Chapter 2
Project Description

2.1 Introduction

This section provides background information related to existing operations at the Shell Marine Oil Terminal, proposed Project elements, and related construction and marine oil terminal operational activities. This section also provides a discussion of the CEQA baseline that forms the basis of the environmental analyses in Chapter 3 Environmental Analysis, a description of the proposed Project and alternatives considered in this Draft EIR, and consistency of the proposed Project and analysis in relation to existing statutes, plans, policies and other requirements. In addition, Section 1.4 in Chapter 1 Introduction discusses the intended uses of this EIR and identifies the permits, approvals, and actions of other agencies that would be required for the proposed Project or alternative.

2.2 Background and Project Overview

2.2.1 Background

There are seven marine oil terminals currently operating at the Port under separate leases. The Shell Marine Oil Terminal at Berths 167-169 has been in operation at Mormon Island since 1923 as a marine liquid bulk terminal (unloading and loading of petroleum products). The existing Harbor Department permit/lease (Permit No. 634) became effective in February 1988, and expires in February 2023.

2.2.2 Project Overview

The primary goal of the proposed Project is to comply with Chapter 31.F Marine Oil Terminal Engineering & Maintenance Standards (MOTEMS) of the State of California Building Code. MOTEMS is a comprehensive set of codes and standards for the analysis, design, inspection/maintenance, and operation of existing and new marine oil terminals in the State of California. Section 1.2.2 in Chapter 1 Introduction details the MOTEMS requirements.

The proposed Project would construct a new MOTEMS compliant wharf and mooring system for the Shell Marine Oil Terminal at Berths 167-169, which would replace the current timber wharf. Other Project elements include piping and related foundation support, and topside equipment replacement. The tenant, Shell Oil Company (hereafter referred to as Shell), has also applied to the Port for a new 30-year lease through the year 2048 to allow continued operations of its existing marine oil terminal. The new lease would contain provisions for further minimizing the potential release of petroleum products, beyond existing controls and measures, through the implementation of Shell's

Source Control Program Plan (SCP Plan). The proposed Project elements are detailed in Section 2.5 below.

2.3 Project Purpose, Need and Objectives

2.3.1 Purpose and Need

The proposed Project is needed to comply with Chapter 31F –Marine Oil Terminals of the 2016 California Building Code, Title 24, Part 2, also referred to as MOTEMS. This facility helps maintain the Port's ability to accommodate fuel imports for the Southern California market over the long-term. Key project elements that would meet MOTEMS requirements include the construction of two new loading platforms to replace the existing timber wharf, new mooring dolphins, and shore side improvements on portions of the terminal. The tenant, Shell, has also applied to the Port for a new, long-term (30-year) lease to allow continued operations of its existing marine oil terminal.

2.3.2 Project Objectives

The proposed Project would address the project objectives, as summarized below.

- Comply with MOTEMS requirements, which would ensure better resistance to earthquakes, protect the public and the environment, and reduce the potential of an oil spill, and consequently maintain the operation and viability of the marine oil facility (primary objective).
- Optimize the use of existing land at the terminal and associated waterways in a manner that is consistent with the LAHD's public trust obligations.
- Continue operations which contribute to Southern California's energy needs given evolving market conditions and business cycle variability.
- Maintain the existing facility's throughput capabilities and operational parameters.
- Comply with the LAHD's Source Control Program (SCP).

Together, these five objectives define the need for the proposed Project.

2.4 Project Location and Setting

2.4.1 Regional Setting

The Port is located in San Pedro Bay and encompasses approximately 7,500 acres of land and water along 43 miles of waterfront, approximately 20 miles south of downtown Los Angeles (Figure 1-1 in Chapter 1 Introduction). It features 24 passenger and cargo terminals, including automobile, breakbulk, container, dry and liquid bulk, and warehouse facilities that handle billions of dollars' worth of cargo each year. In addition to cargo terminals, the Port includes the World Cruise Center (a passenger terminal), Ports O' Call Village, Wilmington Waterfront Park, fanfare fountains and water features, Angels Gate Lighthouse, 22nd Street Park, and Fish Harbor.

The Port is a key asset that is vital to regional and national security (in the case of the proposed Project – fuel security) and the economy. It is the primary point of entry for

goods and fuel coming into the Southern California region, and an important point of entry for the State of California and western portion of the nation. The Port's role in receiving fuel is particularly crucial because Southern California operates as an energy island (USEIA, 2015).

2.4.2 Project Site and Surrounding Uses

The Project site is located within the Port of Los Angeles Community Plan area in the City of Los Angeles, which is adjacent to the City of Los Angeles communities of San Pedro and Wilmington. The Project site occupies the southwestern end of a peninsula on Mormon Island along the east side of Slip 1, and is generally bounded by Rio Tinto Minerals to the north (Berths 165-166), Slip 1 to the west, the Turning Basin to the south, and Berths 170 – 173 to the east (East Basin Channel) (Figure 1-2 in Chapter 1 Introduction). Land access to and from the Project site is provided by a network of freeways and arterial routes. The freeway network consists of the Harbor Freeway (Interstate [I]-110), the Long Beach Freeway (I-710), the San Diego Freeway (I-405), and the Terminal Island Freeway (State Route [SR]-103/SR-47).

The Project site is located at Berths 167-169 in Planning Area 2, as designated in the Port Master Plan (Port of Los Angeles, 2013a). According to the Port Master Plan, Planning Area 2 designates the Project site for liquid bulk uses.

The Project site is identified as Los Angeles County Assessor's Parcel Number (APN) 7440019908 and is zoned for heavy industrial uses ([Q] M3-1) by the City of Los Angeles Zoning Ordinance. [Q] M3-1 is designated as "quasi-heavy industrial" uses (City of Los Angeles, 2015).

The overall character of the surrounding area is primarily bulk material handling (liquid and dry bulk) (Figure 1-2 in Chapter 1 Introduction). The properties to the north and east of the Project site are also zoned as [Q] M3-1. In addition, the Project site is also situated north of the Yusen Terminals, Inc. (YTI) Container Terminal (across the East Basin Channel) located along Berths 212-224.

2.4.2.1 Existing Terminal Operations

The existing marine terminal occupies a land area of approximately nine acres, an over water area of approximately three acres, and has two operating berths (Berths 168 and 169),[1] 11 hydrocarbon storage tanks of various sizes, parking, and several ancillary buildings. Employees at the Project site consist of six full-time and one part-time employees. The existing 1,240-foot timber wharf can accommodate two tankers. The Project site has been leased by Shell and operated as a marine oil terminal since 1923. Both Berth 168 and Berth 169 have a design depth of approximately 40 feet allowing for vessels with a capacity of up to 86,000 deadweight tons (dwt). While the berths allow for ships with maximum cargo sizes of about 425,000 barrels, more typical cargo sizes range from 150,000 to 325,000 barrels. The marine terminal currently only handles refined petroleum liquids (e.g., gasoline, diesel, ethanol, and jet). Maximum vessel flow rates

[1] Historically, the terminal was subdivided into three berths (167, 168, and 169), which would accommodate the ships of the 1920's. The terminal was divided roughly into thirds, arranged with Berth 167 at the north end, and Berth 169 at the south end. The facility currently operates as a two-berth facility (168 and 169). Despite operating as a two berth facility, the wharf structure is typically referred to by its original designations (Berths 167-169). When referring to the berth area as a whole, Berths 167-169 is used. When referring to the specific functional berths as they exist today, Berths 168 and 169 are used.

allow up to 10,000 barrels per hour (bph) per system product line. During the five-year period from 2011 through 2015, an average of 86 vessel calls occurred annually at the existing marine terminal.

