the Originally Proposed Project 4-5
4.6 CEQA Findings for Alternatives Analyzed 4-6
4.6.1 Alternative 1 – No Federal Action 4-6
4.6.2 Alternative 2 – No Project 4-6
4.6.3 Alternative 3 – Reduced Project: Reduced Wharf Improvements 4-7

4.6.4 Alternative 4 – Reduced Project: No Backlands Improvements 4-8
4.6.5 Alternative 5 – Expanded On-Dock Railyard: Wharf and Backland Improvements with an expanded TICTF (Recommended Alternative) 4-10
Chapter 5 Findings Regarding Irreversible Environmental Changes 5-1
Chapter 6 Changes to the Draft EIS/EIR 6-1
Chapter 7 Findings on Suggested Project Revisions in Comments on the Draft EIS/EIR 7-1
Chapter 8 Statement of Overriding Considerations 8-1
8.1 Project Benefits 8-1

Chapter 1

CEQA Findings of Fact and Statement of Overriding Considerations

1.1 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 California Environmental Quality Act (CEQA) Guidelines to support a decision to adopt Alternative 5 (referred to herein as the Recommended Alternative) considered as part of the Environmental Impact Statement and Environmental Impact Report (EIS/EIR) prepared for the Berths 226-236 [Everport] Container Terminal Improvements Project. 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 Environmental Impact Report (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.

Additionally, 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 decision maker. (PRC Section 21081(b); 14 California Code of Regulations [CCR] 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.

The Recommended Alternative includes project elements that will require federal permits from the U.S. Army Corps of Engineers (USACE). As such, an Environmental Impact Statement

(EIS) was also prepared. The USACE and LAHD prepared a joint EIS/EIR in the interest of efficiency and to avoid duplication of effort. The USACE will consider certification and approval of the EIS separate from the Board of Harbor Commissioner's (Board's) consideration of the EIR. The Findings of Fact are based on substantial evidence, including the evaluations and impact determinations made in the EIR prepared pursuant to CEQA; however, because a joint EIS/EIR was prepared, references to both the Draft and Final EIS/EIR are made throughout this document.

Chapter 2
Recommend Alternative Overview

2.1 Introduction

This section describes the alternative that is recommended by staff for adoption (hereafter referred to as the 'Recommended Alternative') as analyzed under Alternative 5 in the Berths 226-236 [Everport] Container Terminal Improvements Project EIR/EIS. The EIR/EIS fully analyzed the reasonably foreseeable and potentially significant adverse environmental effects associated with construction and operation of the Recommended Alternative (Alternative 5).

2.1.1 Project Purpose

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 300 tenants.

As explained in the EIS/EIR, the purpose of the Recommended Alternative is to optimize marine shipping and commerce by upgrading the Everport Container Terminal's infrastructure in, over, and under the water while increasing and improving terminal backlands to accommodate the projected throughput and fleet mix of larger container ships [up to 16,000 twenty-equivalent units (TEUs)] that are anticipated to call at the Everport Container Terminal through 2038.

The Recommended Alternative is needed for several reasons; however, it is primarily related to an increase in the size of vessels that will be entering the fleet mix throughout the life of the project. Forecasts show that vessel fleets calling at the Port of Los Angeles and the Everport Container Terminal would include larger vessels (up to 16,000 TEUs), creating a need to improve Port facilities to accommodate larger vessels. The existing berths that serve the Everport Container Terminal are not deep enough to accommodate the projected fleet mix through 2038 (the existing berths can only accommodate up to 8,000 TEU vessels). These berths would be upgraded (deepened) as part of the Recommended Alternative. In addition to existing berth depth restrictions, additional cranes are needed to efficiently load and unload the larger container ships. Finally, additional container yard backlands are needed to accommodate future operations and the projected Port-wide throughput (The Tioga Group, 2009). The final

project component would be to increase Everport's Terminal Island Container Transfer Facility (TICTF) by one rail track to allow additional cargo to be transported offsite by rail rather than via heavy-duty truck.

2.1.2 CEQA Objectives

CEQA Guidelines (Section 15124[b]) require that the project description contain a statement of objectives, including the underlying purpose of the Recommended Alternative. The underlying fundamental purpose and project objective is to optimize the container-handling efficiency and capacity of the Port to accommodate the projected fleet mix of larger container vessels (up to 16,000 TEUs) that are anticipated to call at the Everport Container Terminal (i.e., Project site) through 2038. The fundamental purpose, in turn, gives rise to the following additional project objectives:

- Optimize the use of existing land at the Everport Container Terminal and associated waterways in a manner that is consistent with the LAHD's public trust obligations;
- Provide sufficient depth along Berths 226-229 [-53 mean lower low water (MLLW) plus two feet of overdepth tolerance for a total depth of -55 feet MLLW] and Berths 230-232 (-47 MLLW plus two feet of overdepth tolerance for a total depth of -49 feet MLLW) to ensure the terminal's ability to accommodate up to 16,000 TEU vessels anticipated to call at the terminal;
- Provide new cranes and raise existing cranes to efficiently service the larger container ships anticipated to call at the terminal;
- Improve the container terminal and container handling facilities to accommodate more efficient loading/unloading of the larger and increased number of ships anticipated to call at the terminal;
- Improve the container terminal backland capacity;
- Maximize container land use and operations at the Everport Container Terminal consistent with the Port Master Plan; and
- Promote the long-term development and growth of the Port.

2.1.3 Project Description (Recommended Alternative)

This section describes the Recommended Alternative for the Berths 226-236 [Everport] Container Terminal Improvements Project EIR. The EIR analyzes the construction and operation of the Recommended Alternative under Alternative 5 in the EIS/EIR. The Project site is located at 389 Terminal Way on Terminal Island in the Port of Los Angeles within the Port of Los Angeles Community Plan area of the City, and within the County of Los Angeles, California.

The existing 205-acre container terminal at the Project site includes 180 acres under lease and an existing space assignment for 25 acres of backland area behind Berths 232-236. The Recommended Alternative would increase the existing terminal size from 205 acres to approximately 229 acres by incorporating an additional 23.5 acres (consisting of a 1.5-acre parcel and a 22-acre parcel) into the lease. Below is a summary of the improvements that would occur:

- Dredging (including installation of king piles and approximately 1,400 linear feet of sheet piling to stabilize the wharf) at Berths 226-229 to a design depth of -53 feet MLLW plus

two feet of overdepth tolerance (for a total depth of -55 feet MLLW) to accommodate larger ships (the existing design depth is -45 feet MLLW);

- Dredging (including installation of approximately 1,400 linear feet of sheet piling to stabilize the wharf) at Berths 230-232 to a design depth of -47 feet MLLW plus two feet of overdepth tolerance (for a total depth of -49 feet MLLW) to accommodate larger ships (the existing design depth is -45 feet MLLW);
- Disposal of approximately 38,000 cubic yards of dredged material (30,000 cubic yards from Berths 226-229 and 8,000 cubic yards from Berths 230-232) at an ocean disposal site (i.e., LA-2), an approved upland disposal facility, or a combination of the above;
- Addition of five new 100-foot gauge A-frame over-water gantry (wharf) cranes manufactured by Shanghai Zhenhua Heavy Industry Co., Ltd. (ZPMC), or equivalent. These additional cranes would be installed upon existing crane rails at Berths 226-229 to accommodate larger ships at the proposed deeper berths. Addition of the new cranes would require infrastructure improvements (such as cable and electrical upgrades);
- The raising of up to five of the existing operational cranes in order to accommodate larger vessels.
- Addition of five AMP vaults (throughout wharf area adjacent to Berths 226 to 232) and associated infrastructure (e.g., electrical conduit and wires);
- Installation of three-foot spacers between the wharf and existing wharf fenders to provide better clearance between the berthed vessels and the new king and sheet piles;
- Development of approximately 1.5 acres of vacant land as new backlands;
- Development of approximately 22 acres as new backlands and modified inbound and outbound gates associated with the relocation of the main gate. The development of the 22 acres would require closure (vacation) of streets within this backlands expansion area (see next bullet) and demolition of existing structures (with the exception of the existing electrical substation);
- Closure of portions of Terminal Way, Barracuda Street, Tuna Street, and Ways Street within the Project site and rerouting of Terminal Way traffic to Cannery Street;
- Improvements to Cannery Street, including: street realignment, pavement improvements, street widening, striping, traffic lighting and signals, drainage, and sidewalk improvements;
- Infrastructure to support 23.5 acres (1.5 + 22 acres) of new backlands (such as lighting, paving, and drainage improvements);
- Addition of one rail track at the TICTF to increase the capacity of the Everport portion of the on-dock railyard;
- Amendment of the lease to add approximately 48.5 acres of terminal backlands comprised of approximately 25 acres of existing developed terminal backlands currently under space assignment, and the 23.5 acres (1.5 plus 22 acres) of new backland area, for a total terminal acreage of approximately 229 acres; and,
- Extension of the facility lease by 10 years for continued operations from the current end date of 2028 to 2038.

This page intentionally left blank.

Chapter 3
CEQA Findings

3.1 Environmental Impacts of the Recommended Alternative

The Findings of Fact are based on information contained in the Draft EIS/EIR and the Final EIS/EIR for the Recommended Alternative (analyzed in the EIS/EIR as Alternative 5), 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 EIS/EIR and Final EIS/EIR, project public hearing records, public notices, written comments on the project and responses to those comments, proposed decisions and findings on the Recommended Alternative, 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 Director of Environmental Management, Los Angeles Harbor Department, 222 West 6th Street, San Pedro, California 90731.

The Draft EIS/EIR addresses the Recommended Alternative's potential effects on the environment, and was circulated for public review and comment pursuant to the State CEQA Guidelines for a period of 45 days. Comments were received from a variety of public agencies, organizations, and individuals. The Final EIS/EIR contains copies of all comments and recommendations received on the Draft EIS/EIR, a list of persons, organizations and public agencies commenting on the Draft EIS/EIR, responses to comments received during the public review, and changes to the Draft EIS/EIR. This section provides a summary of the environmental effects of the Recommended Alternative that are discussed in the EIS/EIR and provides written findings for each of the significant effects 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 EIS/EIR concludes that some, but not all, impacts of the Recommended Alternative in the following environmental resource areas would remain significant and unavoidable despite incorporation of all feasible mitigation:

- Air Quality and Meteorology
- Biological Resources
- Cultural Resources

- Greenhouse Gas Emissions

The Board hereby finds that, despite the imposition of all feasible mitigation measures, the following environmental impacts of the Recommended Alternative are significant and unavoidable. Table 1 lists the required mitigation measures (MM), lease measures (LM), and standard conditions of approval (SC) and potential remaining impacts after mitigation.

Table 1: Significant and Unavoidable Adverse Environmental Impacts for the Recommended Alternative (Alternative 5)

Environmental Impact	Impact Determination	Mitigation Measures	Impacts after Mitigation
Air Quality and Meteorology			
AQ-1: The Recommended Alternative would result in construction-related emissions that exceed an SCAQMD threshold of significance.	Construction would be significant for NO_X in 2018 and 2019 and for VOC in 2019. Overlapping construction and operations would be significant for NO_X in 2019.	**MM AQ-1:** Harbor Craft Used During Construction. **MM AQ-2:** On-Road Trucks Used during Construction. **MM AQ-3:** Non-Road Construction Equipment. **MM AQ-4:** Cargo Ships Used During Construction. **MM AQ-5:** General Mitigation Measure.	Construction would be significant and unavoidable for NO_X in 2018 and 2019 and VOC in 2019. Overlapping construction and operations would be significant and unavoidable for NO_X in 2019.
AQ-2: Recommended Alternative construction would result in off-site ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.	Maximum off-site ambient air pollutant concentrations would be significant for NO_2 (federal and state1-hour average). Overlapping construction and operations would be significant for PM_{10} (24-hour and annual average).	**MM AQ-1** through **MM AQ-5**	Maximum off-site ambient air pollutant concentrations would be significant and unavoidable for NO_2 (federal 1-hour average). Overlapping construction and operations would be significant and unavoidable for PM_{10} (24-hour and annual average).
AQ-3: The Recommended Alternative would result in operational emissions that exceed an SCAQMD threshold of significance.	Operations would be significant for NO_X in 2019 and CO and VOC in 2033 and 2038.	**MM AQ-6:** Vessel Speed Reduction Program (VSRP). **MM AQ-7:** Alternative Maritime Power (AMP). **LM AQ-1:**	Operations would be significant and unavoidable for CO and VOC in 2033 and 2038.

Table 1: Significant and Unavoidable Adverse Environmental Impacts for the Recommended Alternative (Alternative 5)

Environmental Impact	Impact Determination	Mitigation Measures	Impacts after Mitigation
		Replacement of Equipment and Review of New Technology and Regulations. **LM AQ-2:** Priority Access System.	
AQ-4: Recommended Alternative operations would result in off-site ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.	Operations would be significant for NO_2 (federal 1-hour average), PM_{10} (24-hour and annual averages), and $PM_{2.5}$ (24-hour average).	**MM AQ-6** and **MM AQ-7**	Operations would be significant and unavoidable for NO_2 (federal 1-hour average), PM_{10} (24-hour and annual averages), and $PM_{2.5}$ (24-hour average).
Biological Resources			
BIO-3: The Recommended Alternative has the potential to introduce noise, light, or nonnative species into the Harbor that could substantially disrupt local biological communities.	Potentially significant	No mitigation is available.	Significant and unavoidable.
Cultural Resources			
CR-1: The Recommended Alternative would have a significant impact on built environment historical resources.	Potentially significant	**MM CR-1:** Historic Resource Recordation.	Significant and unavoidable
CR-2: The Recommended Alternative would cause a substantial adverse change in the significance of an archaeological or ethnographic resource.	Potentially significant	**MM CR-2:** Completion of Phase I Cultural Resource Investigation. **MM CR-3:** Pre-construction Worker Training. **SC CR-1**: Stop Work if Prehistoric and/or Archaeological Resources are Encountered.	Significant and unavoidable

Table 1: Significant and Unavoidable Adverse Environmental Impacts for the Recommended Alternative (Alternative 5)

Environmental Impact	Impact Determination	Mitigation Measures	Impacts after Mitigation
Greenhouse Gas Emissions			
GHG-1: The Recommended Alternative would generate GHG emissions, either directly or indirectly that would exceed the SCAQMD 10,000 mty CO_2e threshold.	Potentially significant	**MM AQ-2.** On-road Trucks Used during Construction. **MM AQ-6**. VSRP. **MM AQ-7.** AMP. **MM GHG-1**. LED Lighting. **MM GHG-2.** Solar Electricity. **LM GHG-1.** GHG Credit Fund. **LM AQ-1:** Replacement of Equipment and Review of New Technology and Regulations. **LM AQ-2:** Priority Access System.	Significant and unavoidable

3.1.2 Environmental Impacts Found to Be Less than Significant after Mitigation

The EIS/EIR concludes that some, but not all, significant impacts of the Recommended Alternative in the following environmental resource areas would be less than significant after mitigation:

- Biological Resources
- Noise

In addition, the EIS/EIR concludes that some, but not all, impacts of the Recommended Alternative in the following resource area was found to be less than significant prior to mitigation. However, mitigation measures and/or standard conditions of approval were still identified for the less-than-significant impacts in the following areas, to further ensure that impacts remain minimal.

