

# 1.0

## INTRODUCTION

1

2 This chapter presents background and introductory information for the Wilmington  
3 Waterfront Development Project (proposed Project), located within the Port of Los  
4 Angeles (Port) and the Wilmington Community of the City of Los Angeles (City).  
5 This chapter includes discussion of the:

- 6 ■ proposed Project background and the Los Angeles Waterfront Development  
7 Program,
- 8 ■ proposed project location and a brief overview of the proposed Project,
- 9 ■ purpose of this draft Environmental Impact Report (EIR),
- 10 ■ authority of the lead agency—the Los Angeles Harbor Department (LAHD)—  
11 preparing this draft EIR,
- 12 ■ scope and content of the draft EIR,
- 13 ■ key principles guiding the preparation of this document; and
- 14 ■ public outreach for the proposed Project.

15 This Draft EIR has been prepared in accordance with the requirements of the  
16 California Environmental Quality Act (CEQA) (California Public Resources Code  
17 [PRC] Section 21000 et seq.) and the Guidelines for Implementation of the California  
18 Environmental Quality Act of 1970 (CEQA Guidelines) (14 California Code of  
19 Regulations [CCR] Section 15000 et seq.) and will be used to inform decision-  
20 makers and the general public about the environmental effects of the construction and  
21 operation of the proposed Project; to consider feasible alternatives to the proposed  
22 Project; and to propose mitigation measures that would avoid or reduce the  
23 significant environmental impacts from construction and operation of the proposed  
24 Project.

1 **1.1 Project Background**

2 **1.1.1 Role of the Los Angeles Harbor Department**

3 LAHD operates the Port of Los Angeles under the legal mandates of the Port of Los  
4 Angeles Tidelands Trust (Los Angeles City Charter, Article VI, Sec. 601; California  
5 Tidelands Trust Act of 1911) and the California Coastal Act (PRC Div 20 S30700 et  
6 seq.), which identify the Port and its facilities as a primary economic resource of the  
7 state and an essential element of the national maritime industry for promotion of  
8 commerce, navigation, fisheries, and harbor operations. Activities should be water  
9 dependent and give highest priority to navigation, shipping, and necessary support  
10 and access facilities to accommodate the demands of foreign and domestic  
11 waterborne commerce. LAHD is chartered to develop and operate the Port to benefit  
12 maritime uses and functions as a landlord by leasing Port properties to more than  
13 300 tenants. The Port of Los Angeles is the nation’s busiest container port, handling  
14 8.6 million twenty-foot units (TEUs) of cargo containers in 2007.

15 In addition to moving containerized cargo, the Port’s diverse maritime operations  
16 include shipping dry bulk items such as scrap metal, steel, and food; cruise vessel  
17 terminals, marinas, retail, and tourist shops; and commercial fishing, sport fishing,  
18 and a recreational beach area. In 2003 the State Tidelands Trust was amended by  
19 Assembly Bill (AB) 2769 to allow funds in the Port to be spent on education,  
20 recreation, culture, and tourism. This legislation allows LAHD to further expend  
21 funds on non-maritime uses, such as the revitalization of a visitor-serving waterfront  
22 for Los Angeles County.

23 **1.1.2 Los Angeles Waterfront Development Program**

24 The design and function of the Avalon Development District and Avalon Waterfront  
25 District (approximately 60 acres combined) were the vision of the 95-acre Program,  
26 which is the result of a planning process involving close collaboration between Port  
27 staff; a consultant team of planners, designers, engineers, economists, public outreach  
28 consultants, and other specialists; as well as the Wilmington Waterfront Development  
29 Subcommittee of the PCAC, a planning group recognized by the Harbor Board of  
30 Commissioners and composed of community representatives and the general public.

31 The following steps were taken in developing the Program:

- 32 1. Starting with and building upon the Wilmington Waterfront Development Final  
33 Plan, a conceptual vision plan for the area was prepared in 2004 (SMWM), with  
34 the participation of the Wilmington Waterfront Development Subcommittee and  
35 approval of the Harbor Board of Commissioners.
- 36 2. A visionary master plan was crafted based upon a good understanding of baseline  
37 conditions in the proposed project area, including the physical, regulatory,

- 1 environmental, land use, transportation, historical, cultural, market
- 2 characteristics, and existing plans and projects.
- 3 3. Improvements, including public art and street furnishings, were considered in
- 4 nearby San Pedro to bring consistency in quality and character to Port-wide
- 5 public improvements.
- 6 4. Master Plan alternatives were developed and evaluated for the Wilmington area
- 7 based on site characteristics and established goals and objectives identified early
- 8 in the planning process.
- 9 5. Four community workshops were conducted in 2006 at critical milestones to
- 10 garner community input, review, and comment; more than 1,000 people attended
- 11 the final meeting on December 2, 2006.

12 In addition, the following guiding principles were identified for the proposed Project  
 13 through a series of community workshops and meetings:

- 14 ■ Enhance the livability of the Wilmington community
- 15 ■ Enhance the economic viability of the Wilmington community by promoting
- 16 sustainable economic development and technologies
- 17 ■ Establish a world-class design with a regional draw for the Wilmington
- 18 waterfront area by enhancing Wilmington’s image while maintaining its identity
- 19 and attracting visitors to the waterfront
- 20 ■ Create an environmentally responsible project
- 21 ■ Celebrate the Port and Wilmington’s significance—past, present, and future
- 22 ■ Create a unified Los Angeles waterfront through the integration of publicly
- 23 oriented improvements, from Leeward Bay Marina to the breakwater
- 24 ■ Promote a sense of ownership in the proposed Project and its results by engaging
- 25 the whole of the community throughout the planning and design process and by
- 26 creating opportunities for residents and school children to contribute to the
- 27 design through program specifications, public art programs, and other elements

28 The Wilmington Waterfront Master Plan and Development Program is the guiding  
 29 planning document for several separate components that would be designed in  
 30 harmony with one another in order to promote connectivity, continuity, and improved  
 31 functionality. Elements covered in the Program include the proposed Project, which  
 32 is made up of the Avalon Development District (referred to as the Industrial  
 33 District/Avalon Corridor in the development program), most of the Avalon  
 34 Waterfront District (Avalon Triangle Park is a separate development project), and the  
 35 Harry Bridges Buffer Area, which is part of the TraPac container terminal expansion  
 36 project. While the proposed Project is intended to connect the Wilmington  
 37 community with the waterfront as well as enhance industrial and commercial land  
 38 uses and economic viability, the purpose of the Harry Bridges Buffer Area is to  
 39 separate the residential land uses within the Wilmington community from the  
 40 industrial land uses of the Port. The recent approval of the Harry Bridges Buffer  
 41 Area and its future implementation, development of Avalon Triangle Park, and the

1 proposed Project would all proceed separately, and any one project would be  
2 implemented and would sustain itself without the implementation of the others.