The marine terminal's 11 hydrocarbon storage tanks range in capacity from approximately 5,000 barrels to approximately 100,000 barrels, and have a total combined storage capacity of approximately 490,000 barrels. Liquid bulk cargo that is unloaded from vessels at the marine terminal is pumped to the nearby Shell Carson Distribution Facility (approximately six miles away in the city of Carson) via a network of existing underground pipelines. The Shell Carson Distribution Facility is used for tank product storage and distribution. Product from the Shell Carson Distribution Facility can also be pumped to the marine terminal for loading onto vessels. Although the Shell Carson Distribution Facility and associated underground pipelines are connected to the Shell Marine Oil Terminal, they are not located within the Project site and are not part of the proposed Project.

Table 2-1 shows volumes of commodities handled by the facility from 2011 to 2015.

Table 2-1: Throughput Volume and Vessel Calls by Year

Year	Throughput (barrels)*	Annual Vessel Calls
2011	12,244,870	90
2012	11,539,497	77
2013	11,716,522	78
2014	10,170,144	65
2015	20,584,414	121
2011-2015 Average	13,251,089	86

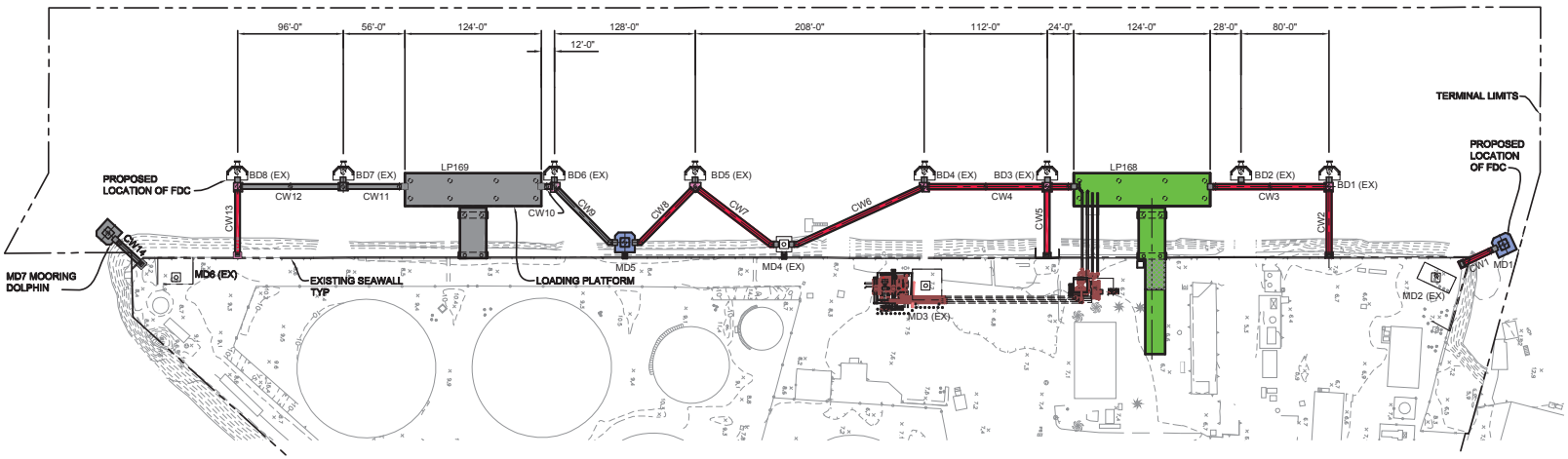
*Throughput volumes are for all commodities (which include gasoline, diesel, ethanol and jet refined petroleum products)
Source: Shell Inc., 2016

2.5 Proposed Project

The proposed Project consists of various wharf and shoreside improvements to the Shell Marine Oil Terminal at Berths 167-169 on Mormon Island that are required in order to comply with MOTEMS, as well as other elements not required by MOTEMS. The proposed Project would not increase the capacity of the terminal. In general, the proposed Project would demolish the existing timber wharf (with two berths) and replace it with two new reinforced concrete loading platforms, access trestles (to the platforms), mooring dolphins and catwalks, and provide piping and related foundation supports along the landside portions of the terminal at both operating berths. Additionally, the proposed Project includes the issuance of a new 30-year lease along with implementation of a SCP Plan. Figure 2-1 shows the Project site and general wharf improvements.

Legend

ATB	Articulated tug and barge
BD	Berthing dolphin
CW	Catwalk
DWT	Deadweight ton
EX	Existing
FDC	Fire Department Connection
LOA	Length overall
LP168	Loading platform at Berth 168 (124'-0" x 30'-0")
LP169	Loading platform at Berth 169 (124'-0" x 30'-0")
MD	Mooring dolphin
	New catwalk
MD2 (EX)	Exist mooring point
MD1	New mooring point
	Berth 168 Loading Platform
	Berth 169 Loading Platform



Not to scale

Figure 2-1
Proposed Project

Figure 2-2 shows a plan view of the proposed wharf profile of the new loading platform, and Figure 2-3 shows the topside improvements in relationship to the new loading platform and the terminal at Berth 168.

The proposed Project consists of the following components to meet MOTEMS requirements:

- Replacement piping and related foundation supports to meet seismic requirements at each operating berth.
- Demolition of the existing timber deck, access trestles, and approximately 900 creosote-treated timber piles of existing timber wharfs at Berths 167-169. Existing piles that cannot be extracted would be cut at the mudline.
- Construction of new loading platforms at Berths 168 and 169 (in phases), installation of new mooring dolphins, new fenders, approach trestles, catwalks, and installation of topside equipment required for loading and unloading operations at and adjacent to the new loading platforms.

In addition, the proposed Project would include the following elements that are not related to MOTEMS compliance:

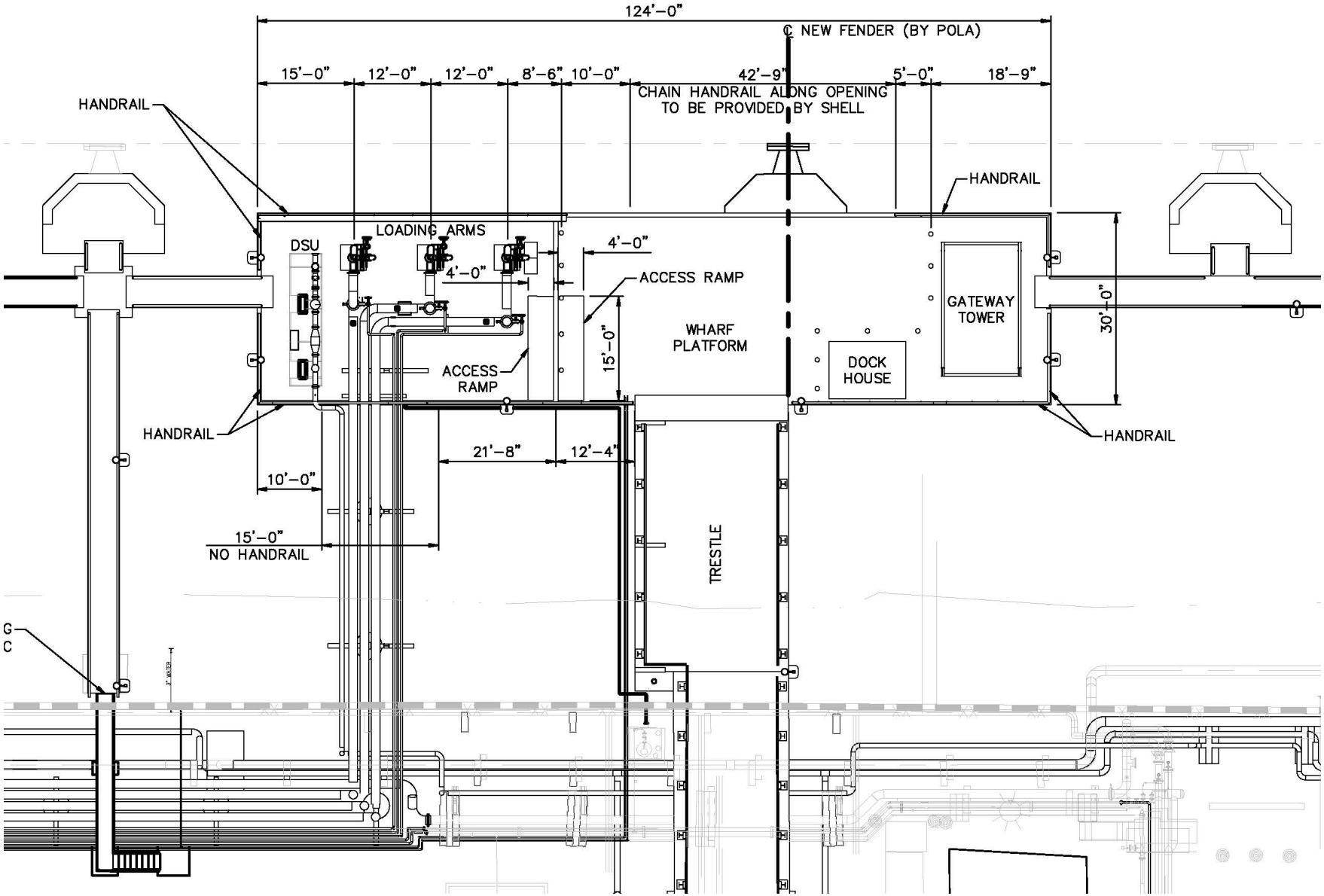
- Modifications at the Mormon Island marine oil terminal to allow for the loading of refined products onto vessels, while meeting USCG safety regulations and SCAQMD air quality regulations.
- An SCP Plan would be provided by Shell as part of the new 30-year lease. The SCP Plan would include commitments for certain improvements. This work may include adding double bottoms, or installing leak detection systems to existing storage tanks and pipelines to meet the LAHD's requirements. These improvements would further minimize the potential for accidental release of petroleum products.
- New 30-year lease would allow operations to continue from 2018 through 2048 (the existing lease terminates in 2023).

The MOTEMS and non-MOTEMS elements of the proposed Project are described below.

2.5.1 Project Elements for MOTEMS Compliance

2.5.1.1 Shore Side Improvements: Piping Replacement and Related Support Structures

The existing piping from Berth 168 and 169 would be replaced with new piping and related support structures. Potential upgrades include, but are not limited to: piping and piping supports between the marine loading arms and the landside manifold to convey the various petroleum products to or from vessels.



Note: The layout for the proposed Berth 169 platform is pending; however, it would be configured similar to what is presented in this figure.

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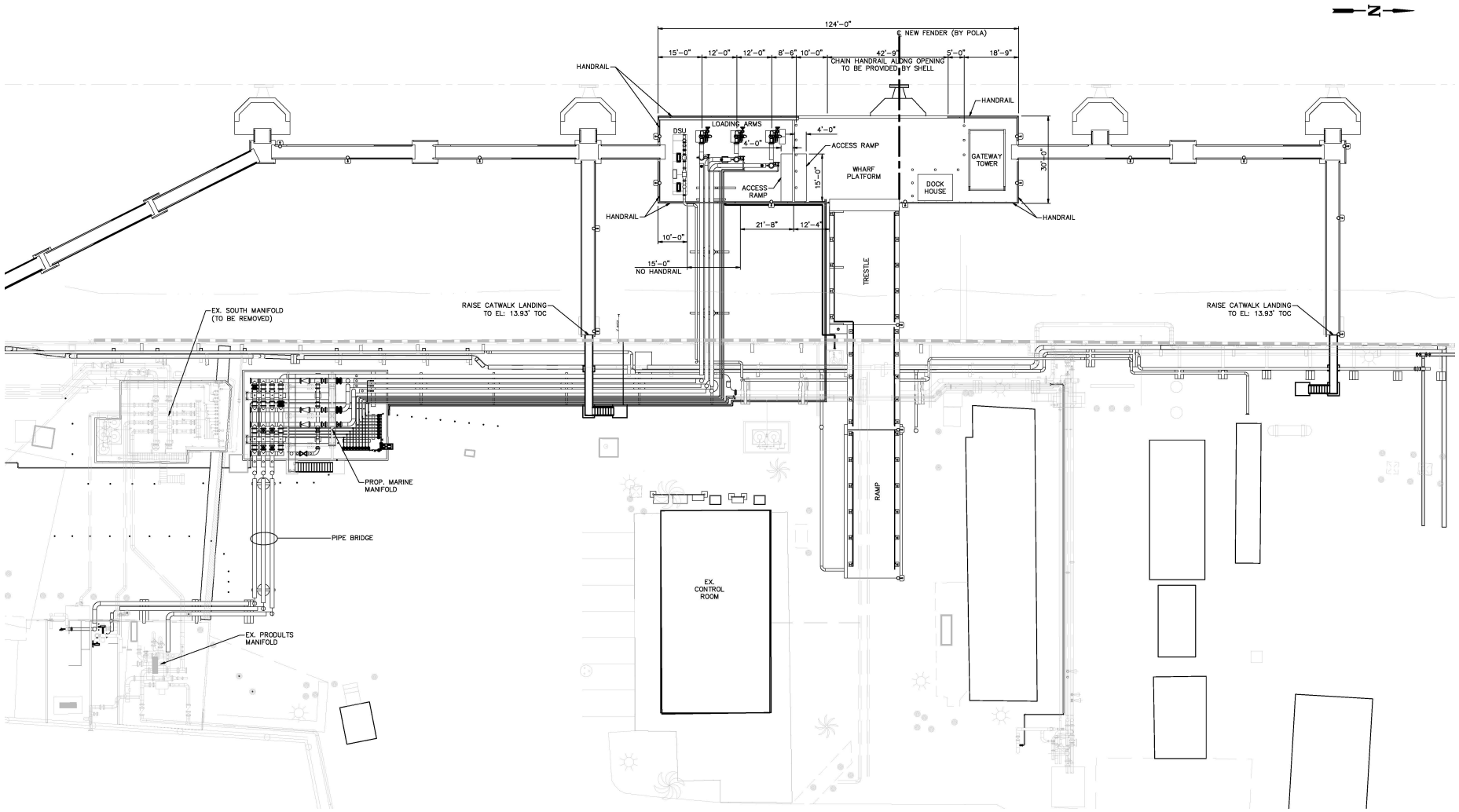
Source: AECOM, 2018

Figure 2-2
General View of New Loading Platform and Equipment



Source: AECOM, 2018

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Figure 2-3
Topside Improvements at Berth 168

2.5.1.2 Wharf Demolition and Replacement

Under the proposed Project, the existing timber wharf and access trestles would be demolished and replaced with new loading platforms to meet MOTEMS requirements. Demolition would include removal and disposal of the timber deck (cap beam, joists, decking, etc.) and approximately 900 creosote-treated timber support piles, which would be extracted or cut at the mudline (see Figure 2-4).

