FINAL FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Board Approved September 29, 2009

SAN PEDRO WATERFRONT PROJECT ENVIRONMENTAL IMPACT REPORT (EIR)

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FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

I. Introduction

These Findings of Fact have been prepared by the Los Angeles Harbor Department (LAHD, or Port) as the Lead Agency pursuant to Section 21081 of the Public Resources Code (PRC) and Section 15091 of the State California Environmental Quality Act (CEQA) Guidelines to support a decision on the San Pedro Waterfront Project.[1] Section 21081 of the Public Resources Code and Section 15091 of the CEQA Guidelines provide that no public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Additionally, the Lead Agency must not approve a project that will have a significant effect on the environment unless it finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the unavoidable adverse environmental effects (PRC § 21081(b); 14 California Code of Regulations [CCR] § 15093). The Board of Harbor Commissioners (Board) adopts the Statement of Overriding Considerations set forth below, which identifies the specific overriding economic, legal, social, technological, or other benefits of the project that outweigh the significant environmental impacts identified in the Final EIR (EIR).

[1] The proposed Project includes project elements that will require federal permits from the U.S. Army Corps of Engineers (USACE). As such, an Environmental Impact Statement (EIS) was also prepared for the proposed Project. The USACE and LAHD prepared a joint EIS/EIR (EIS/EIR) in the interest of efficiency and to avoid duplication of effort. The USACE will consider certification and approval of the EIS separate from the Board of Harbor Commissioner's consideration of the EIR.

Project Objectives

The Los Angeles Harbor Department operates the Port under legal mandates such as the Port of Los Angeles Tidelands Trust (Los Angeles City Charter, Article VI, Sec. 601) and the Coastal Act (PRC Div 20 Section 30700 et seq.), which identify the Port and its facilities as a primary economic/ coastal resource of the state and an essential element of the national maritime industry for promotion of commerce, navigation, fisheries and harbor operations. According to the Tidelands Trust, Port-related activities should be water dependent and should give highest priority to navigation and shipping, as well as provide necessary support and access facilities for accommodating the demands of foreign and domestic waterborne commerce.

The overall purposes of the proposed Project are to increase public access to the waterfront, allow additional visitor-serving commercial development within the Port, respond to increased demand in the cruise industry, and improve vehicular access to and within the waterfront area. The proposed Project seeks to achieve these goals by improving existing infrastructure and providing new infrastructure and facilities, providing waterfront linkages and pedestrian enhancements, providing increased development and redevelopment opportunities, and providing berthing opportunities for increased cruise ship capacity.

The CEQA project objectives are described below.

1. Enhance and revitalize the existing San Pedro Waterfront area, improve existing pedestrian corridors along the waterfront, increase waterfront access from upland areas, and create more open space, through:
    a) providing public access to the San Pedro Waterfront and new open spaces, including parks and other landscape amenities linked to the promenade;
    b) creating a continuous waterfront promenade throughout the project area allowing the public access to the water's edge;
    c) enhancing key linkages between downtown San Pedro and the waterfront, including the creation of a downtown harbor and promenade that will become the focal point for vessel activity and draw visitors to downtown San Pedro;
    d) creating and expanding the waterfront promenade as part of the California Coastal Trail to connect the community and region to the waterfront;
    e) providing for a variety of waterfront uses, including berthing for visiting vessels, harbor service craft and tugboats, as well as other recreational, commercial, and port-related waterfront uses;
    f) providing for enhanced visitor-serving commercial opportunities within Ports O'Call, complementary to those found in downtown San Pedro, as well as a potential conference center; and
    g) creating a permanent berth for existing Port customers' helicopters.
2. Expand cruise ship facilities and related parking to capture a significant share of anticipated West Coast growth in the cruise demand, through:
    a) creating space for berthing up to four cruise vessels,
    b) creating space for berthing of two Freedom class or equivalent vessels simultaneously, and

c) enhancing cruise ship navigation down the Main Channel.

3. Improve vehicular access to and within the waterfront area.

4. Demonstrate LAHD's commitment to sustainability by reflecting the Port's Sustainability Program policies and goals in the project design, construction, and implementation.

Project Description

The proposed Project involves a variety of land uses within the project area. Specifically, the proposed Project elements align along three distinct categories:

- Public infrastructure;
- New Development, Redevelopment, Cultural Attractions, and Modifications to Existing Tenants, including development of the new cruise terminals; and
- Transportation Improvements.

Each of these is briefly described generally below and described in further detail in Chapter 2 of the Draft EIS/EIR.

Public Infrastructure

The proposed Project includes the development of the following public infrastructure elements:

- Waterfront Promenade
- New Harbor Water Cuts and 7th Street Pier
- Open Space and Parks.

The proposed Project would feature a 30-foot wide continuous promenade extending throughout the entire proposed project area that would serve as a spur of the California Coastal Trail along the waterfront.

Three new harbors are proposed: the North Harbor, Downtown Harbor, and 7th Street Harbor. The North Harbor would include a 5.0-acre water cut located at Berths 87–90 to accommodate the Crowley and Millennium tugboats and the historic S.S. Lane Victory naval ship. The Downtown Harbor would include a 1.5-acre water cut to accommodate the Los Angeles Maritime Institute's TopSail Youth Program vessels, Port vessels, and other visiting ships. The 7th Street Harbor would include a 0.32-acre water cut for visiting public vessels near the Los Angeles Maritime Museum including tall ships. The 7th Street Harbor would also feature the 7th Street Pier, a public dock for short-term berthing of visiting vessels.

The Town Square would be developed as a 0.79 acre public plaza located in front of the Los Angeles Maritime Museum at the foot of 6th Street, and would accommodate approximately 170 people for formal seating arrangements. The Town Square would be adjacent to the Downtown Civic Fountain, a water feature designed to complement the civic setting of the nearby San Pedro City Hall Building, Maritime Museum, and Town Square. Approximately 27 acres of new parks would also be integrated

throughout the project including the approximately 3-acre Fishermen's Park in Ports O'Call, and San Pedro Park, an 18-acre "central park" designed to include an informal amphitheatre for harbor viewing, waterfront events, and concerts with lawn seating for approximately 3,000 people north of 22nd Street. The Outer Harbor Park would be developed as an approximately 6-acre park near berths 45-50, and would be designed to maximize harbor views (such as of Angel's Gate lighthouse), facilitate public access to the water's edge, and encourage special events. The park would be integrated with the proposed Outer Harbor cruise terminals, and would segregate park visitors from secure areas of the cruise terminals in compliance with the future security plan for the terminals.

Existing and Proposed New Development

The proposed Project includes modifications to existing tenants and new development as detailed in the Project Overview Table (Table 2-2) following page 18 in Chapter 2, Project Description, of the Draft EIS/EIR. The modifications to existing development and new development are included below.

- Demolish the Southern Pacific Railyard—remove the 7 acre S.P. Railyard between 7th Street and the S.P. Slip, at the bluff site, to provide opportunities for the proposed bluff site parking structures.
- Waterfront Red Car Maintenance Facility—locate a 17,600 square foot Waterfront Red Car Maintenance Facility with 20,000 square foot exterior Red Car service yard at the existing S.P. Railyard south of 7th Street near the proposed 13th Street pedestrian bridge and the proposed bluff parking structures.
- Ralph J. Scott Fireboat Museum—build a 10,000-square-foot multilevel display structure to house the Ralph J. Scott Fireboat on the south side of existing Fire Station No. 112.
- Demolish Westway Terminal Facilities—demolish the Westway Terminal located at Berth 70–71 for potential future site of an institutional/research and development use.
- Crowley and Millennium Tugboats—renew the leases for both Crowley and Millennium and construct two new 10,000 square foot office buildings located at the proposed North Harbor.
- Los Angeles Maritime Institute (LAMI)—renew the lease for LAMI and reuse Crowley building in the Downtown Harbor area for LAMI activities.
- Relocate S.S. Lane Victory—relocate the S.S. Lane Victory from Berth 94 to the North Harbor water cut and build 10,000 square foot visitor centers for the ship.
- Decommission Jankovich & Son fueling station—remove, decommission, and remediate Jankovich & Son fueling station currently located at Berth 74.
- New fueling station at Berth 240—develop a new fueling station at Berth 240 on Terminal Island, which would include three bulk storage tanks.
- Mike's Fueling Station—remove all hazardous materials with flashpoints below 140 degrees [F] prior to operation of the proposed waterfront promenade.
- Relocate Catalina Express—relocate the Catalina Express Terminal berthing facilities from Berths 95-96 to the existing location of the S.S. Lane Victory at Berth 94, which would include the construction of new floating docks.
- Reuse of Warehouses 9 & 10—adapt Warehouses 9 & 10 and associated backland areas for low-intensity community-serving commercial or educational reuse to compliment the proposed San Pedro Park.

Transportation Infrastructure Improvements

Transportation infrastructure improvements are described in detail in Chapter 3.11 of the Draft EIS/EIR and are summarized below.

- Sampson Way would be expanded to two lanes in each direction and would curve near the Municipal Fish Market to meet with 22nd Street in its westward alignment east of Minor Street.

- Sampson Way would be accessed by an enhanced four-way intersection at 7th Street. Access to Sampson Way from Harbor Boulevard via 6th Street would be eliminated to accommodate the proposed Town Square.

- As part of the proposed Project, Harbor Boulevard would remain in place at its current capacity with two lanes in each direction. However, mitigation measures have been identified to relieve traffic congestion, which entail removing on-street parking along Harbor Boulevard and restriping to add a third lane in each direction north of 7th Street. While these mitigation measures are available, LAHD may decide not to adopt them. The provision of three lanes both northbound and southbound on Harbor Boulevard would increase speeds and would not contribute to a pedestrian-friendly environment along Harbor Boulevard. Proposed enhancements would be consistent with design standards for the Community Redevelopment Agency (CRA) Pacific Corridor and the City of Los Angeles Planning Department Community Design Overlay. The Waterfront Red Car line would be extended along the waterfront with stops at the Inner Harbor Cruise Terminal, City Dock No. 1, Cabrillo Beach, and the Outer Harbor Terminal. The proposed Project also now includes a signalized pedestrian crossing or pedestrian bridge across Harbor Boulevard at 9th Street.

- Surface parking would be located at San Pedro Park, adjacent to the Town Square and Acapulco Restaurant, Berths 78–83 and existing surface parking at Berths 73–77, and the Outer Harbor. Three parking structures would be built as part of the proposed Project: One at the Inner Harbor, one at the bluffs across from Ports O'Call, and one at the Outer Harbor. The Ports O'Call parking structures would be reduced in height so they would not block views from Harbor Boulevard. The rooftops of the parking structures along the bluff near Ports O'Call and along Harbor Boulevard would be developed with green rooftops and solar panels to minimize visual disruption toward the waterfront.

II. CEQA Findings

The Findings of Fact are based on information contained in the Draft EIS/EIR and the Final EIS/EIR for the San Pedro Waterfront Project, as well as information contained within the administrative record. The administrative record includes, but is not limited to, the project application, project staff reports, project public hearing records, public notices, written comments on the project and responses to those comments, proposed decisions and findings on the project, and other documents relating to the agency decision on the project. When making CEQA findings required by Public Resources Code Section 21081(a), a public agency shall specify the location and custodian of the documents or other material, which constitute the record of proceedings upon which its decision is based. These records

are in the care of the Director of Environmental Management, Los Angeles Harbor Department, 425 South Palos Verdes Street, San Pedro, California 90731.

The Draft EIS/EIR addresses the project's potential effects on the environment, and was circulated for public review and comment pursuant to the State CEQA Guidelines for a period of 78 days. Comments were received from a variety of public agencies, organizations, and individuals. The Final EIR contains copies of all comments and recommendations received on the Draft EIS/EIR, a list of persons, organizations and public agencies commenting on the Draft EIS/EIR, responses to comments received during the public review, and changes to the Draft EIS/EIR. This section provides a summary of the environmental effects of the project that are discussed in the Draft EIS/EIR, and provides written findings for each of the significant effects, which are accompanied by a brief explanation of the rationale for each finding.

Environmental Impacts of the Proposed Project

Less-Than-Significant Impacts

The EIS/EIR concludes that all impacts of the proposed Project in the following environmental resource area would be less-than-significant:

- Marine Transportation and Navigation

In addition, the EIS/EIR concludes that some, but not all, impacts of the proposed Project in the following environmental resource areas would be less-than-significant prior to mitigation:

- Aesthetics,
- Air Quality and Meteorology,
- Biological Resources,
- Cultural Resources,
- Geology,
- Groundwater and Soils,
- Hazards and Hazardous Materials,
- Land Use and Planning,
- Noise,
- Recreation,
- Ground Transportation and Circulation, and
- Water Quality Sediments and Oceanography.

Significant Impacts

The EIS/EIR concludes that some, but not all, impacts of the proposed Project in the following environmental resource areas would be significant prior to mitigation

- Aesthetics,
- Air Quality and Meteorology,
- Biological Resources,
- Cultural Resources,
- Geology,
- Groundwater and Soils,
- Hazards and Hazardous Materials,
- Land Use and Planning,
- Noise,
- Recreation,
- Ground Transportation and Circulation,
- Utilities and Public Services, and

In addition, the EIS/EIR concludes that all significant impacts of the proposed Project in the following environmental resource areas would be less than significant after mitigation:

- Cultural Resources,
- Groundwater and Soils,
- Hazards and Hazardous Materials,
- Land Use and Planning, and
- Utilities and Public Services.