## 3 **1.2 Proposed Project**

### 4 **1.2.1 Project Site Location**

5 The proposed project site is located approximately 20 miles south of downtown Los  
6 Angeles, within the Port and Wilmington community boundaries. Regional access to  
7 the site is provided by Interstate 110 (I-110) with local access provided by Harry  
8 Bridges and Avalon Boulevards. The San Pedro Community lies to the west and the  
9 Port of Long Beach to the east. The proposed project site is surrounded by industrial  
10 land uses, shipping and container operations, and liquid and dry bulk facilities along  
11 its southern portions, and by industrial and commercial uses in the northern areas.

12 The proposed project site is generally bounded by Lagoon Avenue to the west, Broad  
13 Avenue to the east, C Street to the north, and Banning's Landing and the Slip 5  
14 waterfront to the south. The site includes the Waterfront Red Car Line and Coastal  
15 Coast Trail (CCT) linkages beginning in the west at Swinford Street, moving along  
16 Front Street to John S. Gibson Boulevard, and then along Harry Bridges Boulevard  
17 until it reaches Avalon Boulevard in the east.

### 18 **1.2.2 Project Overview**

19 The proposed Project involves development of a variety of land uses within the three  
20 distinct areas of the proposed project site: (1) the Avalon Development District, (2)  
21 the Avalon Waterfront District, and (3) the Waterfront Red Car Line Extension and  
22 multi-modal CCT linkage area. The draft EIR describes the environmental resources  
23 that would be affected by the proposed Project. The draft EIR will address elements  
24 of the proposed Project in these three areas on both the program and project level. A  
25 program-level analysis is prepared when the lead agency has a proposed program or  
26 series of actions that can be characterized as one large project, and some specific  
27 design information may be uncertain. A program-level analysis generally analyzes  
28 broad environmental effects of the program with the understanding that additional  
29 site-specific environmental review may be required for particular aspects of the  
30 program when those aspects are proposed for implementation and construction.  
31 Below highlights the major elements of each of the three areas, except where  
32 indicated all elements will be analyzed at a project-level analysis.

#### 33 **1.2.2.1 Avalon Development District (Areas A and B)**

34 Proposed Project elements in this area include (1) infrastructure improvements to  
35 support up to 150,000 square feet of light industrial development analyzed at a

1 program level; (2) development of up to 58,000 square feet of commercial uses; (3)  
 2 sidewalk and pedestrian-oriented enhancements along Island, Fries, and Marine  
 3 Avenues, Harry Bridges and Avalon Boulevards, and C street; (4) a 1-acre passive  
 4 park located on the vacant Railroad Green; and (5) adaptive reuse of the historic  
 5 14,500-square-foot Bekins Storage property for a Waterfront Red Car Museum.

6 **1.2.2.2 Avalon Waterfront District**

7 Proposed Project actions or elements in this area include:

- 8 ■ Constructing pedestrian-oriented features and improvements such as a waterfront  
 9 promenade with 12,000 square feet of restaurant/visitor-serving retail  
 10 development, a 200-foot Observation Tower with a pedestrian ramp, a 10-acre  
 11 Land Bridge with an elevated park, and a pedestrian “water” bridge enhanced by  
 12 an integrated water feature that would provide the surrounding Community with  
 13 open space and improved pedestrian access to the waterfront;
- 14 ■ Demolishing the Los Angeles Department of Water and Power (LADWP)  
 15 Marine Tank site and associated pipe conveyance infrastructure, and remediating  
 16 the site;
- 17 ■ Programmatically evaluating the feasible relocation of the Marine Tank Farm  
 18 liquid bulk storage tanks to an existing liquid bulk storage tank facility (the  
 19 Olympic Tank Farm) located 1.5 miles northeast of the proposed project site on  
 20 the southeastern corner of Alameda and Robidoux Streets; and
- 21 ■ Vacating Avalon Boulevard south of A Street, realigning Broad Avenue to the  
 22 waterfront, and realigning Water Street to run adjacent to the Pacific Harbor Rail  
 23 Line, which would travel under the Land Bridge to improve pedestrian  
 24 circulation and provide space for the waterfront promenade.

25 **1.2.2.3 Waterfront Red Car Line/Multi-Modal California**  
 26 **Coastal Trail Extension**

27 The proposed Project includes a program-level analysis to extend the Waterfront Red  
 28 Car Line from Swinford Street in the west to Avalon Boulevard in the east,  
 29 connecting the communities of San Pedro and Wilmington. The proposed Project  
 30 would also extend the Multi-Modal California Coastal Trail (CCT) in the San Pedro  
 31 Community from Swinford Street in the west to the Wilmington Community at  
 32 Avalon Boulevard in the east.

33 **1.2.2.4 Sustainable Design Project Features**

34 The Wilmington Waterfront Project is intended to showcase the LAHD’s  
 35 commitment to sustainability. The proposed Project would incorporate a number of  
 36 sustainable elements focusing on the effort of LAHD to create a green Port. These

are analyzed as part of the proposed Project within this draft EIR. Additionally, the proposed Project would incorporate several features to enhance the final design of the proposed Project. While not required to mitigate a significant impact, these design measures also serve to further minimize the proposed Project’s effect on surrounding uses and environmental resources. The following proposed project elements and design measures are consistent with the LAHD’s Sustainability Program and policies:

- use recycled water from the existing 24-inch recycled water main under Harry Bridges Boulevard for all landscaping and water feature purposes to decrease the proposed Project’s use of potable water;
- include drought-tolerant plants and shade trees in the planting palette;
- increase permeable surfaces and improve stormwater runoff quality by installing bioswales and permeable pavement at the surface parking locations to reduce stormwater runoff and provide natural filtration of pollutants;
- install approximately 20,000 square feet of solar panels on the shade pavilions on the Land Bridge and waterfront piers with a goal of achieving up to 12.5% of the proposed Project’s energy needs;
- provide incentives for green incubator technologies and businesses to locate within the 150,000 square feet of proposed light and limited industrial within the Avalon Development District;
- require LEED™ certification for all new buildings as feasible by implementing and ensuring consistency with the LAHD’s Green Building Policy, Leadership in Energy and Environmental Design (LEED) Certification (minimum Silver) is required for all new development over 7,500 square feet;
- follow LAHD sustainable engineering design guidelines in the siting and design of new development; and,
- employ LAHD sustainability measures during construction and operation and use recycled and locally derived materials for proposed project construction, while achieving recycling goals for construction and demolition debris.
- implement energy efficient design features in the final design to help ensure energy needs are minimized to the extent feasible during construction and operation of the proposed Project (as specified in Chapter 3.2, “Air Quality,” and Chapter 3.12, “Utilities”).
- implement water quality and conservation design features in the final design to help ensure water quality impacts are minimized during construction at the water’s edge and in the water and operationally through the use of construction BMPs and bioswales (as specified in Chapter 3.14, “Water Quality, Sediments, and Oceanography”). Additionally, the proposed Project’s use of potable water would be reduced through the use of reclaimed water for irrigation and water features (as specified in Chapter 3.12 “Utilities”).
- implement noise design features. Site commercial uses at the waterfront (i.e., 12,000 square feet of restaurant/visitor-serving retail) would be located more than 100 feet from the heavily used San Pedro Branch Line and TraPac ICTF lead (as specified in Chapter 3.9, “Noise”).