- Biological Resources
- Cultural Resources

The Board hereby finds that the following environmental impacts of the Recommended Alternative are 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. Mitigation measures and/or standard conditions of approval were also identified where impacts would be less than significant prior to mitigation but are applied to ensure that impacts would be minimal.

Table 2: Significant Environmental Impacts that Can be Mitigated for the Recommended Alternative (Alternative 5)

Environmental Impact	Impact Determination	Mitigation Measures	Impacts after Mitigation
Biological Resources			
BIO-1: The Recommended Alternative could cause a loss of individuals or 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.	Potentially Significant	**MM BIO-1:** Protect Marine Mammals. **MM AQ-6:** VSRP.	Less than significant
Cultural Resources			
CR-3: The Recommended Alternative would not result in the permanent loss of, or loss of access to, a significant paleontological resource.	Less than significant	No mitigation is required. **SC CR-2**: Unanticipated Discovery of Paleontological Resources.	Less than significant
Noise			
NOI-1: Construction of the Recommended Alternative could result in daytime construction activities lasting more than 10 days in a three-month period that would exceed existing ambient exterior noise levels by 5 dBA or more at noise-sensitive receptors.	Significant impact	**MM NOI-1:** Noise Reduction during Pile Driving. **MM NOI-2**: Utilize Temporary Noise Attenuation Curtain Adjacent to Pile Driving Equipment.	Less than significant

3.1.3 Environmental Impacts Found to Be Less than Significant

The EIS/EIR concludes that all impacts of the Recommended Alternative in the following environmental resource areas would be less than significant.

- Aesthetics and Visual Resources
- Ground Transportation
- Groundwater and Soils
- Hazards and Hazardous Materials
- Marine Transportation
- Water Quality, Sediments, and Oceanography

In addition, the EIS/EIR concludes that some, but not all, impacts of the Recommended Alternative in the following environmental resource areas would be less than significant.

- Air Quality and Meteorology
- Biological Resources
- Noise

The Board finds that the following environmental impacts of the Recommended Alternative are less than significant and hereby makes the same determination based on the conclusions in the Final EIS/EIR, as summarized in Table 3. No mitigation measures are required for impacts that are less than significant (14 CCR Section 15126.4(3)(a)).

Table 3: Less Than Significant Environmental Impacts for the Recommended Alternative (Alternative 5)

Environmental Impact	Impact Determination	Mitigation Measures	Impacts after Mitigation
Aesthetics and Visual Resources			
AES-1: Construction and operation of the Recommended Alternative would not result in a substantial adverse effect on a scenic vista.	Less than significant	No mitigation is required	Less than significant
AES-2: Construction and operation of the Recommended Alternative would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a state scenic highway.	Less than significant	No mitigation is required	Less than significant
AES-3: Construction and operation of the Recommended Alternative would not substantially degrade the existing visual character or quality of the site and its surroundings.	Less than significant	No mitigation is required	Less than significant
AES-4: Construction and operation of the Recommended Alternative would not create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area.	Less than significant	No mitigation is required	Less than significant
Air Quality and Meteorology			
AQ-5: The Recommended Alternative would not generate on-road traffic that would contribute to an exceedance of the 1-hour or 8-hour CO standards.	Less than significant	No mitigation is required	Less than significant
AQ-6: The Recommended Alternative would not create an objectionable odor at the nearest sensitive receptor.	Less than significant	No mitigation is required	Less than significant

Table 3: Less Than Significant Environmental Impacts for the Recommended Alternative (Alternative 5)

Environmental Impact	Impact Determination	Mitigation Measures	Impacts after Mitigation
AQ-7: The Recommended Alternative would expose receptors to significant levels of TACs.	Less than significant	No mitigation is required	Less than significant
AQ-8: The Recommended Alternative would not conflict with or obstruct implementation of an applicable AQMP.	Less than significant	No mitigation is required	Less than significant
Biological Resources			
BIO-2: The Recommended Alternative would not interfere with wildlife movement that could diminish the chances for long-term survival of a species.	Less than significant.	No mitigation is required.	Less than significant.
BIO-4: The Recommended Alternative would not result in a permanent loss of marine habitat.	Less than significant	No mitigation is required	Less than significant
Ground Transportation			
TRANS-1: The Recommended Alternative would not result in a short-term, temporary increase in truck and auto traffic.	Less than significant	No mitigation is required	Less than significant
TRANS-2: Long-term vehicular traffic associated with the Recommended Alternative would not significantly impact volume/capacity ratios or level of service.	Less than significant	No mitigation is required	Less than significant
TRANS-3: An increase in on-site employees due to Recommended Alternative operations would not significantly increase public transit use.	Less than significant	No mitigation is required	Less than significant
TRANS-4: Recommended Alternative operations would not significantly increase freeway congestion.	Less than significant	No mitigation is required	Less than significant
TRANS-5 (For Informational Purposes): Recommended Alternative operations would not cause a significant impact in vehicular delay at at-grade railroad crossings within the	Less than significant	No mitigation is required	Less than significant

Table 3: Less Than Significant Environmental Impacts for the Recommended Alternative (Alternative 5)

Environmental Impact	Impact Determination	Mitigation Measures	Impacts after Mitigation
proposed project vicinity or in the region.			
TRANS-6: The Recommended Alternative would not substantially increase transportation hazards due to a design feature.	Less than significant	No mitigation is required	Less than significant
Groundwater and Soils			
GW-1: Implementation of the Recommended Alternative could expose soils containing toxic substances, associated with prior uses, which would be deleterious to humans, based on regulatory standards established by the lead agency.	Less than significant	No mitigation is required	Less than significant
GW-2: Construction and operation of the Recommended Alternative would not result in changes in the rate or direction of movement of existing contaminants; expansion of the area affected by contaminants; or increased level of soil or groundwater contamination, which would increase risk of harm to humans.	Less than significant	No mitigation is required	Less than significant
Hazards and Hazardous Materials			
RISK-1: Recommended Alternative related terminal modifications would not result in a measurable increase in the probability of a terrorist attack and would not result in adverse consequences to the Project site and nearby areas.	Less than significant	No mitigation is required	Less than significant
Marine Transportation			
VT-1a: Recommended Alternative construction-related marine traffic would not substantially interfere with operation of designated vessel traffic lanes and/or impair the level of safety for vessels navigating the Main Channel, Harbor, or Precautionary Area.	Less than significant	No mitigation is required	Less than significant

Table 3: Less Than Significant Environmental Impacts for the Recommended Alternative (Alternative 5)

Environmental Impact	Impact Determination	Mitigation Measures	Impacts after Mitigation
VT-1b: Recommended Alternative operation-related marine traffic would not substantially interfere with operation of designated vessel traffic lanes and/or impair the level of safety for vessels navigating the Main Channel, Harbor, or Precautionary Area.	Less than significant	No mitigation is required	Less than significant
Noise			
NOI-2: Construction of the Recommended Alternative would not 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.	Less than significant	No mitigation is required	Less than significant
NOI-3: Operations of the Recommended Alternative would not cause the ambient noise level measured at the property line of affected uses (i.e., sensitive receptors) to increase by a CNEL of 3 dBA to or within 'normally unacceptable' or 'clearly unacceptable' land use categories, or any increase in CNEL of 5 dBA or greater.	Less than significant	No mitigation is required	Less than significant
Water Quality, Sediments, and Oceanography			
WQ-1: The Recommended Alternative would not create pollution, contamination, or a nuisance as defined in Section 13050 of the California Water Code or cause regulatory standards to be violated in Harbor waters.	Less than significant	No mitigation is required.	Less than significant

1

2

3.2 Findings Regarding Environmental Impacts Found to Be Significant and Unavoidable

The EIS/EIR concludes that unavoidable significant impacts on the following environmental resources would occur if the Recommended Alternative was implemented.

- Air Quality and Meteorology
- Biological Resources
- Cultural Resources
- Greenhouse Gas Emissions

All available feasible mitigation measures have been incorporated into the Recommended Alternative to reduce significant impacts. However, even with the incorporation of all feasible mitigation measures, impacts on these environmental resources would remain significant and unavoidable. The Board has determined that no additional feasible mitigation measures or alternatives would reduce significant 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 measures, findings, and rationale for the findings are presented for all significant and unavoidable impacts identified in the Final EIS/EIR below.

3.2.1 Air Quality and Meteorology

As discussed in Section 3.2 of the EIS/EIR, there would be four unavoidable significant impacts to air quality and meteorology related to construction and operation as a result of the Recommended Alternative. However, mitigation measures were identified for the significant and unavoidable impacts to air quality. The impacts and mitigation measures are discussed below.

Impact AQ-1: The Recommended Alternative would result in construction-related emissions that exceed an SCAQMD threshold of significance in Table 3.2-6.

As shown in Tables 3.2-76A and Table 3.2-76B in Section 3.2, Air Quality and Meteorology, of the Draft EIS/EIR, the unmitigated peak daily construction emissions would exceed the South Coast Air Quality Management District (SCAQMD) daily emission thresholds for NOx in 2018 and 2019 and for VOC in 2019. Overlapping construction and operations would be significant for NOx in 2019. Therefore, unmitigated project construction emissions would be significant for VOC and NOx both prior and subsequent to mitigation.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the Recommended Alternative that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. Implementation of the following mitigation measures would substantially lessen emissions from criteria pollutants associated with construction of the Recommended Alternative, as well as lessen emissions from criteria pollutants during overlap of construction and operation.

However, as shown in Tables 3.2-76A and Table 3.2-76B, construction emissions of NOx in 2018 and 2019 and VOC in 2019 would remain significant. Additionally, overlapping construction and operations for NOx in 2019 would remain significant. Specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible. The following mitigation measures have been included to reduce impacts.

MM AQ-1: **Harbor Craft Used During Construction.** Harbor craft used during construction must be equipped with U.S. Environmental Protection Agency (EPA) Tier 3 engine standards or cleaner at all times during construction.

MM AQ-2: **On-road Trucks Used during Construction.** On-road trucks shall comply with EPA 2010 on-road emission standards or better, unless the contractor provides a written finding consistent with project contract or lease management requirements and obtains written approval from the Lead Agency that such equipment is unavailable.

MM AQ-3: **Non-Road Construction Equipment** (except vessels, harbor craft, on-road trucks, and dredging equipment). All non-road construction equipment greater than 50 hp must meet EPA Tier 4 emission standards, unless the contractor provides a written finding consistent with project contract or lease management requirements and obtains written approval from the Lead Agency that such equipment is unavailable.

MM AQ-4: **Cargo Ships Used During Construction.** All ships and barges used primarily to deliver construction-related materials or cranes shall comply with the expanded Vessel Speed Reduction Program (VSRP) of 12 knots between 40 nautical miles (nm) from Point Fermin and the Precautionary Area.

MM AQ-5: **General Construction Mitigation Measure.** All dredging equipment must be electric, if available. For MM AQ-1 through MM AQ-4, if a CARB-certified technology becomes available that is as good as or better than the existing measure in terms of emissions performance, the technology could replace the existing technology if approved by LAHD.

Rationale for Finding

Changes or alterations have been incorporated into the Recommended Alternative in the form of mitigation measures **MM AQ-1** through **MM AQ-5**, which would reduce criteria pollutant emissions associated with construction. While mitigation measures presented in the Final EIS/EIR reduce emissions, emissions would still exceed SCAQMD significance criteria during construction for NOx in 2018 and 2019 and for VOC in 2019. In addition, although emissions from overlapping construction and operation would be reduced with mitigation, they would remain significant and unavoidable for NOx in 2019.

Emissions would largely come from off-road construction equipment (including dredging equipment) and marine sources (including ships used to deliver cranes and tugboats used to assist dredging barges), as well as haul trucks used for pile deliveries and disposal of dredged material. As part of the Draft EIS/EIR, mitigation was developed aimed at reducing these emissions through construction equipment fleet modernization and the Vessel Speed Reduction Program (VSRP). Mitigation measures **MM AQ-1** through **MM AQ-5** represent feasible means to reduce air pollution impacts from construction sources.

Mitigation measures **MM AQ-2** and **MM AQ-3** have been modified in the Final EIS/EIR in response to public comments to clarify that if equipment identified in the mitigation measure is unavailable, a contractor must make a written finding and obtain written approval from LAHD. In addition, mitigation measure **MM AQ-5** was modified in the Final EIS/EIR in response to public comments to require that all dredging equipment must be electric, if available. The modifications to mitigation measures **MM AQ-2**, **MM AQ-3**, and **MM AQ-5** would not lessen the effectiveness of the mitigation measures and thus the modifications would not result in any new significant environmental impacts or a substantial increase in the severity of an existing environmental effect. However, NOx and VOC impacts would remain significant and unavoidable with implementation of mitigation measures **MM AQ-2**, **MM AQ-3**, and **MM AQ-5**, as modified. All mitigation measures determined feasible by LAHD have been identified in the Final EIS/EIR.

Impact AQ-2: Recommended Alternative construction would result in off-site ambient air pollutant concentrations that exceed a SCAQMD threshold of significance in Table 3.2-7.

As shown in Table 3.2-78 of the Draft EIS/EIR, maximum off-site ambient air pollutant concentrations would exceed SCAQMD thresholds for NO_2 (federal and state 1-hour average). Additionally, as shown on Tables 3.2-80 and 3.2-81in the Draft EIS/EIR respectively, overlapping construction and operations would be significant for PM_{10} (24-hour and annual average). Therefore, without mitigation, maximum offsite ambient pollutant concentrations associated with the construction of the Recommended Alternative would be significant for NO_2 (federal and state 1-hour average), and overlapping construction and operations would be significant for PM_{10} (24-hour and annual average).

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the Recommended Alternative that avoid or substantially lessen the significant environmental effects identified in the Final EIS/EIR. Implementation of mitigation measures **MM AQ-1** through **MM AQ-5**, as presented above under Impact AQ-1, would substantially lessen offsite ambient pollutant concentrations associated with the construction of the Recommended Alternative, as well as overlap of construction and operation relative to the unmitigated project levels.

Table 3.2-78 in the Draft EIS/EIR shows that the maximum off-site federal 1-hour NO_2 concentration from construction activities would be reduced with mitigation but would remain significant; however maximum off-site state 1-hour NO_2 concentration from construction activities would be reduced with mitigation to less than significant levels. Table 3.2-80 in the Table 3.2-81 in the Draft EIS/EIR shows that the maximum off-site incremental PM_{10} (24-hour and annual average) concentration from overlapping construction and operational activities would be reduced with mitigation but would remain significant.

Therefore, even with implementation of mitigation measures, maximum off-site ambient air pollutant concentrations for construction emissions would be significant and unavoidable for NO_2 (federal 1-hour average). Overlapping construction and operations would be significant and unavoidable for PM_{10} (24-hour and annual average). The residual air quality impacts would be temporary but significant after mitigation. Specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible.

Rationale for Finding

Changes or alternations have been incorporated into the Recommended Alternative in the form of mitigation measures **MM AQ-1** through **MM AQ-5**, which would reduce the ambient impact relative to project levels. Emissions would largely come from off-road construction equipment (including dredging equipment) and marine sources (including ships used to deliver cranes and tugboats used to assist dredging barges), as well as haul trucks used for pile deliveries and disposal of dredged material.