Existing topside equipment along Berth 168 would be decommissioned, followed by the demolition of the northern half of the terminal's existing wharf (Berth 168). The southern half of the existing wharf (Berth 169) would be demolished after the Berth 168 improvements become operational.

Once the northern portion of the existing wharf is removed, a new loading platform would be constructed at Berth 168 (Figure 2-1). The loading platform would be comprised of a concrete deck supported steel pipe piles. An access trestle would be constructed to provide pedestrian and vehicular access to the loading platform.

Upon completion of the platform and topside equipment at Berth 168 and its commissioning, the southern half of the existing wharf (Berth 169) would be demolished. Piles and catwalks would be installed to maintain access to the existing berthing dolphins. The second new loading platform, access trestle, catwalks, and topside equipment at Berth 169 would be similar to the loading platform at Berth 168. The improvements along Berth 169 would be constructed at a future yet-to-be-determined date based on throughput demands (assumed to occur beginning in 2021, after completion of the first platform).

2.5.1.3 Mooring Dolphins

As shown on Figure 2-1, two new mooring dolphins (MD1 and MD5) would be constructed at the north end of Berth 168 (MD1) and at the north end of Berth 169 (MD5), following demolition of the existing wharf. The new mooring dolphins would provide a foundation for triple quick release mooring hooks. The existing mooring dolphin (MD4) located just south of the new loading platform at Berth 168 would be modified to provide access from the shore.

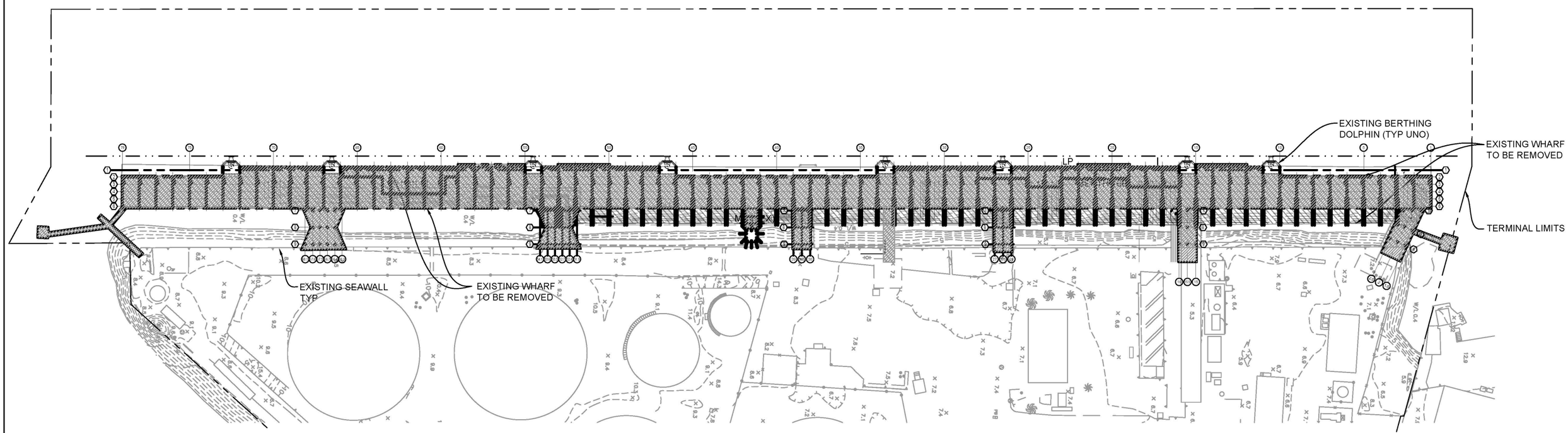
2.5.1.4 Steel Catwalks

Steel catwalks would be constructed to provide pedestrian access from the new loading platforms and the shore to the eight existing berthing dolphins and the two new mooring dolphins. Installation of the new catwalks would occur in stages.

2.5.1.5 New Topside Equipment

The existing topside equipment at Berth 168 and 169 would be replaced with new equipment on and adjacent to the new loading platforms (see Figure 2-3). Upgrades include, but are not limited to:

- A gangway tower;
- Three marine loading arms;



Source: AECOM, 2017

Figure 2-4
Details of the Wharf Demolition

- A skid-mounted vapor control system;
- A foam and water fire protection system (fire monitors for topside equipment protection located on-shore)
- A potable water line;
- Dry utility lines (electrical lines, communication lines, and compressed air lines); and
- An approximate 120 square foot dock house.

2.5.1.6 Dredging

During wharf demolition and pile installation, there is a potential for sediment along the existing slope to slough off and settle along the harbor bottom. If necessary, up to 4,000 cubic yards of such sediment would be dredged from the berths (approximately 2,000 cubic yards from each operating berth area) after construction of the two loading platforms and associated structures to return the berths to their original designed water depths. Dredged spoils would be transported by barge to the existing and authorized confined disposal facility (CDF) at Berths 243-245.

2.5.2 Other Project Elements

2.5.2.1 Vapor Control System

The terminal would be modified to allow for the loading of refined products onto vessels at one berth. Equipment proposed is required to meet United States Coast Guard safety requirements as well as SCAQMD regulations.

The proposed Project components include piping modifications, two new 1,000-gallon above ground propane tanks (one for enriching product, and one to supply pilot burners), a Dockside Safety Unit, and a Vapor Destruction Unit (VDU). (See Figure 2-3).

2.5.2.2 New Lease

The proposed Project would include a new 30-year lease that is expected to begin in 2018 and extend to 2048.The new lease would allow Shell to continue operations of its existing marine oil terminal and to maximize the Port's ability to ensure continued reliability and availability of fuel supplies to meet Southern California's energy needs.