- 1 ■ implement aesthetic design features. Public art, consistent with the Wilmington  
2 Waterfront Development Program Public Art Master Plan, would be integrated  
3 into the project area and would include up to two major sculptural pieces. Views  
4 of the waterfront and Wilmington community would be created through the  
5 construction of the elevated park, pedestrian bridge, and observation tower. The  
6 proposed Project would also implement the Wilmington Waterfront Development  
7 Program Lighting Design Guidelines to improve efficiency and reduce glare (as  
8 specified in Chapter 3.1, “Aesthetics”).
- 9 ■ implement pedestrian access and public docking design features. Pedestrian  
10 access to the waterfront and throughout the proposed project site would be  
11 improved through the extension of the California Coastal Trail and Waterfront  
12 Red Car Line, pedestrian water bridge, elevated park/Land Bridge, and  
13 waterfront promenade. Additionally, the proposed Project would create more  
14 public docking opportunities and improve waterside access to the Wilmington  
15 Waterfront. A water taxi service stop could also be accommodated.

16 **1.2.2.5 Proposed Planning/Land Use Changes**

17 The proposed Project would also include amendments to the City of Los Angeles  
18 General Plan, the Port of Los Angeles Plan (Port Plan), the Wilmington-Harbor City  
19 Community Plan (CP), and the Port Master Plan (PMP) as listed below:

- 20 ■ extend the Port Plan jurisdictional boundary from Water Street north to Harry  
21 Bridges Boulevard and from Broad Avenue in the east to Marine Avenue in the  
22 west, to include the single block of the Avalon Development District south of  
23 Harry Bridges Boulevard, the Avalon Triangle Park development site, and the  
24 Avalon Waterfront District, resulting in a corresponding retraction of the  
25 Wilmington-Harbor City CP jurisdictional boundary;
- 26 ■ extend the PMP jurisdictional boundary to match the Port Plan adjustment, which  
27 would include the single block of the Avalon Development District south of  
28 Harry Bridges Boulevard, the Avalon Triangle Park development site, and the  
29 Avalon Waterfront District to be consistent with the Port Plan jurisdictional  
30 boundary change
- 31 ■ amend the City of Los Angeles General Plan to downgrade existing streets  
32 including Avalon Boulevard. This would include the downgrade of Avalon  
33 Boulevard from collector street to a local street from Harry Bridges Boulevard  
34 south to its terminus at Water Street.
- 35 ■ amend existing land use designation of General/Bulk Cargo &  
36 Commercial/Industrial Uses non-hazardous in PA 5 to add Recreation (this  
37 would include the waterfront area and the area where Triangle Park would be  
38 located);
- 39 ■ amend Port Master Plan’s existing land use designations for PA 5 (General  
40 Cargo, Liquid Bulk, Dry Bulk, Commercial Fishing, Industrial, Institutional,  
41 Other) to add Recreation and Commercial (non-fishing related) land uses; and

- 1                   ■ amend the Los Angeles Municipal Zoning Code (including previous and
- 2                   expanded boundary) to add Recreation and Commercial, consistent with the
- 3                   Tidelands Trust to accommodate proposed project components (e.g., waterfront
- 4                   promenade, Land Bridge, Observation Tower). The Triangle Park area would be
- 5                   rezoned to Open Space.

6   **1.3                   CEQA and the Purpose of an EIR**

7                   CEQA was enacted by the California legislature in 1970 and requires public agency

8                   decision-makers to consider the environmental effects of their actions. When a state

9                   or local agency determines that a proposed project has the potential to significantly

10                  affect the environment, an EIR is prepared. The purpose of an EIR is to identify

11                  significant effects of a proposed project on the environment, to identify alternatives

12                  to the project that would avoid or substantially lessen a significant effect, and to

13                  indicate the manner in which those significant effects can be mitigated or avoided. A

14                  public agency must mitigate or avoid significant environmental impacts of projects it

15                  carries out or approves whenever it is feasible to do so. In instances where

16                  significant impacts cannot be avoided or mitigated, the project may nonetheless be

17                  carried out or approved if the approving agency finds that economic, legal, social,

18                  technological, or other benefits outweigh the unavoidable significant environmental

19                  impacts.

20   **1.4                   Lead, Responsible, and Trustee**

21   **Agencies**

22                  LAHD is the lead agency for evaluating potential impacts and proposing mitigation

23                  measures under CEQA. Section 15367 of the CEQA Guidelines defines the Lead

24                  Agency as:

25                                 ...the public agency which has the principal responsibility for carrying out or

26                                 approving a project. The lead agency will decide whether an EIR or negative

27                                 declaration will be required for the project and will cause the document to be

28                                 prepared...

29                  Several other agencies have special roles with respect to the proposed Project and

30                  may use this EIR as the basis for their decisions to issue any approvals and/or permits

31                  that might be required. Section 15381 of the CEQA Guidelines defines a

32                  “responsible agency” as:

33                                 ...a public agency which proposes to carry out or approve a project, for which a

34                                 lead agency is preparing or has prepared an EIR or negative declaration. For the

35                                 purposes of CEQA, the term “responsible agency” includes all public agencies

36                                 other than the lead agency which have discretionary approval power over the

37                                 project.