As part of the Draft EIS/EIR, mitigation was developed aimed at reducing these emissions through construction equipment fleet modernization, fugitive dust controls, and Best Management Practices (BMPs). Construction equipment emissions would be reduced as a result of the mitigation measures, but would remain significant and unavoidable for NO_2 (federal 1-hour) and PM_{10} (24-hour average). Mitigation measures **MM AQ-1** through **MM AQ-5** represent feasible means to reduce air pollution impacts from construction sources. Mitigation measures **MM AQ-2**, **MM AQ-3**, and **MM AQ-5** were modified in the Final EIR (See Rationale for Finding under Impact AQ-1 above). All mitigation measures determined feasible by LAHD have been identified in the Final EIS/EIR.

AQ-3: The Recommended Alternative would result in operational emissions that exceed an SCAQMD threshold of significance in Table 3.2-8.

As shown in Table 3.2-86 in Chapter 3, Section 3.2.2, of the Final EIS/EIR, emissions from the Recommended Alternative's peak daily operations would exceed SCAQMD significance thresholds for NOx in 2019 and CO and VOC in 2033 and 2038 prior to mitigation. While the Draft EIS/EIR identified that operations would also be significant for NO_X in 2033 and 2038

(see Table 3.2-86 in the Draft EIS/EIR), NOx emissions were recalculated in the Final EIR based on based on comments received during the public review period for the Draft EIS/EIR (see modifications made to Appendix B.1 in Chapter 3 Section 3.2.9 of the Final EIR). As a result of the modifications, impacts for NOx were determined to be below SCAQMD thresholds in 2033 and 2038 prior to mitigation, however, impacts for NOx in 2019 remain significant.

The largest contributors to peak daily operational emissions in all analysis years would be emissions from container ship transit. Container ship hoteling, trucks, and locomotives would be key secondary contributors. Emissions for CO, VOC, PM_{10}, $PM_{2.5}$, and SO_X would increase between years 2019 and 2033 due to terminal throughput increase. Emissions would decline slightly for all pollutants from year 2033 to 2038 as regulatory requirements for trucks, locomotives, and cargo handling equipment (CHE) continue to reduce emission factors after the terminal reached its operating capacity in 2033. Therefore, air quality impacts associated with project daily peak operations would be significant for NOx in 2019 and CO and VOC in 2033 and 2038 prior to mitigation.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Recommended Alternative that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. The implementation of mitigation measures **MM AQ-6** and **MM AQ-7** and LAHD's standard lease measures **LM AQ-1** and **LM AQ-2** would reduce operational emissions.

MM AQ-6: Vessel Speed Reduction Program (VSRP). Starting January 1, 2019, and thereafter, 95 percent of Evergreen ships calling at the Everport Container Terminal shall be required to comply with the expanded VSRP at 12 knots between 40 nm from Point Fermin and the Precautionary Area. Starting January 1, 2026, 95 percent of all ships calling at the Everport Container Terminal will follow this requirement. Alternative Compliance Plans will be considered where a different speed that would result in fewer emissions compared to the current speed limits.

Any alternative compliance plan shall be submitted to LAHD at least 90 days in advance for approval and shall be supported by data that demonstrates the ability of the alternative compliance plan for the specific vessel and type to achieve emissions reductions comparable to or greater than those achievable by compliance with VSRP. The alternative compliance plan shall be implemented once written notice of approval is granted by the LAHD.

MM AQ-7: Alternative Maritime Power (AMP). By 2020 or upon substantial completion of construction, 90 percent of Evergreen ships calling at the Everport Terminal must use AMP. By 2026, 95 percent of all ship calls at the Everport Container Terminal must use AMP or approved equivalent under the CARB Shore-Power Regulation. The equivalent alternative technology must, at a minimum, meet the emissions reductions that would be achieved from AMP.

LM AQ-1: Replacement of Equipment and Review of New Technology. When the tenant needs to replace or turnover equipment in its fleet, the tenant shall meet with the LAHD to determine if something is feasible or technologically available that may result in fewer emissions. If any kind of technology

becomes available and is shown to be as good as or better than the existing measure in terms of emissions reduction performance, the technology could replace the requirements of other mitigation measures pending approval by LAHD.

LAHD shall require the tenant to review any new emissions-reduction technology for feasibility and report back to LAHD every five years beginning five years after lease agreement if no new purchase or equipment turnover occurs sooner as noted in the abovementioned paragraph. If LAHD and tenant determine the technology is feasible in terms of cost and operations, the tenant shall work with LAHD to implement such technology.

LM AQ-2: Priority Access System. A priority access system shall be evaluated to identify one or more ways to provide preferential access to zero- and near-zero-emission trucks. The tenant shall provide a report to LAHD on preferential access system options by January 1, 2020.

Following the implementation of the mitigation and lease measures, the Recommended Alternative's peak daily operational emissions for NOx in 2019 would be reduced to a less-than-significant level with mitigation. Operational emissions for CO and VOC would be reduced but would remain above the level of significance in 2033 and 2038. Specific economic, environmental, 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 EIS/EIR (refer to Chapter 6 of this document for additional information on mitigation and Chapter 2, Master Response 1 – Feasible Mitigation – Guidance and Applicability, of the Final EIS/EIR). All mitigation measures determined feasible by LAHD as identified in the Final EIS/EIR have been incorporated into the Recommended Alternative. Nevertheless, even with the incorporation of feasible mitigation measures, impacts would remain significant and unavoidable.

Rationale for Finding

For the Recommended Alternative, terminal activity would increase in each study year. However, regulatory requirements would serve to reduce emission factors from most project sources. In addition, as equipment ages, engine efficiency would decrease and emission factors would increase in comparison to brand-new equipment. The largest contributors to peak daily operational emissions in all analysis years would be emissions from container ship transit. Container ship hoteling, trucks, and locomotives would be key secondary contributors. Emissions for CO, VOC, PM_{10}, $PM_{2.5}$, and SO_X would increase between years 2019 and 2033 due to terminal throughput increase. Emissions would decline slightly for all pollutants from year 2033 to 2038 as regulatory requirements for trucks, locomotives, and CHE continue to reduce emission factors after the terminal reached its operating capacity in 2033.

As part of the Draft EIS/EIR, mitigation was developed aimed at reducing these emissions through compliance with the VSRP, implementation of AMP while hoteling at the Port, and periodic review and substitution of new technology and regulations. Mitigation measures **MM AQ-6** and **MM AQ-7** and lease measures **LM AQ-1** and **LM AQ-2** have been incorporated into the project, which substantially lessen significant daily peak operational emissions and represent feasible means to reduce air pollution impacts from project operational sources.

Mitigation measure **MM AQ-7** has been modified in the Final EIS/EIR in response to public comments to increase the percentage of Evergreen ships calling at the Everport Container Terminal that must use AMP from 85 percent to 90 percent. The modifications to mitigation measure **MM AQ-7** would slightly improve the effectiveness of the mitigation measure and thus the modifications to the mitigation measure would not result in any new significant environmental impacts or a substantial increase in the severity of an existing environmental effect. Peak day emissions of NO_X would be reduced to levels that are less than significant. CO and VOC emissions from operations associated with the Recommended Alternative would be reduced as a result of the mitigation measures, including mitigation measure **MM AQ-7** as modified, but would remain significant and unavoidable. All mitigation measures determined feasible by LAHD have been identified in the Final EIS/EIR.

Impact AQ-4: Recommended Alternative operations would result in off-site ambient air pollutant concentrations that exceed a SCAQMD threshold of significance in Table 3.2-9.

As shown in Tables 3.2-87 and 3.2-88 of the Draft EIS/EIR, the maximum off-site NO_2 (federal 1-hour average) concentration from operational activities and maximum off-site incremental PM_{10} (24-hour and annual average) and $PM_{2.5}$ (24-hour average) concentrations from operational activities would exceed SCAQMD thresholds. Therefore, maximum off-site ambient pollutant concentrations associated with operation of the Recommended Alternative would be significant under CEQA for NO_2 (federal 1-hour average), PM_{10} (24-hour and annual average), and $PM_{2.5}$ (24-hour average) prior to mitigation.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the Recommended Alternative that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. Implementation of mitigation measures **MM AQ-6** and **MM AQ-7**, as presented above under Impact AQ-3, would substantially lessen offsite ambient air pollutant concentrations associated with the operation of the Recommended Alternative. However, ambient pollutant levels would remain significant and unavoidable for NO_2 (federal 1-hour average), PM_{10} (24-hour and annual averages), and $PM_{2.5}$ (24-hour average). Specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible.

Rationale for Finding

Similar to Impact AQ-3, operational emissions would vary over the life of the Recommended Alternative due to several factors, such as regulatory requirements, activity levels, source characteristics (container ships, tugboats, trucks, locomotives, CHE, and worker vehicles), and emission factors. As part of the Draft EIS/EIR, mitigation was developed aiming at reducing these emissions through compliance with VSRP and implementation of AMP.

Changes or alternations have been incorporated into the Recommended Alternative in the form of mitigation measures **MM AQ-6** and **MM AQ-7**, which would reduce the ambient impact relative to Recommended Alternative levels and represent feasible means to reduce air pollution impacts from operation sources. Mitigation measure **MM AQ-7** was modified in the Final EIR (See Rationale for Finding under Impact AQ-3 above). Ambient pollutant levels during operations would be reduced as a result of the mitigation measures, but would remain significant and unavoidable for NO_2 (federal 1-hour average), PM_{10} (24-hour and annual

averages), and $PM_{2.5}$ (24-hour average). All mitigation measures determined feasible by LAHD have been identified in the Final EIS/EIR.

3.2.2 Biological Resources

As discussed in Section 3.3 of the Draft EIS/EIR, there would be one significant and unavoidable impact to Biological Resources as a result of the Recommended Alternative. The impact and mitigation measure is discussed below.

Impact BIO-3: The Recommended Alternative has the potential to introduce noise, light, or nonnative species into the Harbor that could substantially disrupt local biological communities.

The Recommended Alternative would increase the annual ship calls relative to the baseline. As such, operation of the Recommended Alternative has the potential to result in the introduction of nonnative species into the Harbor via ballast water or vessel hulls which could substantially disrupt local biological communities. Impacts, therefore, would be significant without mitigation.

Finding

The Board hereby finds that no feasible mitigation is currently available to totally prevent the introduction of invasive species via vessel. This infeasibility of mitigation to address invasive species is confirmed by the National Marine Fisheries Service (refer to Comment NMFS in Chapter 2 of the Final EIS/EIR). Therefore, impacts associated with the potential for invasive species to be introduced that may disrupt marine biological communities would remain significant and unavoidable.

Rationale for Finding

The annual ship calls and amount of ballast water discharged into the Main Channel area would increase relative to the baseline conditions as a result of the Recommended Alternative. However, no feasible mitigation is available to prevent or minimize the accidental introduction of non-native species via vessels. Impacts would remain significant and unavoidable for the introduction of invasive exotic species due to more and larger container ships using the Port as a result of the Recommended Alternative. There is no feasible mitigation identified by LAHD to eliminate this impact.

3.2.3 Cultural Resources

As discussed in Section 3.4 of the Draft EIS/EIR, there would be two significant and unavoidable impacts to Cultural Resources as a result of the Recommended Alternative. The impacts and mitigation measures are discussed below.

Impact CR-1: The Recommended Alternative would have a significant impact on built environment historical resources.

The former Canner's Steam Company Plant and associated distribution pipelines, eligible for listing in the CRHR and as a City of Los Angeles Historic Cultural Monument would be demolished as part of backlands development.

The Recommended Alternative would expand the terminal onto the 22-acre backlands expansion area and include the demolition of the former Canner's Steam Company Plant, which would result in a significant adverse impact to a historic resource.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Recommended Alternative that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. The implementation of mitigation measure **MM CR-1,** presented below, would reduce the impacts of demolition on a historic property. However, impacts to a historical property would remain significant and unavoidable. The development of the backland expansion area is an essential element of the Recommended Alternative (relocated gate and expanded backland storage area), which contributes to the Recommended Alternative meeting the project objectives. Specific economic, environmental, legal, social, technological, or other considerations make any additional mitigation measures infeasible.

MM CR-1: **Historic Resource Recordation.** Prior to demolition of the former Canner's Steam Company Plant (located within the 22-acre backland improvement area shown in Figure 2-4 of Chapter 2, Project Description, and Figure 3.4-6 of Section 3.4, Cultural Resources of the Draft EIS/EIR), archival documentation of the building will be completed in the form of a Historic American Building Survey (HABS) that shall comply with the Secretary of the Interior's Standards for Architectural and Engineering Documentation. The documentation shall include large-format photographic recordation, detailed historic narrative report, and compilation of historic research. The documentation shall be completed by a qualified architectural historian and shall be placed in the Port archives.

Rationale for Finding

Expansion of the backlands would require demolition of the former Canner's Steam Company Plant. As part of the Draft EIS/EIR, mitigation measures have been incorporated into the Recommended Alternative in the form of mitigation measure **MM CR-1**, which requires archival documentation of the building. **MM CR-1** lessens but does not completely eliminate the significant impact to historic resources. Therefore, even with mitigation measure **MM CR-1**, impacts to historic resources would remain significant and unavoidable.

Impact CR-2: The Recommended Alternative would cause a substantial adverse change in the significance of an archaeological or ethnographic resource.

One historic period archaeological site has been identified in the 22-acre backlands expansion area. It is associated with a former Japanese Fishing Village. Excavation for the development of the 22-acre backlands expansion area under the Recommended Alternative would likely disturb, damage, and/or degrade associated archaeological resources, which would be a significant impact.

Impacts to archaeological resources from construction within the existing terminal boundary and 1.5-acre backland expansion area are not expected to be significant due to the disturbed nature of the subsurface. However, as it is impossible to completely rule out encountering previously unknown archaeological or ethnographic resources during construction.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Recommended Alternative that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. The implementation of mitigation measures **MM CR-2**, presented below, would address impacts to archaeological resources within the 22-acre backlands area. In addition, mitigation measure **MM CR-3** and standard condition **SC CR-1** would also address unanticipated cultural resources discoveries during construction. However, development of the 22-acre backland expansion area would likely disturb, damage, and/or degrade archaeological resources associated with the former Japanese Fishing Village and therefore impacts to a historical property would remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible. Application of **SC CR-1** and implementation of mitigation measure **MM CR-3** would address potential impacts associated with development within the existing terminal and 1.5-acre expansion area; therefore, impacts would be less than significant.

MM CR-2: **Completion of Phase I Cultural Resource Investigation.** A Phase I investigation shall be completed by a qualified archaeologist for all un-surveyed areas of the 22-acre backlands (shown in Figure 2-4 of Chapter 2, Project Description, and Figure 3.4-6 of Section 3.4, Cultural Resources of the Draft EIS/EIR) to rule out the presence of significant resources. Phase II and III investigations shall be completed if significant archaeological resources are not ruled out. Furthermore, pre-construction worker training shall be completed if significant resources are not ruled out. Furthermore, pre-construction worker training shall be completed as described in MM CR-3.

