

**DRAFT FINDINGS OF FACT AND  
STATEMENT OF  
OVERRIDING CONSIDERATIONS**

**Southern California International Gateway  
(SCIG) Project**

**Environmental Impact Report (EIR)  
(ADP NO. 041027-199 / SCH NO. 2005091116)**

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Chapter 1

**FINDINGS OF FACT AND STATEMENT OF  
OVERRIDING CONSIDERATIONS**

**1.0 Introduction**

These Findings of Fact have been prepared by the Los Angeles Harbor Department (LAHD, or Port) as the Lead Agency pursuant to § 21081 of the Public Resources Code (PRC) and § 15091 of the State California Environmental Quality Act (CEQA) Guidelines to support a decision on the Southern California International Gateway (SCIG) Project (proposed Project). Section 21081 of the Public Resources Code and § 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 within 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 shall 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 of the project outweigh the unavoidable adverse environmental effects (PRC § 21081(b); 14 California Code of Regulations [CCR] § 15093). The LAHD has prepared the Statement of Overriding Considerations to document and substantiate the reasons to support its action based on the Final EIR and other information contained in the record. In accordance with the provisions of CEQA, the Board of Harbor Commissioners (Board) adopts the Findings and Statement of Overriding Considerations as set forth below, as part of the certification of the Final EIR.

## 2.0 Project Overview

### 2.1 Introduction

This section describes the proposed Project analyzed in the Southern California International Gateway Project (SCIG) EIR. The proposed Project is located approximately four miles to the north of the Ports, primarily on LAHD land in the City of Los Angeles but also on adjacent private property in the cities of Los Angeles, Carson, and Long Beach. The proposed Project involves constructing and operating an intermodal railyard that would transfer containerized cargo between trucks and railcars. The proposed Project is consistent with LAHD Resolution 6339 regarding intermodal rail facilities and the San Pedro Bay Ports Rail Update Study and has been proposed to meet an identified need for additional rail facilities in the port area.

### 2.2 Project Purpose

LAHD has expressed its intent to promote increased use of rail in general, and near-dock rail facilities in particular, as indicated in its Rail Policy (Section 2.1.1 of the Recirculated Draft EIR (RDEIR)), and to comply with the Mayor of Los Angeles' goal for the LAHD to increase growth while mitigating the impacts of that growth on the local communities and the Los Angeles region by implementing pollution control measures, including the elements of the Clean Air Action Plan (CAAP) specific to the proposed Project. Similarly, the California Environmental Protection Agency (including California Air Resources Board and California Business and Transportation Agency (including Caltrans) have recommended the SCIG project as a preliminary candidate in the 2007 Goods Movement Action Plan. In addition, the Southern California Association of Governments (SCAG) has identified the SCIG project as potentially playing a key role in addressing the growth of high-density truck traffic in its 2008 Regional Transportation Plan Goods Movement Report (SCAG, 2008) and the 2012 Regional Transportation Plan (SCAG, 2012).

The proposed Project would help to meet the demand for efficient rail transport as contemplated by the LAHD's Intermodal Rail Policy, adopted in Resolution 6297 on August 11, 2004 (LAHD, 2004), which calls for on-dock and near-dock intermodal facilities for shippers, carriers, terminal operators, and Class I Railroads. In addition, in a Resolution adopted February 9, 2005 (LAHD, Resolution 6339 (LAHD, 2005)), the LAHD found that there would be a strategic benefit to having competitively balanced, near-dock intermodal container transfer facilities, ensuring access for both of the Class I Railroads that serve the Ports. Furthermore, as discussed in Section 1.1 of the RDEIR, the need for more efficient, and hence more economical and less polluting, rail-based cargo transportation has prompted state and regional planning agencies to encourage the development of additional near-dock rail facilities (e.g. CARB, 2007; SCAG, 2012). Through a public process involving solicitation of expressions of interest, the Port selected the Burlington Northern Santa Fe (BNSF) Railway to propose a near-dock rail intermodal facility.

The primary objective and fundamental purpose of the proposed Project is to provide an additional near-dock intermodal rail facility serving the San Pedro Bay ports marine terminals that would meet current and anticipated containerized cargo demands, provide shippers with comparable intermodal options, incorporate advanced environmental

1 controls, and help convert existing and future truck transport into rail transport, thereby  
2 providing air quality and transportation benefits.

3 The following specific objectives of the proposed Project would accomplish the primary  
4 objective and fundamental purpose:

- 5 1. Provide an additional near-dock intermodal rail facility that would:
  - 6 a) Help meet the demands of current and anticipated containerized cargo from the  
7 various San Pedro Bay port marine terminals, and
  - 8 b) Combine common destination cargo “blocks” and/or unit trains collected from  
9 different San Pedro Bay Port marine terminals to build trains for specific  
10 destinations throughout the country.
- 11 2. Reduce truck miles traveled associated with moving containerized cargo by  
12 providing a near-dock intermodal facility that would:
  - 13 a) Increase use of the Alameda Corridor for the efficient and environmentally sound  
14 transportation of cargo between the San Pedro Bay Ports and destinations both  
15 inland and out of the region, and
  - 16 b) Maximize the direct transfer of cargo from port to rail with minimal surface  
17 transportation, congestion and delay.
- 18 3. Provide shippers carriers, and terminal operators with comparable options for Class 1  
19 railroad near-dock intermodal rail facilities.
- 20 4. Construct a near-dock intermodal rail facility that is sized and configured to provide  
21 maximum intermodal capacity for the transfer of marine containers between truck  
22 and rail in the most efficient manner.
- 23 5. Provide infrastructure improvements consistent with the California Goods Movement  
24 Action Plan.

### 25 **3.0 Project Description**

26 The proposed Project involves constructing and operating an intermodal railyard that  
27 would transfer containerized cargo between trucks and railcars. The proposed Project  
28 area is currently occupied by port-related businesses under some existing and expired  
29 leases to holdover tenants. The proposed Project would therefore result in the termination  
30 or non-renewal of these leases and in some tenants moving to nearby alternate sites.  
31 Other non-LAHD land would require property acquisition by BNSF. For the purposes of  
32 this EIR, it is assumed that construction of the proposed Project would occur from 2013  
33 to 2015 and that BNSF would operate SCIG under a new, 50-year lease with LAHD  
34 starting in 2016 and ending in 2066.

35 Major elements of the proposed Project evaluated in this EIR include:

- 36 • Property acquisition, relocation and/or tenancy termination of existing businesses,  
37 and the offering of new alternate sites by LAHD to some of the existing site  
38 occupants;
- 39 • Demolition of existing structures and construction of some tenant/business facilities  
40 on nearby alternate sites offered by the LAHD;
- 41 • Construction of lead rail tracks, including widening the Dominguez Channel rail  
42 bridge to connect the railyard to the Alameda Corridor and reconstructing the  
43 Sepulveda Boulevard rail bridge and the PCH overpass to accommodate Project  
44 operations;

- Construction and operation of an intermodal railyard consisting of loading and storage tracks for trains, electric-powered rail-mounted cranes incorporating regenerative braking technology, container loading and storage areas, a locomotive service area, administrative and yard equipment maintenance facilities, lighting, paved roadways, and a truck gate complex; and
- The use of CAAP-compliant drayage trucks on designated truck routes between SCIG and the Ports that would be monitored by GPS through requirements established in contracts for dray services.

### 3.1 Property Acquisition and Disposition of Businesses

The proposed Project requires acquisition or lease of non-LAHD properties by the project proponent BNSF and a new lease for the LAHD properties that would result in certain terminations or non-renewal of existing leaseholds and the movement or displacement of businesses occupying those properties. Of the existing businesses within the proposed Project site, only three (portions of California Cartage and Fast Lane Transportation (Fast Lane), and the Alameda Corridor Transportation Authority (ACTA) maintenance yard) are assumed, in order to ensure a conservative analysis, to move to alternate sites on nearby properties, although it is possible that California Cartage and Fast Lane would elect to make other arrangements. All other remaining businesses within the proposed Project site on LAHD properties would have their leases non-renewed/terminated and those on non-LAHD properties would be removed upon acquisition of the properties by BNSF. The displaced businesses for which no relocation sites were identified as part of the proposed Project or during the time of this analysis are assumed to move to other compatible areas in the general port vicinity as part of their own business operations and plans.

The identified alternate locations for a portion of Fast Lane Transportation and a portion of California Cartage operations are located south of the railyard site, and the ACTA maintenance facility would move to an approximately 2.5-acre site west of the Dominguez Channel. The proposed Project assumes that California Cartage would maintain the property they currently lease from SCE, and that Fast Lane would continue to operate on parcels it currently occupies outside the Project site. These businesses would construct new facilities on the alternate sites that are assumed to generally resemble the existing facilities except for being more modern and efficient. They are assumed to continue operating on their existing parcels through the first construction year while the new facilities are being constructed and then to resume operations on their new sites and their existing property.

### 3.2 Railyard Elements

The new railyard (described in detail in Section 2.4.2.2 of the RDEIR) would have three major sets of tracks (two sets of loading tracks, each with six tracks, and one set of two storage tracks) comprising a total of approximately 105,000 feet of track (including the north and south lead tracks, see below) and at least 37 switches. The railyard would also include a number of support elements such as cargo-handling equipment (yard hostlers and support vehicles), 20 electric-powered, rail-mounted, wide-span gantry cranes (RMGs) up to 98 feet high for loading and unloading trucks and trains and managing the

1 stacks of containers, office and maintenance buildings, 40 high-mast light standards for  
2 area lighting, and a truck gate complex.

3 Two sets of lead tracks (described in detail in sections 2.4.2.3 and 2.4.2.4 of the RDEIR)  
4 would extend north and south from the railyard. The two north lead tracks, one from each  
5 group of loading tracks, would be elevated and would cross first the SCE property and an  
6 existing access road via an overpass and then Sepulveda Boulevard on a rail bridge to  
7 connect the railyard to the ports' San Pedro Branch track. These approximately 1,000-  
8 foot-long tracks would operate primarily as tail tracks for the assembly and breaking  
9 down of trains. The north lead tracks would require the relocation of existing SCE  
10 electrical towers in order to meet clearance requirements by the State Public Utilities  
11 Commission (PUC). The two south lead tracks, each approximately 4,000 feet long,  
12 would link the railyard to the Alameda Corridor, west of the facility, and would serve as  
13 the facility's connection to the regional rail network; normally, all trains would enter and  
14 exit the facility on the south lead tracks. The south lead tracks would curve westward  
15 under PCH, connect to the ports' Long Beach Lead track, cross the Dominguez Channel  
16 on a reconstructed bridge, and then join the Alameda Corridor mainline tracks. Two short  
17 tracks near the south lead tracks would be used for locomotive fueling and minor  
18 servicing; no locomotive maintenance would occur at the proposed Project.

19 The proposed Project would include a number of roadway and trackage improvements  
20 (described in detail in Section 2.4.2.5 of the RDEIR) in order to provide truck and train  
21 access to the SCIG facility and adjacent SCE property. A new interchange would be  
22 constructed on the Pacific Coast Highway (PCH) to provide truck access to the facility  
23 and to allow the south lead tracks to pass under the PCH. The Dominguez Channel  
24 Bridge would be widened to accommodate the south lead tracks, and the existing railroad  
25 bridge over Sepulveda Boulevard would be replaced by a modern bridge capable of  
26 carrying three tracks (the north lead tracks and the San Pedro Branch track). An access  
27 road with an underpass at Sepulveda Boulevard would be constructed beneath the  
28 elevated north lead tracks to provide truck and other vehicular access to the SCE  
29 property.

### 30 **3.3 Construction**

31 As analyzed in the EIR, construction of the proposed project would occur over an  
32 approximate 36-month period from 2013 to 2015, with the last phase limited to the  
33 erection of cranes in 2015. In addition to construction of the proposed Project,  
34 construction activities would occur at the alternate business locations. Construction  
35 activities (described in detail in Section 2.4.3 of the RDEIR) would occur essentially  
36 simultaneously in three major areas:

- 37 1. The railyard including the north lead tracks and railroad bridge over Sepulveda Blvd;
- 38 2. PCH grade separation and interchange;
- 39 3. The south lead tracks area along the Long Beach Lead and Alameda Corridor,  
40 including the Dominguez Channel Bridge.

41 Depending on the amount of construction activity at any given time, there would be 30 to  
42 150 workers per day, 12 to 30 pieces of construction equipment, and 30 to 150 vehicles  
43 transporting workers and materials to and from the various construction areas.  
44 Construction would normally occur during one 10-hour shift per day, up to six days per  
45 week, consistent with City of Los Angeles code requirements to reduce noise and limit

1 construction activities to daytime hours (and, for the portion of construction within the  
2 City of Long Beach, consistent with the City of Long Beach code requirements).

3 Activities common to all construction activities would include servicing construction  
4 equipment at designated areas; transporting construction workers, supervisors, and  
5 inspectors onsite in light-duty trucks and light buses; and controlling dust, track-out, and  
6 erosion by following a Construction Storm Water Pollution Prevention Plan.  
7 Construction in all areas would also include soil and groundwater remediation as  
8 necessary, hazardous waste management from demolition and remediation activities,  
9 staging area management, and public utility and traffic management.

## 10 **3.4 Operations**

11 The SCIG facility is assumed to begin operation at the start of 2016 and reach full  
12 operation (maximum capacity) in 2035. It would operate 24 hours a day (three labor  
13 shifts), 7 days per week, 360 days per year; trucks and trains would arrive at and depart  
14 from the facility day and night. Upon opening, the facility would have approximately 93  
15 employees, which would increase to a maximum of 450 employees at full operation, with  
16 local resident's priority hiring. The facility's design and operational model include a high  
17 degree of automation and computerized logistics management in order to minimize truck  
18 trips.

19 Containers would be picked up from and delivered to the marine terminals in the Ports by  
20 on-road drayage trucks (big-rig, semi-trailer trucks) operated under contracts between  
21 various trucking companies and BNSF for drayage between the SCIG railyard and the  
22 Ports. The contracts would specify that all trucks would be powered by engines that meet  
23 or exceed the 2007 EPA on-road standards, thereby ensuring compliance with the 2010  
24 CAAPs Clean Truck Program engine emissions requirements. This document assumes  
25 that only marine cargo, i.e., direct intermodal cargo, would be handled at the facility.

26 The facility would operate like a circuit. Drayage trucks would arrive at and depart from  
27 the facility hauling shipping containers on chassis. At full capacity, an average of  
28 approximately 5,542 trucks, carrying 4,167 containers, would arrive at and depart from  
29 the facility each day, as well as employee and vendor traffic. Drayage would occur along  
30 designated truck routes to avoid residential areas, which would be enforced through  
31 BNSF's drayage contracts by requiring global positioning system (GPS) units. Inbound  
32 trucks would enter the SCIG railyard from the PCH off-ramps and proceed to an on-site  
33 entry portal to undergo an automated inspection and identification process before  
34 entering onsite queuing lanes leading to checkpoints and the facility entrance. Trucks  
35 would be directed to trackside where the container would be unloaded either directly to a  
36 railcar or onto a container stack by the RMG cranes. Most empty trucks would then be  
37 directed to another area to be loaded with an outbound container by another RMG,  
38 although in some cases a truck might leave the facility empty.

39 At full operation, the SCIG railyard is expected to handle eight inbound and eight  
40 outbound trains per day. The trains would enter and leave the facility via the Alameda  
41 Corridor. Consistent with CAAP Measure RL-2 and pursuant to the 2005 California Air  
42 Resources Board (CARB) Memorandum of Understanding, BNSF would maximize the  
43 use of ultra-low sulfur diesel (ULSD) fuel in the locomotives that would haul the trains.  
44 Inbound trains would exit the Alameda Corridor, proceed across the Dominguez Channel  
45 Bridge onto one of the facility's south lead tracks, and be routed onto a clear unloading  
46 (strip) track. Trains would typically be longer than a single strip track, and would have to

1 be divided into two smaller segments (blocks) in order to be positioned on the strip tracks  
2 for loading and unloading. Outbound trains would be assembled (“built”) and leave the  
3 facility in essentially the reverse process. Locomotive movements within the railyard and  
4 along the north lead track would not require the locomotives to sound their horns, as  
5 warning devices such as lights and barriers to prevent rail/truck conflicts would eliminate  
6 the need for horns.

7 The proposed Project would provide BNSF with the capacity to handle an estimated 1.5  
8 million containers or 2.8 million TEUs (Twenty-foot-Equivalent Units, a measure of  
9 containerized cargo based on a standard twenty-foot-long container; because containers  
10 come in several sizes, the conversion factor between number of containers and TEUs is  
11 roughly 1.85) per year at full operation and would involve approximately 2 million truck  
12 trips between the facility and port terminals per year. The truck trips would replace truck  
13 trips that would otherwise go to the BNSF Hobart/Commerce Yard in East Los Angeles,  
14 a journey of 24 miles each way. The proposed facility would incorporate an operational  
15 model that emphasizes the efficient movement of trucks and trains by incorporating  
16 design elements to enhance fluidity of operations and providing direct rail access to the  
17 Alameda Corridor, thereby increasing the benefits expected from the Alameda Corridor’s  
18 use.

## 19 **4 CEQA Findings**

20 The Findings of Fact are based on information contained in the Draft EIR (DEIR) for  
21 chapters that were not recirculated, the Recirculated Draft EIR (RDEIR), and the Final  
22 EIR (FEIR) for the proposed Project, as well as information contained within the  
23 administrative record. The administrative record includes, but is not limited to, the  
24 proposed Project application, Project staff reports, Project public hearing records, public  
25 notices, written comments on the Project and responses to those comments, proposed  
26 decisions and findings on the proposed Project, and other documents relating to the  
27 agency decision on the Project.

28 The DEIR and RDEIR address the Project’s potential effects on the environment, and  
29 were circulated for public review and comment pursuant to the State CEQA Guidelines  
30 for a period of 90 days (plus an extension) and 45 days, respectively.

31 Consistent with CEQA Guidelines Section 15088.5(c), the LAHD recirculated portions of  
32 the Draft EIR that were revised and replaced. The revised chapters (including sections)  
33 and appendices include:

- 34 • Executive Summary
- 35 • Chapter 1 Introduction
- 36 • Chapter 2 Project Description
- 37 • Chapter 3 Environmental Analysis
- 38 • Section 3.1 Aesthetics/Visual Resources
- 39 • Section 3.2 Air Quality and Meteorology
- 40 • Section 3.6 Greenhouse Gas Emissions and Climate Change
- 41 • Section 3.7 Hazards and Hazardous Materials
- 42 • Section 3.8 Land Use
- 43 • Section 3.9 Noise
- 44 • Section 3.10 Transportation/Circulation

- 1 • Chapter 4 Cumulative Analysis
- 2 • Chapter 5 Alternatives
- 3 • Chapter 6 Environmental Justice
- 4 • Chapter 7 Socioeconomics and Environmental Quality
- 5 • Chapter 10 References
- 6 • Chapter 12 Acronyms
- 7 • Appendix C1 through C3 (Air Quality Appendices)
- 8 • Appendix F1 SCIG Noise Technical Study
- 9 • Appendix G1 SCIG Transportation Appendix
- 10 • Appendix G2 SCIG Rail Simulation Modeling Study
- 11 • Appendix G4 Intermodal Rail Analysis
- 12 • Appendix H Summary of Changes

13 The LAHD determined that the following chapters and sections did not require  
 14 recirculation because the new information added or changes made to those portions of the  
 15 Draft EIR did not trigger any of the requirements for recirculation under CEQA  
 16 Guidelines § 15088.5(a).

- 17 • Section 3.3 Biological Resources
- 18 • Section 3.4 Cultural Resources
- 19 • Section 3.5 Geology and Soils
- 20 • Section 3.11 Public Services and Utilities
- 21 • Section 3.12 Water Resources
- 22 • Chapter 8 Growth-Inducing Impacts
- 23 • Chapter 9 Significant Irreversible Changes
- 24 • Chapter 11 List of Preparers and Contributors
- 25 • Appendix A Notice of Intent/Notice of Preparation/Initial Study
- 26 • Appendix B Aesthetics Visual Resource Methodology
- 27 • Appendix D SCIG Cultural and Paleontological Reports
- 28 • Appendix E SCIG Environmental Site Assessments
- 29 • Appendix F2 Combined Analysis of SCIG and ICTF Facilities – Supporting Noise  
 30 Data
- 31 • Appendix G3 Traffic Grade Crossing Delay Methodology

32 Comments were received from a variety of public agencies, organizations, and  
 33 individuals. The FEIR contains copies of all comments and recommendations received  
 34 on the DEIR and RDEIR; a list of persons, organizations and public agencies  
 35 commenting on the DEIR and RDEIR; responses to comments received during the public  
 36 review on the DEIR for chapters that were not recirculated and on the RDEIR; and  
 37 identifies changes to the DEIR and RDEIR. This section provides a summary of the  
 38 significant environmental impacts of the proposed Project that are discussed in the non-  
 39 recirculated chapters of the DEIR, the RDEIR, and the FEIR, and provides written  
 40 findings for each of the significant impacts, which are accompanied by a brief  
 41 explanation of the rationale for each finding.

# 4.1 Environmental Impacts of the Proposed Project

Findings are provided for significant and unavoidable environmental impacts and significant impacts that are mitigated to less than significant. Where mitigation measures are proposed, these mitigation measures are included in a Mitigation Monitoring Reporting Plan (MMRP), which has been prepared separately from these findings.

In addition to the mitigation measures that have been required in, or incorporated into, the proposed Project, several alternatives were identified in the EIR in order to attempt to reduce significant environmental impacts associated with the proposed Project. All alternatives to the proposed Project and associated findings are discussed in this document.

## 4.1.1 Environmental Impacts Found to Be Significant and Unavoidable

The LAHD Board of Commissioners hereby finds that the following environmental impacts (in Table 1) of the proposed Project are significant and unavoidable:

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

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
<b>Aesthetics/Visual Resources</b>			
<b>AES-1:</b> The proposed Project would cause a substantial degradation of the existing visual character or quality of the Project site and its surroundings	<b>Significant impact</b>	<b>MM CR-2 and MM CR-3</b> (see descriptions below).	<b>Significant and unavoidable</b>
<b>Air Quality and Meteorology</b>			
<b>AQ-1:</b> The proposed Project would result in construction-related emissions that exceed an SCAQMD threshold of significance.	<b>Significant impact</b>	<b>MM AQ-1:</b> Fleet modernization for off-road equipment.	<b>Significant and unavoidable</b>
		<b>MM AQ-2:</b> Fleet modernization for on-road trucks.	
		<b>MM AQ-3:</b> Additional fugitive dust control.	
		<b>MM AQ-4:</b> Best management practices.	
		<b>MM AQ-5:</b> General mitigation measure.	
<b>AQ-2:</b> The proposed Project construction would result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.	<b>Significant impact</b>	<b>MM AQ-1:</b> Fleet modernization for off-road equipment.	<b>Significant and unavoidable</b>
		<b>MM AQ-2:</b> Fleet modernization for on-road trucks.	
		<b>MM AQ-3:</b> Additional fugitive dust control.	

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
<p><b>AQ-4:</b> The proposed Project operations would result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.</p>	<p><b>Significant impact</b></p>	<p><b>MM AQ-7:</b> On-site sweeping at SCIG facility.</p>	<p><b>Significant and unavoidable</b></p>
<b>Cultural Resources</b>			
<p><b>CR-2:</b> Construction of the proposed Project would require demolition of the existing Sepulveda Boulevard Bridge, and thus cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.</p>	<p><b>Significant impact</b></p>	<p><b>MM CR-2:</b> Sepulveda Boulevard Bridge - Documentation and Interpretive Display.</p>	<p>Significant and unavoidable</p>
		<p><b>MM CR-3:</b> Sepulveda Boulevard Bridge – Structure Salvaging Plan</p>	
<b>Greenhouse Gas Emissions and Climate Change</b>			
<p><b>GHG-1:</b> The proposed Project would result in an increase in construction-related and operation-related GHG emissions.</p>	<p><b>Significant impact</b></p>	<p><b>MM GHG-1:</b> Idling Restriction and Electrification for Construction Equipment.</p>	<p><b>Significant and unavoidable</b></p>
		<p><b>MM GHG-2:</b> Solar Panels.</p>	
		<p><b>MM GHG-3:</b> Recycling.</p>	
		<p><b>MM GHG-4:</b> Tree Planting.</p>	
		<p><b>MM GHG-5:</b> Water Conservation.</p>	
		<p><b>MM GHG-6:</b> Energy Efficient Light Bulbs.</p>	
		<p><b>MM GHG-7:</b> Energy Audit.</p>	
		<p><b>MM GHG-8:</b> Solar Canopy on Parking Area.</p>	
		<p><b>MM GHG-9:</b> Alternative Fuel Service Trucks.</p>	
		<p><b>MM GHG-10:</b> Carbon Offsets.</p>	
<b>Land Use</b>			
<p><b>LU-4:</b> The proposed Project would cause secondary impacts to surrounding land uses.</p>	<p><b>Significant impact</b></p>	<p><b>MM AQ-1 – MM AQ-10; MM NOI-1 – MM NOI-3</b> (see descriptions below).</p>	<p><b>Significant and unavoidable</b></p>
<b>Noise</b>			
<p><b>NOI-6:</b> Construction and operation of the proposed Project would cause ambient noise levels to be increased by three dBA or more, or maximum noise levels allowed by the Long Beach Municipal Code would be exceeded.</p>	<p><b>Significant impact</b></p>	<p><b>MM NOI-1:</b> Construction of a 12-foot soundwall.</p>	<p>Less than significant for construction and for daytime operations, <b>significant and unavoidable</b> for nighttime operations</p>
		<p><b>MM NOI-2:</b> Construction noise measures.</p>	
		<p><b>MM NOI-3:</b> Construction of a 24-ft sound wall.</p>	

<b>Environmental Impacts</b>	<b>Impact Determination</b>	<b>Mitigation Measures</b>	<b>Impacts after Mitigation</b>
<b>Cumulative Impacts</b>			
<b>Aesthetics/Visual Resources</b>			
<b>AES-1:</b> The proposed Project would cause a cumulatively substantial degradation of the existing visual character or quality of the site and its surroundings.	<b>Cumulatively considerable and unavoidable</b>	MM CR-2 and MM CR-3	<b>Cumulatively considerable and unavoidable</b>
<b>Air Quality and Meteorology</b>			
<b>AQ-1:</b> Construction of the proposed Project would produce a cumulatively considerable increase of a criteria pollutant for which the region is in nonattainment under a national or state ambient air quality standard.	<b>Cumulatively considerable and unavoidable</b>	MM AQ-1 through MM AQ-6	<b>Cumulatively considerable and unavoidable</b>
<b>AQ-2:</b> The proposed Project construction would result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.	<b>Cumulatively considerable and unavoidable</b>	MM AQ-1 through MM AQ-3	<b>Cumulatively considerable and unavoidable</b>
<b>AQ-3:</b> Operation of the proposed Project would increase emissions of CO relative to the baseline but less than the CEQA thresholds.	<b>Cumulatively considerable and unavoidable</b>	MM AQ-7 and MM AQ-8 No reasonable mitigation measures could be considered for displaced businesses	<b>Cumulatively considerable and unavoidable</b>
<b>AQ-4:</b> Operation of the proposed Project would produce emissions that, with related projects, would result in offsite ambient air pollutant concentrations that would exceed a SCAQMD threshold of significance.	<b>Cumulatively considerable and unavoidable</b>	MM AQ-7	<b>Cumulatively considerable and unavoidable</b>
<b>AQ-7:</b> Operation of the proposed Project would contribute to exposing receptors to significant levels of toxic air contaminants.	<b>Cumulatively considerable and unavoidable</b>	MM AQ-1, MM AQ-2, MM AQ-8 to MM AQ-10	<b>Cumulatively considerable and unavoidable</b>
<b>Cultural Resources</b>			
<b>CR-2:</b> The proposed Project would have cumulatively substantial adverse effects on the significance of historic resources.	<b>Cumulatively considerable and unavoidable</b>	MM CR-2 and MM CR-3	<b>Cumulatively considerable and unavoidable</b>
<b>Greenhouse Gas Emissions and Climate Change</b>			
<b>GHG-1:</b> The proposed Project would result in a cumulatively substantial increase in construction-related and operation-related GHG emissions.	<b>Cumulatively considerable and unavoidable</b>	MM GHG-1 through MM GHG-10	<b>Cumulatively considerable and unavoidable as measures cannot be quantified.</b>
<b>Land Use</b>			
<b>LU-4:</b> The proposed Project would contribute to cumulatively significant secondary impacts to surrounding land uses.	<b>Cumulatively considerable and unavoidable</b>	MM AQ-1 through MM AQ-10, MM NOI-1 through MM NOI-3	<b>Cumulatively considerable and unavoidable</b>
<b>Noise</b>			
<b>NOI-6:</b> Construction and operation of the proposed Project contribute to a cumulative increase in ambient noise levels by three dBA or more, or to an exceedance of maximum noise levels allowed by the Long Beach Municipal Code.	<b>Cumulatively considerable and unavoidable</b>	MM NOI-1 through MM NOI-3	<b>Cumulatively considerable and unavoidable</b>

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
<b>Utilities and Public Services</b>			
<b>PS-6:</b> The proposed Project would contribute to cumulatively considerable impacts on existing solid waste handling and disposal facilities.	<b>Cumulatively considerable and unavoidable</b>	MM PS-1 through MM PS-3	<b>Cumulatively considerable and unavoidable</b>

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## 2 4.1.2 Environmental Impacts Found to Be Less 3 Than Significant after Mitigation

4 The LAHD Board of Commissioners hereby finds that the following environmental  
5 impacts (in Table 2) of the proposed Project are less-than-significant after  
6 implementation of mitigation measures.

7 **Table 2. Significant Impacts that can be Mitigated for the Proposed Project.**

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
<b>Air Quality and Meteorology</b>			
<b>AQ-7:</b> The Project would expose receptors to significant levels of TACs.	<b>Significant impact</b>	<b>MM AQ-1:</b> Fleet modernization for off-road equipment.	Less than significant
		<b>MM AQ-2:</b> Fleet modernization for on-road trucks.	
		<b>MM AQ-8:</b> Low-Emission Drayage Trucks.	
		<b>MM AQ-9:</b> Periodic Review of New Technology and Regulations	
		<b>MM AQ-10:</b> Substitution of New Technology.	
<b>Biological Resources</b>			
<b>BIO-1:</b> Construction/demolition activities and operation of the proposed Project would result in the loss of individuals of, or have a substantial adverse effect, either directly or through habitat modifications, on any federally listed critical habitat or species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS.	<b>Significant impact</b>	<b>MM BIO-1a:</b> Migratory Non-Game Native Bird Species.	Less than significant
		<b>MM BIO-1b:</b> Bat Roosting Habitat.	
<b>Cultural Resources</b>			
<b>CR-1:</b> Construction of the proposed Project would potentially disturb, destroy, or degrade unknown archaeological or ethnographic resources, and thus cause a substantial adverse change in the significance of such resources as defined in §15064.5.	<b>Significant impact</b>	<b>MM CR-1:</b> Archaeological or Ethnographic Resources.	Less than significant

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
<b>CR-3:</b> Construction of the proposed Project would potentially disturb, destroy, or degrade unknown paleontological resource, and thus directly or indirectly destroy a unique paleontological resource.	<b>Significant impact</b>	<b>MM CR-4:</b> Paleontological Resource	Less than significant
<b>Utilities and Public Services</b>			
<b>PS-6:</b> Operation of the proposed Project would generate solid waste that is assumed to exceed landfill capacity after 2030.	<b>Significant impact</b>	<b>MM PS-1:</b> Recycling of Construction Materials.	Less than significant
		<b>MM PS-2:</b> Materials with Recycled Content.	
		<b>MM PS-3:</b> Solid waste management.	
<b>Water Resources</b>			
<b>WR-1a:</b> Construction could create discharges that cause pollution, contamination, or a nuisance as defined in § 13050 of the California Water Code (CWC) or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permits or Water Quality Control Plan for the receiving water body.	<b>Significant impact</b>	<b>MM WR-1:</b> Dominguez Channel Railroad Bridge.	Less than significant
<b>Cumulative Impacts</b>			
<b>Biological Resources</b>			
<b>BIO-1:</b> Construction and operation of the proposed Project would potentially result in the loss of individuals of, or have a substantial adverse effect, either directly or through habitat modifications, on federally listed critical habitat or species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS.	<b>Cumulatively considerable but avoidable</b>	<b>MM BIO-1a</b> and <b>MM BIO-1b</b>	Not cumulatively considerable after mitigation
<b>Cultural Resources</b>			
<b>CR-1:</b> The proposed Project would substantially contribute to disturbance, damage, or degradation of unknown archaeological or ethnographic resources, and thus cause a substantial adverse change in the significance of such resources.	<b>Cumulatively considerable but avoidable</b>	<b>MM CR-1</b>	Not cumulatively considerable after mitigation
<b>CR-3:</b> The proposed Project would contribute substantially to the disturbance, destruction, or elimination of access to unknown unique paleontological resources.	<b>Cumulatively considerable but avoidable</b>	<b>MM CR-4</b>	Not cumulatively considerable after mitigation

### 4.1.3 Environmental Impacts Found to Be Less Than Significant

The LAHD Board of Commissioners hereby finds that the following environmental impacts (Table 3) of the proposed Project are less than significant and hereby makes the same determination based on the conclusions in the FEIR. Under CEQA, no mitigation measures are required for impacts that are less than significant (14 Cal. Code Regs. § 15126.4(a)(3)).

**Table 3. Less than Significant Impacts of the Proposed Project.**

Environmental Impacts	Impact Determination	Mitigation Measures
<b>Aesthetics/Visual Resources</b>		
AES-2: The proposed Project would result in a new source of light or glare that would not adversely affect day or nighttime views in the area	Less than significant impact	Mitigation not required.
AES-3: The proposed Project would result in no shadow effects on nearby shadow-sensitive land uses	No impact	Mitigation not required.
<b>Air Quality and Meteorology</b>		
AQ-3: The proposed Project would not result in operational emissions that exceed a SCAQMD threshold of significance.	Less than significant impact	Mitigation not required.
AQ-5: The proposed Project would not generate on-road traffic that would contribute to an exceedance of the 1-hour or 8-hour CO standards.	Less than significant impact	Mitigation not required.
AQ-6: The proposed Project would not create objectionable odors at the nearest sensitive receptor.	Less than significant impact	Mitigation not required.
AQ-8: The proposed Project would not conflict with or obstruct implementation of an applicable air quality plan.	No impact	Mitigation not required.
<b>Biological Resources</b>		
BIO-2: Construction/demolition activities and operation of the proposed Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS.	No impact	Mitigation not required.

Environmental Impacts	Impact Determination	Mitigation Measures
BIO-3: Construction/demolition activities and operation of the proposed Project would not alter or have a substantial adverse effect on any federally protected wetlands as defined by § 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	No impact	Mitigation not required.
BIO-4: Construction/demolition activities and operation of the proposed Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	Less than significant	Mitigation not required.
<b>Geology and Soils</b>		
GEO-1: Seismic activity along the Palos Verdes and Newport-Inglewood faults as well as other regional faults has the potential to produce fault rupture, seismic ground shaking, liquefaction, or other seismically induced ground failure that would expose the population and structures to substantial risk.	Less than significant impact	Mitigation not required.
GEO-2: Construction and operation of the proposed Project would not expose people and structures to substantial risk of injury or damage from tsunamis and seiches.	Less than significant impact	Mitigation not required.
GEO-3: Construction and operation of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from subsidence/soil settlement.	Less than significant impact	Mitigation not required.
GEO-4: Construction and operation of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from soil expansion.	Less than significant impact	Mitigation not required.
GEO-5: Construction and operation of the proposed Project would not result in or expose people or property to a substantial risk of earth movement or slides including landslides, rockslides or mudflows.	No impact	Mitigation not required.

