FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PLAN
PIER B ON-DOCK RAIL SUPPORT FACILITY PROJECT
SCH No. 2009081079

1. INTRODUCTION

The City of Los Angeles Harbor Department (Harbor Department), acting by and through its Board of Harbor Commissioners (Port), has reviewed the Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2009081079) prepared for the proposed Pier B On-Dock Rail Support Facility Project (Project) and certified on January 12, 2018 by the Port of Long Beach (POLB) (Lead Agency) under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). On August 28, 2023, the POLB considered an Addendum to the Pier B On-Dock Rail Support Facility Project. The Addendum proposed minor additions to the Project's boundaries and incorporated areas required for construction activities. POLB determined that none of the conditions outlined in California Code of Regulations Title 14 Section 15162 that would require POLB to prepare a supplemental or subsequent EIR had been triggered. The entire Project area is approximately 139.3 acres. The Harbor Department (POLA) has sole or joint ownership of 9.6 acres (approximately 14 percent) of the entire proposed Project area. POLA jointly owns 7.7 acres and solely owns 1.9 acres of the Project area. In order for construction to be completed and operation to begin, POLB would require both temporary and permanent access to POLA-owned property. The Los Angeles Harbor Department, as a Responsible Agency under CEQA with respect to approvals and permits, is required to consider the Lead Agency's CEQA document, prior to acting on a project.

Based on the review of the certified FEIR and Addendum, the Harbor Department herein makes certain findings pursuant to Public Resources Code Section 21081 and Title 14 California Code of Regulations 15091; makes findings regarding the Statement of Overriding Considerations pursuant to Public Resources Code Section 21081 and Title 14 California Code of Regulations Section 15093; and sets forth a Mitigation Monitoring and Reporting Plan (MMRP) that pertains to the Proposed Pier B On-Dock Rail Support Facility Project certified FEIR and Addendum pursuant to Public Resources Code Section 21081 and Title 14 California Code of Regulations Section 15097.

2. PROJECT DESCRIPTION

The Proposed Project includes railroad (RR) tracks that extend east beyond the Terminal Island Freeway (State Route [SR] 103) to just west of the Dominguez Channel, where they connect with the Alameda Corridor, and south as far as Ocean Boulevard. The Proposed Project is designed to improve rail operations to accommodate on-dock rail cargo; maximize on-dock intermodal operations; provide a facility that can accept and handle longer container trains; provide a rail yard that is cost-effective and fiscally prudent. The proposed Project would provide more efficient rail operations, both within and to/from the San Pedro Bay Ports Complex; address physical deficiencies of the existing Pier B Rail Yard with respect to supporting on-dock rail operations; and improve local roadways, utilities, and infrastructure.

The proposed construction for this project within the POLA jurisdiction would be completed in three Phases. Phase 1 would include property acquisition and demolition of property between the existing rail yard and 9th Street, shifting Toyota operations southward to a new lease perimeter, reconstruction of Pier B Street on a new alignment and reconstruction of Anaheim Way on a new alignment. There are no proposed POLA or Joint Ports' properties proposed to be modified in Phase 1. Phase 2 would include the removal and relocation of utilities in the yard expansion area, the construction of crash walls under the Terminal Island Freeway, the construction of new tracks north and west of the existing yard, the transition of service from the existing yard onto newly constructed tracks, and the construction of new yard support facilities. Phase 3 would include the widening of the Dominguez Channel Bridge, the construction of new tracks north and west of the 9th Street Yard Area, and the construction of the West Yard Locomotive Layover and Fueling Facility. The following Phases are described only as they pertain to portions of land that fall under POLA or Joint Ports' jurisdiction:

Phase 1 does not propose any permanent modifications to POLA or Joint Ports' property. For informational purposes, included are the nine steps of proposed construction activities:

1. Potential Private Property Acquisition and Demolition Work Between 9th Street and Existing Rail Yard
2. Relocate Toyota Operations to New Leasehold Perimeter
3. Remove and Relocate Utilities in Pier B Street and Pico Avenue
4. Remove and Relocate Utilities to New Utility Corridors
5. Relocate Existing Pump Station LA-04
6. Reconstruct Pier B Street on New Alignment
7. Reconstruct Anaheim Way on New Alignment
8. Reconstruct Anaheim Pico Avenue on New Alignment
9. Close 9th Street At-Grade Crossing

Parts of Phase 2 construction would be concurrent with Phase 1 construction. Phase 2 construction would commence approximately 12 months after starting Phase 1 construction. Construction activities would consist of the following eight steps:

1. Potential Property Acquisition and Demolition Work Between 9th Street and the Existing Rail Yard
2. Remove and Relocate Utilities in Yard Expansion Area
    - POLA-POLB Joint Properties would require permanent improvements and temporary access for pipeline and utility removal/installation.
3. Construct Crash Walls Under Terminal Island Freeway
4. Construct New Tracks North and West of Existing Yard
    - POLA-POLB Joint Properties would require permanent improvements and temporary access for equipment laydown, RR track construction, resurfacing, and realignment, utilities installation, ballast installation, grading, and hot asphalt paving.
5. Remove and Reconstruct Existing Tracks in South Yard
6. Remove/Reconstruct Existing Tracks and Construct Two New Tracks along Pico Avenue Corridor
7. Cut over Service from Existing Yard onto New Tracks

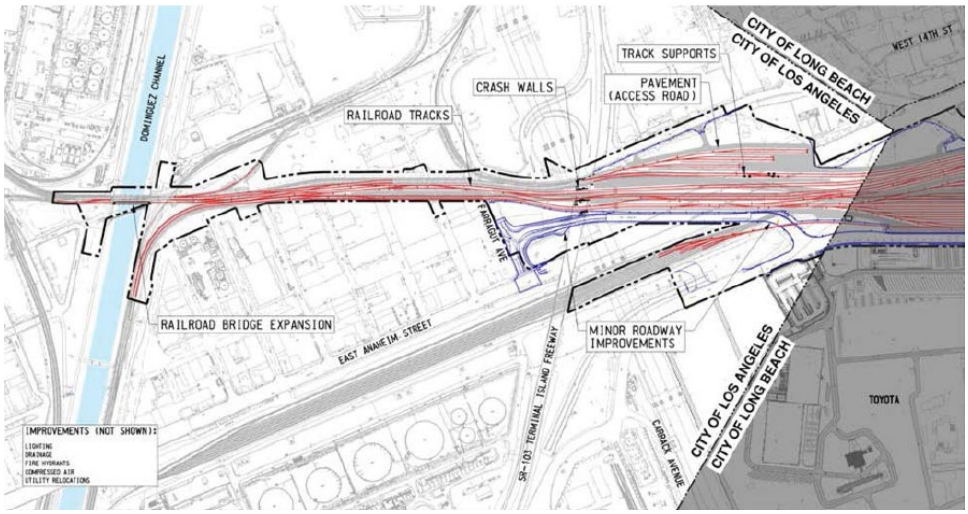
8. Construct New Yard Support Facilities
    - POLA-POLB Joint Properties would require permanent improvements and temporary access for RR signal cantilever installation and signal work.