Many of the significant impacts in the above resources areas could be reduced to less than significant with mitigation. However, as discussed below, the EIS/EIR determines that certain significant impacts cannot feasibly be mitigated and they remain significant and unavoidable under CEQA.

Significant and Unavoidable Impacts

The EIS/EIR concludes that some, but not all, impacts of the proposed Project in the following environmental resource areas would remain significant and unavoidable despite imposition of all feasible mitigation:

- Aesthetics,
- Air Quality and Meteorology,
- Biological Resources,

- Geology,
- Noise,
- Recreation,
- Ground Transportation and Circulation and
- Water Quality Sediments and Oceanography.

The significant and unavoidable impacts, the significant impacts that would be mitigated to a less than significant level, and the less than significant impacts identified above are presented in Tables 1.1, 1.2 and 1.3, respectively. Less than significant impacts following implementation of mitigation measures are also presented in Table 1.2. Findings are provided for significant impacts that are mitigated to less-than-significant levels, as well as significant unavoidable environmental impacts. Where mitigation measures are proposed, these mitigation measures are included in a Mitigation Monitoring Reporting Plan (MMRP), which has been prepared separately from these findings.

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

Findings Regarding Environmental Impacts Found to be Significant and Unavoidable

The LAHD Board of Commissioners hereby finds that the following environmental impacts of the San Pedro Waterfront Project are significant and unavoidable.

Table 1.1. Unavoidable Significant Impacts

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
Aesthetics			
Impact AES-1: The proposed Project would result in an adverse effect on a scenic vista from a designated scenic resource due to obstruction of views.	Significant	No mitigation is available.	Significant and unavoidable
Air Quality and Meteorology			
Impact AQ-1: The proposed Project would result in construction-related emissions that exceed an SCAQMD threshold of significance	Significant	**MM AQ-1.** Harbor Craft Engine Standards. **MM AQ-2.** Dredging Equipment Electrification. **MM AQ-3.** Fleet Modernization for	Significant and unavoidable

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
		Onroad Trucks. **MM AQ-4.** Fleet Modernization for Construction Equipment. **MM AQ-5.** Additional Fugitive Dust Controls. **MM AQ-6.** Best Management Practices**.** **MM AQ-7.** General Mitigation Measure. **MM AQ-8.** Special Precautions	
Impact AQ-2: Proposed project construction would result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance	Significant	**MM AQ-1** through **AQ-8** as identified above.	Significant and unavoidable
Impact AQ-3: The proposed Project would result in operational emissions that exceed 10 tons per year of VOCs or an SCAQMD threshold of significance	Significant	**MM AQ-9.** Alternative Maritime Power (AMP) for Cruise Vessels. **MM AQ-10.** Low-Sulfur Fuel **MM AQ-11.** Vessel Speed-Reduction Program. **MM AQ-12.** New Vessel Builds. **MM AQ-13.** Clean Terminal Equipment. **MM AQ-14.** LNG-Powered Shuttle Busses. **MM AQ-15.** Truck Emission Standards. **MM AQ-16.** Truck Idling-Reduction Measure. **MM AQ-17.** AMP for Tugboats. **MM AQ-18.** Engine Standards for Tugboats. **MM AQ-19.** Tugboats Idling Reduction.	Significant and unavoidable

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
		MM AQ-20. Catalina Express Ferry Idling Reduction Measure. **MM AQ-21.** Catalina Express Ferry Engine Standards. **MM AQ-22.** Periodic Review of New Technology and Regulations. **MM AQ-23.** Throughput Tracking. **MM AQ-24.** General Mitigation Measure.	
Impact AQ-4: Proposed project operations would result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.	Significant	**MM AQ-9** through **MM AQ-24** as identified above.	Significant and unavoidable
Impact AQ-7: The proposed Project would expose receptors to significant levels of TACs.	Significant	**MM AQ-9** through **MM AQ-24** as identified above.	Significant and unavoidable
Impact AQ-9: The proposed Project would produce GHG emissions that would exceed CEQA baseline levels.	Significant	**MM AQ-9, MM AQ-11** through **MM AQ-13**, and **MM AQ-16** through **MM AQ-20** as identified above. **MM AQ-25.** Recycling. **MM AQ-26.** Leadership in Energy and Environmental Design. **MM AQ-27.** Compact Fluorescent Light Bulbs. **MM AQ-28:** Energy Audit. **MM AQ-29.** Solar Panels. **MM AQ-30.** Tree Planting	Significant and unavoidable
Biological Resources			
Impact BIO-2a: Construction of the	Significant	**MM BIO-1.** Monitor	Significant and

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
proposed Project would result in a substantial reduction or alteration of a state-, federally, or locally designated natural habitat, special aquatic site, or plant community, including wetlands.		and manage turbidity. **MM BIO-2.** Conduct nesting bird surveys. **MM BIO-3.** Avoid marine mammals. **MM BIO-4.** Enhance and expand Salinas de San Pedro Salt Marsh. **MM BIO-5.** Prepare a mitigation and monitoring plan.	unavoidable
Impact BIO-4b: Operation of the proposed Project would cause a substantial disruption of local biological communities.	Significant	No mitigation is available.	Significant and unavoidable
Geology			
Impact GEO-1a: Construction of the proposed Project would result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from fault rupture, seismic ground shaking, liquefaction, or other seismically induced ground failure.	Significant	No mitigation measures are available to reduce below significance.	Significant and unavoidable
Impact GEO-2a: Construction of the proposed Project would result in substantial damage to structures or infrastructure, or expose people to substantial risk involving tsunamis or seiches.	Significant	**MM GEO-1.** Emergency response planning.	Significant and unavoidable
Impact GEO-1b: Operation of the proposed Project would result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from fault rupture, seismic ground shaking, liquefaction, or	Significant	No mitigation measures are available to reduce below significance.	Significant and unavoidable

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
other seismically induced ground failure.			
Impact GEO-2b: Operation of the proposed Project would result in substantial damage to structures or infrastructure, or expose people to substantial risk involving tsunamis or seiches.	Significant	**MM GEO-1.** Emergency response planning.	Significant and unavoidable
Noise			
Impact NOI-1: The proposed Project would exceed construction noise standards.	Significant	**MM NOI-1.** Construct temporary noise barriers, use quiet construction equipment, and notify residents for construction. **MM NOI-2** Limit construction hours.	Significant and unavoidable
Impact NOI-3a: The proposed Project would cause noise from motor vehicle traffic measured at the property line of affected uses to increase by 3 dBA in CNEL, to or within the "normally unacceptable" or "clearly unacceptable" category, or any 5 dBA or greater noise increase.	Significant	No mitigation measures are available to reduce below significance.	Significant and unavoidable
Recreation			
Impact REC-1a: Construction of the proposed Project would result in a substantial loss or diminished quality of recreational, educational, or visitor-oriented opportunities, facilities, or resources.	Significant	**MM REC-1.** Maintain pedestrian access during construction. **MM REC-2.** Maintain bicycle access during construction. **MM REC-3.** Maintain parking during construction. **MM REC-4.** Maintain vehicle access during construction. **MM REC-5.** Maintain boat ramp access during construction. **MM REC-6.** Maintain	Significant and unavoidable

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
		access to open waters of the harbor during construction. **MM REC-7.** Maintain docking space and dock access during construction. **MM NOI-1.** Construct temporary noise barriers, use quiet construction equipment, and notify residents for construction. **MM NOI-2.** Limit construction hours.	
Ground Transportation and Circulation			
Impact TC-2a: Proposed project operations would increase traffic volumes and degrade LOS at intersections within the proposed project vicinity.	Significant	**MM TC-2.** Prohibit weekday peak period parking on Gaffey Street (needed by 2015). **MM TC-3.** Modify southbound approach to Gaffey Street and 9th Street (needed by 2015). **MM TC-4.** Install traffic signal at Gaffey Street and 6th Street (needed by 2015). **MM TC-5.** Modify northbound and southbound approaches at Miner Street and 22nd Street (needed by 2037). **MM TC-6.** Prohibit parking on Harbor Boulevard (needed by 2015). **MM TC-7.** Modify Harbor Boulevard at 6th Street (needed by 2037). **MM TC-8.** Modify Harbor Boulevard at 5th Street (needed by 2015). **MM TC-9.** Modify Harbor Boulevard at 1st Street (needed by 2015). **MM TC-10.** Modify eastbound approach to	Significant and unavoidable

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
		Harbor Boulevard and 7th Street (needed by 2015). **MM TC-11.** Reconfigure Harbor Boulevard and Swinford Street/SR-47 eastbound ramps (needed by 2015). **MM TC-12.** Reconfigure Harbor Boulevard at O'Farrell Street (needed by 2015). **MM TC-13.** Install signal at Harbor Boulevard and 3rd Street (needed by 2015). **MM TC-14.** Modify eastbound and westbound approaches at Gaffey Street and 13th Street (needed by 2037).	
Impact TC-2b: Proposed Project operations would increase traffic volumes and degrade LOS along neighborhood streets within the proposed project vicinity.	Significant	No mitigation is available.	Significant and unavoidable
Water Quality, Sediments, and Oceanography			
Impact WQ-4d: Operation of the proposed Project would result in discharges that create pollution, contamination, or nuisance as defined in Section 13050 of the CWC or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or water quality control plan for the receiving water body.	Significant	No mitigation is available.	Significant and unavoidable

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Findings Regarding Environmental Impacts Found to Be Less-Than-Significant after Mitigation

The LAHD Board of Commissioners hereby finds that the following environmental impacts of the San Pedro Waterfront Project are less than significant after implementation of mitigation measures.

Table 1.2. Significant Impacts that can be Mitigated

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
Biological Resources			
Impact BIO-1a: Construction of the proposed Project would not result in the loss of individuals, or the reduction of existing habitat, of a state- or federally listed endangered, threatened, rare, protected, candidate, or sensitive species or a species of special concern, or the loss of federally listed critical habitat.	Significant	**MM BIO-1.** Monitor and manage turbidity. **MM BIO-2.** Conduct nesting bird surveys. **MM BIO-3.** Avoid marine mammals.	Less than significant
Impact BIO-4a: Dredging, filling, and wharf construction activities for the proposed Project would not substantially disrupt local biological communities.	Significant	**MMBIO-1, MM BIO-2,** and **MM BIO-3** as identified above. **MM BIO-4.** Enhance and expand Salinas de San Pedro Salt Marsh. **MM BIO-5.** Prepare a mitigation and monitoring plan. **MM BIO-6.** Dispose sediment.	Less than significant
Impact BIO-2b: Operation of the proposed Project would not result in a substantial reduction or alteration of a state-, federally, or locally designated natural habitat, special aquatic site, or plant community, including wetlands.	Significant	**MM BIO-4** and **MM BIO-5** as identified above.	Less than significant
ter 1Cultural Resources			