Environmental Impacts	Impact Determination	Mitigation Measures
GEO-6: Shallow groundwater, which would cause unstable soil conditions, may be encountered during demolition and construction, but would not expose people or structures to substantial risk of injury or damage.	Less than significant impact	Mitigation not required.
GEO-7: Construction and operation of the proposed Project would not cause destruction, permanent coverage, material or adverse modification to one or more distinct and prominent geologic topographic features.	No impact	Mitigation not required.
GEO-8: Construction and operation of the proposed Project would not result in substantial erosion or loss of topsoil.	Less than significant impact	Mitigation not required.
Greenhouse Gas Emissions and Climate Change		
GHG-2: The proposed Project would not conflict with State and local plans and policies adopted for the purpose of reducing GHG emissions.	Less than significant impact	Not applicable.
Hazards and Hazardous Materials		
RISK-1: The proposed Project would not substantially increase the probable frequency and severity of consequences to people or property as a result of a potential accidental release or explosion of a hazardous substance.	Less than significant impact	Mitigation not required.
RISK-2a: Construction activities would increase the probable frequency and severity of consequences to people from exposure to health hazards.	Less than significant impact	Mitigation not required.
RISK-2b: Operations at the Proposed Project would not increase the probable frequency and severity of consequences to people from exposure to health hazards.		
RISK-3: The proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	Less than significant impact	Mitigation not required.
RISK-4: Construction and operations at the proposed Project would not create a significant hazard to the public or the environment as a result of the proposed Project being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5.	Less than significant impact	Mitigation not required.

Environmental Impacts	Impact Determination	Mitigation Measures
RISK-5: The proposed Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	Less than significant impact	Mitigation not required.
RISK-6: The proposed Project would not increase the probability of an accidental spill due to project-related modifications, if a tsunami were to occur.	No impact	Mitigation not required.
RISK-7: The proposed Project would not result in a measurable increase in the probability of a terrorist attack due to project-related modifications, which would result in adverse consequences to the proposed Project site and nearby areas.	Less than significant impact	Mitigation not required.
<b>Land Use</b>		
LU-1: The proposed Project would be consistent with the adopted land use/density designation in the Community Plan, redevelopment plan, or specific plan for the site.	Less than significant impact	Mitigation not required.
LU-2: The proposed Project would be consistent with the General Plan or adopted environmental goals or policies contained in other applicable plans adopted for the purpose of avoiding or mitigating an environmental impact.	Less than significant impact	Mitigation not required.
LU-3: The proposed Project would not isolate or divide existing neighborhoods, communities, or land uses.	Less than significant impact	Mitigation not required.
<b>Noise</b>		
NOI-1: The proposed Project would not cause noise levels from daytime construction lasting more than 1 day to exceed existing ambient exterior noise levels by 10 dBA or more at a noise sensitive use; or for construction activities lasting more than 10 days in a 3-month period would exceed existing ambient exterior noise levels by 5 dBA or more at a noise sensitive use in the City of Los Angeles.	Less than significant impact	Mitigation not required.
NOI-2: Construction activities would not exceed the ambient noise level by 5 dBA at a noise sensitive use in the City of Los Angeles between the hours of 9:00 PM and 7:00 AM Monday through Friday, before 8:00 AM or after 6:00 PM on Saturday, or at any time on	Less than significant impact	Mitigation not required.

Environmental Impacts	Impact Determination	Mitigation Measures
Sunday.		
NOI-3: The proposed Project would not have a significant impact on noise levels within the City of Los Angeles because its operation would not cause the ambient noise level measured at the property line of affected uses to increase by 3 dBA in CNEL to or within the ‘normally unacceptable’ or ‘clearly unacceptable category,’ or any 5 dBA or greater noise increase.	Less than significant impact	Mitigation not required.
NOI-4: Operation of the proposed Project would not result in interior nighttime SELs sufficient to awaken at least 10 percent of their residents assuming windows remain open at residences within the City of Los Angeles, at an average frequency of once in 10 days, The threshold of significance for interior nighttime noise is 80 dBA SEL.	Less than significant impact	Mitigation not required.
NOI-5: Exposure to exterior noise levels from the proposed Project during school hours at schools within the City of Los Angeles would not result in interior noise levels of 52 dBA, sufficient for momentary disruption of speech intelligibility in classroom teaching situations (assumed to be at 20 feet).	No impact	Mitigation not required.
NOI-7: Construction and operation of the proposed Project would not have a significant vibration impact on ground vibration levels for residential structures within the City of Long Beach that would exceed the acceptability limits prescribed by the FTA.	Less than significant impact	Mitigation not required.
NOI-8: Operation and construction of the proposed Project would not result in interior nighttime SELs sufficient to awaken at least 10 percent of their residents assuming windows remain open at residences within the City of Long Beach, at an average frequency of once in 10 days, The threshold of significance for interior nighttime noise is 80 dBA SEL.	Less than significant impact	Mitigation not required.

Environmental Impacts	Impact Determination	Mitigation Measures
NOI-9: Exposure to exterior noise levels from the proposed Project during school hours at schools within the City of Long Beach would not result in interior noise levels of 52 dBA or greater, sufficient for momentary disruption of speech intelligibility in classroom teaching situations (assumed to be at 20 feet).	Less than significant impact	Mitigation not required.
NOI-10: Construction and operation of the proposed Project would not have a significant noise impact because ambient noise levels would not be increased by three dBA or more; nor would maximum noise levels allowed by the City of Carson be exceeded.	Less than significant impact	Mitigation not required.
NOI-11: Construction and operation of the proposed Project would not have a significant vibration impact because ground vibration levels for residential structures within the City of Carson would not exceed the acceptability limits prescribed by the FTA.	Less than significant impact	Mitigation not required.
NOI-12: Operation of the proposed Project would not result in interior nighttime SELs sufficient to awaken at least 10 percent of their residents assuming windows remain open at residences within the City of Carson, at an average frequency of once in 10 days. The threshold of significance for interior nighttime noise is 80 dBA SEL.	Less than significant impact	Mitigation not required.
NOI-13: Exposure to exterior noise levels from the proposed Project during school hours at schools within the City of Carson would not result in interior noise levels of 52 dBA or greater, sufficient for momentary disruption of speech intelligibility in classroom teaching situations (assumed to be at 20 feet).	No impact	Mitigation not required.
<b>Transportation/Circulation</b>		
TRANS-1: Construction would result in a short-term, temporary increase in truck and auto traffic.	Less than significant impact	Mitigation not required.
TRANS-2: Long-term vehicular traffic associated with the proposed Project would not significantly impact any study intersections' volume/capacity ratios, or level of service.	Less than significant impact	Mitigation not required.

Environmental Impacts	Impact Determination	Mitigation Measures
TRANS-3: An increase in on-site employees due to proposed Project operations would result in a less than significant increase in related public transit use.	Less than significant impact	Mitigation not required.
TRANS-4: Proposed Project operations would result in a less than significant increase in freeway congestion.	Less than significant impact	Mitigation not required.
TRANS-5: Project operations would not cause a significant increase in rail activity and/or delays in regional rail traffic.	Less than significant impact	Mitigation not required.
TRANS-6: Project operations would not substantially increase hazards due to a design feature.	No impact	Mitigation not required.
TRANS-7: Project operations would not result in inadequate emergency access.	No impact	Mitigation not required.
TRANS-8: Project operations would not conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities	No impact	Mitigation not required.
Utilities and Public Services		
PS-1: The proposed Project would not burden existing police staff levels and facilities such that the police would not be able to maintain an adequate level of service without additional facilities, the construction of which could cause significant environmental effects.	Less than significant impact	Mitigation not required.
PS-2: Development of the proposed Project would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility to maintain service.	Less than significant impact	Mitigation not required.
PS-3: The proposed Project would not result in a substantial increase in water supply demand that would exceed the capacity of existing facilities in the Project area.	Less than significant impact	Mitigation not required.
PS-4: The proposed Project would not result in a substantial increase in wastewater flows that would exceed the wastewater treatment requirements of the Los Angeles Regional Water Quality Control Board or exceed the capacity of existing treatment facilities.	Less than significant impact	Mitigation not required.

Environmental Impacts	Impact Determination	Mitigation Measures
PS-5: The proposed Project would not generate substantial surface runoff that would exceed the capacity of existing municipal storm drain systems.	Less than significant impact	Mitigation not required.
PS-7: Implementation of the proposed Project would not generate increases in energy demands or require new, offsite energy supply and distribution infrastructure, or capacity enhancing alterations to existing facilities that are not anticipated by adopted plans, programs, or the proposed Project.	Less than significant impact	Mitigation not required.
Water Resources		
WR-2a: Construction would not accelerate natural processes of wind and water erosion and sedimentation resulting in sediment runoff or deposition that would not be contained or controlled onsite	Less than significant impact	Mitigation not required.
WR-3a: Construction would not substantially alter the existing drainage pattern of the site or area in a manner which would produce a substantial change in the current or direction of water flow.	Less than significant impact	Mitigation not required.
WR-4a: Construction would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	Less than significant impact	Mitigation not required.
WR-5a: Construction would not place within a 100-year floodplain structures which would impede or redirect flood flows or have the potential to harm people or damage property.	Less than significant impact	Mitigation not required.
WR-6a: Construction could expose soils containing toxic substances and petroleum hydrocarbons, associated with prior operations, but would not be deleterious to humans, based on regulatory standards established by the lead agency for the site.	Less than significant impact	Mitigation not required.
WR-7a: Construction would not cause changes in the rate or direction of movement of existing groundwater contaminants, expansion of the area affected by contaminants, or increased level of groundwater contamination, which would increase risk of harm to humans.	Less than significant impact	Mitigation not required.

Environmental Impacts	Impact Determination	Mitigation Measures
WR-1b: Operation would not create discharges that cause pollution, contamination, or a nuisance as defined in § 13050 of the California Water Code (CWC) or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permits or Water Quality Control Plan for the receiving water body.	Less than significant impact	Mitigation not required.
WR-2b: Operation would not accelerate natural processes of wind and water erosion and sedimentation resulting in sediment runoff or deposition that would not be contained or controlled onsite	Less than significant impact	Mitigation not required.
WR-3b: Operation would not substantially alter the existing drainage pattern of the site or area in a manner which would produce a substantial change in the current or direction of water flow.	Less than significant impact	Mitigation not required.
WR-4b: Operation would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	Less than significant impact	Mitigation not required.
WR-5b: Operation would not place within a 100-year floodplain structures which would impede or redirect flood flows or have the potential to harm people or damage property.	Less than significant impact	Mitigation not required.
WR-6b: Operation would not expose soils containing toxic substances and petroleum hydrocarbons, associated with prior operations, which would be deleterious to humans, based on regulatory standards established by the lead agency for the site.	Less than significant impact	Mitigation not required.
WR-7b: Operation would not cause changes in the rate or direction of movement of existing groundwater contaminants, expansion of the area affected by contaminants, or increased level of groundwater contamination, which would Increase risk of harm to humans.	Less than significant impact	Mitigation not required.

Environmental Impacts	Impact Determination	Mitigation Measures
<b>Cumulative Impacts</b>		
<b>Aesthetics/Visual Resources</b>		
AES-2: The proposed Project would not contribute to cumulative light or glare that would adversely affect day or nighttime views in the area.	Not cumulatively considerable	Mitigation not required.
<b>Air Quality and Meteorology</b>		
AQ-5: Operation of the proposed Project would not generate on road traffic that would contribute to an exceedance of the 1 hour or 8 hour CO standards.	Not cumulatively considerable	Mitigation not required.
AQ-6: Operation of the proposed Project would not contribute to objectionable odors at nearby sensitive receptors.	Not cumulatively considerable	Mitigation not required.
AQ-8: The proposed Project, considered with related projects, would not conflict with or obstruct implementation of an applicable air quality plan.	Not cumulatively considerable	Mitigation not required.
<b>Biological Resources</b>		
BIO-4: The proposed Project would not substantially contribute to interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	Not cumulatively considerable	Mitigation not required.
<b>Geology and Soils</b>		
GEO-1: The proposed Project would not substantially contribute to a significant cumulative impact arising from fault rupture, seismic ground shaking, liquefaction, or other seismically induced ground failure.	Not cumulatively considerable	Mitigation not required.

Environmental Impacts	Impact Determination	Mitigation Measures
GEO-2: The proposed Project would not substantially contribute to impacts arising from damage to structures or infrastructure, or expose people to substantial risk of injury, from tsunamis and seiches.	Not cumulatively considerable	Mitigation not required.
GEO-3: The proposed Project would not have cumulatively substantial adverse effects related to substantial damage to structures or infrastructure, or exposure of people to substantial risk of injury from subsidence/soil settlement.	Not cumulatively considerable	Mitigation not required.
GEO-4: The proposed Project would not have cumulatively substantial adverse effects related to expansive soils.	Not cumulatively considerable	Mitigation not required.
GEO-6: The proposed Project would not substantially contribute to cumulative impacts related to unstable soil conditions caused by human activities from excavation, grading or fill that would expose people or structures to substantial risk of injury or damage.	Not cumulatively considerable	Mitigation not required.
GEO-8: The proposed Project would not substantially contribute to cumulatively significant adverse effects related to the erosion or loss of topsoil.	Not cumulatively considerable	Mitigation not required.
<b>Greenhouse Gas Emissions and Climate Change</b>		
GHG-2: The proposed Project would not conflict with State and local plans and policies.	Not cumulatively considerable	Mitigation not required.
<b>Hazards and Hazardous Materials</b>		
RISK-1: The proposed Project would not contribute substantially to the frequency or severity of consequences of accidental release or explosion of hazardous substances.	Not cumulatively considerable	Mitigation not required.

Environmental Impacts	Impact Determination	Mitigation Measures
RISK-2: The proposed Project would not contribute substantially to the probable frequency and severity of consequences to people from exposure to health hazards.	Not cumulatively considerable	Mitigation not required.
RISK-3: The proposed Project would not contribute substantially to hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials.	Not cumulatively considerable	Mitigation not required.
RISK-4: The proposed Project would not contribute substantially to hazards to the public or the environment as a result of the proposed Project being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.	Not cumulatively considerable	Mitigation not required.
RISK-5: The proposed Project would not contribute substantially to hazardous emissions or handling of hazardous substances or wastes within one-quarter of a mile of existing or proposed schools.	Not cumulatively considerable	Mitigation not required.
RISK-7: The proposed Project would not contribute to a considerable increase in the probability of a terrorist attack that could result in adverse consequences.	Not cumulatively considerable	Mitigation not required.
<b>Land Use</b>		
LU-1: The proposed Project would not contribute to an inconsistency with an adopted land use/density designation in the Community Plan, redevelopment plan, or specific plan.	Not cumulatively considerable	Mitigation not required.
LU-2: The proposed Project would not contribute to an inconsistency with the General Plan or adopted environmental goals and policies contained in other applicable plans.	Not cumulatively considerable	Mitigation not required.

Environmental Impacts	Impact Determination	Mitigation Measures
<p>LU-3: The proposed Project would not contribute to cumulatively significant impacts related to isolating or dividing neighborhoods.</p>	<p>Not cumulatively considerable</p>	<p>Mitigation not required.</p>
<b>Noise</b>		
<p>NOI-1: The proposed Project would not cause noise levels from daytime construction lasting more than 1 day to exceed existing ambient exterior noise levels by 10 dBA or more at a noise sensitive use or for construction activities lasting more than 10 days in a 3-month period, would not exceed existing ambient exterior noise levels by 5 dBA or more at a noise sensitive use in the City of Los Angeles.</p>	<p>Not cumulatively considerable</p>	<p>Mitigation not required.</p>
<p>NOI-2: Construction of the proposed Project would not exceed the ambient noise level by 5 dBA at a noise sensitive use in the City of Los Angeles between the hours of 9:00 PM and 7:00 AM Monday through Friday, before 8:00 AM or after 6:00 PM on Saturday, or at any time on Sunday.</p>	<p>Not cumulatively considerable</p>	<p>Mitigation not required.</p>
<p>NOI-3: Operation of the proposed Project would not contribute to a cumulative increase in noise levels by 3 dBA or more in CNEL to or within the ‘normally unacceptable’ or ‘clearly unacceptable category,’ or any 5 dBA or greater noise increase, in the City of Los Angeles.</p>	<p>Not cumulatively considerable</p>	<p>Mitigation not required.</p>
<p>NOI-7: Construction and operation of the proposed Project would not contribute to a cumulative increase in ground vibration levels in the City of Long Beach that exceed FTA acceptability criteria.</p>	<p>Not cumulatively considerable</p>	<p>Mitigation not required.</p>
<p>NOI-10: Construction and operation of the proposed Project would not contribute to a cumulative increase in noise levels by 3 dBA or more in the City of Carson.</p>	<p>Not cumulatively considerable</p>	<p>Mitigation not required.</p>

Environmental Impacts	Impact Determination	Mitigation Measures
NOI-11: Construction and operation of the proposed Project would not contribute to a cumulative increase in ground vibration levels in the City of Carson that exceed acceptability criteria prescribed by the FTA.	Not cumulatively considerable	Mitigation not required.
<b>Transportation/Circulation</b>		
TRANS-1: The proposed Project short-term construction traffic would not significantly impact at least one study location volume/capacity ratio or level of service.	Not cumulatively considerable	Mitigation not required.
TRANS-2: The proposed Project long-term vehicular traffic would not have a significant adverse impact on at least one study intersection's volume/capacity ratios or level of service.	Not cumulatively considerable	Mitigation not required.
TRANS-3: An increase in on-site employees during operations of the proposed Project would not result in a substantial increase in public transit use.	Not cumulatively considerable	Mitigation not required.
TRANS-4: The proposed Project would result in a less than significant increase in highway congestion.	Not cumulatively considerable	Mitigation not required.
TRANS-5: Operation of the proposed Project would not cause an increase in rail activity and delays in regional traffic.	Not cumulatively considerable	Mitigation not required.
<b>Utilities and Public Services</b>		
PS-1: The proposed Project would not contribute substantially to burdening existing police staff levels and facilities such that the police would not be able to maintain an adequate level of service without additional facilities, the construction of which could cause significant environmental effects.	Not cumulatively considerable	Mitigation not required.

Environmental Impacts	Impact Determination	Mitigation Measures
PS-2: The proposed Project would not contribute substantially to a need for a new fire station or the expansion, consolidation, or relocation of an existing facility to maintain service.	Not cumulatively considerable	Mitigation not required.
PS-3: The proposed Project would not contribute to cumulatively considerable impacts on water supply.	Not cumulatively considerable	Mitigation not required.
PS-4: The proposed Project would not contribute to cumulatively considerable impacts on wastewater conveyance and treatment facilities.	Not cumulatively considerable	Mitigation not required.
PS-5: The proposed Project would not contribute to cumulatively considerable impacts related to surface runoff that would exceed the capacity of existing municipal storm drain systems.	Not cumulatively considerable	Mitigation not required.
PS-7: The proposed Project would not contribute to cumulatively considerable impacts on energy demands, supply facilities, and distribution infrastructure.	Not cumulatively considerable	Mitigation not required.
<b>Water Resources</b>		
WR-1: The proposed Project would not contribute to cumulatively considerable discharges that would cause pollution, contamination, or a nuisance or cause regulatory water quality standards to be violated.	Not cumulatively considerable	<b>MM WR-1</b>
WR-2: The proposed Project would not contribute to cumulatively considerable acceleration of rates of wind and water erosion and sedimentation resulting in sediment runoff or deposition that would not be contained or controlled onsite.	Not cumulatively considerable	Mitigation not required.

Environmental Impacts	Impact Determination	Mitigation Measures
WR-3: The proposed Project would not contribute to substantial alterations of existing drainage patterns or substantial increases in the rate or amount of surface runoff in a manner which would produce a substantial change in the current or direction of water flow cumulatively considerable adverse changes in surface water movement.	Not cumulatively considerable	Mitigation not required.
WR-4: The proposed Project would not contribute to cumulatively considerable runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	Not cumulatively considerable	Mitigation not required.
WR-5: The proposed Project would not contribute to cumulatively considerable impacts related to placing within a 100-year floodplain structures which would impede or redirect flood flows or have the potential to harm people or damage property.	Not cumulatively considerable	Mitigation not required.
WR-6: The proposed Project would not contribute to cumulatively considerable impacts related to exposing soils containing toxic substances and petroleum hydrocarbons, associated with prior operations, which would be deleterious to humans.	Not cumulatively considerable	Mitigation not required.
WR-7: The proposed Project would not contribute to cumulatively considerable impacts related to changes in the rate or direction of movement of existing groundwater contaminants, expansion of the area affected by contaminants, or increased levels of groundwater contamination, which would increase risk of harm to humans.	Not cumulatively considerable	Mitigation not required.

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## 4.2 Findings Regarding Environmental Impacts Found to Be Significant and Unavoidable

The following Findings pertain to the significant environmental impacts of the Project for which feasible mitigation measures are not available to avoid or substantially lessen the significant environmental effects to below a level of significance. The impacts would remain significant and unavoidable.

### 4.2.1 Aesthetics/Visual Resources

As discussed in Section 3.1 of the RDEIR, there would be one unavoidable significant impact to aesthetics/visual resources as a result of the proposed Project. The impact and mitigation measures are discussed below.

#### **Impact AES-1: The proposed Project would cause a substantial degradation of the existing visual character or quality of the site and its surroundings.**

The Project area would be cleared of existing structures and miscellaneous site features such as pavement, curbs, signs and above-ground utilities prior to construction. New 98-foot-tall cranes would be introduced, a new administration and a new crane servicing building would be built in the northeast corner of the Project site. The railroad line that traverses the east side of the Project site would be altered and would be situated on a portion of the Southern California Edison right-of-way. The proposed Project would be expected to have similar heavy industrial and/or rail activities and would not be expected to contrast with the existing visual character or quality of the site or its surroundings. The new PCH intersection and the reconstructed Dominguez Channel railroad bridge would closely resemble the existing structures. The new bridge would be modern in design and consistent with current railroad bridge construction practices. However, it would replace the historic elements of the existing bridge and would result in a different view. Although the quality of the existing views is considered to be moderately low, the proposed Project would create a distinct contrast with the established setting character and quality.

On the alternate business sites, the few existing structures would be demolished as necessary and new structures and paving would be installed. The existing structures were not identified as having valuable visual characteristics in the overall industrial context of the Project site. New development on the alternate sites would consist of low structures, low-intensity lighting, and fencing and paving. These developments would be consistent with the existing visual character of those sites.

With one exception, the proposed Project would cause no unfavorable and additional contrast with features associated with the aesthetic image of the areas seen from key public viewing positions. Although elements of the existing Project site would be removed and replaced with new elements, most of the changes would not alter the visual character of the area, which is industrial and generally considered to be of low visual quality. The construction of the sound wall as noise mitigation (**MM NOI-1**) would create a change in the visual environment. However, the current visual environment, even from the perspective of the residences, school, and park viewing from the east (Key Views 2 and 3 described in the RDEIR), does not include a unique or valued visual character. Current views from these land uses towards the Project site consist primarily of the very high intensity Port development located west of the Dominguez Channel and the

1 SCE transmission towers on the east side of the Project site. These structures are over 100  
2 feet in height and dominate the west-facing views from these land uses. The buffer wall  
3 would be constructed in compliance with applicable regulations and would not  
4 substantially degrade the visual character compared to existing conditions. With one  
5 exception, therefore (the Sepulveda Boulevard railroad bridge, see below), the proposed  
6 Project, including alternate business sites, would have less than significant impacts on the  
7 visual characteristics of the proposed Project area.

8 In the case of the Sepulveda Boulevard railroad bridge, the existing visual character of  
9 the area is industrial in nature, and the new bridge, which would be built as a modern  
10 railroad bridge consistent with current railroad bridge construction practices, would be  
11 consistent with the industrial visual characteristics of the area. Nevertheless, the existing  
12 bridge is a historically significant structure (see Section 3.4, Cultural Resources of the  
13 RDEIR), and its demolition and the construction of the new bridge would result in a  
14 substantial change in the visual environment as seen from Key View 4 (described in  
15 Section 3.1.4.3 of the RDEIR). This change is considered a significant impact.

### 16 **Finding**

17 The Board hereby finds that changes or alterations have been required in, or incorporated  
18 into the project that avoid or substantially lessen the significant environmental effect  
19 identified in the FEIR. Implementation of mitigation measures **MM CR-2** and **MM CR-**  
20 **3** would reduce adverse visual effects to the historical resource, but the impact would  
21 remain significant and unavoidable. Specific economic, legal, social, technological, or  
22 other considerations make infeasible any additional mitigation measures.

### 23 **Rationale for Finding**

24 Mitigation is required for the significant impact associated with the demolition of the  
25 Sepulveda Boulevard railroad bridge. Implementation of mitigation measures **MM CR-2**  
26 and **MM CR-3** would ensure that historic elements of the existing railroad bridge would  
27 be maintained to the greatest extent feasible, which would reduce the degree to which the  
28 view of the bridge would be altered. However, it is not certain how much, if any, of the  
29 historic elements of the bridge could be retained, due to the need to demolish and replace  
30 the bridge, as the existing bridge cannot accommodate three tracks. Therefore, visual  
31 impacts would remain significant and unavoidable. No further mitigation is available to  
32 reduce this impact to less than significant.

## 33 **4.2.2 Air Quality and Meteorology**

34 As discussed in Section 3.2 of the RDEIR, there would be three unavoidable significant  
35 impacts to Air Quality and Meteorology related to construction and operation as a result  
36 of the proposed Project. The impacts and mitigation measures are discussed below.

### 37 **Impact AQ-1: The proposed Project would result in** 38 **construction-related emissions that exceed an SCAQMD threshold of** 39 **significance.**

40 The unmitigated peak daily construction emissions would exceed the South Coast Air  
41 Quality Management District (SCAQMD) daily emission thresholds for VOC, CO, NO<sub>x</sub>,  
42 PM<sub>10</sub>, and PM<sub>2.5</sub> during the construction period of 2013-2015. Therefore, proposed

1 Project construction emissions would be significant under CEQA for VOC, CO, NO<sub>x</sub>,  
2 PM<sub>10</sub>, and PM<sub>2.5</sub> prior to mitigation.

### 3 **Finding**

4 The Board hereby finds that changes or alterations have been required in, or incorporated  
5 into the project that avoid or substantially lessen the significant environmental effect  
6 identified in the FEIR. Incorporation of mitigation measures **MM AQ-1** through **MM**  
7 **AQ-6** would reduce construction emissions; however, emissions of VOC, CO, NO<sub>x</sub>,  
8 PM<sub>10</sub>, and PM<sub>2.5</sub> during construction would remain significant. Specific economic, legal,  
9 social, technological, or other considerations make infeasible any additional mitigation  
10 measures.

#### 11 **MM AQ-1: Fleet Modernization for Construction Equipment.**

- 12 • Tier Specifications:

- 13 a. From January 1, 2012 to December 31, 2014: All off-road diesel-powered  
14 construction equipment greater than 50 hp, except marine vessels and harbor  
15 craft, will meet Tier-3 off-road emission standards at a minimum. In  
16 addition, all construction equipment greater than 50 hp will be retrofitted  
17 with a CARB-verified Level 3 DECS. Any emissions control device used by  
18 the contractor shall achieve emissions reductions that are no less than what  
19 could be achieved by a Level 3 diesel emissions control strategy for a  
20 similarly sized engine as defined by CARB regulations.
- 21 b. From January 1, 2015 on: All off-road diesel-powered construction  
22 equipment greater than 50 hp, except marine vessels and harbor craft, will  
23 meet Tier-4 off-road emission standards at a minimum. Any emissions  
24 control device used by the contractor shall achieve emissions reductions that  
25 are no less than what could be achieved by a Level 3 diesel emissions control  
26 strategy for a similarly sized engine as defined by CARB regulations.

27 As per the Sustainable Construction Guidelines for CEQA project mitigation,  
28 construction equipment were modeled according to the following fleet mix:

- 29 a. In 2012 to 2014: 50% Tier 3 Level 3, 20% Tier 2 Level 3, 10% Tier 1 Level  
30 3, 10% Tier 2 Level 2, and 10% Tier 1 Level 2.
- 31 b. In 2015: 50% Tier 4, Tier 3 Level 3, 20% Tier 3 Level 3, 10% Tier 1 Level  
32 3, 10% Tier 2 Level 2, and 10% Tier 1 Level 2.

33 A copy of each unit's certified tier specification, BACT documentation, and CARB or  
34 SCAQMD operating permit shall be provided at the time of mobilization of each  
35 applicable unit of equipment. The above "Tier Specifications" measures shall be met,  
36 unless one of the following circumstances exists, and the contractor is able to show that  
37 any of these circumstances exists:

- 38 • A piece of specialized equipment as specified in (a) and (b) above is unavailable  
39 within 200 miles of the Port of Los Angeles, including through a leasing agreement.  
40 If this circumstance exists, the equipment must comply with one of the options  
41 contained in the Step Down Schedule as shown in Table A of the guidelines  
42 document. (LAHD, 2009) At no time shall equipment meet less than a Tier 1 engine  
43 standard with a CARB-verified Level 2 DECS.

- The availability of construction equipment shall be reassessed on an annual basis. For example, if a piece of equipment is not available in 2013, the contractor shall reassess this availability on January 1, 2014.
- Construction equipment shall incorporate, where feasible emissions-savings technology such as hybrid drives and specific fuel economy standards. This mitigation measure was not quantified in the mitigated construction emissions.
- Idling shall be restricted to a maximum of 5 minutes when not in use. This mitigation measure was not quantified in the mitigated construction emissions.

#### **MM AQ-2: Fleet Modernization for On-Road Trucks.**

- Trucks used in construction will be required to comply with EPA Standards as described below.
  - a. For On-road trucks with a gross vehicle weight rating (GVWR) of at least 19,500 pounds: Comply with USEPA 2010 on-road emission standards for PM10 and NOx (0.01 grams per brake horsepower-hour (g/bhp-hr) and 0.2 g/bhp-hr or better, respectively).
  - b. A copy of each unit's certified EPA rating and each unit's CARB or SCAQMD operating permit, will be provided at the time of mobilization of each applicable unit of equipment.
  - c. Trucks hauling material such as debris or any fill material will be fully covered while operating off Port property. This mitigation measure was not quantified in the mitigated construction emissions.
  - d. Idling will be restricted to a maximum of 5 minutes when not in use. This mitigation measure was not quantified in the mitigated construction emissions.

#### **MM AQ-3: Additional Fugitive Dust Controls.**

The calculation of fugitive dust (PM) from Project earth-moving activities assumes a 69 percent reduction from uncontrolled levels to simulate rigorous watering of the site and use of other measures (listed below) to ensure Project compliance with SCAQMD Rule 403.

The Project construction contractor shall submit a fugitive dust control plan or notification to SCAQMD (for construction sites greater than 50 acres) prior to construction and comply with the requirements of Rule 403 throughout construction.

The following measures to further reduce fugitive dust emissions to a total reduction of 90 percent from uncontrolled levels should be implemented and/or included in the contractor's fugitive dust control plan:

- SCAQMD's Best Available Control Technology (BACT) measures must be followed on all projects. They are outlined on Table 1 in Rule 403. Large construction projects (on a property which contains 50 or more disturbed acres) shall also follow Rule 403 Tables 2 and 3.
- Active grading sites shall be watered three times per day, as also addressed in SCAQMD Rule 403.
- Contractors shall apply approved non-toxic chemical soil stabilizers to all inactive construction areas or replace groundcover in disturbed areas.
- Contractors shall provide temporary wind fencing around sites being graded or cleared.

- 1 • Trucks hauling dirt, sand, or gravel shall be covered or shall maintain at least 2 feet  
2 of freeboard in accordance with § 23114 of the California Vehicle Code. (“Spilling  
3 Loads on Highways”).
- 4 • Construction contractors shall install wheel washers where vehicles enter and exit  
5 unpaved roads onto paved roads, or wash off tires of vehicles and any equipment  
6 leaving the construction site.
- 7 • The grading contractor shall suspend all soil disturbance activities when winds  
8 exceed 25 mph or when visible dust plumes emanate from a site; disturbed areas shall  
9 be stabilized if construction is delayed.
- 10 • Open storage piles (greater than 3 feet tall and a total surface area of 150 square feet)  
11 shall be covered with a plastic tarp or chemical dust suppressant.
- 12 • Stabilize the materials while loading, unloading and transporting to reduce fugitive  
13 dust emissions.
- 14 • Belly-dump truck seals should be checked regularly to remove trapped rocks to  
15 prevent possible spillage.
- 16 • Comply with track-out regulations and provide water while loading and unloading to  
17 reduce visible dust plumes.
- 18 • Waste materials should be hauled off-site immediately.
- 19 • Pave road and road shoulders where available.
- 20 • Traffic speeds on all unpaved roads shall be reduced to 15 mph or less.
- 21 • Provide temporary traffic controls such as a flag person, during all phases of  
22 construction to maintain smooth traffic flow.
- 23 • Schedule construction activities that affect traffic flow on the arterial system to off-  
24 peak hours to the extent practicable.
- 25 • Require the use of clean-fueled sweepers pursuant to SCAQMD Rule 1186 and Rule  
26 1186.1 certified street sweepers. Sweep streets at the end of each day if visible soil is  
27 carried onto paved roads on-site or roads adjacent to the site to reduce fugitive dust  
28 emissions.
- 29 • Appoint a construction relations officer to act as a community liaison concerning on-  
30 site construction activity including resolution of issues related to PM10 generation.

#### 31 **MM AQ-4: Best Management Practices.**

32 The following measures are required on construction equipment (including onroad  
33 trucks)<sup>1</sup>:

- 34 • Use diesel oxidation catalysts and catalyzed diesel particulate traps.
- 35 • Maintain equipment according to manufacturers’ specifications.
- 36 • Restrict idling of construction equipment to a maximum of 5 minutes when not in  
37 use.
- 38 • Install high-pressure fuel injectors on construction equipment vehicles.

39 LAHD shall implement a process by which to select additional BMPs to further reduce  
40 air emissions during construction. The LAHD shall determine the BMPs once the  
41 contractor identifies and secures a final equipment list.

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1 Where not already covered under MM AQ-1.

1 Because the effectiveness of this measure has not been established and includes some  
2 emission reduction technology which may already be incorporated into equipment as part  
3 of the Tier level requirement in **MM AQ-1**, it is not quantified in this study.

#### 4 **MM AQ-5: General Construction Mitigation Measure.**

5 For any of the above construction mitigation measures (MM AQ-1 through AQ-3), if a  
6 CARB-certified technology becomes available and is shown to be equal or more effective  
7 in terms of emissions performance than the existing measure, the technology may be used  
8 to replace the existing measure pending approval by the LAHD. Because the  
9 effectiveness of this measure cannot be established, it is not quantified in this study.

#### 10 **MM AQ-6: Special Precautions near Sensitive Sites.**

11 When construction activities are planned within 1,000 feet of sensitive receptors (defined  
12 as schools, playgrounds, day care centers, and hospitals) identified in Table 3.2-6, the  
13 construction contractor shall notify each of these sites in writing at least 30 days before  
14 construction activities begin. Because the effectiveness of this measure has not been  
15 established, it is not quantified in this study.

### 16 **Rationale for Finding**

17 While the mitigation measures presented in the FEIR reduce emissions, emissions would  
18 still exceed SCAQMD significance criteria for VOC, CO, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> during  
19 construction. Mitigation measures **MM AQ-1** through **MM AQ-6**, however, represent  
20 feasible means to reduce air pollution impacts from proposed construction sources.