MM CR-3: **Pre-construction Worker Training.** Prior to the commencement of landside construction activities, qualified archaeologist and paleontologist retained by the LAHD or their designee shall provide training to construction personnel to provide information on regulatory requirements for the protection of cultural resources. This training may take the form of examples of cultural resources to look for and protocols to follow if discoveries are made. The archaeologist/paleontologist shall develop the training and any supplemental materials necessary to execute said training.

SC CR-1: **Stop Work in the Area if Prehistoric and/or Archaeological Resources are Encountered.** In the unlikely event that any prehistoric artifact is encountered during construction, work shall be immediately stopped and the area secured until the materials found can be assessed by a qualified archaeologist.

Rationale for Finding

Expansion of the backlands would likely disturb, damage, and/or degrade archaeological resources associated with the former Japanese Fishing Village. As part of the Draft EIS/EIR, mitigation measures and standard conditions have been incorporated into the Recommended Alternative in the form of mitigation measure **MM CR-2**, **MM CR-1**, and standard condition **SC CR-1** which lessens but does not completely eliminate the significant impact to archaeological resources. Therefore, even with mitigation measure **MM CR-2**, **MM CR-1**, and standard condition **SC CR-1,** impacts to archaeological resources would remain significant and unavoidable. All mitigation measures determined feasible by LAHD have been identified in the Final EIS/EIR.

3.2.4 Greenhouse Gas Emissions

As discussed in Section 3.5 of the Draft EIS/EIR, there would be one unavoidable significant impact on GHG emissions related to construction and operation of the Recommended Alternative. The impact and mitigation measures are discussed below.

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

The Recommended Alternative's GHG emissions minus the CEQA baseline would exceed the GHG threshold of 10,000 mty in 2026, 2033, and 2038's operational analysis years. Emissions from all source types would increase over the life of the Recommended Alternative because of terminal throughput increase. Recommended Alternative GHG emissions would be significant under CEQA in analysis years 2026, 2033, and 2038 prior to mitigation.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Recommended Alternative that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. The implementation of mitigation measures **MM AQ-2, MM AQ-6,** and **MM AQ-7** and LAHD's standard lease measures **LM AQ-1** and **LM AQ-2** as described above under Section 3.2.1, Air Quality and Meteorology, would reduce GHG emissions. In addition, mitigation measures **MM GHG-1** and **MM GHG-2** and LAHD's standard lease measure **LM GHG-1** shown below would further reduce future GHG emissions. However, annual GHG emissions would remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible.

MM GHG-1: LED Lighting. All fixtures on the high mast poles at the Everport Container Terminal shall be replaced with LED fixtures or a technology with similar energy-saving capabilities.

MM GHG-2: Solar Electricity. Photovoltaic panels shall be installed over the employee parking lot as part of the development of the 22 acres, pending a feasibility study.

LM GHG-1: GHG Credit Fund. Project GHG emissions are 99,856 metric tons of CO2e in the peak year of operations in 2038. They exceed the 10,000 metric ton CO2e significance threshold by 89,856 metric tons. Because operational GHG emissions exceed the

significance threshold with the incorporation of all feasible mitigation measures, LAHD shall establish a carbon offset fund, which may be accomplished through a Memorandum of Understanding with the California Air Resources Board or another appropriate entity, to mitigate project GHG impacts to the maximum extent feasible. The fund shall be used for GHG-reducing projects and programs on Port of Los Angeles property. It shall be the responsibility of the Tenant to contribute to the fund. Fund contribution shall be the equivalent of 1% of the minimum annual guarantee (MAG) at the time that project construction will commence. This amount will be approximately $300,000, payable upon substantial completion of project construction. This amount is appropriate because it takes into account the tenant's actual container throughput and assesses a fee in correlation with the facility's GHG maximum feasible contribution level. This also takes into account the cost of the project, including on-site GHG-reducing mitigation measures that the tenant will be required to implement (LED high mast lighting and solar panels over the employee parking lot). If LAHD is unable to establish the fund within a reasonable period of time, Tenant shall instead purchase credits from an approved GHG offset registry in the amount of approximately $300,000.

Rationale for Finding

Emissions would increase because of terminal throughput increase over the life of the Recommended Alternative. As part of the Draft EIS/EIR, mitigation and lease measures were developed that are aimed at reducing emissions through reduced fossil fuel use and installing power-saving technology. Changes or alternations have been incorporated into the Recommended Alternative in the form of mitigation measures **MM AQ-2, MM AQ-6, MM AQ-7, MM GHG-1,** and **MM GHG-2,** and lease measures **LM AQ-1, LM AQ-2**, and **LM GHG-1** which represent feasible means to reduce GHG emissions. Lease measure **LM GHG-1** has been modified in the Final EIS/EIR in order to clarify how contributions to the credit fund are determined, to revise the amount GHG emissions associated with the Recommended Alternative and to increase the amount of GHG off-set credits to be paid by the Tenant from $250,000 to approximately $300,000. The modifications to lease measure **LM GHG-1** would not reduce the effectiveness of the lease measure and thus the modifications would not result in any new significant environmental impacts or a substantial increase in the severity of an existing environmental effect. Impacts would be reduced as a result of implementation of mitigation measures **MM AQ-2, MM AQ-6, MM AQ-7, MM GHG-1,** and **MM GHG-2,** and lease measures **LM AQ-1, LM AQ-2**, and **LM GHG-1** (as modified), but impacts would remain significant and unavoidable for annual GHG emissions. All mitigation measures determined feasible by LAHD have been identified in the Final EIS/EIR. In addition, refer to Chapter 6 of this document for additional information on mitigation.

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

The Final EIS/EIR concludes that less-than-significant impacts would occur after mitigation on the following environmental resources if the Recommended Alternative was implemented.

- Biological Resources
- Noise

In addition, the Final EIS/EIR concludes that some, but not all, impacts of the Recommended Alternative in the following resource areas were found to be less than significant prior to mitigation. However, mitigation measures and/or standard conditions of approval were still identified for the less-than-significant impacts in the following areas, to further ensure that impacts remain minimal.

- Biological Resources
- Cultural Resources

The following Findings pertain to environmental impacts of the Recommended Alternative for which mitigation measures and/or standard conditions of approval have been identified in the Final EIS/EIR that will avoid or substantially lessen the significant environmental effects to a less-than-significant level.

3.3.1 Biological Resources

As discussed in Section 3.3 of the Draft EIS/EIR, there would be one significant impact to Biological Resources that would be mitigated to less than significant levels as a result of mitigation measures incorporated into the Recommended Alternative. The impact and mitigation measures are discussed below.

Impact BIO-1: The Recommended Alternative could cause a loss of individuals or 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.

King and sheet pile driving is anticipated to result in disturbance (Level B harassment) to marine mammals (particularly harbor seals and sea lions) in the vicinity of pile driving operations. Impacts to marine mammals in the vicinity of pile driving operations would be significant before mitigation.

Increased vessel activity from the Recommended Alternative would result in increased noise levels. However, impacts are not considered significant because this would not lead to the loss of individuals or habitat of sensitive species. The increase in vessel traffic would also increase the likelihood of a vessel collision with a marine mammal or sea turtle, which could result in injury or mortality. This impact is considered less than significant because of the low probability of vessel strikes; however, any increase in vessel traffic caused by the Recommended Alternative may incrementally increase the potential for vessel strikes.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Recommended Alternative that avoid or substantially lessen the environmental effect identified in the Final EIS/EIR. The implementation of mitigation measure **MM BIO-1**, shown below would reduce impacts on marine mammals as a result of pile driving during construction to a less than significant level. While impacts to marine mammals and sea turtles from vessel strikes during project operation are less than significant without mitigation, **MM AQ-6**, described under Impact AQ-3 would further reduce impacts.

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 vibratory or "soft start" of pile driving activities, as a precautionary measure, pile driving activities occurring as part of the sheet pile and king pile installation will include establishment of a safety zone, by a qualified marine mammal professional, and the area surrounding the operations (including the safety zones) will be monitored for marine mammals by a qualified marine mammal observer.[1]

The pile driving site will move with each new pile; therefore, the safety zones will move accordingly.

[1] 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 NOAA Fisheries Technical Guidance Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (NOAA Fisheries 2016) in consultation with the Acoustic Threshold White paper prepared for this purpose by LAHD (LAHD 2017). Final pile driving safety zone requirements developed by the selected marine mammal professional shall be submitted to LAHD Construction and Environmental Management Divisions.

Rationale for Finding

Changes or alternations have been incorporated into the Recommended Alternative in the form of mitigation measures **MM AQ-6** and **MM BIO-1**. Mitigation measure **MM AQ-6** would be implemented to mitigate air quality impacts rather than to mitigate a significant impact to biological resources, but would have the added benefit of further decreasing the likelihood of a vessel collision with a marine mammal or sea turtle by requiring 95 percent of the Evergreen ships calling at the Everport Container Terminal to comply with the expanded Vessel Speed Reduction Program at 12 knots between 40 nm from Point Fermin and the Precautionary Area. Mitigation measure **MM BIO-1** would reduce potentially significant impacts on 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. The footnote for mitigation measure MM BIO-1 was modified in the Final EIR to remove specified timing for submitting pile driving safety zone requirements to LAHD. Thus, the modifications to the **MM BIO-1** would not lessen the effectiveness of the mitigation measure in reducing impacts associated with pile driving. 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. While **MM AQ-6** is not necessary to mitigate a significant impact to marine mammals to a less than significant level, its implementation to mitigate air quality

impacts would have the additional effect of further lessening an already less than significant impact to marine mammals.

3.3.2 Cultural Resources

As discussed in Section 3.4 of the Draft EIS/EIR, there would be one less than significant impact to Cultural Resources for which an additional condition is applied. The standard condition of approval is discussed below.

Impact CR-3: The Recommended Alternative would not result in the permanent loss of, or loss of access to, a significant paleontological resource.

The Project site is located on Terminal Island, which was created by filling over and extending Rattlesnake Island with dredge material. Because the site was created primarily using dredged material (imported fill) and Rattlesnake Island has been heavily disturbed and/or overlain with imported fill, project excavation would not be expected to encounter or yield significant paleontological resources or unique geologic features, and significant impacts to paleontological resources are not expected.

Finding

The Board hereby finds that although the Recommended Alternative would result in a less-than- significant impact on paleontological resources, changes or alterations have been required in, or incorporated into, the Recommended Alternative to ensure the appropriate actions are carried out should any paleontological resources be encountered. This standard condition is described below and will be incorporated into the Recommended Alternative via the Mitigation Monitoring and Reporting Program.

SC CR-2: **Unanticipated Discovery of Paleontological Resources.** In the event that a paleontological resource is encountered during construction, the contractor shall stop construction and a qualified paleontologist shall evaluate the significance of the resource. Additional monitoring recommendations may be made at that time. If the resource is found to be significant, the paleontologist shall systematically remove and stabilize the specimen(s) in anticipation of preservation. Curation of the specimen shall be in a qualified research facility, such as the Los Angeles County Natural History Museum.

Rationale for Finding

In the highly unlikely event that paleontological resources are identified during construction, **SC CR-2** would ensure that the resources were evaluated and removed for preservation according to professional standards. Residual impacts would remain less than significant.

The Recommended Alternative would not disturb, damage, or degrade paleontological resources. However, as it is impossible to completely rule out encountering previously unknown paleontological resources during construction, changes or alternations have been incorporated into the Recommended Alternative in the form of standard condition **SC CR-2** which requires construction activities to cease in the area if paleontological resources are encountered until a qualified paleontologist can be retained to evaluate the find. Standard condition **SC CR-2** would be implemented not to mitigate a potentially significant

environmental impact, but rather to further reduce any potential impacts to any previously unknown paleontological resource during construction. Therefore, implementation of standard condition **SC CR-2** would ensure that impacts associated with paleontological resources remain less than significant.

3.3.3 Noise

As discussed in Section 3.10 of the Draft EIS/EIR, there would be one significant impact related to Noise generated during project construction. This impact would be mitigated to less than significant levels as a result of mitigation measures incorporated into the Recommended Alternative. The impacts and mitigation measures are discussed below.

Impact NOI-1: Construction of the Recommended Alternative could result in daytime construction activities lasting more than 10 days in a three-month period that would exceed existing ambient exterior noise levels by 5 dBA or more at noise-sensitive receptors.

Noise produced by daytime pile driving during wharf construction alone or pile driving in combination with general construction would increase average ambient noise levels at Fish Harbor by 6 dBA and at San Pedro waterfront commercial- and tourism-based uses by 8 dBA over existing levels. These impacts would be temporary but significant without mitigation.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Recommended Alternative that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. The implementation of mitigation measures **MM NOI-1** and **MM NOI-2**, as follows, would reduce impacts on the ambient noise level at Fish Harbor and San Pedro waterfront commercial- and tourism-based uses as a result of construction of the Recommended Alternative.

MM NOI-1: **Noise Reduction during Pile Driving.** The contractor shall be required to use a pile driving system which is capable of limiting maximum noise levels at 50 feet from the pile driver to 104 dBA, or less, for wharf construction.

MM NOI-2: **Utilize Temporary Noise Attenuation Curtain Adjacent to Pile-Driving Equipment.** If under MM NOI-1 the reduced pile driving noise exceeds 103 dBA at 50 feet from the pile driver, utilize temporary noise attenuation curtain suitable for pile driving equipment as needed. This noise attenuation device should be installed directly between the equipment and the nearest noise sensitive receptor to the construction site.

Rationale for Finding

The closest sensitive receptor to the pile driving site is the San Pedro business/tourism area west of the Project site followed by the liveaboards at Fish Harbor (see Table 3.10-9 of the Draft EIS/EIR). Noise levels at these locations will exceed ambient levels by 8 dBA and 6 dBA without mitigation. As part of the Draft EIS/EIR, changes or alternations have been incorporated into the Recommended Alternative in the form of mitigation measures **MM NOI-1** and **MM NOI-2**. Mitigation measure **MM NOI-1** requires the contractor to use a pile driving system that limits noise to 104 dBA at 50 feet from the driver. With **MM NOI-1**, noise levels would be reduced to 104 dBA at 50 feet, and results in a 3 dBA reduction at

both the San Pedro business/tourism area and Fish Harbor, resulting in a noise level of 5 dBA over ambient for the San Pedro business/tourism area, which is the threshold for a significance determination. The resulting noise at Fish Harbor would be 3 dBA over ambient, which is not significant. If under **MM NOI-1**, the pile driving noise is reduced to 103 dBA (or less) at 50 feet from the driver, the noise levels at the closest sensitive receptor (San Pedro business/tourism area) would exceed ambient levels by 4 dBA or less, which is not significant. Thus, if **MM NOI-1** reduced noise to 103 dBA or less at 50 feet, the significant impact would be mitigated to below significance and no further mitigation is required. Mitigation measure **MM NOI-2** requires the contractor to utilize a temporary noise attenuation curtain suitable for pile driving equipment. Mitigation measure **MM NOI-2** has been modified in the Final EIS/EIR to specify that a temporary noise attenuation curtain is only required if, after implementation of **MM NOI-1**, pile driving noise exceeds 103 dBA at 50 feet from the pile driver, for the reason explained above. Thus, the modifications to **MM NOI-2** would not lessen the effectiveness of the mitigation measure in reducing ambient noise levels at Fish Harbor and the San Pedro waterfront commercial- and tourism-based uses to a less than significant level. Therefore, the modification to **MM NOI-2** would not result in any new significant environmental impacts or a substantial increase in the severity of an existing environmental effect, and noise impacts would be less than significant with implementation of the mitigation measures as modified. Therefore, implementation of mitigation measures **MM NOI-1** and **MM NOI-2** would reduce impacts on the ambient noise level at Fish Harbor and San Pedro waterfront commercial- and tourism-based uses to a less-than-significant level.