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

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

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

7 **Table 1-1.** Agencies Expected to Use this EIR

Agency	Responsibilities, Permits, and Approvals
<b>FEDERAL AGENCIES</b>	
U.S. Army Corps of Engineers (USACE)	Responsible for navigational improvements in waters of the United States. Permitting authority for work and structures in navigable waters and the discharge of dredged or fill material in waters of the United States.
National Oceanographic and Atmospheric Association (NOAA) Fisheries/National Marine Fisheries Service (NMFS)	Reviews and submits recommendations to USACE related to federal construction actions and issuance of permits in accordance with the Fish and Wildlife Coordination Act. Also responsible for Essential Fish Habitat (EFH) under the Magnuson Stevens Act. Provides EFH information, reviews federal action potential effects on EFH, and provides conservation recommendations to USACE through consultation.
U.S. Coast Guard (USCG)	Has jurisdiction over marine facilities, bridges, and vessel transportation in harbor waters. Responsible for ensuring safe navigation and for preventing and responding to oil or hazardous materials releases in the marine environment. Responsible for enforcement of the Maritime Transportation Security Act (MTSA) and the International Ship and Port Facility Security (ISPS) Code standards for security at cruise terminals.
U.S. Environmental Protection Agency (EPA)	Has primary responsibility for implementing the Clean Air Act (CAA) and works with other federal agencies to implement conformity requirements. Reviews and submits recommendations for spill prevention control and countermeasure plans for non-transportation-related onshore and offshore facilities engaged in storing, processing, refining, transferring, distributing, or consuming oil and gas products. Regulatory authority for determining suitability of dredged sediments for ocean disposal in accordance with Section 103 of the Marine Protection, Research, and Sanctuaries Act (MPRSA). Reviews and submits recommendations to USACE related to federal construction actions and issuance of permits.
U.S. Fish and Wildlife Service (USFWS)	Reviews and submits recommendations to USACE related to federal construction actions and issuance of permits in accordance with the Fish and Wildlife Coordination Act and consultations pursuant to Section 7 of the Endangered Species Act (ESA).
<b>STATE AGENCIES</b>	
California Coastal Commission (CCC)	Reviews environmental document to ensure compliance with the Coastal Zone Management Act and consistency with the California Coastal Act. Performs a federal consistency determination. Reviews and must approve Coastal Development Permit (CDP) applications and Port Master Plan (PMP) amendments. The proposed Project would require an amendment to the PMP to

Agency	<i>Responsibilities, Permits, and Approvals</i>
	expand the PMP boundary and to allow park land uses consistent with the Tidelands Trust within portions of the proposed project site.
California Department of Fish and Game (CDFG)	Reviews and submits recommendations in accordance with CEQA. Consultation in accordance with the Fish and Wildlife Coordination Act.
California Department of Transportation (Caltrans)	Permitting authority for highway improvements and rail trackage, connections, and signage during construction operations.
California Office of Historic Preservation	Consultation under Section 106 of the National Historic Preservation Act (NHPA) regarding impacts on cultural resources (i.e., demolition of buildings and structures) that are either listed or eligible for listing on the National Register of Historic Places (NRHP).
California Public Utilities Commission (CPUC)	Permitting authority for rail trackage, connections, and signage during construction operations.
The California Waste Management Board	Statutory and regulatory authority to control the handling and disposal of solid nonhazardous waste in a manner that protects public safety, health, and the environment. State law assigns responsibility for solid waste management to local governments.
Regional Water Quality Control Board (RWQCB), Los Angeles Region	Permitting authority for Clean Water Act (CWA) Section 401 water quality certifications subject to Section 404 of the CWA. Permitting authority for California waste discharge requirements pursuant to the state Porter-Cologne Water Quality Control Act. Responsible for issuance of both construction and industrial National Pollutant Discharge Elimination System (NPDES) stormwater permits.
California State Lands Commission (CSLC)	The CSLC has oversight responsibility for tidal and submerged lands legislatively granted in trust to local jurisdictions and has adopted regulations for the inspection and monitoring of marine terminals. The CSLC inspects and monitors all marine facilities for effects on public health, safety, and the environment.
California Department of Toxic Substance Control (DTSC)	Regulatory jurisdiction over underground tanks containing hazardous materials. Implements groundwater monitoring provision of the Resource Conservation and Recovery Act. Responsible for general site cleanup outside of underground storage tanks (state superfund sites, etc.).
<b>REGIONAL AGENCIES</b>	
Los Angeles County Fire Department (LACFD)	Licensing and inspection authority for all hazardous waste generation in the City. Provides regulation and oversight of site remediation projects involving hazardous waste generators where surface and subsurface soils are contaminated with hazardous substances.
South Coast Air Quality Management District (SCAQMD)	Permitting authority for construction of landfill and operation of pump stations, storage tanks, and terminal facilities; activities involving hydrocarbon-containing soils (Rule 1166); and new or modified sources of air emissions (new source review).
Southern California Association of Government (SCAG)	Responsible for developing regional plans for transportation and federal conformity as well as developing the growth factors used in forecasting air emissions in the South Coast Air Basin (SCAB).
<b>LOCAL AGENCIES</b>	
City of Los Angeles City	City Council legislative body that would review any appeal to certification of the

<i>Agency</i>	<i>Responsibilities, Permits, and Approvals</i>
Council	EIR by the LAHD and would have approval authority over the proposed amendments to the General Plan Land Use Element to permit adjustments to the Wilmington-Harbor City and Port of Los Angeles Plan boundaries and land use designations; reviews and approves leases, permits, and other approvals.
City of Los Angeles Harbor Department (LAHD)	<p>LAHD is the lead agency for CEQA and the California Coastal Act (via the certified PMP). Other City departments have various approval and permitting responsibilities, and are listed separately below for the sake of clarity.</p> <p>Pursuant to its authority, LAHD may approve permits and other approvals (e.g., coastal development permits; leases for occupancy; and approval of operating, joint venture, or other types of agreements for the operation of the facilities) for the projects evaluated in this EIR. Leasing authority for the Port’s land. Permitting authority for engineering construction. Responsible for general regulatory compliance. Responsible for master plan amendment and map change and issuance of coastal development permits. Responsible for activities of other City departments for the proposed Project.</p>
City of Los Angeles Building and Safety Department	Responsible agency with permitting authority for building and grading permits.
City of Los Angeles Bureau of Engineering	Responsible agency with permitting authority for storm drain connections and stormwater discharges, permits for water discharges to the wastewater collection system, and approval of street vacations.
City of Los Angeles Bureau of Sanitation	Responsible agency with permitting authority for industrial waste permit for discharges of industrial wastewater to the City sewer system.
City of Los Angeles Fire Department (LAFD)	Responsible agency that reviews facilities’ Hazardous Materials Business Plan and Inventory and Risk Management and Prevention Programs. Reviews and submits recommendations regarding design for building permit.
City of Los Angeles Department of Transportation (LADOT)	Responsible agency that reviews and approves changes in City street design, construction, signalization, signage, traffic counts, as well as traffic impact analysis methodology and the study area.
City of Los Angeles Department of Water and Power (LADWP)	Responsible agency that provides a water supply assessment and approves the facilities’ new water service connection and meters. LADWP may also provide assistance or even lead efforts for the remediation of the LADWP Marine Tank Farm site if determined applicable to the site.
City of Los Angeles Planning Department	Responsible agency that reviews zone changes or amendments, general plan amendments, variances for zoning or parking code requirements. The proposed Project would require a General Plan amendment to extend the boundary of the Port of Los Angeles Plan, retract the Wilmington Harbor City CP boundary, and re-designate industrial/commercial land uses to open space and park uses. A rezone is required to allow parks consistent with the Tidelands Trust in current industrial/commercial zones.

