Chapter 3
Modifications to the Draft EIS/EIR

Introduction

This chapter of the document addresses modifications to the Draft EIS/EIR for the Berths 302-206 [APL] Container Terminal Project (proposed Project) at the Port of Los Angeles (Port). It presents all revisions related to public comments, as determined necessary by the lead agencies, for the following areas of the document:

- Global Revision;
- Executive Summary;
- Chapter 1, Introduction
- Chapter 2, Project Description
- Section 3.2, Air Quality, Meteorology and Greenhouse Gases;
- Section 3.3, Biological Resources
- Chapter 11, List of Preparers and Contributors;
- Appendix E1, Construction Emissions;
- Appendix F3; Essential Fish Habitat Analysis

Any revisions to supporting documentation are also presented. The numbering format from the Draft EIS/EIR is maintained in the sections presented here. Only sections that have revisions based on public comment are included, and sections that have no revisions are not included. Readers are referred to the Draft EIS/EIR to view complete sections.

It should be noted that most of the changes were editorial in nature. Some mitigation measures were strengthened and a new standard condition related to biological resources (SC BIO-2) was added to include NMFS notification. None of the edits result in changes to significance findings.

As provided in Section 15088(c) of the State CEQA Guidelines, responses to comments may take the form of a revision to a Draft EIR or may be separate section in the Final EIR. As provided in 40 CFR 1503.4)c), to comply with NEPA, responses to comments may take the form of revisions to a Draft EIS, or if changes to the EIS in responses to comments are minor, then changes may be provided on errata sheets attached to the Draft EIS. This chapter complies with the latter of these two guidelines and provides changes to the Draft EIS/EIR in revision-mode text (i.e., deletions are shown with ~~strikethrough~~ and additions are shown with <u>underline</u>). These notations are meant to provide

clarification, corrections, or minor revisions as needed as a result of public comments or because of changes in the proposed Project since the release of the Draft EIS/EIR.

Changes to the Draft EIS/EIR

The following changes to the text as presented below are incorporated into the Final EIS/EIR:

Global Revision

The cover and throughout the entire Draft EIS/EIR (i.e., within the footer), the State Clearinghouse Number (SCH#) was incorrectly shown as SCH# 2009071021. On January 11, 2012, a letter was sent to all regulatory and trustee agencies notifying them that the Draft EIS/EIR notice and document was circulated for public review with an incorrect SCH# and that the correct number is as follows:

SCH# 2009071031

Changes Made to the Executive Summary

Section ES.3.1, Page ES-8, Table ES-1

The row labeled "% TEUs by Near Dock Rail" is revised to clarify that the % TEUs in that row represents trips to and from both near-dock and off-dock railyards.

1

Table ES-1: Existing and Projected Berths 302-306 [APL] Container Terminal Throughput

	CEQA Baseline *(July 2008-June 2009)*	NEPA Baseline (2027)	Proposed Project (at capacity)					No Project (at capacity) 2027
			2012	2015	2020	2025	2027	
Annual TEUs [a,b]	1,128,080	2,153,000	1,906,000	2,702,000	2,912,000	3,122,000	3,206,000	2,153,000
Annual Ship Calls	247	286	234	286	338	364	390	286
Annual Truck Trips (Total)	998,728	1,922,497	1,701,940	2,412,720	2,600,240	2,879,170	3,003,160	1,922,500
Annual Rail Trips (Total)	1,676	2,336	2,197	2,627	2,831	2,876	2,953	2,336
% Truck/Rail Splits	46/54	45/55	45/55	45/55	45/55	45/55	45/55	45/55
% TEUs by On-dock Rail	35%	35%	35%	35%	35%	33%	32%	35%
% TEUs by Near Dock/Off-Dock Rail	11%	10%	10%	10%	10%	12%	13%	10%
% TEUs by Truck	54%	55%	55%	55%	55%	55%	55%	55%
Terminal Acreage	291	291	291	347	347	347	347	291
Number of A-frame Gantry Cranes	12	12	16	18	24	24	24	12
Number of Berths[c]	4	3.5	3.5	4.5	4	4	4	3.5

a. Baseline throughput numbers were generated by LAHD Wharfingers Office

b. NEPA Baseline, Proposed Project and No Project throughput numbers represent terminal capacity throughput levels

c. Useable berth space refers to the amount of space available to berth vessels and is dependent on vessel sizes. As ships get bigger, a fixed wharf length will have less berth space

Section ES.5.2, Table ES-3, Pages ES-49, ES-54, and ES-56

In Table ES-3, under Proposed Project (page ES-49), Alternative 5 (page ES-54), and Alternative 6 (page ES-56), standard condition of approval SC BIO-2 has been added under Impact BIO-4a.

BIO-4a: Construction activities would not substantially disrupt local biological communities.	CEQA: Less than significant NEPA: Less than significant	Mitigation not required; however, **MM BIO-**1**,** ~~and~~ **SC BIO-1** and **SC BIO-2** would further reduce any potential for impact	CEQA: Less than significant NEPA: Less than significant

Section ES.5.2.4, Page ES-98

Add SC BIO-2 under "Biology", second column, as follows:

Biology

- **MM BIO-1:** Conduct nesting bird surveys.
- **SC BIO-1:** Avoid marine mammals
- **SC BIO-2:** NMFS Notification

Section ES.5.2.4.1, Page ES-100

Revise mitigation measures MM AQ-3 and MM AQ-4, as follows:

MM AQ-3: Fleet Modernization for On-Road Trucks Used During Construction

1. Trucks hauling material such as debris or any fill material will be fully covered while operating off Port property.
2. Idling will be restricted to a maximum of 5 minutes when not in use.
3. USEPA Standards:

~~a.~~ For On-road trucks with a gross vehicle weight rating (GVWR) of at least 19,500 pounds ~~(except for Import Haulers and Earth Movers)~~: Comply with USEPA 2007 on-road emission standards for PM_{10} and NOx (0.01 grams per brake horsepower-hour (g/bhp-hr) and 1.2 g/bhp-hr or better, respectively).

~~b. For Import Haulers with a GVWR of at least 19,500 pounds used to move dirt and debris to and from the construction site via public roadways: Comply with USEPA 2004 on-road emission standards for PM_{10} and NOx (0.10 g/bhp-hr and 2.0 g/bhp-hr, respectively).~~

~~For Earth Movers with a GVWR of at least 19,500 pounds used to move dirt and debris within the construction site: Comply with USEPA 2004 on-road emission standards for PM_{10} and NOx (0.10 g/bhp-hr and 2.0 g/bhp-hr, respectively).~~

MM AQ-4: Fleet Modernization for Construction Equipment (except Vessels, Harbor Craft and On-Road Trucks

1. Construction equipment will incorporate, where feasible, emissions-savings technology such as hybrid drives and specific fuel economy standards.
2. Idling will be restricted to a maximum of 5 minutes when not in use.

3. Equipment Engine Specifications:

   a. Tier 4 equipment shall be considered based on availability at the time the construction bid is issued.

   b. At a minimum, ~~P~~prior to January 1, 2015~~:~~, ~~A~~all off-road diesel-powered construction equipment greater than 50 hp will meet Tier 3 off-road emission standards at a minimum. In addition, this equipment will be retrofitted with a CARB-verified Level 3 DECS.

   c. From January 1, 2015 on: All off-road diesel-powered construction equipment greater than 50 hp will meet Tier 4 off-road emission standards at a minimum.

Section ES.5.2.4.2, Page ES-106

Add SC BIO-2 after SC BIO-1, as follows:

SC BIO-2: NMFS Notification

The Los Angeles Harbor Department (LAHD) will notify the National Marine Fisheries Service (NMFS) no less than 14 calendar days prior to commencing construction, dredging, and disposal operations associated with the proposed Project. LAHD will also notify NMFS no less than five calendar days prior to completion of construction, dredging, and disposal operations.

Section ES.5.2.4.3, Pages ES-107 to ES-108

Revise lease measure LM AQ-1, as follows:

LM AQ-1: Periodic Review of New Technology and Regulations.