21 Emissions will largely come from diesel-powered construction equipment, on-road  
22 trucks, and cargo ships for crane delivery. As part of the RDEIR, mitigation was  
23 developed aiming at reducing these emissions through accelerating fleet turnover to  
24 newer, cleaner equipment, adding retrofit devices and employing best management  
25 practices (BMPs). Mitigation measure **MM AQ-2** was modified in the FEIR based on  
26 public comments, and requires all trucks used in construction to meet model year 2010  
27 on-road heavy-duty truck emission standards. No additional mitigation beyond that  
28 identified in the FEIR is feasible at this time, however, because of limitations on the  
29 availability of required technology in the existing construction fleet.

### 30 **Impact AQ-2: The proposed Project construction would result in 31 offsite ambient air pollutant concentrations that exceed a SCAQMD 32 threshold of significance.**

33 Dispersion modeling of onsite and offsite proposed Project construction emissions was  
34 performed to assess the impact of the unmitigated proposed Project construction on  
35 offsite ambient air concentrations. A complete dispersion modeling report is included in  
36 Appendix C2 of the RDEIR.

37 The maximum 1-hour NO<sub>2</sub> concentration and the annual NO<sub>2</sub> concentration would  
38 exceed the SCAQMD significance threshold. The 98<sup>th</sup> percentile 1-hour NO<sub>2</sub>  
39 concentration would also exceed the NAAQS, which is based on an 8th highest  
40 maximum value and is a standard not yet adopted as a threshold of significance by the  
41 SCAQMD. The maximum 1-hour and 8-hour CO concentrations and the maximum 1-  
42 hour and 24-hour SO<sub>2</sub> concentrations from construction of the proposed Project would be  
43 well below the SCAQMD significance thresholds. The 99<sup>th</sup> percentile 1-hour SO<sub>2</sub>  
44 concentration would also be below the NAAQS, a standard not yet adopted by SCAQMD

1 as the SCAB is in attainment. The maximum 24-hour PM<sub>10</sub> concentration, annual PM<sub>10</sub>  
2 concentration, and the maximum 24-hour PM<sub>2.5</sub> concentration would exceed the  
3 SCAQMD significance threshold for construction.

4 Implementation of mitigation measures **MM AQ-1** through **MM AQ-3** would  
5 substantially lessen emissions from criteria pollutants associated with construction of the  
6 proposed Project and reduce the ambient impact relative to the unmitigated Project levels.  
7 Tables 3.2-21 and 3.2-22 of the RDEIR present the maximum off-site ground level  
8 concentrations of criteria pollutants estimated for the mitigated Project construction.  
9 These data show that the mitigation measures would reduce all pollutant impacts, but that  
10 1-hour and annual NO<sub>2</sub> and 24-hour and annual PM<sub>10</sub> increments would still exceed the  
11 SCAQMD ambient thresholds. The 24-hour PM<sub>2.5</sub> increment would fall below the  
12 SCAQMD ambient threshold.

### 13 **Finding**

14 The Board hereby finds that changes or alterations have been required in, or incorporated  
15 into the project that avoid or substantially lessen the significant environmental effect  
16 identified in the FEIR. Implementation of mitigation measures **MM AQ-1** through **MM**  
17 **AQ-3** would reduce the ambient impact relative to unmitigated Project levels; however,  
18 construction equipment emission concentrations remain significant and unavoidable for  
19 1-hour and annual NO<sub>2</sub> and 24-hour and annual PM<sub>10</sub> concentrations during construction.  
20 Specific economic, legal, social, technological, or other considerations make infeasible  
21 any additional mitigation measures.

### 22 **Rationale for Finding**

23 Changes or alterations have been incorporated into the project in the form of mitigation  
24 measures **MM AQ-1** through **MM AQ-3** which would reduce the ambient impact relative  
25 to unmitigated Project levels. Although reduced as a result of the mitigation measures,  
26 construction equipment emission concentrations remain significant and unavoidable  
27 during construction for 1-hour and annual NO<sub>2</sub> and 24-hour and annual PM<sub>10</sub>  
28 concentrations. Mitigation measures **MM AQ-1** through **MM AQ-3**, however, represent  
29 feasible means to reduce air pollution impacts from proposed construction sources.  
30 Emissions will largely come from diesel-powered construction equipment, on-road  
31 trucks, and cargo ships for crane delivery. As part of the RDEIR, mitigation was  
32 developed aiming at reducing these emissions through accelerating fleet turnover to  
33 newer, cleaner equipment, adding retrofit devices and employing best management  
34 practices (BMPs). No additional mitigation beyond that identified in the FEIR is feasible  
35 at this time, however, because of limitations on the availability of required technology in  
36 the existing construction fleet.

### 37 **Impact AQ-4: The Project operations would result in offsite ambient** 38 **air pollutant concentrations that would exceed a SCAQMD threshold** 39 **of significance.**

40 Dispersion modeling of onsite and offsite Project operational emissions was performed to  
41 assess the impact of the Project on local offsite air concentrations. A summary of the  
42 dispersion modeling results is presented here, and the complete dispersion modeling  
43 report is included in Appendix C2 of the RDEIR.

44 The maximum 1-hour NO<sub>2</sub> concentration and the annual NO<sub>2</sub> concentration would  
45 exceed the SCAQMD significance threshold. The 98<sup>th</sup> percentile 1-hour NO<sub>2</sub>

1 concentration would also exceed the national ambient air quality standard (NAAQS), a  
2 standard not yet adopted as a threshold of significance by SCAQMD. The maximum 1-  
3 hour and 8-hour CO concentrations and the maximum 1-hour and 24-hour SO<sub>2</sub>  
4 concentrations from operational emissions of the Project would be well below the  
5 SCAQMD significance thresholds. The 99<sup>th</sup> percentile 1-hour SO<sub>2</sub> concentration would  
6 also be below the national ambient air quality standard (NAAQS), a standard not yet  
7 adopted as a threshold of significance by SCAQMD.

8 The maximum 24-hour PM<sub>10</sub> concentration, the annual PM<sub>10</sub> concentration, and the  
9 maximum 24-hour PM<sub>2.5</sub> concentration would exceed the SCAQMD significance  
10 threshold for operation. However, it should be noted that there are only three receptors  
11 that are over the SCAQMD threshold for PM<sub>2.5</sub>. The maximum is located on the  
12 railroad tracks, just south of the alternate site for Fast Lane. The other two are on the  
13 newly constructed tracks which run between the alternate sites for Fast Lane and Cal  
14 Cartage.

15 Mitigation measure **MM AQ-7** has been developed to control fugitive dust PM<sub>10</sub> and  
16 PM<sub>2.5</sub> emissions at the SCIG facility only. Implementation of this measure would  
17 substantially lessen emissions associated with operation of the proposed Project.

## 18 **Finding**

19 The Board hereby finds that changes or alterations have been required in, or incorporated  
20 into, the project that avoid or substantially lessen the significant environmental effect  
21 identified in the FEIR. However, after mitigation, the maximum mitigated Project  
22 operations would still exceed the SCAQMD 1-hour and annual NO<sub>2</sub>, 24-hour and annual  
23 PM<sub>10</sub>, and 24-hour PM<sub>2.5</sub> ambient thresholds. Specific economic, legal, social,  
24 technological, or other considerations make infeasible any additional mitigation  
25 measures.

### 26 **MM AQ-7: On-Site Sweeping at SCIG Facility.**

27 BNSF shall sweep the SCIG facility on-site, along routes used by drayage trucks, yard  
28 hostlers, service trucks and employee commuter vehicles, on a weekly basis using a  
29 commercial street sweeper or any technology with equivalent fugitive dust control.

## 30 **Rationale for Finding**

31 Changes or alterations have been required in or incorporated into the project in the form  
32 of mitigation measure **MM AQ-7** which substantially lessens fugitive dust emissions, as  
33 shown in Table 3.2-31 of the RDEIR. Although reduced as a result of the mitigation  
34 measures, ambient air concentrations emissions remain significant and unavoidable for 1-  
35 hour and annual NO<sub>2</sub> and annual PM<sub>10</sub>, and 24-hour PM<sub>2.5</sub>. Mitigation measure **MM AQ-7**  
36 represents feasible means to reduce air pollution impacts from proposed operational  
37 sources.

38 Additional mitigation measures for SCIG were considered for addressing impacts related  
39 to AQ-4, operational off-site pollutant ambient concentrations. These measures were  
40 evaluated in terms of whether they were capable of being accomplished in a successful  
41 manner within a reasonable period of time, taking into account economic, environmental,  
42 legal, social, and technological factors. The measures below (some of which were  
43 identified in comment letters on the DEIR and RDEIR) were evaluated and determined to  
44 be infeasible for consideration as enforceable mitigations:

- 1 • Advanced Locomotive Emission Control System (ALECS) – this system, which was  
2 designed by Advanced Cleanup Technologies, Inc. (ACTI) consists of a bonnet, or  
3 hood that is placed over a locomotive’s exhaust stack to capture exhaust pollutants  
4 emitted by the locomotive. The system was designed to capture locomotive  
5 emissions while the locomotive is motionless or moving slowly within the range of  
6 physical extension of the hood system. The exhaust captured by the hood is then sent  
7 to an Emission Treatment Subsystem (ETS) which uses catalytic and scrubber  
8 aftertreatment technology to eliminate pollutants from the captured exhaust of the  
9 locomotives. Although the ALECS system went through proof-of-concept testing on  
10 a limited scale at the Union Pacific (UP) Roseville Railyard (Chan M., Jackson M.  
11 D., 2007) as part of a multi-agency stakeholder process, the system was never scaled  
12 up to full implementation at a railyard as a result of a number of technical issues.  
13 Idling emissions were not determined to be a significant portion of total railyard  
14 emissions in the testing, and therefore a number of hoods and substantial range of  
15 extension would be needed to capture a reasonable fraction of emissions from  
16 multiple trains calling on a railyard. Idling emissions at SCIG are reduced through  
17 the use of Automatic Engine Start Stop (AESS) devices equipped on all linehaul  
18 locomotives, and therefore control of emissions from locomotive movement in the  
19 facility would require extensive overhead infrastructure to move the bonnet  
20 throughout the rail tracks on-site. This setup is not feasible given the physical  
21 constraints of the facility and the operation of live lifts.
- 22 • Switching Locomotives Conducting Build/Break Activities at SCIG – an alternate  
23 operation of the facility was considered as a mitigation measure, in which low-  
24 emission switcher locomotives would conduct all breakdown and build activities at  
25 the SCIG facility. This mitigation measure was determined to be infeasible as  
26 connection of the low-emissions switcher to the locomotives would require leaving  
27 SCIG locomotives stopped on the Alameda Corridor, thus posing a traffic hazard to  
28 trains using the corridor, and would also require additional rail trackage on the SCIG  
29 site to allow the switchers to connect to the locomotives which is not feasible due to  
30 physical constraints of the SCIG site.
- 31 • Zero-Emissions Container Movement Systems for Locomotives – this mitigation  
32 measure was considered infeasible, and a technical discussion is provided in Section  
33 5.2.2 of the RDEIR. Zero-emission container movement systems such as maglev and  
34 linear induction have not been feasibly demonstrated for goods movement and would  
35 require significant operating costs. These technologies are also subject to some  
36 regulatory restrictions on their use. A zero-emissions demonstration program (PC  
37 AQ-11) is considered as a project condition, as described further under impact AQ-7  
38 for health risk.
- 39 • Zero-Emissions and Hybrid Trucks – this mitigation measure was considered and  
40 determined to be technically infeasible. A technical discussion is provided in Section  
41 5.2.2 of the RDEIR. Zero emission truck technology has been studied by the Port for  
42 technical feasibility and application to Port-specific uses, including the heavy-duty  
43 drayage trucks calling on the Port terminals and the Port-specific drayage truck duty  
44 cycle (TIAX, 2011). The conclusion of the study is that this technology has not been  
45 demonstrated to adequately meet the technical requirements of Port drayage trucks  
46 for gradeability and top speed. Hybrid diesel-electric trucks are an emerging  
47 technology, and several manufacturers offer hybrid diesel-electric truck models as  
48 Class 6 or 7 heavy-duty on-road trucks (HVIP, 2011). At this time, only Peterbilt  
49 manufactures a Class 8 hybrid diesel-electric truck, but this truck model has not been

1 tested for use in Port-specific applications or for the Port-specific drayage truck duty  
2 cycle. The Port's study of zero-emission and hybrid trucks indicate that the weight  
3 classes of hybrid truck currently available may not meet the requirements of Port  
4 drayage trucks. In addition, at this time there is insufficient data to characterize the  
5 emissions of hybrid trucks on a modal basis, including using standard testing duty  
6 cycles, Port-specific drayage truck duty cycles, or by-speed emissions. Some studies  
7 have modeled the potential benefits of hybrid diesel-electric trucks but are focused on  
8 the fuel economy benefits of the technology and have not considered the impacts of  
9 hybrids on criteria pollutant emissions (NESCCAF, ICCT, SwRI, TIAX, 2009).  
10 Without detailed data on hybrid truck emissions performance, it is not possible to  
11 model these emissions accurately for use in air quality environmental analysis. A  
12 zero-emissions demonstration program (PC AQ-11) is considered as a project  
13 condition, as described further under impact AQ-7 for health risk.

14 Nevertheless, the LAHD is committed to mitigating operational emissions to the  
15 maximum extent feasible as demonstrated by **MM AQ-8** (Low-Emission Drayage  
16 Trucks), **MM AQ-9** (Periodic Review of New Technology), and **MM AQ-10**  
17 (Substitution of New Technology), which are further discussed below under Impact AQ-7  
18 in Section 4.3.1 of this document.

### 19 **4.2.3 Cultural Resources**

20 As discussed in Section 3.4 of the DEIR, there would be one significant and unavoidable  
21 impact to Cultural Resources as a result of the proposed Project.

#### 22 **Impact CR-2: Construction of the proposed Project would cause a** 23 **substantial adverse change in the significance of a historical** 24 **resource as defined in §15064.5**

25 The Sepulveda Boulevard Bridge is the only known historical resource in the Project  
26 area, as defined by CEQA Guidelines § 15064.5. The proposed Project would demolish  
27 and replace the bridge, thereby eliminating its historic materials and integrity. The  
28 replacement of the bridge is necessary because the existing bridge cannot accommodate  
29 three tracks.

30 In February and March 2011, the LAHD and BNSF undertook an effort (M&N, 2011) to  
31 locate an entity interested in accepting the bridge, or culturally significant elements of it  
32 (e.g., the abutment facades and the Warren truss sections). A number of local  
33 government agencies and construction companies were contacted to assess the potential  
34 for the bridge being reused in part or whole at another location, but none of the entities  
35 was interested in accepting the bridge nor did any know of any potential uses for the  
36 bridge.

37 There is no reasonable expectation that the Sepulveda Boulevard Bridge can be salvaged  
38 in its entirety for use elsewhere in the region, and the bridge cannot be retained in its  
39 present location. The proposed Project would result in a significant impact on a historical  
40 resource because it would materially alter, in an adverse manner, the physical  
41 characteristics of the bridge that convey its historical significance and justify its  
42 eligibility for inclusion in the CRHR. Implementation of mitigation measures **MM CR-2**  
43 and **MM CR-3** would be required in order to reduce the substantial adverse impact to the  
44 Sepulveda Boulevard Bridge that would result from the proposed Project.

45

## Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the FEIR. Implementation of mitigation measures **MM CR-2** and **MM CR-3** would reduce adverse effects to the historical resource, but the impact would remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation measures.

**MM CR-2:** Prior to the start of construction of the new Sepulveda Boulevard railroad bridge, BNSF will prepare archival documentation and an interpretative display of the historical resource.

**Documentation:** A Historic American Engineering Record (Level II or less) will be prepared to provide a physical description of the historic bridge, discuss its significance under applicable CRHR criteria, and address the historical context for its construction, purpose, and function. Large-format black and white photographs will be taken showing the Sepulveda Boulevard Bridge in context, as well as details of its historic engineering features. The photographs will be fully captioned and processed for archival permanence. Copies of the report will be offered to the local historical society and any other repository or organization determined by LAHD.

**Interpretive Display:** An interpretive exhibit, in the form of a permanent plaque, will be prepared, and once construction of the new bridge is complete, the plaque will be installed at the bridge site that provides a brief history of the structure, a description of its engineering features and characteristics, and the reasons for and date of its demolition and replacement.

**MM CR-3:** Prior to the start of the Sepulveda Bridge component of the proposed Project, BNSF shall prepare a plan for salvaging noteworthy elements of the structure for re-use either elsewhere or in the new bridge. The plan shall identify the elements to be salvaged, which shall be determined in consultation with a qualified architectural historian. Suitable re-use would include as decorative elements either on the new bridge or elsewhere in the region, or as an interpretive display. The plan shall be approved by LAHD, and the existing bridge and abutments shall not be demolished or altered until said approval has been granted.

## Rationale for Finding

As discussed above, the replacement of the bridge is necessary to support the proposed Project. In an attempt to preserve the historical character of the bridge, LAHD and BNSF approached a number of local government agencies and construction companies to assess the potential for the bridge being reused in part or whole at another location. However, none of the contacted entities were interested in accepting the bridge and were not aware of any potential uses for the bridge.

Nevertheless, despite no agency willing to accept the bridge or its historically significant attributes, mitigation measure MM CR-3 requires the preparation of a plan for salvaging the noteworthy elements of the structure for reuse elsewhere or in the new bridge constructed as part of the proposed Project.

Mitigation measure MM CR-2 was also incorporated to mitigate the significant impact on the Sepulveda Bridge, a historic resource. As described in further detail above, MM CR-2 requires the preparation of a Historical American Engineering Record.

1 Changes or alterations have been required in or incorporated into the project in the form  
2 of mitigation measures **MM CR-2** and **MM CR-3** which would reduce adverse effects to  
3 the historical resource, but the impact would remain significant and unavoidable. No  
4 further feasible mitigation is available to reduce this impact to less than significant.

## 5 **4.2.4 Greenhouse Gas Emissions and Climate** 6 **Change**

7 As discussed in Section 3.6 of the RDEIR, there would be one significant and  
8 unavoidable impact to Greenhouse Gas Emissions and Climate Change as a result of the  
9 proposed Project.

### 10 **Impact GHG-1: The proposed Project would result in an increase in** 11 **construction-related and operation-related GHG emissions.**

12 The major sources of GHG from Project construction and operation are combustion of  
13 fossil fuels and electricity usage, as detailed in Tables 3.6-3 and 3.6-4 of the RDEIR.  
14 Where there are no established significance thresholds, the Port has conservatively  
15 established, for purposes of the EIR, that any increase is potentially significant and is  
16 treated accordingly. Therefore, significant impacts would occur for the Proposed Project  
17 construction and operation activities.

18 For construction, emissions for each construction element were determined by totaling  
19 the daily emissions from the individual construction activities and alternate business  
20 location operational activities that overlap in the proposed construction schedule. For  
21 operation, baseline annual emissions are compared to future annual operational emissions  
22 to determine CEQA significance for the proposed Project.

23 GHG emissions from Project construction would be a significant impact under CEQA.  
24 The proposed project would produce GHG operational emissions that would exceed the  
25 CEQA baseline levels when the project reaches its full capacity in 2035 and beyond.  
26 However, operational emissions would be less than the baseline GHG emissions through  
27 2023 before the SCIG facility throughput reaches its maximum capacity. Therefore,  
28 significant impacts under CEQA would occur for the proposed Project.

29 Mitigation measures **MM AQ-1** through **MM AQ-7** would have either negligible effects  
30 on reducing GHG emissions or could not be reasonably quantified. A number of project  
31 features reduce GHG emissions, including the use of wide-span electric RMG cranes, idle  
32 reduction devices for locomotives, the SCIG administration building which will be LEED  
33 certified, and LEED certified replacement buildings constructed at the alternate sites for  
34 businesses that are greater than 7,500 square feet in size. The following mitigation  
35 measures **MM GHG-1** through **MM GHG-10** for the SCIG facility would reduce GHG  
36 emissions from electricity generation or fossil fuel combustion. Some of these mitigation  
37 measures would also apply to certain businesses moving to alternative sites on property  
38 owned by POLA, both during construction and operations.

### 39 **Finding**

40 The Board hereby finds that changes or alterations have been required in, or incorporated  
41 into, the project that avoid or substantially lessen the significant environmental effect  
42 identified in the FEIR. However, as the mitigation measures would not reduce emissions  
43 to their baseline levels, incorporation of these mitigation measures would not reduce

1 GHG emissions below significance. Specific economic, legal, social, technological, or  
2 other considerations make infeasible any additional mitigation measures.

3 **MM GHG-1: Idling Restriction and Electrification for Construction Equipment.**

4 Construction equipment idling will be restricted to a maximum of 5 minutes when not in  
5 use. Prior to construction and at the time of contract bid specification, the availability  
6 and use of electrified construction equipment shall be considered and implemented where  
7 feasible.

8 **MM GHG-2: Solar Panels.** The Port shall require installation of solar panels on all  
9 buildings constructed on POLA property where feasible. The Port, in consultation with  
10 the Tenant, will undertake a feasibility review and will make a determination as part of  
11 the Tenant(s) final design on the solar panel requirement.

12 **MM GHG-3: Recycling.** The Tenant shall ensure a minimum of 40 percent of all waste  
13 generated during project construction is recycled and that 70 percent of all waste  
14 generated in all Tenant buildings is recycled at the start of operations and 100 percent is  
15 recycled by 2025. The goals for operational recycling are consistent with, but more  
16 ambitious, than the City of Los Angeles Bureau of Sanitation's Solid Resources Citywide  
17 Recycling Division's goal of 70 percent waste diversion by 2020 (Bureau of Sanitation,  
18 2000) and RENEW LA's goal of 90 percent by 2025 (RENEW LA, 2005). Recycled  
19 materials shall include: (a) white and colored paper; (b) post-it notes; (c) magazines; (d)  
20 newspaper; (e) file folders; (f) all envelopes including those with plastic windows; (g) all  
21 cardboard boxes and cartons; (h) all metal and aluminum cans; (i) glass bottles and jars;  
22 and; (j) all plastic bottles.

23 **MM GHG-4: Tree Planting.** Once construction is completed at the SCIG facility, the  
24 Tenant shall plant shade trees around the main administration building and maintain all  
25 trees through the life of the lease.

26 **MM GHG-5: Water Conservation.** As part of the SCIG facility construction, the  
27 Tenant shall install a water recirculation system at potential wash racks, install low-flow  
28 devices in new buildings and low irrigation landscaping, and maintain these through the  
29 life of the lease.

30 **MM GHG-6: Energy Efficient Light Bulbs.** In addition to the SCIG facility main  
31 administration building, which would be LEED certified, all other interior buildings shall  
32 exclusively use energy efficient light bulbs (compact fluorescent (CFL), LED, or other  
33 equally efficient) for ambient lighting. The businesses on their alternate locations on  
34 Port-owned property shall also maintain and replace any Port-supplied energy efficient  
35 light bulbs. CFL and LED bulbs produce less waste heat and use substantially less  
36 electricity than incandescent light bulbs.

37 **MM GHG-7: Energy Audit.** The Tenant shall conduct a third party energy audit every 5  
38 years and install innovative power saving technology where feasible, such as power  
39 factor correction systems and lighting power regulators. Such systems help to maximize  
40 usable electric current and eliminate wasted electricity, thereby lowering overall  
41 electricity use.

42 **MM GHG-8: Solar Canopy on Parking Area.** The Tenant shall construct a canopy or  
43 canopies over the employee parking area at the SCIG facility that shall be equipped with  
44 photovoltaic (PV) solar panels for generating on-site electrical power.

45 **MM GHG-9: Alternative Fuel Service Trucks.** The Tenant shall utilize only  
46 alternative-fuel (for example compressed natural gas (CNG), ethanol flex fuel (E85), and

1 hydrogen fuel, as outlined CARB's Advanced Clean Cars program (CARB, 2012))  
2 service trucks within the SCIG facility.

3 **MM GHG-10: Carbon Offsets.** The Tenant shall offset 100% of projected on-site  
4 electricity consumption at the SCIG facility over the 50-year lease term from 2016  
5 through 2066, and thus reduce GHG emissions by 117,918 metric tons CO<sub>2</sub>e through the  
6 purchase of carbon offsets such as those available from the California Climate Action  
7 Registry's Climate Action Reserve. In addition, when new GHG emission reduction  
8 technology becomes available, it will be reviewed under the same process as MM AQ-9  
9 which requires periodic reviews of emissions-reduction technology and implementation  
10 into SCIG operations once the technology is determined to be feasible.

### 11 **Rationale for Finding**

12 Where there are no established significance thresholds, the Port has conservatively  
13 established, for purposes of the EIR, that any increase is potentially significant and is  
14 treated accordingly.

15 GHG mitigation measures **MM GHG-1** through **MM GHG-10** were not quantified  
16 because of the difficulty in determining quantitative future year GHG emissions  
17 reductions from these measures. Therefore, the GHG emissions during construction and  
18 operation are significant and unavoidable.

19 Comments were received on the RDEIR regarding additional mitigation to reduce GHG  
20 impacts such as funding solar panels on local schools and purchasing carbon offsets.  
21 Given there is already mitigation in place to install solar panels and a solar canopy at the  
22 SCIG facility, as well as at the alternate business sites, the mitigation measures included  
23 in the FEIR are appropriate and installing solar panels on local schools as recommended  
24 by a commenter would not be necessary. The recommendation to purchase carbon  
25 offsets has been added as a new mitigation measure to the FEIR as **MM GHG-10**.

26 In addition, the majority of the GHG emissions are associated with the movement of  
27 cargo through the Ports of Los Angeles and Long Beach and through the Southern  
28 California region generally. These emissions are not appropriately attributable to a single  
29 project, but rather associated with movement of cargo by rail and/or truck that would  
30 occur regardless of whether the Project is built. The movement of cargo throughout the  
31 Southern California region is addressed in the SCAG 2012 RTP and the associated GHG  
32 emissions were analyzed in the Programmatic EIR (PEIR) for the 2012 RTP. SCAG  
33 concluded that rail is a more fuel efficient means of moving cargo than trucking. The  
34 SCIG RDEIR confirms this, finding the No Project Alternative has higher GHG  
35 emissions than the Project.

## 36 **4.2.5 Land Use**

37 As discussed in Section 3.8 of the RDEIR, there would be one significant and  
38 unavoidable impact to Land Use as a result of the proposed Project.

### 39 **Impact LU-4: The proposed Project would cause secondary impacts** 40 **to surrounding land uses**

41 Secondary impacts refer here to the possible nexus between activities at the proposed  
42 Project and land use changes in communities adjacent to the Project site. Activities of

1 concern would include air emissions, noise, and traffic congestion, any of which, if  
2 substantial, could adversely affect residential and sensitive land uses.

3 The proposed Project would be constructed on land currently zoned for industrial uses  
4 and would not require zoning changes. The proposed Project would not induce  
5 appreciable immigration or emigration in the adjacent communities. The presence of the  
6 proposed SCIG facility would affect future land uses by discouraging siting of certain  
7 facilities in West Long Beach. As described in Section 3.8.1.12 and Impact LU-2 of the  
8 RDEIR, CARB and SCAQMD guidelines recommend that new sensitive uses, including  
9 schools, day care centers, and parks, not be located within 1,000 feet of railyards. State  
10 policy also recommends against siting sensitive uses near major freeways. A portion of  
11 West Long Beach along the Terminal Island Freeway lies within 1,000 feet of the eastern  
12 edge of the proposed Project site. Accordingly, if the proposed Project were built, future  
13 proposals to build new schools, parks, and other sensitive uses in that area would conflict  
14 with state policy and would need to be located in other parts of West Long Beach. The  
15 proposed Project would be constructed on land currently zoned for industrial uses and  
16 would not require zoning changes. The proposed Project would not induce appreciable  
17 immigration or emigration in the adjacent communities. The project's level of  
18 employment would be small relative to the local job base, so that the new jobs would not  
19 result in population growth. Similarly, the businesses that would be displaced by the  
20 proposed Project are not major employers; furthermore, those businesses would be  
21 expected to relocate in the general area or southern Los Angeles County, within  
22 reasonable commuting distance of their present locations, so that their displacement  
23 would not cause emigration to other areas.

24 The proposed Project would cause significant air quality and noise impacts. Therefore,  
25 secondary impacts on land use would be considered significant. Mitigation measures  
26 would reduce air pollutant emissions and noise impacts, but some would remain  
27 significant and unavoidable after mitigation. Future siting of sensitive uses in the portion  
28 of West Long Beach adjacent to the Terminal Island Freeway would be precluded by the  
29 presence of the proposed Project. However, because other industrial uses in the area and  
30 the presence of the Terminal Island Freeway would also discourage such siting, the  
31 proposed Project would be contributory to a general prohibition against siting sensitive  
32 uses in the area.

### 33 **Finding**

34 The Board hereby finds that changes or alterations have been required in, or incorporated  
35 into, the project that avoid or substantially lessen the significant environmental effect  
36 identified in the FEIR. Mitigation measures for air quality and noise impacts have been  
37 imposed (**MM AQ-1** through **MM AQ-10** and **MM NOI-1** through **MM NOI-3**).  
38 However, those mitigation measures are not expected to reduce the impacts to less than  
39 significant. Specific economic, legal, social, technological, or other considerations make  
40 infeasible any additional mitigation measures.

### 41 **Rationale for Finding**

42 As discussed above, the proposed Project would have significant air quality and noise  
43 impacts that could adversely affect residential and sensitive land uses. The proposed  
44 Project, however, would not cause changes in patters of land use in adjacent communities  
45 or cause immigration or emigration in response to changing job opportunities. As

1 explained in more detail above, the proposed Project's level of employment would be  
2 small relative to the local job base, and would not result in population growth.

3 Pursuant to state guidelines (CARB and SCAQMD), the proposed Project would preclude  
4 the siting of sensitive uses in the portion of West Long Beach adjacent to the Terminal  
5 Island Freeway. However, because other industrial uses in the area and the presence of  
6 the Terminal Island Freeway would also discourage such siting, the proposed Project  
7 would be contributory to a general prohibition against siting sensitive uses in the area.

8 As discussed in SCIG RDEIR Section 3.2, Air Quality, various mitigation measures are  
9 incorporated to mitigate impacts to air quality. **MM AQ-1**, for instance, imposes  
10 requirements for modernization of fleet construction equipment. **MM AQ-7** requires on-  
11 site sweeping at SCIG. Similarly, **MM AQ-9** and **MM AQ-10** mitigate impacts to air  
12 quality by requiring periodic review and consideration of new technology, should the  
13 effectiveness of the technology be proven.

14 A number of the mitigation measures incorporated in Section 3.9, Noise, are also relevant  
15 to this impact. Under **MM NOI-1**, for example, BNSF must construct a permanent  
16 soundwall on the easterly right-of-way of the Terminal Island Freeway. **MM NOI-2**  
17 includes a number of noise control measures that must be implemented during  
18 construction of the Project.

19 As identified in SCIG RDEIR Sections 3.2 and 3.9, the Project would, even with  
20 mitigation, have significant impacts related to air quality and noise. For a detailed  
21 discussion of why the impacts to air quality and noise, as they are applicable to this  
22 impact, could not be mitigated to a less than significant level, please see Section 4.2.2  
23 and 4.2.6 of this document. Because the proposed Project would continue to have  
24 significant impacts related to air quality and noise after mitigation, the secondary land use  
25 impacts would remain significant and unavoidable. No further feasible mitigation is  
26 available to reduce this impact to less than significant as noted in the findings for each  
27 environmental resource area with significant and unavoidable impacts.

## 28 4.2.6 Noise

29 As discussed in Section 3.9 of the RDEIR, there would be one significant and  
30 unavoidable impact to Noise as a result of the proposed Project.

31 **Impact NOI-6: Construction and operation of the proposed Project**  
32 **would cause ambient noise levels to be increased by three dBA or**  
33 **more, or maximum noise levels allowed by the Long Beach Municipal**  
34 **Code would be exceeded.**

### 35 Construction

36 The analysis of construction-related noise levels in the City of Long Beach included data  
37 from twelve different receptor locations. Table 3.9-22 of the RDEIR presents the worst-  
38 case daytime construction noise levels expected, assuming all construction elements  
39 occur simultaneously. Exterior daytime construction noise levels (L50) from the proposed  
40 Project would be expected to be as high as 63.5, 65.8, 70.2, 70.4, 57.8, 70.9, 68.8, 62.9,  
41 66.1 and 57.5 dBA at the Webster residence, Buddhist Temple, Hudson School, Hudson  
42 Park, Cabrillo High School, Cabrillo Child Development Center, Bethune School, the  
43 Century Villages at Cabrillo, Cabrillo Park, and Stephens Middle School, respectively.  
44 The construction noise levels would exceed ambient noise levels by more than 3 dB at

1 each of these receptor locations. The future daytime construction noise at the Webster  
2 School and at Mambo Sound & Recording Studio would be below ambient noise levels  
3 and maximum noise levels allowed by the Long Beach Municipal Code. Nighttime  
4 construction noise levels from the PCH grade separation would not be expected to be  
5 more than 3 dB above ambient levels at any of the receptors.

### 6 **Classroom Interior Construction Noise Levels**

7 Future interior noise levels within classrooms were analyzed to assess the impact of  
8 Project construction on school facilities. Future interior construction noise levels were  
9 calculated by subtracting the measured noise reduction from the predicted exterior  
10 construction noise levels from the Project. Interior construction noise levels with ambient  
11 noise would be below the LBMC allowable daytime interior noise standard at all  
12 educational receivers except for at the Cabrillo Child Development Center. When  
13 compared to existing ambient noise levels, future interior construction noise levels would  
14 be below existing ambient noise levels within the classrooms with the exception of  
15 Bethune School. At this location, a greater than 5 dB increase would be experienced  
16 during the heaviest periods of construction activity (although noise levels would not  
17 exceed the LBMC 45 dBA noise standard) and would be considered significant.

### 18 **On-Site and Rail Corridor Operations**

19 On-site SCIG operations would generate noise levels ranging from 59 to 95 dBA at a  
20 distance of 100 feet from the source. Future rail movements along the San Pedro Branch  
21 line would include diesel engine noise, train horns, and railcar noises. According to  
22 BNSF, train horn soundings are not expected to occur on the San Pedro Branch line due  
23 to the Project's design features.

24 Predicted daytime Project on-site and rail corridor operational noise levels at sensitive  
25 receivers would result in an increase of 3 dB or greater over existing measured ambient  
26 noise levels at the residence at 2789 Webster and at Cabrillo High School. Nighttime on-  
27 site and rail corridor operational noise levels would result in an increase of 3 dB or  
28 greater over existing measured ambient noise levels at the residence at 2789 Webster, at  
29 the Buddhist Temple, and at the Century Villages at Cabrillo. The nighttime noise  
30 increases that would be experienced outdoors at the Webster residence, Buddhist Temple  
31 and Century Villages at Cabrillo would occur when maximum possible operations  
32 coincide with the low background noise. This condition is not expected to occur on a  
33 daily basis and for more than one hour in any given 24-hour period.

### 34 **Existing Plus Project Traffic Noise Levels**

35 Table 3.9-18 of the RDEIR summarizes the predicted roadway traffic noise levels once  
36 the proposed Project is in full operation. Portions of the following roadways in the City of  
37 Long Beach include noise-sensitive land uses that would be expected to experience future  
38 traffic noise levels above 70 CNEL: E. Anaheim St., Long Beach Freeway, Pacific Coast  
39 Highway, Terminal Island Freeway, W. Anaheim Street, W. Pacific Coast Highway, and  
40 W. Willow Street. The majority of roadways within the City would experience a traffic  
41 noise decrease as a result of the Project because the Project would reduce truck traffic on  
42 roadways north of the Project site. Roadways in Long Beach also would not experience a  
43 cumulative noise level increase over existing noise levels of 3 dBA or greater.