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
Impact CR-1: Construction of the proposed Project would not disturb, damage, or degrade known prehistoric and historic archaeological resources.	Significant	**MM CR-1:** Generate treatment plan and conduct archaeological testing for Mexican Hollywood prior to construction **MM CR-2a:** If CRHR/NRHP-eligible deposits associated with Mexican Hollywood are identified, redesign project to ensure preservation in place. **MM CR-2b:** Conduct Data Recovery. **MM CR-3:** Stop Work If Unanticipated Cultural Resources Are Identified During Ground Disturbing Activities	Less than significant
Impact CR-2: Construction of the proposed Project would not disturb, damage, or degrade unknown archaeological and ethnographic cultural resources.	Significant	**MM CR-3:** Stop Work If Unanticipated Cultural Resources Are Identified During Ground Disturbing Activities.	Less than significant
Impact CR-4: The proposed Project would not result in the permanent loss of or loss of access to a paleontological resource of regional or statewide significance.	Significant	**MM CR-4**: Develop a program to mitigate impacts on nonrenewable paleontologic resources prior to excavation or construction of any proposed project components.	Less than significant
ter 2Groundwater and Soils			
Impact GW-1a: Construction activities for the proposed Project would not encounter toxic substances or other contaminants associated with historical uses of the Port, resulting in short-term exposure (duration of construction) to construction/operations personnel and/or long-	Significant	**MM GW-1.** Complete site remediation **MM GW-1a.** Remediate the former GATX site in Area E. **MM GW-1b.** Remediate former oil wells in Area A. **MM GW-1c.** Abandon and remove Navy fuel	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
term exposure to future site occupants.		surge line. **MM GW-2.** LAHD will prepare a contamination contingency plan for non-specific facilities.	
Impact GW-2a: Proposed project construction would not alter contaminant transport pathways and result in expansion of the area affected by contaminants.	Significant	**MM GW-1, MM GW-1a, MM GW-1b, MM GW-1c**, and **MM GW-2** as identified above.	Less than significant
Impact GW-1b: Proposed project operations would not result in uncovering of toxic substances or other contaminants associated with historical uses of the Port that might result in exposure to operations personnel.	Significant	**MM GW-1, MM GW-1a, MM GW-1b, MM GW-1c**, and **MM GW-2** as identified above.	Less than significant
Impact GW-2b: Proposed project operations would not result in expansion of the area affected by contaminants.	Significant	**MM GW-1, MM GW-1a, MM GW-1b, MM GW-1c**, and **MM GW-2** as identified above.	Less than significant
ter 3Hazards and Hazardous Materials			
Impact RISK-5a: Construction of the proposed Project would not substantially increase the likelihood of an accidental spill, release, or explosion of hazardous materials as a result of modifications related to the proposed Project.	Significant	**MM GW-1c**, as identified above.	Less than significant
Impact RISK-1b: Operation of the proposed Project would comply with applicable safety and security regulations and policies guiding development within the Port.	Significant	**MM RISK-1.** Removal of all hazardous materials with flashpoints below 140 degrees from Mike's fueling Station.	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
Impact RISK-5b: Operation of the proposed Project would not substantially increase the likelihood of an accidental spill, release, or explosion of hazardous materials as a result of modifications related to the proposed Project.	Significant	**MM RISK-1** as identified above.	Less than significant
Land Use and Planning			
Impact LU-1: The proposed Project would be consistent with the adopted land use/density designation in the Community Plan, redevelopment plan, or specific plan for the site.	Significant	**MM RISK-1** as identified above.	Less than significant
Impact LU-2: The proposed Project would be consistent with the General Plan or adopted environmental goals or policies contained in other applicable plans.	Significant	**MM RISK-1** as identified above.	Less than significant
Utilities and Public Services			
Impact PS-1: The proposed Project would not burden existing USCG, LAPD, or Port Police staff levels and facilities such that USCG, LAPD, or Port Police would not be able to maintain an adequate level of service without requiring construction of additional facilities that could cause significant environmental impacts.	Significant	**MM PS-1.** Coordinate with law enforcement agencies.	Less than significant
Impact PS-2: The proposed Project would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility to maintain service.	Significant	**MM PS-1** as identified above.	Less than significant
Impact PS-3: The	Significant	**MM PS-1** as identified	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
proposed Project would not require or result in the construction or expansion of utility lines that would cause significant environmental effects.		above. **MM PS-2:** Recycle construction materials.	
Impact PS-4: The proposed Project has sufficient water supplies available to serve the project from existing entitlements and resources; it would not exceed wastewater requirements, require new wastewater treatment facilities, require new landfills, or exceed existing landfill capacities.	Significant	**MM PS-2** as identified above. **MM PS-3:** Use materials with recycled content. **MM PS-4:** Comply with AB 939. **MM PS-5:** Water Conservation and Wastewater Reduction.	Less than significant
Impact PS-5: The proposed Project would not require new, offsite energy supply and distribution infrastructure, or capacity-enhancing alterations to existing facilities that are not anticipated by adopted plans or programs.	Significant	**MM PS-6:** Employ energy conservation measures.	Less than significant
Ground Transportation and Circulation			
Impact TC-1: Construction of the proposed Project would not result in a short-term, temporary increase in construction-related truck and auto traffic, decreases in roadway capacity, and disruption of vehicular and nonmotorized travel.	Significant	**MM TC-1:** Develop and implement a Traffic Control Plan throughout proposed project construction.	Less than significant
Impact TC-4: Proposed Project operations would not result in a violation of the City's adopted parking policies and parking demand would not exceed supply.	Significant	**MM TC 15-a.** Offset loss of parking through reconfiguration or expansion of parking elsewhere in the vicinity. Or, MM TC 15-b. Design the southern portion of this extension to minimize	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
		disruption to the existing parking lots. Or, **MM TC 15-c.** Align the southern segment of the Cabrillo Beach extension behind the Cabrillo Marine Aquarium to avoid or minimize conflicts with the existing parking lots in the area.	
Impact TC-5a: The alignment of the Waterfront Red Car expansion for the proposed Project would not increase potential conflict with vehicles at cross streets.	Significant	**MM TC-16.** Install a signal at the intersection of Harbor Boulevard and 3rd Street. **MM TC-17.** Ensure that traffic signals at cross street locations have protected left-turn phases and, potentially, active "No Right Turn" signs to allow these movements from streets parallel to the tracks to be held when a train is approaching or present. **MM TC-18.** Provide traffic control on approach streets to rail line to prevent motorists from stopping on tracks. **MM TC-19-a.** Prohibit left turns across tracks on existing and proposed streets and proposed driveways that cross the tracks. Or, **MM TC-19-b.** Reduce streetcar operating speeds along streets where existing and proposed driveways serve the adjacent uses and install appropriate active warning signs or other devices to alert motorists to the possible presence of oncoming streetcars. **MM TC-20.** Combine	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
		lower levels of proposed parking structures to reduce potential conflict points along Sampson Way. **MM TC-21.** Signalize the reconfigured intersection of Signal Street/Sampson Way**.**	
Impact TC-5b: The alignment of the Waterfront Red Car expansion for the proposed Project would not increase potential conflict at track crossovers where the rail would transition between center-running and side-running.	Significant	**MM TC-22.** Install half-signals at two proposed track crossovers located along Sampson Way and retime signals at the proposed track crossovers on 22nd Street at Miner Street and at Via Cabrillo Marina. **MM TC-23.** Install a half-signal at the proposed track crossover on the City Dock No. 1 extension that would occur south of the proposed Mid-Point Station.	Less than significant
Impact TC-5c: The Waterfront Red Car expansion for the proposed Project would not result in increased pedestrian conflicts at stations.	Significant	**MM TC-24.** Design pavement markings and signage in station areas to clearly direct pedestrians to the desired routes. **MM TC-25.** Construct new sidewalks to allow for the orderly movement of pedestrians. **MM TC-26.** Shift the location of the main Ports O' Call surface parking lot driveway to a point north of this station to improve pedestrian safety there.	Less than significant

Findings Regarding Environmental Impacts Found to Be Less-Than-Significant

The LAHD Board of Commissioners hereby finds that the following environmental impacts of the San Pedro Waterfront Project are less than significant. Under CEQA, no mitigation measures are

required for impacts that are less than significant (14 Cal. Code Regs. § 15126.4(a)(3)). Findings have not been prepared for impacts that are less than significant.

Table 1.3. Less than Significant Impacts

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
Aesthetics			
Impact AES-2: The proposed Project would not substantially damage scenic resources (including, but not limited to, trees, rock outcroppings, and historic buildings) within a state scenic highway.	No impact	No mitigation is required.	No impact
Impact AES-3: The proposed Project would not substantially degrade the existing visual character or quality of the site or its surroundings.	Less than significant	No mitigation is required.	Less than significant
Impact AES-4. The proposed Project would not result in an adverse effect due to shading on the existing visual character or quality of the site or its surroundings.	Less than significant	No mitigation is required.	Less than significant
Impact AES-5. The proposed Project would not create a new source of substantial light or glare that would adversely affect day or nighttime views of the area.	Less than significant	No mitigation is required.	Less than significant
Air Quality and Meteorology			
Impact AQ-5: The proposed Project would not generate onroad traffic that would contribute to an exceedance of the 1-hour or 8-hour CO standards.	Less than significant	No mitigation is required.	Less than significant
Impact AQ-6: The proposed Project would not create an objectionable odor at the nearest sensitive receptor.	Less than significant	No mitigation is required.	Less than significant
Impact AQ-8: The	Less than significant	No mitigation is required.	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
proposed Project would not conflict with or obstruct implementation of an applicable AQMP.			
Biological Resources			
Impact BIO-3a: Construction of the proposed Project would not interfere with wildlife movement/migration corridors that may diminish the chances for long-term survival of a species.	Less than significant	No mitigation is required.	Less than significant
Impact BIO-5a: Construction of the proposed Project would not result in a permanent loss of marine habitat.	Less than significant	No mitigation is required.	Less than significant
Impact BIO-1b: Operation of the proposed Project would not result in the loss of individuals, or the reduction of existing habitat, of a state- or federally listed endangered, threatened, rare, protected, candidate, or sensitive species or a species of special concern, or the loss of federally listed critical habitat.	Less than significant	No mitigation is required.	Less than significant
Impact BIO-3b: Operation of the proposed Project would not interfere with wildlife movement/migration corridors that may diminish the chances for long-term survival of a species.	Less than significant	No mitigation is required.	Less than significant
Cultural Resources			
Impact CR-3: The proposed Project would not result in a substantial adverse change in the significance of a historical resource, involving demolition,	Less than significant	No mitigation is required.	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
relocation, conversion, rehabilitation, alteration, or other construction that reduces the integrity or significance of important resources on the site or in the vicinity.			
Geology			
Impact GEO-3a: Construction of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from land subsidence/settlement.	Less than significant	No mitigation is required.	Less than significant
Impact GEO-4a: Construction of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from expansive soils.	Less than significant	No mitigation is required.	Less than significant
Impact GEO-5a: Construction of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to a substantial risk of landslides or mudslides.	No impact	No mitigation is required.	No impact
Impact GEO-6a: Construction of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people or property to a substantial risk of unstable soil conditions from excavation, grading, or fill.	Less than significant	No mitigation is required.	Less than significant
GEO-7a: Construction of the proposed Project would not result in one or more distinct and prominent geologic or	No impact	No mitigation is required.	No impact

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
topographic features being destroyed, permanently covered, or materially and adversely modified.			
GEO-8a: Construction of the proposed Project would not result in the permanent loss of availability of any mineral resource of regional, statewide, or local significance.	Less than significant	No mitigation is required.	Less than significant
GEO-3b: Operation of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from land subsidence/settlement.	Less than significant	No mitigation is required.	Less than significant
GEO-4b: Operation of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from expansive soils.	Less than significant	No mitigation is required.	Less than significant
GEO-5b: Operation of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people or property to a substantial risk of landslides or mudslides.	No impact	No mitigation is required.	No impact
GEO-6b: Operation of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people or structures to substantial risk of unstable soil conditions from excavation, grading, or fill.	No impact	No mitigation is required.	No impact

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
GEO-7b: Operation of the proposed Project would not result in one or more distinct and prominent geologic or topographic features being destroyed, permanently covered, or materially and adversely modified.	No impact	No mitigation is required.	No impact
GEO-8b: Operation of the proposed Project would not result in the permanent loss of availability of any mineral resource of regional, statewide, or local significance.	Less than significant	No mitigation is required.	Less than significant
Groundwater and Soils			
GW-3a: Proposed project construction would not result in a change to potable water levels.	No impact	No mitigation is required.	No impact
GW-4a: Proposed project construction would not result in a demonstrable and sustained reduction in potable groundwater recharge capacity.	No impact	No mitigation is required.	No impact
GW-5a: Proposed project construction would not result in violation of regulatory water quality standards at an existing production well.	No impact	No mitigation is required.	No impact
GW-3b: Proposed project operations would not result in a change to potable water levels.	No impact	No mitigation is required.	No impact
GW-4b: Proposed project operations would not result in a demonstrable and sustained reduction in potable groundwater recharge capacity.	Less than significant	No mitigation is required.	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
GW-5b: Proposed project operations would not result in violation of regulatory water quality standards at an existing production well.	No impact	No mitigation is required.	No impact
Hazards and Hazardous Materials			
Impact RISK-1a: Construction of the proposed Project would comply with applicable safety and security regulations and policies guiding development within the Port.	Less than significant	No mitigation is required.	Less than significant
Impact RISK-2a: Construction of the proposed Project would not substantially interfere with an existing emergency response or evacuation plan, thereby increasing the risk of injury or death.	Less than significant	No mitigation is required.	Less than significant
Impact RISK-3a: Construction of the proposed Project would not result in a substantial increase in public health and safety concerns as a result of the accidental release, spill, or explosion of hazardous materials due to a tsunami.	Less than significant	No mitigation is required.	Less than significant
Impact RISK-4a: Construction of the proposed Project would not result in a substantial increase in the likelihood of a spill, release, or explosion of hazardous materials due to a terrorist action.	Less than significant	No mitigation is required.	Less than significant
Impact RISK-2b: Operation of the proposed Project would not substantially interfere with an existing emergency response or evacuation plan or require a new emergency or	Less than significant	No mitigation is required.	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
evacuation plan, thereby increasing the risk of injury or death.			
Impact RISK-3b: Operation of the proposed Project would not result in a substantial increased public health and safety concern as a result of the accidental release, spill, or explosion of hazardous materials due to a tsunami.	Less than significant	No mitigation is required.	Less than significant
Impact RISK-4b: Operation of the proposed Project would not result in a substantial increase in the likelihood of a spill, release, or explosion of hazardous materials due to a terrorist action.	Less than significant	No mitigation is required.	Less than significant
Land Use and Planning			
Impact LU-3: The proposed Project would not physically disrupt, divide, or isolate existing neighborhoods, communities, or land uses.	Less than significant	No mitigation is required.	Less than significant
Noise			
Impact NOI-2: Construction activities for the proposed Project would not exceed the ambient noise level by 5 dBA at a noise sensitive use between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, before 8:00 a.m. or after 6:00 p.m. on Saturday, or at any time on Sunday.	Less than significant	No mitigation is required.	Less than significant
Impact NOI-3b: The proposed Project would not cause noise from railroad operations measured at the property line of affected uses to increase by 3 dBA in CNEL, to or within the	Less than significant	No mitigation is required.	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
"normally unacceptable" or "clearly unacceptable" category, or any 5 dBA or greater noise increase.			
Impact NOI-3c: The proposed Project would not cause noise from cruise ship operations measured at the property line of affected uses to increase by 3 dBA in CNEL, to or within the "normally unacceptable" or "clearly unacceptable" category, or any 5 dBA or greater noise increase.	Less than significant	No mitigation is required.	Less than significant
Recreation			
Impact REC-1b: Operation of the proposed Project would not result in a substantial loss or diminished quality of recreational, educational, or visitor-oriented opportunities, facilities, or resources.	Less than significant	No mitigation is required.	Less than significant
Ground Transportation and Circulation			
Impact TC-2c: Proposed Project operations would not increase traffic volumes and degrade operations on CMP facilities within the proposed project vicinity.	Less than significant	No mitigation is required.	Less than significant
Impact TC-3: Proposed Project operations would not cause increases in demand for transit service beyond the supply of such services.	Less than significant	No mitigation is required.	Less than significant
Marine Transportation and Navigation			
Impact VT-1a: Construction of the proposed Project would not interfere with operation of designated vessel traffic lanes and/or impair the level of safety for vessels navigating the Main Channel, West	Less than significant	No mitigation is required.	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
Basin area, or precautionary areas.			
Impact VT-1b: Operation of the proposed Project would not interfere with the operation of designated vessel traffic lanes and/or impair the level of safety for vessels navigating the Main Channel, West Basin area, or precautionary areas.	Less than significant	No mitigation is required.	Less than significant
Water Quality, Sediments, and Oceanography			
Impact WQ-1: The proposed Project would not cause flooding during the projected 50-year developed storm event, which would have the potential to harm people or damage property or sensitive biological resources.	Less than significant	No mitigation is required.	Less than significant
Impact WQ-2: The proposed Project would not substantially reduce or increase the amount of surface water in a water body.	Less than significant	No mitigation is required.	Less than significant
Impact WQ-3: The proposed Project would not result in a permanent, adverse change to the movement of surface water sufficient to produce a substantial change in the velocity or direction of water flow.	Less than significant	No mitigation is required.	Less than significant
Impact WQ-4a: In-water construction for the proposed Project would not result in discharges that create pollution, contamination, or nuisance as defined in Section 13050 of the CWC or that cause regulatory standards to be violated, as defined in the applicable NPDES	Less than significant	No mitigation is required.	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
stormwater permit or water quality control plan for the receiving water body.			
Impact WQ-4b: Stormwater discharged during upland construction of the proposed Project would not result in discharges that create pollution, contamination, or nuisance as defined in Section 13050 of the CWC or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or water quality control plan for the receiving water body.	Less than significant	No mitigation is required.	Less than significant
Impact WQ-4c: The proposed Project would not result in accidental discharges that create pollution, contamination, or nuisance as defined in Section 13050 of the CWC or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or water quality control plan for the receiving water body.	Less than significant	No mitigation is required.	Less than significant