The Port shall require the Berths 302-306 tenant to review, in terms of feasibility and benefits, any Port-identified or other new emissions-reduction technology, and report to the Port. Such technology feasibility reviews shall take place at the time of the Port's consideration of any lease amendment or facility modification for the proposed Project site. If the technology is determined by the Port to be feasible in terms of cost, technical and operational feasibility, the tenant shall work with the Port to implement such technology.

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

As partial consideration for the Port agreement to issue the permit to the tenant, the tenant shall implement not less frequently than once every ~~7~~5 years following the effective date of the permit, new air quality technological advancements, subject to mutual agreement on operational feasibility and cost sharing, which shall not be unreasonably withheld.

The effectiveness of this measure depends on the advancement of new technologies and the outcome of future feasibility or pilot studies. As discussed in the Draft EIS/EIR

under Section 3.2.4.1 of Section 3.2, Air Quality, Meteorology, and Greenhouse Gases, if the tenant requests future Project changes that would require environmental clearance and a lease amendment, future CAAP mitigation measures would be incorporated into the new lease at that time.

Changes Made to Chapter 1, Introduction

Section 1.8, Page 1-58

Los Angeles Public Library
San Pedro Branch
~~921~~931 South Gaffey Street
San Pedro, California 90731

Changes Made to Chapter 2, Project Description

Chapter Summary, Pages 2-2, Table 2-1

The row labeled "% TEUs by Near Dock Rail" is revised to clarify that the % TEUs in that row represents trips to and from both near-dock and off-dock railyards.

Table 2-1: Existing and Projected Berths 302-306 Container Terminal Throughput

	CEQA Baseline *(July 2008-June 2009)*	NEPA Baseline (2027)	Proposed Project (at capacity)					No Project (at capacity) 2027
			2012	2015	2020	2025	2027	
Annual TEUs [a,b]	1,128,080	2,153,000	1,906,000	2,702,000	2,912,000	3,122,000	3,206,000	2,153,000
Annual Ship Calls	247	286	234	286	338	364	390	286
Annual Truck Trips (Total)	998,728	1,922,497	1,701,940	2,412,720	2,600,240	2,879,170	3,003,160	1,922,500
Annual Rail Trips (Total)	1,676	2,336	2,197	2,627	2,831	2,876	2,953	2,336
% Truck/Rail Splits	46/54	45/55	45/55	45/55	45/55	45/55	45/55	45/55
% TEUs by On-dock Rail	35%	35%	35%	35%	35%	33%	32%	35%
% TEUs by Near Dock/Off-Dock Rail	11%	10%	10%	10%	10%	12%	13%	10%
% TEUs by Truck	54%	55%	55%	55%	55%	55%	55%	55%
Terminal Acreage	291	291	291	347	347	347	347	291
Number of A-Frame Gantry Cranes	12	12	16	18	24	24	24	12
Number of Berths[c]	4	3.5	3.5	4.5	4	4	4	3.5

a Baseline throughput numbers were generated by LAHD Wharfingers Office
b NEPA Baseline, Proposed Project and No Project throughput numbers represent terminal capacity throughput levels
c Useable berth space refers to the amount of space available to berth vessels and is dependent on vessel sizes. As ships get bigger, a fixed wharf length will have less berth space.

Changes Made to Section 3.2, Air Quality, Meteorology, and Greenhouse Gases

Section 3.2.4.1.1, Pages 3.2-37, Table 3.2-7a

Table 3.2-7a: Regulations and Agreements Assumed in the Unmitigated Construction Emissions

Off-Road Construction Equipment	On-Road Trucks	Tugboats	General Cargo Ships	Fugitive Dust
Emission Standards for Non-road Diesel Engines – Tier 1, 2, 3, and 4 standards gradually phased in over all years due to normal construction equipment fleet turnover. **California Diesel Fuel Regulations** – 15-ppm sulfur. **CARB Portable Diesel-Fueled Engines Air Toxic Control Measure (ATCM)** – Effective September 12, 2007, all portable engines having a maximum rated horsepower of 50 bhp and greater and fueled with diesel shall meet weighted fleet average PM emission standards.	**Emission Standards for On-road Trucks** – Tiered standards gradually phased in over all years due to normal truck fleet turnover. **California Diesel Fuel Regulations** – 15-ppm sulfur. **Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling** – Diesel trucks are subject to idling limits, when not being used to power concrete mixing, water pumps, etc.	**California Diesel Fuel Regulations** –15-ppm sulfur. From January 1, 2011 on: All harbor craft with C1 or C2 marine engines must utilize a USEPA Tier-3 engine, or cleaner.	**IMO Marpol VI** - ~~0.1~~ 1.0 percent sulfur fuel **VSRP –** comply with the expanded Vessel Speed Reduction Program (VSRP) of 12 knots between 40 nautical miles (nm) from Point Fermin and the Precautionary Area. ~~These ships must also use low-sulfur fuel (maximum sulfur content of 0.2 percent) in auxiliary engines, main engines, and boilers within 40 nm of Point Fermin.~~	**SCAQMD Rule 403 Compliance** – 60 percent reduction in fugitive dust due to watering three times per day. **SCAQMD Rule 1403 Compliance** – Work practices will limit asbestos emissions from demolition or renovations.

Note: This table is not a comprehensive list of all applicable regulations; rather, the table lists key regulations and agreements that substantially affect the emission calculations for the proposed Project. A description of each regulation or agreement is provided in Section 3.2.3.

Section 3.2.4.1.1, Page 3.2-39

Revise third paragraph, as follows:

~~Within 40 nm of Point Fermin, the maximum sulfur content of fuel burned in propulsion and auxiliary engines and boilers was conservatively assumed to be 0.2 percent.~~ Within 24 nautical miles of the California baseline, the maximum sulfur content was assumed to be ~~0.1~~ 1.0 percent (13 CCR, Section 2299.2). Within 40 nm of Point Fermin, the maximum sulfur content of fuel burned in propulsion and auxiliary engines and boilers was conservatively assumed to be 0.2 percent for the mitigated conditions.

Section 3.2.4.3.1, Pages 3.2-75 to 3.2-76, Revise Tables 3.2-20a and 3.2-20b

Table 3.2-20a: Peak Daily Emissions Associated with Proposed Project Construction Activities – Proposed Project Without Mitigation

Emission Source	Peak Daily Emissions (lb/day)[d]					
	VOC	CO	NO_X	SO_X	PM_{10}[a]	$PM_{2.5}$[a]
Project Year 2012						
Phase 1a - Wharf Construction	73	268	692	1	113	45
Phase 1b - Backland Construction	37	153	331	0	53	22
Phase 1h - Crane Installation[b]	~~101~~ 69	~~95~~ 100	~~794~~ 643	~~37~~ 130	~~97~~ 83	~~90~~ 76
Phase 1e - Building Construction	13	54	127	0	23	9
Phase 1f - Reefer Area Expansion	13	52	119	0	11	6
Phase 1g - Utility Infrastructure	5	18	49	0	2	2
All Phases - Worker Commute	1	11	1	0	16	4
Peak Daily 2012 – CEQA Impact[c]	**~~243~~ 211**	**~~651~~ 656**	**~~2,113~~ 1,962**	**~~38~~ 131**	**~~313~~ 299**	**~~176~~ 162**
Peak Daily 2012 – NEPA Impact[c,e]	**~~224~~ 192**	**~~571~~ 576**	**~~1,944~~ 1,793**	**~~38~~ 131**	**~~300~~ 286**	**~~169~~ 155**
Thresholds	75	550	100	150	150	55
CEQA Significant?	**Yes**	**Yes**	**Yes**	No	**Yes**	**Yes**
NEPA Significant?	**Yes**	**Yes**	**Yes**	No	**Yes**	**Yes**
Project Year 2013						
Phase 1a - Wharf Construction	73	268	692	1	112	45
Phase 1b - Backland Construction	37	153	331	0	53	22
Phase 1c - AMP Installation (Berth 306)	5	20	46	0	7	3
Phase 1e - Building Construction	13	54	127	0	22	9
Phase 2 - Grading, Paving, Striping	12	47	116	0	13	6
All Phases - Worker Commute	1	11	1	0	16	4
Peak Daily 2013 – CEQA Impact[c]	**141**	**553**	**1,313**	**2**	**223**	**88**
Peak Daily 2013 – NEPA Impact[c,e]	**79**	**289**	**738**	**1**	**119**	**48**
Thresholds	75	550	100	150	150	55
CEQA Significant?	**Yes**	**Yes**	**Yes**	No	**Yes**	**Yes**
NEPA Significant?	**Yes**	No	**Yes**	No	No	No