### 44 **Classroom Interior Operational Noise Levels**

45 Interior noise levels within classrooms were analyzed to assess the effect of the proposed  
46 Project's on-site and rail corridor operational noise on school facilities. Future interior

1 noise levels were calculated by subtracting the measured noise reduction from the  
2 predicted exterior operations noise levels from the proposed Project. Future operations  
3 noise levels would be below the LBMC allowable interior noise standard of 45 dBA.  
4 When compared to existing ambient noise levels, future interior operations noise levels  
5 would be below existing noise levels within the classrooms.

### 6 **Impact Determination**

7 At the maximum levels of construction activity, increases in construction noise at  
8 sensitive receivers R1 through R7B and R30 (receptor reference provided in Section 3.9  
9 of RDEIR) would be more than 5 dB over existing ambient levels. The increase in  
10 construction noise would be temporary and during periods of reduced construction  
11 activity, noise levels would be lower. However, because the increase would exceed the  
12 threshold, the proposed Project would have a significant impact associated with  
13 construction noise.

14 Portions of East Anaheim Street, West PCH, the Long Beach Freeway and the Terminal  
15 Island Freeway would be expected to experience future traffic noise levels above 70  
16 CNEL. Traffic noise levels above 70 CNEL are considered incompatible with noise  
17 guidelines. No roadways in Long Beach with noise-sensitive receptors would experience  
18 Project-related increases in operational noise exceeding the 3 dBA threshold. While  
19 existing noise levels are above 70 CNEL on some roadways, road traffic noise impacts  
20 were found to be less than significant because the Project's contribution would not  
21 exceed 3dB at these roadways. In many instances implementation of the Project will  
22 reduce noise levels along specific roadway segments as a result of SCIG trucks using  
23 designated routes.

24 Predicted daytime operational noise levels from the proposed Project site would exceed  
25 existing measured ambient noise levels by 3 dBA or greater at the residence at 2789  
26 Webster (R1) and at Cabrillo High School (R5). Predicted nighttime exterior operational  
27 noise levels would exceed existing ambient noise levels by greater than 3 dB at the  
28 residence at 2789 Webster (R1), at the Buddhist Temple (R2), and at the Century  
29 Villages at Cabrillo (R7A). These increases represent a significant impact.

30 Interior noise levels from Project operations would not be expected to exceed municipal  
31 code standards for classroom interior spaces. Further, interior operational noise levels  
32 would not be expected to approach or exceed existing ambient interior noise levels within  
33 active classrooms. Interior construction noise levels would exceed LBMC standards at  
34 the Cabrillo Child Development Center (R6) and future noise levels would exceed  
35 existing ambient noise levels by greater than 3 dB at the Bethune School (R7); therefore,  
36 classroom noise impacts would be significant during construction.

### 37 **Finding**

38 The Board hereby finds that changes or alterations have been required in, or incorporated  
39 into, the project that avoid or substantially lessen the significant environmental effect  
40 identified in the FEIR. The following mitigation measures would address significant  
41 impacts from construction and operational noise at nearby noise sensitive receptors.

42 **MM NOI-1:** Prior to the start of construction of the proposed Project, BNSF shall  
43 construct a permanent, 12-foot-high soundwall along the easterly right-of-way of the  
44 Terminal Island Freeway, from West 20th Street to Sepulveda Boulevard, as shown in  
45 Figure 3.9-6, to reduce construction noise. The final height and location of the soundwall  
46 shall be verified by an acoustical consultant as part of the final engineering design of the

1 soundwall. After construction of the soundwall, BNSF shall install landscaping along the  
2 length of the soundwall that would serve as additional screening and a buffer. The final  
3 landscaping plan with selected native plant species and irrigation shall be determined as  
4 part of the final engineering design. Upon completion, BNSF will be responsible for  
5 long-term maintenance. Right-of-way acquisition necessary for the soundwall and  
6 landscaping shall be the responsibility of BNSF.

7 **MM NOI-2:** The following noise control measures shall be implemented during  
8 construction of the proposed Project. This mitigation measure applies to BNSF and the  
9 businesses that move to the alternate sites. These measures were not quantitatively  
10 evaluated.

- 11 a. **Construction Hours.** Limit construction to the hours of 7:00 am to 9:00 pm  
12 on weekdays, between 8:00 am and 6:00 pm on Saturdays, and prohibit  
13 construction equipment noise anytime on Sundays and holidays as prescribed  
14 in the City of Los Angeles Noise Ordinance, except where nighttime  
15 construction is necessary on the PCH grade separation. For construction  
16 activities that occur within the City of Long Beach (e.g. the North Lead  
17 Track construction and sound wall construction), limit construction to the  
18 hours of 7:00 am and 7:00 pm on weekdays and between 9:00 am and 6:00  
19 pm on Saturdays, as prescribed in the City of Long Beach Noise Ordinance.
- 20 b. **Construction Days.** Do not conduct noise-generating construction activities  
21 on weekends or holidays unless critical to a particular activity (e.g., concrete  
22 work).
- 23 c. **Temporary Noise Barriers.** When construction is occurring within 500 feet  
24 of a residence or park, temporary noise barriers (solid fences or curtains)  
25 shall be located between noise-generating construction activities and  
26 sensitive receptors unless and until the soundwall provided in MM NOI-1 has  
27 been built or the construction noise management plan (see (l) below)  
28 demonstrates that temporary barriers are not necessary.
- 29 d. **Construction Equipment.** Properly muffle and maintain all construction  
30 equipment powered by internal combustion engines.
- 31 e. **Idling Prohibitions.** Prohibit unnecessary idling of internal combustion  
32 engines near noise sensitive areas.
- 33 f. **Equipment Location.** Locate all stationary noise-generating construction  
34 equipment, such as air compressors and portable power generators, as far as  
35 is practical from existing noise sensitive land uses.
- 36 g. **Quiet Equipment Selection.** Select quiet construction equipment whenever  
37 possible.
- 38 h. **Notification.** Notify residents near the proposed Project site and within at  
39 least a one mile radius of the Project site of the construction schedule in  
40 writing (in both English and Spanish, and other languages if necessary) via  
41 brochures, mailings, community meetings, and a project website.
- 42 i. **Portable Generators.** Avoid the use of portable generators if electricity can  
43 be obtained from the local power grid.
- 44 j. **Noise Complaints.** Assign a construction liaison to respond to noise  
45 complaints. Post contact information at the construction site in public  
46 notices, and on a project website.
- 47 k. **Pile Driving Hours.** Restrict pile driving to the hours between 9 AM and 5  
48 PM, Monday through Friday, and from 10 AM to 4 PM on Saturdays.

1. A Construction Noise Monitoring and Management Plan for the SCIG facility will be required prior to the commencement of any construction activity. The plan should evaluate each piece of construction equipment and the need for administrative and engineering noise control for each type of construction equipment. A noise monitoring plan should be prepared to document construction noise levels during the process.

**MM NOI-3:** Prior to the start of construction, BNSF shall first construct a permanent 24-foot high sound barrier as an extension to the existing 24-ft high sound barrier along the westerly right-of-way of the Terminal Island Freeway north of Sepulveda Blvd, as shown in Figure 3.9-6. The barrier would close the present gap between the existing barrier and a warehouse to the south, removing line-of-sight from the Project site to receiver R1 (the residence at 2789 Webster) and receiver R30 (Stephens Middle School). The final height and location of the soundwall shall be verified by an acoustical consultant as part of the final engineering design of the soundwall Right-of-way acquisition necessary for the soundwall shall be the responsibility of BNSF.

With implementation of **MM NOI-1**, **MM NOI-2**, and **MM NOI-3**, construction equipment noise and daytime operations noise generated by the proposed Project would be reduced to the point that impacts would be less than significant after mitigation. However, nighttime operations noise with mitigation would remain significant and unavoidable when “high activity” operations (haul trucks, yard tractors, container loading and unloading, train building, and servicing activities) coincide with extremely low nighttime ambient noise levels. Full implementation of **MM NOI-1**, **MM NOI-2**, and **MM NOI-3** would reduce the construction noise levels to comply with the Long Beach Noise Ordinance standard and CEQA increase thresholds. Tables 3.9-27 and 3.9-28 of the RDEIR list the reduced construction and operational noise, respectively, with 12-ft and 24-ft permanent soundwalls in place. Specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation measures.

### **Rationale for Finding**

Changes or alterations have been required in or incorporated into the Project in the form of mitigation measures **MM NOI-1** through **MM NOI-3** which would reduce noise impacts, but nighttime exterior operations noise would remain significant and unavoidable. No further feasible mitigation is available to reduce this impact to less than significant. For additional details please see RDEIR Chapter 3.9, including revisions in the FEIR Chapter 3 “Modifications to the DEIR and RDEIR”, and FEIR Response to Comment R89-66.

## **4.3 Findings Regarding Significant Environmental Impacts Found to Be Less Than Significant After Mitigation**

The following Findings pertain to significant environmental impacts of the Project for which mitigation measures have been identified in the FEIR which will avoid or substantially lessen the significant environmental effects to below a level of significance.

### 4.3.1 Air Quality and Meteorology

As discussed in Section 3.2 of the RDEIR, there would be one significant impact to Air Quality and Meteorology that would be mitigated to less than significant as a result of mitigation measures incorporated into the Project.

#### **Impact AQ-7: The Project would expose receptors to significant levels of TACs.**

Following the “Air Toxics Hot Spots Program Risk Assessment Guidelines” developed by the Office of Environmental Health Hazard Evaluation (OEHHA) within the CAL/EPA (OEHHA, 2003) and risk assessment guidance developed by the SCAQMD, POLA developed a Health Risk Assessment (“HRA”) Protocol (POLA, 2008) for the SCIG Project spanning 2013-2082, Consistent with the HRA protocol, human health risks associated with the emissions of TACs from the Project were estimated. Following risk assessment guidance for CEQA, health risks for both the Project-related emissions as well as the emissions from baseline conditions in 2010 were estimated and the difference was reported as the incremental health risks associated with the Project.

The CEQA Guidelines state that the baseline for environmental analysis is normally "the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published" (CEQA Guidelines §15125a). As explained in Section 3.2.2.3 of the RDEIR, the LAHD has determined that the time of the notice of preparation (2005) does not represent existing conditions. The significance of Air Quality impacts under CEQA are evaluated in comparison with a 2010 baseline.

Neither CEQA case law nor the CEQA Guidelines mandate a uniform, inflexible rule for determination of the existing conditions baseline. Rather, a lead agency has the discretion to decide exactly how existing physical conditions without the project can most realistically be measured. For instance, environmental conditions can vary from year to year and in some cases it may be necessary to consider conditions over a range of time periods. The *Sunnyvale West Neighborhood Association v. City of Sunnyvale* (2010) 190 Cal. App. 4th 1351, 1382-1383 (*Sunnyvale West*) case, and subsequent decisions, *Pfeiffer v. City of Sunnyvale City Council*, 200 Cal.App.4th 1522, 1537 ( and *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority*, petition for review granted by California Supreme Court, Case Number S202828, (*Neighbors for Smart Rail*), make clear that CEQA review which includes comparison to the static CEQA baseline may also include discussions of foreseeable changes and expected future conditions, where such an analysis is helpful to an intelligent understanding of the project's environmental impacts.

The Project's Cancer Risk impacts would differ if compared to the CEQA 2010 existing conditions baseline versus if compared against expected future conditions surrounding the Project (the “floating baseline”). Therefore, to fully apprise the public and decision makers of the Project's environmental impacts, this document compares the Project's health risk impacts against both the CEQA 2010 existing conditions baseline and the floating or future baseline. The floating baseline used for analysis of the Project's health risk impacts incorporate the effects of reduced emissions that would result from planned future air quality regulations, but assumes that activities of existing businesses remain at baseline levels. The HRA is presented in comparison against the floating baseline, and feasible mitigation measures and/or project conditions are considered to address impacts.

1 The period 2013-2082 is the 70-year exposure period with the greatest combined DPM  
2 emissions from the Project construction and operation. In addition, the HRA evaluated  
3 the cancer impact of project emissions to workers based on average emissions calculated  
4 over a 40-year period (years 2013 to 2052) and evaluated the cancer impact to students  
5 based on peak annual emissions for an exposure duration of six years. The HRA was used  
6 to evaluate potential health impacts to the public from TACs generated by the  
7 construction and operation of the Project. Methodologies as specified in the *Air Toxics*  
8 *Hot Spots Program Risk Assessment Guidelines* were used to perform health risk  
9 calculations based on output from the AERMOD dispersion model (OEHHA, 2003). The  
10 residential cancer risk estimates are based on an 80th percentile breathing rate, which has  
11 been identified by OEHHA and the CARB as providing health-protective estimates of  
12 exposure and risk for residential receptors (CARB, 2003). The complete HRA report is  
13 included in Appendix C3 of the RDEIR.

14 The HRA evaluated three principal health effect endpoints: individual lifetime cancer  
15 risk, chronic non-cancer effects, and acute non-cancer effects. For the determination of  
16 significance under CEQA, the HRA determined the incremental change in health effect  
17 endpoints due to the Project by estimating the net change in impacts between the  
18 proposed Project and floating baseline conditions.

19 As quantified in Table 3.2-33 in the RDEIR, the floating or future cancer risk increments  
20 at the locations of the maximum exposed individual (MEI) exceed the significance  
21 thresholds for residential, occupational, sensitive, and recreational receptors.

## 22 Finding

23 The Board hereby finds that changes or alterations have been required in, or incorporated  
24 into the project that avoid or substantially lessen the significant environmental effect  
25 identified in the FEIR. Implementation of mitigation measures **MM AQ-1** and **MM AQ-**  
26 **2** would reduce the impacts from the proposed Project by reducing emissions from  
27 construction equipment operating at the Port pursuant to LAHD Construction Guidelines.  
28 In addition, **MM AQ-8** on low-emission drayage trucks, **MM AQ-9** on periodic review  
29 of new technologies, and **MM AQ-10** on substitution of new technologies would also  
30 reduce Project health risk impacts. Additionally, two project conditions, **PC AQ-11** and  
31 **PC AQ-12**, though not required as CEQA mitigations, are considered. All mitigations  
32 and project conditions are described in detail below.

### 33 **MM AQ-1: Fleet Modernization for Construction Equipment.**

- 34 • Tier Specifications:

35 From January 1, 2012 to December 31, 2014: All off-road diesel-powered construction  
36 equipment greater than 50 hp, except marine vessels and harbor craft, will meet Tier-3  
37 off-road emission standards at a minimum. In addition, all construction equipment greater  
38 than 50 hp will be retrofitted with a CARB-verified Level 3 DECS. Any emissions  
39 control device used by the contractor shall achieve emissions reductions that are no less  
40 than what could be achieved by a Level 3 diesel emissions control strategy for a similarly  
41 sized engine as defined by CARB regulations.

42 From January 1, 2015 on: All off-road diesel-powered construction equipment greater  
43 than 50 hp, except marine vessels and harbor craft, will meet Tier-4 off-road emission  
44 standards at a minimum. Any emissions control device used by the contractor shall  
45 achieve emissions reductions that are no less than what could be achieved by a Level 3

1 diesel emissions control strategy for a similarly sized engine as defined by CARB  
2 regulations.

3 As per the Sustainable Construction Guidelines for CEQA project mitigation,  
4 construction equipment was modeled according the following fleet mix:

- 5 • In 2012 to 2014: 50% Tier 3 Level 3, 20% Tier 2 Level 3, 10% Tier 1 Level 3, 10%  
6 Tier 2 Level 2, and 10% Tier 1 Level 2.
- 7 • In 2015: 50% Tier 4, Tier 3 Level 3, 20% Tier 3 Level 3, 10% Tier 1 Level 3, 10%  
8 Tier 2 Level 2, and 10% Tier 1 Level 2.

9 A copy of each unit's certified tier specification, BACT documentation, and CARB or  
10 SCAQMD operating permit shall be provided at the time of mobilization of each  
11 applicable unit of equipment. The above "Tier Specifications" measures shall be met,  
12 unless one of the following circumstances exists, and the contractor is able to show that  
13 any of these circumstances exists:

- 14 • A piece of specialized equipment as specified in (a) and (b) above is unavailable  
15 within 200 miles of the Port of Los Angeles, including through a leasing agreement.  
16 If this circumstance exists, the equipment must comply with one of the options  
17 contained in the Step Down Schedule as shown in Table A of the guidelines  
18 document. (LAHD, 2009) At no time shall equipment meet less than a Tier 1 engine  
19 standard with a CARB-verified Level 2 DECS.
- 20 • The availability of construction equipment shall be reassessed on an annual basis. For  
21 example, if a piece of equipment is not available in 2013, the contractor shall reassess  
22 this availability on January 1, 2014.
- 23 • Construction equipment shall incorporate, where feasible emissions-savings  
24 technology such as hybrid drives and specific fuel economy standards. This  
25 mitigation measure was not quantified in the mitigated construction emissions.
- 26 • Idling shall be restricted to a maximum of 5 minutes when not in use. This  
27 mitigation measure was not quantified in the mitigated construction emissions.

#### 28 **MM AQ-2: Fleet Modernization for On-Road Trucks.**

29 Trucks used in construction will be required to comply with EPA Standards as described  
30 below:

- 31 • For On-road trucks with a gross vehicle weight rating (GVWR) of at least 19,500  
32 pounds: Comply with USEPA 2010 on-road emission standards for PM10 and NOx  
33 (0.01 grams per brake horsepower-hour (g/bhp-hr) and 0.2 g/bhp-hr or better,  
34 respectively).
- 35 • A copy of each unit's certified EPA rating and each unit's CARB or SCAQMD  
36 operating permit, will be provided at the time of mobilization of each applicable unit  
37 of equipment.
- 38 • Trucks hauling material such as debris or any fill material will be fully covered while  
39 operating off Port property. This mitigation measure was not quantified in the  
40 mitigated construction emissions.
- 41 • Idling will be restricted to a maximum of 5 minutes when not in use. This mitigation  
42 measure was not quantified in the mitigated construction emissions.

43

**MM AQ-8: Low-Emission Drayage Trucks.**

This measure would require drayage trucks calling on the SCIG facility to meet an emission reduction in diesel particulate matter emissions (DPM) of 95% by mass relative to the federal 2007 on-road heavy-duty diesel engine emission standard (“low-emission” trucks). Any technology meeting the emissions standard of a 95% reduction in DPM emissions relative to the MY2007 on-road truck standard is applicable in this mitigation measure. The phase-in schedule for low-emission drayage trucks is shown in detailed in Table 3.2-34 of the RDEIR.

BNSF will be required to specify in their drayage contracts that all drayage trucks calling on the SCIG facility shall use dedicated truck routes and GPS devices and shall meet the requirements specified above and will incorporate the fleet mix into the operations by the end of the specified years through the term of the lease. BNSF will be required to install Radio-Frequency Identification (RFID) readers to control access at the gate to the SCIG facility. Truck logs and throughput volume will be provided to the LAHD Environmental Management Division for tracking and reporting.

These trucks were modeled as liquefied natural gas (LNG) diesel pilot ignition heavy-duty drayage trucks in the mitigated Project HRA. In the event that throughput volume at the SCIG facility increases beyond the levels that were analyzed for any specific future year, the LAHD will evaluate the impacts of the increased throughput and determine if the phase-in schedule must be accelerated beyond that shown in Table 3.2-34 of the RDEIR.

**MM AQ-9: Periodic Review of New Technology and Regulations.**

The Port shall require BNSF to review, in terms of feasibility, any Port-identified or other new emissions-reduction technology, and report to the Port. Such technology feasibility reviews shall take place at the time of the Port’s consideration of any lease amendment or facility modification for the Project site. If the technology is determined by the Port to be feasible in terms of cost, technical and operational feasibility, BNSF shall work with the Port to implement such technology.

Potential technologies that may further reduce emission and/or result in cost-savings benefits for BNSF may be identified through future work on the CAAP. Over the course of the lease, BNSF and the Port shall work together to identify potential new technology. Such technology shall be studied for feasibility, in terms of cost, technical and operational feasibility.

As partial consideration for the Port agreement to issue the permit to BNSF, BNSF shall implement not less frequently than once every five (5) years following the effective date of the permit, new air quality technological advancements, subject to mutual agreement on operational feasibility and cost sharing, which shall not be unreasonably withheld. The effectiveness of this measure depends on the advancement of new technologies and the outcome of future feasibility or pilot studies.

**MM AQ-10: Substitution of New Technology.**

If any kind of technology becomes available and is shown to be as good or as better in terms of emissions reduction performance than an existing measure, the technology could replace the existing measure pending approval by the Port. The technology’s emissions reductions must be verifiable through USEPA, CARB, or other reputable certification and/or demonstration studies to the Port’s satisfaction.

**PC AQ-11: Zero Emission Technologies Demonstration Program.**

This project condition would require BNSF to work with the Port of Los Angeles to advance zero emission technologies, consistent with the Port's 2012-2017 Strategic Plan objective for the advancement of technology and sustainability, as follows:

- Provide match funding to the Clean Air Action Plan Technology Advancement Program (TAP) zero emissions programs in an amount equal to that provided by the Port of Los Angeles up to a maximum of \$3 million for purposes of zero emission drayage truck, cargo handling equipment, and proof-of-concept rail technologies demonstration.
- Agree to an expeditious phase in of zero emission drayage trucks and other zero emission technologies into the specification for vehicles serving SCIG operations following a determination of technical and commercial feasibility made by the Ports of Los Angeles and Long Beach Boards of Harbor Commissions consistent with criteria developed by the TAP Advisory Committee (TAP AC) in consultation with the project applicant and approved by the Ports of Los Angeles and Long Beach Boards of Harbor Commissions. In making any finding of technical and commercial feasibility, the Ports shall determine that such equipment or technology:
  - is commercially practicable;
  - has been successfully tested in similar conditions;
  - has been operationally proven in similar revenue service; and
  - is available in sufficient quantities to meet any such requirement

The phase-in shall:

- Occur at a rate recommended by the TAP AC consistent with the feasibility criteria;
- Be approved by the Ports of Los Angeles and Long Beach Board of Harbor Commissions consistent with the feasibility criteria; and
- Lead to the requirement that only zero emission drayage trucks would operate at the SCIG facility.

**Long-term goal:** All drayage trucks operating at the SCIG facility shall be 100% zero emissions by the end of 2020.

- Participate in a zero emissions technologies industry stakeholder group that would assist in the development of technical and commercial criteria for determination of feasibility of zero emission equipment, and advise and support demonstrations of zero emission drayage truck, cargo handling equipment, and proof of concept rail technologies in port-related operations as coordinated and directed by staff of the two ports through the TAP.
- Such demonstrations shall be performed using an appropriate railyard identified by the TAP until such time that SCIG is built, and thereafter BNSF shall allow zero emission technologies tested under the TAP zero emissions program to operate using the SCIG facility once it is constructed. BNSF shall allow TAP representatives access into portions of the SCIG facility where the zero emission equipment is being tested for the purpose of test evaluation, all subject to reasonable notice, compliance with the BNSF safety and operational rules, and without interference with facility operation.

- 1 • Criteria for evaluation of the results of all demonstrations shall be developed by the  
2 TAP AC in consultation with the project applicant regarding any equipment to be  
3 serving the SCIG facility and submitted for approval to the Ports of Los Angeles and  
4 Long Beach Board of Harbor Commissions. Such criteria shall include, but not be  
5 limited to: technical practicability, commercial reasonableness, operationally proven,  
6 and commercial availability. Evaluation of the results of demonstration testing shall  
7 be performed by the TAP in conjunction with the applicant. Recommendations  
8 regarding the technical and commercial feasibility of these vehicles shall be  
9 presented by the TAP to the Ports of Los Angeles and Long Beach Board of Harbor  
10 Commissions for approval.

11 **Near-term goal:** The TAP will develop an action plan by 2014 that outlines key  
12 strategies for the advancement of zero emission drayage trucks, including all  
13 criteria for evaluation of technical, commercial and operational feasibility, and  
14 identification of an appropriate railyard to support zero emission drayage truck  
15 demonstration projects starting in 2015.

16 **Near-term and long-term goal:** Starting in 2015, the TAP shall conduct  
17 periodic evaluations of zero emission truck demonstrations on a reoccurring basis  
18 at least every two years until such time that the Ports of Los Angeles and Long  
19 Beach Board of Harbor Commissioners determine that the vehicles are  
20 technically and commercially feasible. The results of the regular evaluations  
21 shall be documented, including the analysis and conclusions as verified by the  
22 TAP, and shall be presented to the Ports of Los Angeles and Long Beach Board  
23 of Harbor Commissioners.

#### 24 **PC AQ-12: San Pedro Bay Ports CAAP Measure RL-3.**

25 CAAP measure RL-3 establishes the goal that the Class 1 locomotive fleet associated  
26 with new and redeveloped near-dock rail yards use 15-minute idle restrictors, use ULSD  
27 or alternative fuels, and meet a minimum performance requirement of an emissions  
28 equivalent of at least 50 percent Tier 4 line-haul locomotives and 40% Tier 3 line-haul  
29 locomotives when operating on port properties by 2023. In March of 2008, USEPA  
30 finalized a regulation which established a 2015 date for introduction of Tier 4  
31 locomotives. There is no regulatory mechanism in place that would mandate the early  
32 production or sale of Tier 4 locomotives prior to 2015. Additionally there is no  
33 requirement to turn fleets over to Tier 4, when it becomes available. Implementation of  
34 the RL-3 goal for the locomotives calling at SCIG while on port properties would be  
35 based on the commercial availability of operationally proven Tier 4 locomotives in 2015  
36 and any adjustment in that date will require equivalent adjustment in the goal  
37 achievement date. The RL-3 emissions goal for locomotives calling on SCIG while on  
38 port properties may also be achieved by BSNF's reduction in air emissions anywhere in  
39 the South Coast Air Basin equivalent to the RL-3 goal for locomotives calling at SCIG  
40 while on port properties through any other alternative means. RL-3 further establishes  
41 the goal that, by the end of 2015, all Class 1 switcher locomotives operating on port  
42 property will meet USEPA Tier 4 non-road standards. In September 2009, CARB  
43 adopted its "Staff Recommendations to Provide Further Locomotive and Rail yard  
44 Emission Reductions" (CARB, 2009d) which identified several high priority strategies  
45 for reducing emissions from locomotive operations in California, including providing  
46 support for the ports "to accelerate the turnover of cleaner Tier 4 line-haul locomotives  
47 serving port properties as expeditiously as possible following their introduction in 2015,  
48 with the goal of 95 percent Tier 4 line-haul locomotives serving the ports by 2020."  
49 Thus, with the assistance of the ports' regulatory agency partners and in concert with

1 CARB's stated goals, measure RL3 will support the achievement of accelerating the  
2 natural turnover of the line-haul locomotive fleet.

### 3 **Rationale for Finding**

4 Mitigation measures **MM AQ-1**, **MM AQ-2**, and **MM AQ-8** were quantified and  
5 included in the mitigated construction emissions. As a result, the floating increment MEI  
6 risks are below the significance threshold for all categories of receptors, as shown in  
7 Table 3.2.35 of the RDEIR. The residual impacts would be less than significant. In  
8 addition, the implementation of **MM AQ-9**, **MM AQ-10**, **PC AQ-11**, and **PC AQ-12**  
9 would also contribute to the advancement of LAHD's environmental goals and  
10 objectives.

11 Emissions will largely come from on-road trucks, and locomotives. As part of the  
12 RDEIR, mitigation was developed aiming at reducing these emissions through requiring a  
13 phase-in of low-emission trucks meeting a 95% reduction in diesel PM emissions beyond  
14 those of the EPA 2007 on-road emission standards for heavy-duty trucks (**MM AQ-8**),  
15 and mitigation measures for construction (**MM AQ-1** through **MM AQ-6**). These  
16 mitigation measures were found to reduce the health risk impacts to less than significant.

## 17 **4.3.2 Biological Resources**

18 As discussed in Section 3.3 of the DEIR, there would be one significant impact to the  
19 Biological Resources that would be mitigated to less than significant levels as a result of  
20 mitigation measures incorporated into the Project. The impacts and mitigation measures  
21 are discussed below.

22 **Impact BIO-1a: Construction activities of the proposed Project**  
23 **would result in the loss of individuals of, or have a substantial**  
24 **adverse effect, either directly or through habitat modifications, on**  
25 **any federally listed critical habitat or species identified as a**  
26 **candidate, sensitive, or special status species in local or regional**  
27 **plans, policies, or regulations, or by the CDFG or USFWS.**

28 Designated critical habitat, sensitive terrestrial mammal species, sensitive aquatic wildlife  
29 species, and sensitive plants are not known or not likely to occur in the Biological Survey  
30 Area (BSA). However, three California wildlife species of special concern (double-  
31 crested cormorant, California brown pelican, and California gull) are known or likely to  
32 occur on the BSA during general wildlife surveys. These species could perch and may  
33 forage onsite, but the BSA does not contain suitable nesting habitat any for the sensitive  
34 species. Accordingly, clearing, grading, and construction would not result in loss of  
35 habitat for those species. They could be affected by the noise from pile driving, but they  
36 are also habituated to human activity, so that general construction noise, which would be  
37 added to the ambient industrial and traffic background, would not have a substantial  
38 adverse effect on those species. There is a potential for sensitive bat species to utilize the  
39 Dominguez Channel within the BSA as feeding habitat and to roost in palms west of the  
40 Terminal Island Freeway or in the Pacific Coast Highway Bridge and Dominguez  
41 Channel Bridge. Loss of trees and modifications to bridges could remove potential bat  
42 roosting habitat. Any fish or mammals that did come into the area would be expected to  
43 swim away from the immediate vicinity of construction activities, including pile-driving,  
44 before sustaining injury.

1 Construction could also affect wildlife species not considered candidate, sensitive, or  
2 special status, through loss of habitat and behavioral modifications in response to noise,  
3 physical disruption, and turbidity. Marine organisms living on the rip-rap and on the  
4 channel bottom in the immediate vicinity of construction in the Dominguez Channel  
5 would experience mortality and impaired function during construction, and mobile  
6 organisms such as fish and birds would be displaced by the effects of construction such  
7 as noise and turbidity. These effects would be temporary, lasting only during the few  
8 months of bridge construction. The restoration of pre-construction conditions would  
9 allow the recovery of the biological community through recolonization of the attached  
10 organisms and return of mobile organisms. Recolonization would begin immediately  
11 after construction is completed and could take one to five years for full recolonization.

12 Terrestrial wildlife within the BSA is sparse and accustomed to human activities,  
13 including noise, and as a result, the effects would not be substantial. Pile-driving noise  
14 would be temporary, and wildlife would be expected to move away from the area in  
15 which pile driving occurred. Loss of nesting habitat for local birds would be offset by the  
16 creation of new habitat in the form of the intensive landscaping as a Project Condition  
17 (PC AES-1) along the eastern side of the Project site.

18 No sensitive species of fish or other aquatic organisms are present in the BSA.  
19 Accordingly, sediment resuspension, turbidity, and noise resulting from construction of  
20 the proposed Project would have no impact on sensitive aquatic species. Effects on non-  
21 sensitive species would be less than significant because the Dominguez Channel does not  
22 represent a rich habitat and the effects would be temporary.

23 No sensitive plant species are expected to occur in the BSA; accordingly, construction  
24 would have no impact on sensitive or listed plant species. No suitable nesting habitat is  
25 present on the BSA for any of the bird species of special concern. Accordingly, no  
26 sensitive bird species would be adversely affected by project construction, and  
27 construction impacts on sensitive bird species would be less than significant. The  
28 potential for tree removal and bridge replacement to disturb roosting habitat for sensitive  
29 bat species represents a significant impact requiring mitigation.

30 Vegetation and tree removal would significantly affect other species of nesting birds, if  
31 present. Although in the long term the loss of nesting habitat would be more than offset  
32 by the creation of intensive landscaping as a Project Condition (PC AES-1), disturbance  
33 of active nests would violate the MBTA and result in a significant impact requiring  
34 mitigation.

35 Habitat loss, noise, and physical disruption resulting from Project construction would  
36 have less than significant impacts on terrestrial animals other than migratory birds  
37 because the poor habitat represented by the project site means that there are likely to be  
38 few native organisms present that would be disturbed. Impacts of construction on aquatic  
39 wildlife would be temporary and less than significant.

## 40 Finding

41 The Board hereby finds that changes or alterations have been required in, or incorporated  
42 into the project that avoid or substantially lessen the significant environmental effect  
43 identified in the FEIR. Mitigation measures **MM BIO-1a** and **MM BIO-1b** addressing  
44 disturbance of active nests to birds and roosting habitat for sensitive bats are discussed  
45 below.

1 **MM BIO-1a:** Should tree or vegetation removal, or bridge replacement and renovation,  
2 within the BSA occur during the breeding season for migratory non-game native bird  
3 species (generally March 1 – September 1, but as early as February 15 and as late as  
4 September 15 for raptors), weekly bird surveys shall be conducted to detect any protected  
5 native birds in the vegetation to be removed and other suitable nesting habitat within 300  
6 feet of the construction work area (500 feet for raptors). The surveys shall be conducted  
7 30 days prior to the disturbance of suitable nesting habitat by a qualified biologist with  
8 experience in conducting nesting bird surveys. The surveys shall continue on a weekly  
9 basis with the last survey being conducted no more than 3 days prior to the initiation of  
10 clearance/construction work. If a protected native bird is found, the Operator shall delay  
11 all clearance/construction disturbance activities within 300 feet of nesting habitat (within  
12 500 feet for raptor nesting habitat) until August 31 or continue surveys in order to locate  
13 any nests. If an active nest is located, clearing and construction within 300 feet of the  
14 nest (within 500 feet for raptor nests) will be postponed until the nest is vacated and  
15 juveniles have fledged and when there is no evidence of a second attempt at nesting.  
16 Limits of construction to avoid a nest shall be established in the field with flagging and  
17 stakes or construction fencing. Construction personnel will be instructed on the  
18 sensitivity of the area. The results of this measure shall be recorded to document  
19 compliance with applicable State and Federal laws pertaining to the protection of native  
20 birds.

21 **MM BIO-1b:** The following activities shall be required with regard to bat roosting  
22 habitat:

- 23 • Prior to construction, a qualified biologist shall conduct three focused bat surveys  
24 between March and November to conclude presence/absence of roosting bats within  
25 Pacific Coast Highway Bridge and Dominguez Channel Bridge. A pre-construction  
26 survey for roosting bats shall be performed within 30 days prior to removal of palms  
27 within the BSA. If no active roosts are found, then no further action will be  
28 warranted. If either a maternity roost or hibernaculum (structures used by bats for  
29 hibernation) is present, the measures below will be implemented to avoid and reduce  
30 impacts to roosting bats;
- 31 • Prior to the anticipated bat roosting season (March to November) exclusionary  
32 devices will be installed. Installation of these devices will be completed prior to  
33 February 1 (beginning of bird breeding season) and will remain until construction is  
34 completed. A pre-clearance survey will be conducted at least one day prior to  
35 installing exclusionary devices to determine if bats are present. Exclusionary devices  
36 installed will include plastic sheeting, plastic or wire mesh, expanding foam, or  
37 plywood sheets. A pre-construction survey will also be completed at least one week  
38 prior to construction to verify exclusionary devices are successful and no bats are  
39 present. If bats are detected, an agency-approved bat biologist will be consulted to  
40 discuss additional measures to exclude bats.
- 41 • If active maternity roosts or hibernacula are found in trees or structures to be  
42 removed or renovated as part of project construction, the project should be  
43 redesigned to avoid the loss of the occupied roost if it is possible to do so. If an active  
44 maternity roost is located and the project cannot be redesigned to avoid removal of  
45 the occupied palm or structure, demolition should commence before maternity  
46 colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after July  
47 31). Disturbance-free buffer zones as determined by a qualified biologist in  
48 consultation with CDFG should be observed during the maternity roost season  
49 (March 1 – July 31).