Note: Steps 2, 4, and 8 in Phase 2 would occur on Port-owned property. For additional details, please refer to Figure 2-2 and Table 2-1 in the Pier B On-Dock Rail Support Facility Project EIR Addendum (August 2023)..

It is anticipated that Phase 3 construction would commence after completion of Phase 2 work. Phase 3 construction activities would consist of the following 10 steps:

1. Potential Property Acquisition and Demolition Work Between 12th Street and Existing Rail Yard
2. Vacating 9th Street and Other Streets (North-South Streets) within Project Footprint
3. Remove Shoemaker Ramps
4. Remove and Relocate Utilities in Yard Expansion Area
5. Construct North Yard Perimeter Road
6. Construct Tie-Back Retaining Wall along Pico/I-710
7. Widen Dominguez Channel Bridge
    - POLA-POLB Joint Properties would require permanent improvements and temporary access for equipment laydown for the Bridge widening, utility relocation, and pipeline removal/installation.
8. Construct New Tracks North and West of 9th Street Yard Area
    - POLA-POLB Joint Properties would require permanent improvements and temporary access for equipment laydown, RR track construction, resurfacing, and realignment, RR signal cantilever installation, utilities installation, signal work, ballast installation, grading, and hot asphalt paving.
9. Remove-Reconstruct Existing Tracks and Construct Additional Tracks in Pico Corridor
10. Construct West Yard Locomotive Layover/Fueling Area

Note: Steps 7 and 8 in Phase 3 would occur on Port-owned property. For additional details, please refer to Figure 2-2 and Table 2-1 in the Pier B On-Dock Rail Support Facility Project EIR Addendum (August 2023).



Pier B On-Dock Rail Support Facility Project – Overview of Design Elements within the Port of Los Angeles Jurisdiction

Actions occurring within POLA jurisdiction include construction and equipment laydown, pipeline and utility modifications, reconstruction and realignment of railroad tracks, installation of railroad signals, as well as grading, resurfacing, and paving. In order for POLB to complete the project, they will require temporary entitlements, permits, and/or easements from the Harbor Department.

The majority of the Proposed Project is located within the POLB Harbor District and requires a Harbor Development Permit from the POLB Harbor Department in compliance with the Long Beach Port Master Plan. On January 22, 2018, the POLB Harbor Department, Board of Harbor Commissioners certified the FEIR for the Pier B On-Dock Rail Support Facility, made Findings, adopted a Statement of Overriding Considerations, a Mitigation Monitoring and Reporting Program, an Application Summary Report, approved the Program, and issued Harbor Development Permit 07-021 for the area within COLB per the CCA and the certified Long Beach Port Master Plan, as amended.

On August 28, 2023, the POLB Harbor Department Board of Harbor Commissioners considered an Addendum to the Pier B On-Dock Rail Support Facility Project. The modifications to the approved Project boundary result in an increase of approximately 90 acres compared to the total project area assessed in the FEIR. This includes the temporary access of one POLA property and three Jointly Owned properties not previously included in the FEIR. The Addendum also includes the permanent acquisition of one Jointly Owned easement previously identified in the FEIR as requiring partial acquisition. In the modification of the project area, approximately 24,572 square feet of property is solely owned by POLA, while approximately 205,123 square feet of properties are Jointly Owned. Of the Jointly Owned property, a permanent easement for 17,208 square feet would be required for the aerial use of a crane for the Dominguez Channel Rail Bridge widening. All other square footage as outlined in the Addendum requires temporary entitlements. Additionally, the Addendum introduces the use of Horizontal Directional Drilling (HDD) beneath the Turning Basin and Channel No. 2 for proposed pipeline relocations of CRC

pipelines. None of the conditions outlined in California Code of Regulations Title 14 Section 15162 that would require POLA to prepare a supplemental or subsequent EIR have been triggered. This finding has been determined in light of the certified EIR as well as the following subsequent documents: the April 2022 Combined Final Environmental Impact Statement/Record of Decision and Final Section 4(f) Evaluation prepared by MARAD and the August 2023 Pier B On-Dock Rail Support Facility Project Environmental Impact Report Addendum prepared by the Port of Long Beach.

3. FINDINGS

CEQA prohibits a public agency from approving or carrying out a project for which a CEQA document has been completed and identifies one or more significant adverse 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 (CEQA Guidelines section 15091).

These findings provide the written analysis and conclusions of the Harbor Department, acting by and through its Board of Harbor Commissioners, as a Responsible Agency, regarding the environmental impacts of the Proposed Project and the mitigation measures directly applicable to the Project elements would directly impact the Port-owned properties. The FEIR concluded that the Proposed Project, after mitigation, may result in the following significant adverse environmental impacts:

- Construction of the Proposed Project would produce emissions that exceed a South Coast Air Quality Management District (SCAQMD) significance threshold AQ-1: Construction emissions would exceed SCAQMD thresholds for volatile organic compounds (VOC), carbon monoxide (CO), nitrogen oxides (NO_x), and fine particulate matter less than 2.5 microns in diameter ($PM_{2.5}$) during Phases 1 and 2. Construction emissions during Phase 3 would exceed the SCQAMD threshold for NO_x and CO.
- Construction of the Proposed Project would result in offsite ambient air pollutant concentrations that exceed an SCAQMD significance threshold AQ-2: Impacts related to the maximum 1-hour state nitrogen dioxide (NO_2), 1-hour federal NO_2, and annual NO_2 concentrations during Phases 1 and 2 would be significant and unavoidable. Impacts related to the maximum 1-hour state NO_2, 1-hour federal NO_2, and annual NO_2 concentrations during Phases 3 would be significant and unavoidable.
- Operation of the Proposed Project would produce emissions that exceed an SCAQMD significance threshold AQ-3: The cumulative operations of projects, including the Proposed Project, would result in significant cumulative air quality impacts for VOC, CO, NO_x, particulate matter less than 10 microns in diameter (PM_{10}), $PM_{2.5}$. The Proposed Project, by itself, would contribute ambient concentrations of these six pollutants during operation, although only CO and NO_x would exceed the significance thresholds). Emissions from operation of the Proposed Project would make a cumulatively considerable and unavoidable contribution to a significant cumulative impact for VOC, CO, NO_x, PM_{10}, $PM_{2.5}$, and sulphur oxides (SO_x).