## 1.5 Scope and Content of the Draft EIR

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

### 1.5.1 Scope of Analysis

This draft EIR has been prepared in conformance with CEQA (PRC Section 21000 et seq.), the CEQA Guidelines (14 CCR Section 15000 et seq.), and the Port Guidelines for the Implementation of CEQA. It includes all of the sections required by CEQA.

The criteria for determining the significance of environmental impacts in this draft EIR analysis are described in each “Thresholds of Significance” subsection within the 14 resource topic sections in Chapter 3, “Environmental Analysis.” The threshold of significance for a given environmental effect is the level at which LAHD finds the effect on an environmental resource resulting from the construction and operation of the proposed Project to be significant. “Threshold of significance” can be defined as a “quantitative or qualitative standard, or set of criteria, pursuant to which significance of a given environmental effect may be determined” (CEQA Guidelines, Section 15064.7 [a]). Except as noted in particular sections of the document, LAHD has adopted the *L.A. CEQA Thresholds* (City of Los Angeles 2006) for purposes of this draft EIR, although some criteria were adapted to the specific circumstances of the proposed Project.

The following is a timeline of the noticing and public involvement that has happened to date within the environmental review process for the proposed Project:

- **March 14, 2008.** The CEQA Notice of Preparation (NOP) and Initial Study (IS) were released and distributed to over 600 agencies, organizations, individuals, and the California Office of Planning and Research, State Clearinghouse. The State Clearinghouse assigned the following State Clearinghouse Number to the proposed Project: 2008031065. An executive summary of the NOP was translated into Spanish and included in the distribution. Over 70,000 postcards were distributed notifying the public of the date of the scoping meeting and the term of the comment period. Notice of the comment period and meeting was also posted in five local newspapers.
- **March 14, 2008.** The NOP was also filed with the Los Angeles City Clerk and the Los Angeles County Clerk.
- **March 25, 2008.** A public scoping meeting was held at Banning’s Landing Community Center in Wilmington, CA. Thirteen people at the meeting provided written or oral comments on the proposed Project. Spanish translation services were made available at the meeting.
- **April 14, 2008.** The comment period ended. Fourteen comment letters were received during the scoping period.

- 1 ■ **July 7, 2008.** LAHD staff provided an update to the PCAC Wilmington  
2 Waterfront Development Subcommittee regarding the progress of the draft EIR.  
3 The traffic, hazards, land use, and air quality analysis were still in process.
- 4 ■ **August 12, 2008.** LAHD staff provided an update on the project design and  
5 progress of the draft EIR to the PCAC Wilmington Waterfront Development  
6 Subcommittee. The air quality and traffic analysis was complete, but there were  
7 still some outstanding issues related to land use and hazards. Sustainable project  
8 design components were also discussed.
- 9 ■ **October 14, 2008.** LAHD staff announced to the PCAC Wilmington Waterfront  
10 Development Subcommittee plans to release the draft EIR in November. Public  
11 art for the Wilmington Waterfront Development Program was also discussed.

12 The scope of analysis and technical work plans developed as part of preparing this  
13 draft EIR were designed to ensure that the comments received from regulatory  
14 agencies and the public during the NOP review process would be addressed.

15 Based on the Initial Study, the following issues were determined to be potentially  
16 significant and are therefore evaluated in this draft EIR:

- 17 ■ Aesthetics
- 18 ■ Air Quality and Meteorology
- 19 ■ Cultural Resources
- 20 ■ Geology
- 21 ■ Groundwater and Soils
- 22 ■ Hazards and Hazardous Materials
- 23 ■ Land Use and Planning
- 24 ■ Noise
- 25 ■ Population and Housing
- 26 ■ Transportation and Circulation—Ground and Marine
- 27 ■ Utilities
- 28 ■ Public Services
- 29 ■ Water Quality, Sediments, and Oceanography

30 As identified in the Initial Study, impacts on biological resources would be less-than-  
31 significant; however, as stated in the analysis contained therein, additional discussion  
32 is provided in this EIR. Additionally, some revisions to the proposed Project that  
33 occurred after the issuance of the NOP, including the construction and enhancement  
34 of the bulkhead wall at Banning's Landing, required additional analysis of the  
35 potential impacts related to biological resources.

1 There are no agricultural resources or mineral resources in the area as determined  
2 during the Initial Study and discussed therein; therefore, agricultural and mineral  
3 resources are not evaluated in this draft EIR.

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

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

## 12 **1.5.2 Intended Uses of this Draft EIR**

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

### 23 **1.5.2.1 Lead Agency Use—LAHD**

24 LAHD has jurisdictional authority over the proposed Project pursuant to the Port of  
25 Los Angeles Tidelands Trust, the California Coastal Act, and CEQA. This EIR will  
26 be used by LAHD, as the lead agency under CEQA, in making a decision with regard  
27 to the construction and operation of the proposed Project and to inform agencies  
28 considering permit applications and other actions required to construct, lease, and  
29 operate the proposed Project. LAHD’s certification of the EIR, notice of completion,  
30 findings of fact, and statement of overriding considerations (if necessary) will  
31 document LAHD’s decision as to the adequacy of the EIR and inform subsequent  
32 decisions by LAHD whether to approve and construct the proposed Project.

33 Actions that could be undertaken by LAHD following preparation of the  
34 final EIR include the following:

- 35 ■ Certification of the EIR
- 36 ■ Project Approval
- 37 ■ Lease Approvals

- 1 ■ Land Condemnation
- 2 ■ General Plan Amendment (Wilmington Harbor-City CP and Port Plan)
- 3 ■ PMP Amendments
- 4 ■ Issuance of Coastal Development Permits
- 5 ■ Completion of Final Design
- 6 ■ Approval of Engineering Permits
- 7 ■ Obtaining other Agency Permits and Approvals (e.g., dredge and fill, grading,
- 8 construction, occupancy, and fire safety)
- 9 ■ Approval of Construction Contracts

## 10 **1.5.2.2 Other Uses**

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

- 16 ■ California Coastal Commission approval of a Coastal Development Permit and  
17 PMP Amendment to extend the PMP boundary and designate land uses not  
18 currently within the PMP to industrial, commercial, and recreational land uses.
- 19 ■ City of Los Angeles Building and Safety Permits,
- 20 ■ City of Los Angeles Planning Commission and City Council approval of a  
21 General Plan Amendment to extend the Port Plan boundary, retract the  
22 Wilmington Harbor City boundary, and re-designate land uses currently under  
23 the Wilmington Harbor-City CP to land uses allowed by the Port Plan,
- 24 ■ City Council approval of the rezone under the City of Los Angeles zoning  
25 ordinance to allow for Parks consistent with the Tidelands trust in Planning Area  
26 5,
- 27 ■ USACE permit—pursuant to Section 404 of the CWA, Section 10 of the Rivers  
28 and Harbors Act (RHA), and Section 103 of the Marine Protection, Research and  
29 Sanctuaries Act (MPRSA),
- 30 ■ Water Quality permits (CWA Section 401 water quality certification and NPDES  
31 permits), and
- 32 ■ Construction contracts.