- 1 • If a non-breeding bat hibernaculum is found in a structure scheduled for removal, the  
2 individuals should be safely evicted, under the direction of a qualified biologist (as  
3 determined by a Memorandum of Understanding that would be negotiated with  
4 CDFG), by opening the roosting area to allow airflow through the cavity. Demolition  
5 will take place at least one night after initial disturbance for airflow. This action  
6 should allow bats to leave during darkness, thus increasing their chance of finding  
7 new roosts with a minimum of potential predation during daylight. Structures with  
8 roosts that need to be removed will first be disturbed at dusk, just prior to removal  
9 that same evening, to allow bats to escape during the darker hours.
- 10 • During the duration of bridge construction, alternative bat habitat (e.g., large bat  
11 houses) suitable for these species will be provided and installed prior to the roosting  
12 season (March to November), in coordination with a qualified biologist, CDFG, and  
13 the Port. The design of the alternative bat habitat will be approved by a wildlife  
14 biologist familiar with bat roosting requirements. The acceptance of artificial roosts  
15 appears to have a higher success rate if the artificial habitat is treated with guano.  
16 Guano shall be collected immediately after the bats have vacated the roost in order to  
17 maximize the collection of guano. Upon construction of artificial habitat features or  
18 artificial structures, they will be treated with an application of guano slurry to  
19 maximize their potential for use by bats returning to roost in the bridge.
- 20 • Use of the bat alternative habitat will be monitored by a bat specialist every 2 weeks.  
21 During the known annual monitoring period (approximately March to November) a  
22 determination will be made on the bats' use of the alternative habitat, which species  
23 are present, and the duration of use. If no bats are found to use the alternative habitat  
24 by April 30, surveys in the vicinity of the previously occupied bridge will be  
25 conducted to determine if bats have relocated to establish another roosting location.  
26 A bat specialist will be consulted to determine the limits of this survey area. If no  
27 bats are found within the area, it will be assumed they have relocated to an area  
28 outside of the vicinity of the bridge or palms, and no additional mitigation shall be  
29 required.
- 30 • Bridge design will incorporate suitable bat habitat. The bridge design will include  
31 roughened concrete and will incorporate appropriately sized (0.75 to 1.25 inches  
32 wide, at least 12 inches deep) longitudinal crevices.
- 33 • A post-construction survey conducted during the bat roosting season (March to  
34 November) will be required to ensure success of the new bat habitat within the  
35 restored bridge.

### 36 **Rationale for Finding**

37 Changes or alterations have been required in or incorporated into the project in the form  
38 of mitigation measures. With implementation of **MM BIO-1a** and **MM BIO-1b**, impacts  
39 to nesting birds and roosting bats would be less than significant.

## 40 **4.3.3 Cultural Resources**

41 As discussed in Section 3.4 of the DEIR, there would be two significant impacts to  
42 Cultural Resources that would be mitigated to less than significant as a result of  
43 mitigation measures incorporated into the Project. The impacts and mitigation measures  
44 are discussed below.

1           **Impact CR-1: Construction and operation of the proposed Project**  
2           **would potentially disturb, damage, or degrade unknown**  
3           **archaeological or ethnographic resources, and thus cause a**  
4           **substantial adverse change in the significance of such resources as**  
5           **defined in §15064.5.**

6           Although no archaeological sites were discovered during the field surveys, no evidence  
7           of prehistoric or historic archaeological material was identified, no known archaeological  
8           sites are recorded within the Project area, and the site has undergone extensive  
9           development in the past, including earthmoving and fill placement, the Project area  
10          possesses the potential to contain buried archaeological and ethnographic resources.

11          There are no known recorded burial sites within the Project area. However, other  
12          excavations in the vicinity of the proposed Project have uncovered intact prehistoric  
13          human burials, just west of the current Project area. Accordingly, the Project area has the  
14          potential to contain buried unknown archaeological resources and human remains.

15          Construction of the proposed Project could disturb, damage, or degrade intact resources  
16          and result in significant impacts to previously unidentified archaeological resources that  
17          may be eligible for the California Register of Historic Resources (CRHR). Buried  
18          resources that were not identified during field surveys could be inadvertently unearthed  
19          during ground-disturbing activities that could result in demolition of or substantial  
20          damage to significant archeological or ethnographic resources, thus creating a significant  
21          impact. As there is potential for the presence of unknown archeological resources and  
22          human remains, construction of the proposed Project would have a significant impact.

23          Project operations would have no effect on archeological or ethnographic resources  
24          because no further ground disturbances with the potential to encroach on unknown  
25          resources would occur. Therefore, operation of the proposed Project would have no  
26          impact on archaeological or ethnographic resources.

27          **Finding**

28          The Board hereby finds that changes or alterations have been required in, or incorporated  
29          into the project that avoid or substantially lessen the significant environmental effect  
30          identified in the FEIR. Mitigation measure **MM CR-1** addressing disturbance of  
31          unknown buried or otherwise obscured archaeological or ethnographic resources is  
32          discussed below.

33          **MM CR-1:** An archaeological monitor shall be present during all initial grading and  
34          excavation activities at the proposed Project site. In the event any cultural resources are  
35          encountered during earthmoving activities, the construction contractor shall cease activity  
36          in the affected area until the discovery can be evaluated by a qualified archaeologist in  
37          accordance with the provisions of CEQA §15064.5. The archaeologist shall complete any  
38          requirements for the mitigation of adverse effects on any resources determined to be  
39          significant and implement appropriate treatment measures. The treatment plan may  
40          include methods for: (1) subsurface testing after demolition of existing buildings, (2) data  
41          recovery of archaeological or ethnographic deposits, and (3) post-construction  
42          documentation. A detailed historic context that clearly demonstrates the themes under  
43          which any identified subsurface deposits would be determined significant would be  
44          included in the treatment plan, as well as anticipated artifact types, artifact analysis,  
45          report writing, repatriation of human remains and associated grave goods, and curation.

1 A preconstruction information and safety meeting should be held to make construction  
2 personnel aware of archaeological monitoring procedures and the types of archaeological  
3 resources that might be encountered. All construction equipment operators shall attend a  
4 pre-construction meeting presented by a professional archaeologist retained by LAHD  
5 that shall review types of cultural resources and artifacts that would be considered  
6 potentially significant, to ensure operator recognition of these materials during  
7 construction.

8 Human Remains: Prior to beginning construction, applicable Native American groups  
9 (e.g., the Gabrieliño-Tongva Tribal Council) will be consulted regarding proposed  
10 ground-disturbing activities and offered an opportunity to monitor the construction along  
11 with the project archeologist. If human remains are encountered, there shall be no further  
12 excavation or disturbance of the site within 100 feet of the find or any nearby area  
13 reasonably suspected to overlie adjacent human remains. The Los Angeles County  
14 Coroner shall be contacted to determine the age and cause of death of the deceased. If the  
15 remains are not of Native American heritage, construction in the area may recommence  
16 after authorized by the coroner.

17 If the remains are determined to be Native American, state laws relating to the disposition  
18 of Native American burials that fall within the jurisdiction of the NAHC (PRC §5097)  
19 will be implemented by the appropriate parties, which includes contacting the NAHC to  
20 determine the most likely living descendant(s) and identifying a mutually acceptable  
21 strategy for treating and disposing of, with appropriate dignity, the human remains and  
22 any associated grave goods as provided in PRC§5097.98.

23 If the NAHC is unable to identify a most likely descendant, the descendant fails to make  
24 a recommendation within 24 hours of being notified by the NAHC and LAHD and the  
25 descendant are not capable of reaching a mutually acceptable strategy through mediation  
26 by the NAHC, the Native American human remains and associated grave goods shall be  
27 reburied with appropriate dignity on the proposed Project site in a location not subject to  
28 further subsurface disturbance.

### 29 **Rationale for Finding**

30 Field surveys and research were conducted as part of the EIR to determine whether any  
31 archaeological resources exist on the project site. As discussed above, while no  
32 archaeological sites were discovered, no evidence of prehistoric or historic archaeological  
33 materials was identified, and the site has undergone extensive development, there is a  
34 potential that the project site possesses unknown buried archaeological and ethnographic  
35 resources.

36 To alleviate any potential impact to archaeological or ethnographic resources, MM CR-1  
37 is incorporated. MM CR-1 requires, among other things, that an archaeological monitor  
38 be present during initial grading and excavation, and that, if cultural resources are  
39 discovered, that the construction contractor cease all activity in the area until the  
40 discovery can be evaluated by a qualified archaeologist in accordance with the provisions  
41 of CEQA § 15064.5. MM CR-1 also requires consultation with Native American groups  
42 prior to beginning of construction, and additionally specifies how to deal with human  
43 remains, should they be encountered during construction.

44 Therefore, the changes or alterations have been required in or incorporated into the  
45 project in the form of mitigation, specifically MM CR-1, would reduce residual impacts  
46 to less than significant.

1                   **Impact CR-3: Construction of the proposed Project would potentially**  
2                   **disturb, destroy, or eliminate access to unknown unique**  
3                   **paleontological resources.**

4                   The proposed Project would involve ground disturbing activities, including shallow  
5                   excavations for utilities and subgrade preparation. Surficial deposits in the Project area  
6                   consist of younger Quaternary alluvium, probably derived from the Dominguez Channel  
7                   to the west, as well as artificial fill, all of which have been disturbed by past  
8                   development. These soils typically do not contain fossils, but they are underlain at a  
9                   relatively shallow depth by older Quaternary alluvium from which fossils have been  
10                  recovered to the west across Dominguez Channel. No paleontological resources have  
11                  been identified within the Project area, which is largely overlain by artificial fill.  
12                  However, the results of the literature review, as well as the geological setting,  
13                  demonstrate that the Project area has the potential to contain significant nonrenewable  
14                  fossil resources.

15                 Implementation of the proposed Project would have a significant impact on previously  
16                 unidentified paleontological resources because of the potential for permanent loss of or  
17                 loss of access to a paleontological resource of regional or statewide significance. Grading  
18                 and excavation associated with Project construction activities would potentially expose  
19                 subsurface paleontological resources. Any vertebrate fossils exposed by grading without  
20                 appropriate professional, systematic recovery would be destroyed, and their ability to be  
21                 preserved for future study would be lost. Accordingly, construction of the proposed  
22                 Project would have a significant impact on paleontological resources. Operation of the  
23                 proposed Project would have no impact on paleontological resources because it would  
24                 not involve ground-disturbing activities.

25                 Because of the Project area's potential to contain buried paleontological resources, a  
26                 paleontological monitoring program should be implemented during all initial grading and  
27                 excavation activities.

28                 **Finding**

29                 The Board hereby finds that changes or alterations have been required in, or incorporated  
30                 into the project that avoid or substantially lessen the significant environmental effect  
31                 identified in the FEIR. The following mitigation measure is provided in the event that  
32                 paleontological resources are encountered during construction. Specific economic, legal,  
33                 social, technological, or other considerations make infeasible any additional mitigation  
34                 measures.

35                 **MM CR-4:** Paleontological monitoring of ground disturbing activities shall be conducted  
36                 by a qualified paleontologist. Ground disturbing activities include, but are not limited to,  
37                 boring, trenching, grading, and excavating. A preconstruction information and safety  
38                 meeting will be required to make construction personnel aware of paleontological  
39                 monitoring procedures and paleontological sensitivity.

40                 In the event that paleontological resources are encountered, the contractor shall stop  
41                 construction within 10 meters (30 feet) of the exposure. A qualified paleontologist will  
42                 evaluate the significance of the resource. Additional monitoring recommendations may  
43                 be made at that time. If the resource is found to be significant, the paleontologist shall  
44                 systematically remove and stabilize the specimen in anticipation of its preservation.  
45                 Curation of the specimen shall be in a qualified research facility, such as the Los Angeles  
46                 County Natural History Museum.

## Rationale for Finding

As discussed above, the proposed Project would have a significant impact, before mitigation, on previously unidentified paleontological resources because of the potential for permanent loss or loss of access to a paleontological resource of regional or statewide significance. The Project includes grading and excavation activities that could potentially expose subsurface paleontological resources. Without the incorporation of a paleontological monitoring program, any vertebrate fossils exposed by grading without professional, systematic recovery would be destroyed.

The Project incorporates a paleontological monitoring program, to be implemented during all initial grading and excavation activities. MM CR-4, as discussed above, explains the specific attributes of the program.

Because project construction would be shallow, except for foundation pilings, and because the surficial deposits in the area consists of younger alluvium, no paleontological resources have been identified in the Project area, and the Project site contains previously disturbed artificial fill, MM CR-4 is sufficient to reduce impacts to paleontological resources to a less than significant level.

Changes or alterations have been required in or incorporated into the project in the form of mitigation. Implementation of MM CR-4 would reduce impacts to paleontological resources that may be encountered during project construction to less than significant levels.

### 4.3.4 Utilities and Public Services

As discussed in Section 3.11 of the DEIR, there would be one significant impact to Utilities and Public Services that would be reduced to less than significant by implementing the mitigation measures set forth below.

#### **Impact PS-6: The proposed Project would not result in an increase in solid waste generation that would exceed the capacity of existing solid waste handling and disposal facilities.**

Construction and demolition associated with the proposed Project would generate debris in the form of concrete, asphalt, structural members, and other building components, some of which would require disposal in a landfill. For the proposed facility, LEED requirements would be implemented which include construction waste management and materials reuse requirements.

During operations the proposed Project is estimated to generate solid waste at a rate of 8.93 lbs/employee/day, according to the Los Angeles CEQA Thresholds Guide (City of Los Angeles, 2006) for a typical industrial facility, which is approximately 1,340 tons/day of non-hazardous waste that would require transportation to the Sunshine County Landfill. Given the regional landfill capacity projections, solid waste generated from Project operations after closure of the Sunshine Canyon Landfill (2030 and after) would represent a significant impact to landfill capacity. It is possible that circumstances will change in the future, for example, the permitting of additional landfill capacity, the utilization of more distant landfill capacity, and/or the City's achievement of Zero-Waste solutions. However, for purposes of this analysis, it is assumed that the generation of waste will continue and that additional landfill capacity will not become available.

1 Solid waste generated by construction activities would be minimized by compliance with  
2 AB939 regulations and LEED requirements to recycle asphalt, concrete, and soil, thus  
3 impacts to landfill facilities associated with demolition activities would be less than  
4 significant.

5 In the case that hazardous materials are encountered during construction activities,  
6 contaminated soil treatment and disposal options and Class I landfills are available for  
7 offsite disposal; impacts would be short-term and temporary and would last only for the  
8 duration of construction phases. The proposed Project would be required to comply with  
9 all existing hazardous waste laws and regulations, including the federal RCRA and  
10 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA),  
11 and CCR Title 22 and Title 26. Therefore, impacts to Class I solid waste facilities from  
12 hazardous construction waste would be less than significant.

13 Solid waste generation from operation of the proposed Project is not expected to be  
14 substantial, as the proposed Project's primary activity would be handling shipping  
15 containers, and minimal administrative facilities would be required to support the  
16 proposed operations. Operations would continue through 2046, however, and once the  
17 currently-operating regional landfills close (assumed to be in 2030), solid waste from the  
18 proposed Project, including the alternate business site activities, would exceed landfill  
19 capacity. If more landfill capacity becomes available or waste generation goes to zero,  
20 there would be no impact. This analysis, however, assumes that waste generation will  
21 continue and additional landfill capacity would not become available. Accordingly, solid  
22 waste from the proposed Project would represent a significant impact on solid waste  
23 facilities that would require mitigation.

## 24 Finding

25 The Board hereby finds that changes or alterations have been required in, or incorporated  
26 into the project that avoid or substantially lessen the significant environmental effect  
27 identified in the FEIR. Mitigation measures **MM PS-1**, **MM PS-2**, and **MM PS-3** would  
28 be imposed on the proposed Project to minimize the impacts of construction-related  
29 debris in the short term and of operational-phase solid wastes in the future.

30 **MM PS-1: Recycling of Construction Materials.** Demolition and/or excess  
31 construction materials shall be separated onsite for reuse/recycling or proper disposal.  
32 During grading and construction, separate bins for recycling of construction materials  
33 shall be provided onsite.

34 **MM PS-2: Materials with Recycled Content.** Materials with recycled content shall be  
35 used in Project construction where feasible. Chippers onsite during construction shall be  
36 used to further reduce excess wood for landscaping cover.

37 **MM PS-3:** To ensure adequate long-term solid waste management, the proposed Project  
38 will be required to comply with policies and standards set forth in the City's Solid Waste  
39 Integrated Resources Plan (SWIRP) following 2025.

## 40 Rationale for Finding

41 Mitigation measures would be imposed on the proposed Project to minimize the impacts  
42 of construction-related debris in the short term and of operational-phase solid wastes in  
43 the future. Mitigation Measure **MM PS-1** would be implemented not to mitigate a  
44 significant environmental impact but rather to promote the appropriate recycling of solid  
45 wastes that would be generated during proposed Project construction. Mitigation measure

1 **MM PS-2** is provided not to mitigate an identified environmental impact, but rather to  
2 support development of recycled material markets, to the extent feasible. Mitigation  
3 measure **MM PS-3** would mitigate potential impacts to solid waste capacity from Project  
4 operation after the anticipated closure of landfills, because the City's Solid Waste  
5 Integrated Resources Plan will set policy regarding landfill capacity, waste generation,  
6 and waste stream diversion. Operational impacts to solid waste capacity would be less  
7 than significant through approximately 2030, when existing landfills are projected to  
8 close. In the long-term, mitigation measure **MM PS-3** would reduce solid waste  
9 generation, thereby ensuring long-term adequate solid waste management for the  
10 proposed Project starting from 2025. Accordingly, long-term impacts to solid waste  
11 disposal would be less than significant after mitigation.

### 12 **4.3.5 Water Resources**

13 As discussed in Section 3.12 of the DEIR, there would be one significant impact to Water  
14 Resources that would be reduced to less than significant levels as a result of a mitigation  
15 measure incorporated into the Project. The impact and mitigation measure are discussed  
16 below.

#### 17 **Impact WR-1a: Construction activities could create discharges that** 18 **would cause pollution, contamination, or a nuisance as defined in §** 19 **13050 of the CWC or cause regulatory water quality standards to be** 20 **violated.**

21 The potential exists for contaminants to enter the storm drains at the Project site through  
22 the following land-based construction activities:

- 23 • Some of the soils could require environmental remediation prior to or during the  
24 earthwork phase of construction if contamination is discovered. Contaminated soil  
25 could enter storm drains during storm events unless control measures (construction  
26 best management practices) are implemented.
- 27 • Demolition and construction activities would require the use of dust suppression  
28 methods (i.e., wet methods) to limit the volume of airborne particulates generated  
29 during these activities. Runoff from the spraying of soil and construction materials  
30 with water could enter storm drains during storm events unless control measures are  
31 implemented.
- 32 • Demolition activities may involve disturbance of building materials that contain  
33 asbestos and or lead. These contaminants could enter the storm drains during storm  
34 events unless control measures are implemented.
- 35 • Demolition and/or construction activities could involve spills or releases from  
36 associated equipment (e.g., spills during refueling and maintenance activities, oil  
37 leaks of from equipment). These contaminants could enter storm drains during storm  
38 events unless control measures are implemented.

39 Erosion controls would be used during construction to reduce the amount of soils  
40 disturbed and to prevent runoff from entering the storm drain system through practices  
41 that are tailored to site-specific conditions. A SWPPP would be required prior to the start  
42 of construction activities to specify the logistics to minimize erosion and runoff.  
43 Standard BMPs, such as soil barriers, sedimentation basins, site contouring, and others  
44 listed in Table 3.12-3 of the DEIR would be used during construction activities to  
45 minimize loss of site soils to the storm drain system. Also, concrete truck wash water and

1 runoff of any water that has come in contact with wet cement would be contained on site,  
2 via barriers, so that it does not run off site.

3 Reconstruction of the Dominguez Channel Railroad Bridge could result in impacts such  
4 as short-term increases in suspended sediments and turbidity levels, decreases in DO  
5 concentrations, increases in nutrient concentrations, and increases in dissolved and  
6 particulate contaminant concentrations in areas where contaminated sediments would be  
7 disturbed by demolition and construction activities. These changes to water quality would  
8 be temporary and expected to be confined to the immediate vicinity (e.g., within 300 feet)  
9 of in-water construction activities (USACE and LAHD, 2009).

10 Certification and permits required from the USACE, RWQCB, CDFG, and Los Angeles  
11 County (MS4) would include water quality standards that must be met at various  
12 distances from the in-water activities and would specify Best Management Practices  
13 (BMPs) to be employed during construction

14 Based on the history for similar type of work in the port area, accidental leaks and spills  
15 of large volumes of hazardous materials or wastes containing metals and PAHs  
16 contaminants during construction activities have a very low probability of occurring  
17 because large volumes of these materials typically are not used or stored at construction  
18 sites. Construction and industrial SWPPPs and standard Port BMPs (e.g., use of drip  
19 pans, contained refueling areas, regular inspections of equipment and vehicles, and  
20 immediate repairs of leaks) would reduce the potential for materials from construction  
21 activities to enter storm drains.

22 The potential for encountering groundwater requiring extraction and disposal during  
23 onshore construction of the proposed Project is uncertain. If dewatering is deemed  
24 necessary, the dewatering effluent would be tested to determine specific contaminant  
25 levels in order to select the appropriate disposal options.

## 26 Finding

27 The Board hereby finds that changes or alterations have been required in, or incorporated  
28 into the project that avoid or substantially lessen the significant environmental effect  
29 identified in the FEIR. Mitigation measure **MM WR-1** would reduce the risk of  
30 discharges and spills of silt, debris, and contaminants reaching the waters of the  
31 Dominguez Channel by imposing controls and restrictions on construction activities.

32 **MM WR-1:** The following measures shall be implemented during the reconstruction of  
33 the Dominguez Channel Railroad Bridge:

- 34 • No construction materials, equipment, debris, or waste shall be placed or stored  
35 where it may be subject to erosion or could flow into the channel. Construction  
36 materials shall not be stored in contact with the soil.
- 37 • Floating booms shall be used to assist in containing debris discharged into  
38 Dominguez Channel, and any debris discharged shall be removed as soon as possible  
39 but no later than the end of each day.
- 40 • A silt curtain shall be utilized to assist in controlling turbidity during reconstruction  
41 of the Dominguez Channel Bridge. The Port of Los Angeles shall limit, to the  
42 greatest extent possible the suspension of benthic sediments into the water column.
- 43 • Reasonable and prudent measures shall be taken to prevent all discharge of fuel or  
44 oily waste from heavy machinery or construction equipment or power tools into the  
45 Dominguez Channel. Such measures include deployed oil booms and a silt curtain  
46 around the proposed construction zone at all times to minimize the spread of any

1 accidental fuel spills, turbid construction-related water discharge, and debris. Other  
2 measures include training construction workers on emergency spill notification  
3 procedures, proper storage of fuels and lubricants, and provisions for on-site spill  
4 response kits.

### 5 **Rationale for Finding**

6 Construction activities associated with the landside features of the proposed Project have  
7 the potential to adversely affect the quality of stormwater runoff. However, the proposed  
8 Project would implement a SWPPP incorporating BMPs, such as sediment basins or traps  
9 and fabric filter fences or straw bale barriers, to control runoff of eroded soils and  
10 pollutants, and drip pans, containment, and other measures to control leaks and spills.  
11 The SWPPP would also incorporate monitoring requirements as outlined in the updated  
12 GCASP, intended to minimize potential impacts and verify BMP effectiveness. These  
13 measures, combined with the low potential for erosion, would limit the soil and  
14 contaminant loading to storm drain outlets. Therefore runoff from landside construction  
15 activities would not create pollution, contamination, a nuisance, or violate any water  
16 quality standards, and impacts on water quality would be less than significant.

17 Construction activities in and adjacent to the Dominguez Channel could result in  
18 discharges or spills of silt, debris, and contaminants to the water. The BMPs required by  
19 the federal, state, and local permits and implemented through the SWPPP would reduce  
20 the risk and magnitude of those discharges. The risk of discharges that would cause  
21 pollution, contamination, or a nuisance, as defined in Section 13050, would be further  
22 reduced with the implementation of **MM WR-1**. **MM WR-1**, as discussed in detail  
23 above, includes measures designed to reduce the risk of discharges of spills of silt, debris,  
24 and contaminants reaching the waters of the Dominguez Channel by imposing controls  
25 and restrictions on construction activities. The incorporation of this mitigation measure,  
26 and the specific preventative measures it includes, will mitigate the impacts to water  
27 quality to a less than significant level.

## 28 **4.4 Cumulative Impacts**

29 State CEQA Guidelines § 15130 requires an EIR to discuss cumulative impacts of a  
30 project when the project's incremental effect is cumulatively considerable. Cumulative  
31 impacts include "two or more individual effects which, when considered together, are  
32 considerable or which compound or increase other environmental impacts" (State CEQA  
33 Guidelines, § 15355). When the combined cumulative impact associated with the  
34 project's incremental effect and the effects of other projects is not significant, the EIR  
35 shall briefly indicate why the cumulative impact is not significant and is not discussed in  
36 further detail in the EIR. If the cumulative impact is significant, the EIR shall determine  
37 whether the contribution of the project to that cumulative impact is cumulatively  
38 considerable. If it is, reasonable feasible mitigation shall be required to reduce or avoid  
39 the project's contribution to the significant cumulative impact. (CEQA Guidelines  
40 Section 15130(b)(5).)

41 As required by CEQA Guidelines Section 15130(b)(1)(A), the cumulative analysis for the  
42 proposed Project considered past, present and reasonably foreseeable future projects  
43 located within the general vicinity of the Project that could contribute to cumulative  
44 impacts. The discussion below identifies significant cumulative impacts to which the  
45 project's contribution is cumulatively considerable, that can either be mitigated to a less  
46 than significant level, or that cannot be mitigated to a less than significant level and  
47 therefore represent significant unavoidable impacts. As required by CEQA Guidelines §

1 15130(b), the EIR’s discussion of cumulative impacts reflects the severity of the impacts  
2 and their likelihood of occurrence, but not at the level of detail provided for the effects  
3 attributable to the project alone. Criteria for which the proposed Project was found to  
4 have No Impact (see Chapter 3) are not considered in this cumulative analysis because  
5 they could not contribute to a cumulative impact. These are: AES-3, BIO-2, BIO-3,  
6 GEO-5, GEO-7, RISK-6, NOI-5, NOI-13, TRANS-6, TRANS-7, and TRANS-8. In  
7 addition, sleep awakening and speech interference were not evaluated for cumulative  
8 impacts because these were determined to be speculative (NOI-4, NOI-8, NOI-9, NOI-12  
9 and NOI-13).

10 All feasible mitigation measures to reduce or avoid the cumulatively considerable  
11 contribution of the proposed Project to these significant cumulative impacts have been  
12 required, or incorporated into, the proposed Project.

## 13 4.4.1 Aesthetics and Visual Resources

### 14 **Cumulative Impact AES-1: The proposal would cause a cumulatively** 15 **substantial degradation of the existing visual character or quality of** 16 **the site and its surroundings – Cumulatively Considerable and** 17 **Unavoidable**

18 **Cumulative Impact AES-1** represents the potential for the proposed Project and related  
19 cumulative projects to result in significant cumulative visual impacts in the cumulative  
20 study area through the degradation of the existing visual character or quality of the site  
21 and its surroundings.

22 The visual changes that would be brought about by the proposed Project would take place  
23 in a landscape dominated by heavy and light industrial uses and transportation features.  
24 Past projects, both public and private, have largely eliminated natural features in the  
25 general area and have resulted in a viewshed dominated by man-made industrial features.  
26 The flat topography of the area limits views, but in general views are dominated by  
27 industrial and infrastructure features such as warehouses, refineries and storage tanks,  
28 stacks of containers, electrical transmission lines, and roads. Existing views in the Project  
29 area are considered to be of low sensitivity (Section 3.1.2.3 of RDEIR), the surrounding  
30 area is not considered a scenic vista for residents in the vicinity, and there are no official  
31 scenic vistas or scenic resources in the vicinity (Section 3.1.4.3 of RDEIR). The  
32 nighttime viewshed is characterized by numerous lights from industrial and transportation  
33 facilities, especially the refinery to the west of the Project site, the Praxair facility to the  
34 south, and the Union Pacific Intermodal Container Transfer Facility (ICTF) to the north.

35 Present and reasonably foreseeable future projects in the area consist mostly of projects  
36 that seek to improve infrastructure (several rail and highway projects), improve cargo  
37 operations, intensify industrial development, or add housing stock and commercial  
38 facilities. These projects are consistent with the existing visual character, and although  
39 some likely have localized impacts, such as nighttime glare or minor view blockages, the  
40 overall visual character of the Project area remains, and will remain, essentially the same.  
41 Accordingly, the effect of the cumulative projects will continue to be an intensification of  
42 the view, resulting in more buildings and development, including some new open space.  
43 This change represents a significant cumulative impact.

44 As described under Impact AES-1, the proposed Project would not cause any adverse  
45 changes in the existing visual character or quality of the site, with the exception of the

1 Sepulveda Boulevard railroad bridge. The proposed Project would be consistent with the  
2 character of the surrounding existing features of the landscape. The tallest elements of the  
3 proposed Project, the stacking cranes, would be largely blocked from the view of nearby  
4 non-industrial uses by existing structures and by the intensive landscaping and sound  
5 walls that would be added as project elements and mitigation. The cranes would, in any  
6 case, be generally consistent with other features of the area such as power line towers,  
7 refinery facilities, and the nearby ICTF.

8 Demolition of the existing Sepulveda Bridge, a historical resource, would result in a  
9 substantial change in a local view, and is a significant impact of the proposed Project.  
10 The collective effect of the past and future projects, combined with the proposed Project,  
11 would be to alter views of the general area as a result of the overall increase in the  
12 number of structures and the demolition of a historical resource. The proposed Project's  
13 contribution to that intensification would result in a cumulatively considerable  
14 contribution to a significant cumulative impact.

### 15 **Finding**

16 The Board hereby finds that changes or alterations have been required in, or incorporated  
17 into, the proposed Project that avoid or substantially lessen the significant environmental  
18 effect identified in the FEIR. Mitigation measures **MM CR-2** and **MM CR-3** would  
19 ensure that historic elements of the existing railroad bridge would be maintained to the  
20 greatest extent feasible, and therefore would reduce adverse visual effects to the historical  
21 resource. However, the impact would remain significant and unavoidable due to the need  
22 to demolish and replace the bridge, as the existing bridge cannot accommodate three  
23 tracks. Specific economic, legal, social, technological, or other considerations make  
24 infeasible any additional mitigation measures.

### 25 **Rationale for Finding**

26 Changes or alterations have been required in or incorporated into the project in the form  
27 of mitigation measures **MM CR-2** and **MM CR-3** which would ensure that historic  
28 elements of the existing railroad bridge would be maintained to the greatest extent  
29 feasible. However, the proposed Project requires demolition and replacement of the  
30 bridge, thereby eliminating its historical materials and integrity and contributing to a  
31 significant cumulative impact. The bridge replacement is necessary because the existing  
32 bridge cannot accommodate three tracks. Therefore, the proposed Project's contribution  
33 to the significant cumulative impact would remain cumulatively considerable.

## 34 **4.4.2 Air Quality, Meteorology, and Greenhouse** 35 **Gases**

36 **Cumulative Impact AQ-1: Construction would produce a**  
37 **cumulatively considerable increase of a criteria pollutant for which**  
38 **the region is in nonattainment under a national or state ambient air**  
39 **quality standard – Cumulatively Considerable and Unavoidable**

40 **Cumulative Impact AQ-1** assesses the potential for proposed Project construction along  
41 with other cumulative projects to produce a cumulatively significant increase in criteria  
42 pollutant emissions for which the project region is in nonattainment under a national or

1 state ambient air quality standard or for which the SCAQMD has set a daily emission  
2 threshold.

3 As described in Section 3.2.2.2 of the RDEIR, air quality within the SCAB has generally  
4 improved since the inception of air pollutant monitoring in 1976. This improvement is  
5 mainly due to lower-polluting on-road motor vehicles, more stringent regulation of  
6 industrial sources, and the implementation of emission reduction strategies by the  
7 SCAQMD. This trend towards cleaner air has occurred in spite of continued population  
8 growth.

9 In the time period between 2013 and 2015, several large construction projects will occur  
10 at the two ports and in the surrounding areas that will overlap in time, and a number of  
11 smaller commercial and residential projects are or will be under construction as well. The  
12 construction impacts of the related projects would be cumulatively significant if their  
13 combined emissions would exceed the SCAQMD daily emission thresholds for  
14 construction. Because this would certainly be the case for all analyzed criteria pollutants  
15 and precursors (VOCs, CO, NO<sub>x</sub>, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>), the proposed Project, including  
16 the related projects, would result in a significant cumulative air quality impact.

17 Emissions from proposed Project construction would exceed SCAQMD significance  
18 criteria for VOCs, CO, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>; accordingly, there would be increases in  
19 criteria pollutants for which the region is in non-attainment (PM<sub>10</sub> and PM<sub>2.5</sub>). These  
20 emissions, when combined with emissions from the other concurrent construction  
21 projects, would make a cumulatively considerable contribution to a significant  
22 cumulative impact for PM<sub>10</sub> and PM<sub>2.5</sub> emissions. Mitigation measures **MM AQ-1**  
23 through **MM AQ-6**, which would apply controls to construction equipment and practices,  
24 would be implemented during construction of the proposed Project. After mitigation,  
25 construction emissions would remain above SCAQMD thresholds for at least one of the  
26 construction years (Tables 3.2-15 and 3.2-16 of RDEIR).

## 27 **Finding**

28 The Board hereby finds that changes or alterations have been required in, or incorporated  
29 into, the project that avoid or substantially lessen the significant environmental effect  
30 identified in the FEIR. Mitigation measures **MM AQ-1 through MM AQ-6** would help  
31 reduce construction emissions, however would not reduce impacts below significance.  
32 Specific economic, legal, social, technological, or other considerations make infeasible  
33 any additional mitigation measures.

## 34 **Rationale for Finding**

35 Changes or alterations have been required in or incorporated into the project in the form  
36 of mitigation measures mitigation measures **MM AQ-1 through MM AQ-6** which  
37 would help reduce construction emissions. However, the proposed Project's  
38 contribution to the significant cumulative impact would remain cumulatively  
39 considerable.

40 **Cumulative Impact AQ-2: The construction of the proposed Project**  
41 **would result in offsite ambient air pollutant concentrations that**  
42 **exceed a SCAQMD threshold of significance – Cumulatively**  
43 **Considerable and Unavoidable**

1 **Cumulative Impact AQ-2** assesses the potential for proposed Project construction along  
2 with other cumulative projects to produce ambient pollutant concentrations that exceed  
3 an ambient air quality standard or substantially contribute to an existing or projected air  
4 quality standard violation.