- Operation of the Proposed Project would result in offsite ambient air pollutant concentrations that exceed an SCAQMD significance threshold AQ-4: Operation of cumulative projects, including the Proposed Project, would result in significant cumulative air quality impacts related to exceedances of the significance thresholds for NO_x, PM_{10}, and $PM_{2.5}$. Construction of the Proposed Project would make a cumulatively considerable and unavoidable contribution to a significant cumulative impact for NO_x, PM_{10}, and $PM_{2.5}$.
- Cumulative significant and unavoidable air quality impacts from construction and operation of the Proposed Project would result in significant on-site and offsite ambient cumulative air quality impacts for VOC, CO, NO_x, PM_{10}, $PM_{2.5}$, and SO_x; as well as health risk impacts for individual cancer risk, population cancer burden, and non-cancer effects from acute exposure.
- Cumulative significant and unavoidable air quality impacts from construction and operation of the Proposed Project would constitute a disproportionately high and adverse effect on low-income and/or minority populations.
- Construction and modification activities would contribute to the loss of migratory birds nesting in trees or structures BIO-1: Construction of the Proposed Project is not likely to affect any listed, candidate, sensitive, or species of special concern or their habitat. However, the loss of migratory birds nesting in trees or structures, as well as the loss of bats during modifications of bridges (particularly the Dominguez Channel rail bridge), or any of their habitat, would be potentially significant.
- Construction of the Proposed Project may result in the permanent loss of, or loss of access to, a paleontological resource of regional or statewide significance CR-1: Construction of the Proposed Project may result in the permanent loss of, or loss of access to, a paleontological resource of regional or statewide significance. The Proposed Project site has a high potential for yielding scientifically important remains of extinct Ice Age land mammals from depths beginning at 5 feet.

3.1 POTENTIALLY SIGNIFICANT IMPACTS WHICH CANNOT BE MITIGATED TO A LEVEL OF INSIGNIFICANCE

The FEIR identified five potentially significant adverse environmental impacts that cannot be reduced to a level of insignificance: AQ-1, AQ-2, AQ-3, AQ-4, and Cumulative Air Quality Impacts. The construction and subsequent operation of the completed Proposed Project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

3.1.1 Impact AQ-1: Construction Phases 1, 2 and 3 of the Proposed Project would produce air pollutants that exceed an SCQAMD significance threshold.

Finding: The Harbor Department finds that (1) the construction of the Proposed Project would generate emissions that exceed the SCAQMD thresholds for VOC, CO, NO_x, possibly SO_x and ($PM_{2.5}$ during Phases 1 and 2; and for CO and NO_x during Phase 3; (2) mitigation measures were incorporated into the Proposed Project that serve to reduce these impacts, but even with the inclusion of these conditions, the impact cannot be reduced to less than significant levels; (3)

such mitigation measures are within the jurisdiction of the City of Los Angeles Harbor Department and/or Joint Ports Property; and, (4) no feasible measures were identified that would mitigate this significant adverse impact to insignificance.

Explanation: The combined construction emissions would exceed SCQAMD thresholds for CO and NO_x during all construction phases. Therefore, these emissions would represent significant air quality impacts. Exhaust from construction equipment is the largest contributor to these emissions. Based on the number and types of related projects that could be under construction concurrent with the Proposed Project, it is likely that the cumulative projects, including the Proposed Project, would together exceed the SCAQMD thresholds for VOC, CO, NO_x, PM_{10}, $PM_{2.5}$. Because the area surrounding the Proposed Project site is predominantly minority and low income, Impact AQ-1 would constitute a disproportionately high and adverse effect on minority and low-income populations. The FEIR concluded that, even with the application of feasible mitigation measures, this impact cannot be entirely avoided or reduced to less-than-significant levels. Five feasible mitigation measures that could potentially reduce the impact were evaluated, but they would not reduce the level to less than significant. These mitigation measures are described in the FEIR (Mitigation Measure AQ-1 through AQ-5). Though these measures would not remove significant air pollution of hazardous emissions, no other feasible mitigation measures or project alternatives have been identified that would reduce the impact to less than significant. Therefore, significant air pollution effects involving the release of hazardous emissions into the environment is expected to remain significant and unavoidable regionally following mitigation.

3.1.2 Impact AQ-2: Construction Phases 1, 2 and 3 of the Proposed Project would result in offsite ambient air pollutants that exceed an SCQAMD significance threshold.

Finding: The Harbor Department finds that (1) the construction of the Proposed Project would generate offsite ambient pollutant concentrations that exceed the SCAQMD thresholds for 1-hour and annual NO_2 and annual PM_{10} during Phases 1 and 2; and 1-hour and annual NO_2 during Phase 3; (2) mitigation measures were incorporated into the Proposed Project that serve to reduce this impacts, but even with the inclusion of these conditions, the impact cannot be reduced to less than significant levels; (3) such mitigation measures are within the jurisdiction of the City of Los Angeles Harbor Department and/or Joint Ports Property; and, (4) no feasible measures were identified that would mitigate this significant adverse impact to insignificance.

Explanation: Dispersion modeling was performed to estimate the local offsite ambient pollutant concentrations resulting from emissions during construction. The analysis used the Environmental Protection Agency (EPA) Air Quality Dispersion Modeling (AERMOD) program (EPA, 2015). The most recent version of AERMOD (v. 15181) available during document preparation was used at the time the dispersion modeling analysis was conducted. AERMOD is a steady-state plume model that incorporates air dispersion based on planetary boundary layer turbulence structure and scaling concepts, including treatment of ground-level and elevated sources, and in simple and complex terrain. Because the Pier B Rail Yard would continue to operate during the construction period, the modeling analysis included both maximum construction and operational emissions during the construction period. Appendix A2 of the Draft EIR contains documentation of the Proposed Project construction emissions dispersion modeling analysis. Tables 3.2-11 and 3.2-12

of the Draft EIR present the maximum offsite pollutant concentrations associated with construction and operation of the Proposed Project during construction Phases 1 and 2, before mitigation is applied. Similarly, Tables 3.2-13 and 3.2-14 of the Draft EIR present the maximum offsite pollutant concentrations associated with concurrent construction and operation of the Proposed Project during construction Phase 3. With application of mitigation measures AQ-1 through AQ-5, 1-hour and annual NO_2 concentrations would remain significant and unavoidable during all three construction phases. Furthermore, Proposed Project construction activities would make a cumulatively considerable and unavoidable contribution to a significant cumulative impact for NO_2, PM_{10}, and $PM_{2.5}$ concentrations. Because the area surrounding the Proposed Project site is predominantly minority and low-income, Impact AQ-2 would constitute a disproportionately high and adverse effect on minority and low-income populations.

3.1.3 Impact AQ-3: Operation of the Proposed Project would produce air pollutants that exceed an SCQAMD significance threshold.