3.3.4 Cumulatively Considerable Impacts

The State CEQA Guidelines (Section 15130) require 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" (State CEQA Guidelines, Section 15355). As shown on Figure 4-1 and detailed in Table 4-1 (in Chapter 4, Cumulative Analysis of the Draft EIS/EIR), a total of 70 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 a cumulative impact.

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 Recommended Alternative to these impacts have been required in, or incorporated into, the project. However, even with the incorporation of all feasible mitigation measures, cumulative impacts on these environmental resources would remain significant and unavoidable. The Board has determined that no additional feasible mitigation measures or 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 measures, findings, and rationale for the findings are presented for all significant and unavoidable cumulative impacts identified in the Final EIS/EIR below.

According to State 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 the Draft EIS/EIR in Chapter 4 Cumulative Analysis, meets this criterion.

3.3.5 Air Quality and Meteorology

Cumulative Impact AQ-1: The Recommended Alternative would contribute to cumulatively considerable construction-related emissions that exceed an SCAQMD threshold of significance – Cumulatively Considerable and Unavoidable

Recommended Alternative construction emissions would exceed SCAQMD significance thresholds for NO_X in 2018 and 2019 and for VOC in 2019 under CEQA. Therefore, unmitigated Recommended Alternative construction emissions would be significant for NO_X and VOC prior to mitigation under CEQA and NEPA. These impacts would combine with cumulatively significant impacts from concurrent related construction projects, and potentially other related projects. As a result, without mitigation, Recommended Alternative construction emissions would make a cumulatively considerable contribution to an existing significant cumulative impact for NO_X and VOC emissions.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Recommended Alternative that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. The implementation of mitigation measures **MM AQ-1** through **MM AQ-5** would help reduce cumulatively considerable construction impacts. Although mitigation measures **MM AQ-1** through **MM AQ-5** would reduce the cumulative effect of construction emissions, the mitigation would not sufficiently reduce the Recommended Alternative's cumulatively considerable contribution to a less-than-significant level. 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 EIS/EIR. Even with the incorporation of feasible mitigation measures, the Recommended Alternative would make a cumulatively considerable contribution to a significant cumulative impact for NOx and VOC emissions during construction. After mitigation, overlapping construction and operational emissions would remain significant for NOx. As such, after mitigation, overlapping construction and operations of the Recommended Alternative would make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact for NOx and VOC emissions.

Rationale for Finding

The past, present, and reasonably foreseeable future projects for Cumulative Impact AQ-1 would result in significant cumulative impacts if their combined increase of a criteria pollutant would exceed SCAQMD significance thresholds during construction. Changes or alterations have been incorporated into the Recommended Alternative in the form of mitigation measures **MM AQ-1** through **MM AQ-5.** Mitigation measures **MM AQ-1** through **MM AQ-5** would help reduce construction emissions but not to a less-than-significant level. Cumulative air quality impacts from Recommended Alternative construction would exceed NO_X and VOC thresholds. Construction emissions would make a cumulatively considerable contribution to a significant cumulative impact. All mitigation measures determined feasible by LAHD as identified in the Final EIS/EIR have been incorporated into the Recommended Alternative.

Cumulative Impact AQ-2: The Recommended Alternative construction would result in off-site ambient air pollutant concentrations that exceed the SCAQMD thresholds of significance or substantially contribute to an existing or projected air quality standard violation—Cumulatively Considerable and Unavoidable

Construction of the Recommended Alternative would exceed the federal 1-hour ambient air thresholds for NO_2. Overlapping construction and operations of the Recommended Alternative would exceed the federal 1-hour NO_2, the 24-hour PM_{10}, and annual PM_{10} ambient air thresholds. These impacts would combine with impacts from concurrent related construction projects, and potentially other related projects, which would be cumulatively significant. As a result, without mitigation, impacts from Recommended Alternative construction would make a cumulatively considerable contribution to a significant cumulative impact related to ambient NO_2 levels. In addition, impacts from Recommended Alternative overlapping construction and operations would make a cumulatively considerable contribution to a significant cumulative impact related to ambient NO_2 and PM_{10} levels.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Recommended Alternative that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. The implementation of mitigation measures **MM AQ-1** through **MM AQ-5** would help reduce cumulatively considerable construction emissions. Although mitigation measures **MM AQ-1** through **MM AQ-5** would reduce the cumulative effect of construction emissions, the mitigation would not sufficiently reduce the Recommended Alternative to a less-than-significant level for NO_2 or PM_{10}. The Board hereby finds that specific economic, environmental, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the Final EIS/EIR.

Rationale for Finding

The past, present, and reasonably foreseeable future projects would result in significant cumulative impacts for Cumulative Impact AQ-2 if their combined ambient pollutant concentrations, during construction, would exceed the SCAQMD ambient concentration thresholds for pollutants from construction. Changes or alternations have been incorporated into the Recommended Alternative in the form of mitigation measures **MM AQ-1** through **MM AQ-5** to help reduce construction emissions; however, they would not reduce all impacts to a less-than-significant level. Construction emissions could still make a cumulatively considerable contribution to a significant cumulative impact relative to ambient NO_2 and PM_{10} levels from concurrent related project construction. All mitigation measures determined feasible by LAHD have been identified in the Final EIS/EIR.

Cumulative Impact AQ-3: The operation of the Recommended Alternative would produce a cumulatively considerable increase of a criteria pollutant that exceeds the SCAQMD peak day emission thresholds of significance—Cumulatively Considerable and Unavoidable

Recommended Alternative operational emissions would exceed SCAQMD significance thresholds for NOx in 2019, and for CO and VOC in 2033 and 2038. These impacts would combine with impacts from concurrent related projects, which would already be cumulatively significant. The Recommended Alternative's incremental contribution to that cumulatively

significant impact would be cumulatively considerable. As a result, without mitigation, project operational emissions would make a cumulatively considerable contribution to an existing significant cumulative impact for NOx, CO, and VOC.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Recommended Alternative that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. The implementation of mitigation measures **MM AQ-6** and **MM AQ-7** and LAHD's standard lease measures **LM AQ-1** and **LM AQ-2** would help reduce cumulatively considerable operational emissions.

Although mitigation measures **MM AQ-6** and **MM AQ-7** and LAHD's standard lease measures **LM AQ-1** and **LM AQ-2** would reduce the cumulative effect of operational emissions, the mitigation would not sufficiently reduce the Recommended Alternative'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 additional mitigation measures or proposed project alternatives identified in the Final EIS/EIR. Even with the incorporation of feasible mitigation measures, the Recommended Alternative would make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact related to NOx, CO, and VOC.

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 Recommended Alternative's incremental contribution to that cumulatively significant impact would be cumulatively considerable. Mitigation measures **MM AQ-6** and **MM AQ-7** and LAHD's standard lease measures **LM AQ-1** and **LM AQ-2** would help reduce operational emissions; however, they would not reduce the Recommended Alternative's contribution below a cumulatively considerable level. Consequently, emissions from operation of the Recommended Alternative would produce cumulatively considerable and unavoidable contributions to a significant cumulative impact for NO_X, CO, and VOC.

Cumulative Impact AQ-4: The operation of the Recommended Alternative would produce emissions that cumulatively exceed an ambient air quality standard or substantially contribute to an existing or projected air quality standard violation—Cumulatively Considerable and Unavoidable

Operation of the Recommended Alternative would exceed the federal 1-hour NO_2, the 24-hour and annual PM_{10}, and the $PM_{2.5}$ ambient air thresholds. These impacts would combine with impacts from concurrent related projects, which would already be cumulatively significant. As a result, without mitigation, impacts from proposed project operations would make a cumulatively considerable contribution to an existing significant cumulative impact related to ambient NO_2, PM_{10}, and $PM_{2.5}$ levels.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Recommended Alternative that avoid or substantially lessen the significant environmental

effect identified in the Final EIS/EIR. The implementation of mitigation measures **MM AQ-6** and **MM AQ-7** would help reduce cumulatively considerable operational emissions.

Although mitigation measures **MM AQ-6** and **MM AQ-7** would reduce the cumulative effect of operational emissions, the mitigation would not reduce cumulative impacts to a less-than-significant level. The Board hereby finds that specific economic, environmental, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the Final EIS/EIR. The Recommended Alternative would make a cumulatively considerable contribution to an existing significant cumulative impact related to ambient NO_2, PM_{10}, and $PM_{2.5}$ levels.

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 ambient air emissions impact. The Recommended Alternative's incremental contribution to that cumulatively significant impact would be cumulatively considerable. Mitigation measures **MM AQ-6** and **MM AQ-7** would help reduce operational emissions; however, they would not reduce the Recommended Alternative's contribution below a cumulatively considerable level. Consequently, emissions from operation of the Recommended Alternative would produce cumulatively considerable and unavoidable contributions to a significant cumulative for ambient NO_2, PM_{10}, and $PM_{2.5.}$ All mitigation measures determined feasible by LAHD as identified in the Final EIS/EIR have been incorporated into the Recommended Alternative.

Cumulative Impact AQ-7: The Recommended Alternative would exposure receptors to significant levels of toxic air contaminants (TACs) – Cumulatively Considerable and Unavoidable

Recommended Alternative construction and operation emissions of TACs would not increase cancer risks above the significance threshold for any receptor type relative to the baseline. The Recommended Alternative would also not result in increases in non-cancer risk in excess of the significance thresholds. Although Recommended Alternative cancer risk and population cancer burden would be below SCAQMD's project-level significance thresholds, the impacts would be greater than the future baseline and would combine with impacts from concurrent related projects and background risk levels, which would already be cumulatively significant. As a result, the Recommended Alternative would make a cumulatively considerable contribution to an existing significant cumulative impact for cancer risk and population cancer burden.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Recommended Alternative that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. The implementation of mitigation measures **MM AQ-1** through **MM AQ-7** would help reduce cumulatively considerable exposure to significant TACs. Although mitigation measures **MM AQ-1** through **MM AQ-7** would reduce the cumulative effect of exposure to TACs, the mitigation would not sufficiently reduce the Recommended Alternative'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 EIS/EIR. Even with the incorporation of feasible mitigation

measures, the Recommended Alternative would make a cumulatively considerable contribution to an existing significant cumulative impact for cancer risk.

Rationale for Finding

SCAQMD's Multiple Air Toxics Exposure Study (MATES IV) (SCAQMD, 2015) showed that the cancer risk in 2012 from toxic air contaminants was estimated at roughly 480 in a 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 risks due to operational emissions from the Ports of Los Angeles and Long Beach occur within and in proximity to the two ports (CARB 2006). 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 mitigation measures that reduce diesel combustion and other TAC emissions, specifically mitigation measures **MM AQ-1** through **MM AQ-7**, would reduce TAC emissions from the Recommended Alternative. After implementation of these mitigation measures, although the overall emissions would be reduced, the Recommended Alternative 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 for marina-residential and occupational receptors. All mitigation measures determined feasible by LAHD as identified in the Final EIS/EIR have been incorporated into the Recommended Alternative.

3.3.6 Biological Resources

Cumulative Impact BIO-3: The Recommended Alternative would contribute to a cumulatively considerable disruption of local biological communities (e.g., from construction impacts or the introduction of noise, light, or invasive species)—Cumulatively Considerable and Unavoidable

Past, present, and future related projects have increased and will continue to increase vessel traffic; therefore, the related projects could potentially increase the chances for the introduction of invasive species via vessel hulls or ballast water which is considered to be a cumulatively considerable and unavoidable significant cumulative impact. The Recommended Alternative would contribute to this overall increase in vessel traffic, thereby adding to the cumulative potential for introduction of exotic species. Potential effects related to the introduction of non-native species have the potential to be cumulatively significant, and the Recommended Alternative could make a cumulatively considerable contribution to a significant cumulative impact related to the introduction of non-native species.

Finding

Due to the lack of a proven technology, no feasible mitigation beyond legal requirements is currently available to prevent introduction of invasive exotic species via vessel hulls or ballast water. Therefore, the Recommended Alternative would have a cumulatively considerable contribution to the significant cumulative impacts on biological resources related to the potential introduction of invasive exotic species.

Rationale for Finding

Cumulative biological resource impacts related to the introduction of invasive exotic species to Harbor waters would be significant and unavoidable from past, present, and reasonably foreseeable future projects, and the Recommended Alternative would make a cumulatively considerable contribution to a significant cumulative impact related to the introduction of non-native species. No feasible mitigation beyond legal requirements is currently available to entirely prevent introduction of invasive exotic species via vessel hulls or ballast water. Therefore, there is no way to prevent the Recommended Alternative's cumulatively considerable contribution to the significant cumulative impacts on biological resources related to the potential introduction of invasive exotic species. New technologies are being explored and, if methods become available in the future, they would be implemented as required at that time. Consequently, the Recommended Alternative would make a cumulatively considerable and unavoidable contribution to a significant cumulative impact on biological resources. All mitigation measures determined feasible by LAHD as identified in the Final EIS/EIR have been incorporated into the Recommended Alternative.

3.3.7 Cultural Resources

Cumulative Impact CR-1: The Recommended Alternative would have the potential to make a cumulatively considerable contribution to a significant cumulative impact on built environment historical resources—Cumulatively Considerable and Unavoidable

Past projects within urban settings including the Recommended Alternative area have involved demolition of architectural structures (some that could be now considered historic had they not been demolished). Although demolition of historic structures in the redevelopment area of the Project site is a project-specific impact, there are other historic structures within the project vicinity that have historical significance (i.e., locally significant for association with the development of the Port of Los Angeles). As a result, the contribution of the Recommended Alternative would make a cumulatively considerable contribution to a significant cumulative impact on built environment historic resources.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Recommended Alternative that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. The implementation of mitigation measures **MM CR-1** would help reduce cumulatively considerable impacts on built environment historic resources. Although mitigation measure **MM CR-1** would reduce the cumulative effect, the mitigation would not sufficiently reduce the Recommended Alternative's cumulatively considerable contribution to a less-than-significant level. The Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the Final EIS/EIR. Even with the incorporation of feasible mitigation measures, the Recommended Alternative would make a cumulatively considerable contribution to a significant cumulative impact on built environment historic resources.

Rationale for Finding

Cumulative impacts associated with past, present, and reasonably foreseeable future projects regarding historical architectural resources could be cumulatively significant if they include the removal of significant or potentially significant historical architectural resources. Mitigation

measures **MM CR-1** would help reduce impacts to historical architectural resources, but not to a level of less than significant. Consequently, the Recommended Alternative would make a cumulatively considerable and unavoidable contribution to historical architectural resources. All mitigation measures determined feasible by LAHD as identified in the Final EIS/EIR have been incorporated into the Recommended Alternative.