5 The past, present, and reasonably foreseeable future projects would result in significant  
6 cumulative impacts if their combined effects, during construction, would cause ambient  
7 pollutant concentrations to exceed the SCAQMD thresholds. Although there is no way to  
8 be certain if a cumulative exceedance of the thresholds would happen for any pollutant  
9 without performing dispersion modeling of the other projects, previous experience with  
10 large projects in the SCAB indicates that cumulative air quality impacts would be likely  
11 to exceed the thresholds for NO<sub>x</sub>, could exceed the thresholds for PM<sub>10</sub> and PM<sub>2.5</sub>, and  
12 would be unlikely to exceed the thresholds for CO. Consequently, construction of the  
13 past, present, and reasonably foreseeable future projects, including the proposed Project,  
14 would result in significant cumulative air quality impacts related to exceedances of the  
15 significance thresholds for NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>.

16 As described under Impact AQ-2 of the RDEIR, construction of the proposed Project  
17 would exceed the SCAQMD thresholds for 1-hour and annual NO<sub>2</sub>, 24-hour and annual  
18 PM<sub>10</sub>, and 24-hour PM<sub>2.5</sub>. These exceedances would constitute a cumulatively  
19 considerable contribution to a cumulative air quality impact.

## 20 **Finding**

21 The Board hereby finds that changes or alterations have been required in, or incorporated  
22 into, the project that avoid or substantially lessen the significant environmental effect  
23 identified in the FEIR. Mitigation measures **MM AQ-1 through MM AQ-3** have been  
24 applied to the Project to reduce construction emissions. With mitigation, impacts from  
25 proposed Project construction would exceed 1 hour and annual NO<sub>2</sub> and 24-hour and  
26 annual PM<sub>10</sub> threshold and would therefore contribute to a cumulatively considerable and  
27 unavoidable significant impact when combined with other related projects. Specific  
28 economic, legal, social, technological, or other considerations make infeasible any  
29 additional mitigation measures.

## 30 **Rationale for Finding**

31 Changes or alterations have been required in or incorporated into the project in the form  
32 of mitigation measures **MM AQ-1 through MM AQ-3**, which would apply controls to  
33 construction equipment and practices. After mitigation, the 1-hour and annual NO<sub>2</sub> and  
34 24-hour and annual PM<sub>10</sub> increments would still exceed the SCAQMD ambient  
35 thresholds (Tables 3.2-21 and 3.2-22 of the RDEIR). Therefore, the proposed Project  
36 after mitigation would make a cumulatively considerable and unavoidable contribution to  
37 a significant cumulative impact.

## 38 **Cumulative Impact AQ-3: The operation of the proposed Project 39 would not result in operational emissions that exceeding 10 tons per 40 year of VOCs and SCAQMD thresholds of significance –Cumulatively 41 Considerable and Unavoidable**

42 **Cumulative Impact AQ-3** assesses the potential for proposed Project operation along  
43 with other cumulative projects to produce a cumulatively significant increase in criteria  
44 pollutant emissions for which the project region is in nonattainment under a national or

1 state ambient air quality standard or for which the SCAQMD has set a daily emission  
2 threshold.

3 The past, present, and reasonably foreseeable future projects would have a significant  
4 cumulative impact if their combined operational emissions would exceed the SCAQMD  
5 daily emission thresholds for operations. Because this almost certainly would be the case  
6 for all analyzed criteria pollutants (except, as described in Section 3.2.4.3 of the RDEIR,  
7 for the proposed Project), the past, present, and reasonably foreseeable future projects  
8 would result in a significant cumulative air quality impact.

### 9 **Finding**

10 As described in Section 3.2.4.3 of the RDEIR, peak daily operational emissions from the  
11 proposed Project would decrease relative to baseline emissions for VOCs, NO<sub>x</sub>, SO<sub>x</sub>,  
12 PM<sub>10</sub>, and PM<sub>2.5</sub> during all project analysis years. Therefore, emissions from operation of  
13 the proposed Project would not make a cumulatively considerable contribution to an  
14 existing significant cumulative impact for VOCs, NO<sub>x</sub>, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions.  
15 CO emissions from the Project would increase relative to baseline emissions, although  
16 these emissions are less than the CEQA significance thresholds. Therefore emissions  
17 from operation of the proposed Project would make a cumulatively considerable  
18 contribution to an existing significant cumulative impact for CO when combined with  
19 other related projects.

20 The Board hereby finds that changes or alterations have been required in, or incorporated  
21 into, the project that avoid or substantially lessen the significant environmental effect  
22 identified in the FEIR. All feasible mitigation measures **MM AQ-7** and **MM AQ-8** for  
23 operational emissions associated with the proposed Project have been applied. Specific  
24 economic, legal, social, technological, or other considerations make infeasible any  
25 additional mitigation measures.

### 26 **Rationale for Finding**

27 All feasible mitigation measures for operational emissions associated with the proposed  
28 Project have been applied as described in Section 3.2 of the RDEIR. No reasonable  
29 mitigation measures could be considered for operational emissions associated with  
30 displaced businesses as it is not known where these businesses would relocate in the  
31 South Coast Air Basin and what discretionary actions would be required under CEQA for  
32 the relocation of the displaced businesses.

### 33 **Cumulative Impact AQ-4: The operation of the proposed Project** 34 **would produce emissions that, with related projects, result in offsite** 35 **ambient air pollutant concentrations that would exceed a SCAQMD** 36 **threshold of significance – Cumulatively Considerable and** 37 **Unavoidable**

38 **Cumulative Impact AQ-4** assesses the potential for proposed Project operation along  
39 with other cumulative projects to produce ambient concentrations that exceed an ambient  
40 air quality standard or substantially contribute to an existing or projected air quality  
41 standard violation.

42 The past, present, and reasonably foreseeable future projects would result in significant  
43 cumulative impacts if their combined ambient concentration levels during operations  
44 would exceed the SCAQMD ambient concentration thresholds for operations. Although

1 there is no way to be certain if a cumulative exceedance of the thresholds would happen  
2 for any pollutant without performing dispersion modeling of the other projects, previous  
3 experience indicates that cumulative air quality impacts would be likely to exceed the  
4 thresholds for NO<sub>x</sub>, could exceed the thresholds for PM<sub>10</sub> and PM<sub>2.5</sub>, and would be  
5 unlikely to exceed the thresholds for CO. Consequently, operation of the past, present,  
6 and reasonably foreseeable future projects, including the proposed Project, would result  
7 in a significant cumulative air quality impact related to exceedances of the significance  
8 thresholds for NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>.

9 As described under Impact AQ-4, operation of the proposed Project would cause  
10 exceedances of the SCAQMD thresholds for 1-hour and annual NO<sub>2</sub>, 24-hour and annual  
11 PM<sub>10</sub>, and 24-hour PM<sub>2.5</sub>. It would also cause exceedances of the NAAQS for 1-hour  
12 NO<sub>2</sub>. Therefore, the Project would result in a cumulatively considerable contribution to a  
13 significant cumulative impact.

## 14 Finding

15 The Board hereby finds that changes or alterations have been required in, or incorporated  
16 into, the project that avoid or substantially lessen the significant environmental effect  
17 identified in the FEIR. Mitigation measure **MM AQ-7** would be applied to the proposed  
18 Project to help reduce operational emissions. However, NO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>  
19 concentrations would still exceed ambient thresholds under CEQA. Specific economic,  
20 legal, social, technological, or other considerations make infeasible any additional  
21 mitigation measures.

## 22 Rationale for Finding

23 Changes or alterations have been required in or incorporated into the project in the form  
24 of mitigation measure **MM AQ-7** (on-site sweeping) which would be implemented  
25 during operation of the proposed Project. Even with this mitigation, 1-hour and annual  
26 NO<sub>2</sub>, 24-hour and annual PM<sub>10</sub>, and 24-hour PM<sub>2.5</sub> would remain above the SCAQMD  
27 thresholds (Tables 3.2-30 and 3.2-31 of the RDEIR). Therefore, the proposed Project  
28 after mitigation would make a cumulatively considerable and unavoidable contribution to  
29 a significant cumulative impact under CEQA.

## 30 Cumulative Impact AQ-7: The Project operation would contribute to 31 exposing receptors to significant levels of toxic air contaminants – 32 Cumulatively Considerable and Unavoidable

33 **Cumulative Impact AQ-7** assesses the potential of the proposed Project construction  
34 and operation along with other cumulative projects to produce TACs that exceed  
35 acceptable public health criteria.

36 The main sources of TACs from proposed Project operations are DPM emissions  
37 (considered by CARB and OEHHA as representative of diesel exhaust) from SCIG  
38 offsite and onsite trucks, locomotives, and CHE and onsite trucks associated with the  
39 businesses on the alternate locations. As described in Table 3.2-33 of the RDEIR,  
40 emissions of TACs from operation of the proposed Project would increase cancer risks  
41 from baseline levels by between 2 and 27 in a million, depending on the receptor  
42 (residential, occupational, sensitive, student, and recreational) and the receptor location.  
43 The significance threshold is an increase of 10 in a million, meaning that the proposed  
44 Project's impacts would be significant. Emissions of TACs would increase chronic and  
45 acute noncancer effects, modeled to have a chronic HI between 0.16 and 0.69 and an

1 acute HI of 0.27 and 0.79, compared to baseline levels. These increases would all be well  
2 below the 1.0 hazard index significance criterion at all receptors near the Project site.

### 3 **Finding**

4 The Board hereby finds that changes or alterations have been required in, or incorporated  
5 into, the project that avoid or substantially lessen the significant environmental effect  
6 identified in the FEIR. Mitigation measures **MM AQ-1** and **MM AQ-2** applied in  
7 Impact AQ-1 would reduce the impacts from the Project by reducing emissions from  
8 construction equipment operating at the Port. In addition to the construction mitigation  
9 measures, **MM AQ-8** (use of low-emission drayage trucks; see Section 3.2.4.3), **MM**  
10 **AQ-9** (periodic review of new technologies and regulations), and **MM AQ-10**  
11 (substitution of new technologies) would be implemented during operation of the  
12 proposed Project. With these mitigation measures, cancer risks from operation TACs  
13 emissions would be below the significance threshold. Although all feasible mitigation  
14 measures are applied as described above, the proposed Project after mitigation would  
15 make a cumulatively considerable contribution to a significant cumulative impact.  
16 Specific economic, legal, social, technological, or other considerations make infeasible  
17 any additional mitigation measures.

### 18 **Rationale for Finding**

19 The Ports have approved port-wide air pollution control measures through the CAAP.  
20 Implementation of these measures will reduce the health risk impacts from the proposed  
21 Project and past, present, and reasonably foreseeable future projects at the Ports.  
22 Currently adopted regulations and future rules proposed by CARB and USEPA will  
23 further reduce air emissions and associated cumulative health impacts from area  
24 industrial facilities heavy-duty trucks traveling along local streets, and past, present, and  
25 reasonably foreseeable future projects not subject to the CAAP. However, because future  
26 proposed measures have not yet implemented CAAP measures, mitigation imposed  
27 through CEQA, or upcoming rules and regulations, they have not yet contributed to  
28 reductions in health risk. Therefore, it is unknown at this time how and when these future  
29 related projects would reduce cumulative health risk impacts within the Port area, and the  
30 cancer risk due to TAC emissions within the region must be considered a significant  
31 cumulative impact.

32 The San Pedro Bay Ports Baywide Health Risk Assessment (BWHRA) projects  
33 reductions in residential cancer health risk from port-related DPM emissions as a result of  
34 the implementation of the CAAP and the various DPM emission reduction measures  
35 within the CAAP. The proposed Project incorporates a number of environmental features  
36 that are consistent with the CAAP and BWHRA goals, including HDV-1 and HDV-2,  
37 CHE-1, and RL-2. Given these environmental features and the projected reductions in  
38 cancer and noncancer health risk, TAC emissions from the proposed Project would still  
39 result in a cumulatively considerable contribution to a significant cumulative health  
40 impact. Furthermore, it is expected that the Project would incorporate, as conditions of  
41 approval at the discretion of the Board of Harbor Commissioners, a zero-emission  
42 technology demonstration program (**PC AQ-11**) and CAAP measure RL-3 (**PC AQ-12**),  
43 in addition to the mitigation measures discussed above. These discretionary project  
44 conditions would provide additional public health benefits beyond what was analyzed in  
45 the EIR.

### 4.4.3 Biological Resources

**Cumulative Impact BIO-1: The construction and operation of the Project would potentially result in the loss of individuals of, or have a substantial adverse effect, either directly or through habitat modifications, on federally listed critical habitat or species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS – Less than Cumulatively Considerable after Mitigation**

**Cumulative Impact BIO-1** assesses the potential for the proposed Project and related projects to result in significant cumulative impacts in the cumulative study area through the loss of individuals of, or have a substantial adverse effect, either directly or through habitat modifications, on federally listed critical habitat or species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS.

Native birds are protected during their nesting season under the Migratory Bird Treaty Act (MBTA). Three sensitive bird species are known to occur on or near the Project site, and three sensitive bat species have a low potential to occur. The past, present, and reasonably foreseeable future projects, including the proposed Project, have the potential to have adverse effects on these sensitive species. Construction of many of the port projects, including the proposed Project, would have temporary, minor impacts on foraging by the three sensitive bird species, which are marine birds; on nesting native birds; and on roosting and foraging by some or all of the three bat species. However, environmental analyses, detailed in Section 4.2.3.2 of the RDEIR, have concluded that the impacts would be temporary and less than significant. Construction of the inland projects would not affect the three sensitive bird species, but could disturb or remove nesting habitat for native birds and roosting and foraging habitat for bats by removal of trees and modification of bridges. These adverse effects on sensitive species constitute significant cumulative impacts.

#### Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the FEIR. Mitigation measure **MM BIO-1a** would be implemented to minimize adverse effects of Project construction on native birds protected by the MBTA and to minimize the potential for loss of bat roosting habitat.

#### Rationale for Finding

Changes or alterations have been required in or incorporated into the project in the form of mitigation measure **MM BIO-1a**. This mitigation would reduce impacts of the proposed Project to less than significant. Given the small likelihood of substantial impacts attributable to the proposed Project, the Project's contribution to cumulative impacts on sensitive species is not cumulatively considerable after mitigation.

## 4.4.4 Cultural Resources

### **Cumulative Impact CR-1: The Project would substantially contribute to disturbance, damage, or degradation of unknown archaeological or ethnographic resources, and thus cause a substantial adverse change in the significance of such resources – Less than Cumulatively Considerable after Mitigation**

**Cumulative Impact CR-1** represents the potential of the proposed Project along with other cumulative projects to substantially contribute to disturbance, damage, or degradation of unknown archaeological or ethnographic resources, and thus cause a substantial adverse change in the significance of such resources in the cumulative study area.

Archaeologists estimate that past and present projects within urban areas including the project vicinity have destroyed over 80 percent of all prehistoric sites without proper assessment and systematic collection of information beforehand. Such projects have eliminated our ability to study sites that may have been likely to yield information important in prehistory.

Construction activities (i.e., excavation, dredging, and land filling) associated with most present and future Port projects would be in areas of historical estuary habitats and recent landfills, and therefore would not affect prehistoric or historical archaeological or ethnographic resources. Although much of the uplands in the Project area, including the site of the proposed Project, have been previously disturbed, there is the potential for many of the related projects, including some Port projects on the periphery of the Harbor District to disturb unknown, intact subsurface prehistoric or historical archaeological resources. The likelihood that the related projects would encounter archaeological and ethnographic resources is remote, as most of the area has already been developed, but because prehistoric sites are non-renewable resources, the cumulative impacts of these actions are considered significant.

### **Finding**

As documented in Impact CR-1, there are no recorded listed, eligible, or otherwise unique or important archaeological or ethnographic resources within the proposed Project site. However, other projects and excavations in the vicinity of the proposed Project have uncovered archeological artifacts and intact prehistoric human burials. Accordingly, the Project area has the potential to contain unknown archaeological or ethnographic resources, including human remains, and the potential for disturbing, damaging, or degrading unknown prehistoric or historic remains or ethnographic resources is considered a cumulatively considerable contribution to a significant cumulative impact on archaeological or ethnographic resources.

The Board hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the FEIR. Mitigation measure **MM CR-1** provides for monitoring and requires that work shall be immediately stopped and relocated from the area in the unlikely event that potentially significant, intact archaeological or ethnographic resources are encountered during construction.

## Rationale for Finding

As discussed above, construction activities associated with the proposed Project, as well as present and reasonably foreseeable future projects, would be in areas of historical estuary habitats and recent landfills. Moreover, while much of the project area is previously disturbed and the likelihood that related projects would encounter archaeological and ethnographic resources is remote, there is a potential for related projects to disturb unknown, intact subsurface prehistoric or historical archaeological resources.

Nevertheless, **MM CR-1**, explained in more detail above, is included to ensure that cumulative impacts to archaeological or ethnographic resources are not cumulatively considerable. **MM CR-1** provides for monitoring and requires that work shall be immediately stopped and relocated if potentially significant, intact archaeological or ethnographic resources are encountered.

Changes or alterations have been required in or incorporated into the project in the form of mitigation. With implementation of **MM CR-1**, therefore, the proposed Project would not constitute a cumulatively considerable contribution to a significant cumulative impact on archaeological and ethnographic resources.

## Cumulative Impact CR-2: The Project would have cumulatively substantial adverse effects on the significance of historic resources –Cumulatively Considerable and Unavoidable

**Cumulative Impact CR-2** represents the potential for the proposed Project and related projects to result in significant cumulative impacts in the cumulative study area through substantial adverse effects on the significance of historic resources.

Redevelopment of the intensively developed Wilmington – Long Beach region in the course of past, present, and reasonably foreseeable future projects, including the proposed Project, have required and are anticipated to require the demolition of structures over 45 years of age. While each project mitigates the loss of historic structures through such means as archival documentation, interpretive displays, and salvage or adaptive re-use of key elements, the net effect is a continued decrease in the number and variety of older structures in the region. The effects of the related projects on historic resources are a significant cumulative impact.

The proposed Project would result in a cumulatively considerable contribution to a significant cumulative impact on a historical resource because it would materially alter, in an adverse manner, the physical characteristics of the Sepulveda Boulevard railroad bridge that convey its historical significance and justify its eligibility for inclusion in the CRHR.

## Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the FEIR. Mitigation measure **MM CR-2** and **MM CR-3** would be implemented to reduce the impacts to the bridge. Through these measures, archival documentation would be conducted and a plan for salvaging noteworthy elements, if possible, would be prepared. Specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation measures.

## Rationale for Finding

The demolition and replacement of the Sepulveda Boulevard Bridge is necessary because the existing bridge cannot accommodate three tracks. Similarly, past, present, and reasonably foreseeable future projects in the area are anticipated to require the demolition of historic structures. While each project mitigates the loss of historic structures, together with the demolition of the Sepulveda Boulevard Bridge, the effect is a continued decrease in the number and variety of older historic structures in the region.

**MM CR-2** and **MM CR-3**, as discussed above, would be implemented to reduce impacts to the bridge. These mitigation measures, which focus on alternative means of preservation and historical documentation, represent the only feasible mitigation measures. However, even with the implementation of **MM CR-1** and **MM CR-3**, because demolition and replacement is necessary, the Project will have a significant cumulative impact that would remain considerable and unavoidable.

Changes or alterations have been required in or incorporated into the project in the form of mitigation measures **MM CR-2** and **MM CR-3**. Despite these measures, the bridge would be demolished, and the proposed Project's contribution to a significant cumulative impact would remain considerable and unavoidable. No further mitigation is available to reduce this impact to less than significant.

## Cumulative Impact CR-3: The Project would contribute substantially to the disturbance, destruction, or elimination of access to unknown unique paleontological resources – Less than Cumulatively Considerable after Mitigation

**Cumulative Impact CR-3** represents the potential for the proposed Project and related cumulative projects to result in significant cumulative impacts through contributing substantially to the disturbance, destruction, or elimination of access to unknown unique paleontological resources.

Redevelopment of the intensively developed Wilmington – Long Beach region in the course of past, present, and future Port projects have and are anticipated to require excavation. When excavation occurs in native formations (as opposed to previously disturbed or created land) there is the possibility that intact paleontological resources will be encountered; several fossils of paleontological value have been discovered in the general area (Section 3.4.2 of the DEIR). Most of the related past, present, and reasonably foreseeable future projects, including the proposed Project, have or would take place in upland areas where native formations may be encountered. As is the case with archeological and ethnographic resources, projects in the Ports are unlikely to encounter paleontological resources because of the disturbed or created nature of the lands. Related projects in upland areas have a higher potential to encounter paleontological resources because they have a higher potential to take place on previously undisturbed land. The controls placed on construction projects in upland areas reduce, but do not eliminate, the possibility that paleontological resources may be destroyed. Accordingly, the proposed Project when combined with related projects would contribute to a significant cumulative impact.

## Finding

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

1 identified in the FEIR. Mitigation measure MM CR-4, monitoring and recovery, would  
2 be implemented to reduce potential impacts in the event that paleontological resources  
3 are encountered during construction.

#### 4 **Rationale for Finding**

5 As discussed above, redevelopment in the project vicinity, including past, present, and  
6 reasonably foreseeable projects, is anticipated to require excavation. Excavation has the  
7 potential to encounter intact paleontological resources. Nevertheless, because projects in  
8 the area will occur on disturbed or created lands through imported fill, such projects are  
9 unlikely to encounter paleontological resources.

10 The proposed Project would result in little or no ground disturbance within areas of high  
11 paleontological sensitivity; rather, excavations would occur in areas extensively and  
12 previously disturbed. Nevertheless, Project construction could expose subsurface  
13 paleontological resources, and if that occurred without appropriate professional oversight,  
14 systematic recovery would be impossible and the ability to preserve specimens for future  
15 study would be lost. **MM CR-4**, which mandates paleontological monitoring of ground  
16 disturbing activities by a qualified paleontologist, and provides specific measures should  
17 paleontological resources be encountered, would ensure that the Project would not have a  
18 cumulatively considerable contribution to a significant cumulative impact.

19 Changes or alterations have been required in or incorporated into the project in the form  
20 of mitigation measure **MM CR-4**. With mitigation, the Project would not constitute a  
21 considerable contribution to a significant cumulative impact.

### 22 **4.4.5 Greenhouse Gas Emissions and Climate** 23 **Change**

#### 24 **Cumulative Impact GHG-1: The proposed Project would result in a** 25 **cumulatively substantial increase in construction-related and** 26 **operation-related GHG emissions – Cumulatively Considerable and** 27 **Unavoidable**

28 **Cumulative Impact GHG-1** represents the potential for the proposed Project and related  
29 cumulative projects to results in significant cumulative impacts through substantial  
30 increase in construction-related and operation-related GHG emissions.

31 Past, present, and reasonably foreseeable future projects in the area have generated, and  
32 will continue to generate, GHGs from the combustion of fossil fuels and the use of  
33 coatings, solvents, refrigerants, and other products. Current and future projects will  
34 incorporate a variety of GHG reduction measures in response to federal, state, and local  
35 mandates and initiatives (CARB, 2011b), and these measures are expected to reduce  
36 GHG emissions from future projects. However, because of the long-lived nature of GHGs  
37 in the atmosphere, and the global nature of GHG emissions impacts, no specific  
38 quantitative level of GHG emissions from related projects in the region, or state-wide has  
39 been identified below which no impacts would occur. Therefore these emissions are  
40 considered to represent a significant cumulative impact.

## Finding

The proposed Project would generate GHGs during both construction and operation. Since the POLA has established a threshold of zero as its significance criterion for GHG-1 for this project only, those emissions represent a considerable contribution to an existing significant cumulative impact. A number of project features would reduce GHG emissions, including the use of electric RMG cranes, idle reduction devices for locomotives, and a site administration building that is LEED certified.

The Board hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the FEIR. Mitigation measures **MM GHG-1** through **MM GHG-10** would be implemented for the proposed Project that are expected to reduce GHG emissions through increased energy efficiency, recycling, solar energy use, tree planting, water conservation, and carbon offsets. Specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation measures.

## Rationale for Finding

Changes or alterations have been required in or incorporated into the project in the form of mitigation measures **MM GHG-1** through **MM GHG-10**. However, since the reductions from those measures cannot be quantified, the proposed Project would make a cumulatively considerable contribution to a significant cumulative impact.

## 4.4.6 Land Use

### **Cumulative Impact LU-4: Would the proposed Project contribute to cumulatively significant secondary impacts to surrounding land uses – Cumulatively Considerable and Unavoidable**

**Cumulative Impact LU-4** represents the potential for the proposed Project and related cumulative projects to result in significant cumulative impacts through contributing secondary impacts to surrounding land uses.

Secondary effects are defined as “effects which are caused by the project and are later in time or farther removed in distance... [and] may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems” (CEQA Guidelines, §15358). Impacts on air and water quality, and biological resources are evaluated in sections 3.2, 3.12, and 3.3 of the DEIR/RDEIR. Additional secondary effects such as the potential to cause economic impacts or blighted conditions are addressed in Chapter 7, Socioeconomics and Environmental Quality of the RDEIR. Secondary impacts refer here to the possible nexus between activities at the proposed Project (resulting, for example, in air emissions, noise, traffic congestion) and land use changes in communities adjacent to the Project site.

The general area of the proposed Project has a variety of land use and zoning designations ranging from heavy industrial to residential. Related projects would be consistent with those uses, and would be constructed on land appropriately zoned. Previous projects have resulted in present conflicts with public policy concerning facility siting. For example, several schools in west Long Beach are within one-quarter mile of a major freeway (the TI Freeway) and a major railyard (the ICTF). The related industrial projects could constrain future siting of sensitive uses in the area.

1 The area of the proposed Project has been heavily industrial, dominated by refineries, the  
2 Ports, and heavy transportation activities, for several decades. Those industries have  
3 caused secondary impacts relating to air quality, public health, traffic, and noise. The  
4 related projects in the cumulative study area would likely not induce appreciable  
5 immigration or emigration in the adjacent communities, since they do not represent major  
6 new employers. However, the related projects, particularly the industrial projects such as  
7 the Port projects can be expected to have secondary impacts related to air quality, traffic,  
8 and noise. Although most of those impacts would be reduced by mitigation measures and  
9 project controls, residual impacts would likely remain. As a consequence, past, present,  
10 and reasonably foreseeable future projects would result in significant cumulative  
11 secondary impacts to surrounding land uses.

## 12 **Finding**

13 The Board hereby finds that changes or alterations have been required in, or incorporated  
14 into, the project that avoid or substantially lessen the significant environmental effect  
15 identified in the FEIR. Mitigation measures for air quality and noise impacts have been  
16 imposed (**MM AQ-1** through **MM AQ-10**, **MM NOI-1** through **MM NOI-3**), but those  
17 mitigation measures are not expected to reduce all of the identified impacts to less than  
18 significant. Specific economic, legal, social, technological, or other considerations make  
19 infeasible any additional mitigation measures.

## 20 **Rationale for Finding**

21 As discussed above, secondary impacts refer here to the possible nexus between activities  
22 at the proposed Project (resulting, for example, in air emissions, noise, traffic congestion)  
23 and land use changes in communities adjacent to the Project site. The cumulative  
24 projects, particularly the industrial projects such as the Port projects can be expected to  
25 have secondary impacts related to air quality, traffic, and noise. Although most of those  
26 impacts would be reduced by mitigation measures and project controls, residual impacts  
27 would likely remain.

28 As stated under Impact LU-4, the proposed Project would not cause changes in patterns  
29 of land use in adjacent communities or cause immigration or emigration in response to  
30 changing job opportunities. Future siting of sensitive uses in the portion of West Long  
31 Beach adjacent to the Terminal Island Freeway would be precluded by the presence of  
32 the proposed Project. However, because other industrial uses in the area (including the  
33 existing ICTF) and the presence of the Terminal Island Freeway would also discourage  
34 such siting, the proposed Project would not contribute to significant cumulative land use  
35 impacts would not be cumulatively considerable.

36 The proposed Project's impacts related to air quality and noise would result in secondary  
37 impacts on nearby sensitive uses and would contribute to a significant cumulative  
38 secondary impact on land use related to air quality and noise. As discussed above,  
39 numerous mitigation measures were incorporated to minimize impacts to air quality and  
40 noise. As discussed in SCIG RDEIR Section 3.2, Air Quality, various mitigation  
41 measures are incorporated to mitigate impacts to air quality. **MM AQ-1**, for instance,  
42 imposes requirements for modernization of fleet construction equipment. **MM AQ-7**  
43 requires on-site sweeping at SCIG. Similarly, **MM AQ-9** and **MM AQ-10** mitigate  
44 impacts to air quality by requiring the review and consideration of new technology,  
45 should the effectiveness of the technology be proven.

1 A number of the mitigation measures incorporated in Section 3.9, Noise, are also relevant  
2 to this impact. Under **MM NOI-1**, for example, BNSF must construct a permanent  
3 soundwall on the easterly right-of-way of the Terminal Island Freeway. **MM NOI-2**  
4 includes a large number of noise control measures that must be implemented during  
5 construction of the Project. However, some of the impacts from those resources areas  
6 would remain significant, and, therefore, would contribute to cumulatively considerable  
7 secondary impacts.

8 Changes or alterations have been required in or incorporated into the project in the form  
9 of mitigation measures. Because the proposed Project would continue to have significant  
10 air quality and noise impacts, it would also have a cumulatively considerable contribution  
11 to a residual cumulative land use impact.

## 12 **4.4.7 Noise**

### 13 **Cumulative Impact NOI-6: Construction and operation of the** 14 **proposed Project would contribute to a cumulative increase in** 15 **ambient noise levels by three dBA or more, or to an exceedance of** 16 **maximum noise levels allowed by the Long Beach Municipal Code –** 17 **Cumulatively Considerable and Unavoidable**

18 Cumulative Impact NOI-6 represents the potential of construction and operation activities  
19 of the proposed Project along with other cumulative projects to cause a substantial  
20 increase in ambient noise levels at sensitive receivers within the cumulative geographic  
21 scope.

22 There are ten noise-sensitive receptors in the City of Long Beach that are in the vicinity  
23 of the proposed Project. Operation of the proposed Project and related projects could  
24 adversely affect these receptors.

25 Of the past, present, and reasonably foreseeable future projects in the cumulative study  
26 area, only the ICTF Modernization and Expansion, the Schuyler Heim Bridge  
27 Replacement/State Route (SR) 47 Terminal Island Expressway, and the Admiral Kidd  
28 Park Expansion projects are close enough to the sensitive receptors to have potential  
29 noise impacts. Construction and operation of those projects would likely increase ambient  
30 noise levels by more than 5 dB during the day (and 3 dB at night if nighttime  
31 construction were to occur) at some of those receptors, resulting in significant cumulative  
32 impact. Operation of the related projects would contribute noise from traffic, trains, and  
33 recreational activities. In particular, ICTF operations would likely cause significant noise  
34 impacts at some receptors. The other two related projects would be perceived as distance  
35 background noise, and would likely not have significant impacts on the sensitive  
36 receptors considered in this analysis. Accordingly, operation of the related projects would  
37 result in a significant cumulative impact.

38 As described under Impact NOI-6, Project-related increases in construction noise at  
39 sensitive receivers R1 through R8 and R30 would be more than 5 dB over existing  
40 ambient levels. The increase in construction noise would be temporary and during  
41 periods of reduced construction activity, noise levels would be lower. However, because  
42 the increase would exceed the threshold, the proposed Project would have a significant  
43 impact associated with construction noise.

1 Some roadways in Long Beach with noise-sensitive receptors would experience Project-  
2 related increases in operational noise exceeding the 3 dBA threshold, and operational  
3 noise levels would exceed existing measured ambient noise levels by 3 dBA or greater at  
4 sensitive receptors R1 (2789 Webster) and R5 (Cabrillo High School). Accordingly, the  
5 proposed Project would make a cumulatively considerable contribution to a significant  
6 cumulative noise impact.

### 7 **Finding**

8 The Board hereby finds that changes or alterations have been required in, or incorporated  
9 into, the project that avoid or substantially lessen the significant environmental effect  
10 identified in the FEIR. Three mitigation measures would address the significant impacts  
11 from construction and operational-phase noise at nearby noise sensitive receptors. **MM**  
12 **NOI-1**, which consists of construction of a 12-foot-high sound wall, and **MM NOI-2**,  
13 implementation of noise suppression techniques during construction, would be required  
14 for mitigation of cumulative construction impacts. **MM NOI-3**, construction of a 24-ft-  
15 high sound wall north of Sepulveda/Willow Boulevard, would mitigate operational noise  
16 from train horns on the San Pedro Branch rail line. After applying mitigation measures  
17 **MM NOI-1** through **MM NOI-3**, impacts would still be significant because nighttime  
18 operational noise might not be fully mitigated. Specific economic, legal, social,  
19 technological, or other considerations make infeasible any additional mitigation  
20 measures.

### 21 **Rationale for Finding**

22 Changes or alterations have been required in or incorporated into the project in the form  
23 of mitigation measures. After applying mitigation measures **MM NOI-1** through **MM**  
24 **NOI-3**, impacts would still be significant because nighttime operational noise might not  
25 be fully mitigated. No further feasible mitigation was identified. Accordingly, the  
26 residual cumulative impact would be significant and unavoidable.

## 27 **4.4.8 Utilities and Public Services**

### 28 **Cumulative Impact PS-6: The proposed Project would contribute to** 29 **cumulatively considerable impacts on existing solid waste handling** 30 **and disposal facilities – Cumulatively Considerable and Unavoidable**

31 **Cumulative Impact PS-6** represents the potential of the proposed Project along with  
32 other cumulative projects to contribute to cumulatively considerable impacts on existing  
33 solid waste handling and disposal facilities.

34 Existing commercial and industrial facilities in the Project area generate non-hazardous  
35 and municipal solid waste disposed of either at Bradley Landfill or Sunshine Canyon,  
36 depending on daily capacities and hours of operation. Bradley Landfill had 12 percent  
37 available capacity as of 2002 and Sunshine Canyon landfill had a remaining lifespan of  
38 approximately 7.2 years as of 2004.

39 Past, present, and reasonably foreseeable future projects in the cumulative study area all  
40 generate, or will generate, solid waste that must be disposed of in landfills for the  
41 foreseeable future. Given that no additional landfill capacity has been brought on line and  
42 Los Angeles has not achieved its zero-waste solution, continued solid waste generation  
43 by the related projects represents a significant cumulative impact.

1 During operation the proposed Project would generate 1.340 tons/day of non-hazardous  
2 waste that would require transportation to the Sunshine County Landfill. Once Sunshine  
3 Canyon is closed, this amount of solid waste would represent a significant impact to  
4 landfill capacity. If additional adequate landfill capacity becomes available and/or if the  
5 achievement of Zero-Waste solutions in the City occurs, then the solid waste generated  
6 by the Project likely would not represent a significant impact to landfill capacity.  
7 However, this analysis assumes those events will not occur and that the solid waste  
8 generated by the Project beyond 2030 would represent a cumulatively considerable  
9 contribution to a significant cumulative solid waste impact.

## 10 Finding

11 The Board hereby finds that changes or alterations have been required in, or incorporated  
12 into, the project that avoid or substantially lessen the significant environmental effect  
13 identified in the FEIR. Although mitigation measures **MM PS-1** through **MM PS-3**  
14 would help reduce the amount of solid waste generated, the residual impact would still  
15 result in a cumulatively considerable contribution to a significant cumulative impact.  
16 Specific economic, legal, social, technological, or other considerations make infeasible  
17 any additional mitigation measures.

## 18 Rationale for Finding

19 Mitigation measures **MM PS-1** through **MM PS-3**, respectively provide that: a)  
20 demolition and/or excess construction materials shall be separated onsite for  
21 reuse/recycling or proper disposal and separate bins for recycling of construction  
22 materials shall be provided onsite, b) materials with recycled content shall be used in  
23 project construction and chippers on site shall be used to further reduce excess wood for  
24 landscaping cover, and c) the proposed Project complies with policies and standards set  
25 forth in the City's Solid Waste Integrated Resources Plan (SWIRP) following 2025,  
26 which has the goal of zero waste. Although mitigation measures **MM PS-1** through **MM**  
27 **PS-3** would help reduce the amount of solid waste generated, the residual impact would  
28 still result in a cumulatively considerable contribution to a significant cumulative impact.  
29 Changes or alterations have been required in or incorporated into the project in the form  
30 of mitigation measures. Nevertheless, given the uncertainty regarding the future of  
31 landfill capacity and waste reduction in the region, the proposed project's residual impact  
32 would result in a cumulatively considerable contribution to a significant cumulative  
33 impact.