2.5.2.3 Source Control Program Plan

LAHD's requirements of the SCP Plan are consistent with various standards required by the American Petroleum Institute (API). The new lease would contain provisions for Shell to comply with the LAHD's SCP through the development and implementation of a written Plan, which would outline measures to further reduce the potential for accidental release of petroleum products at the terminal. Key elements of the SCP Plan include inspections of and certain improvements to above ground tanks that are used to store petroleum products. This work may include; adding a double bottom, installation of leak detection systems, and maintenance and/or upgrades to cathodic protection systems. One of the terminal's tanks has been upgraded with a double bottom and a continuous leak detection system, and two additional tanks have been inspected and are scheduled to be

upgraded in the near future. Inspections and added controls to the remaining eight tanks would occur after the tanks are temporarily removed from service for routine maintenance. Facility piping upgrades would occur on a case-by-case basis, and could include their relocation aboveground where feasible and/or new leak detection systems. Added controls and leak protection improvements would commence within five years of the start of the new lease, in accordance with the SCP Plan.

2.5.3 Construction Schedule

Construction of the proposed Project is expected to begin in 2018. Construction associated with the first platform (Berth 168) would occur first and take approximately two-years to complete, followed by a similar period for construction of a platform at Berth 169. The construction schedule may be subject to variations. Up to 24 workers would be required at the site at any given time, depending on the construction phase. Construction staging and lay down area is expected to occur on the Project site; however, it could include use of an adjacent vacant lot to the east of the Project site, adjacent to Berths 171 to 173, if necessary.

The following nine phases would allow the terminal to continue to operate while improvements are being made:

- Phase I: Install the Vapor Control System at Berth 169
- Phase II: Prepare Berth 169 for Stand-Alone Operation
- Phase III. Berth 168 Demolition and Wharf Structure Improvements
- Phase IV: Shore Side Improvements: Piping Replacement and Related Support Structures
- Phase V: New Topside Equipment at Berth 168 and Commissioning
- Phase VI: Berth 169 Demolition and Improvements
- Phase VII: Berth 169 Wharf Structure Improvements
- Phase VIII: New Topside Equipment at Berth 169 and Commissioning
- Phase IX: Source Control Program Plan

This construction schedule and phasing was analyzed as part of the air quality assessment. Construction assumptions and details are contained in Chapter 3.1 – Air Quality and Meteorology and Appendix B1.

2.5.4 Project Operations

The proposed Project is required in order to bring the existing terminal into compliance with MOTEMS and would be comprised of replacing the existing two-berth timber wharf with two loading platforms (one at each berth) and ancillary improvements. The improvements under the proposed Project would not facilitate an increase in capacity or throughput (i.e., barrels and vessel calls) during the new 30-year lease period. However, the proposed Project would allow the terminal to remain in operation through 2048 and the annual throughput could be affected over the lease period due to market fluctuations.

Although future total throughput cannot be forecasted with any level of certainty, for the purposes of the analysis, it is projected that the peak annual throughput associated with the proposed lease extension would be up to approximately 25.5 million barrels over the new lease term (the approximate annual throughput based on Shell's two percent compound annual growth rate projection). At an annual throughput of approximately 25.5 million barrels, the terminal is projected to accommodate up to 166 annual vessel calls (comprised of both tankers and barges; 50 percent for each vessel type). The largest vessels that could be accommodated at the terminal would remain the same as existing conditions, approximately 86,000 dwt tankers. The forecasted increased throughput would not require additional employees.

The proposed Project would not increase the existing terminal's capacity to handle petroleum products or affect the types of products handled. Accordingly, the proposed Project would not require installation of any other pipeline, storage, or refining projects. The proposed Project therefore would not affect the operations of any other facilities, including those that are connected via pipelines (e.g., the Carson Distribution Facility). Thus, the proposed Project is deemed to have independent utility, and represents a rational end-point for a marine oil terminal project and for the review of the environmental impacts.

2.6 CEQA Baseline

CEQA provides for an EIR to assess the significance of a project's impacts in comparison to a baseline that consists of the existing physical environmental conditions at and near the Project site. Baseline conditions are normally measured at the time of commencement of environmental review of the proposed Project. State CEQA Guidelines, Section 15125, subdivision (a), provides:

> *An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.*

Courts have recognized that there may be instances in which conditions existing at the time of a Notice of Preparation (NOP) do not accurately represent existing conditions. The courts have reasoned that by using the qualifying term, "normally," the Guidelines recognize that in appropriate situations a lead agency has discretion in representing the baseline.

As described in Chapter 1 Introduction, supply and demand for petroleum and other energy products are subject to wide fluctuations based on variations in global/local economic activity, business cycles (e.g., recessions and recovery), and planned and unplanned or unforeseen supply disruptions. Due to these various factors, the Shell Marine Oil Terminal has experienced wide fluctuations in throughput during the past several years, ranging from 10.2 million barrels in 2014 to 20.6 million barrels in 2015. An NOP was released on June 30, 2015 (2015 NOP) for the proposed Project. Although the throughput described in the 2015 NOP accurately represented the existing conditions for the baseline year of 2014, the revised baseline captures the year-to-year volatility of throughput at the terminal. Therefore, the "existing" conditions are based on average

conditions over a wider timeframe than the set of conditions at the time the 2015 NOP was circulated (hereafter referred to as the 'Revised NOP'). The CEQA baseline takes into account the operational activity and throughput over a five-year period in order to provide an accurate and representative characterization of baseline activity level that occurs due to variations in global/local economic activity and/or production and distribution infrastructure, which in this case does not correlate with a more common definition of baseline conditions under CEQA.

Therefore, for purposes of this Draft EIR, conditions that occurred from calendar year 2011 through calendar year 2015 (January 2011 through December 2015) are considered to be the baseline throughput for evaluations herein. Using a five-year average for the baseline allows a more accurate comparison between baseline and future year conditions. The CEQA baseline for the proposed Project consists of a throughput of approximately 13.25 million barrels and 86 annual vessel calls, and the Project site includes the Shell Marine Oil Terminal at Berths 167-169 on Mormon Island. This facility encompasses a land area of approximately nine acres, an over water area of approximately three acres, and has two operating berths (Berths 168 and 169), a 1,240-foot timber wharf that accommodates two tankers, 11 storage tanks of various sizes, parking, and several ancillary buildings. Employees at the Project site consist of six full-time and one part-time employees.

2.7 Alternatives

According to the State CEQA Guidelines, Section 15126.6, an EIR need only examine in detail those alternatives that could feasibly meet most of the basic objectives of the proposed Project. The primary objective of the proposed Project is to meet MOTEMS safety requirements for an existing marine oil terminal as established by the California State Lands Commission. Most of the physical improvements are associated with MOTEMS requirements, which are legal requirements that must be met to continue operation of the marine oil terminal at the Project site. Therefore, the reduced project alternative fully meets MOTEMS requirements but includes only one platform. In addition to the MOTEMS compliance objective, the other project objectives described in Section 2.1 above apply. Alternatives being considered in this Draft EIR are described below.

2.7.1 Alternatives Evaluated in this Draft EIR

This document evaluates a reasonable range of alternatives to the proposed Project. The identification by LAHD of a reasonable range of feasible alternatives is informed by legal mandates of LAHD. The Port is one of only five locations in the state identified in the Coastal Act (Public Resources Code [PRC] Sections 30700 and 30701) for the purposes of international maritime commerce. These mandates identify the Port and its facilities as a primary economic/coastal resource of the state and an essential element of the national maritime industry for promotion of commerce, navigation, fisheries, and operations of a harbor. LAHD is required to give highest priority to safe navigation, shipping and necessary support, and access facilities to accommodate the demands of foreign and domestic waterborne commerce. Based on existing demand and capacity limitations on industrial Port uses and Public Trust purposes, all or most of the industrial facilities adjacent to deep water are needed to accommodate maritime commerce, specifically containerized cargo over the long term.