3.3.8 Greenhouse Gases

Cumulative Impact GHG-1: The Recommended Alternative would generate GHG that would exceed the SCAQMD threshold—Cumulatively Considerable and Unavoidable

Past, present, and reasonably foreseeable future projects in the area have generated and will continue to generate GHGs from the combustion of fossil fuels and the use of refrigerants, and other products. Current and future projects will incorporate a variety of GHG reduction measures in response to federal, state, and local mandates and initiatives, and these measures are expected to reduce GHG emissions from future projects. However, because of the long-lived nature of GHGs in the atmosphere and the global nature of GHG emissions impacts, no specific quantitative level of GHG emissions from related projects in the region or state-wide has been identified below which no impacts would occur. It is therefore conservatively assumed that related projects represent a significant cumulative impact.

Recommended Alternative impacts would combine with impacts from related projects, which would already be cumulatively significant. As a result, without mitigation, impacts from Recommended Alternative construction and operation would make a cumulatively considerable contribution to an existing significant cumulative impact related to GHG and global climate change under CEQA.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Recommended Alternative that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. The implementation of mitigation measures **MM AQ-2, MM AQ-6, MM AQ-7, MM GHG-1,** and **MM GHG-2** would help reduce cumulatively considerable GHG emissions. Furthermore, LAHD's standard lease measures **LM AQ-1, LM AQ-2,** and **LM GHG-1** would be included in the tenant lease. These measures would further reduce future GHG emissions. Although mitigation measures **MM AQ-2, MM AQ-6, MM AQ-7, MM GHG-1,** and **MM GHG-2** and lease measures **LM AQ-1, LM AQ-2,** and **LM GHG-1** would reduce the cumulative GHG emissions, the mitigation would not sufficiently reduce the Recommended Alternative's cumulatively considerable contribution of the impact to a less-than-significant level. The Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the Final EIS/EIR. Even with the incorporation of feasible mitigation measures, the Recommended Alternative would make a cumulatively considerable contribution to a significant cumulative impact

Rationale for Finding

The challenge in assessing the significance of an individual project's contribution to global GHG emissions and associated global climate change impacts is determining whether a project's GHG emissions, which are at a micro-scale relative to global emissions, result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale

impact. The Recommended Alternative would produce GHG emissions that would exceed SCAQMD significance thresholds for GHG and would therefore result in significant GHG impacts. Proposed project impacts would combine with impacts from related projects and add additional burden to existing cumulatively significant GHG impacts, thereby resulting in cumulatively considerable contributions to GHG impacts. Mitigation measures **MM AQ-2, MM AQ-6, MM AQ-7, MM GHG-1,** and **MM GHG-2** and lease measures **LM AQ-1, LM AQ-2,** and **LM GHG-1** would help reduce GHG emissions; however, they would not reduce impacts to a less-than-significant level and the Recommended Alternative would make a cumulatively considerable contribution to a significant cumulative impact. All feasible by LAHD as identified in the Final EIS/EIR have been incorporated into the Recommended Alternative.

3.3.9 Ground Transportation

Cumulative Impact TRANS-2: The Recommended Alternative operations would not result in a cumulatively considerable long-term impact at study location intersection volume/capacity ratios or level of service—Cumulatively Considerable

Increases in traffic volumes on the surrounding roadways due to cumulative projects would result in a cumulative effect on the operating conditions of area intersections and roadways. Cumulative projects would cause significant cumulative impacts at these five study intersections. The Recommended Alternative would result in an increase in the V/C ratio at a number of study locations. However, the amount of Recommended Alternative-related traffic that would be added at the study intersection locations would not be of sufficient magnitude to meet or exceed any of the thresholds of significance at all but one intersection. Based on the comparison of the Project-related scenarios to the cumulative baseline scenarios, the Recommended Alternative would make a cumulatively considerable contribution to a significant cumulative impact at study Intersection #14: Ferry Street at SR-47 (Terminal Island Freeway)/Seaside Ave Ramps in 2026 and 2038.

Finding

Intersection #14 is controlled by Caltrans, and is outside of the Port's/LAHD's jurisdiction. No mitigation within the LAHD's control is available to reduce the Project-level operational traffic impact at Intersection #14 or the cumulatively considerable contributions to a significant cumulative impact for the Recommended Alternative. Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the Final EIS/EIR. The Recommended Alternative would make a cumulatively considerable contribution to a significant cumulative impact at study Intersection #14: Ferry Street at SR-47 (Terminal Island Freeway)/Seaside Ave Ramps.

Rationale for Findings

Cumulative ground transportation impacts related to the increase in traffic volumes would be significant and unavoidable from part, present, and reasonably foreseeable future projects, and the Recommended Alternative would make a cumulatively considerable contribution to this increase in traffic volumes at study Intersection #14: Ferry Street at SR-47 (Terminal Island Freeway)/Seaside Ave Ramps.

Because Intersection #14 is controlled by Caltrans, no feasible mitigation is within the LAHD's control is available to reduce the project-level operational traffic impact at Intersection #14 or the cumulatively considerable contributions to a significant cumulative impact for the Recommended Alternative. Therefore, there is no way to prevent the Recommended Alternative's cumulatively considerable contribution to the significant cumulative impacts on ground transportation related to the increase in traffic volumes. Consequently, the Recommended Alternative would make a cumulatively considerable and unavoidable contribution to a significant cumulative impact on ground transportation. All mitigation measures determined feasible by LAHD as identified in the Final EIS/EIR have been incorporated into the Recommended Alternative.

3.3.10 Noise

Cumulative Impact NOI-1: Construction activities lasting more than 10 days in a 3-month period would result in a cumulatively considerable exceedance in existing ambient exterior noise levels by 5 dBA or more at noise-sensitive receptors—Cumulatively Considerable and Unavoidable

Noise produced by daytime pile driving during wharf construction alone or pile driving in combination with general construction has been identified as having a significant impact at Fish Harbor and at San Pedro waterfront commercial- and tourism-based uses. Therefore, during pile driving, the Recommended Alternative would have a cumulatively considerable noise impact when combined with any other project that would affect the same receptor locations and occur concurrently with the Recommended Alternative.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Recommended Alternative that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. The implementation of mitigation measures **MM NOI-1** and **MM NOI-2** would help reduce cumulatively considerable impacts from construction noise. Although mitigation measures **MM NOI-1** and **MM NOI-2** would reduce the maximum noise levels during proposed project construction to a less-than-significant level, the Recommended Alternative could still contribute considerably to a cumulatively significant impact related to noise from pile driving. The Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the Final EIS/EIR. Even with the incorporation of feasible mitigation measures and the reduction of significant project-level noise impacts to a less-than-significant level, the Recommended Alternative would make a cumulatively considerable contribution to a significant cumulative impact if other construction projects occur concurrently.

Rationale for Findings

Construction of the Recommended Alternative independent of any other project would cause a significant noise impact on sensitive receptors at Fish Harbor and the San Pedro waterfront commercial- and tourism-based uses.

Noise produced by daytime pile driving during wharf construction alone or pile driving in combination with general construction would increase average ambient noise levels at Fish Harbor by up to 6 dBA and at San Pedro waterfront commercial- and tourism-based uses by 8 dBA over existing levels. Mitigation measures **MM NOI-1** and **MM NOI-2** would reduce

project- related noise impacts to a less-than-significant level. However, noise from the other construction projects in the project vicinity could increase noise levels in the area. Taking into consideration the location and scope of other projects, incremental noise increases from construction would exceed the 5-dBA significance threshold. Therefore, the Recommended Alternative would make a cumulatively considerable contribution to a significant cumulative impact when combined with past, present, and reasonably foreseeable future projects. All mitigation measures determined feasible by LAHD as identified in the Final EIS/EIR have been incorporated into the Recommended Alternative.

Chapter 4
The Proposed Project and Alternatives

Eight alternatives, including the proposed Project, the No Federal Action Alternative, and No Project Alternative, were considered and evaluated in regards to how well each could feasibly meet the basic project objectives and avoid or substantially lessen any of the significant effects of the project. Two of these alternatives were eliminated from detailed consideration either because they could not feasibly meet the basic objectives of the project and/or because they would not avoid or substantially lessen any of the significant effects of the project, as discussed in Section 2.9.2. Six of the alternatives (including the proposed Project and then Recommended Alternative) were carried forward for further analysis to determine whether they could feasibly meet most of the project objectives but avoid or substantially lessen any of the significant effects of the project. These six alternatives are evaluated co-equally with the proposed Project for all environmental resources in Chapter 3 in the Draft EIS/EIR. Chapter 6 of the Draft EIS/EIR compares the proposed Project and these five alternatives and identifies the environmentally preferred and environmentally superior alternative. The six alternatives that were carried through the analysis of impacts in Chapter 3:

- Proposed Project
- Alternative 1 – No Federal Action
- Alternative 2 – No Project
- Alternative 3 – Reduced Project: Reduced Wharf Improvements
- Alternative 4 – Reduced Project: No Backland Improvements
- Alternative 5 – Expanded On-Dock Railyard: Wharf and Backland Improvements with an Expanded Terminal Island Container Transfer Facility (TICTF) (Recommended Alternative)

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)). The Draft EIS/EIR contained five alternatives (not including the proposed Project), discussed in Chapter 6 of the Draft EIS/EIR and shown in Table 4 below. This table compares the major features of the proposed Project to those for the alternatives. The five alternatives plus the proposed Project 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 on the alternatives analyzed in the Draft EIR. "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).

Table 4: Summary of Proposed Project and Alternatives

	Proposed Project (2038)	Alt. 1: No Federal Action (2038)	Alt. 2: No Project (2038)	Alt. 3: Reduced Wharf (2038)	Alt 4: No Backland Improvements (2038)	Alt 5: Expanded On-Dock Railyard (2038)
Annual TEUs	2,379,525	1,818,000	1,818,000	2,250,000	2,115,133	2,379,525
Annual Peel-Off Yard Throughput[1]	129,525	None	None	None	115,133	129,525
Terminal Acreage	229	229	205	229	205	229
Annual Ship Calls[2]	208	208	208	208	208	208
24-hour Peak Day Ship Calls	2	2	2	2	2	2
Average Daily Truck Trips (peak month)	7,028	4,815	4,815	6,516	5,985	6,818
Average Daily Train Trips (peak month)	5.5[3]	4.2	4.2	5.2	4.9	5.5[3]
Operating Cranes	13	8	8	13	13	13
Total Dredging (cy)	38,000	0	0	30,000	38,000	38,000
Maximum Vessel Size						
Berths 226-229	16,000	8,000	8,000	16,000	16,000	16,000
Berths 230-232	10,000	8,000	8,000	8,000	10,000	10,000

Note: [1] Peel-off yards serve as off-site backlands to the terminal. Peel-off yard throughput is included in the total annual throughput for the proposed Project and alternatives that are not berth-constrained.

[2] Although various alternatives handle different throughout, the vessel calls are the same because of vessel strings, which is described in Chapter 1, Section 1.2.2.3.

[3] Although the proposed Project and Alternative 5 have the same average daily train trips (during the peak month), there is a difference between the number of on-dock and off-dock trains.

4.2 Alternatives Eliminated from Further Consideration

Alternatives that are remote or speculative, or the effects of which cannot be reasonably ascertained, need not be considered (CEQA Guidelines, Section 15126.6(f)(3)). Alternatives may be eliminated from detailed consideration in an EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid any significant environmental effects (CEQA Guidelines, Section 15126.6(c)). The following alternatives were determined to be infeasible and were eliminated from further consideration in the Draft EIS/EIR (additional details regarding reasons for rejection are included in Section 2.9.2 of the Draft EIS/EIR):

- Use of West Coast Ports Outside Southern California
- Other Sites in the Port Complex

4.3 Alternatives Analyzed in the EIS/EIR

Chapter 6 of the Draft EIS/EIR contains a detailed comparative analysis of the alternatives that were required per CEQA (No Project Alternative), required per NEPA (No Federal Action Alternative), or were found to achieve most of the proposed project objectives, are considered ostensibly feasible, and may reduce environmental impacts associated with the proposed Project.

A summary of the impact analysis for the proposed Project and the alternatives is shown in Table 5 below, which identifies the resource areas where the proposed Project or alternative would result in an unavoidable significant impact, as discussed in resource analyses in Chapter 3 of the Draft EIS/EIR. The table also presents the resource areas that would have significant impacts mitigated to less-than-significant levels. Detailed discussions of these resources are provided in Chapter 6 of the Draft EIS/EIR.[1] As shown in Table 5, the proposed Project, Recommended Alternative (Alternative 5) and all other alternatives would have significant unavoidable impacts in the areas of air quality and meteorology, biological resources, and GHG emissions. As detailed in the Final EIS/EIR, modifications have been made to the Draft EIS/EIR (see modifications made to Appendix B.1 in Chapter 3 Section 3.2.9 of the Final EIS/EIR). As a result of the modifications, impacts for NOx were determined to be below SCAQMD thresholds in 2033 and 2038 prior to mitigation, however impacts for NOx in 2019 remain significant.

Table 5: Summary of CEQA Significance Analysis by Alternative

Environmental Resource Area	Proposed Project	Alternative				
		1	2	3	4	5
Air Quality and Meteorology	S	S	S	S	S	S
Biological Resources	S	S	S	S	S	S
Cultural Resources	S	S	N	S	L	S
Greenhouse Gas Emissions	S	S	S	S	S	S
Noise	M	L	L	M	M	M

Notes:
The analysis includes project-level impacts, not cumulative effects.
S = Unavoidable significant impacts
M = Significant but mitigable impact
L = Less than significant impact (not significant)
N = No impact

4.4 Environmentally Superior Alternative

As shown in Table 5, Alternative 2 would have the fewest impacts because it would create the fewest adverse impacts, including avoiding significant unavoidable impacts on cultural resources. Further, under the No Project Alternative, no construction would occur and impacts on air quality, biological resources, GHG emissions, and noise would be reduced in comparison to the Recommended Alternative. Therefore, Alternative 2 is deemed to be environmentally superior. However, none of the proposed project objectives would be met.

State CEQA Guidelines Section 15126.6(e)(2) requires that in cases where the No Project Alternative is determined to be the environmentally superior alternative, another alternative must also be identified as environmentally superior. As shown on Table 5, besides Alternative 2, Alternative 4 has the least significant environmental impact compared to the Recommended Alternative. because it would avoid a significant unavoidable impact on cultural resources. Therefore, in accordance with CEQA, Alternative 4 is deemed to be the environmentally superior alternative. Alternative 4 would include berth deepening, crane raising, and new cranes, which would increase the berth capacity by increasing container loading and unloading efficiency and allowing it to accommodate larger vessels. However, this alternative would not include backlands expansion that is needed to balance the added capacity of the waterside improvements. Because of this, the terminal under Alternative 4 would be backland-constrained, which would limit the terminal's overall capacity and thus, Alternative 4 would not meet the project objectives as well as the Recommended Alternative.

4.5 CEQA Findings for Adoption of Alternative 5 in Lieu of the Originally Proposed Project

Alternative 5 is the Recommended Alternative for adoption in lieu of the originally proposed Project. Alternative 5 includes the same improvements to Berths 226-229, Berths 230-232, and backland improvements as the proposed Project, and would include one additional rail track at the TICTF.