Notes:

a) Emissions of PM_{10} and $PM_{2.5}$ assume that fugitive dust is controlled in accordance with SCAQMD Rule 403 by watering disturbed areas 3 times per day.

b) One general cargo ship delivers four shoreside cranes in Phase I

c) Emissions might not add precisely due to rounding. For more explanation, refer to the discussion in Section 3.2.4.1.

d) The emission estimates presented in this table were calculated using the latest available data, assumptions, and emission factors at the time this document was prepared. Construction is assumed to occur during most of Year 2012. This is assumed as it is conservative (i.e. worst-case). Future studies might use updated data, assumptions, and emission factors that are not currently available.

e) The CEQA Impact equals total Project construction emissions minus CEQA baseline construction emissions (which are zero). The NEPA impact equals total Project construction emissions minus NEPA baseline construction emissions as reported in Table 3.2-11.

1

Table 3.2-20b: Peak Daily[a] Combined Construction and Operational Emissions Without Mitigation–Proposed Project

Emission Source	Peak Daily Emissions (lb/day)[d]					
	VOC	CO	NO_X	SO_X	PM_{10}	$PM_{2.5}$
Project Year 2012						
Operational Emission Sources						
Ships – Transit[b] and Anchoring	205	381	3,278	84	60	48
Ships – Hoteling	87	223	2,461	140	58	46
Tugboats	5	23	89	0	4	3
Trucks[b]	161	494	1,844	4	102	30
Trains[b]	86	319	1,703	1	48	44
Terminal Equipment	47	280	1,115	1	36	33
Worker Trips	29	296	24	0	47	10
Construction Emission Sources						
Wharf Construction	73	268	692	1	113	45
Backland Construction	37	153	331	0	53	22
Crane Installation[b]	~~101~~ 69	~~95~~ 100	~~794~~ 643	~~37~~ 130	~~97~~ 83	~~90~~ 76
Building Construction	13	54	127	0	23	9
Reefer Area Expansion	13	52	119	0	11	6
Utility Infrastructure	5	18	49	0	2	2
Worker Commute	1	11	1	0	16	4
Total – Project Year 2012[c]	**~~863~~** **831**	**~~2,667~~** **2,672**	**~~12,627~~** **12,476**	**~~268~~** **361**	**~~670~~** **656**	**~~392~~** **378**
CEQA Impacts						
CEQA Baseline Emissions	924	3,539	13,126	5,394	1,115	863
Project minus CEQA Baseline	~~(61)~~ (93)	~~(872)~~ (867)	~~(499)~~ (650)	~~(5,126)~~ (5,033)	~~(445)~~ (459)	~~(471)~~ (485)
Thresholds	75	550	100	150	150	55
Significant?	No	No	No	No	No	No
NEPA Impacts						
NEPA Baseline Emissions	620	2,016	10,515	231	354	214
Project minus NEPA Baseline[f]	~~224~~ 192	~~571~~ 576	~~1,944~~ 1,793	~~38~~ 131	~~300~~ 286	~~169~~ 155
Thresholds	75	550	100	150	150	55
Significant?	**Yes**	**Yes**	**Yes**	No	**Yes**	**Yes**

Notes:
a) Emissions assume the simultaneous occurrence of maximum theoretical daily equipment activity levels. Such levels would rarely occur during day-to-day terminal operations.
b) Truck, train, ship, and worker commute emissions include transport within the South Coast Air Basin.
c) Hoteling emissions include regional power plant emissions from AMP electricity generation.
d) Emissions might not precisely add due to rounding. For further explanation, refer to the discussion in Section 3.2.4.1.
e) The emission estimates presented in this table were calculated using the latest available data, assumptions, and emission factors at the time this document was prepared. Construction is assumed to occur during most of Year 2012. This is assumed as it is conservative (i.e. worst-case). Future studies might use updated data, assumptions, and emission factors that are not currently available.
f) Emissions represent proposed Project construction emissions minus NEPA baseline construction emissions as shown in Table 3.2-11.

1

Section 3.2.4.3.1, Pages 3.2-78 to 3.2-79

Revise mitigation measure MM AQ-3, as follows:

MM AQ-3: Fleet Modernization for On-Road Trucks Used During Construction

4. Trucks hauling material such as debris or any fill material will be fully covered while operating off Port property.

5. Idling will be restricted to a maximum of 5 minutes when not in use.

6. USEPA Standards:

~~c.~~ For On-road trucks with a gross vehicle weight rating (GVWR) of at least 19,500 pounds ~~(except for Import Haulers and Earth Movers)~~: Comply with USEPA 2007 on-road emission standards for PM_{10} and NOx (0.01 grams per brake horsepower-hour (g/bhp-hr) and 1.2 g/bhp-hr or better, respectively).

~~d. For Import Haulers with a GVWR of at least 19,500 pounds used to move dirt and debris to and from the construction site via public roadways: Comply with USEPA 2004 on-road emission standards for PM_{10} and NOx (0.10 g/bhp-hr and 2.0 g/bhp-hr, respectively).~~

~~For Earth Movers with a GVWR of at least 19,500 pounds used to move dirt and debris within the construction site: Comply with USEPA 2004 on-road emission standards for PM_{10} and NOx (0.10 g/bhp-hr and 2.0 g/bhp-hr, respectively).~~

Section 3.2.4.3.1, Page 3.2-79

Revise mitigation measure MM AQ-4, as follows:

MM AQ-4: Fleet Modernization for Construction Equipment (except Vessels, Harbor Craft and On-Road Trucks

1. Construction equipment will incorporate, where feasible, emissions-savings technology such as hybrid drives and specific fuel economy standards.

2. Idling will be restricted to a maximum of 5 minutes when not in use.

3. Equipment Engine Specifications:

   a. Tier 4 equipment shall be considered based on availability at the time the construction bid is issued.

   b. At a minimum, ~~P~~prior to January 1, 2015~~:~~, ~~A~~all off-road diesel-powered construction equipment greater than 50 hp will meet Tier 3 off-road emission standards at a minimum. In addition, this equipment will be retrofitted with a CARB-verified Level 3 DECS.

   c. From January 1, 2015 on: All off-road diesel-powered construction equipment greater than 50 hp will meet Tier 4 off-road emission standards at a minimum.