## 34 4.5 Mitigation Measures Suggested as Part of 35 Public Comment on the DEIR and RDEIR

36 Numerous comment letters were received on both the DEIR and the RDEIR suggesting  
37 the Port adopt additional mitigation measures. The suggested mitigation measures and the  
38 reasons supporting why the recommended measure was accepted or rejected are  
39 summarized below; additional detail can be found in the comments and responses to  
40 comments in the FEIR Chapter 2.

### 41 Displaced Businesses

42 One comment characterized the displacement of businesses as a "special impact" and  
43 suggested that the LAHD provide relocation assistance as a mitigation measure. As FEIR

1 Chapter 2 (Master Response 8, Displaced Businesses) explains, the displacements that  
2 would occur under the Project would not constitute an impact under CEQA, and therefore  
3 mitigation is not needed. Furthermore, under CEQA, there is no obligation to provide  
4 relocation assistance or to mitigate economic issues when there is no physical effect on  
5 the environment. Accordingly, the commenter's suggestion was not adopted as a  
6 mitigation measure in the EIR.

#### 7 Construction Controls

8 Several comments suggested mitigation measures addressing impacts from Project  
9 construction, specifically:

10 1. Impose a Traffic Management Plan

11 As discussed in Section 3.10.3.5.1 of the RDEIR, traffic impacts during construction  
12 would be less than significant. Accordingly, imposing a traffic management plan (TMP)  
13 as mitigation would be inappropriate. Nevertheless, the TMP has been incorporated into  
14 the MMRP, in a table that is separate and distinct from CEQA mitigation measures, for  
15 tracking and reporting purposes in order to ensure compliance with this project  
16 requirement during construction.

17 2. Install MERV 10 filters on neighborhood houses and schools

18 A comment requested that isopleths of PM concentrations resulting from Project  
19 construction activities be used to define a "zone of impact" and that sensitive  
20 receptors (e.g., schools, health care facilities, and residences) within that zone be  
21 provided with MERV 10 filters to mitigate those impacts. The FEIR's Chapter 2  
22 (responses to comments) explained why isopleths are not required to evaluate air  
23 quality impacts and why installation of filters for all air intakes of buildings at  
24 sensitive receptors is not proportional in nature and extent to the construction  
25 impacts, which would be temporary. Briefly, the filter installations would represent  
26 permanent modifications to existing buildings to address temporary construction  
27 impacts which would occur only during the first two years of construction, and not at  
28 peak emission levels throughout that period of time. Accordingly, the commenter's  
29 suggestion was not adopted as a mitigation measure in the EIR.

30 3. Conduct an "Environmental Justice Community" preconstruction noise survey

31 One commenter's request for a preconstruction noise survey to be conducted in  
32 accordance with a program devised by the commenter was rejected on the basis that  
33 the EIR had already imposed sufficient mitigation to reduce construction noise  
34 impacts to less than significant, and additional mitigation is not warranted.  
35 Accordingly, the commenter's suggestion was not adopted as a mitigation measure in  
36 the EIR.

37 4. Restrict all construction related traffic to off-peak hours

38 Three comments suggested limiting large construction trucks to the off-peak  
39 commute periods. Chapter 2 of the FEIR (Responses to Comments) explained that no  
40 significant impacts were identified, and therefore mitigation is not required, and  
41 pointed out that the traffic management plan that would be prepared per the Port's  
42 construction permit would minimize adverse traffic effects of the Project.  
43 Accordingly, the commenter's suggestion was not adopted as a mitigation measure in  
44 the EIR. Nevertheless, the TMP has been incorporated into the MMRP, in a table that  
45 is separate and distinct from CEQA mitigation measures, for tracking and reporting  
46 purposes in order to ensure compliance with this project requirement during  
47 construction.

- 1 5. Revise **MM AQ-1** to require more stringent emissions standards and **MM AQ-2** to  
2 eliminate exemptions and require more stringent emissions standards

3 **MM AQ-1** already requires a minimum of Level 3 VDECS on all diesel-powered  
4 construction equipment greater than 50hp beginning January 1, 2012, and allows for  
5 exemptions if equipment is not available meeting Tier 3 or Tier 4 levels before 2015 and  
6 accordingly the commenter's suggestion was not adopted. **MM AQ-2** has been revised  
7 to incorporate the commenters' suggestions and requires that all trucks used in  
8 construction of the proposed Project meet model year 2010 on-road heavy-duty truck  
9 emission standards.

- 10 6. Require construction trucks to use the specific material supply locations assumed in  
11 the EIR.

12 The suggestion that haul trucks be required to use specific material supply locations  
13 in order to be consistent with the EIR's assumptions was rejected as a mitigation  
14 measure because the truck trip distances assumed in the EIR are consistent with, and  
15 more conservative than, the URBEMIS model's default assumptions. Accordingly,  
16 the analysis is consistent with CEQA and no additional mitigation is required.

- 17 7. Require unspecified mitigation for construction nighttime lighting on the PCH grade  
18 separation.

19 The FEIR did not identify a significant impact attributable to construction night  
20 lighting; accordingly, mitigation is not required under CEQA.

- 21 8. Revise **MM GHG-1** to remove the "when feasible" language regarding equipment  
22 idling.

23 The FEIR (See Chapter 2 Responses to Comments) explained that the qualification of  
24 feasibility is to permit idling of longer than five minutes duration only in those cases  
25 when it is infeasible to require equipment to shut down during that period of time for  
26 safety and operational purposes. Accordingly, the commenter's suggestion was not  
27 adopted.

### 28 Zero Emissions Technologies

29 Numerous commenters suggested mitigation for air quality impacts in the form of various  
30 zero-emissions technology programs. These included converting PC AQ-11 (zero-  
31 emission demonstration program) into a mitigation measure; requests that undefined  
32 zero-emissions technologies be required; and requests that specific technologies such as  
33 electric, hydrogen fuel cell or hybrid trucks, zero-emissions locomotives, and the ZECMS  
34 technologies already being evaluated by the ports be required; and requests that the  
35 LAHD fund demonstration projects for locomotives and electrified rail systems. Chapter  
36 2 of the FEIR (Responses to Comments and Master Response 7, ZECMS) pointed out  
37 that the technologies being requested do not exist in commercially available applications,  
38 and thus cannot be considered feasible. The master response provided details of the zero-  
39 emissions programs currently underway and described the technological and financial  
40 factors that make zero-emissions technologies infeasible for deployment as cargo movers  
41 in the port environment at this time. ". Accordingly, the commenters' suggestions were  
42 not adopted as mitigation measures in the EIR.

43

### On-Dock Railyards

One commenter requested that the EIR impose a mitigation measure that “commits to implementing any infrastructure projects needed to support on-dock rail capacities in the future, addresses operation matters to ensure on-dock rail at the Ports of Los Angeles and Long Beach are maximized before the proposed SCIG site is utilized, and includes mechanisms to ensure that use of on-dock occurs before near- and off-dock.” That request was rejected on two grounds. First, it would commit the proposed Project to building unspecified on-dock infrastructure projects, and such a commitment is impossible given that such projects would need to undergo their own environmental review processes (including projects that may not be within the jurisdiction of the lead agency to implement). Second, “operational matters” raised by the commenter are not within the lead agency’s authority to resolve; for example, the LAHD has no jurisdiction over labor rules and agreements.

### Operational Emission Reduction Measures

Several commenters requested that **MM AQ-8** be revised to incorporate more stringent emissions requirements for trucks or more aggressive implementation schedules. Regarding the requirement of “2010 trucks”, **MM AQ-8** requires drayage trucks calling on the SCIG facility to meet an emission reduction in diesel particulate matter emissions (DPM) of 95% by mass relative to the federal 2007 on-road heavy-duty diesel engine emission standard (“low-emission” trucks). Regarding the implementation schedule, the schedule as proposed would reduce health risk impacts to less than significant under Impact AQ07 (see RDER Section 3.2.4.3). As such, no additional mitigation is necessary and the commenters’ suggestions were not adopted as mitigation measures in the EIR.

Commenters suggested that locomotives be required to meet US EPA Tier 4 locomotive standards on an accelerated schedule such that 100 percent of the linehaul locomotive fleet meet the Tier 4 standard by 2020. Accelerated introduction of Tier 4 locomotives cannot be considered feasible. Tier 4 locomotives are expected to utilize a new, untested technology that simply does not currently exist at a size adequate for line-haul locomotive engines. Under even the most optimistic scenario, there will only be a limited number of prototype high-horsepower Tier 4 locomotives operating in California for field testing in 2013. It is infeasible to commit in advance to purchase and deploy locomotives by a date certain when those locomotives have not yet been designed, tested, or deployed. Accordingly the commenters’ suggestions were not adopted as mitigation measures in the EIR.

Commenters suggested that the Advanced Locomotive Emission Control System (ALECS) be required. Although the ALECS system went through proof-of-concept testing on a limited scale at the Union Pacific (UP) Roseville Railyard as part of a multi-agency stakeholder process, the system was never scaled up to full implementation at a railyard as a result of a number of technical issues. Idling emissions were not determined to be a significant portion of total railyard emissions in the testing, and therefore a number of hoods and substantial range of extension would be needed to capture a reasonable fraction of emissions from multiple trains calling on a railyard. Idling emissions at SCIG are reduced through the use of Automatic Engine Start Stop (AESS) devices equipped on all linehaul locomotives, and therefore control of emissions from locomotive movement in the facility would require extensive overhead infrastructure to move the bonnet throughout the rail tracks on-site. This setup is not feasible given the physical constraints of the facility and the operation of live lifts. Accordingly the commenters’ suggestions were not adopted as mitigation measures in the EIR.

1 One comment suggested that **MM AQ-10** be revised to impose firm deadlines for  
2 implementation of new technologies. The FEIR (Responses to Comments) explained that  
3 because the timing of approval and implementation is dependent on a number of factors  
4 beyond the LAHD's control, it would not be feasible or effective to require  
5 implementation of **MM AQ-10** within 12 months of a technology's certification.

#### 6 Locomotive Restrictions

7 One comment requested that the Project limit locomotive activity along the San Pedro  
8 Branch during times when children are expected to be outside. FEIR Chapter 2  
9 (Responses to Comments) pointed out that limiting locomotive activity along the San  
10 Pedro Branch Line is not feasible because the SCIG facility would operate on a 24-hours-  
11 a-day, 7-days-a-week basis. Limiting locomotive activity would compromise the fluidity  
12 of operations that is at the heart of the expected increased efficiency of the Project and  
13 would affect throughput at SCIG, the Alameda Corridor, and throughout the network. In  
14 addition, since the RDEIR did not identify significant impacts associated with daytime  
15 locomotive activity along the San Pedro Branch, such mitigation would be inappropriate  
16 under CEQA (Pub. Resources Code §21002; CEQA Guidelines §15370; see generally  
17 *Nollan v. California Coastal Commission*, 483 U.S. 825, 834-37 (1987) and *Dolan v. City*  
18 *of Tigard*, 512 U.S. 374, 391 (1994)). Accordingly, the commenter's suggestion was not  
19 adopted as a mitigation measure in the EIR.

20 Another comment suggested that the LAHD should require "Quiet Rail Zones" in the  
21 vicinity of the Project as mitigation, presumably for noise, and "in other areas of the  
22 LAHD as an offset to increased rail activity related to this project." The FEIR (Responses  
23 to Comments) explained that the RDEIR did not identify a significant noise impact for  
24 operation of the facility that would be mitigated by a quiet rail zone, since the significant  
25 impacts were associated with on-site railyard operations and construction. In any case, as  
26 the FEIR noted, limiting locomotive activity would compromise the fluidity of operations  
27 that is at the heart of the expected increased efficiency of the Project and would affect  
28 throughput at SCIG, the Alameda Corridor, and throughout the network. Federal Railroad  
29 Administration (FRA) regulations for quiet zones cannot be imposed on railyard  
30 operations, only for public at-grade crossings; SCIG would not require the use of any  
31 public at-grade crossings in the ports area given that the South Lead Track would connect  
32 directly into the Alameda Corridor which is fully grade-separated. Accordingly, the  
33 commenter's suggestion was not adopted as a mitigation measure in the EIR.

#### 34 Greenbelt Buffer and Landscaping

35 Two commenters suggested that to mitigate traffic, air quality, and noise impacts the  
36 LAHD should implement the Terminal Island Reconfiguration and Parkway Mitigation  
37 Project, which would consist of a "de-intensification" of the Terminal Island Freeway  
38 north of PCH, turning it into a local street and greenbelt or buffer park. The project would  
39 include relocating the San Pedro Branch rail line and sculpting landforms on what is  
40 currently a freeway. Another commenter requested that the very similar "Yards" concept  
41 (see RDEIR Chapter 5) be implemented as a mitigation measure. The FEIR's Chapter 2  
42 (Responses to Comments) noted that the proposal would be beyond the Board of Harbor  
43 Commissioners' authority to implement, as none of the land involved is owned or  
44 controlled by the LAHD. Furthermore, it would not mitigate traffic impacts because no  
45 traffic impacts along the freeway north of PCH were identified and in any case that  
46 segment of the freeway would not be used by SCIG trucks.

1 There is no evidence that the greenbelt proposed by the commenters would reduce the  
2 identified air quality impacts, which are attributable to emissions of mass pollutants. With  
3 respect to GHG emissions the proposed greenbelt may result in offsets of some GHG  
4 emissions. With respect to noise, the FEIR explained that the identified unmitigated  
5 noise impacts would come from train activity, which the greenbelt proposal would not  
6 affect. Finally, the FEIR pointed out that the magnitude of the proposed mitigation  
7 measure is not sufficiently related to the impacts identified in the RDEIR, and it is not  
8 proportional in nature and extent to those impacts (Pub. Resources Code §21002; CEQA  
9 Guidelines §15370; see generally *Nollan v. California Coastal Commission*, 483 U.S.  
10 825, 834-37 (1987) and *Dolan v. City of Tigard*, 512 U.S. 374, 391 (1994)). For these  
11 reasons, the proposed “Terminal Island Parkway Mitigation Project” is not an appropriate  
12 mitigation measure for the Project. Accordingly, the commenters’ suggestion was not  
13 adopted as a mitigation measure in the EIR.

14 One entity commenting on both the DEIR and the RDEIR suggested that additional  
15 vegetation and a landscaped berm should be installed to mitigate noise and light  
16 pollution, and that trees should be planted in all parking areas. Another comment  
17 suggested that under the Land Use section the EIR should provide for “additional project  
18 and LAHD boundary improvements, buffer, through the use of vegetation as a screen...”  
19 The FEIR (Responses to Comments) explained that the mitigation measures in the EIR  
20 (i.e., **MM NOI-1** and **MM NOI-3**, sound walls, and **MM NOI-2**, construction noise  
21 control measures) would reduce both construction and operational noise. The  
22 commenters did not indicate how vegetation would reduce noise or what was intended by  
23 the term “boundary improvements”, and in any case the Project includes an area of  
24 intensive landscaping along the eastern side of the Project site. Accordingly, the  
25 commenter’s suggestion was not adopted as a mitigation measure in the EIR.

#### 26 Lease Measures and Project Conditions

27 Commenters requested that the Lease Measures and Project Conditions in the EIR be  
28 adopted as mitigation measures and included in the MMRP. The FEIR (Responses to  
29 Comments) pointed out that the lease measures relate to practices and procedures  
30 required by existing laws and regulations for the handling, treatment, and disposal of soil  
31 and groundwater contamination encountered during construction. Compliance with  
32 existing laws and regulations is required under LAHD leasing requirements. The  
33 analysis in the RDEIR considered existing laws and regulations to be part of the project  
34 and found that impacts related to hazardous materials during construction would be less  
35 than significant and would not require mitigation. Accordingly, the commenter’s  
36 suggestion was not adopted as a mitigation measure in the EIR. Nevertheless, the lease  
37 measures have been incorporated into the MMRP, in a table that is separate and distinct  
38 from CEQA mitigation measures, for tracking and reporting purposes in order to ensure  
39 compliance with these lease measures during construction.

40 With regard to Project Conditions, the FEIR (Responses to Comments) points out that  
41 they are not required as CEQA mitigation measures but are important because they  
42 advance LAHD environmental goals and objectives. The Board may not elect to adopt  
43 some or all of those conditions, but any that are adopted will be enforceable and have  
44 been incorporated into the MMRP, in a table that is separate and distinct from CEQA  
45 mitigation measures, for tracking and reporting purposes. The project conditions are not  
46 feasible at this time and are not considered mitigation under CEQA to reduce an  
47 identified impact. For example, PC AQ-11 Zero Emission Technologies Demonstration  
48 Program specifies goals and lists the process by which zero emission technologies will be  
49 tested and pursued, but does not set fixed levels for zero emissions technology

1 implementation until determined feasible in accordance with the criteria established in  
2 PC AQ-11. PC AES-2 Compliance with Terminal Lighting Design Guidelines does not  
3 address an identified significant impact, but would help lessen any effects of lighting.  
4 Accordingly, it is not appropriate as a mitigation measure under CEQA.

#### 5 Mitigation Grants Program

6 One comment urged the LAHD to establish a “Mitigation Grants Program” that would be  
7 used for a variety of community projects, including installing air filtration units and  
8 energy-efficient windows and doors for houses and positive exhaust ventilation for  
9 garages. The FEIR (Responses to Comments) pointed out that the proposed measure  
10 appears to be designed to provide general, public benefits, but is not specifically related  
11 to the proposed Project. In addition, the suggested mitigation grants program is presented  
12 at a conceptual level. Although the suggested program includes a generalized goal of  
13 reducing air quality impacts, it is not sufficiently developed to conclude that it would  
14 actually achieve reductions and thus represents improperly deferred mitigation for this  
15 Project. Accordingly, the commenter’s suggestion was not adopted as a mitigation  
16 measure in the EIR.

#### 17 Public Health Measures

18 One commenter requested that the LAHD establish a “Public Health Care and Socio-  
19 Economic Mitigation Trust Fund” to “provide financial assistance for immediate, short  
20 term and long term health care and other negative socio-economic impacts.” The fund  
21 would pay a variety of health care, rehabilitation, retraining, and funeral costs for  
22 surrounding communities. The FEIR (Response to Comments) pointed out that it is  
23 highly speculative whether health care financial assistance would be effective in  
24 mitigating health impacts for which the Project is responsible, and the comment offers no  
25 facts or evidence that it would. Socio-economic program financial assistance would not  
26 mitigate any of the Project’s physical health effects. Therefore, there is no nexus between  
27 the Project impacts and the requested financial assistance for immediate, short-term, and  
28 long-term health care and socio-economic programs are not proposed as an RDEIR  
29 mitigation measure. In summary, the proposed fund is not sufficiently related to the  
30 impacts identified in the EIR, and is not proportional in nature and extent to those  
31 impacts.

32 Other commenters requested that the Project fund the construction of health care clinics,  
33 enclosed school lunch room facilities, and air filtration/conditioning systems. In these  
34 cases, too, it is highly speculative whether such measures would be effective in  
35 mitigating health impacts for which the Project is responsible (and which were not found  
36 to be significant), and the comments offers no facts or evidence that they would.  
37 Accordingly, the proposed measures are not sufficiently related to the impacts identified  
38 in the EIR, are not proportional in nature and extent to those impacts, and are therefore  
39 not required under CEQA.

#### 40 Truck Routes

41 Several comments suggested that the EIR include a mitigation measure that would  
42 require trucks to use only designated truck routes. The RDEIR is clear that use of the  
43 designated truck routes is considered part of the Project and would be monitored and  
44 enforced through the use of GPS devices installed in the trucks, in accordance with  
45 BNSF’s drayage contract requirements. This project feature is also described as part of  
46 mitigation measure **MM AQ-8**, Low Emission Drayage Trucks. Accordingly, the

1 enforcement of designated truck routes through GPS devices is included in the MMRP  
2 converting a project feature into a mitigation measure is not required.

3 One commenter recommended that LAHD consider the commenter's request for highway  
4 rule changes that would permit truck drayage of two or more piggy-back container  
5 trailers to/from the Project site, which would allow more containers to be transported by  
6 fewer trucks. The FEIR (Responses to Comments) explained that it is beyond the  
7 jurisdiction of the LAHD to request rule changes for truck drayage on highways; this  
8 issue is under the jurisdiction of Caltrans and the U.S. Department of Transportation.  
9 Accordingly the commenter's suggestion would not be feasible and was not adopted as a  
10 mitigation measure in the EIR.

11 One commenter requested a mitigation measure requiring construction of a flyover from  
12 northbound TI Freeway to westbound PCH. The FEIR (Responses to Comments)  
13 explained the project would not have a significant impact on either (1) any intersections  
14 or (2) the freeway system. Accordingly, the suggested mitigation is not required under  
15 CEQA and was not adopted.

#### 16 Ultrafine Particles

17 One commenter recommended that to mitigate the effects of ultrafine particles (UFP) the  
18 LAHD should:

- 19 • “Encourage use of after-treatment technologies combined with oxidation catalyst  
20 technology to produce concurrent benefit of ultrafine particle reduction.
- 21 • Encourage equipment and vehicle manufacturers to develop diesel particulate filters  
22 (DPF) with integrated controls for ultrafines since the additional cost may be  
23 relatively minor.
- 24 • Work with CARB, US EPA, and other stakeholders in conducting research studies  
25 and control strategy development efforts.
- 26 • When developing control measures for the reduction of PM10 and PM2.5, give  
27 consideration to reducing any undesired effects on ultrafine number emissions, where  
28 feasible.”

29 The FEIR, in Master Response 12, UFP, and Responses to Comments, explains that the  
30 proposed Project's UFP emissions and their health impacts are speculative; therefore,  
31 mitigation measures specific to UFPs, such as the ones proposed in the comment, are not  
32 required. The FEIR did address the specific measures proposed by the commenter in the  
33 Responses to Comments, pointing out that 1) the trucks serving SCIG would already  
34 incorporate the after-treatment technologies mentioned in the comment, 2) that the  
35 LAHD has no authority to influence vehicle manufacturers given federal pre-emption, 3)  
36 that the Port is already working with regional and national stakeholders on developing  
37 emissions control strategies and technologies, and 4) that given the significant scientific  
38 uncertainty about emissions of UFPs and the effects of after-treatment control  
39 technologies, assessments of specific control measures with respect to UFP is  
40 speculative. Accordingly, the commenter's suggestion was not adopted as a mitigation  
41 measure in the EIR.

#### 42 Greenhouse Gases

43 Two commenters recommended that the Project consider purchasing carbon offsets and  
44 funding community projects such as solar panels to reduce GHG impacts to less than  
45 significant. The Project already includes solar panels on SCIG structures, and the FEIR  
46 (Responses to Comments) points out that the Project also includes a number of other

1 GHG-reducing features such as LEED-certified buildings and electric cargo-handling  
2 cranes. The FEIR also cites the nine GHG mitigation measures in the RDEIR and points  
3 out that the RDEIR includes a tenth measure, **MM GHG-10**, that requires BNSF to  
4 purchase a specified number of carbon offsets, corresponding to 100% of the Project’s  
5 electrical usage. Accordingly, the commenters’ suggested mitigation measure was  
6 adopted in the EIR.

#### 7 Noise Measures

8 One commenter requested that the LAHD establish an “Environmental Justice  
9 Community Fence-Line Monitoring Program” that would monitor in accordance with  
10 “Environmental Justice Community Noise Standards” developed by the commenter and  
11 that would be supervised by a “Community Advisory Committee” that would also be  
12 established by the LAHD. The stated purpose of the committee would be to “provide a  
13 forum to address DEIR, FEIR deficiencies, provide project statuses and address problems  
14 that may occur during construction and post operation”. The FEIR (Responses to  
15 Comments) pointed out that Mitigation Measure **MM NOI-2** already requires a  
16 Construction Noise Monitoring and Management Plan for the Project to address  
17 construction noise issues before, during, and after construction, and that full  
18 implementation of Mitigation Measures **MM NOI-1**, **MM NOI-2**, and **MM NOI-3**  
19 would reduce construction noise impacts to less than significant. Furthermore, the noise  
20 standards proposed by the commenter have not been adopted by the City of Long Beach,  
21 and thus would be inappropriate for application to the Project. Accordingly, the measures  
22 proposed by the commenter were rejected on the basis that they would be redundant to  
23 existing mitigation and inconsistent with CEQA.

24 Commenters also suggested that the EIR could include soundproofing as mitigation for  
25 noise impacts at schools. The FEIR (Chapter 2 Responses to Comments) pointed out that  
26 soundproofing was not warranted by the identified impacts, which do not occur at  
27 schools. Accordingly, mitigation in the form of soundproofing is not required under  
28 CEQA. Commenters also suggested that the EIR could include sound walls along all  
29 truck and trains transportation corridors, but the FEIR (Chapter 2 Responses to  
30 Comments) pointed out that installation of soundwalls along all truck and train  
31 transportation corridors was not warranted by the identified impacts. Commenters  
32 suggested that soundproofing could be used as an additional mitigation measure for  
33 residences experiencing a significant and unavoidable operational noise impact during the  
34 nighttime. As described in Section 4.2.6 of this document, the significant and  
35 unavoidable impact (NOI-6) would only be experienced by a receiver outdoors at night;  
36 accordingly soundproofing the interior of residences would not mitigate this impact.

37 Another commenter suggested that the 12-foot soundwall required by **MM NOI-1** should  
38 instead be a 24-foot-high wall. The FEIR (Chapter 2 Responses to Comments) points out  
39 that the 12-foot wall is appropriate given its distance from Project-related noise sources  
40 and geographic relationship to sensitive receivers, and that the wall in combination with  
41 the noise measures required under **MM NOI-2** would reduce impacts to less than  
42 significant. Accordingly, a 24-foot-high wall is not required as mitigation under CEQA.

## 43 **5 Environmental Justice**

44 While not a CEQA Impact Section, the EIR includes an environmental justice analysis,  
45 provided for informational purposes only. Environmental justice is generally defined as  
46 the fair treatment and meaningful involvement of all people regardless of race, color,

1 national origin, or income with respect to the development, implementation, and  
2 enforcement of environmental law, regulations and policies. In the context of project  
3 development, it refers to disproportionate adverse human health and environmental  
4 effects on low income and minority populations (EPA;  
5 <http://www.epa.gov/environmentaljustice/>) and is a required assessment of federal  
6 projects by federal agencies under the National Environmental Policy Act (NEPA).  
7 (EPA, <http://www.epa.gov/oecaerth/nepa/nepaej/index.html>) The proposed SCIG project  
8 is not a federal project, will not receive federal funds or federal permits, and, therefore,  
9 NEPA does not apply.

10 Unlike NEPA, CEQA does not require an analysis of environmental justice issues. CEQA  
11 requires that an EIR analyze physical impacts on the environment. A “significant effect  
12 on the environment” means a substantial, or potentially substantial, adverse change in any  
13 of the physical conditions within the area affected by the project, including land, air,  
14 water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic  
15 significance. An economic or social change by itself shall not be considered a significant  
16 effect on the environment. A social or economic change related to a physical change may  
17 be considered in determining whether the physical change is significant.” (CEQA  
18 Guidelines §15382.)

19 Although not required under CEQA, the RDEIR includes a discussion of environmental  
20 justice for informational purposes only (RDEIR Chapter 6). This approach is consistent  
21 with LAHD’s goals to consider environmental justice in its policies and projects. The  
22 RDEIR’s analysis of environmental justice did not consider disproportionate impacts, in  
23 and of themselves, a physical impact on the environment. Under the methodology used  
24 in this RDEIR’s analysis, if a significant unavoidable impact for any resource area would  
25 impact low income or minority residents, it was identified as a disproportionate impact.  
26 Because the proposed project’s eastern boundary is close to communities with a high  
27 percentage of low income and minority populations, the RDEIR concluded that there  
28 would be a disproportionate impact for the following resource areas: Aesthetics (AES-1),  
29 Air Quality (AQ-1, AQ-2, AQ-4, AQ-7), Cultural Resources (CR-2), Land Use (LU-4),  
30 and Noise (NOI-6).

31 Although the proposed Project would result in significant unavoidable impacts (project –  
32 level and cumulative) to Greenhouse Gases, these impacts are not considered  
33 disproportionate impacts to low income or minority populations.

34 Several commenters have stated that the SCIG project should not go forward because it  
35 violates environmental justice principles. Those comments raise policy issues, not issues  
36 related to the adequacy of the DEIR or RDEIR under CEQA. As stated above, CEQA  
37 does not require an analysis of environmental justice. Therefore, no further response is  
38 required because the comments do not raise any new significant environmental issues or  
39 address the adequacy of the environmental analysis included in the RDEIR. (Pub.  
40 Resources Code §21091(d); CEQA Guidelines §15204(a).) However, the following  
41 response addresses comments that include inaccurate allegations relating to  
42 environmental justice issues.

43 Many of the comments focus on the health impacts of locating the proposed project near  
44 sensitive receptors. In fact, the health risk assessment (Section 3.2.4.3 and Appendix C3)  
45 shows that health impacts will be less than significant for the surrounding communities.  
46 Additionally, with the proposed SCIG project, operational mass pollutant emissions will  
47 be reduced compared to baseline. (RDEIR Section 3.2.4.3) See also Master Response 11  
48 (for Locating a Railyard Near Sensitive Receptors).

1 One commenter states that the construction and operation of SCIG will violate the civil  
2 rights of minority and low income persons under state and federal law. The LAHD  
3 strongly disagrees with all of these allegations and responds that they do not raise issues  
4 of deficiencies of the content of the RDEIR or DEIR under CEQA. Contrary to the  
5 assertion of the commenter, California Government Code § 11135 does not apply.

6 The commenter also alleges that approval of SCIG will violate federal law, citing Title  
7 VI of the Civil Rights Act of 1964, 42 U.S.C. §§2000d-2000d-7, Executive Order 12898,  
8 49 C.F.R. 21.5(b)(3) and 49 C.F.R. 21.13. All of the cited sections of the federal law  
9 apply only to federally funded or assisted programs or federal actions. As stated above,  
10 the proposed SCIG project will not receive any federal funding; it will be built with 100  
11 percent private funds from the applicant, BNSF Railway.

12 In summary, while the Port is concerned about, and the RDEIR addresses, environmental  
13 justice issues, they are not CEQA issues.

## 14 **6 Alternatives to the Proposed Project**

15 A total of 14 alternatives were considered in regards to how well each could feasibly  
16 meet the basic objectives of the Project and avoid or substantially lessen any of the  
17 significant effects of the project. Twelve of these alternatives were eliminated from  
18 detailed consideration either because they could not feasibly meet the basic objectives of  
19 the Project and/or because they would not avoid or substantially lessen any of the  
20 significant effects of the proposed Project, as discussed in Section 5 of the RDEIR. Two  
21 of the alternatives (in addition to the proposed Project) were carried forward for further  
22 analysis to determine whether they could feasibly meet most of the Project objectives but  
23 avoid or substantially lessen any of the significant effects of the project. These two  
24 alternatives are evaluated co-equally with the proposed Project for all environmental  
25 resources in Chapter 5 in the RDEIR. Chapter 5 of the RDEIR also compares the  
26 proposed Project and these two alternatives and identifies the environmentally superior  
27 alternative. The two alternatives that were carried through the analysis of impacts in  
28 Chapter 5 in conjunction with the proposed Project are:

- 29 • Alternative 1 – No Project Alternative
- 30 • Alternative 2 – Reduced Project Alternative

### 31 **6.1 Reasonable Range of Alternatives**

32 Under CEQA, lead agencies are required to evaluate a “reasonable range” of alternatives  
33 but are not required to evaluate every possible alternative. According to CEQA, “an EIR  
34 need not consider every conceivable alternative to a project” (CEQA Guidelines  
35 15126.6(a)). The “range of alternatives required in an EIR is governed by a ‘rule of  
36 reason’ that requires an EIR to set forth only those alternatives necessary to permit a  
37 reasoned choice” (CEQA Guidelines § 15126.6(f)). The RDEIR contained two  
38 alternatives (three including the proposed Project), as shown in Table 4 below which  
39 provides variations in throughput, truck trips, and train trips compared to the proposed  
40 Project. The two alternatives plus the proposed Project constitute a reasonable range of  
41 alternatives, which permits the decision makers to make a reasoned choice regarding  
42 proposed Project approval (or approval of one of its alternatives), approval with  
43 modifications, or disapproval. Furthermore, CEQA does not require an EIR to consider  
44 multiple variations on the alternatives analyzed in an EIR. “What is required is the

1 production of information sufficient to permit a reasonable choice of alternatives so far as  
 2 environmental aspects are concerned. (*Village Laguna of Laguna Beach, Inc. v. Board of*  
 3 *Supervisors of Orange County* (1982) 134 Cal.App.3d 1022).

4  
 5 **Table 4. Summary of Proposed Project and Alternatives.**

	<b>Proposed Project</b>	<b>No Project Alternative (Alt 1)</b>	<b>Reduced Project Alternative (Alt 2)</b>
<b>Annual TEUs</b>	570,808 in 2016		570,808 in 2016
	2.8 million by 2035	2.0 million by 2035	1.85 million by 2035
<b>Truck (annual one-way trips)</b>	0.4 million in 2016	0.9 million in 2010	0.4 million in 2016
	2.0 million by 2035	2.3 million by 2035	1.33 million by 2035
	(to/from SCIG)	(to/from Hobart)	(to/from SCIG)
<b>Trains (round trips/day)</b>	2 trips in 2016		2 trips in 2016
	8 trips by 2035	0 trips	6 trips by 2035
	(to/from SCIG)	(to/from SCIG)	(to/from SCIG)

## 6.2 Alternatives Eliminated from Further Consideration

6  
 7  
 8  
 9 Alternatives that are remote or speculative, or the effects of which cannot be reasonably  
 10 predicted, need not be considered (CEQA Guidelines, § 15126(f)(2)). Alternatives may  
 11 be eliminated from detailed consideration in an EIR if they fail to meet most of the  
 12 project objectives, are infeasible, or do not avoid any significant environmental effects  
 13 (CEQA Guidelines, § 15126.6(c)). The following categories of alternatives were  
 14 determined to be infeasible or were determined to not meet project objectives, and were  
 15 eliminated from further consideration in the RDEIR (additional details regarding reasons  
 16 for rejection are included in Chapter 5 of the RDEIR):

- 17 1. Alternate sites outside the two ports
- 18 2. Alternate sites inside the ports
- 19 3. Different layouts for the proposed facility
- 20 4. Different access to the site

## 6.3 Alternatives Analyzed in the EIR

21  
 22 Chapter 5 of the RDEIR contains a detailed comparative analysis of the alternatives that  
 23 were found to achieve the project objectives, are considered ostensibly feasible, and may  
 24 reduce environmental impacts associated with the proposed Project.

25 A summary of the impact analysis for the proposed Project and the Alternatives is shown  
 26 in Table 5 below, which identifies the resource areas where the proposed Project or  
 27 Alternatives would result in an unavoidable significant impact under CEQA, as discussed  
 28 in resource analyses in Chapter 3 and Chapter 5 of the RDEIR. Detailed discussions of  
 29 the resources with unavoidable significant impacts, significant impacts that can be  
 30 mitigated to less than significant and less than significant impacts that can be further

1 reduced through incorporation of lease measures or project conditions of approval are  
2 provided in Chapter 5 of the RDEIR.