Under the Recommended Alternative there would be two operating berths after construction, and the same amount of dredging as the proposed Project. The Recommended Alternative would also accommodate the largest vessels (16,000 TEUs) at Berths 226-229, and the new design depth at Berths 230-232 would be capable of handling vessels up to 10,000 TEUs. Based on the throughput projections, as with the originally proposed Project, the Recommended Alternative is expected to operate at a capacity of approximately 2,379,525 TEUs by 2038. As with the proposed Project, 208 vessels are anticipated to call on the terminal by 2038 under the Recommended Alternative. Additionally, the Recommended Alternative would have the same number of operating berths and would result in a maximum of two ship calls (over a 24-hour period).

Throughput projections estimate that the capacity of the existing terminal (1,818,000 TEUs) is expected to be reached by 2033 and be maintained through 2038. The Recommended Alternative would increase the throughput capacity of the Everport Container Terminal to 2,379,525 TEUs annually, an increase of approximately 1.14 million TEUs over 2013 existing conditions. The Recommended Alternative would also result in 208 annual vessel calls, which is 42 more than the vessel calls in 2013.

Under the Recommended Alternative, the volume of cargo passing through the Everport Container Terminal's portion of the TICTF on-dock railyard is projected to increase from 230,227 TEUs in 2013 to 606,341 TEUs through 2038. The Everport Container Terminal's 2038 throughput is projected to result in an annual average of 5.0 trains per day, and an average of 5.6 trains per day during the peak month. The Recommended Alternative would increase the capacity of the Everport portion of TICTF from 606,341 TEUs annually to 659,841 TEUs.

Finding

The Board hereby finds that the Recommended Alternative is more desirable than the proposed Project because it would better support the Port's overall goal to expand the use and capacity of on-dock rail to both move goods more efficiently and reduce traffic and emissions associated with truck trips. The Recommended Alternative would therefore result in reduced environmental impacts (particularly to traffic and air quality) as compared to the proposed Project. Although the proposed Project would have slightly less construction emissions as compared to the Recommended Alternative, the originally proposed Project would also result in higher NOx and PM emissions from operations in 2030 and 2038, and greater greenhouse gas emissions, due, in part, to more truck trips and length of truck trips from a reduced use of on-dock rail, as would otherwise occur under the Recommended Alternative.

Facts in Support of the Finding

The proposed Project would result in similar environmental impacts to the Recommended Alternative because its operational capacity would be the same, although construction emissions would be slightly reduced and operational air quality and greenhouse emissions

would be slightly greater. The proposed Project is less desirable than the Recommended Alternative which would expand the on-dock rail capacity and better support the project objective of promoting the long-term development of the Port.

4.6 CEQA Findings for Alternatives Analyzed

4.6.1 Alternative 1 – No Federal Action

Alternative 1 is a NEPA-required no action alternative and represents the NEPA baseline. Under the No Federal Action Alternative, only activities that could occur absent a U.S. Army Corps of Engineers (USACE) permit would be allowed. Absent a USACE permit, no dredging, dredged material disposal, in-water pile installation, or raised and new crane installation would occur. The existing terminal's ability to handle larger ships would be facilitated by activities that require a USACE permit (dredging, in-water pile driving, and raised and new cranes). Therefore, without the activities that address the capacity constraints of the terminal's berths (which would allow the terminal to service larger ships), the existing terminal capacity would not be increased. The No Federal Action Alternative includes additional backlands (addition of the 1.5-acre and 22-acre expansion areas) to improve efficiency; however, the additional backland area would not change the throughput capacity of the existing terminal.

Finding

The Board hereby finds that although Alternative 1—No Federal Action would result in reduced environmental impacts compared to the Recommended Alternative, this alternative would not increase the capacity of the terminal, and thus it would not meet the underlying fundamental purpose and objective of the project - to optimize the container-handling efficiency and capacity of the Port to accommodate the projected fleet mix of larger container vessels (up to 16,000 TEUs) that are anticipated to call at the Everport Container Terminal through 2038. As a result, the Board finds that Alternative 1—No Federal Action is not a feasible alternative to the Recommended Alternative because it would not accomplish the fundamental project purpose and objective.

Facts in Support of the Finding

The No Federal Action Alternative would result in reduced environmental impacts in the resource areas related to air quality, biological resources, GHG emissions, and noise as compared to the Recommended Alternative because this alternative would not include no dredging, dredged material disposal, in-water pile installation, or raised and new crane installation. Although the No Federal Action Alternative would result in reduced environmental impacts, it would not meet the underlying fundamental purpose and objective of the project to optimize the container-handling efficiency and capacity of the Port to accommodate the projected fleet mix of larger container vessels. Accordingly, the Board finds that Alternative 2—No Federal Action is not a feasible alternative to the Recommended Alternative because it would not fully accomplish fundamental project goals and objectives.

4.6.2 Alternative 2 – No Project

Under Alternative 2, none of the proposed construction activities would occur in water or in water-side or backland areas. LAHD would not implement any terminal improvements or increases in backland acreage. Raising of cranes would not occur, no new cranes would be added, and no dredging would occur. The current lease that expires in 2028 has an option for a ten-year extension, which would mean the existing terminal could operate through 2038.

Under the No Project Alternative, the existing Everport Container Terminal would continue to operate as an approximately 205-acre container terminal. Based on the throughput projections for the Port, the Everport Container Terminal is expected to operate at its existing capacity of approximately 1,818,000 TEUs by 2038 and require 208 annual vessel calls.

Finding

The Board hereby finds that although Alternative 2 – No Project would not feasibly meet the underlying fundamental purpose and any of the Recommended Alternative objectives and, on that basis, rejects the No Project Alternative. While Alternative 2 would result in reduced environmental impacts compared to the Recommended Alternative, this alternative would not result in the implementation of any terminal improvements or increases in backland acreage, and thus, would not meet the underlying fundamental purpose and objective of the project to optimize the container-handling efficiency and capacity of the Port to accommodate the projected fleet mix of larger container vessels that are anticipated to call at the Everport Container Terminal through 2038. As a result, the Board finds that Alternative 2 – No Project is not a feasible alternative to the Recommended Alternative because it would not accomplish the fundamental project goals and objectives.

Facts in Support of the Finding

The No Project Alternative would result in reduced environmental impacts in the resource areas related to air quality, biological resources, GHG emissions, cultural resources, and noise as compared to the Recommended Alternative because this alternative would not implement any terminal improvements or increase backlands acreage. Although the No Project Alternative would result in reduced environmental impacts, it would not deepen the berths, raise and add new larger cranes, or improve backlands, which are necessary to increase container loading and unloading efficiency and accommodate larger vessels. In addition, Alternative 2 would not accommodate the long-term development and growth of the Port. Accordingly, the Board finds that the No Project Alternative is not a feasible alternative to the Recommended Alternative because it would not accomplish fundamental project goals and objectives.

4.6.3 Alternative 3 – Reduced Project: Reduced Wharf Improvements

Alternative 3 would involve slightly less construction than the Recommended Alternative but would result in a slightly reduced operational throughput capacity compared to the Recommended Alternative. Alternative 3, would deepen Berths 226-229 and expand the backlands by 23.5 acres. Under Alternative 3, there would be two operating berths after construction, similar to the Recommended Alternative, but Berths 230-232 would remain at their existing depth (-45’ MLLW). This alternative would require less dredging (by approximately 8,000 cubic yards) and sheet pile driving than the Recommended Alternative. Based on the throughput projections, this alternative is expected to operate at its capacity of 2,250,000 TEUs by 2038. This alternative would accommodate the largest vessels (16,000 TEUs) at Berths 226-229. The existing design depth that remains at Berths 230-232 would only be capable of handling vessels up to 8,000 TEUs. While the terminal could handle greater throughput than the No Project and No Federal Action alternatives, this reduced project alternative would not achieve the same level of operational efficiency as achieved by the Recommended Alternative, because it would only accommodate the larger vessels at one wharf location compared to two wharf locations under the Recommended Alternative. Under this alternative, 208 vessels would call on the terminal by 2038, the same as for the Recommended Alternative. Additionally, because this alternative would have the same number of operating

berths as the Recommended Alternative, this alternative would result in a maximum of two ship calls (over a 24-hour period), the same as for the Recommended Alternative.

Under Alternative 3, the terminal's 2038 throughput is projected to result in an annual average of 4.7 trains per day, and an average of 5.2 trains per day during the peak month. This alternative would also result in 6,516 average daily truck trips during the peak month. The volume of cargo passing through the Everport Container Terminal's portion of the TICTF on-dock railyard is projected to increase from 230,227 TEUs in 2013 to 606,341 TEUs through 2038. The existing TICTF under Alternative 3 is projected to have sufficient capacity to handle the full amount of anticipated demand for on-dock rail facilities associated with the maximum terminal throughput of 2,250,000 TEUs.

Finding

The Board hereby finds that Alternative 3 – Reduced Project: Reduced Wharf Improvements would not maximize container-handling capacity and efficiency at the proposed project site and would not make the best use of the proposed project site. Therefore, Alternative 3 would not fully meet the underlying fundamental purpose and objective of the project - to optimize the container-handling efficiency and capacity of the Port to accommodate the projected fleet mix of larger container vessels (up to 16,000 TEUs) that are anticipated to call at the Everport Container Terminal through 2038. The impact determinations are the same as the Recommended Alternative, although Alternative 3 would result in slightly less criteria pollutant and GHG emissions and less pile driving noise impacts. However, the Board finds that Alternative 3 is not a feasible alternative to the Recommended Alternative because it would not accomplish the fundamental project goals and objectives.

Facts in Support of the Finding

Alternative 3 has the same impact determinations as the Recommended Alternative. Although, Alternative 3 would results in slightly less criteria pollutant and GHG emissions than, which in turn would result in a slightly less impacts to air quality than the Recommended Alternative. In addition, Alternative 3 would result in less pile driving noise impacts than the Recommended Alternative. However, it would not maximize container-handling capacity and efficiency at the proposed project site and would not make the best use of the project site. Therefore, Alternative 3 would not optimize the container-handling efficiency and capacity of the Port to accommodate the projected fleet mix of larger container vessels (up to 16,000 TEUs) that are anticipated to call at the Everport Container Terminal through 2038. Thus, the Board finds that Alternative 3 – Reduced Project: Reduced Wharf Improvements is not a feasible alternative to the Recommended Alternative because it would not accomplish the fundamental project goals and objectives.

4.6.4 Alternative 4 – Reduced Project: No Backlands Improvements

Alternative 4 would deepen both operating berths at the terminal but would not increase backlands, which would limit the terminals ultimate throughput capacity compared to the Recommended Alternative.

Under this alternative, there would be two operating berths after construction, similar to the Recommended Alternative. This alternative would require the same dredging as the Recommended Alternative. This alternative would accommodate the largest vessels (16,000 TEUs) at Berths 226-229. The new design depth at Berths 230-232 would be capable of

handling vessels up to 10,000 TEUs. Based on the throughput projections, this alternative is expected to operate at its capacity of approximately 2,115,133 TEUs by 2038, which is less than the Recommended Alternative. Under this reduced project alternative, the container terminal would not improve or relocate the gate complex and would not result in any development on the 22-acre backlands expansion area (and would therefore not affect the former Canner's Steam Company Plant or archaeological resources); however, this alternative would handle a lower level of cargo throughput (up to 264,392 TEUs) than the Recommended Alternative. Under this alternative, 208 vessels would call on the terminal by 2038, the same as for the Recommended Alternative. Additionally, because this alternative would have the same number of operating berths as the Recommended Alternative, this alternative would result in a maximum of two ship calls (over a 24-hour period), the same as for the Recommended Alternative.

Under Alternative 4, the terminal's 2038 throughput is projected to result in an annual average of 4.4 trains per day, and an average of 4.9 trains per day during the peak month. This alternative would also result in 5,985 average daily truck trips during the peak month. The volume of cargo passing through the Everport Container Terminal's portion of the TICTF on-dock railyard is projected to increase from 230,227 TEUs in 2013 to 606,341 TEUs through 2038. The existing TICTF under Alternative 4 is projected to have sufficient capacity to handle the full amount of anticipated demand for on-dock rail facilities associated with the maximum terminal throughput of 2,115,133 TEUs.

Finding

The Board hereby finds that Alternative 4 – Reduced Project: No Backlands Improvements would not maximize container-handling capacity and efficiency at the proposed project site. Alternative 4 would be environmentally superior to the Recommended Alternative as it would avoid a significant unavoidable impact to cultural resources and would have slightly reduced criteria pollutant and GHG emissions. However, Alternative 4 would be backland-constrained, which would limit the terminal's overall capacity, and would not fully utilize the berth improvements. Alternative 4 would have the lowest throughput capacity (2,115,133 TEUs) compared to the other alternatives that include berth deepening, crane raising, new cranes, and backland expansion (2,379,525 TEUs for the Recommended Alternative and Alternative 5, and 2,250,000 TEUs for Alternative 3). Because it would have lower throughput and not fully utilize the berth improvements, Alternative 4 would not optimize the terminal and thus, would not meet the project objectives as well as the Recommended Alternative. Therefore, the Board finds that Alternative 4 is not a feasible alternative to the Recommended Alternative because it would not accomplish the fundamental goals and objectives of the Recommended Alternative.

Facts in Support of the Finding

Alternative 4 would be environmentally superior to the Recommended Alternative because it would avoid a significant unavoidable impact to cultural resources and would have slightly reduced criteria pollutant and GHG emissions. However, it would be backlands constrained and thus would limit the terminal's overall capacity. Thus, Alternative 4 would have a lower throughput and would not and not fully utilize the berth improvements. Alternative 4 – Reduced Project: No Backlands Improvements would not optimize the container-handling efficiency and capacity of the Port and thus it is not a feasible alternative to the Recommended Alternative because it would not fully accomplish fundamental project goals and objectives.

4.6.5 Alternative 5 – Expanded On-Dock Railyard: Wharf and Backland Improvements with an expanded TICTF (Recommended Alternative)

The Recommended Alternative (Alternative 5) would be the same as the proposed Project and include improvements to Berths 226-229, Berths 230-232, backland improvements, but also with an extra track at TICTF.

Under the Recommended Alternative, there would be two operating berths after construction, the same as the proposed Project. This alternative would require the same dredging as the proposed Project. This alternative would accommodate the largest vessels (16,000 TEUs) at Berths 226-229. The new design depth at Berths 230-232 would be capable of handling vessels up to 10,000 TEUs. Based on the throughput projections, the Recommended Alternative is expected to operate at its capacity of approximately 2,379,525 TEUs by 2038, the same as the proposed Project. Under this alternative, 208 vessels would call on the terminal by 2038, the same as the proposed Project. Additionally, because the Recommended Alternative would have the same number of operating berths as the proposed Project, the Recommended Alternative would result in a maximum of two ship calls (over a 24-hour period), the same as for the proposed Project.

Under the Recommended Alternative, the terminal's 2038 throughput is projected to result in an annual average of 4.9 trains per day, and an average of 5.5 trains per day during the peak month. This alternative would also result in 6,818 average daily truck trips during the peak month. The terminal would have added capacity at the TICTF and be able to transport a greater number of containers via rail than the proposed Project (the additional rail at the TICTF would increase its capacity from 606,341 TEUs to 659,841 TEUs). Under the Recommended Alternative, the volume of cargo passing through the Everport Container Terminal's portion of the TICTF on-dock railyard is projected to increase from 230,227 TEUs in 2013 to 659,841 TEUs through 2038. The Recommended Alternative represents a decrease in truck trips with no additional air quality impacts to criteria pollutants. Alternative 5 has higher construction costs associated with it than the originally proposed Project but it still meets the objectives of the project with lower traffic emissions and truck trips. The improved TICTF under Alternative 5 is projected to have sufficient capacity to handle the full amount of anticipated demand for on-dock rail facilities associated with the maximum terminal throughput of 2,379,525 TEUs.