Significant Environmental Impacts that are Reduced to a Less-Than-Significant Level by Mitigation Measures Incorporated into the Project

The EIS/EIR determines that all significant impacts in the following resource areas could be reduced to less-than-significant levels through the implementation of appropriate mitigation measures. With mitigation, all impacts of the proposed Project in these resource areas are found to be less than significant:

- Cultural Resources,

- Groundwater and Soils,
- Hazards and Hazardous Materials,
- Land Use and Planning, and
- Utilities and Public Services.

In addition, some, but not all, of the significant impacts of the proposed Project in the following resource areas could be reduced to less-than-significant levels through the implementation of appropriate mitigation measures. However, other significant impacts of the proposed Project in these resource areas cannot be reduced to a less-than-significant level through implementation of feasible mitigation measures, and therefore remain significant unavoidable impacts of the proposed Project.

- Biological Resources, and
- Ground Transportation and Circulation.

The Board hereby finds that mitigation measures have been identified in the EIR that will avoid or substantially lessen the following significant environmental impacts to a less than significant level. The significant impacts and the mitigation measures that will reduce them to a less than significant level are as follows.

Cultural Resources

As discussed in Section 3.4 of the EIS/EIR, there would be three significant impacts to Cultural Resources that would be mitigated to less than significant levels as a result of mitigation measures incorporated into the Project. The impacts and mitigation measures are discussed below.

Impact CR-1: Construction of the proposed Project would disturb, damage, or degrade known prehistoric and/or historical archaeological resources.

During the early part of the twentieth century, the residential streets around the Port housed a growing neighborhood of first- and second- generation Mexican Americans in a cohesive community which came to be known as "El Barrio," or "Mexican Hollywood". Mexican Hollywood grew on North Harbor Boulevard and Ancon Street around East O'Farrell, on a 5-acre parcel at Berths 90 and 91 which are now occupied by the Cruise Center on the Main Channel of the harbor. Archaeological mitigation monitoring efforts for the LAHD's Waterfront Gateway Development Project conducted within a portion of the parking lot of the Los Angeles World Cruise Center (Berths 90 and 91) identified intact, subsurface historic archaeological sites associated with Mexican Hollywood. Although results of the mitigation monitoring and data recovery efforts were not finalized at the time of this study, based on evidence assessed thus far, Mexican Hollywood is eligible for listing in both the CRHR and NRHP under Criteria A and D. Therefore, construction of the proposed Project would result in significant impacts that would potentially damage or destroy archaeological deposits associated with Mexican Hollywood. Impacts would be significant under CEQA.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. These changes are set forth in Mitigation Measures (MM) CR-1 through MM CR-3; described in further detail below. This mitigation would reduce proposed project impacts to Mexican Hollywood to less-than-significant.

MM CR-1: Generate treatment plan and conduct archaeological testing for Mexican Hollywood prior to construction. *Because the project area is paved and developed, archaeological testing and evaluation was not conducted prior to publication of the Final EIR/EIS. However, for the purposes of this document, potential archaeological resources associated with Mexican Hollywood are assumed eligible for listing in the CRHR and NRHP. As such, a treatment plan will be generated prior to construction that utilizes the compressed approach for evaluation and treatment of urban historical archaeological sites. Should the identification and evaluation efforts reveal that archeological resources are not eligible for listing in the CRHR and/or NRHP, no further mitigation would be required. However, if archaeological resources be determined to be significant, implementation of Mitigation Measures MM CR-2a and/or MM CR-2b will reduce impacts to less-than-significant levels.*

MM CR-2a: If CRHR/NRHP–eligible deposits associated with Mexican Hollywood are identified, redesign project to ensure preservation in place. *If testing results in the identification of CRHR/NRHP-eligible archaeological resources, efforts will be made to avoid these deposits during project development and preserve them in place, which is the preferred mitigation measure under CEQA. Options for preservation in place include, but are not limited to, incorporating the site into park or open space land, avoiding the site during construction, burying the site with sterile sediment, or placing the site within a permanent conservation easement. If preservation in place is not feasible, conduct data recovery as defined in Mitigation Measure MM CR-2b below.*

MM CR-2b: Conduct Data Recovery. *If avoidance or redesign of the proposed Project is not feasible, then research and fieldwork to recover and analyze the data contained in that site will be conducted. In addition to the treatment plan, this work may involve additional archival and historical research; excavation; analysis of the artifacts, features, and other data discovered; presentation of the results in a technical report; and curation of the recovered artifacts and accompanying data. Consultation with ACHP, SHPO, and other interested or knowledgeable parties may also be required or appropriate.*

A standard data recovery report will be prepared when all the fieldwork is concluded. The consultant will prepare a comprehensive technical report that will describe the archaeological project's goals and methods, as well as present the project's findings and interpretations. The report will synthesize both the archival research and important archaeological data in an attempt to address the research questions presented in the research design/testing plan. The report will be submitted to the client and any reviewing agencies, and it ultimately will be filed with the Eastern Information Center, located at California State University, Fullerton. The final data recovery report will include, but is not limited to, the following elements:

- *executive summary;*

- *statement of scope, including proposed project location and setting;*
- *background contexts or summaries;*
- *summary of previous research, historical and archaeological;*
- *research goals and themes;*
- *field and laboratory methodologies;*
- *description of recovered materials;*
- *findings and interpretations, referencing research goals;*
- *conclusions;*
- *references cited; and*
- *appendices such as artifact catalogs, special studies, and other information relevant to the proposed project and findings.*

MM CR-3: Stop Work If Unanticipated Cultural Resources Are Identified During Ground Disturbing Activities.

In the event that any artifact or an unusual amount of bone, shell, or non-native stone is encountered during construction, work will be immediately stopped and relocated from that area. The contractor will stop construction within 100 feet of the exposure of these finds until a qualified archaeologist, retained by LAHD in advance of construction, can be contacted to evaluate the find (see 36 CFR 800.11.1 and pertinent CEQA regulations). Examples of such cultural materials might include concentrations of ground stone tools such as mortars, bowls, pestles, and manos; chipped stone tools such as projectile points or choppers; flakes of stone not consistent with the immediate geology such as obsidian or fused shale; trash pits containing bottles and/or ceramics; or structural remains. If the resources are found to be significant, they will be avoided or will be mitigated consistent with SHPO guidelines as appropriate. All construction equipment operators will attend a pre-construction meeting presented by a professional archaeologist retained by LAHD to review types of cultural resources and artifacts that would be considered potentially significant, to ensure operator recognition of these materials during construction.

If human remains are encountered, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Los Angeles County Coroner will be contacted to determine the age and cause of death. If the remains are not of Native American heritage, construction in the area may recommence. If the remains are of Native American origin, the most likely descendants of the deceased will be identified by the NAHC. LAHD and the USACE will consult with the Native American most likely descendant(s) to identify a mutually acceptable strategy for treating and disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. If the NAHC is unable to identify a most likely descendant; if the descendant fails to make a recommendation within 24 hours of being notified by the NAHC, LAHD, or the USACE; and if the descendant is not capable of reaching a mutually acceptable strategy through mediation by the NAHC, the Native American human remains and associated grave goods will be reburied with appropriate dignity on the proposed project site in a location not subject to further subsurface disturbance.

Rationale for Finding

The required treatment plan would outline the appropriate protocol during construction and the additional mitigation measures would allow the preservation of significant resources of Mexican Hollywood that may be found during construction. The evaluation and cultural identification measures of MM CR-1 though MM CR-3 would ensure that any cultural or historical artifacts found at the site would be avoided and preserved or recovered and handled by the appropriate party. This will reduce impacts to historic and cultural artifacts to less-than-significant levels and would result in residual impacts that would be less than significant.

Impact CR-2: Construction of the proposed Project would not disturb, damage, or degrade unknown prehistoric and/or historical archaeological resources.

Buried cultural resources that were not identified during the current study, including human remains, could be inadvertently unearthed during ground-disturbing activities, which would potentially result in the demolition or substantial damage to significant cultural resources. Impacts to previously unidentified cultural resources would be considered significant. In addition, submerged sites could also be located during dredging activities. However, the potential for underwater resources is considered to be low due to the disturbed nature of the harbor from previous dredging.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. These changes are set forth in Mitigation Measure CR-3; discussed in further detail in Impact CR-1 above, and identified below. This mitigation would reduce proposed project impacts to previously unidentified cultural resources to less-than-significant.

MM CR-3: Stop Work If Unanticipated Cultural Resources Are Identified During Ground Disturbing Activities.

In the event that any artifact or an unusual amount of bone, shell, or non-native stone is encountered during construction, work will be immediately stopped and relocated from that area. The contractor will stop construction within 100 feet of the exposure of these finds until a qualified archaeologist, retained by LAHD in advance of construction, can be contacted to evaluate the find (see 36 CFR 800.11.1 and pertinent CEQA regulations). Examples of such cultural materials might include concentrations of ground stone tools such as mortars, bowls, pestles, and manos; chipped stone tools such as projectile points or choppers; flakes of stone not consistent with the immediate geology such as obsidian or fused shale; trash pits containing bottles and/or ceramics; or structural remains. If the resources are found to be significant, they will be avoided or will be mitigated consistent with SHPO guidelines as appropriate. All construction equipment operators will attend a pre-construction meeting presented by a professional archaeologist retained by LAHD to review types of cultural resources and artifacts that would be considered potentially significant, to ensure operator recognition of these materials during construction.

If human remains are encountered, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Los Angeles County Coroner will be contacted to determine the age and cause of death. If the remains are not of Native American heritage, construction in the area may recommence. If the remains are of Native American origin, the most likely descendants of the deceased will be identified by the NAHC. LAHD and the USACE will consult with the Native American most likely descendant(s) to identify a mutually acceptable strategy for treating and disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. If the NAHC is unable to identify a most likely descendant; if the descendant fails to make a recommendation within 24 hours of being notified by the NAHC, LAHD, or the USACE; and if the descendant is not capable of reaching a mutually acceptable strategy through mediation by the NAHC, the Native American human remains and associated grave goods will be reburied with appropriate dignity on the proposed project site in a location not subject to further subsurface disturbance.

Rationale for Finding

The requirement to stop work would allow the preservation of cultural resources that may be found during construction. The evaluation and cultural identification measures of MM CR-3 would ensure that any cultural or historical artifacts found at the site would be avoided and preserved or recovered and handled by the appropriate party. This would reduce impacts to historic and cultural artifacts to less-than-significant levels and would result in residual impacts that would be less than significant.

Impact CR-4: The proposed Project would not result in the permanent loss of or loss of access to a paleontological resource of regional or statewide significance.