Section 3.2.4.3.1, Pages 3.2-81 to 3.2-82, Tables 3.2-22a and 3.2-22b

Revise Tables 3.2-22a and 3.2-22b, as follows:

Table 3.2-22a: Peak Daily Emissions Associated with Proposed Project Construction Activities – Proposed Project With Mitigation

Emission Source	Daily Emissions (lb/day)[d]					
	VOC	CO	NO_X	SO_X	PM_{10}[a]	$PM_{2.5}$[a]
Project Year 2012						
Wharf Construction	69	260	334	1	87	21
Backland Construction	37	152	218	0	40	9
Crane Installation[b]	~~72~~ 64	~~95~~ 100	~~598~~ 522	~~18~~ 26	~~78~~ 77	~~72~~ 71
Building Construction	13	54	109	0	19	5
Reefer Area Expansion	13	52	90	0	7	2
Utility Infrastructure	5	18	41	0	0	0
Worker Commute	1	11	1	0	16	4
Peak Daily 2012 – CEQA Impact[c,e]	~~**211**~~ **203**	~~**641**~~ **646**	~~**1,392**~~ **1,316**	~~**20**~~ **28**	~~**246**~~ **245**	~~**114**~~ **113**
Peak Daily 2012 – NEPA Impact[e]	~~**192**~~ **184**	~~**561**~~ **565**	~~**1,223**~~ **1,147**	~~**20**~~ **28**	~~**232**~~ **231**	~~**106**~~ **105**
Thresholds	***75***	***550***	***100***	***150***	***150***	***55***
CEQA Significant?	**Yes**	**Yes**	**Yes**	No	**Yes**	**Yes**
NEPA Significant?	**Yes**	**Yes**	**Yes**	No	**Yes**	**Yes**
Project Year 2013						
Wharf Construction	69	260	334	1	87	21
Backland Construction	37	152	218	0	40	9
AMP Installation (Berth 306)	5	20	42	0	5	1
Building Construction	13	54	109	0	19	5
Grading, Paving, Striping	12	47	89	0	10	3
Worker Commute	1	11	1	0	16	4
Peak Daily 2013 – CEQA Impact[c,e]	**137**	**543**	**794**	**2**	**175**	**44**
Peak Daily 2013 – NEPA Impact[e]	**75**	**279**	**219**	**1**	**70**	**3**
Thresholds	***75***	***550***	***100***	***150***	***150***	***55***
CEQA Significant?	**Yes**	No	**Yes**	No	**Yes**	No
NEPA Significant?	**Yes**	No	**Yes**	No	No	No

Notes:

a) Emissions of PM_{10} and $PM_{2.5}$ assume that fugitive dust is controlled in accordance with SCAQMD Rule 403to achieve a 60 percent reduction relative to uncontrolled levels..

b) One general cargo ship delivers four shoreside cranes in Phase I

c) Emissions might not add precisely due to rounding. For more explanation, refer to the discussion in Section 3.2.4.1.

d) The emission estimates presented in this table were calculated using the latest available data, assumptions, and emission factors at the time this document was prepared. Construction is assumed to occur during most of Year 2012. This is assumed as it is conservative (i.e. worst-case). Future studies might use updated data, assumptions, and emission factors that are not currently available.

e) The CEQA Impact equals total Project construction emissions minus CEQA baseline construction emissions (which are zero). The NEPA impact equals total Project construction emissions minus NEPA baseline construction emissions as reported in Table 3.2-11.

Table 3.2-22b: Peak Daily[a] Combined Construction and Operational Emissions With Mitigation – Proposed Project

Emission Source	Peak Daily Emissions (lb/day)[d]					
	VOC	CO	NO_X	SO_X	PM_{10}	$PM_{2.5}$
Project Year 2012						
Operational Emission Sources						
Ships – Transit[b] and Anchoring	205	381	3,278	84	60	48
Ships – Hoteling	87	223	2,461	140	58	46
Tugboats	5	23	89	0	4	3
Trucks[b]	161	494	1,844	4	102	30
Trains[b]	86	319	1,703	1	48	44
Terminal Equipment	47	280	1,115	1	36	33
Worker Trips	29	296	24	0	47	10
Construction Emission Sources						
Wharf Construction	69	260	334	1	86	21
Backland Construction	37	152	218	0	39	9
Crane Installation[b]	72	95	598	26 ~~18~~	78	72
Building Construction	13	54	109	0	18	5
Reefer Area Expansion	13	52	90	0	7	2
Utility Infrastructure	5	18	41	0	0	0
Worker Commute	1	11	1	0	16	4
Total – Project Year 2012[c]	**831**	**2,657**	**11,907**	**257** ~~**251**~~	**599**	**328**
CEQA Impacts						
CEQA Baseline Emissions	924	3,539	13,126	5,394	1,115	863
Project minus CEQA Baseline	(94)	(882)	(1,219)	(5,137) ~~(5,143)~~	(516)	(534)
Thresholds	75	550	100	150	150	55
Significant?	No	No	No	No	No	No
NEPA Impacts						
NEPA Baseline Emissions	620	2,016	10,515	231	354	214
Project minus NEPA Baseline[f]	192	561	1,223	20	232	106
Thresholds	75	550	100	150	150	55
Significant?	**Yes**	**Yes**	**Yes**	No	**Yes**	**Yes**

Notes:

a) Emissions assume the simultaneous occurrence of maximum theoretical daily equipment activity levels. Such levels would rarely occur during day-to-day terminal operations.

b) Truck, train, ship, and worker commute emissions include transport within the South Coast Air Basin.

c) Hoteling emissions include regional power plant emissions from AMP electricity generation.

d) Emissions might not precisely add due to rounding. For further explanation, refer to the discussion in Section 3.2.4.1.

e) The emission estimates presented in this table were calculated using the latest available data, assumptions, and emission factors at the time this document was prepared. Construction is assumed to occur during most of Year 2012. This is assumed as it is conservative (i.e. worst-case). Future studies might use updated data, assumptions, and emission factors that are not currently available.

f) Emissions represent proposed Project construction emissions minus NEPA baseline construction emissions as shown in Table 3.2-11.

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Section 3.2.4.3.1, Pages 3.2-111 to 3.2-112

Revise lease measure LM AQ-1, as follows:

LM AQ-1:*Periodic Review of New Technology and Regulations.* The Port shall require the Berths 302-306 tenant to review, in terms of feasibility and benefits, any Port-identified or other new emissions-reduction technology, and report to the Port. Such technology feasibility reviews shall take place at the time of the Port's consideration of any lease amendment or facility modification for the proposed Project site. If the technology is determined by the Port to be feasible in terms of cost, technical and operational feasibility, the tenant shall work with the Port to implement such technology.

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

As partial consideration for the Port agreement to issue the permit to the tenant, the tenant shall implement not less frequently than once every ~~7~~5 years following the effective date of the permit, new air quality technological advancements, subject to mutual agreement on operational feasibility and cost sharing, which shall not be unreasonably withheld.

The effectiveness of this measure depends on the advancement of new technologies and the outcome of future feasibility or pilot studies. As discussed in Section 3.2.4.1, if the tenant requests future Project changes that would require environmental clearance and a lease amendment, future CAAP mitigation measures would be incorporated into the new lease at that time.

Section 3.2.4.6, Pages 3.2-338 to 3.2-339

Under Impact AQ-1, revise mitigation measures MM AQ-3 and MM AQ-4, as follows:

Mitigation Measure	**MM AQ-3. Fleet Modernization for On-Road Trucks** 1. Trucks hauling material such as debris or any fill material will be fully covered while operating off Port property. 2. Idling will be restricted to a maximum of 5 minutes when not in use. 3. EPA Standards: a. For On-road trucks ~~except for Import Haulers and Earth Movers~~: Comply with 2004 or 2007 on-road emission standards for PM_{10} and NOx ~~b. For Import Haulers: Comply with 1998 or 2004 on-road emission standards for PM_{10} and NOx~~ c. ~~For Earth Movers: Comply with 1998 or 2004 on-road emission standards for PM_{10} and NOx~~
Timing	During specified construction phases.
Methodology	LAHD will include MM AQ-3 in the contract specifications for construction. LAHD will monitor implementation of mitigation measures during construction.