Finding

The Board hereby finds that Alternative 5 would not result in substantially reduced environmental impacts compared to the proposed Project, and would not eliminate any significant and unavoidable impact of the proposed Project. Alternative 5 would meet the project goals and objectives, and would have reduced truck trips with the increased use of on-dock rail. Although construction emissions increase slightly under Alternative 5, emissions of NOx, PM, and greenhouse gases decrease operationally in 2033 and 2038 due to the truck emission decreases. Alternative 5 was recommended by several commenters during the public comment period on the Draft EIR/EIS. It was not originally recommended by LAHD as the proposed Project due to its higher construction costs; however, LAHD now finds that the long-term environmental benefits outweigh the higher initial capital expenditure and have chosen this Alternative as the preferred project (Recommended Alternative).

Facts in Support of the Finding

Alternative 5 would result in the same operational throughput capacity as the proposed Project and would meet the basic project objectives as well as the fundamental purpose of the project. Because it would also increase the capacity of the TICTF, it would allow for increased transport of containers via on-dock rail, which would reduce the number of truck trips, relative to the proposed Project.

Alternative 5 would result in similar environmental impacts to the proposed Project because its operational capacity would be the same. However, it would have fewer operational heavy-duty truck trips, resulting in slightly less operational emissions of NOx, PM, and greenhouse gases than the proposed Project towards the end of the lease term. Further, although no significant traffic impacts would occur, Alternative 5 would reduce the number of vehicle trips as compared to the proposed Project. Given the project purpose and objectives, Alternative 5 would support the projected increase in throughput demand and would also make efficient use of the terminal area. As a result, the project objectives could be accomplished by Alternative 5 as well as with the proposed Project. In response to public input and the long-term environmental benefit of reduced heavy-duty truck trips, Alternative 5 meets the objectives of the project and is a means of reducing or avoiding some of the project's adverse environmental impacts.

This page intentionally left blank

Chapter 5
Findings Regarding Irreversible Environmental Changes

Irreversible and irretrievable environmental changes caused by a project include uses of nonrenewable resources during construction and operation, long-term or permanent access to previously inaccessible areas, and irreversible damages that may result from project-related accidents.

Finding and Rationale

The Recommended Alternative would require the use of nonrenewable resources to develop the site for Port-related activities. Fossil fuels and energy would be consumed during both the construction and the operational phases. These energy resources would for the most part be irretrievable, and would cause irreversible changes in supplies of fossil fuel available for other uses. However, some electricity provided by Southern California Edison and the Los Angeles Department of Water and Power is provided from renewable sources and recently adopted legislation raises California's renewable portfolio requirements for retail electricity sales.

Non-recoverable material resources committed to the Recommended Alternative other than fossil fuels would include: capital, labor, and construction materials such as rock, steel, concrete, and timber. Non-recoverable materials would be used during construction and operational activities, but the amounts needed would be accommodated by existing supplies. Although the increase in the amount of materials used would be limited, they would be unavailable for other uses. The irreversible changes discussed above are justified by the increased efficiency in cargo handling at the Port that the Recommended Alternative would provide.

This page intentionally left blank.

Chapter 6
Changes to the Draft EIS/EIR

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

- Modifications to mitigation measures in Section 3.2, Air Quality and Meteorology, Section 3.3, Biological Resources, and Section 3.10, Noise
- Modifications to operational emissions
- Modifications to GHG emissions
- Modifications to ground transportation tables
- Removal of reference to groundwater and soils having less than significant impacts with mitigation from Chapter 6, Comparison of Alternatives
- Minor text edits to Appendix F.2
- Additional Appendix - Investigation of 2033 HRA Start Year for the Everport Container Terminal Improvements Project

Finding and Rationale – Recirculation

Many comments on the EIR/EIS urged the Board of Harbor Commissioners to recirculate some or all of the EIR/EIS for a second time. CEQA requires a lead agency to recirculate an EIR only when "significant new information" is added to the EIR after public notice is given of the availability of the draft EIR for public review but before certification. (CEQA Guidelines Section 15088.5(a).)

Although the Final EIR includes new information and clarification, generated in response to comments received on the Draft EIS/EIR, the information is not significant new information requiring recirculation. 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/EIS, including the additional energy information merely clarifies or amplifies or makes insignificant modifications to the EIR/EIS. (See *Laurel Heights Improvement Association v. Regents of University of California* (*Laurel Heights II*) (1993) 6 Cal.4th 1112, 1129-1130.) Although, for example, modeling results were updated, the

new modeling merely confirmed previous conclusions, and thus did not trigger any obligation to recirculate. (See *San Francisco Baykeeper v. California State Lands Commission* (2015) 242 Cal.App.4th 202, 224-225 [new modeling confirming earlier conclusion about effects of mining on Bay environment did not trigger recirculation]; *Beverly Hills Unified School Dist. v. Los Angeles County Metropolitan Transportation Commission* (2015) 241 Cal.App.4th 627, 660-666 [Final EIR containing substantial amounts of new information, including numerous new seismic studies did not trigger recirculation].)

Consequently, the changes and clarifications presented in Chapter 3 of the Final EIS/EIR were reviewed by the Board to determine whether they constitute "significant new information" requiring recirculation prior to certification of the EIR. This information was found to merely clarify or amplify the information presented in the Draft EIS/EIR. No new feasible alternatives or mitigation measures considerably different from others previously analyzed were identified that would clearly lessen the significant effects of the Recommended Alternative. Further, as discussed in Chapter 3, modifications to mitigation measures (**MM AQ-2, MM AQ-3, MM AQ-5, MM AQ-7, MM BIO-1**, and **MM NOI-2**), would not reduce their effectiveness in reducing significant impacts. Therefore, the Draft and Final EIS/EIR is, and was, found not to require recirculation. Thus, the EIR can be certified without additional public review, consistent with PRC Section 21092.1 and State CEQA Guidelines Section 15088.5.

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

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

Several comment letters were received on the Draft EIS/EIR suggesting project modifications. 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. No additional mitigation measures have been determined to be feasible to reduce significant impacts disclosed in the EIS/EIR.

The suggested mitigation measures and the reasons supporting why the recommended measures were rejected are summarized below. Additional detail can be found in the comments and responses to comments chapter of the Final EIS/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 these measures.

Emission Reductions

Comments were received suggesting that the proposed Project require additional emission reduction strategies, including requiring zero and near-zero emission technologies, requiring stricter engine emission standards for marine and land-based vehicles and equipment, increasing shore power compliance rates, and expanding the Port-wide emission reduction programs. As described in Chapter 3 above and in Chapter 3 of the Final EIS/EIR, several mitigation measures designed to reduce construction (**MM AQ-2**, **MM AQ-3**, and **MM AQ-5**) and operational emissions (**MM AQ-7**) were modified based on public comments for clarification and/or to further reduce emissions. It was determined that other recommended measures would be infeasible due to specific economic, environmental, legal, social, technological, or other considerations. As described in Master Response 2: Zero-Emission Technologies in Chapter 2 of the Final EIS/EIR, LAHD has invested in or secured funding to advance zero- and near-zero technologies in the goods movement industry. The Port believes that zero-emission container movement technologies show great promise for helping to reduce criteria pollutant and GHG emissions in the future. However, longer-term evaluations and real-world testing are required to establish the technical viability, operational reliability, and commercial availability of such technologies. Without the completion of the real-world fleet testing, it is infeasible to require Everport Terminal Services, Inc. (ETS) to use zero-emission

container movement technologies through mitigation. However, in recognition of the potential future promise of such technologies, LAHD has included a lease measure (LM) in the EIS/EIR that requires periodic technology reviews (**LM AQ-1**: Replacement of Equipment and Review of New Technology). This lease measure will ensure that ETS reconsiders the feasibility of emission reduction technologies in the future as the technologies continue to develop. Additionally, as described in Master Response 3: Port-wide Emission Reduction Programs in Chapter 2 of the Final EIS/EIR, LAHD and the Port of Long Beach are committed to updating the San Pedro Bay Ports Clean Air Action Plan (CAAP) this year. The CAAP will continue to push technological improvements for emission reductions at a pace faster than regulations alone. However, the Ports cannot yet rely on any programs in this update to be available and appropriate for claiming additional emission reductions in the EIS/EIR. As technologies become technologically feasible, economically viable, and commercially available in the region, they will become requirements at the Port of Los Angeles as required by lease measure **LM AQ-1** described above.

It should be noted that the Recommended Alternative for approval is Alternative 5, which expands on-dock rail, and was fully analyzed in the EIS/EIR. This would serve to reduce operational air quality and greenhouse gases impacts due to an increase in rail use and a corresponding decrease in truck operations.

Ground Transportation Improvements

Comments were received suggesting that the proposed Project implement ground transportation mitigation measures, including construction of an underground truck tunnel, implementation of a multi-story parking structure, and provision of a dedicated freeway and highway truck lanes. While the proposed Project would make a cumulatively considerable contribution to a significant cumulative impact at study Intersection #14: Ferry Street at SR-47 (Terminal Island Freeway)/Seaside Ave Ramps in 2026 and 2038, the suggested mitigation measures would not address this impact as described in Chapter 2 of the Final EIS/EIR, including Responses to Comments CFSE-8 through 10.

It should be noted that the Recommended Alternative for approval is Alternative 5, which expands on-dock rail, and was fully analyzed in the EIS/EIR. This would serve to increase rail use with a corresponding decrease in truck operations.

Noise Impacts

Comments were received suggesting that additional noise mitigation measures should be considered, including measures to address operational noise and measures contained in the Harbor Community Benefit Foundation four Wilmington Noise Reports. However, as described in Chapter 2 of the Final EIS/EIR Response to Comments CFSE-24 and PH4-1, the construction of the proposed Project would not result in significant noise impacts in Wilmington and would not result in significant noise impacts from operations. As a consequence, operational noise mitigation and construction noise mitigation in Wilmington is not required.

Whale Strikes

A comment (Comment CFSE-26) was received stating that the potential for whale strikes should be mitigated. However, as described in Section 3.3, Biological Resources of the Draft EIS/EIR, beginning on page 3.3-18, this impact is considered less than significant because of the low probability of vessel strikes, including those which may be reasonably foreseeable due

to the project over existing baseline conditions. Even though impacts due to vessel strikes are considered less than significant, with no mitigation required, implementation of mitigation measure **MM AQ-6**, Vessel Speed Reduction Program, would further reduce the potential for vessel collision with marine mammals and sea turtles.

Environmental Justice

Comments were received suggesting the need for additional mitigation measures to address disproportionate effects on minority and/or low-income populations. However, as described in Chapter 2 of the Final EIS/EIR Response to Comment USEPA-5, all feasible project-level mitigation measures have been applied to reduce any high and adverse impact to adjacent communities. Additional mitigation measures would be infeasible due to specific economic, legal, social, technological, or other considerations.

Energy Mitigation

One commenter (Earthjustice) suggested that the EIS/EIR include energy mitigation. However, as described in Master Response 4: Energy Use and Appendix F in Chapter 2 of the Final EIS/EIR, there were no significant energy impacts identified as a result of the project. The project's objective is to improve energy efficiency and the overall efficiency of the facility, which the project would help to do over existing conditions and, therefore, will not result in an inefficient, wasteful or unnecessary consumption of energy. Because energy impacts were found to be less than significant, additional mitigation for energy impacts is not required.

This page intentionally left blank.

Chapter 8
Statement of Overriding Considerations

Pursuant to Section 15093 of the State CEQA Guidelines, the Board must balance the benefits of Alternative 5 against unavoidable environmental risks in determining whether to approve the project. As detailed in the Findings, the Recommended Alternative would result in significant unavoidable impacts on air quality, cultural resources, biological resources, and GHG emissions. The Recommended Alternative would also result in a cumulatively considerable contribution to significant cumulative impacts on air quality, biological resources, cultural resources, GHG emissions, ground transportation and noise.

8.1 Project Benefits

The Recommended Alternative offers several benefits that outweigh its unavoidable adverse environmental effects. The Board of Harbor Commissioners adopts the following Statement of Overriding Considerations. The Board recognizes that significant and unavoidable impacts will result from implementation of the Recommended Alternative, 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 Recommended Alternative, as discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Recommended Alternative against the Recommended Alternative'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 Alternative 5and provide the rationale for the benefits of the Recommended Alternative. The Board finds that any one of the environmental, technological, policy, and economic benefits of the Recommended Alternative set forth below is sufficient by itself to warrant approval of the Recommended Alternative. These overriding considerations justify adoption of the Recommended Alternative 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 Harbor Department's legal mandates and objectives**. The Recommended Alternative would fulfill the Harbor Department'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 and fisheries, and other uses of statewide interest and benefit including industrial and transportation uses and 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 the Harbor Department to modernize and construct

necessary facilities to accommodate deep-draft vessels and 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 Harbor Department 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 Recommended Alternative would also meet the Harbor Department's strategic green growth objectives by maximizing the efficiency and the capacity of facilities while applying mitigation measures that adhere to and/or exceed the San Pedro Bay Clean Air Action Plan (CAAP) requirements and raise environmental standards.

- **Implements the CAAP.** Project-specific standards and lease measures implemented through CEQA are one of several mechanisms for meeting CAAP requirements.
- **Optimizes land use.** The Recommended Alternative would maximize the utilization of Port lands by increasing the cargo handling efficiency of an existing container terminal to accommodate the demands of foreign and domestic waterborne commerce. The Recommended Alternative would be consistent with LAHD's public trust obligations. The Recommended Alternative would maximize container land use and operations at the Everport Container Terminal consistent with the Port Master Plan.
- **Accommodate projected changes to cargo ship fleet mix.** The Recommended Alternative would upgrade an existing facility to accommodate the servicing of larger container ships which are projected to enter the fleet mix calling at the Port in the future. In particular, the Recommended Alternative provide sufficient depth along Berths 226-229 [-53 MLLW plus two feet of overdepth tolerance for a total depth of -55 feet MLLW] and Berths 230-232 (-47 MLLW plus two feet of overdepth tolerance for a total depth of -49 feet MLLW) to ensure the terminal's ability to accommodate up to 16,000 TEU vessels anticipated to call at the terminal. The Recommended Alternative would improve container terminal backland capacity, and provide new cranes and raise existing cranes to efficiently service the larger container ships anticipated to call at the terminal.
- **Fosters economic growth.** The Recommended Alternative would augment local employment and business opportunities by directly supporting numerous short-term construction and long-term operational jobs and a variety of indirect jobs related to both the construction and operational phases (see Chapter 7, Socioeconomics, of the Draft EIS/EIR). The Recommended Alternative would promote the long-term development and growth of the Port and further the expansion of on-dock rail.

In summary, the Recommended Alternative 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 Recommended Alternative described above outweighs the significant and unavoidable environmental effects and are therefore considered acceptable.