Grading, trenching, and the North Harbor cut, as well as other ground-disturbing actions, have the potential to damage or destroy significant paleontological resources within the proposed project area. The geologic assessment and literature review demonstrate that excavation in association with development of the proposed Project has the potential to impact significant nonrenewable fossil resources. Excavation into undisturbed geologic deposits underlying the proposed project area, which include Quaternary alluvium, non-marine terrace deposits, Pleistocene-age marine deposits of Palos Verdes Sand, Pleistocene-age offshore marine deposits of San Pedro Sand, and Timms' Point Silt would potentially impact fossil resources. Construction of the proposed Project would result in significant impacts because of the potential to damage or destroy significant nonrenewable fossil resources under CEQA.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. These changes are set forth in Mitigation Measure CR-5; described in further detail below. This mitigation would reduce proposed Project impacts to paleontological resources to less-than-significant.

MM CR-4: Develop a program to mitigate impacts on nonrenewable paleontologic resources prior to excavation or construction of any proposed project components. *This mitigation program should be conducted by a qualified vertebrate paleontologist and should be consistent with the provisions of CEQA, as well as the proposed guidelines of the Society of Vertebrate Paleontology. This program should include, but not be limited to:*

1. *Assessment of site-specific excavation plans to determine areas that will be designated for paleontological monitoring during initial ground disturbance.*
2. *Development of monitoring protocols for these designated areas. Areas consisting of artificial fill materials will not require monitoring. Paleontologic monitors should be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Monitoring may be reduced if some of the potentially fossiliferous units described herein are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.*
3. *Preparation of all recovered specimens to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Preparation and stabilization of all recovered fossils are essential in order to fully mitigate adverse impacts on the resources.*
4. *Identification and curation of all specimens into an established, accredited museum repository with permanent retrievable paleontologic storage. These procedures are also essential steps in effective paleontologic mitigation and CEQA compliance (Scott and Springer 2003). The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impacts on significant paleontologic resources is not considered complete until such curation into an established museum repository has been fully completed and documented.*
5. *Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the appropriate lead agency along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts on paleontologic resources.*

Rationale for Finding

The inclusion of a paleontologist who would be charged with the monitoring, evaluating, excavation, and identification of paleontological resources would be required as part of MM CR-4. These measures would ensure paleontological resources are protected and handled safely so as not to destroy or damage the resources. This would reduce impacts to paleontological resources to less-than-significant levels and would result in residual impacts that would be less than significant.

Groundwater and Soils

As discussed in Section 3.6 of the EIS/EIR, there would be four significant impacts to Groundwater and Soils resources that would be mitigated to less than significant levels as a result of mitigation measures incorporated into the Project. The impacts and mitigation measures are discussed below.

Impact GW-1a: Construction activities for the proposed Project would not encounter toxic substances or other contaminants associated with historical uses of the Port, resulting in short-term exposure (duration of construction) to construction/operations personnel and/or long-term exposure to future site occupants.

Grading and construction could expose construction personnel, existing operations personnel, and future occupants of the site to contaminated soil. Similarly, grading in the proposed park and open space areas could expose construction personnel and future recreational users to contaminated soil. Human health and safety impacts would be significant pursuant to exposure levels established by Cal/EPA's Office of Environmental Health Hazard Assessment (OEHHA) under CEQA.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. This mitigation would fully offset exposure of construction personnel to exposed toxic substances and reduce impacts to less than significant. These changes are set forth in Mitigation Measures GW-1 through GW-2 below:

***MM GW-1. Complete site remediation**. Unless otherwise authorized by the lead regulatory agency for any given site, the LAHD will remediate all contaminated soils within proposed project boundaries prior to or during demolition and grading activities. Remediation will occur in compliance with local, state, and federal regulations as described in Section 3.6.3 and as directed by the LACFD, DTSC, and/or RWQCB.*

Soil remediation will be completed such that contamination levels are below health screening levels established by OEHHA and/or applicable action levels established by the lead regulatory agency with jurisdiction over the site. Use of localized soil capping/paving, combined with agency-approved deed restrictions, may be an acceptable remediation measure in upland areas and/or risk-based soil assessments, but would be subject to the discretion of the lead regulatory agency.

Existing groundwater contamination throughout the proposed project boundary will continue to be monitored and remediated, simultaneous and/or subsequent to site redevelopment, in accordance with direction provided by the RWQCB.

Unless otherwise authorized by the lead regulatory agency for any given site, areas of soil contamination that will be remediated prior to or in conjunction with project demolition, grading, and construction would include, but not be limited to, the properties within and adjacent to the proposed Project.

MM GW-1a. Remediate the former GATX site in Area E. *The GATX Annex Terminal Facility is subject to land-use restrictions imposed by the DTSC. Because of this, prior to implementing the previously listed mitigation measures, it will be necessary to negotiate with the DTSC conditions for remediation and construction at this property. The current proposed use of the GATX Annex Terminal Facility is a park. Currently, DTSC land-use restrictions exclude this use. If LAHD intends to redevelop the area as a park, it will be necessary to modify the land use restriction. If the land use restriction is to be modified, it will likely be necessary to follow DTSCs remedial investigation/feasibility study (RI/FS) or remedial action workplan (RAW) process under an environmental consultative oversight agreement. The work will likely involve additional site characterizations including preparation of a health-based risk assessment, removal of contaminated hot* spots*, and, possibly, an extensive public comment process. If LAHD is planning the construction of buildings and structures on the site, the requirement will be more extensive.*

MM GW-1b. Remediate former oil wells in Area A. *Locate the well using geophysical or other methods. Contact the DOGGR to review abandonment records and inquire whether re-abandonment is necessary prior to any future construction related to the proposed project alternatives. Implement corrective measures as directed by DOGGR.*

MM GW-1c. Abandon and remove Navy fuel surge line *Abandonment and removal of the pipeline would include the submittal of a work plan to the California State Fire Marshall (CSFM) and other applicable agencies, as appropriate. The portion of the fuel surge line to be excavated will be drained of all fluids, cleaned, flushed, and then capped. Materials from the purged fuel surge line will be characterized for disposal and disposed of at an appropriately certified hazardous waste facility. Testing will occur prior to the abandonment of the surge pipeline and prior to any excavation or construction within the alignment right of way. Should contamination be found, appropriate remedial or removal action will occur prior to or concurrent with construction of the North Harbor and Inner Harbor parking structure, under approval of the appropriate oversight agency.*

MM GW-2. LAHD will prepare a contamination contingency plan for non-specific facilities. *The project site has a long history of industrial activity, so it is possible that future construction activity could encounter historical soil or groundwater contamination that had not been previously reported to regulatory agencies. The following contingency plan will be implemented to address previously unknown contamination during demolition, grading, and construction:*

a) All trench excavation and fill operations will be observed for the presence of chemicals of potential concern and petroleum products. Soils that are suspected to be impacted with chemicals of potential concern and/or petroleum products will be segregated from clean soil. Indications of contaminated/impacted soil may include but are not limited to: discolored soil, petroleum or organic odors, and/or visible sheen. In the event unexpected suspected chemically impacted material (soil or water) is encountered during construction, the contractor will notify LAHD's Chief Harbor Engineer, Director of Environmental Management, and Risk Management's Industrial Hygienist. LAHD will confirm the presence of the suspect material; direct the contractor to remove, stockpile, or contain the material; and characterize the suspect material identified within the boundaries of the construction area. Continued work at a contaminated site will require the approval of the Chief Harbor Engineer.

b) As warranted, appropriate air monitoring equipment (e.g., photoionization detector, combustible gas indicator, organic vapor analyzer, etc.) will be present during grading and/or excavation activities in soils that are suspected to be impacted with chemicals of concern and/or petroleum products.

c) Excavation of VOC-impacted soil will require obtaining and complying with a South Coast Air Quality Management District Rule 1166 permit.

d) The remedial option(s) selected will be dependent upon a number of criteria (including but not limited to types of chemical constituents, concentration of the chemicals, health and safety issues, time constraints, cost, etc.) and will be determined on a site-specific basis. Both off-site and on-site remedial options will be evaluated.

e) The extent of removal actions will be determined on a site-specific basis. At a minimum, the chemically impacted area(s) within the boundaries of the construction area will be remediated to the satisfaction of the lead regulatory agency for the site. The LAHD Project Manager overseeing removal actions will inform the contractor when the removal action is complete.

f) Copies of hazardous waste manifests or other documents indicating the amount, nature, and disposition of such materials will be submitted to the Chief Harbor Engineer within 30 days of project completion.

g) In the event that suspected contaminated soil is encountered, all onsite personnel handling the suspected contaminated material must be trained in accordance with the federal Hazardous Waste Operations and Emergency Response (HAZWOPER) standard. This training provides precautions and protective measures for workers remediating contaminated sites. Workers not certified with HAZWOPER training will not be allowed to resume work in suspected contaminated areas until appropriate site characterization confirms that contaminated soil, groundwater, or soil vapor are not present.

h) As warranted, real-time perimeter and ambient air monitoring stations will be established during all grading, excavation, trenching, and/or soil handling activities associated with contaminated soil.

i) All excavations will be filled with structurally suitable fill material that is free from contamination.

Rationale for Finding

Soil and groundwater remediation of known contaminated areas, as outlined in MM GW-1a-c, as well as implementation of a contingency plan for potentially encountering unknown soil contamination, as outlined in MM GW-2, would reduce health and safety impacts to construction personnel, such that residual impacts would be less than significant.

Impact GW-2a: Proposed project construction would not alter contaminant transport pathways and result in expansion of the area affected by contaminants.

Soil and groundwater in limited portions of the proposed project site have been affected by hazardous substances and petroleum products as a result of spills during historic industrial land

uses. Excavation and grading in contaminated soils, as well as dredging of potentially contaminated soil and marine sediments, could result in inadvertent spreading of such contamination to areas that were previously unaffected by spills of petroleum products or hazardous substances. Grading and construction in upland areas could inadvertently spread contaminated soil to non-contaminated areas, thus potentially exposing construction personnel, existing operations personnel, and future occupants of the site to contaminants. Human health and safety impacts would be significant pursuant to exposure levels established by OEHHA under CEQA.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. This mitigation would fully offset the proposed Project impacts to potentially expanding the area affected by contaminants such that impacts would be reduced to less than significant. These changes are set forth in Mitigation Measures GW-1 through GW-2 as discussed below.

MM GW-1. Complete site remediation. *Unless otherwise authorized by the lead regulatory agency for any given site, the LAHD will remediate all contaminated soils within proposed project boundaries prior to or during demolition and grading activities. Remediation will occur in compliance with local, state, and federal regulations as described in Section 3.6.3 and as directed by the LACFD, DTSC, and/or RWQCB.*

Soil remediation will be completed such that contamination levels are below health screening levels established by OEHHA and/or applicable action levels established by the lead regulatory agency with jurisdiction over the site. Use of localized soil capping/paving, combined with agency-approved deed restrictions, may be an acceptable remediation measure in upland areas and/or risk-based soil assessments, but would be subject to the discretion of the lead regulatory agency.

Existing groundwater contamination throughout the proposed project boundary will continue to be monitored and remediated, simultaneous and/or subsequent to site redevelopment, in accordance with direction provided by the RWQCB.

Unless otherwise authorized by the lead regulatory agency for any given site, areas of soil contamination that will be remediated prior to or in conjunction with project demolition, grading, and construction would include, but not be limited to, the properties within and adjacent to the proposed Project.

MM GW-1a. Remediate the former GATX site in Area E. *The GATX Annex Terminal Facility is subject to land-use restrictions imposed by the DTSC. Because of this, prior to implementing the previously listed mitigation measures, it will be necessary to negotiate with the DTSC conditions for remediation and construction at this property. The current proposed use of the GATX Annex Terminal Facility is a park. Currently, DTSC land-use restrictions exclude this use. If LAHD intends to redevelop the area as a park, it will be necessary to modify the land use restriction. If the land use restriction is to be modified, it will likely be necessary to follow DTSCs remedial investigation/feasibility study (RI/FS) or remedial action workplan (RAW) process under an environmental consultative oversight agreement. The work will likely involve additional site characterizations including preparation of a health-based risk assessment, removal of contaminated hot sports, and, possibly, an extensive public comment process. If LAHD is planning the*

construction of buildings and structures on the site, the requirement will be more extensive.