Responsible Parties	LAHD
Mitigation Measure	**MM AQ-4. Fleet Modernization for Construction Equipment** 1. All dredging equipment shall be electric. 2. Construction equipment will incorporate, where feasible, emissions-savings technology such as hybrid drives and specific fuel economy standards. 3. Idling will be restricted to a maximum of 5 minutes when not in use. 4. Equipment Engine Specifications: a. Tier 4 equipment shall be considered based on availability at the time the construction bid is issued.~~. Meet Tier 2, 3, or 4 standards depending on timing.~~ b. Two categories of standards ~~exceptions~~ exist based on timing
Timing	During specified construction phases.
Methodology	LAHD will include MM AQ-4 in the contract specifications for construction. LAHD will monitor implementation of mitigation measures during construction.
Responsible Parties	LAHD

Section 3.2.4.6, Page 3.2-344

Revise lease measure LM AQ-1, as follows:

AQ-3: The proposed Project would result in operational emissions that exceed 10 tons per year of VOCs or a SCAQMD threshold of significance in Table 3.2-18. (*Also applies to Impact AQ-3 for Alternatives 3-6)*	
Lease Measure	**LM AQ-1. Periodic Review of New Technology and Regulations.** The Port shall require the Berths 302-306 tenant to review, in terms of feasibility and benefits, any Port-identified or other new emissions-reduction technology, and report to the Port. Such technology feasibility reviews shall take place at the time of the Port's consideration of any lease amendment or facility modification for the proposed Project site. If the technology is determined by the Port to be feasible in terms of cost, technical and operational feasibility, the tenant shall work with the Port to implement such technology. Potential technologies that may further reduce emission and/or result in cost-savings benefits for the tenant may be identified through future work on the CAAP, Technology Advancement Program, Zero Emissions Technology Program, and terminal automation. Over the course of the lease, the tenant and the Port shall work together to identify potential new technologies. Such technology shall be studied for feasibility, in terms of cost, technical and operational feasibility, and emissions reduction benefits. As partial consideration for the Port agreement to issue the permit to the tenant, the tenant shall implement not less frequently than once every ~~7~~5 years following the effective date of the permit, new air quality technological advancements, subject to mutual agreement on operational feasibility and cost sharing, which shall not be unreasonably withheld. The effectiveness of this measure depends on the advancement of new technologies and the outcome of future feasibility or pilot studies. As discussed in Section 3.2.4.1, if the tenant requests future Project changes that would require environmental clearance and a lease amendment, future CAAP mitigation measures would be incorporated into the new lease at that time.
Timing	During operation
Methodology	LAHD will include this mitigation measure in lease agreements with tenants.
Responsible Parties	APL, LAHD.

Changes Made to Section 3.3, Biological Resources

Section Summary, Key Points of Section 3.3, Page 3.3-2

Add SC BIO-2 after SC BIO-1, as follows:

SC BIO-2. NMFS Notification. The Los Angeles Harbor Department (LAHD) will notify the National Marine Fisheries Service (NMFS) no less than 14 calendar days prior to commencing construction, dredging, and disposal operations associated with the proposed Project. LAHD will also notify NMFS no less than five calendar days prior to completion of construction, dredging, and disposal operations.

Section 3.3.2.9, Pages 3.3-23 to 3.3-25

Essential Fish Habitat (EFH)

In accordance with the 1996 amendments to the Magnuson-Stevens Fishery Management and Conservation Act, an assessment of EFH was prepared for the proposed Project and alternatives, which includes impacts of dredging and wharf construction along Berths 302-305 and the 41-acre fill site (Appendix F3). The proposed Project/alternative area is located in an area designated as EFH for two Fishery Management Plans (FMPs): the Coastal Pelagics and Pacific Groundfish Management Plans. Of the 95 species federally managed under these plans, ~~24~~19 adult species are known to occur in the Port Complex and could potentially be affected by the proposed Project or alternatives (Appendix F3). However, most of these ~~24~~19 species have been collected only sporadically and in very low numbers, and habitat near the proposed Project site is not suitable for these species. The species with the highest potential to be affected by the proposed Project/alternatives are identified in Table 3.3-5.

Two coastal pelagic - northern anchovy and Pacific sardine - are likely to occur in the vicinity of the proposed Project. As summarized in Appendix F3, northern anchovy is among the most common and abundant fish species in the Port Complex. In 2006, larvae were present in the Port Complex during two seasonal periods: a greater peak in March-July and a lesser peak in October-December (MBC et al., 2007). Juvenile and adult anchovies have consistently been collected during fish sampling near the proposed Project site (MEC and Associates, 2002; SAIC, 2010). Northern anchovy are found from the surface to depths of 1,017 ft, though juveniles are generally more common inshore and in estuaries (Davies and Bradley, 1972).

Pacific sardine were not abundant during 2006 ichthyoplankton sampling throughout the Port Complex; two sardine larvae were collected in the Outer Harbor in April 2006 (MBC et al., 2007). This species is also less common than northern anchovy near the proposed Project site (MEC and Associates, 2002; SAIC, 2010). Pacific sardine is epipelagic, occurring in loosely aggregated schools (Wolf et al., 2001).

Jack mackerel (*Trachurus symmetricus*) and Pacific mackerel (*Scomber japonicus*) have been collected in Harbor, but in much lower frequency and numbers than northern anchovy and Pacific sardine. ~~While no mature market squid (*Doryteuthis opalescens*) have been reported in recent surveys, market squid paralarvae were collected in Inner and Outer Harbor areas in 2006 (MBC et al., 2007). All coastal pelagics are associated with the water column (as opposed to the seafloor like many of the groundfish); however, female squid also lay egg masses on sandy bottoms during spawning (at depths of about 16-180 ft, with most occurring between 66-115 ft) (PFMC, 1998).~~

None of the species covered under the Pacific Groundfish FMP are considered abundant in the area of the proposed Project. However, many are associated with hard substrate, kelp, and/or eelgrass (*Zostera marina*), which are less frequently sampled habitats than soft bottoms. Pacific sanddab (*Citharichthys sordidus*) is considered common in the vicinity of the proposed Project because it was collected by trawl in all three of the Harbor-wide biological studies, though not in great numbers (MEC 1988; MEC and Associates, 2002; SAIC, 2010). One individual was collected in 1986, 51 were collected in 2000, and 171 were collected in 2008. English sole (*Parophrys vetulus*) has also been collected during all three trawl studies, but in relatively low numbers: one individual in

1986, three individuals in 2002, and 24 individuals in 2008. Larvae of English sole were also collected in 2008. English sole prefer soft bottoms from 60 to 1,000 ft, while Pacific sanddab are found between 30 and 1,800 ft (Miller and Lea, 1972).

California skate (*Raja inornata*) and big skate (*R. binoculata*) were collected by trawl during the biological surveys of the Harbor, although only 23 California skate were collected in 2008, and no big skate were collected. Like English sole, California skate has been collected in all three Harbor-wide biological surveys, whereas big skate was only collected in 2002. Both species prefer soft-bottom habitat, although California skate occurs in much deeper waters (60 to 2,200 ft) than big skate (10 to 360 ft) (Miller and Lea, 1972). California scorpionfish (*Scorpaena guttata*) is another species collected in all three Harbor-wide surveys, with 11 individuals in 2008. Vermilion rockfish (*Sebastes miniatus*) was only collected in 2002 (four individuals) and 2008 (20 individuals). Vermilion rockfish occur between 20 and 1,440 ft, but are most common between 165 and 495 ft. Juveniles are common in shallower water (20 to 120 ft), where they hover over sand patches near algae or structures, including pier pilings (Love et al., 2002). The remaining species in the table have only been collected sporadically and in low numbers.

Table 3.3-5: Managed Adult Fish/invertebrate Species ~~Most Likely to Occur off Pier 300~~Found in Los Angeles Harbor Based on Past Occurrences