3 As shown on Table 5, the proposed Project and the two Alternatives have significant  
4 unavoidable impacts in the areas of Aesthetics, Air Quality and Meteorology, Cultural  
5 Resources, Greenhouse Gas Emissions and Climate Change, Land Use, Noise,  
6 Transportation, and Utilities and Public Services.

7 **Table 5. Comparison of the Proposed Project and Alternatives Showing Significant and**  
8 **Unavoidable Impacts After Mitigation.**

Issue Area	Proposed Project	No Project Alternative (Alt 1)	Reduced Project Alternative (Alt 2)
Aesthetics	AES-1		AES-1
Air Quality	AQ-1, AQ-2, AQ-4	AQ-4, AQ-7, AQ-8	AQ-1, AQ-2, AQ-4
Biology			
Cultural	CR-2		CR-2
Geology and Soils			
Greenhouse Gases	GHG-1	GHG-1, GHG-2	GHG-1
Hazards and Hazardous Materials			
Land Use	LU-4	LU-2	LU-4
Noise	NOI-6		NOI-6
Transportation		TRANS-4	
Utilities		PS-6	
Water Resources			
<b>Total</b>	<b>8</b>	<b>8</b>	<b>8</b>

9  
10 As shown in Table 5, the proposed Project and the alternatives have the same number of  
11 significant and unavoidable impacts, but not within the same resource areas. Therefore,  
12 proposed Project and the alternatives were ranked by comparing the severity of these  
13 significant and unavoidable impacts within each resource area. The ranking is based on  
14 the significance determinations for each resource area, as discussed in Chapter 3 of the  
15 RDEIR, and reflects differences in the level of impact among the proposed Project and  
16 the alternatives.

**Table 6. Ranking Comparison of the Proposed Project and Alternatives Showing Significant and Unavoidable Impacts After Mitigation.**

Resource Area	Proposed Project	No Project Alternative (Alt 1)	Reduced Project Alternative (Alt 2)
Aesthetics	AES-1 (+1)		AES-1 (+1)
Air Quality	AQ-1 (+2) AQ-2 (+2) AQ-4 (+2)	AQ-4 (+2) AQ-7 (+3) AQ-8 (+1)	AQ-1 (+2) AQ-2 (+2) AQ-4 (+1)
Biology			
Cultural	CR-2 (+1)		CR-2 (+1)
Geology and Soils			
Greenhouse Gases	GHG-1 (+2)	GHG-1 (+3), GHG-2 (+1)	GHG-1 (+1)
Hazards and Hazardous Materials			
Land Use	LU-4 (+3)	LU-2 (+1)	LU-4 (+2)
Noise	NOI-6 (+2)		NOI-6 (+2)
Transportation		TRANS-4 (+3)	
Utilities		PS-6 (+1)	
Water Resources			
Total	15	15	12

(+1) = Impacts considered to be somewhat severe.

(+2) = Impacts considered to be moderately severe.

(+3) = Impacts considered to be substantially severe.

## 6.4 Environmentally Superior Alternative

As shown in Table 6, the Reduced Project Alternative has significant and unavoidable impacts that are less severe when compared to the proposed Project and the No Project Alternative and is therefore, the Environmentally Superior Alternative. The Reduced Project Alternative, by definition, has less activity than the proposed Project because this alternative's operational capacity would be lower. The significant and unavoidable impacts that would be less severe include air quality (less operational emissions), GHG emissions (less operational emissions), and land use (fewer air quality impacts but noise impacts would likely be identical under peak conditions).

Although the proposed Project, Reduced Project and No Project Alternatives have the same number of significant and unavoidable impacts, the severity of the impacts differs. In addition, these impacts occur in different geographic locations: the proposed Project takes into consideration increased activity at the proposed Project site versus reduced activity on the I-710 and in the area of the downtown off-dock railyards. Greater use of rail under the proposed Project is contrasted with continued use of trucks for longer hauls under the Reduced Project and No Project Alternatives. The Environmentally Superior Alternative analysis above is a simplified way to look at these issues, but cannot substitute for a review of the analysis in the EIR itself.

## 6.5 Alternatives Suggested as Part of Public Comment on the DEIR and RDEIR

Numerous comment letters were received on both the DEIR and the RDEIR requesting that the Port analyze additional Alternatives or alternative project components to the proposed Project. Except as further described below, the recommendations fell into three categories:

- Maximize on-dock rail;
- Build the proposed Project “somewhere else,” which was generally suggested to be in the Port, and usually one or more of the locations considered in RDEIR Sections 5.1.3.1 and 5.1.3.2; and
- Incorporate Zero Emission Container Transport Technologies as an alternative transport system between the terminals and the Project. Technologies could include on-road electric vehicles, electric locomotives, or fixed guide way systems such as maglev.

Use of on-dock rail as an alternative was addressed in RDEIR Section 5.2.1 and in FEIR Chapter 2 (Master Response 5, Alternatives, and Master Response 6, On-Dock). Alternate Locations were addressed in RDEIR Section 5.1.3 and in FEIR Chapter 2 (Master Response 5, Alternatives). The use of alternate technologies was addressed in RDEIR Section 5.2.2 and in FEIR Chapter 2 (Master Response 7, ZECMS). The individual comments were all addressed in FEIR Chapter 2, Responses to Comments.

In four cases, commenters suggested alternatives that were not explicitly evaluated in the DEIR or RDEIR. Several commenters on the RDEIR suggested that the EIR consider the GRID (Green Rail Intelligent Design) concept, consisting of three parts: a new type of marine terminal that loads and unloads ships, including direct ship-to-train; an underground pipeline (the “Freight Pipeline”) containing an electrified rail line; and an inland port where containers would be sorted and distributed either to local-bound trucks or to eastbound trains. FEIR Chapter 2 (Master Response 5, Alternatives, and Master Response 7, ZECMS) pointed out that the GRID concept was even farther from demonstrated feasibility than the alternatives considered but rejected in RDEIR Chapter 5, and therefore was infeasible.

One comment suggested that the EIR consider a proposal to use a site in the Port of Long Beach currently leased by Toyota to build the Project. The alternative was rejected because no details of the proposal were provided in the comment and, to the LAHD’s knowledge, no such proposal has been made by the Port of Long Beach.

Several commenters suggested the EIR consider greenbelt concepts variously termed the “Terminal Island de-intensification project”, or “Alternative 3”. These concepts were rejected in responses to comments on the grounds that the LAHD has no authority to implement such a proposal and that it was not clear that there would be a sufficient nexus between the nature of a greenbelt and the nature of the Project’s impacts to justify such a massive project.

Finally, one comment suggested that the ICTF and the SCIG site be combined to form a “10,000-foot railyard.” This concept is not feasible due to economic and other factors. The ICTF facility is owned and operated by Union Pacific Railway Company. The proposed SCIG facility will be constructed and operated by BNSF. The two corporations

1 are competitors and operate separate railyards and maintenance facilities and, in many  
2 instances, different tracks.

## 3 **6.6 CEQA Findings for Alternatives Analyzed**

4 LAHD has expressed its intent to promote increased use of rail in general, and near-dock  
5 rail facilities in particular, as indicated in its Rail Policy (Section 2.1.1 of RDEIR), and to  
6 comply with the Mayor of Los Angeles' goal for the LAHD to increase growth while  
7 mitigating the impacts of that growth on the local communities and the Los Angeles  
8 region by implementing pollution control measures, including the elements of the CAAP  
9 specific to the proposed Project. Similarly, the California EPA has recommended the  
10 SCIG project as a preliminary candidate in the 2007 Goods Movement Action Plan, and  
11 the Southern California Association of Governments (SCAG) has identified the SCIG  
12 project as potentially playing a key role in addressing the growth of high-density truck  
13 traffic in its 2008 Regional Transportation Plan Goods Movement Report (SCAG, 2008)  
14 and the 2012 Regional Transportation Plan (SCAG, 2012).

15 The 2009 forecast estimates that total direct intermodal rail demand coming from the San  
16 Pedro Bay ports will be 15.7 million TEUs by the year 2035. This estimate assumes that,  
17 consistent with recent trends, direct intermodal will constitute 40 percent of the total San  
18 Pedro Bay container capacity of 39.4 million TEUs. Notwithstanding the planned and  
19 proposed improvements described in Section 1.1.5.3 of the RDEIR, on-dock railyard  
20 capacity, which is expected to reach a maximum of 11.7 million TEUs, will be unable to  
21 handle that intermodal demand.

22 Given the limitations of on-dock facilities and the demand for more efficient intermodal  
23 transport, the ports expect that near-dock and off-dock facilities will continue to be  
24 needed to satisfy the Ports' future intermodal needs related to: (1) overflow traffic due to  
25 on-dock capacity constraints, (2) containers that require staging until a train going to the  
26 appropriate destination is available, and (3) transload cargo. For these reasons, the LAHD  
27 and the Port of Long Beach expect that near-dock and off-dock railyards will continue to  
28 handle a significant portion of the intermodal traffic.

### 29 **6.6.1 Project Objectives**

30 The following Project objectives were considered for the Alternatives analysis:

- 31 1. Provide an additional near-dock intermodal rail facility that would:
  - 32 a) Help meet the demands of current and anticipated containerized cargo from the
  - 33 various San Pedro Bay port marine terminals, and
  - 34 b) Combine common destination cargo "blocks" and/or unit trains collected from
  - 35 different San Pedro Bay Port marine terminals to build trains for specific
  - 36 destinations throughout the country.
- 37 2. Reduce truck miles traveled associated with moving containerized cargo by  
38 providing a near-dock intermodal facility that would:
  - 39 a) Increase use of the Alameda Corridor for the efficient and environmentally sound
  - 40 transportation of cargo between the San Pedro Bay Ports and destinations both inland
  - 41 and out of the region, and
  - 42 b) Maximize the direct transfer of cargo from port to rail with minimal surface
  - 43 transportation, congestion and delay.

- 1 3. Provide shippers carriers, and terminal operators with comparable options for Class 1
- 2 railroad near-dock intermodal rail facilities.
- 3 4. Construct a near-dock intermodal rail facility that is sized and configured to provide
- 4 maximum intermodal capacity for the transfer of marine containers between truck
- 5 and rail in the most efficient manner.
- 6 5. Provide infrastructure improvements consistent with the California Goods Movement
- 7 Action Plan.

## 8 **6.6.2 No Project Alternative (Alternative 1)**

9 Under Alternative 1, the No Project Alternative, the LAHD would not issue any permits  
10 or discretionary approvals associated with the proposed Project, the proposed Project  
11 would not be built, and existing uses and operations by current businesses at the Project  
12 site would remain at the site. As it is reasonable to expect that existing uses would  
13 experience some growth in the future, despite site constraints, the No Project alternative  
14 assumes a 10 percent growth in activity levels of the existing uses at the Project site by  
15 2016, and then remains at 2016 levels for all future years due to site configuration and  
16 size as well as future growth projections.

17 Forecasted increases in cargo throughput at the two San Pedro Bay Ports, including  
18 intermodal cargo, would still occur. BNSF has represented that, in the No Project  
19 Alternative, the additional intermodal cargo (direct intermodal, transloaded, and  
20 domestic) would be handled at the Hobart/Commerce Railyard, east of downtown Los  
21 Angeles, approximately 24 miles north of the San Pedro Bay Ports (BNSF, 2012). By  
22 2035, the year of full operation for the Reduced Project and the proposed Project, the No  
23 Project Alternative analysis assumes that BNSF would handle approximately 2.0 million  
24 direct intermodal TEUs from the ports per year. Physical modification and operational  
25 changes would be undertaken at Hobart Yard in order to accommodate the increased  
26 cargo. BNSF would re-organize its Southern California operations to handle primarily  
27 international (i.e., port) cargo at Hobart and shift the domestic cargo currently occupying  
28 a share of Hobart's capacity to other regional intermodal facilities. The operational  
29 changes and the approved expansions would allow Hobart/Commerce to handle  
30 approximately 3 million lifts (5.4 million TEUs) per year by 2035, which is  
31 approximately 1 million lifts more than its existing capacity. The Port independently  
32 undertook engineering analyses of the Hobart/Commerce Yard that confirmed BNSF's  
33 representations of the potential to expand capacity at these facilities (AECOM, 2012).

34 Drayage trucks that would operate between the marine terminals and the SCIG facility  
35 under the proposed Project would instead continue to operate between the marine  
36 terminals and the Hobart/Commerce Yard. Accordingly, the No Project Alternative  
37 would result in 212 additional truck trips on I-710 above the baseline per average day  
38 between the Project site and the Hobart/Commerce Yards in each direction in 2023 and  
39 increasing to 3,751 additional trips per day in 2035 and thereafter (see RDEIR Section  
40 5.4.1). Because of the distance to the Hobart/Commerce Yard, each trip would be  
41 approximately 20 miles longer in each direction than under the proposed Project.  
42 Similarly, no line-haul train trips would occur between the Project site and the  
43 Hobart/Commerce Yards. However, there would continue to be limited onsite locomotive  
44 activity associated with existing California Cartage and L.A. Harbor Grain Terminal  
45 operations.

1 Train, truck, and equipment activity within the Hobart/Commerce Yards is not analyzed  
2 in this document for the No Project Alternative. Those activities are accounted for in the  
3 environmental analyses conducted under the CARB Memorandum of Understanding with  
4 BNSF. This assumption is conservative, as it avoids the possibility of overstating impacts  
5 of the No Project Alternative. BNSF represents that the expansion of Hobart/Commerce  
6 Yards will occur whether or not SCIG is constructed; the difference would be whether the  
7 facility would handle primarily domestic and transloaded cargo (if SCIG is built) or a  
8 mixture of domestic, transloaded, and international cargo (if SCIG is not built).

## 9 **Finding**

10 The Board hereby finds that the No Project Alternative (Alternative 1) would not meet  
11 any of the Project Objectives, and on that basis, rejects the No Project alternative.

## 12 **Facts in Support of Finding**

13 When compared against the CEQA baseline, the No Project Alternative would result in  
14 six fewer significant and unavoidable environmental impacts compared to the proposed  
15 Project. These impacts include AES-1, AQ-1, AQ-2, CR-2, LU-4, and NOI-6 because  
16 the Project construction would not occur at all. However, Alternative 1 would result in  
17 seven more significant and unavoidable environmental impacts compared to the proposed  
18 Project. These impacts are AQ-3, AQ-7, AQ-8, GHG-2, LU-2, TRANS-4, and PS-6.  
19 The No Project would lead to increased truck trips to the Hobart/Commerce yards and the  
20 projected truck traffic primarily on the I-710 freeway would lead to air pollutant and  
21 greenhouse gas emissions impacts and localized pollutant concentration and health risk  
22 impacts. The No Project Alternative would conflict with air quality plans and objectives,  
23 by not increasing the efficiency of goods movement through increasing the use of rail to  
24 move cargo. Increased freeway congestion along the I-710 associated with trucks  
25 traveling to the Hobart/Commerce yards in the No Project Alternative would constitute a  
26 new transportation impact. The No Project Alternative would result in a significant and  
27 unavoidable impact under Land Use due to inconsistency with the General Plan or  
28 adopted environmental goals or policies contained in other applicable land use plans  
29 adopted for the purpose of avoiding or mitigating an environmental impact. This Land  
30 Use impact results from the significant and unavoidable environmental impacts in various  
31 environmental resource areas, because no mitigation is feasible as no discretionary  
32 actions under CEQA would occur. Finally, the No Project Alternative would result in  
33 increased generation of solid waste from activities at the Project site, and because area  
34 landfills are already at capacity and no mitigation is feasible for the No Project  
35 Alternative, this would constitute a significant and unavoidable impact.

36 In total, the No Project Alternative would result in one more unavoidable significant  
37 adverse impact compared to the proposed Project. The No Project would involve no  
38 discretionary actions subject to CEQA, would not construct a new near-dock facility, and  
39 would involve the continued drayage of international cargo containers by truck between  
40 the San Pedro Bay Ports' terminals and the Hobart/Commerce Yards in downtown Los  
41 Angeles. The No Project Alternative therefore does not meet the goal of constructing a  
42 new, near-dock railyard to meet the demands of current and anticipated containerized  
43 cargo from the various San Pedro Bay port marine terminals, and to combine common  
44 destination cargo blocks and/or unit trains collected from different San Pedro Bay Port  
45 marine terminals to build trains for specific destinations throughout the country. In the  
46 No Project, containers drayed by truck from the marine terminals to Hobart/Commerce  
47 Yards would travel approximately 20 miles longer by truck each one-way trip as

1 compared to the Project, therefore the No Project would not reduce truck miles traveled  
2 by international cargo or enhance the use of the Alameda Corridor. By not constructing a  
3 new, near-dock facility, shippers, carriers, and terminal operators would not be provided  
4 with comparable options for Class 1 railroad near-dock intermodal rail facilities. The  
5 improvements in the efficiency of cargo handling and transfer to rail associated with the  
6 proposed Project would not be achieved in the No Project, and thus the No Project does  
7 not further the goals of the Port and the California Goods Movement Action Plan. For  
8 these reasons, the No Project Alternative is not considered to be a viable Project  
9 alternative that could achieve the project objectives.

10 Thus, based on the analyses in Chapter 3 and Chapter 5 of the RDEIR, the No Project  
11 Alternative would result in one more environmental impact compared to the proposed  
12 Project and would not meet the overall project purpose or objectives under CEQA.

### 13 **6.6.3 Reduced Project Alternative (Alternative 2)**

14 Under Alternative 2, the Reduced Project Alternative, the SCIG facility and facilities on  
15 the alternate business sites described in the proposed Project would be constructed, but  
16 SCIG's activity level would be limited by lease conditions, rather than on economic  
17 demand or cargo activity. The disposition of the existing businesses would be the same as  
18 described for the proposed Project. While a reduced project alternative would normally  
19 be considered to have a smaller footprint, thereby requiring less construction, in this case  
20 BNSF has represented that the physical and operational requirements of modern  
21 intermodal rail operations dictate a minimum size to a near-dock or off-dock facility. For  
22 example, 4,000-foot tracks with switch leads at both ends are required in order to handle  
23 efficiently the typical 8,000-foot intermodal train. The facility must have adequate on-site  
24 space for truck queuing and container stacking, and it must be readily accessible from  
25 major regional roads and highways. BNSF represents that the proposed Project is the  
26 minimum size that can be operated efficiently and economically. Accordingly, all  
27 physical features of the Reduced Project Alternative would be the same as the proposed  
28 Project, including the railyard features (trackage, cranes, buildings, and roads) and the  
29 off-site improvements to roads and trackage. The construction methods and schedule  
30 would be the same as those of the proposed Project (Section 2.4.3 of the RDEIR). Thus,  
31 construction costs would not be materially less for the Reduced Project Alternative than  
32 for the proposed Project. At substantially the same total investment as the proposed  
33 Project, the Reduced Project Alternative would not allow BNSF enough cargo throughput  
34 to make such an investment economically justifiable based on the returns it would  
35 generate. Therefore, BNSF has advised that it would not build the Reduced Project at  
36 this time.

37 At full operation, the Reduced Project would handle approximately 1.85 million TEUs  
38 per year (instead of the 2.8 million TEU associated with the proposed Project), and it is  
39 anticipated it would reach capacity in 2035. Those containers would be transported by  
40 2,160 trains (6 round trips per day) and approximately 1.33 million one-way truck trips  
41 per year. The operational details of the facility would be largely the same as those of the  
42 proposed Project, although the facility might only operate two shifts per day to handle the  
43 reduced throughput. Because of the reduced cargo capacity of the Reduced Project  
44 Alternative, the remaining cargo demand not handled by the SCIG facility under the  
45 Reduced Project Alternative would continue to be handled at Hobart/Commerce or other  
46 railyards such as the UP ICTF. This assumption is based on the projections of regional  
47 intermodal demand and the market share of that demand handled by both Class I

1 railroads, described in Chapter 1 of the RDEIR, that will occur independently of the  
2 Reduced Project Alternative.

### 3 **Finding**

4 The Board hereby finds that although Alternative 2 would result in reduced  
5 environmental impacts compared to the proposed Project, Alternative 2 would not fully  
6 meet the project objectives of "...meeting current and anticipated containerized cargo  
7 demands..." , would not fully meet the basic Project objective of "reducing the truck trips  
8 and total truck mileage." Additionally, Alternative 2 would not fully meet the following  
9 specific project objectives: (1) "Provide an additional near-dock intermodal rail facility  
10 that would: a) Help meet the demands of current and anticipated containerized cargo  
11 from various San Pedro Bay port marine terminals,(2) "Reduce truck miles traveled  
12 associated with moving containerized cargo by providing a near-dock intermodal facility  
13 that would...3) Maximize the direct transfer of cargo from port to rail with minimal  
14 surface transportation, congestion and delay", (4) "construct a near-dock intermodal rail  
15 facility that is sized and configured to provide maximum intermodal capacity of the  
16 transfer of marine containers between truck and rail in the most efficient manner". As a  
17 result, the Board finds that Alternative 2 is not a feasible alternative to the proposed  
18 Project, in that it would not accomplish fundamental Project goals and objectives. The  
19 Board finds Alternative 2 infeasible for all of the individual and cumulative reasons  
20 described above.

### 21 **Facts in Support of the Finding**

22 When compared against the CEQA baseline, Alternative 2 would result in the same  
23 significant and unavoidable environmental impacts compared to the proposed Project.  
24 Because its operational capacity would be lower, Alternative 2 would result in less severe  
25 impacts related to Air Quality and Meteorology, Greenhouse Gases and Climate Change,  
26 Land Use and Noise. Significant and unavoidable impacts for Aesthetics and Cultural  
27 Resources would be identical in the Reduced Project as in the Project because  
28 construction of the SCIG facility and its physical features would be identical in the  
29 Reduced Project and Project. Further, whether the throughput levels are at the proposed  
30 Project level or the Reduced Project Alternative level, access to and from the Alameda  
31 Corridor will be via an underpass under the Pacific Coast Highway (PCH) at the south  
32 end of the facility. Therefore, in either scenario, the existing underpass will have to be  
33 widened to accommodate the leads into the facility. Similarly, as it is necessary for  
34 congestion prevention to separate SCIG truck traffic from general area traffic, dedicated  
35 on/off-ramps to/from PCH will also have to be built, regardless of throughput levels. In  
36 addition, existing underground utilities will have to be relocated into a utility trench to be  
37 constructed or protected in place under both the proposed Project and the Reduced  
38 Project Alternative. The reconstruction of the Dominguez Channel Bridge also will be  
39 required in either scenario because the operating rules of the Alameda Corridor require  
40 sufficient lead lengths so that no switching activity occurs on the Corridor. The existing  
41 Dominguez Channel rail bridge is not wide enough accommodate the second lead  
42 necessary to permit switching trains in and out of a yard with 4000 foot tracks without  
43 intruding on the Corridor. Additionally, the Sepulveda Blvd Rail Bridge will also need to  
44 be rebuilt under either scenario because it presently cannot accommodate the additional  
45 track required at the north end of the yard. Two south end lead tracks are required under  
46 either scenario to allow trains to arrive and depart simultaneously, which often is required  
47 for efficient cargo operations. To achieve two south end lead tracks, BNSF would have

1 to build the same number of track modules inside the yard under the Project or the  
2 Reduced Project Alternative. Because BNSF would be building the same number of  
3 modules, the amount of mast lighting to be installed also would be the same. Under both  
4 scenarios, in order to prevent trucks from queuing on PCH, the 2,500 foot queuing lane  
5 would have to be built, as would the full automated gate checkpoint system for safety and  
6 security. The power supply for the facility also would be the same in either scenario due  
7 to the number of cranes under the proposed Project and the Reduced Project Alternative.  
8 Finally, the impacts associated with the displacement of the existing tenants would be the  
9 same under both scenarios. All of these things are major cost elements of the  
10 development of the facility. Thus, construction costs would not be materially less for the  
11 Reduced Project Alternative than for the proposed Project. At substantially the same  
12 total investment as the proposed Project, the Reduced Project Alternative would not  
13 allow BNSF enough cargo throughput to make such an investment economically  
14 justifiable based on the returns it would generate. Therefore, BNSF has advised that it  
15 would not build the Reduced Project at this time.

## 16 **6.6.4 Summary**

17 Based on the alternatives discussion provided in the FEIR and the information above, the  
18 Board determines the proposed Project is the feasible alternative that, when taking into  
19 account environmental and economic factors, best meets project objectives of meeting the  
20 demands of current and anticipated containerized cargo; reducing truck miles traveled  
21 associated with cargo movement by maximizing transport from directly port to rail;  
22 providing shippers carriers, and terminal operators with comparable options for Class 1  
23 railroad near dock intermodal rail facilities; constructing a near-dock intermodal rail  
24 facility that is sized and configured to provide maximum intermodal capacity for the  
25 transfer of marine containers between truck and rail in the most efficient manner; and  
26 providing infrastructure improvements consistent with the California Goods Movement  
27 Action Plan.

### 28 **6.6.4.1 Findings Regarding Other CEQA Considerations**

#### 29 **Significant Irreversible Environmental Changes**

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

#### 34 **Finding and Rationale**

35 The proposed Project would require the use of nonrenewable resources to develop the site  
36 for Port-related activities. Fossil fuels and energy would be consumed during both the  
37 construction and the operational phases. These energy resources would for the most part  
38 be irretrievable, and would cause irreversible changes in supplies of fossil fuel available  
39 for other uses. However, some electricity provided by SCE and the LADWP is provided  
40 from renewable sources and recently adopted legislation raises California's renewable  
41 portfolio requirements for retail electricity sales.

42 Non-recoverable material resources committed to the proposed Project other than fossil  
43 fuels would include: capital, labor, and construction materials such as rock, steel,  
44 concrete, and timber. Non-recoverable materials would be used during construction and  
45 operational activities, but the amounts needed would be accommodated by existing

1 supplies. Although the increase in the amount of materials used would be limited, they  
2 would be unavailable for other uses. The irreversible changes discussed above are  
3 justified by the increased efficiency in cargo handling at the Port that the proposed  
4 Project would provide, as well as the environmental benefits in comparison to the No  
5 Project Alternative.

## 6 **7 Statement of Overriding Considerations**

7 Pursuant to § 15093 of the CEQA Guidelines, the Board must balance the benefits of the  
8 proposed Project against unavoidable environmental risks in determining whether to  
9 approve the project. The proposed Project would result in significant unavoidable  
10 impacts to Aesthetics, Air Quality, Cultural Resources, Greenhouse Gases, Land Use and  
11 Noise. The proposed Project would also result in a cumulatively considerable  
12 contribution to significant cumulative impacts to Aesthetics, Air Quality, Cultural  
13 Resources, Greenhouse Gases, Land Use, Noise, and Utilities & Public Services.

### 14 **7.1 Aesthetics and Visual Resources**

15 The proposed Project would have a significant aesthetic impact related to demolition of  
16 the historic Sepulveda Boulevard railroad bridge (**Impact AES-1**). Mitigation is available  
17 but would not reduce this impact to less than significant. Accordingly, impacts after  
18 mitigation would remain significant and unavoidable.

19 As provided in the Findings above, there will also be a cumulative aesthetics impact  
20 (**Cumulative Impact AES-1**) that will remain significant and unavoidable.

### 21 **7.2 Air Quality and Meteorology**

22 The proposed Project would result in significant unavoidable impacts to air quality during  
23 construction and operation even with the adoption and implementation of mitigation  
24 measures. Specifically, VOC, CO, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions related to  
25 construction would exceed SCAQMD thresholds (**Impact AQ-1**). Project construction  
26 would also result in offsite ambient air pollutant concentrations that exceed the  
27 SCAQMD threshold of significance (**Impact AQ-2**) for PM<sub>10</sub> and NO<sub>2</sub>.

28 Project operation would result in offsite ambient air pollutant concentrations that exceed  
29 the SCAQMD threshold of significance (**Impact AQ-4**) for NO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>.

30 As provided in the Findings above, there will also be cumulative air quality construction  
31 and operational impacts (see **Cumulative Impact AQ-1**, **Impact AQ-2**, **Impact AQ-4**,  
32 and **Impact AQ-7**) that would remain significant and unavoidable. Additionally,  
33 emissions from operation of the proposed Project would make a cumulatively  
34 considerable contribution to an existing significant cumulative impact for CO  
35 (**Cumulative Impact AQ-3**).

### 36 **7.3 Cultural Resources**

37 Construction of the proposed Project would result in a significant and unavoidable  
38 impact (**Impact CR-2**) even after mitigation because the Sepulveda Blvd rail bridge, a  
39 historical structure would be demolished.

1 As provided in the Findings above, there will also be a cumulative cultural impact  
2 (**Cumulative Impact CR-2**) that would remain significant and unavoidable.

### 3 **7.3 Greenhouse Gas Emissions and Climate** 4 **Change**

5 Because there are no established significance thresholds for GHG emissions, the Port has  
6 established that any increase is potentially significant. Construction and operation (year  
7 2035 and beyond) of the proposed Project would result in significant and unavoidable  
8 impacts to GHG emissions (**Impact GHG-1**).

9 As provided in the Findings above, there will also be a cumulative GHG impact  
10 (**Cumulative Impact GHG-1**) that would remain significant and unavoidable.

### 11 **7.4 Land Use**

12 The proposed Project would cause significant air quality and noise impacts. Therefore,  
13 secondary impacts on land use (**Impact LU-6**) would be considered significant and  
14 unavoidable because mitigations would not reduce the impacts to less than significant.

15 As provided in the Findings above, there will also be a cumulative land use impact  
16 (**Cumulative Impact LU-4**) that would remain significant and unavoidable.

### 17 **7.5 Noise**

18 With implementation of mitigation measures, construction equipment noise and daytime  
19 operations noise generated by the proposed Project would be reduced to less than  
20 significant level. However, nighttime operations noise with mitigation would remain a  
21 significant and unavoidable impact (**Impact NOI-6**).

22 As provided in the Findings above, there will also be a cumulative noise impact  
23 (**Cumulative Impact NOI-6**) that would remain significant and unavoidable.

### 24 **7.6 Utilities and Public Services**

25 As provided in the Findings above, there will be a cumulative impact regarding the future  
26 of landfill capacity and waste reduction in the region (**Cumulative Impact PS-6**) that  
27 would remain significant and unavoidable.

### 28 **7.7 Project Benefits**

29 The proposed Project offers several benefits that outweigh the unavoidable adverse  
30 environmental effects of the project. The Board of Harbor Commissioners adopts the  
31 following Statement of Overriding Considerations. The Board recognizes that significant  
32 and unavoidable impacts will result from implementation of the Project, as discussed  
33 above. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible any  
34 alternatives which would avoid or reduce the significant impacts of the proposed Project,  
35 as discussed above, (iii) recognized all significant, unavoidable impacts, and (iv)  
36 balanced the benefits of the Project against the Project's significant and unavoidable

1 impacts, the Board hereby finds that the benefits outweigh and override the significant  
2 unavoidable impacts for the reasons stated below.

3 The below stated reasons summarize the benefits, goals, and objectives of the proposed  
4 Project and provide the rationale for the benefits of the Project. These overriding  
5 considerations justify adoption of the Project and certification of the completed FEIR.  
6 Many of these overriding considerations individually would be sufficient to outweigh the  
7 adverse environmental impacts of the Project. These benefits include the following:

- 8 • **Fulfills Port legal mandates and objectives.** The proposed Project would fulfill  
9 LAHD's intent to promote increased use of rail and near-dock facilities, which would  
10 help meet the demands of current and anticipated containerized cargo from the San  
11 Pedro Bay ports and provide space to collect and combine cargo units bound for  
12 common destinations to be transported by rail. Rail is an environmentally sound and  
13 efficient mode of transportation that can reduce truck miles traveled on roads  
14 associated with cargo transport, thereby reducing congestion, delay, and air pollutant  
15 emissions. The proposed Project would be a Class 1 facility servicing shipper  
16 carriers and terminal operators. Its near-dock location is configured to handle  
17 projected growth in containerized cargo throughput and to make efficient use of truck  
18 and trail transport.
- 19 • **Removes truck trips on I-710.** Removes approximately 95 percent of intermodal  
20 drayage truck trips per year off the I-170 Freeway that would have traveled 24 miles  
21 from the marine terminals to the BNSF Hobart/Commerce Yard in downtown Los  
22 Angeles, thereby reducing truck emissions and congestion.
- 23 • **Increases use of the Alameda Corridor.** The trains utilizing the SCIG facility  
24 would increase the use of the Alameda Corridor for the efficient and environmentally  
25 sound methods of transporting cargo between the San Pedro Bay Ports and  
26 destination both inland and out of the region.
- 27 • **Implements the San Pedro Bay Clean Air Action Plan (CAAP).** The Project  
28 incorporates many environmental features consistent with the CAAP, and additional  
29 mitigation measures, lease measures and project conditions have been identified  
30 through the CEQA findings of the DEIR/RDEIR that meet CAAP requirements and  
31 objectives.
- 32 • **Provides new jobs during the life of the Project.** Operation of the proposed Project  
33 will create approximately 1,096 direct and indirect long term jobs by 2046. Annual  
34 pay for direct, indirect and induced jobs is estimated to exceed \$73,500 per job/per  
35 year.
- 36 • **Provides new construction jobs.** Project construction would generate approximately  
37 1,500 direct and indirect jobs per year for the three-year construction period.  
38 Aggregate wages during the three year construction period for direct and secondary  
39 jobs would be about \$39.4 million annually (2010 dollars), which averages  
40 approximately \$46,600 per job per year. In addition, qualified local residents would  
41 be given priority for all new job offers at SCIG.
- 42 • **The Project would provide tax revenues.** Annual tax revenues contributed from  
43 construction would reach \$31.4 million over the three-year construction period.  
44 Annual tax revenues contributed from operation would reach \$14.6 million at full  
45 capacity by 2035.

- 1                   • **The Project helps achieve California and Regional Goods Movement Planning**  
2                   **Goals.** The California Environmental Protection Agency and California’s Business  
3                   Transportation and Housing Agency (which includes Caltrans) has recommended the  
4                   SCIG Project as a preliminary candidate in the 2007 Goods Movement Action Plan  
5                   which states “The completion of the Union Pacific Intermodal Container Transfer  
6                   Facility (ICTF) and the proposed Southern California International Gateway (SCIG)  
7                   BNSF Railyard are two infrastructure projects that would help to move container  
8                   traffic from truck to rail.” The Southern California Association of Governments  
9                   (SCAG) has identified the SCIG Project as potentially playing a key role in  
10                  addressing the growth of high-density truck traffic in its 2008 Regional  
11                  Transportation Plan Goods Movement Report and in the 2012-2035 Regional  
12                  Transportation Plan (RTP). In addition, SCAG’s public comment letter on the Draft  
13                  EIR for the Project dated November 13, 2012 states: “The adopted 2012-2035  
14                  RTP/SCS includes the proposed project as a component of the comprehensive goods  
15                  movement system.”

16                  In summary, the Project will allow the Port to meet its legal mandates to accommodate  
17                  growing international commerce, will permit LAHD to continue to comply with the  
18                  CAAP and other measures designed to reduce overall emissions over time, and provide  
19                  jobs to the local economy. The Board hereby finds that the benefits of the proposed  
20                  Project described above outweigh the significant and unavoidable environmental effects  
21                  of the project, which are therefore considered acceptable.

## 22                  **8.0                  Location and Custodian of Records**

23                  The documents and other materials that constitute the administrative record for the  
24                  LAHD’s actions related to the Project are located at the office of the Director of  
25                  Environmental Management, Los Angeles Harbor Department, 222 W. 6<sup>th</sup> Street, 10<sup>th</sup>  
26                  floor, San Pedro, California 90731.

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