MM GW-1b. Remediate former oil wells in Area A. *Locate the well using geophysical or other methods. Contact the DOGGR to review abandonment records and inquire whether re-abandonment is necessary prior to any future construction related to the proposed project alternatives. Implement corrective measures as directed by DOGGR.*

MM GW-1c. Abandon and remove Navy fuel surge line *Abandonment and removal of the pipeline would include the submittal of a work plan to the California State Fire Marshall (CSFM) and other applicable agencies, as appropriate. The portion of the fuel surge line to be excavated will be drained of all fluids, cleaned, flushed, and then capped. Materials from the purged fuel surge line will be characterized for disposal and disposed of at an appropriately certified hazardous waste facility. Testing will occur prior to the abandonment of the surge pipeline and prior to any excavation or construction within the alignment right of way. Should contamination be found, appropriate remedial or removal action will occur prior to or concurrent with construction of the North Harbor and Inner Harbor parking structure, under approval of the appropriate oversight agency.*

MM GW-2. LAHD will prepare a contamination contingency plan for non-specific facilities*. The project site has a long history of industrial activity, so it is possible that future construction activity could encounter historical soil or groundwater contamination that had not been previously reported to regulatory agencies. The following contingency plan will be implemented to address previously unknown contamination during demolition, grading, and construction:*

a) All trench excavation and fill operations will be observed for the presence of chemicals of potential concern and petroleum products. Soils that are suspected to be impacted with chemicals of potential concern and/or petroleum products will be segregated from clean soil. Indications of contaminated/impacted soil may include but are not limited to: discolored soil, petroleum or organic odors, and/or visible sheen. In the event unexpected suspected chemically impacted material (soil or water) is encountered during construction, the contractor will notify LAHD's Chief Harbor Engineer, Director of Environmental Management, and Risk Management's Industrial Hygienist. LAHD will confirm the presence of the suspect material; direct the contractor to remove, stockpile, or contain the material; and characterize the suspect material identified within the boundaries of the construction area. Continued work at a contaminated site will require the approval of the Chief Harbor Engineer.

b) As warranted, appropriate air monitoring equipment (e.g., photoionization detector, combustible gas indicator, organic vapor analyzer, etc.) will be present during grading and/or excavation activities in soils that are suspected to be impacted with chemicals of concern and/or petroleum products.

c) Excavation of VOC-impacted soil will require obtaining and complying with a South Coast Air Quality Management District Rule 1166 permit.

d) The remedial option(s) selected will be dependent upon a number of criteria (including but not limited to types of chemical constituents, concentration of the chemicals, health and safety issues, time constraints, cost, etc.) and will be

determined on a site-specific basis. Both off-site and on-site remedial options will be evaluated.

e) The extent of removal actions will be determined on a site-specific basis. At a minimum, the chemically impacted area(s) within the boundaries of the construction area will be remediated to the satisfaction of the lead regulatory agency for the site. The LAHD Project Manager overseeing removal actions will inform the contractor when the removal action is complete.

f) Copies of hazardous waste manifests or other documents indicating the amount, nature, and disposition of such materials will be submitted to the Chief Harbor Engineer within 30 days of project completion.

g) In the event that suspected contaminated soil is encountered, all onsite personnel handling the suspected contaminated material must be trained in accordance with the federal Hazardous Waste Operations and Emergency Response (HAZWOPER) standard. This training provides precautions and protective measures for workers remediating contaminated sites. Workers not certified with HAZWOPER training will not be allowed to resume work in suspected contaminated areas until appropriate site characterization confirms that contaminated soil, groundwater, or soil vapor are not present.

h) As warranted, real-time perimeter and ambient air monitoring stations will be established during all grading, excavation, trenching, and/or soil handling activities associated with contaminated soil.

i) All excavations will be filled with structurally suitable fill material that is free from contamination.

Rationale for Finding

Soil and groundwater remediation of known contaminated areas, as outlined in MM GW-1a-c, as well as implementation of a contingency plan for potentially encountering unknown soil contamination, as outlined in MM GW-2, would reduce health and safety impacts construction crews, on-site personnel, and future users/occupants of the site, such that residual impacts would be less than significant.

Impact GW-1b: Proposed project operations would not result in uncovering of toxic substances or other contaminants associated with historical uses of the Port that might result in exposure to operations personnel.

Soil and groundwater in limited portions of the proposed project site have been affected by hazardous substances and petroleum products as a result of spills during historic industrial land uses. These areas are in various stages of contaminant site characterization and remediation. Certain components of the proposed Project would be concurrently constructed and operated. Construction of the proposed Project requires appropriately remediating the existing contamination. As a result, the operation of the proposed Project could be restricted due to existing contamination until construction is complete. Furthermore, the very remediation activities which would occur during construction could uncover existing contamination that might result in an exposure to operations personnel where construction and operational activities are concurrent. Therefore, impacts during operation would be significant under CEQA.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR, such that impacts would be reduced to less than significant. These changes are set forth in Mitigation Measures GW-1 through GW-2 discussed below.

MM GW-1. Complete site remediation. *Unless otherwise authorized by the lead regulatory agency for any given site, the LAHD will remediate all contaminated soils within proposed project boundaries prior to or during demolition and grading activities. Remediation will occur in compliance with local, state, and federal regulations as described in Section 3.6.3 and as directed by the LACFD, DTSC, and/or RWQCB.*

Soil remediation will be completed such that contamination levels are below health screening levels established by OEHHA and/or applicable action levels established by the lead regulatory agency with jurisdiction over the site. Use of localized soil capping/paving, combined with agency-approved deed restrictions, may be an acceptable remediation measure in upland areas and/or risk-based soil assessments, but would be subject to the discretion of the lead regulatory agency.

Existing groundwater contamination throughout the proposed project boundary will continue to be monitored and remediated, simultaneous and/or subsequent to site redevelopment, in accordance with direction provided by the RWQCB.

Unless otherwise authorized by the lead regulatory agency for any given site, areas of soil contamination that will be remediated prior to or in conjunction with project demolition, grading, and construction would include, but not be limited to, the properties within and adjacent to the proposed Project.

MM GW-1a. Remediate the former GATX site in Area E. *The GATX Annex Terminal Facility is subject to land-use restrictions imposed by the DTSC. Because of this, prior to implementing the previously listed mitigation measures, it will be necessary to negotiate with the DTSC conditions for remediation and construction at this property. The current proposed use of the GATX Annex Terminal Facility is a park. Currently, DTSC land-use restrictions exclude this use. If LAHD intends to redevelop the area as a park, it will be necessary to modify the land use restriction. If the land use restriction is to be modified, it will likely be necessary to follow DTSCs remedial investigation/feasibility study (RI/FS) or remedial action workplan (RAW) process under an environmental consultative oversight agreement. The work will likely involve additional site characterizations including preparation of a health-based risk assessment, removal of contaminated hot sports, and, possibly, an extensive public comment process. If LAHD is planning the construction of buildings and structures on the site, the requirement will be more extensive.*

MM GW-1b. Remediate former oil wells in Area A. *Locate the well using geophysical or other methods. Contact the DOGGR to review abandonment records and inquire whether re-abandonment is necessary prior to any future construction related to the proposed project alternatives. Implement corrective measures as directed by DOGGR.*

MM GW-1c. Abandon and remove Navy fuel surge line *Abandonment and removal of the pipeline would include the submittal of a work plan to the California State Fire Marshall (CSFM) and other applicable agencies, as appropriate. The portion of the fuel surge line to be excavated will be drained of all fluids, cleaned, flushed, and then capped. Materials from the purged fuel surge line will be characterized for disposal and disposed of at an appropriately certified hazardous waste facility. Testing will occur prior to the abandonment of the surge pipeline and prior to any excavation or construction within the alignment right of way. Should contamination be found, appropriate remedial or removal action will occur prior to or concurrent with construction of the North Harbor and Inner Harbor parking structure, under approval of the appropriate oversight agency.*

MM GW-2. LAHD will prepare a contamination contingency plan for non-specific facilities*. The project site has a long history of industrial activity, so it is possible that future construction activity could encounter historical soil or groundwater contamination that had not been previously reported to regulatory agencies. The following contingency plan will be implemented to address previously unknown contamination during demolition, grading, and construction:*

a) All trench excavation and fill operations will be observed for the presence of chemicals of potential concern and petroleum products. Soils that are suspected to be impacted with chemicals of potential concern and/or petroleum products will be segregated from clean soil. Indications of contaminated/impacted soil may include but are not limited to: discolored soil, petroleum or organic odors, and/or visible sheen. In the event unexpected suspected chemically impacted material (soil or water) is encountered during construction, the contractor will notify LAHD's Chief Harbor Engineer, Director of Environmental Management, and Risk Management's Industrial Hygienist. LAHD will confirm the presence of the suspect material; direct the contractor to remove, stockpile, or contain the material; and characterize the suspect material identified within the boundaries of the construction area. Continued work at a contaminated site will require the approval of the Chief Harbor Engineer.

b) As warranted, appropriate air monitoring equipment (e.g., photoionization detector, combustible gas indicator, organic vapor analyzer, etc.) will be present during grading and/or excavation activities in soils that are suspected to be impacted with chemicals of concern and/or petroleum products.

c) Excavation of VOC-impacted soil will require obtaining and complying with a South Coast Air Quality Management District Rule 1166 permit.

d) The remedial option(s) selected will be dependent upon a number of criteria (including but not limited to types of chemical constituents, concentration of the chemicals, health and safety issues, time constraints, cost, etc.) and will be determined on a site-specific basis. Both off-site and on-site remedial options will be evaluated.

e) The extent of removal actions will be determined on a site-specific basis. At a minimum, the chemically impacted area(s) within the boundaries of the construction area will be remediated to the satisfaction of the lead regulatory agency for the site. The LAHD Project Manager overseeing removal actions will inform the contractor when the removal action is complete.

f) Copies of hazardous waste manifests or other documents indicating the amount, nature, and disposition of such materials will be submitted to the Chief Harbor Engineer within 30 days of project completion.

g) In the event that suspected contaminated soil is encountered, all onsite personnel handling the suspected contaminated material must be trained in accordance with the federal Hazardous Waste Operations and Emergency Response (HAZWOPER) standard. This training provides precautions and protective measures for workers remediating contaminated sites. Workers not certified with HAZWOPER training will not be allowed to resume work in suspected contaminated areas until appropriate site characterization confirms that contaminated soil, groundwater, or soil vapor are not present.

h) As warranted, real-time perimeter and ambient air monitoring stations will be established during all grading, excavation, trenching, and/or soil handling activities associated with contaminated soil.

i) All excavations will be filled with structurally suitable fill material that is free from contamination.

Rationale for Finding

Soil and groundwater remediation of known contaminated areas, as outlined in MM GW-1a-c, as well as implementation of a contingency plan for potentially encountering unknown soil contamination, as outlined in MM GW-2, would reduce health and safety impacts from operation of the proposed Project, such that residual impacts would be less than significant.

Impact GW-2b: Proposed project operations would not result in expansion of the area affected by contaminants.

Soil and groundwater in limited portions of the proposed project site have been impacted by hazardous substances and petroleum products as a result of spills during historic industrial land uses. These areas are in various stages of contaminant site characterization and remediation. Certain components of the proposed Project would be concurrently constructed and operated. Construction of the proposed Project requires appropriately remediating the existing contamination. As a result, the operation of the proposed Project could be restricted due to existing contamination until construction is complete. Furthermore, the very remediation activities which would occur during construction could result the expansion of the area affected by contaminants where construction and operational activities are concurrent. Therefore, impacts during operation would be significant under CEQA.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR such that impacts would be reduced to less than significant. These changes are set forth in Mitigation Measures GW-1 through GW-2 discussed below.

***MM GW-1. Complete site remediation**. Unless otherwise authorized by the lead regulatory agency for any given site, the LAHD will remediate all contaminated soils within proposed project boundaries prior to or during demolition and grading activities.*

Remediation will occur in compliance with local, state, and federal regulations as described in Section 3.6.3 and as directed by the LACFD, DTSC, and/or RWQCB.

Soil remediation will be completed such that contamination levels are below health screening levels established by OEHHA and/or applicable action levels established by the lead regulatory agency with jurisdiction over the site. Use of localized soil capping/paving, combined with agency-approved deed restrictions, may be an acceptable remediation measure in upland areas and/or risk-based soil assessments, but would be subject to the discretion of the lead regulatory agency.

Existing groundwater contamination throughout the proposed project boundary will continue to be monitored and remediated, simultaneous and/or subsequent to site redevelopment, in accordance with direction provided by the RWQCB.

Unless otherwise authorized by the lead regulatory agency for any given site, areas of soil contamination that will be remediated prior to or in conjunction with project demolition, grading, and construction would include, but not be limited to, the properties within and adjacent to the proposed Project.