Finding: The Harbor Department finds that (1) the operation of the Proposed Project would generate significant and unavoidable emissions of CO and NO_x; (2) mitigation measures were incorporated into the Proposed Project that serve to reduce this impacts, but even with the inclusion of these conditions, the impact cannot be reduced to less than significant levels; (3) such mitigation measures are within the jurisdiction of the City of Los Angeles Harbor Department and/or Joint Ports Property; and, (4) no feasible measures were identified that would mitigate this significant adverse impact to insignificance.

Explanation: There are no additional feasible mitigation measures identified for the Proposed Project operation at present; however, to keep pace with emerging emission reduction technologies, a mandatory 5-year technology review would be made part of the Proposed Project as a Special Condition (Section 6.3.2). For each analysis year (2020, 2025, and 2035), the incremental emissions from operation of the Proposed Project relative to the CEQA baseline were compared to the SCAQMD daily emission thresholds to determine significance Table 3.2-19 of the Draft EIR shows that, without mitigation, operation of the Proposed Project would produce peak daily emissions that exceed the SCAQMD thresholds for CO in 2025 and 2035 and for NO_x in all analysis years. Line haul locomotive exhaust would be the primary contributor to these emissions. Therefore, these CO and NO_x emissions would represent a significant regional air quality impact. Proposed Project operational emissions would be below the thresholds for CO in 2020, and VOC, PM_{10}, and $PM_{2.5}$ would be less than the CEQA baseline primarily because of fleet turnover. Accordingly, the impacts of operational emissions would be less than significant for VOC, PM_{10}, $PM_{2.5}$, and in all years and for CO in 2020, and mitigation measures for those impacts would not be required. The Proposed Project already incorporates many regulations and Clean Air Action Plan (CAAP) measures that reduce air pollutant emissions, as discussed in Section 3.2.2 of the Draft EIR. There are no additional feasible mitigation measures identified for Proposed Project operations at present. Additionally, the area surrounding the Proposed Project site is predominantly minority and low income, Impact AQ-3 would constitute a disproportionately high and adverse effect on minority and low-income populations.

3.1.4 Impact AQ-4: Operation of the Proposed Project would produce offsite air pollutants that exceed an SCQAMD significance threshold.

Finding: The Harbor Department finds that (1) the operation of the Proposed Project would generate significant and unavoidable offsite ambient 1-hour and annual NO_2 concentrations; (2) mitigation measures were incorporated into the Proposed Project that serve to reduce this impacts, but even with the inclusion of these conditions, the impact cannot be reduced to less than significant levels; (3) such mitigation measures are within the jurisdiction of the City of Los Angeles Harbor Department and/or Joint Ports Property; and, (4) no feasible measures were identified that would mitigate this significant adverse impact to insignificance.

Explanation: The Proposed Project operation would make a cumulatively considerable and unavoidable contribution to a significant cumulative impact for NO_2, PM_{10}, and $PM_{2.5}$ concentrations. A dispersion modeling analysis using the EPA AERMOD program was performed to estimate the local offsite ambient pollutant concentrations resulting from the Proposed Project's operational emissions in the analysis years 2020, 2025, and 2035. Tables 3.2-21 and 3.2-22 of the Draft EIR show that, during operation of the Proposed Project, the maximum offsite 1 hour (federal) and the annual NO_2 concentrations would exceed the significance thresholds. Additionally, the area surrounding the Proposed Project site is predominantly minority and low income, Impact AQ-4 would constitute a disproportionately high and adverse effect on minority and low-income populations. Therefore, with no feasible mitigation available, the Proposed Project would result in significant impacts related to local 1-hour (federal) and annual NO_2 concentrations. All other operational air pollutant impacts would be less than significant.

3.1.5 Cumulative Air Quality Impacts: Construction of the Proposed Project, when considered in conjunction with related past, present and reasonably foreseeable future projects, would result in cumulatively considerable and unavoidable contribution to significant cumulative impacts to air quality.

Finding: The Harbor Department finds that (1) Construction of the Proposed Project and cumulative projects together would: exceed emission thresholds for VOC, CO, NO_x, PM_{10}, $PM_{2.5}$, and possibly SO_x; would contribute to offsite ambient pollutant concentrations for NO_x, PM_{10}, $PM_{2.5}$; and would result in significant cumulative health risk impacts for individual cancer risk, population cancer burden, and non-cancer effects from acute exposure; (2) mitigation measures were incorporated into the Proposed Project that serve to reduce this impacts, but even with the inclusion of these conditions, the impact cannot be reduced to less than significant levels; (3) such mitigation measures are within the jurisdiction of the City of Los Angeles Harbor Department and/or Joint Ports Property; and, (4) no feasible measures were identified that would mitigate this significant adverse impact to insignificance.

Explanation: The construction of the Proposed Project, on its own and cumulatively with other projects, would together exceed the emission thresholds for VOC, CO, NO_x, PM_{10}, $PM_{2.5}$, and possibly SO_x and would result in significant cumulative air quality impacts during the Project construction period. Additionally, construction of the Proposed Project, on its own and cumulatively with other projects, would result in significant cumulative air quality impacts related to exceedances of the significance thresholds for offsite ambient pollutant concentrations of NO_x,

PM_{10}, and $PM_{2.5}$. Construction of the Proposed Project, on its own and cumulatively with other projects, would result in significant cumulative air quality and health risk impacts for individual cancer risk, population cancer burden, and non-cancer effects from acute exposure. Construction emissions would also have a disproportionately high impact to predominately minority and low-income population surrounding the Proposed Project site. No specific CEQA significance criteria exists for the potential disproportionate and unavoidable impacts to low-income and minority populations. However, based on the results of the Proposed Project-specific and cumulative analyses, the Proposed Project would affect minority or low-income populations near the Project site.

3.1.6 Cumulative Air Quality Impacts: Operation of the Proposed Project, when considered in conjunction with related past, present and reasonably foreseeable future projects, would result in cumulatively considerable and unavoidable contribution to significant cumulative impacts to air quality.

Finding: The Harbor Department finds that (1) Operation of the Proposed Project and cumulative projects together would: exceed operational emission thresholds for VOC, CO, NO_x, PM_{10}, $PM_{2.5}$, and SO_x; would contribute to offsite ambient pollutant concentrations for NO_x, PM_{10}, $PM_{2.5}$; and would result in significant cumulative health risk impacts for individual cancer risk, population cancer burden, and non-cancer effects from acute exposure; (2) mitigation measures were incorporated into the Proposed Project that serve to reduce this impacts, but even with the inclusion of these conditions, the impact cannot be reduced to less than significant levels; (3) such mitigation measures are within the jurisdiction of the City of Los Angeles Harbor Department and/or Joint Ports Property; and, (4) no feasible measures were identified that would mitigate this significant adverse impact to insignificance.