Common Name	Potential Habitat Use	Larval Occurrence[1,2,4]	Juv./Adult Occurrence[2,3,4,5]
Coastal Pelagics			
northern anchovy	Open water.	Abundant	Abundant
Pacific sardine	Open water.	Uncommon	Common
Pacific (chub) mackerel	Open water, juveniles off sandy beaches and around kelp beds.	-	Uncommon
jack mackerel	Open water, young fish over shallow banks and juveniles around kelp beds.	Rare	Uncommon
~~market squid~~	~~Open water. Rare near bays, estuaries, and river mouths.~~	~~Rare~~	~~-~~
Pacific Groundfish			
English sole	Soft bottom habitats.	Rare	Uncommon
Pacific sanddab	Soft bottom habitats.	Rare	Common
~~butter sole~~	~~Soft bottom habitats.~~	~~Rare~~	~~-~~
black rockfish	Along breakwater, near deep piers and pilings. Associated with kelp, eelgrass, high relief reefs.	-	Rare
Bocaccio	Multiple habitat associations, including soft and hard bottom, kelp, eelgrass, etc.	-	Rare
~~brown rockfish~~	~~Multiple habitat associations but prefer hard substrata and rocky interfaces.~~	~~-~~	~~Rare~~
calico rockfish	Multiple habitat associations but prefer hard substrata and rocky interfaces.	-	Rare
California scorpionfish	Benthic, on soft and hard bottoms, as well as around structures.	-	Uncommon
grass rockfish	Common on hard substrate, kelp, and eelgrass habitats.	-	Rare
kelp rockfish	Common on hard substrate, kelp; reported along breakwater.	-	Rare

olive rockfish	Common around hard substrate, kelp; reported along breakwater.	-	Rare
vermilion rockfish	Juveniles over soft-bottom and kelp, adults associated with hard substrate.	-	Uncommon
Lingcod	Multiple habitat associations but prefer hard substrata and rocky interfaces.	-	Rare
Cabezon	Multiple habitat associations but prefer hard substrata and rocky interfaces.	Rare	Rare
~~Pacific hake~~	~~Common offshore, juveniles in open water.~~	~~Rare~~	~~-~~
leopard shark	Multiple habitat associations, including soft bottoms, and near structure, kelp, and eelgrass.	N/A	Rare
~~spiny dogfish~~	~~Pelagic and on muddy bottoms.~~	~~N/A~~	~~Rare~~
big skate	Soft bottom habitat.	N/A	Rare
California skate	Soft bottom habitat.	N/A	Uncommon

Sources: 1 – MBC et al. (2007), 2 – MEC and Associates (2002), 3 – MBC (2009a,b), 4 – SAIC (2010), 5 – MEC (1999). N/A = Not applicable, internal fertilization. Abundant>Common>Uncommon>Rare.
Note - Most rockfish larvae not identifiable to species.

Section 3.3.3, add Subsection 3.3.3.11, Pages 3.3-31

3.3.3.11 Vessel General Permit

The USEPA Vessel General Permit (VGP) was released on December 19, 2008, and applies to all non-military and non-recreational vessels of 79 feet or greater in length. Requirements for the VGP include:

- Submission of a Notice of Intent for vessels over 300 gross tons (or vessels with a capacity to hold or discharge 2,113 gallons [8 cubic meters] or more of ballast water;
- Corrective actions for violations of VGP limits;
- Requirements for visual and annual inspections; and
- Reporting requirements, which vary by vessel class.

In addition to general VGP regulations, states with authority to implement the CWA may add specific provisions, including performance standards, for vessel discharges in state waters through the Section 401 Water Quality Certification process. The state of California has issued additional conditions for vessels while in state waters. The VGP expires in December 2013, and the USEPA recently solicited public comment on a new draft VGP that would take effect upon expiration of the original VGP. The proposed VGP includes numeric criteria for discharged ballast water, and would impose several ballast water management (BWM) best management practices (BMPs) substantially similar to those in the 2008 VGP.

Section 3.3.4.3.1.1 (Proposed Project), Pages 3.3-49 to 3.3-50

CEQA Impact Determination

As described above, construction activities in the proposed Project site, particularly pile-driving, could cause short-term impacts on individuals (e.g. marine mammals and fishes,

including those with designated EFH) in the immediate vicinity of pile-driving. However, no substantial disruption of biological communities would result from proposed Project construction, and impacts are considered insignificant. In addition, with implementation of standard condition of approval **SC BIO-1**, the pile-driving would initiate with a soft start, which would minimize impacts to fish and marine mammals near construction activities, as they would leave the area. Furthermore, night construction, if required, would not result in significant impacts to biological resources.

Potential biological impacts from disposal of dredged sediments would depend on the disposal method. Impacts from disposal at the LA-2 (as well as the LA-3) disposal site was evaluated during the site designation process (USEPA and USACE, 2005). Biological impacts due to construction and fill of the CDF, as well as expansion and fill of the Cabrillo shallow water habitat, were evaluated in the *Final Supplemental Environmental Impact Statement / Final Supplemental Environmental Impact Report (EIS/EIR) for the Port of Los Angeles Channel Deepening Project* (USACE and LAHD, 2009). Any temporary water quality impacts would be minimized as discussed by pre-dredge screening, water quality monitoring, and adaptive management and use of BMPs.

Construction activities that have the potential to introduce or redistribute invasive species would be less than significant. All construction impacts that could substantially disrupt local biological communities resulting from the proposed Project would be less than significant under CEQA.

Mitigation Measures

No mitigation is required. Implementation of mitigation measure **MM BIO-1** and standard conditions of approval **SC BIO-1** and SC BIO-2 would further reduce impacts.

SC BIO-2. NMFS Notification. The Los Angeles Harbor Department (LAHD) will notify the National Marine Fisheries Service (NMFS) no less than 14 calendar days prior to commencing construction, dredging, and disposal operations associated with the proposed Project. LAHD will also notify NMFS no less than five calendar days prior to completion of construction, dredging, and disposal operations.

Residual Impacts

Impacts would be less than significant.

NEPA Impact Determination

Construction of the proposed Project would result in limited upland construction, in-water, and over-water construction activities not included in the NEPA baseline. As described above, construction activities at the proposed Project site, particularly pile-driving, could cause short-term impacts on individuals (e.g. marine mammals and fishes, including those with designated EFH) in the immediate vicinity of pile-driving. However, no substantial disruption of biological communities would result from proposed Project construction, and impacts are considered insignificant. In addition, with implementation of standard condition of approval **SC BIO-1**, the pile-driving would initiate with a soft start, which would minimize impacts to fish and marine mammals near construction activities, as they would leave the area. Furthermore, night construction, if required, would not result in significant impacts to biological resources.

Potential biological impacts from disposal of dredged sediments would depend on the disposal method. Impacts from disposal at the LA-2 (as well as the LA-3) disposal site was evaluated during the site designation process (USEPA and USACE, 2005). Biological impacts due to construction and fill of the CDF, as well as expansion and fill of the Cabrillo shallow water habitat, were evaluated in the *Final Supplemental Environmental Impact Statement / Final Supplemental Environmental Impact Report (EIS/EIR) for the Port of Los Angeles Channel Deepening Project* (USACE and LAHD, 2009). Any temporary water quality impacts would be minimized as discussed by pre-dredge screening, water quality monitoring, and adaptive management and use of BMPs.

Construction activities that have the potential to introduce or redistribute invasive species would be less than significant. All construction impacts that could substantially disrupt local biological communities resulting from the proposed Project would be less than significant under NEPA.

Mitigation Measures

No mitigation is required. Implementation of mitigation measure **MM BIO-1** and standard conditions of approval **SC BIO-1** and SC BIO-2 would further reduce impacts.

Residual Impacts

Impacts would be less than significant.

Section 3.3.4.3.2.5 (Alternative 5), Pages 3.3-96 to 3.3-97

Impact BIO-4a: Construction activities would not substantially disrupt local biological communities.

CEQA Impact Determination

Because the terrestrial portions of the Project site are largely developed, impacts on terrestrial biological communities would be limited. Plant communities on the backlands site are mostly introduced, weedy species, with Russian thistle (tumbleweed) the most abundant species. In addition, noise from night construction is not expected to result in significant impacts to biological resources because few birds/wildlife are scarce in upland areas and upland construction would not affect underwater noise levels

Construction impacts for Alternative 5 would be essentially the same as those described for the proposed Project (Impact BIO-4a). Construction activities at the proposed Project site, particularly pile-driving, could cause short-term impacts on individuals (e.g. marine mammals and fishes, including those with designated EFH) in the immediate vicinity of pile-driving. However, no substantial disruption of biological communities would result from Alternative 5 construction, and impacts are considered insignificant under CEQA.

Potential biological impacts from disposal of dredged sediments would depend on the disposal method. However, for all in-water disposal options (such as confined aquatic disposal or at the LA-2 ~~ODMDS~~), potential impacts include: water quality impacts from turbidity or contaminants and smothering of resident fishes and invertebrates. Impacts from disposal at the LA-2 (as well as the LA-3) disposal site was evaluated during the site designation process (USEPA and USACE, 2005). Biological impacts due to construction and fill of the CDF, as well as expansion and fill of the Cabrillo ~~s~~Shallow

~~w~~Water ~~h~~Habitat Area, were evaluated in the *Final Supplemental Environmental Impact Statement / Final Supplemental Environmental Impact Report (EIS/EIR) for the Port of Los Angeles Channel Deepening Project* (USACE and LAHD, 2009). Any temporary water quality impacts would be minimized as discussed by pre-dredge screening, water quality monitoring, and adaptive management and use of BMPs.