***MM GW-1a. Remediate the former GATX site in Area E**. The GATX Annex Terminal Facility is subject to land-use restrictions imposed by the DTSC. Because of this, prior to implementing the previously listed mitigation measures, it will be necessary to negotiate with the DTSC conditions for remediation and construction at this property. The current proposed use of the GATX Annex Terminal Facility is a park. Currently, DTSC land-use restrictions exclude this use. If LAHD intends to redevelop the area as a park, it will be necessary to modify the land use restriction. If the land use restriction is to be modified, it will likely be necessary to follow DTSCs remedial investigation/feasibility study (RI/FS) or remedial action workplan (RAW) process under an environmental consultative oversight agreement. The work will likely involve additional site characterizations including preparation of a health-based risk assessment, removal of contaminated hot sports, and, possibly, an extensive public comment process. If LAHD is planning the construction of buildings and structures on the site, the requirement will be more extensive.*

***MM GW-1b. Remediate former oil wells in Area A.** Locate the well using geophysical or other methods. Contact the DOGGR to review abandonment records and inquire whether re-abandonment is necessary prior to any future construction related to the proposed project alternatives. Implement corrective measures as directed by DOGGR.*

***MM GW-1c. Abandon and remove Navy fuel surge line** Abandonment and removal of the pipeline would include the submittal of a work plan to the California State Fire Marshall (CSFM) and other applicable agencies, as appropriate. The portion of the fuel surge line to be excavated will be drained of all fluids, cleaned, flushed, and then capped. Materials from the purged fuel surge line will be characterized for disposal and disposed of at an appropriately certified hazardous waste facility. Testing will occur prior to the abandonment of the surge pipeline and prior to any excavation or construction within the alignment right of way. Should contamination be found, appropriate remedial or removal action will occur prior to or concurrent with construction of the North Harbor and Inner Harbor parking structure, under approval of the appropriate oversight agency.*

MM GW-2. LAHD will prepare a contamination contingency plan for non-specific facilities*. The project site has a long history of industrial activity, so it is possible that future construction activity could encounter historical soil or groundwater contamination that had not been previously reported to regulatory agencies. The following contingency plan will be implemented to address previously unknown contamination during demolition, grading, and construction:*

a) All trench excavation and fill operations will be observed for the presence of chemicals of potential concern and petroleum products. Soils that are suspected to be impacted with chemicals of potential concern and/or petroleum products will be segregated from clean soil. Indications of contaminated/impacted soil may include but are not limited to: discolored soil, petroleum or organic odors, and/or visible sheen. In the event unexpected suspected chemically impacted material (soil or water) is encountered during construction, the contractor will notify LAHD's Chief Harbor Engineer, Director of Environmental Management, and Risk Management's Industrial Hygienist. LAHD will confirm the presence of the suspect material; direct the contractor to remove, stockpile, or contain the material; and characterize the suspect material identified within the boundaries of the construction area. Continued work at a contaminated site will require the approval of the Chief Harbor Engineer.

b) As warranted, appropriate air monitoring equipment (e.g., photoionization detector, combustible gas indicator, organic vapor analyzer, etc.) will be present during grading and/or excavation activities in soils that are suspected to be impacted with chemicals of concern and/or petroleum products.

c) Excavation of VOC-impacted soil will require obtaining and complying with a South Coast Air Quality Management District Rule 1166 permit.

d) The remedial option(s) selected will be dependent upon a number of criteria (including but not limited to types of chemical constituents, concentration of the chemicals, health and safety issues, time constraints, cost, etc.) and will be determined on a site-specific basis. Both off-site and on-site remedial options will be evaluated.

e) The extent of removal actions will be determined on a site-specific basis. At a minimum, the chemically impacted area(s) within the boundaries of the construction area will be remediated to the satisfaction of the lead regulatory agency for the site. The LAHD Project Manager overseeing removal actions will inform the contractor when the removal action is complete.

f) Copies of hazardous waste manifests or other documents indicating the amount, nature, and disposition of such materials will be submitted to the Chief Harbor Engineer within 30 days of project completion.

g) In the event that suspected contaminated soil is encountered, all onsite personnel handling the suspected contaminated material must be trained in accordance with the federal Hazardous Waste Operations and Emergency Response (HAZWOPER) standard. This training provides precautions and protective measures for workers remediating contaminated sites. Workers not certified with HAZWOPER training will not be allowed to resume work in suspected contaminated areas until appropriate site characterization confirms that contaminated soil, groundwater, or soil vapor are not present.

h) As warranted, real-time perimeter and ambient air monitoring stations will be established during all grading, excavation, trenching, and/or soil handling activities associated with contaminated soil.

i) All excavations will be filled with structurally suitable fill material that is free from contamination.

Rationale for Finding

Soil and groundwater remediation of known contaminated areas, as outlined in MM GW-1a-c, as well as implementation of a contingency plan for potentially encountering unknown soil contamination, as outlined in MM GW-2, would reduce health and safety impacts from operation of the proposed Project, such that residual impacts would be less than significant.

Hazards and Hazardous Materials

As discussed in Section 3.7 of the EIS/EIR, there would be three significant impacts to hazards and hazardous materials that would be mitigated to less than significant levels as a result of mitigation measures incorporated into the Project. The impacts and mitigation measures are discussed below.

Impact RISK-5a: Construction of the proposed Project would not substantially increase the likelihood of an accidental spill, release, or explosion of hazardous materials as a result of modifications related to the proposed Project.

Construction and demolition activities for the proposed Project would not involve the handling of significant amounts of hazardous materials beyond those needed for those activities. Implementation of construction and demolition standards, including BMPs, and compliance with the state and federal requirements for the transport, handling, and storage of any hazardous materials during construction and demolition phases would minimize the potential for an accidental release of petroleum products and/or hazardous materials and/or explosion during the construction/demolition activities. The decommissioning of Westway Terminal, the SP Railyard, and the Jankovich fueling station would require the adherence to EPCRA, LAFD regulations, and other state and federal regulations and guidelines governing the decommissioning and remediation of hazardous materials and providing oversight and prevention techniques for the decommissioning. Additionally, the decommissioning would include remediation efforts as part of the proposed Project to remove the known or suspected hazardous groundwater and soil contamination at the site. The abandonment and removal of the Navy Fuel surge pipeline could result in a hazardous material spill, release, or explosion. Mitigation measure GW-1c would be implemented to reduce this impact to less-than-significant. Mitigation measure GW-1c would require the submission of a work plan to the California State Fire Marshall and the surge pipeline to be drained of all fluids, cleaned, flushed, and capped. Any hazardous waste found would be disposed of at the appropriate waste facility. Any contamination would be remediated.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. This mitigation would reduce the impacts of the proposed Project impacts on construction related spills, releases, or explosions of hazardous materials to less than significant. These changes are set forth in Mitigation Measure GW-1c discussed below.

MM GW-1. Complete site remediation. *Unless otherwise authorized by the lead regulatory agency for any given site, the LAHD will remediate all contaminated soils within proposed project boundaries prior to or during demolition and grading activities. Remediation will occur in compliance with local, state, and federal regulations as described in Section 3.6.3 and as directed by the LACFD, DTSC, and/or RWQCB.*

Soil remediation will be completed such that contamination levels are below health screening levels established by OEHHA and/or applicable action levels established by the lead regulatory agency with jurisdiction over the site. Use of localized soil capping/paving, combined with agency-approved deed restrictions, may be an acceptable remediation measure in upland areas and/or risk-based soil assessments, but would be subject to the discretion of the lead regulatory agency.

Existing groundwater contamination throughout the proposed project boundary will continue to be monitored and remediated, simultaneous and/or subsequent to site redevelopment, in accordance with direction provided by the RWQCB.

Unless otherwise authorized by the lead regulatory agency for any given site, areas of soil contamination that will be remediated prior to or in conjunction with project demolition, grading, and construction would include, but not be limited to, the properties within and adjacent to the proposed Project.

MM GW-1a. Remediate the former GATX site in Area E. *The GATX Annex Terminal Facility is subject to land-use restrictions imposed by the DTSC. Because of this, prior to implementing the previously listed mitigation measures, it will be necessary to negotiate with the DTSC conditions for remediation and construction at this property. The current proposed use of the GATX Annex Terminal Facility is a park. Currently, DTSC land-use restrictions exclude this use. If LAHD intends to redevelop the area as a park, it will be necessary to modify the land use restriction. If the land use restriction is to be modified, it will likely be necessary to follow DTSCs remedial investigation/feasibility study (RI/FS) or remedial action workplan (RAW) process under an environmental consultative oversight agreement. The work will likely involve additional site characterizations including preparation of a health-based risk assessment, removal of contaminated hot sports, and, possibly, an extensive public comment process. If LAHD is planning the construction of buildings and structures on the site, the requirement will be more extensive.*

MM GW-1b. Remediate former oil wells in Area A. *Locate the well using geophysical or other methods. Contact the DOGGR to review abandonment records and inquire whether re-abandonment is necessary prior to any future construction related to the proposed project alternatives. Implement corrective measures as directed by DOGGR.*

MM GW-1c. Abandon and remove Navy fuel surge line *Abandonment and removal of the pipeline would include the submittal of a work plan to the California State Fire Marshall (CSFM) and other applicable agencies, as appropriate. The portion of the fuel surge line to be excavated will be drained of all fluids, cleaned, flushed, and then capped. Materials from the purged fuel surge line will be characterized for disposal and disposed of at an appropriately certified hazardous waste facility. Testing will occur prior to the abandonment of the surge pipeline and prior to any excavation or construction within the alignment right of way. Should contamination be found, appropriate remedial or removal action will occur prior to or concurrent with construction of the North Harbor and Inner Harbor parking structure, under approval of the appropriate oversight agency.*

MM GW-2. LAHD will prepare a contamination contingency plan for non-specific facilities*. The project site has a long history of industrial activity, so it is possible that future construction activity could encounter historical soil or groundwater contamination that had not been previously reported to regulatory agencies. The following contingency plan will be implemented to address previously unknown contamination during demolition, grading, and construction:*

a) All trench excavation and fill operations will be observed for the presence of chemicals of potential concern and petroleum products. Soils that are suspected to be impacted with chemicals of potential concern and/or petroleum products will be segregated from clean soil. Indications of contaminated/impacted soil may include but are not limited to: discolored soil, petroleum or organic odors, and/or visible sheen. In the event unexpected suspected chemically impacted material (soil or water) is encountered during construction, the contractor will notify LAHD's Chief Harbor Engineer, Director of Environmental Management, and Risk Management's Industrial Hygienist. LAHD will confirm the presence of the suspect material; direct the contractor to remove, stockpile, or contain the material; and characterize the suspect material identified within the boundaries of the construction area. Continued work at a contaminated site will require the approval of the Chief Harbor Engineer.

b) As warranted, appropriate air monitoring equipment (e.g., photoionization detector, combustible gas indicator, organic vapor analyzer, etc.) will be present during grading and/or excavation activities in soils that are suspected to be impacted with chemicals of concern and/or petroleum products.

c) Excavation of VOC-impacted soil will require obtaining and complying with a South Coast Air Quality Management District Rule 1166 permit.

d) The remedial option(s) selected will be dependent upon a number of criteria (including but not limited to types of chemical constituents, concentration of the chemicals, health and safety issues, time constraints, cost, etc.) and will be determined on a site-specific basis. Both off-site and on-site remedial options will be evaluated.

e) The extent of removal actions will be determined on a site-specific basis. At a minimum, the chemically impacted area(s) within the boundaries of the construction area will be remediated to the satisfaction of the lead regulatory agency for the site. The LAHD Project Manager overseeing removal actions will inform the contractor when the removal action is complete.

f) Copies of hazardous waste manifests or other documents indicating the amount, nature, and disposition of such materials will be submitted to the Chief Harbor Engineer within 30 days of project completion.

g) In the event that suspected contaminated soil is encountered, all onsite personnel handling the suspected contaminated material must be trained in accordance with the federal Hazardous Waste Operations and Emergency Response (HAZWOPER) standard. This training provides precautions and protective measures for workers remediating contaminated sites. Workers not certified with HAZWOPER training will not be allowed to resume work in suspected contaminated areas until appropriate site characterization confirms that contaminated soil, groundwater, or soil vapor are not present.

h) As warranted, real-time perimeter and ambient air monitoring stations will be established during all grading, excavation, trenching, and/or soil handling activities associated with contaminated soil.

i) All excavations will be filled with structurally suitable fill material that is free from contamination.

Rationale for Finding

The work plan submittal to the California State Fire Marshall, as outlined in MM GW-1c, would ensure that the fuel surge line be evaluated and excavated, drained of all fluids, cleaned, flushed, capped, and then properly disposed. These measures would reduce health and safety impacts from potential spills and hazardous materials exposure from the proposed Project, such that residual impacts would be less than significant. Additionally, implementation of BMPs and compliance with local, state, and federal requirements for the transport, handling and storage of hazardous materials during construction, demolition, and remediation would minimize the potential for an accidental release of petroleum products and/or hazardous materials and/or explosion during the construction/demolition activities.

Impact RISK-1b: Operation of the proposed Project would comply with applicable safety and security regulations and policies guiding development within the Port.

The operation of the proposed project would comply with applicable safety and security regulations and policies guiding Port development except that the proposed waterfront promenade would place the visiting public and recreational users (defined as vulnerable populations under the Port's Risk Management Plan (RMP)) in close proximity to Mike's fueling station. This placement would not comply with the RMP (Risk Management Plan) because it would place vulnerable resources near existing or approved facilities handling hazardous liquid bulk cargos. Therefore, the operation of the proposed Project would not comply with the RMP's applicable safety regulations and impacts would be significant under CEQA. These impacts would be mitigated to less-than-significant with the implementation of MM RISK-1.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Mitigation measure RISK-1 would reduce impacts to waterfront visitors to less-than-

significant by ensuring compliance with the RMP. These changes are set forth in Mitigation Measure RISK-1 discussed below.

> ***MM RISK-1. Removal of all hazardous materials with flashpoints below 140 degrees from Mike's fueling Station.*** *Mike's fueling station will cease to handle hazardous materials with flashpoints below 140 degrees per the letter sent from LAHD to Mike Albano dated June 16, 2008, regarding the successor permit to revocable permit No. 98-14 prior to the operation of the proposed waterfront promenade. Products with a flashpoint below 140 degrees will not be permitted within the project area (i.e., San Pedro Waterfront Project area). The successor permit to RP No. 98-14 to allow the operation for Mike's fueling station and continued lease of Mike's fueling station will only allow handling of products above said threshold. Prior to the operation of the waterfront promenade, Mike's fueling station will submit written confirmation identifying the complete removal of all hazardous materials on site with a flashpoint below 140 degrees as directed by the letter dated June 16, 2008. At the time of the written confirmation, Mike's fueling station will also provide copies all Material Safety Data Sheets (MSDS) for each product stored in bulk on site.*

Rationale for Finding

The restricted use of flashpoints below 140 degrees at Mike's Fueling Station would reduce health and safety impacts from potential hazardous materials exposure, such that residual impacts would be less than significant.