Explanation: The operation of the Proposed Project, on its own and cumulatively with other projects, would together exceed the emission thresholds for VOC, CO, NO_x, PM_{10}, $PM_{2.5}$, and possibly SO_x and would result in significant cumulative air quality impacts. However, the cumulatively considerable contribution would be temporary for VOC, PM_{10}, $PM_{2.5}$ because Proposed Project emissions would become less than the baseline emissions by 2035. The POLB would implement Mitigation Measure AQ-6, which would mitigate cumulative air quality impacts associated with operation of the Proposed Project by implementing and funding the POLB Community Grants Program. However, this mitigation measure is not applicable to the POLA, and the Proposed Project's contribution to the operational emissions cumulative impact would remain cumulatively considerable and unavoidable. Operation of the Proposed Project, on its own and cumulatively with other projects, would result in significant cumulative air quality impacts related to exceedances of the significance thresholds for ambient concentrations of NO_x, PM_{10}, and $PM_{2.5}$. Operation of the Proposed Project, on its own and cumulatively with other projects, would result in significant cumulative air quality and health risk impacts due to the disproportionately high impact to predominately minority and low-income population surrounding the Proposed Project site. No specific CEQA significance criteria exists for the potential disproportionate and unavoidable impacts to low-income and minority populations. However, based on the results of the Proposed Project-specific and cumulative analyses, the Proposed Project would affect minority or low-income populations near the Project site.

3.2 POTENTIALLY SIGNIFICANT IMPACTS WHICH CAN BE MITIGATED TO A LEVEL OF INSIGNIFICANCE

The FEIR identified three potentially significant adverse environmental impacts that can be reduced to a level of insignificance: (1) Impact BIO-1. The Proposed Project construction could contribute to the loss of migratory birds nesting in trees or structures, as well as the loss of bats during modifications of bridges (particularly the Dominguez Channel rail bridge), or any of their habitat; (2) Impact CR-3. The Proposed Project site has a high potential for yielding scientifically important remains of extinct Ice Age land mammals from depths starting at 5 feet; (3) Impact AQ-6. The Proposed Project would expose receptors to significant levels of toxic air chemicals (TAC) without mitigation. Nine feasible mitigation measures that could potentially reduce the impacts were evaluated and were found to reduce the level of the impacts to insignificant. These mitigation measures are described in the FEIR (MM-BIO-1, MM-BIO-2, MM-CR-1, MM-CR-2, and MM-AQ-1 through MM-AQ-5). The impacts of the Proposed Project on these potentially adverse impacts are expected to be less than significant following implementation of the mitigation measures.

3.3 FINDINGS CONCLUSION

No additional feasible mitigation measures or alternatives to the Proposed Project, other than those included in the FEIR, have been identified that can further mitigate the potentially significant adverse project impacts on hazards during the Proposed Project while meeting the basic objectives of the Proposed Project. In summary, no additional feasible mitigation measures or alternatives were identified that could further reduce the significant Proposed project-specific and cumulative environmental impacts identified here.

The Harbor Department further finds that all findings presented here are supported by substantial evidence as analyzed in the FEIR and in the administrative record as a whole.

The Harbor Department further finds that there have been (1) no substantial changes to the Proposed Project which would require major revisions of the FEIR, (2) no substantial changes with respect to the circumstances under which the Proposed Project is being undertaken which would require major revisions in the FEIR, and (3) no new information has become available which was not known or could have been known at the time the FEIR was certified as complete.

4.0 STATEMENT OF OVERRIDING CONSIDERATIONS

If significant adverse impacts of a Proposed Project remain after incorporating feasible mitigation measures, or no feasible measures to mitigate the adverse impacts are identified, the lead agency must make a determination that the benefits of the Proposed Project outweigh the unavoidable, significant, adverse environmental effects if it is to approve the Proposed Project. In accordance with Public Resources Code Section 21081 and Title 14 California Code of Regulations Section 15093, the Harbor Department, in determining whether or not to approve the Proposed Project, balanced the economic, social, technological, and other Proposed project benefits against its unavoidable environmental risks, and finds that each of the benefits of the Proposed project set forth below outweigh the significant adverse environmental effects that are not mitigated to less than significant levels. This statement of overriding considerations is based

on the Harbor Department's review of the FEIR and the administrative record as a whole. Each of the benefits identified below provides a separate and independent basis for overriding the significant environmental effects of the Proposed Project. Accordingly, this Statement of Overriding Considerations regarding potentially significant adverse environmental impacts resulting from the Proposed Project, as set forth below, has been prepared. Pursuant to CEQA Guidelines Section 15093(c), this Statement of Overriding Considerations will be included in the record of the Proposed Project approval and will also be noted in the Notice of Determination.

Having reduced the potential effects of the Proposed project through all feasible mitigation measures as described previously in this statement and balancing the benefits of the Proposed Project against its potential unavoidable adverse impact on hazards involving the release of hazardous materials into the environment during operation, the Harbor Department finds that the following legal requirements and benefits of the Proposed Project individually and collectively outweigh the potentially significant unavoidable adverse impacts for the following reasons:

1. **Fulfills Port legal mandates and objectives.** The Proposed Project would fulfill the Ports' mandates under the Los Angeles Trust Grant to promote and develop commerce, navigation, and fisheries, and other uses of statewide interest and benefit, including commerce and navigation uses. The CCA recognizes the California ports, including the POLA, as primary economic and coastal resources that are essential elements of the national maritime industry and obligates the Port to modernize and construct necessary facilities to "encourage rail service to port areas and multi-company use of facilities". Providing a facility within the Ports dedicated to supporting more efficient rail operations would improve the overall efficiency of goods movement within the San Pedro Bay Ports Complex and on the regional transportation network. Expanding the Pier B Rail Yard would allow more cargo to be transported by rail and would help the marine terminals of the San Pedro Bay Ports Complex to optimize their operations. The Proposed Project would expand the existing rail yard at Pier B that is already available to Union Pacific Railroad (UPRR), Burlington Northern Santa Fe (BNSF), and Pacific Harbor Line (PHL); therefore, all users would be equally benefitted. Furthermore, the CAA also provides that the Ports should give highest priority to the use of existing land space within harbors for port purposes.

2. **Implements the San Pedro Bay Clean Air Action Plan (CAAP).** In developing the San Pedro Bay Ports CAAP, the Ports established a series of principles and goals designed to reduce air emissions and related health impacts while allowing Ports' development to continue. The CAAP committed the Ports to establish San Pedro Bay Emissions Reduction Standards to define targets for reduction of Port-related air impacts, specifically air quality and health risk impacts. The Proposed Project incorporates all applicable CAAP measures and adheres to existing regulations. In addition, the Proposed Project supports the 2017 CAAP Update that seeks to expand use of rail arriving/departing from the San Pedro Bay Ports Complex. The Proposed Project would implement the CAAP's affirmation to invest in on-dock rail infrastructure and in programs that shift cargo to rail.