Construction activities that have the potential to introduce or redistribute invasive species would be less than significant. All construction impacts that could substantially disrupt local biological communities resulting from Alternative 5 would be less than significant under CEQA.

Mitigation Measures

No mitigation is required. As described under the proposed Project, the potential for impacts could be further reduced with implementation of mitigation measure **MM BIO-1** and standard conditions of approval **SC BIO-1** and SC BIO-2.

Residual Impacts

Impacts would be less than significant.

NEPA Impact Determination

Alternative 5 would include upland, over-water, and in-water development not included in the NEPA baseline. However, because the terrestrial portions of the Project site are largely developed, impacts on terrestrial biological communities would be limited. Plant communities on the backlands site are mostly introduced, weedy species, with Russian thistle (tumbleweed) the most abundant species. In addition, noise from night construction is not expected to result in significant impacts to biological resources because few birds/wildlife are scarce in upland areas and upland construction would not affect underwater noise levels.

Construction activities at the terminal site, particularly pile-driving, could cause short-term impacts on individuals (e.g. marine mammals and fishes, including those with designated EFH) in the immediate vicinity of pile-driving. However, no substantial disruption of biological communities would result from Alternative 5 construction, and impacts are considered insignificant under NEPA.

Potential biological impacts from disposal of dredged sediments would depend on the disposal method. However, for all in-water disposal options (such as confined aquatic disposal or at the LA-2 ~~ODMDS~~), potential impacts include: water quality impacts from turbidity or contaminants and smothering of resident fishes and invertebrates. Impacts from disposal at the LA-2 (as well as the LA-3) disposal site was evaluated during the site designation process (USEPA and USACE, 2005). Biological impacts due to construction and fill of the CDF, as well as expansion and fill of the Cabrillo ~~s~~Shallow ~~w~~Water ~~h~~Habitat Area, were evaluated in the *Final Supplemental Environmental Impact Statement / Final Supplemental Environmental Impact Report (EIS/EIR) for the Port of Los Angeles Channel Deepening Project* (USACE and LAHD, 2009). Any temporary water quality impacts would be minimized as discussed by pre-dredge screening, water quality monitoring, and adaptive management and use of BMPs.

Construction activities that have the potential to introduce or redistribute invasive species would be less than significant. All construction impacts that could substantially disrupt

local biological communities resulting Alternative 5 would be less than significant under NEPA.

Mitigation Measures

No mitigation is required. As described under the proposed Project, the potential for impacts could be further reduced with implementation of mitigation measure **MM BIO-1** and standard conditions of approval **SC BIO-1** and SC BIO-2.

Section 3.3.4.3.2.6 (Alternative 6), Pages 3.3-111 to 3.3-112

Impact BIO-4a: Construction activities would not substantially disrupt local biological communities.

CEQA Impact Determination

Because the terrestrial portions of the proposed Project site are largely developed, impacts on terrestrial biological communities resulting from Alternative 6 would be limited. Plant communities on the backlands site are mostly introduced, weedy species, with Russian thistle (tumbleweed) the most abundant species. In addition, noise from night construction is not expected to result in significant impacts to biological resources because few birds/wildlife are scarce in upland areas and upland construction would not affect underwater noise levels. Construction impacts for Alternative 6 would be essentially the same as those described for the proposed Project (Impact BIO-4a). Construction activities at the proposed Project site, particularly pile-driving, could cause short-term impacts on individuals (e.g. marine mammals and fishes, including those with designated EFH) in the immediate vicinity of pile-driving. However, no substantial disruption of biological communities would result from Alternative 6 construction, and impacts are considered insignificant. In addition, with implementation of standard condition of approval **SC BIO-1**, the pile-driving would initiate with a soft start, which would minimize impacts to fish and marine mammals near construction activities, as they would leave the area.

Potential biological impacts from disposal of dredged sediments would depend on the disposal method. However, for all in-water disposal options (such as confined aquatic disposal or at the LA-2 ~~ODMDS~~), potential impacts include: water quality impacts from turbidity or contaminants and smothering of resident fishes and invertebrates. Impacts from disposal at the LA-2 (as well as the LA-3) disposal site was evaluated during the site designation process (USEPA and USACE, 2005). Biological impacts due to construction and fill of the CDF, as well as expansion and fill of the Cabrillo ~~s~~Shallow ~~w~~Water ~~h~~Habitat Area, were evaluated in the *Final Supplemental Environmental Impact Statement / Final Supplemental Environmental Impact Report (EIS/EIR) for the Port of Los Angeles Channel Deepening Project* (USACE and LAHD, 2009). Any temporary water quality impacts would be minimized as discussed by pre-dredge screening, water quality monitoring, and adaptive management and use of BMPs.

Construction activities that have the potential to introduce or redistribute invasive species would be less than significant. All construction impacts that could substantially disrupt local biological communities resulting from Alternative 6 would be less than significant under CEQA.

Mitigation Measures

No mitigation is required. As described under the proposed Project, the potential for impacts could be further reduced with implementation of mitigation measure **MM BIO-1** and standard conditions of approval **SC BIO-1** and SC BIO-2.

Residual Impacts

Impacts would be less than significant.

NEPA Impact Determination

Alternative 6 would include upland, overwater, and in-water development not included in the NEPA baseline. Construction impacts for Alternative 6 would be essentially the same as those described for the proposed Project (Impact BIO-4a). Because the terrestrial portions of the Project site are largely developed, impacts on terrestrial biological communities resulting from Alternative 6 would be limited. Plant communities on the backlands site are mostly introduced, weedy species, with Russian thistle (tumbleweed) the most abundant species. In addition, noise from night construction is not expected to result in significant impacts to biological resources because few birds/wildlife are scarce in upland areas and upland construction would not affect underwater noise levels.

Construction activities at the proposed Project site, particularly pile-driving, could cause short-term impacts on individuals (e.g. marine mammals and fishes, including those with designated EFH) in the immediate vicinity of pile-driving. However, no substantial disruption of biological communities would result from Alternative 6 construction, and impacts are considered insignificant. In addition, with implementation of standard condition of approval **SC BIO-1**, the pile-driving would initiate with a soft start, which would minimize impacts to fish and marine mammals near construction activities, as they would leave the area.

Potential biological impacts from disposal of dredged sediments would depend on the disposal method. However, for all in-water disposal options (such as confined aquatic disposal or at the LA-2 ~~ODMDS~~), potential impacts include: water quality impacts from turbidity or contaminants and smothering of resident fishes and invertebrates. Impacts from disposal at the LA-2 (as well as the LA-3) disposal site was evaluated during the site designation process (USEPA and USACE, 2005). Biological impacts due to construction and fill of the CDF, as well as expansion and fill of the Cabrillo ~~s~~Shallow ~~w~~Water ~~h~~Habitat Area, were evaluated in the *Final Supplemental Environmental Impact Statement / Final Supplemental Environmental Impact Report (EIS/EIR) for the Port of Los Angeles Channel Deepening Project* (USACE and LAHD, 2009). Construction activities that have the potential to introduce or redistribute invasive species would be less than significant. All construction impacts that could substantially disrupt local biological communities resulting from Alternative 6 would be less than significant under NEPA.

Mitigation Measures

No mitigation is required. However, as with the proposed Project, the potential for impacts under Alternative 6 could be further reduced with implementation of mitigation measure **MM BIO-1** and standard conditions of approval **SC BIO-1** and SC BIO-2.

Residual Impacts

Impacts would be less than significant.