## 1.5.3 Draft EIR Organization

The content and format of this draft EIR are designed to meet the current requirements of CEQA and the State CEQA Guidelines. Table 1-2 summarizes the organization and content of the draft EIR.

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

<i>Draft EIR Chapter</i>	<i>Description</i>
Executive Summary	Summarizes the proposed Project and alternatives, potential significant impacts and mitigation measures, the environmentally superior alternative (in accordance with CEQA), public comments and concerns, and unresolved issues and areas of controversy.
Chapter 1 “Introduction”	Provides the proposed Project background and overview; describes the purpose of the EIR, the intended uses of the document and authorizing actions, including the necessary project approvals, and the relationship to previous CEQA documents, the scope and content of the document, and the organization of the document.
Chapter 2 “Project Description”	Describes the general environmental setting, lists the Project’s objectives, describes the proposed Project focusing on major elements, lists a general Project phasing plan, and summarizes the relationship to existing plans and policies.
Chapter 3 “Environmental Analysis”	Describes, for each environmental resource area, the baseline conditions as of March 2008, criteria for judging whether an impact is significant, impact assessment methodology, impacts that would result from the proposed Project, applicable mitigation measures that would eliminate or reduce significant impacts, and the mitigation and monitoring aspects.
Chapter 4 “Cumulative Effects”	Analyzes the incremental contribution of the proposed Project when combined with past, present, and reasonably foreseeable future development project impacts and proposes mitigation to reduce the proposed Project’s incremental contribution to identified cumulative impacts to less than significant.
Chapter 5 “Project Alternatives”	Compares and contrasts the significant environmental impacts of alternatives to the Project and identifies the environmentally superior alternative.
Chapter 6 “Environmental Justice”	Addresses the potential effects of the proposed Project on minority populations and low-income communities within and adjacent to the proposed Project site.
Chapter 7 “Socioeconomics and Environmental Quality”	Identifies the proposed Project’s socioeconomic effects.
Chapter 8 “Growth-Inducing Impacts”	Discusses whether or not the proposed Project would result in growth-inducing impacts.
Chapter 9 “Significant Irreversible Changes”	Describes the significant irreversible changes associated with the proposed Project.
Chapter 10 “References”	Identifies the documents and persons consulted in preparing this draft EIR.
Chapter 11	Lists the individuals involved in preparing this draft EIR.



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

1

## 2 **1.6 Key Principles Guiding Preparation of** 3 **this Draft EIR**

### 4 **1.6.1 Emphasis on Significant Environmental** 5 **Effects**

6 This draft EIR focuses on the significant environmental impacts of the proposed  
7 Project and alternatives and their relevance to the decision-making process.

8 *Environmental impacts*, as defined by CEQA, include physical effects on the  
9 environment. The CEQA Guidelines (Section 15360) define the *environment* as  
10 follows:

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

14 Environmental impacts required to be analyzed under CEQA do not include strictly  
15 economic impacts (e.g., changes in property values) or social impacts (e.g., a  
16 particular group of persons moving into an area). The CEQA Guidelines (Section  
17 15131[a]) state, “economic or social effects of a project shall not be treated as  
18 significant effects on the environment.” However, economic or social effects are  
19 relevant to physical effects in two situations. In the first, according to Section  
20 15131(a) of the CEQA Guidelines, “an EIR may trace a chain of cause and effect  
21 from a proposed decision on a project through anticipated economic or social  
22 changes to physical changes caused in turn by the economic or social changes.” In  
23 other words, if the implementation of the proposed Project leads to an economic  
24 impact, which could then lead to a physical impact, the physical impact must be  
25 evaluated in the EIR. In the second instance, according to Section 15131(b) of the  
26 CEQA Guidelines, “economic or social effects of a project may be used to determine  
27 the significance of a physical change caused by a project.” For example, the closure  
28 and demolition of a fully occupied commercial building could be considered more  
29 significant than the demolition of a similar vacant building, even though the physical  
30 effects are the same.

1 As with economic or social impacts, psychological impacts are outside the definition  
 2 of the term “environmental.” While not specifically discussed in the CEQA  
 3 Guidelines, the exclusion of psychological impacts was specifically affirmed in a  
 4 court decision (National Parks and Conservation Association v. County of Riverside  
 5 71 Cal. App. 4<sup>th</sup> 1341, 1364 [1999]).

6 In view of these legal precedents, LAHD is not required to treat economic, social, or  
 7 psychological impacts as significant environmental impacts absent a related physical  
 8 effect on the environment. Therefore, such impacts are only discussed to the extent  
 9 necessary to determine the significance of the physical impacts of the proposed  
 10 Project and alternatives. However, in an effort to fully disclose all of the reasonably  
 11 foreseeable effects the proposed Project would have on the surrounding community,  
 12 including those related to economic and social conditions that lie beyond the  
 13 requirements of CEQA, this Draft EIR has included chapters on Socioeconomics and  
 14 Environmental Justice.

15 **1.6.2 Proposed Project Impact Analysis**

16 The draft EIR will address elements of the proposed Project at both the program and  
 17 project level. A program-level analysis is prepared when the lead agency has a  
 18 proposed program or series of actions that can be characterized as one large project  
 19 and specific construction information is unavailable. A program-level analysis  
 20 generally analyzes broad environmental effects of the program with the  
 21 understanding that additional site-specific environmental review may be required for  
 22 particular aspects of the program at the time those aspects are proposed for  
 23 implementation and construction. A project-level analysis generally has access to all  
 24 the necessary construction information and is able to analyze the specific details of  
 25 environmental effects of proposed elements. However, it is possible that a program-  
 26 level analysis would identify and address all the potential environmental impacts and  
 27 an additional environmental document would not be required if no additional impacts  
 28 are identified once all the project-level details are known.

29 The following elements of the proposed Project will be analyzed programmatically:

- 30 ■ 150,000 square feet of light industrial development in Avalon Development  
 31 District Area A because the proposed Project provides locations for industrial  
 32 uses and those uses would be constructed per the underlying zone; however,  
 33 there are not any specific development proposals at the time of this draft EIR  
 34 (75,000 square feet in Phase I and the remaining in Phase II);
- 35 ■ Potential relocation of removed LADWP bulk storage capacity to the Olympic  
 36 Tank Site, because, while the relocation would be conducted and analyzed at a  
 37 later date by a different lead agency, in removing a currently operating industrial  
 38 use it is logical to presume the use would be relocated and operated on a feasible  
 39 site elsewhere even if it is not proposed at the time of this draft EIR (Phase I and  
 40 Phase II); and

- 1 ■ Extension of the Waterfront Red Car Line, because the exact engineering details  
2 of the alignment and operation are not known at the time of preparing this draft  
3 EIR (Phase II).