3. **Promote a mode shift from transport of containers by truck to rail.** A fundamental purpose of the Proposed Project is to facilitate operational efficiencies in the POLA through the transport of a larger proportion of containerized cargo directly to and from the San Pedro Bay Ports Complex via rail instead of by drayage trucks. This change would support the CAAP, the San Pedro Bay Ports Emissions Reduction Standards and the State's Sustainable Freight Action Plan.

4. **Supports the California Sustainable Freight Action Plan**. Pursuant to Executive Order B-32-15, the Sustainable Freight Action Plan established measures of progress to improve freight efficiency, transition to zero-emissions technologies, and make California's freight system more competitive. Certain elements of the Proposed Project serve to forward State goals by providing infrastructure for more efficient cargo transport. The 2016 Sustainable Freight Action Plan identifies the expansion of on-dock rail as one of many key improvements for freight facility modernization in the San Pedro Bay Ports. These improvements will increase capacity and throughput of terminals (reducing congestion and wait times), reducing truck trips, and improving air quality near the ports.

In balancing the benefits of the overall Proposed Project described above with the Proposed Project's unavoidable and significant adverse environmental impacts, the Harbor Department finds that the Proposed Project's benefits individually and collectively outweigh the unavoidable adverse impact, such that this impact is acceptable. The Harbor Department further finds that substantial evidence presented in the FEIR and the administrative record as a whole supports approving the Proposed Project despite the Proposed Project's potential adverse impact.

5.0 RECORD OF PROCEEDINGS

The record of the Harbor Department's approval for the Proposed Pier B On-Dock Rail Support Facility Project, including these Findings of Fact and Statement of Overriding Considerations, and the Notice of Determination (to be sent to the Los Angeles County Clerk and State Clearinghouse to be posted and recorded) will be available to the general public at the Port of Los Angeles, Environmental Management Division website, https://www.portoflosangeles.org/ceqa.

The record of the Port of Long Beach's Proposed Project approval is available to the general public for review at https://polb.com/documents#ceqa-nepa.

6.0 MITIGATION, MONITORING, AND REPORTING PLAN

When a public agency conducts an environmental review of a proposed Project in conjunction with approving it, the lead agency shall adopt a program for monitoring or reporting on the measures it has imposed to mitigate or avoid significant adverse environmental effects pursuant Public Resources Code section 21081 and Title 14 California Code of Regulations section 15097. Public Resources Code section 21081.6 states in part that when making the findings required by section 21081(a):

> *"... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall*

be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program."

The mitigation, monitoring, and reporting requirements identified in this plan will be enforced through the entitlement(s) issued for the Proposed Project. The mitigation measures are primarily the responsibility of the Port of Long Beach to implement. To certify compliance, documentation that mitigation measures have been implemented, records will be maintained by the Port of Long Beach to ensure potential environmental impacts are mitigated in accordance with the performance standards identified in the FEIR.

The MMRP is organized in a table format and identifies those mitigation measures adopted by the Harbor Department to address impacts associated with the Proposed Pier B On-Dock Rail Support Facility Project certified on January 12, 2018. The mitigation measure numbers listed below correspond with those identified in the approved MMRP prepared by the Port of Long Beach and have been reflected to apply to activities associated with the Proposed Pier B On-Dock Rail Support Facility Project occurring on Port-owned property.

6.1 AIR QUALITY AND HEALTH RISK MITIGATION MEASURES

The analysis in the FEIR concluded that four significant and unavoidable impacts are associated with the air quality and health risk of the construction and operation of the Proposed Project (AQ-1 to AQ-4). All impacts have a disproportionate and unavoidable adverse human health or environmental impacts to low-income and minority populations. Even with implementation of mitigation, impacts of AQ-1, AQ-2, AQ-3, AQ-4, and AQ-6, potential impacts to people and the environment would be significant and unavoidable. A technology review shall be required on a 5-year recurring basis to promote new emission control technologies as they become feasible. Every 5 years following the Proposed Project approval date, the POLB shall conduct a review of new air quality technological advancements. These technologies would be evaluated based on operational feasibility, technical feasibility, and cost effectiveness and financial feasibility for application in the Pier B Rail Yard. If a technology is determined to be feasible in terms of financial, technical, and operational feasibility, POLB shall implement such technology.

MM-AQ-1 ON-ROAD CONSTRUCTION TRUCKS

POLB Construction Management Division to verify that all on-road heavy-duty trucks with a fifth-wheel tractor/trailer and a gross vehicle weight rating (GVWR) of 19,500 pounds or more transporting materials to and from the construction site shall meet United States Environmental Protection Agency (EPA) 2010 on-road heavy-duty diesel engine emission standards. POLB Engineering Services to include this requirement in Proposed Project construction specifications and bid process.

Timing and Method of Verification: Daily during all construction activities.

Port of Long Beach Engineering Responsibility: Responsible for the action of this mitigation measure.

Port of Long Beach Construction Management and Environmental Planning Division Responsibility: Responsible for tracking and verifying this mitigation measure

MM-AQ-2 TIER 4 CONSTRUCTION EQUIPMENT

POLB Construction Management Division to verify that self-propelled, diesel-fueled off-road construction equipment 25 horse-power or greater meet United States EPA/CARB Tier 4 engine emission standards. A copy of each unit's certified tiered specification and any required CARD or South Coast Air Quality Management District (SCAQMD) operating permit will be made available at the time each piece of equipment is mobilized.

Timing and Method of Verification: During all construction activities.

Port of Long Beach Engineering Responsibility: Responsible for the action of this mitigation measure.

Port of Long Beach Construction Management and Environmental Planning Division Responsibility: Responsible for tracking and verifying this mitigation measure.

MM-AQ-3 OFF-ROAD CONSTRUCTION EQUIPMENT

POLB Construction Management Division to verify that off-road diesel-powered construction equipment are in good maintenance condition according to manufacturer's specifications, do not idle more than 5 minutes when in use, and that high-pressure fuel injectors are installed on construction equipment vehicles.

Timing and Method of Verification: Daily during all construction activities.

Port of Long Beach Engineering Responsibility: Responsible for the action of this mitigation measure.

Port of Long Beach Construction Management and Environmental Planning Division Responsibility: Responsible for tracking and verifying this mitigation measure.

MM-AQ-4 INCREASED WATERING FREQUENCY FOR FUGITIVE DUST CONTROL

POLB Construction Management Division to verify that the construction site watering, required by SCAQMD Rule 403, shall be increased such that the watering interval is no greater than 2.1 hours. This measure would increase the fugitive dust emissions control from 61 to 74 percent. POLB Construction Management Division to verify that contractor is implementing emission reduction measures including construction site watering at the above specified intervals.