Section 3.3.4.4, Table 3.3-6, Pages 3.3-120, 3.3-127, and 3.3-129

In Table 3.3-6, under Proposed Project (page 3.3-120), Alternative 5 (page 3.3-127), and Alternative 6 (page 3.3-129), standard condition of approval SC BIO-2 has been added under Impact BIO-4a.

BIO-4a: Construction activities would not substantially disrupt local biological communities.	CEQA: Less than significant NEPA: Less than significant	Mitigation not required; however, **MM BIO-1**,~~and~~ **SC BIO-1** and **SC BIO-2** would further reduce any potential for impact	CEQA: Less than significant NEPA: Less than significant

Section 3.3.4.5, Page 3.3-131

Add SC BIO-2 after SC BIO-1, as follows:

SC BIO-2. NMFS Notification. The Los Angeles Harbor Department (LAHD) will notify the National Marine Fisheries Service (NMFS) no less than 14 calendar days prior to commencing construction, dredging, and disposal operations associated with the proposed Project. LAHD will also notify NMFS no less than five calendar days prior to completion of construction, dredging, and disposal operations.

Changes Made to Chapter 11, List of Preparers and Contributors

Section 11.3, Pages 11-2 to 11-3

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Changes Made to Appendix E.1, Construction Emissions

Appendix E1 is a compilation of construction emission worksheets that are generated from air quality modeling efforts. Due to the nature of the model and output tables, the revisions cannot be shown in the typical revision-mode text (i.e., deletions are shown with ~~strikethrough~~ and additions are shown with underline). The corrections provided in the attached construction emission tables are shown in **bold/underline**. Please refer to Appendix E1 of the Draft EIS/EIR for original information.

The following tables have been included in their entirety; however, on the noted pages have been revised:

- **Table 1.1-4, Pages 17 and 18 of 61**
- **Table 1.1-5, Page 25 of 61**
- **Table 1.1-11, Page 37 of 61**
- **Table 1.1-17, Page 43 of 61**
- **Table 1.1-22, Page 48 of 61**
- **Table 1.1-24, Page 50 of 61**
- **Table 1.1-26, Page 52 of 61**
- **Table 1.1-28, Page 54 of 61**

INSERT PDF's OF REVISED TABLES (23 pages) … I'll add slip pages when we final

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In addition, to clarify, in Table 1.7.3 of Appendix E1, the term "Near Dock" should be considered "Near Dock/Off-Dock" as the trips represented consider the ICTF railyard located approximately 5 miles from the Project site, as well as the BNSF railyard in Los Angeles located approximately 18 miles from the Project site.

Changes Made to Appendix F3, Essential Fish Habitat Assessment, APL Terminal Project, EFH Analysis

Section 5.2.1, Pages 15 to 17

Coastal Pelagics

Two coastal pelagics—northern anchovy and Pacific sardine—are likely to occur in the vicinity of the proposed Project. As summarized in Section 4, northern anchovy is among the most common and abundant fish species in the Port Complex. In 2006, larvae were present in the Port Complex during two seasonal periods, a greater peak in March-July and a lesser peak in October-December (MBC et al., 2007). Juvenile and adult anchovies have consistently been collected during fish sampling near the proposed project site (MEC and Associates, 2002; SAIC, 2010). Northern anchovy are found from the surface to depths of 1,017 ft (310 m), though juveniles are generally more common inshore and in estuaries (Davies and Bradley, 1972).

Table 1. Managed <u>adult</u> fish/invertebrate species ~~potentially occurring~~<u>found</u> in Los Angeles Harbor based on past occurrences.

Common Name	Potential Habitat Use	Larval Occurrence[1,2,4]	
Coastal Pelagics			
Common Name	**Potential Habitat Use**	**Larval Occurrence[1,2,4]**	**Juv./Adult Occurrence[2,3,4,5]**
northern anchovy (*Engraulis mordax*)	Open water.	Abundant	Abundant
Pacific sardine (*Sardinops sagax*)	Open water.	Uncommon	Common
Pacific (chub) mackerel (*Scomber japonicus*)	Open water, juveniles off sandy beaches and around kelp beds.	-	Uncommon
jack mackerel (*Trachurus symmetricus*)	Open water, young fish over shallow banks and juveniles around kelp beds.	Rare	Uncommon
~~market squid (*Doryteuthis opalescens*)~~	~~Open water. Rare near bays, estuaries, and river mouths.~~	~~Rare~~	-
Pacific Groundfish			
English sole (*Parophrys vetulus*)	Soft bottom habitats.	Rare	Uncommon
Pacific sanddab (*Citharichthys sordidus*)	Soft bottom habitats.	Rare	Common
~~butter sole (*Isopsetta isolepis*)~~	~~Soft bottom habitats.~~	~~Rare~~	-

black rockfish (*Sebastes melanops*)	Along breakwater, near deep piers and pilings. Associated with kelp, eelgrass, high relief reefs.	-	Rare
bocaccio (*Sebastes paucispinis*)	Multiple habitat associations, including soft and hard bottom, kelp, eelgrass, etc.	-	Rare
~~brown rockfish (*Sebastes auriculatus*)~~	~~Multiple habitat associations but prefer hard substrata and rocky interfaces.~~	~~-~~	~~Rare~~
calico rockfish (*Sebastes dallii*)	Multiple habitat associations but prefer hard substrata and rocky interfaces.	-	Rare
California scorpionfish (*Scorpaena guttata*)	Benthic, on soft and hard bottoms, as well as around structures.	-	Uncommon
grass rockfish (*Sebastes rastrelliger*)	Common on hard substrate, kelp, and eelgrass habitats.	-	Rare
kelp rockfish (*Sebastes atrovirens*	Common on hard substrate, kelp; reported along breakwater.	-	Rare
olive rockfish (*Sebastes serranoides*)	Common around hard substrate, kelp; reported along breakwater.	-	Rare
vermilion rockfish (*Sebastes miniatus*)	Juveniles over soft-bottom and kelp, adults associated with hard substrate.	-	Uncommon
lingcod (*Ophiodon elongatus*)	Multiple habitat associations but prefer hard substrata and rocky interfaces.	-	Rare
cabezon (*Scorpaenichthys marmoratus*)	Multiple habitat associations but prefer hard substrata and rocky interfaces.	Rare	Rare
~~Pacific hake (*Merluccius productus*)~~	~~Common offshore, juveniles in open water.~~	~~Rare~~	~~-~~
leopard shark (*Triakis semifasciata*)	Multiple habitat associations, including soft bottoms, and near structure, kelp, and eelgrass.	N/A	Rare
~~spiny dogfish (*Squalus acanthias*)~~	~~Pelagic and on muddy bottoms.~~	~~N/A~~	~~Rare~~
big skate (*Raja binoculata*)	Soft bottom habitat.	N/A	Rare
California skate (*Raja inornata*)	Soft bottom habitat.	N/A	Uncommon

Sources: 1 – MBC et al. (2007), 2 – MEC and Associates (2002), 3 – MBC (2009a,b), 4 – SAIC (2010), 5 – MEC (1999). N/A = Not applicable, internal fertilization. Abundant>Common>Uncommon>Rare.
Note - Most rockfish larvae not identifiable to species.

Pacific sardine were not abundant during 2006 ichthyoplankton sampling throughout the Port Complex; two sardine larvae were collected in the Outer Harbor in April 2006 (MBC et al., 2007). This species is also found less frequently than northern anchovy near the project site (MEC and Associates, 2002; SAIC, 2010). Pacific sardine is epipelagic, occurring in loosely aggregated schools (Wolf et al., 2001). Jack mackerel and Pacific mackerel have been collected in Los Angeles Harbor, but in much lower frequency and numbers than northern anchovy and Pacific sardine. ~~While no mature market squid have been reported in recent surveys, market squid paralarvae were collected in Inner and Outer Harbor areas in 2006 (MBC et al., 2007). All coastal pelagics are associated with the water column (as opposed to the seafloor like many of the groundfish); however, female squid also lay egg masses on sandy bottoms during spawning (at depths of about 16-180 ft [5-55 m], with most occurring between 66-115 ft [20-35 m]) (PFMC, 2008a).~~

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