4 All other proposed project elements (including the Multi-Modal CCT along Harry  
5 Bridges Boulevard) will be analyzed at a project level within this draft EIR. Table  
6 ES-4 and 2-4 identify the proposed project components and the respective level of  
7 analysis provided in the draft EIR (i.e., program or project level).

### 8 **1.6.3 Forecasting vs. Speculation**

9 In this draft EIR, LAHD and its consultants have made their best efforts to predict  
10 and evaluate the reasonable, foreseeable, direct, indirect, and cumulative  
11 environmental impacts of the proposed Project and the alternatives to the proposed  
12 Project. CEQA does not require LAHD to engage in speculation about impacts that  
13 are not reasonably foreseeable (CEQA Guidelines Sections 15144, 15145). In these  
14 instances, CEQA does not require a worst-case analysis.

### 15 **1.6.4 Reliance on Environmental Thresholds and** 16 **Substantial Evidence**

17 The identification of impacts as significant or less than significant is one of the  
18 important functions of an EIR. While impacts determined to be less than significant  
19 need only be acknowledged as such, an EIR must identify mitigation measures for  
20 any impact identified as significant. In preparing this document, LAHD has based its  
21 conclusions about the significance of environmental impacts on identifiable  
22 thresholds and has supported these conclusions with substantial scientific evidence.

### 23 **1.6.5 Disagreement among Experts**

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

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

34 In rendering a decision on a project where there is a disagreement among experts, the  
35 decision-makers are not obligated to select the most conservative, environmentally

1 protective, or liberal viewpoint. They may give more weight to the views of one  
2 expert than to those of another and need not resolve a dispute among experts. In their  
3 proceedings, they must consider the comments received and address objections, but  
4 need not follow said comments or objections so long as they state the basis for their  
5 decision and that decision is supported by substantial evidence.

## 6 **1.6.6 CEQA Baseline**

7 Section 15125 of the CEQA Guidelines requires EIRs to include a description of the  
8 physical environmental conditions in the vicinity of a proposed project that exist at  
9 the time of the issuance of the NOP. For some resource areas, such as Aesthetics or  
10 Geology, the baseline conditions are defined by what was present at the time the  
11 NOP was circulated for review (March 2008). Assessment of other resource areas  
12 such as Air Quality, Biology, or Water Quality may also include information from  
13 prior years in order to provide a more reliable and representative characterization of  
14 baseline conditions by accounting for fluctuations at any one point in time. This  
15 approach is more conservative because avoids a “snap shot” of the existing  
16 conditions, which does not always account for temporary fluctuations. A description  
17 of the baseline conditions is included in Chapter 2, “Project Description,” and, when  
18 special circumstances are present, details are provided in the respective sections of  
19 Chapter 3, “Environmental Analysis,” prior to the impact analysis. These  
20 environmental conditions constitute the baseline physical conditions by which the  
21 CEQA lead agency determines whether an impact would be significant.

22 The CEQA baseline represents the setting at a fixed point in time, with no project  
23 growth over time, and differs from the No Project Alternative in that the No Project  
24 Alternative addresses what is likely to happen at the site over time without  
25 discretionary approvals, starting from the existing conditions. The No Project  
26 Alternative allows for growth at the proposed project site that would occur without  
27 additional approvals.

## 28 **1.6.7 Duty to Mitigate**

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

34 Mitigation measures must meet certain requirements in order to be considered  
35 adequate. Mitigation should be specific, define feasible actions that would actually  
36 improve adverse environmental conditions, and be measurable to allow monitoring of  
37 their implementation. Mitigation measures that only require further studies or  
38 consultation with regulatory agencies that are not tied to a specific action that would  
39 directly reduce impacts, or those that defer mitigation until some future time, should  
40 be avoided. Accordingly, effective mitigation measures clearly explain objectives,

1 how a given measure should be implemented, who is responsible for its  
2 implementation, and where and when the mitigation would occur. Finally, mitigation  
3 measures must be enforceable, meaning that the lead agency must ensure that the  
4 measures will be imposed through appropriate permit conditions, agreements, or  
5 other legally binding instruments.

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

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

## 22 1.6.8 Requirements to Evaluate Alternatives

23 CEQA Guidelines Section 15126.6 requires that an EIR describe a range of  
24 reasonable alternatives to a proposed project, or to the location of a proposed project  
25 that could feasibly attain most of the basic objectives of the proposed project but  
26 would avoid or substantially lessen any significant environmental impacts.  
27 According to CEQA Guidelines, the EIR should compare merits of the alternatives  
28 and determine an environmentally superior alternative. Chapter 5, "Project  
29 Alternatives," of this draft EIR sets forth potential alternatives to the proposed  
30 Project and evaluates their suitability, as required by CEQA Guidelines (Section  
31 15126.6).

32 Alternatives for an EIR usually take the form of No Project, reduced project size,  
33 different project design, or suitable alternative project sites. The range of alternatives  
34 discussed in an EIR is governed by the "rule of reason" that requires the  
35 identification of only those alternatives necessary to permit a reasoned choice  
36 between the alternatives and the proposed project. An EIR need not consider an  
37 alternative that would be infeasible. CEQA Guidelines Section 15126.6 explains that  
38 the evaluation of project alternative feasibility can consider "site suitability,  
39 economic viability, availability of infrastructure, general plan consistency, other  
40 plans or regulatory limitations, jurisdictional boundaries, and whether the proponent  
41 can reasonably acquire, control or otherwise have access to the alternative site." The  
42 EIR is also not required to evaluate an alternative that has an effect that cannot be

1 reasonably identified or that has remote or speculative implementation, and that  
2 would not achieve the basic proposed project objectives.

## 3 **1.7 Port of Los Angeles Environmental** 4 **Initiatives**

### 5 **1.7.1 Port of Los Angeles Environmental** 6 **Management Policy**

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

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

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

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

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

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

## 14 **1.7.2 Environmental Plans and Programs**

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

### 20 **1.7.2.1 Clean Air Action Plan**

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

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

38 In 2006, in response to a new mayor and the Los Angeles Board of Harbor  
39 Commissioners, LAHD—along with the Port of Long Beach and in conjunction with

1 the SCAQMD, California Air Resources Board (CARB) and EPA—began work on  
2 the CAAP, a comprehensive strategy to cut air pollution and reduce health risks from  
3 port-related air emissions. The CAAP’s goal was to expand upon existing emissions  
4 reductions strategies and to develop new ones. The draft CAAP was released as a  
5 draft plan for public review on June 28, 2006, and it was approved at a joint meeting  
6 of both the Los Angeles and Long Beach Boards of Harbor Commissioners on  
7 November 20, 2006.