Timing and Method of Verification: During all construction activities involving groundwork (i.e., moving dirt).

Port of Long Beach Engineering Responsibility: Responsible for the action of this mitigation measure.

Port of Long Beach Construction Management and Environmental Planning Division Responsibility: Responsible for tracking and verifying this mitigation measure.

MM-AQ-5 ADDITIONAL FUGITIVE DUST CONTROL

Contractors shall apply approved non-toxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas or replace groundcover in disturbed areas; provide temporary wind fencing around sites being graded or cleared; cover truck loads that haul dirt, sand, or gravel or maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code; install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site; and suspend all soil disturbance activities when winds exceed 25 miles per hour (mph) or when visible dust plumes emanate from the site and stabilize all disturbed areas. POLB Construction Management Division to verify that each of the above requirements are carried out during each construction phase.

Timing and Method of Verification: During all construction activities.

Port of Long Beach Engineering Responsibility: Responsible for the action of this mitigation measure.

Port of Long Beach Construction Management and Environmental Planning Division Responsibility: Responsible for tracking and verifying this mitigation measure.

6.2 BIOTA AND HABITATS MITIGATION MEASURES

The analysis in the FEIR concluded that one significant and unavoidable impact is associated with the biota and habitats for the Proposed Project. The biota and habitats impact (BIO-1) is in regard to the loss of migratory birds nesting in trees or structures, as well as the loss of bats during modifications of bridges (particularly the Dominguez Channel rail bridge), or any of their habitat. This impact was identified as potentially significant before mitigation. Two mitigation measures (BIO-1 and BIO-2) would be enacted to reduce the impact to bats and migratory birds to a less than significant level.

MM-BIO-1 PROTECTION OF BATS

Prior to the start of construction on the Dominguez Channel rail bridge, a qualified bat specialist shall conduct a pre-construction bat survey of the construction work zone. If bats, or evidence of bats, are found or if bats are determined to be potentially present, the bridge will be inspected no more than 7 days before any disturbance to confirm the presence of roosting bats. The bat specialist will have authority to stop construction activity likely to be disruptive of breeding or roosting. The bat specialist would identify an appropriate course of action for the POLB Harbor Department to follow. Example actions are: (a) precluding bat access from the existing bridge before work proceeds; (b) establishing an appropriate buffer area; and (c) monitoring work to ensure that bats are not killed or substantially disturbed. Weekly reports to the POLB Harbor Department Environmental Planning Division and California Department of Fish and Wildlife (CDFW) shall be provided, describing monitoring actions, relevant observations, and any protective actions taken. POLB Engineering Services to include in Proposed Project construction specifications and bid process a requirement for a qualified bat specialist (biologist) to conduct a pre-construction bat survey at the Dominguez Channel rail bridge construction zone. POLB Construction Management Division to verify that a pre-construction bat survey has been carried prior to construction on or beneath the Dominguez Channel rail bridge; and that bat protection measures, if warranted, are carried out during construction at this location.

Timing and Method of Verification: Prior to, and during (if warranted), construction work on or beneath the Dominguez Channel rail bridge.

Port of Long Beach Engineering Responsibility: Responsible for the action of this mitigation measure.

Port of Long Beach Construction Management and Environmental Planning Division Responsibility: Responsible for tracking and verifying this mitigation measure.

MM-BIO-2 PROTECTION OF MIGRATORY BIRDS

To minimize effects on nesting migratory birds, construction activities that include the removal of trees, shrubs, or structures that may support the nests of protected birds will follow the requirements of the Migratory Bird Treaty Act (MBTA). If construction activities occur during the bird breeding season (February 15 through August 31), a qualified ornithologist shall survey trees, shrubs, and structures to be removed, not more than 3 days prior to removal. If the ornithologist detects any occupied nests or nesting behavior, the POLB shall conspicuously flag off the area(s) and provide a minimum buffer of 100 feet (300 feet for raptors) between the nest and limits of construction. Construction crews will be instructed to avoid any activities in this zone. Construction activities could resume within the buffer at the direction of the ornithologist when fledglings have left the nest or if the nest is abandoned. POLB Engineering Services to include requirements for a qualified ornithologist to conduct a pre-construction bird survey in construction areas that contain trees, shrubs, and other structures that support nesting birds that would be removed. In the event occupied nests are identified, or nesting behavior detected, in the construction area, POLB Engineering Services to retain a qualified ornithologist to establish a buffer zone between the nest(s) and limit construction; instruct construction crews to avoid any activities in this zone; periodically monitor progress of nesting activities; notify the POLB Construction Management Division and the POLB Environmental Planning Division when

fledglings have left the next or if the nest is abandoned so that construction activities may resume in the affected area; and prepare a written report to document monitoring activities.

Timing and Method of Verification: For construction activities scheduled to occur between February 15 and August 31 of any year in areas with vegetation that may support nesting of protected birds.

Port of Long Beach Engineering Responsibility: Responsible for the action of this mitigation measure.

Port of Long Beach Construction Management and Environmental Planning Division Responsibility: Responsible for tracking and verifying this mitigation measure.

6.3 CULTURAL RESOURCES MITIGATION MEASURES

The analysis in the FEIR concluded that one significant and unavoidable impacts was associated with cultural resources for the Proposed Project. The impact (CR-3) is in regard to the potential permanent loss of, or loss of access to, a paleontological resource of regional or statewide significance due to the construction of the Proposed Project. This impact was identified as potentially significant before mitigation. Two mitigation measures (CR-1 and CR-2) would result in beneficial effects by uncovering and allowing for the recovery of fossil remains that would not have been uncovered without the Project.

MM-CR-1 PALEONTOLOGICAL MONITORING

A paleontological monitoring program shall be implemented during earthmoving that requires excavation at or below 5 feet of depth, or where fossiliferous or older alluvium material is encountered. POLB Engineering Services to determine if any excavation at or below 5 feet of depth is required. POLB Engineering Services to also determine, based on site-specific geotechnical investigation (to be prepared), if any fossiliferous or older alluvium material will be encountered during construction. For these work zones, POLB Engineering Services will include a requirement for a qualified vertebrate paleontologist contractor to provide paleontological monitoring services. These requirements shall be included in Proposed Project construction specifications and bid process. POLB Construction Management Division to verify that selected contractor has included services of a qualified paleontologist in its contract.

Timing and Method of Verification: During any excavation at or below 5 feet of depth or where fossiliferous or older alluvium material is encountered.

Port of Long Beach Engineering Responsibility: Responsible for the action of this mitigation measure.