Two alternatives were considered during the preparation of this Draft EIR; 1) The No Project Alternative, which is required under CEQA and 2) a Reduced Project alternative that includes compliance with MOTEMS.

This section presents a description of the two alternatives that are carried forward in the detailed impact analysis. A more detailed description of each alternative, is provided in Chapter 6 Analysis of Alternatives.

2.7.1.1 Alternative 1 – No Project

The No Project Alternative required by CEQA represents what would reasonably be expected to occur in the foreseeable future if the proposed Project were not approved. Under this alternative, the existing marine oil terminal would not be compliant with all MOTEMS requirements. Because the facility would not be MOTEMS compliant, the tenant (Shell Oil Company) would cease operation at the Project site at some time in the future. For purposes of the EIR, terminal operations are assumed to grow at an annual rate of two percent and reach approximately 15.5 million barrels and 101 vessel calls annually when the existing terminal lease expires in 2023, at which time operations would cease. Any subsequent use of the site, once identified, would be subject to additional environmental review.

2.7.1.2 Alternative 2 – Reduced Project – One Platform

Under Alternative 2, only Berth 168 would be improved. A vapor control system would be added to allow for the loading of vessels. Berth 169 would become non-operational once construction of Berth 168 is complete. As with the proposed Project, construction would be expected to begin in 2018 and occur over a two-year period. A new 30-year lease would be issued and the terminal would continue to operate as a fully functional marine oil terminal using one berth (Berth 168) through 2048. Similar to the proposed Project, this reduced platform alternative would generally be capable of accommodating the anticipated future throughput (i.e., approximately 25.5 million barrels and 166 vessel calls annually). However, in certain circumstances throughput would be limited, as two berths would be required to accommodate temporary peaks in throughput. This alternative would not be able to accommodate situations where a second berth would add redundancy to allow for undisrupted terminal operation if one berth becomes temporarily inoperable (e.g., during routine maintenance activities that shutdown a berth or a platform). However, to provide a conservative analysis and disclose maximum potential impacts, it is assumed that Alternative 2 will handle the same throughput as the proposed project over the course of the lease term.

2.8 Relationship to Existing Statutes, Plans, Policies, and Other Regulatory Requirements

One of the primary purposes of the LAHD approval processes is to ensure that the proposed Project or alternative is consistent with applicable statutes, plans, policies, and other regulatory requirements. Table 2-2 lists the statutes, plans, policies, and other regulatory requirements, including environmental review and consultation requirements required by federal, state, or local laws, regulations or policies, applicable to the proposed Project and alternatives. Additional analysis of plan consistency is contained in individual resource sections of Chapter 3 Environmental Analysis of this Draft EIR.

Table 2-2: Applicable Statutes, Plans, Policies, and Other Regulatory Requirements

Act/Plan/Policy	Description
California Coastal Act of 1976	The California Coastal Act (20 PRC 30700 et seq.) identifies the Port and its facilities as "one of the state's primary economic and coastal resources and…an essential element of the national maritime industry" (PRC Section 30701). LAHD is responsible for the modernizing and construction of necessary facilities to accommodate deep-draft vessels and to accommodate the demands of foreign and domestic waterborne commerce and other traditional and water-dependent and related facilities in order to preclude the necessity for developing new ports elsewhere in the state (Sections 30007.5 and 30701(b)). The act also establishes that the highest priority for any water or land area use within LAHD's jurisdiction will be for developments that are completely dependent on such harbor water areas and/or harbor land areas for their operations (Sections 30001.5(d), 30255, and 31260). The act further provides that LAHD should "[g]ive highest priority to the use of existing land space within harbors for port purposes, including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities" (Section 30708 (c)). Under the California Coastal Act, water areas may be diked, filled, or dredged when consistent with a certified PMP only for specific purposes, including: (1) construction, deepening, widening, lengthening, or maintenance of ship channel approaches, ship channels, turning basins, berthing areas, and facilities that are required for the safety and the accommodation of commerce and vessels to be served by port facilities; and (2) new or expanded facilities or waterfront land for port-related facilities. In accordance with provisions of the California Coastal Act, LAHD has a certified master plan that provides LAHD with coastal development permit authority for actions/developments consistent with that master plan. Inconsistent items, such as new fills in water, would require a master plan amendment through the California Coastal Commission (CCC). The proposed Project would be consistent with the master plan's provisions.
Coastal Zone Management Act (CZMA)	Section 307 of the federal CZMA requires that all federal agencies with activities directly affecting the coastal zone, or with development projects within that zone, comply with the state coastal acts (in this case, the California Coastal Act of 1976) to ensure that those activities or projects are consistent to the maximum extent practicable. The CCC will use this EIR when considering whether to find the proposed Project consistent with the California Coastal Act, and USACE will use that approval as a demonstration that the proposed Project would be in compliance with the CZMA.
Port Master Plan (PMP)	In August 2013, the LAHD Board of Harbor Commissioners approved an update to the PMP, which it intends to serve as a long-range plan to establish policies and guidelines for future use of Port lands within the coastal zone, as required under the California Coastal Act. The Project site is in Planning Area 2 of the updated PMP: West Basin and Wilmington. According to the PMP, Planning Area 2 designates the Project site for liquid bulk uses. The proposed Project would be consistent with the updated PMP.
California Coastal Plan	Under provisions of the California Coastal Act, the PMP is incorporated into the City's Local Coastal Program. LAHD has coastal development permit authority for activities throughout the Port. Therefore, if the proposed Project would be consistent with the PMP, the proposed Project would also be considered consistent with the Local Coastal Program.

Table 2-2: Applicable Statutes, Plans, Policies, and Other Regulatory Requirements

Act/Plan/Policy	Description
California Tidelands Trust Act, 1911	Submerged lands and tidelands within the Port, which are under the Common Law Public Trust, were legislatively granted to the City pursuant to Chapter 656, Statutes of 1911, as amended. Those properties are held in trust by the City and administered by LAHD to promote and develop commerce, navigation, fisheries, and other uses of statewide interest and benefit, including commercial, industrial, and transportation uses; public buildings and public recreational facilities; wildlife habitat; and open space. LAHD would fund the proposed Project with trust revenues. All property and improvements included in the proposed Project would be dedicated to maritime-related uses; therefore, the proposed Project would be consistent with the trust.
San Pedro Bay Ports Clean Air Action Plan (CAAP)	LAHD, in conjunction with the Port of Long Beach and with guidance from South Coast Air Quality Management District (SCAQMD), CARB, and U.S. Environmental Protection Agency, has developed the CAAP, which was approved by the Los Angeles and Long Beach Boards of Harbor Commissioners on November 20, 2006. The CAAP focuses on reducing diesel PM, NOX, and SOX, with two main goals: (1) to reduce Port-related air emissions in the interest of public health; and (2) to disconnect cargo growth from emissions increases. The 2010 CAAP Update (adopted by the Board of Harbor Commissioners on November 22, 2010). includes near-term measures implemented largely through the CEQA/NEPA process and new leases at both ports, and includes new, far-reaching goals for curbing port-related air pollution over the next decade. The proposed Project includes air quality control measures outlined in the 2010 CAAP Update, both as mitigation that would be imposed via a lease amendment and as standard measures that would be implemented through agreements with other agencies and business entities, and LAHD contracting policies.
Port Strategic Plan Update	The updated Port of Los Angeles Strategic Plan 2012–2017, 2014 Update (LAHD, 2014) serves to align the broad spectrum of activities of the Port with a focused vision - embracing a new economic era and remaining the leading container port in the nation. The Plan provides the high-level areas of focus, with which divisions and staff align their activities, and serves as the roadmap to ensure that the Port remains competitive over the coming years, aptly and proactively meeting the needs of a new era of international trade. The updated Strategic Plan for the Port includes an objective to facilitate an efficient, secure, and environmentally sustainable supply chain. To this effect, the Strategic Plan update includes Initiative 2 to strengthen Port security. Under Initiative 2, the Port would implement security and public safety strategies that support goods movement and mitigate risk. Metrics for this Initiative include: a. Number of vessel and terminal safety inspections b. Number and effectiveness of joint preparedness exercises The modern goods movement environment requires that ports be prepared for a variety of incidents, from natural disasters to potential acts of terror. The Harbor Department has committed to the following:

Table 2-2: Applicable Statutes, Plans, Policies, and Other Regulatory Requirements

Act/Plan/Policy	Description
	• Reduce risks of interruptions to goods movement through regular inspections of facilities. • Prevent incidents and improve responses to incidents by holding joint preparedness exercises with supply chain partners for a variety of potential incidents (e.g., active shooter, hazmat release, seismic events, etc.). • Track the effectiveness of these joint exercises in order to measure the success of the strategies – to be better prepared for an actual incident.
Port Risk Management Plan (RMP)	The Port RMP, an amendment to the PMP, was adopted in 1983, in accordance with requirements of CCC. The purpose of the Port RMP is to provide siting criteria relative to vulnerable resources and the handling and storage of potentially hazardous cargo such as crude oil, petroleum products, and chemicals. The plan provides guidance for future development of the Port to minimize or eliminate the hazards to vulnerable resources from accidental releases (LAHD, 1983). As part of the PMP Update in 2013, the Port updated and incorporated the RMP as Chapter 8 of the PMP.
Port of Los Angeles and Long Beach, Water Resources Action Plan (WRAP)	The WRAP is a plan to protect and improve water and sediment quality in the San Pedro Bay. The WRAP establishes programs and water quality improvement measures necessary to achieve the goals and targets established by the Regional Water Quality Control Board (RWQCB). The plan targets four basic types of potential sources of pollutants to harbor waters: Land Use Discharges, On-Water Discharges, Sediments, and Watershed Discharges. The proposed Project would include clean-up dredging and, if the material were contaminated, would help improve sediment quality in the bay by removing and properly treating or disposing of such material.
City of Los Angeles: Port of Los Angeles Plan	The Port of Los Angeles Plan is one of 35 community plans that make up the General Plan of the City of Los Angeles (City of Los Angeles, 1982). This plan provides a 20-year official guide to the continued development and operation of the Port. It is designed to be consistent with the PMP discussed above. The proposed Project would be consistent with allowable land uses and the goals and policies of the General Plan—Port of Los Angeles Plan.
City of Los Angeles: San Pedro Community Plan	The San Pedro Community Plan (City of Los Angeles, 1999) serves as a basis for future development of the community. It is also the land use plan portion of the City's Local Coastal Program for San Pedro. The Port is not part of the San Pedro Community Plan area. However, the San Pedro Community Plan does make recommendations regarding the Port, particularly for areas adjacent to commercial and residential areas of San Pedro. The proposed Project would be consistent with these recommendations, as LAHD has taken into consideration the residential and commercial communities of San Pedro during proposed Project development through the scoping process.
City of Los Angeles: Wilmington – Harbor City Community Plan	The Wilmington – Harbor City Community Plan (City of Los Angeles, 1999) serves as a basis for future development of the community. It is also the land use plan portion of the City's Local Coastal Program for Wilmington. Although the Port is not part of the Wilmington – Harbor City Community Plan area, the Wilmington – Harbor City Community Plan does make recommendations regarding the Port, particularly for areas adjacent to the Wilmington community. The proposed Project would be consistent with the Community Plan, as LAHD has taken into consideration the Wilmington community during proposed Project development, including through the scoping process.

Table 2-2: Applicable Statutes, Plans, Policies, and Other Regulatory Requirements

Act/Plan/Policy	Description
City of Los Angeles General Plan: Air Quality Element	The City of Los Angeles General Plan has an Air Quality Element (City of Los Angeles, 1992) that contains general goals, objectives, and policies related to improving air quality in the region. Policy 5.1.1 relates directly to the Port and requires improvements in harbor operations and facilities to reduce emissions. LAHD is actively planning for and implementing such improvements. The proposed Project and alternatives would be consistent with the Air Quality Element in that they would incorporate CAAP measures to reduce air quality impacts.
Water Quality Control Plan: Los Angeles River Basin	The Water Quality Control Plan for the Los Angeles River Basin (Region 4) (Basin Plan) was adopted by the Los Angeles RWQCB in 1978 and updated in 1994 (RWQCB, 1994), with amendments through October 2014. The proposed Project and alternatives would not affect waste discharges or changes to beneficial uses, and would be consistent with the Basin Plan.
Water Quality Control Policy: Enclosed Bays and Estuaries of California	In 1974, the State Water Resources Control Board (SWRCB) adopted a water quality control policy that provides principles and guidelines to prevent degradation and to protect the beneficial uses of waters of enclosed bays and estuaries (SWRCB, 1974). Los Angeles Harbor is considered to be an enclosed bay under this policy. The policy addresses activities such as the discharge of effluent, thermal wastes, radiological waste, dredge materials, and other materials that adversely affect beneficial uses of the bay and estuarine waters. Among other requirements, waste discharge requirements developed by the RWQCB must be consistent with this policy. The proposed Project would be constructed and operated in conformance with objectives of the water quality control policy through controls on construction activities (e.g., dredging) and on operations (stormwater and other discharges).
Air Quality Management Plan	The federal Clean Air Act (CAA) and its subsequent amendments establish the National Ambient Air Quality Standards (NAAQS) and delegate the enforcement of these standards to the states. In areas that exceed the NAAQS, the CAA requires states to prepare a State Implementation Plan that details how the NAAQS would be met within mandated timeframes. The CAA identifies emission reduction goals and compliance dates based on the severity of the ambient air quality standard violation within an area. The California Clean Air Act (CCAA) outlines a program to attain the California Ambient Air Quality Standards (CAAQS) for ozone, nitrogen dioxide, sulfur dioxide, and carbon monoxide by the earliest practical date. The Lewis Air Quality Act of 1976 established the SCAQMD, created SCAQMD's jurisdiction over the four-county South Coast Air Basin, and mandated a planning process requiring preparation of an air quality management plan (AQMP). The Final 2012 AQMP was adopted by the AQMD Governing Board on December 7, 2012 (SCAQMD, 2013). In addition, the AQMD Governing Board adopted a Clean Air Plan Amendment to include control measure IND-01 in the Final 2012 AQMP at the February 1, 2013 Governing Board meeting. The AQMD asserts that Control Measure IND-01 would ensure that the Ports of Los Angeles and Long Beach meet their voluntary commitments to reducing air pollution from port-related sources. The AQMD states that this represents a backstop measure to enforce emission reduction goals that the Ports voluntarily adopted in the Clean Air Action Plan by 2015. The AQMD asserts that, under control measure IND-01, any additional port emission reductions must be technically feasible, cost-effective, and within the legal authority of the Ports.