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

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

19 The CAAP focuses primarily on reducing diesel PM, along with NO<sub>x</sub> and SO<sub>x</sub>, with  
20 two main goals: 1) to reduce port-related air emissions in the interest of public health,  
21 and 2) to disconnect cargo growth from emissions increases. The CAAP is expected  
22 to eliminate more than 47% of diesel PM emissions, 45% of smog-forming NO<sub>x</sub>  
23 emissions, and 52% of SO<sub>x</sub> from port-related sources within the next 5 years.

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

## 30 **1.7.2.2 Environmental Management System**

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

36 An EMS is a set of processes and practices that enable an organization to reduce  
37 environmental impacts and increase operational efficiency. Participating ports are  
38 selected on the basis of existing environmental programs, diverse maritime facilities,  
39 and management resources. An EMS weaves environmental decision making into



1 the fabric of an organization’s overall business practices, with a goal of  
2 systematically improving environmental performance. An EMS follows the "Plan-  
3 Do-Check-Act" model of continual improvement. LAHD has implemented the EMS  
4 within its Construction and Maintenance Division facilities, with the goal of  
5 expanding the EMS to additional functions over the course of the next several years.

## 6 1.7.2.3 Other Environmental Programs

### 7 1.7.2.3.1 Air Quality

- 8 ■ **Alternative Maritime Power.** AMP reduces emissions from container vessels  
9 docked at the Port and is proposed to be applied to cruise ships as mitigation for  
10 the proposed Project. Normally, ships shut off their propulsion engines when at  
11 berth but use auxiliary diesel generators to power electrical needs such as lights,  
12 pumps, and refrigerator units. These generators emit an array of pollutants,  
13 primarily NO<sub>x</sub>, SO<sub>x</sub>, and particulate matter smaller than or equal to 10 or 2.5  
14 microns in diameter (PM10 or PM2.5). The AMP program dramatically reduces  
15 these emissions by allowing ships to “plug in” to shore-side electrical power  
16 while at dock instead of using their onboard generators. (This process is also  
17 referred to as cold ironing.) Before being used at the Port, AMP was only used  
18 commercially by the cruise ship industry in Juneau, Alaska. However, AMP  
19 facilities have been installed and are currently in use at the wharf at Berth 100.  
20 Additionally, AMP facilities are complete at the Yusen Terminals (the NYK ship  
21 Atlas is AMP-capable and has begun plug-in testing at Yusen) with plans for  
22 additional facilities at the Evergreen and TraPac Terminals, among others. AMP  
23 facilities are being designed for the existing World Cruise Center at Berths 91/21  
24 and 93 and are proposed to be incorporated at Berths 45–50 in the Outer Harbor  
25 under the proposed Project.
- 26 ■ **OffPeak Program.** The OffPeak program extends cargo terminal operations by  
27 five night and weekend work shifts. It is managed by PierPASS, an organization  
28 created by marine terminal operators. This program has been successful in  
29 increasing cargo movement, reducing truck waiting time inside Port terminals,  
30 and reducing truck traffic during peak daytime commuting periods.
- 31 ■ **On-Dock Rail and the Alameda Corridor.** Use of rail for long-haul cargo is  
32 acknowledged as an air quality benefit. Four on-dock railyards at the Port  
33 significantly reduce the number of short-distance truck trips (the trips that would  
34 normally convey containers to and from offsite rail yards). Combined, these  
35 intermodal facilities eliminate an estimated 1.4 million truck trips per year and  
36 the emissions and traffic congestion that go along with them. A partner in the  
37 Alameda Corridor Project, LAHD is using the corridor to transport cargo to  
38 downtown railyards at 10 to 15 miles per hour faster than before. Use of the  
39 Alameda Corridor allows cargo to travel the 20 miles to downtown Los Angeles  
40 at a faster pace and promotes the use of rail versus truck. In addition, the  
41 Alameda Corridor eliminates 200 rail/street crossings and emissions produced by  
42 cars waiting on the streets as the trains pass.

- 1           ■ **Tugboat Retrofit Project.** The engines of several tugboats in the Port were  
2 replaced with ultra-low-emission diesel engines. This was the first time this  
3 technology had been applied to such a large engine. Emissions testing showed a  
4 reduction of more than 80 tons of NO<sub>x</sub> per year, which is nearly three times  
5 better than initial estimates. Under the Carl Moyer Program, the majority of  
6 tugboats operating in the Ports of Los Angeles and Long Beach have since been  
7 retrofitted.
- 8           ■ **Electric and Alternative Fuel Vehicles.** More than 35% of the Port's fleet has  
9 been converted to electric or alternative-fuel vehicles. These include heavy-duty  
10 vehicles as well as passenger vehicles. LAHD has proactively embarked on the  
11 use of emulsified fuels that are verified by CARB to reduce diesel PM by more  
12 than 60% compared to diesel-powered equipment.
- 13          ■ **Electrified Terminal Operating Equipment.** The 57 ship-loading cranes  
14 currently in use at the Port run on electric power. In addition, numerous other  
15 terminal operations equipment has been fitted with electric motors.
- 16          ■ **Yard Equipment Retrofit Program.** Over the past 5 years, diesel oxidation  
17 catalysts have been applied to nearly all yard tractors at the Port. This program  
18 has been carried out with Port funds and funding from the Carl Moyer Program.
- 19          ■ **Vessel Speed Reduction Program.** Under this voluntary program, oceangoing  
20 vessels slow down to 12 knots within 20 miles of the entrance to Los Angeles  
21 Harbor, thus reducing emissions from main propulsion engines. Currently,  
22 approximately 80% of ships comply with the voluntary program.

### 23   1.7.2.3.2   Water Quality

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

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

7 **1.7.2.3.3 Endangered Species**

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

15 **1.7.2.3.4 Port Planning**

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

36 **1.7.3 Port of Los Angeles Leasing Policy**

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

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

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

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

## 19 **1.7.4 Aesthetic Mitigation Projects**

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

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

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

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

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

## 4 **1.7.5 Port Community Advisory Committee**

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

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

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

## 21 **1.8 Availability of the Draft EIR**

22 This draft EIR is being distributed directly to agencies, organizations, and interested  
23 groups and persons for comment during a 57-day review period, although only 45  
24 days are required to comply with Section 15087 of the CEQA Guidelines. During the  
25 public review period, which begins on December 4 and ends on January 30, 2009, the  
26 draft EIR is available for general public review at the following locations:

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

31 Los Angeles Public Library  
32 Central Branch  
33 630 West 5<sup>th</sup> Street  
34 Los Angeles, CA 90071

1 Los Angeles Public Library  
2 Wilmington Branch  
3 1300 North Avalon Boulevard  
4 Wilmington, CA 90744

5 Los Angeles Public Library  
6 San Pedro Branch  
7 921 South Gaffey Street  
8 San Pedro, CA 90731

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

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

18 Interested parties may provide written comments on the draft EIR, which must be  
19 postmarked by January 30, 2009. Please address comments to:

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

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