Port of Long Beach Construction Management and Environmental Planning Division Responsibility: Responsible for tracking and verifying this mitigation measure

MM-CR-2 INADVERTENT DISCOVERY OF PALEONTOLOGICAL RESOURCES

In the event that construction activities encounter potentially fossiliferous materials, construction operations in the immediate vicinity will be temporarily halted until a qualified vertebrate paleontologist can evaluate the discovery and implement appropriate treatment measures. The paleontologist would determine if the paleontological material should be salvaged, identified, and permanently preserved. Any fossils recovered will be cleaned and prepared to the point of identification, sorted, and catalogued. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, will be deposited into an accredited museum repository by a qualified paleontologist, who will also prepare a report of findings for the POLB. If it can be demonstrated that the Proposed Project will cause damage to these resources, reasonable efforts shall be made to permit any or all the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options (or equivalent measures): amending construction plans to avoid the resources; setting aside sites containing these resources by deeding them into permanent conservation easements; capping or covering these resources with a protective layer of soil before building on the sites; incorporating green space or other open space into the Proposed Project to leave these resources undisturbed and to provide a protective cover over them; and avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft. All fossils shall be documented in a detailed Paleontological Mitigation Report. Fossils recovered from the field or by processing shall be prepared; identified; and, along with accompanying field notes, maps, and photographs, accessioned into the collections of a designated accredited museum such as the Natural History Museum of Los Angeles County or the San Diego Natural History Museum. POLB Engineering Services to include a requirement for its construction contractor to provide a qualified paleontologist (on-call) in its proposed Project construction specifications. POLB Construction Management Division to ensure that selected contractor has a qualified paleontologist available as needed. POLB Engineering Services to ensure that adequate funding is available for curation of fossils recovered from the construction site and preparation of a Paleontological Mitigation Report.

Timing and Method of Verification: During all earthwork activities and when potentially fossiliferous material is unearthed.

Port of Long Beach Engineering Responsibility: Responsible for the action of this mitigation measure.

Port of Long Beach Construction Management and Environmental Planning Division Responsibility: Responsible for tracking and verifying this mitigation measure

7.0 CONCLUSION

During the operation of the proposed Pier B On-Dock Rail Support Facility Project, the City of Long Beach and the Port of Long Beach will maintain records of applicable compliance activities to demonstrate the steps taken to assure compliance with imposed mitigation measures as specified above and in Table 1. All logs and other records shall be made available to Port of Los Angeles staff upon request. Staff and the Port of Long Beach will evaluate the effectiveness of this monitoring program.

Table 1. Mitigation, Monitoring, and Reporting Plan for the proposed Pier B On-Dock Rail Support Facility Project located on Joint-Ports Right-of-Way

Mitigation Measure/Implementation Requirement	**Party Responsible for Implementing Mitigation**	**Monitoring Action**	**1. Monitoring Agencies** **2. Monitoring Phase**
MM-AQ-1. On-road construction trucks diesel engine emission standards	POLB Engineering	All on-road heavy-duty trucks with a fifth wheel tractor/trailer and a gross vehicle weight rating (GVWR) of 19,500 pounds or more transporting materials to and from the construction site shall meet United States Environmental Protection Agency (EPA) 2010 on-road heavy-duty diesel engine emission standards.	1. POLB Construction Management and Environmental Planning Division. 2. Daily during all construction activities.
MM-AQ-2. Tier 4 construction equipment	POLB Engineering	All self-propelled, diesel-fueled off-road construction equipment 25 horsepower (hp) or greater shall meet EPA/California Air Resources Board (CARB) Tier 4 off-road engine emission standards.	1. POLB Construction Management and Environmental Planning Division. 2. During all construction activities.
MM-AQ-3. Off-Road Construction Equipment	POLB Engineering	Off-road diesel-powered construction equipment shall comply with the following: • Maintain all construction equipment according to manufacturer's specifications. • Construction equipment shall not idle for more than 5 minutes when not in use. • High-pressure fuel injectors shall be installed on construction equipment vehicles. The benefits to be achieved by the above-listed components of this measure were not quantified in the analysis due to the wide range of variables involved. This measure is applied, however, to further reduce combustion emissions.	1. POLB Construction Management and Environmental Planning Division. 2. Daily during all construction activities.

MM-AQ-4. Increased Watering Frequency for Fugitive Dust Control	POLB Engineering	Construction site watering, required by SCAQMD Rule 403, shall be increased such that the watering interval is no greater than 2.1 hours. This measure would increase the fugitive dust emissions control from 61 to 74 percent.	1. POLB Construction Management and Environmental Planning Division. 2. During all construction activities involving groundwork (i.e., moving dirt).
MM-AQ-5. Additional Fugitive Dust Control	POLB Engineering	Contractors shall: • Apply approved nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas or replace groundcover in disturbed areas. • Provide temporary wind fencing around sites being graded or cleared. • Cover truck loads that haul dirt, sand, or gravel or maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code. • Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site. • Suspend all soil disturbance activities when winds exceed 25 miles per hour (mph) or when visible dust plumes emanate from the site and stabilize all disturbed areas. The benefits to be achieved by the above-listed components of this measure were not quantified in the analysis due to the wide range of variables involved. This measure is applied, however, to further reduce fugitive dust emissions.	1. POLB Construction Management and Environmental Planning Division. 2. During all construction activities.

MM-BIO-1. Protection of Bats	POLB Engineering	A qualified bat specialist shall conduct a preconstruction survey. If bats are found or determined to be potentially present, construction activity will be stopped if determined to be disruptive to breeding or roosting, and appropriate subsequent actions will be identified and implemented.	1. POLB Construction Management and Environmental Planning Division 2. Prior to, and during (if warranted), construction work on or beneath the Dominguez Channel rail bridge.
MM-BIO-2. Protection of Migratory Birds	POLB Engineering	Construction activities that could remove trees or structures that may support the nests of protected birds will follow the requirements of the Migratory Bird Treaty Act (MBTA). Specific procedures will be identified by a qualified ornithologist and implemented.	1. POLB Construction Management and Environmental Planning Division 2. For construction activities scheduled to occur between February 15th and August 31st of any year in areas with vegetation that may support nesting of protected birds.
MM-CR-1. Paleontological Monitoring	POLB Engineering	A paleontological monitoring program shall be implemented during earthmoving that requires excavation at or below 5 feet of depth, or where fossiliferous or older alluvium material is encountered.	1. POLB Construction Management and Environmental Planning Division 2. During any excavation at or below 5 feet of depth or where fossiliferous or older alluvium material is encountered.

MM-CR-2. Inadvertent Discovery of Paleontological Resources	POLB Engineering	In the event that construction activities encounter potentially fossiliferous materials, work in the immediate vicinity will be temporarily halted until a qualified vertebrate paleontologist can evaluate the discovery and implement appropriate treatment measures.	1. POLB Construction Management and Environmental Planning Division 2. During all earthwork activities and when potentially fossiliferous material is unearthed.