Table 2-2: Applicable Statutes, Plans, Policies, and Other Regulatory Requirements

Act/Plan/Policy	Description
	LAHD provided cargo forecasts that were used by the Southern California Association of Governments (SCAG) to simulate future growth and emission scenarios in the 2012 AQMP. These cargo forecasts include the operational activities associated with the handling of liquid bulk cargo. As a result, activities associated with the proposed Project would not exceed the future emission growth projections in the 2012 AQMP. The most recent 2016 AQMP was adopted and submitted to the EPA in March 2017. The 2016 AQMP focuses on a comprehensive and integrated plan primarily focused on addressing the ozone standards. The 2016 AQMP incorporates the latest scientific and technical information and planning assumptions, including the latest applicable growth assumptions, Regional Transportation Plan/Sustainable Communities Strategy, and updated emission inventory methodologies for various source categories. Construction and operational activities associated with the proposed Project would not conflict with or obstruct implementation of the applicable air quality plan.
California Air Resources Board: Emission Reduction Plan for Ports and Goods Movement	CARB approved the Emission Reduction Plan for Ports and Goods Movement (CARB, 2006) on April 20, 2006, and a Goods Movement Action Plan in January 2007. Many of the proposed air quality mitigation measures in this Draft EIR were developed as part of the CAAP (Port of Los Angeles and Port of Long Beach, 2006). Therefore, LAHD's air quality plan complies with CARB's goals and meets and/or exceeds all reduction strategies.
AB 32	On September 27, 2006, the Governor of California signed AB 32, the Global Warming Solutions Act. AB 32 caps California's greenhouse gas (GHG) emissions at 1990 levels by 2020. This legislation represents the first enforceable statewide program in the United States to cap all GHG emissions from major industries that includes penalties for noncompliance. It requires CARB to establish a program for statewide GHG emissions reporting and to monitor and enforce compliance with this program. The proposed Project or an alternative would be required to comply with Port requirements, such as the CAAP, to reduce air emissions. The proposed Project would thereby implement energy and emission reduction requirements in compliance with GHG emission reduction strategies and would thus be in compliance with AB 32.
Southern California Association of Governments (SCAG) Regional Plans	SCAG is responsible for developing regional plans for transportation management, growth, and land use, as well as developing the growth factors used in forecasting air emissions within the South Coast Air Basin. SCAG has developed a Growth Management Plan, a Regional Housing Needs Assessment, a Regional Mobility Plan, and, in cooperation with the SCAQMD, the AQMPs. The proposed Project would not generate a measurable change in population distribution, nor would it result in a change to housing demand on a regional or local scale. It would fit within population and housing projections for the local area and region as a whole and thus would be consistent with these plans.

Table 2-2: Applicable Statutes, Plans, Policies, and Other Regulatory Requirements

Act/Plan/Policy	Description
Congestion Management Program (CMP)	The CMP is a state-mandated program intended as the analytical basis for transportation decisions made through the State Transportation Improvement Program process (Los Angeles County Metropolitan Transportation Authority, 2010). The CMP was developed to: (1) link land use, transportation, and air quality decisions; (2) develop a partnership among transportation decision makers on devising appropriate transportation solutions that include all modes of travel; and (3) propose transportation projects that are eligible to compete for state gas tax funds. The CMP includes a Land Use Analysis Program, which requires local jurisdictions to analyze the impacts of land use decisions on the regional transportation system. For development projects, an EIR is required based on local determination and must incorporate a transportation impact analysis into the EIR. The Revised NOP determined that potential traffic impacts for the proposed Project would not significantly affect CMP highways, and thus the proposed Project is consistent with the CMP.
Water Resource Regulations	The Rivers and Harbors Act of 1899, Section 10 (33 United States Code [USC] 403); federal Water Pollution Control Act (as amended by the Clean Water Act of 1977), Section 401 and 402 (33 USC 1341 and 1342);[2] Marine Protection, Research, and Sanctuaries Act of 1972, Section 103 (33 USC 1413); California Hazardous Waste Control Act; State Water Resources Control Board, Enclosed Bays and Estuaries Plan; and Water Quality Control Plan for the Los Angeles River Basin (Region 4B), adopted by the Regional Water Quality Control Board, Los Angeles Region. The Revised NOP evaluated potential impacts to water quality, including the federal water resources regulations associated with the proposed Project; therefore, the proposed Project or an alternative would be consistent with water resource laws, regulations, and plans.
Air Quality Regulations	CAA, Title 40 CFR Parts 50 and 51 as amended; Titles 40 CFR Part 51.24 and 40 CFR Part 52.21; CCAA; AQMP of the City of Los Angeles General Plan, Air Quality Element; and SCAQMD Regulations X111 and XV, New Source Review and Rules 212, 401, 403, and 431.2. Refer to Section 3.1, Air Quality and Meteorology, of this Draft EIR for discussion of applicable air quality laws, regulations, and plans.
Biological Resources Protection	Endangered Species Act of 1973, as amended; Marine Mammal Protection Act; Migratory Bird Conservation Act; Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972; California Endangered Species Act; Section 302 of the Marine Protection, Research, and Sanctuaries Act of 1972; U.S. Fish and Wildlife Act of 1956 (16 USC 742a *et seq*.); Fish and Wildlife Coordination Act (16 USC 661 *et seq*.); Magnuson-Stevens Fishery Conservation and Management Act, as amended; Executive Order 13112, Invasive Species; Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (P.L 01-646), as amended by the National Invasive Species Act of 1996; Ballast Water Management for Control of Nonindigenous Species Act of 1999 (PRC Sections 71200–71271); and federal Water Pollution Control Act (as amended by the Clean Water Act of 1977. The proposed Project, as mitigated, is expected to comply with the applicable laws and regulations protecting biological and marine resources.

[2] The proposed Project does not involve a discharge of dredged or fill material as defined under USACE's Clean Water Act, section 404 implementing regulations (33 CFR 323).

Table 2-2: Applicable Statutes, Plans, Policies, and Other Regulatory Requirements

Act/Plan/Policy	Description
Cultural Resources Protection	Section 106 of the National Historic Preservation Act of 1966, as amended, and Corps implementing regulations (36 CFR 800; 33 CFR 325, Appendix C); the Archaeological and Historical Preservation Act and Executive Order 11593 "Protection and Enhancement of the Cultural Environment." The Revised NOP/IS (Appendix A of this Draft EIR) determined that the proposed Project would not affect cultural resources listed or eligible for listing on the National Register of Historic Places. In addition, a Letter of Permission was issued by the USACE in April 2014 for the portion of the proposed Project within the USACE Permit Area. Therefore, compliance with federal laws, regulations, and other guidelines has occurred.

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