Impact RISK-5b: Operation of the proposed Project would not substantially increase the likelihood of an accidental spill, release, or explosion of hazardous materials as a result of modifications related to the proposed Project.

Although the proposed Project would increase the number of cruise terminals, cruise berths, and visiting cruise vessels to the Port, it would not substantially increase the likelihood of an accidental spill, release, or explosion of hazardous materials because the amount of hazardous substances associated with these things would remain substantially the same. Additionally, the proposed expansion of the square footage in the Ports O'Call area, including the addition of a conference center, would not substantially increase the likelihood of an accidental hazardous material spill, release, or explosion involving people or property. The amount of hazardous materials used at Ports O'Call under the proposed project remains substantially the same. Use of hazardous materials would continue to comply with applicable local, state and federal regulations under the proposed project and these project components would not substantially increase the likelihood of an accidental spill, release, or explosion of hazardous materials. The proposed project would also involve the removal of some of the industrial uses in the project area, which would reduce the potential for any of these sites to accidentally release, spill, or otherwise explode hazardous materials. The decommissioning of the Jankovich fueling station, which would be partially replaced with a new fueling station at Berth 240 would result in a reduced potential for an accidental release, spill, or explosion. The new fueling station would be built with more modern facilities that meet all current standards and requirements.

Mike's fueling station currently handles hazardous materials with a flashpoint below 140 degrees, which would result in significant explosion hazards to users of the proposed promenade.

Although the facility would continue to remain in its existing location, it would not continue to handle hazardous materials with flashpoints below 140 degrees per MM RISK-1.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. These changes are set forth in Mitigation Measure RISK-1 as discussed below.

> ***MM RISK-1. Removal of all hazardous materials with flashpoints below 140 degrees from Mike's fueling Station.*** *Mike's fueling station will cease to handle hazardous materials with flashpoints below 140 degrees per the letter sent from LAHD to Mike Albano dated June 16, 2008, regarding the successor permit to revocable permit No. 98-14 prior to the operation of the proposed waterfront promenade. Products with a flashpoint below 140 degrees will not be permitted within the project area (i.e., San Pedro Waterfront Project area). The successor permit to RP No. 98-14 to allow the operation for Mike's fueling station and continued lease of Mike's fueling station will only allow handling of products above said threshold. Prior to the operation of the waterfront promenade, Mike's fueling station will submit written confirmation identifying the complete removal of all hazardous materials on site with a flashpoint below 140 degrees as directed by the letter dated June 16, 2008. At the time of the written confirmation, Mike's fueling station will also provide copies all Material Safety Data Sheets (MSDS) for each product stored in bulk on site.*

Rationale for Finding

The restricted use of flashpoints below 140 degrees at Mike's Fueling Station would reduce health and safety impacts from potential hazardous materials exposure, such that residual impacts would be less than significant.

Land Use and Planning

As discussed in Section 3.8 of the EIS/EIR, there would be two significant impacts to Land Use and planning that would be mitigated to less than significant levels as a result of mitigation measures required in, or incorporated into, the Project. The impacts and mitigation measures are discussed below.

Impact LU-1: The proposed Project would be consistent with the adopted land use/density designation in the Community Plan, redevelopment plan, or specific plan for the site.

The proposed Project would locate the proposed waterfront promenade adjacent to Mike's fueling station, which stores and handles hazardous liquid bulk materials. This would be inconsistent with the objective of the RMP of the PMP to locate vulnerable populations away from hazardous facilities. This land use inconsistency could result in adverse physical environmental impacts to vulnerable populations (i.e., public recreators) should Mike's fueling station ever have an accidental release, spill, or explosion of the hazardous liquid bulk materials. Therefore, this land use inconsistency is a significant impact under CEQA.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. These changes are set forth in Mitigation Measure RISK-1 discussed below.

> ***MM RISK-1. Removal of all hazardous materials with flashpoints below 140 degrees from Mike's fueling Station.*** *Mike's fueling station will cease to handle hazardous materials with flashpoints below 140 degrees per the letter sent from LAHD to Mike Albano dated June 16, 2008, regarding the successor permit to revocable permit No. 98-14 prior to the operation of the proposed waterfront promenade. Products with a flashpoint below 140 degrees will not be permitted within the project area (i.e., San Pedro Waterfront Project area). The successor permit to RP No. 98-14 to allow the operation for Mike's fueling station and continued lease of Mike's fueling station will only allow handling of products above said threshold. Prior to the operation of the waterfront promenade, Mike's fueling station will submit written confirmation identifying the complete removal of all hazardous materials on site with a flashpoint below 140 degrees as directed by the letter dated June 16, 2008. At the time of the written confirmation, Mike's fueling station will also provide copies all Material Safety Data Sheets (MSDS) for each product stored in bulk on site.*

Rationale for Finding

The restricted use of flashpoints below 140°F at Mike's Fueling Station would reduce health and safety impacts from potential hazardous materials exposure from the proposed Project as such products would be less flamable. Therefore, this would be consistent with the objective of the RMP of the PMP to locate vulnerable populations away from hazardous facilities and would not result in adverse physical environmental impacts to vulnerable populations (i.e., public recreators) should Mike's fueling station ever have an accidental release, spill, or explosion of the hazardous liquid bulk materials.

Impact LU-2: The proposed Project would be consistent with the General Plan or adopted environmental goals or policies contained in other applicable plans.

The policy inconsistency between the proposed Project and the RMP of the PMP could result in a physical environmental impact (i.e., accidental explosion or release of hazardous materials from Mike's fueling station) that would affect vulnerable populations (e.g., visiting public, recreation). Therefore, this policy inconsistency is considered a significant impact under CEQA.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. These changes are set forth in Mitigation Measure RISK-1 discussed above under Impact RISK-1b and RISK-5b. This mitigation would reduce this impact to less-than-significant below.

> ***MM RISK-1. Removal of all hazardous materials with flashpoints below 140 degrees from Mike's fueling Station.*** *Mike's fueling station will cease to handle hazardous materials with flashpoints below 140 degrees per the letter sent from LAHD to Mike Albano dated June 16, 2008, regarding the successor permit to revocable permit No. 98-14 prior to the operation of the proposed waterfront promenade. Products with a flashpoint below 140 degrees will not be permitted within the project area (i.e., San Pedro Waterfront Project area). The successor permit to RP No. 98-14 to allow the operation for Mike's fueling station and continued lease of Mike's fueling station will only allow handling of products above said threshold. Prior to the operation of the waterfront promenade, Mike's fueling station will submit written confirmation identifying the complete removal of all hazardous materials on site with a flashpoint below 140 degrees as directed by the letter dated June 16, 2008. At the time of the written confirmation, Mike's fueling station will also provide copies all Material Safety Data Sheets (MSDS) for each product stored in bulk on site.*

Rationale for Finding

The restricted use of flashpoints below 140°F at Mike's Fueling Station would reduce health and safety impacts from potential hazardous materials exposure from the proposed Project as such products would be less flammable. Therefore, this would be consistent with the objective of the RMP of the PMP to locate vulnerable populations away from hazardous facilities and would not result in adverse physical environmental impacts to vulnerable populations (i.e., public recreation) should Mike's fueling station ever have an accidental release, spill, or explosion of the hazardous liquid bulk materials. Residual impacts would be less than significant.

Utilities and Public Services

As discussed in Section 3.13 of the EIS/EIR, there would be five significant impacts to Utilities and Public Services that would be mitigated to less than significant levels as a result of mitigation measures required in, or incorporated into, the Project. The impacts and mitigation measures are discussed below.

Impact PS-1: The proposed Project would not burden existing USCG, LAPD, or Port Police staff levels and facilities such that USCG, LAPD, or Port Police would not be able to maintain an adequate level of service without requiring construction of additional facilities that could cause significant environmental impacts.

Construction of the proposed Project would occur in phases over approximately six years. Each phase of construction would have multiple locations undergoing demolition or construction in the proposed Project area. Therefore, proposed Project construction could have temporary impacts on emergency access to portions of the proposed project area. These impacts would be significant under CEQA.

Finding

Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. These changes are set forth in Mitigation Measure MM PS-1 below. This mitigation reduces the proposed Project impacts to existing public services to less than significant.

> ***MM PS-1. Coordinate with law enforcement agencies.*** *LAHD will be required, pursuant to the Watch Manual, to coordinate with law enforcement agencies, during construction of all roadway improvements, to establish emergency vehicular access and ensure continuous law enforcement access to surrounding areas.*

Rationale for Finding

The Watch Manual and coordination with law enforcement will allow for law enforcement to know of LAHDs intended construction activities and require changes to the construction activities if warranted. Implementation of Mitigation Measure MM PS-1 will minimize or avoid potential conflicts between the construction of the proposed Project over the six year construction period and give law enforcement access to the proposed Project area. Therefore, MM PS-1 would reduce impacts to less than significant, such that residual impacts would be less than significant.

Impact PS-2: The proposed Project would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility to maintain service.

LAHD regularly coordinates with LAFD to review and comment on proposed project features affecting emergency access. The proposed Project would not increase the demand for fire services to a degree that would require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility to maintain service. However, project construction might temporarily impact LAFD emergency access to portions of the proposed project area; these impacts would be significant.

Finding

Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. These changes are set forth in Mitigation Measure MM PS-1 identified above under Impact PS-1. This mitigation would reduce the impacts of the proposed Project to existing public services to less-than-significant.

> ***MM PS-1. Coordinate with law enforcement agencies.*** *LAHD will be required, pursuant to the Watch Manual, to coordinate with law enforcement agencies, during construction of all roadway improvements, to establish emergency vehicular access and ensure continuous law enforcement access to surrounding areas.*

Rationale for Finding

The Watch Manual and coordination with law enforcement will allow for LAFD to know of LAHDs intended construction activities and require changes to the construction activities if warranted. Implementation of Mitigation Measure MM PS-1 will minimize or avoid potential conflicts between the construction of the proposed Project over the six year construction period and law enforcement access to the proposed Project area. Therefore, MM PS-1 would reduce impacts to less than significant, such that residual impacts would be less than significant.

Impact PS-3: The proposed Project would not require or result in the construction or expansion of utility lines that would cause significant environmental effects.

Proposed project construction and development may require upgrades and relocations of utility lines to provide for and adjust to the development of additional cruise berths in the Inner and Outer Harbors. This could reduce emergency access during construction. Furthermore, during any construction or upgrade associated with utilities, construction waste would be generated. Impacts would be significant.

Finding

Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. These changes are set forth in Mitigation Measure MM PS-1 as identified above under Impact PS-1 and Mitigation Measure MM PS-2 below. This mitigation would reduce proposed Project impacts to existing utilities to less-than-significant.

> ***MM PS-2: Recycle construction materials.*** *Demolition and/or excess construction materials will be separated on site for reuse/recycling or proper disposal. During grading and construction, separate bins for recycling of construction materials will be provided on site.*

Rationale for Finding

The Watch Manual and coordination with law enforcement will allow for LAFD to know of LAHD's intended construction activities and require changes to the construction activities, if warranted. Implementation of Mitigation Measure MM PS-1 will minimize or avoid potential conflicts between the construction of the proposed Project over the six year construction period and law enforcement access to the proposed Project area. Implementation of Mitigation Measure MM PS-2 would require construction materials to be separated and recycling sorting will be provided on site to reduce the amount of construction waste generated. Therefore, implementation of both mitigation measures would reduce impacts to less than significant, such that residual impacts would be less than significant.

Impact PS-4: The proposed Project has sufficient water supplies available to serve the project from existing entitlements and resources; it would not exceed wastewater requirements, require new wastewater treatment facilities, require new landfills, or exceed existing landfill capacities.

The proposed Project would result in an increased water demand from the baseline level of 165 acre-feet-per-year. However, this increase in demand would not negatively impact future supply. The April 2009 Water Supply Assessment created for the project found that the anticipated project water demand can be met during normal, single-dry, and multiple-dry water years through the year 2030 and within the UWMP's 25-year water demand growth projections

Proposed project-generated wastewater would constitute 1.1% of the TITP daily capacity, which exceeds the baseline levels of 0.9%. However, because the TITP currently operates at 55% capacity, these increases would be considered negligible. The proposed Project would not exceed the capacity of the TITP or conveyance system to accommodate anticipated increases. The minimal amount of increased wastewater generated by proposed project construction and operations would not exceed the 30-mgd capacity of the TITP or sewer trunk lines in the proposed project area. Therefore, impacts to wastewater would be less than significant under CEQA.

The amount of solid waste generated by construction activities would result in a substantial contribution to the solid waste stream, possibly contributing to the exceedance of solid waste facility capacities. Although hazardous materials could be encountered and require disposal during construction activities, several contaminated soil treatment and disposal options and Class I landfills are available for offsite disposal, providing adequate capacity. Solid waste generated during construction activities is not quantifiable and construction debris is one of the greatest individual contributors to solid waste capacity, impacts associated with solid waste generation during construction activities would be significant under CEQA.

Cruise ship onshore and offshore solid waste would generate 323 tons of solid waste per year for the interim year (2015) and 425 tons of solid waste per year for the build out year of 2037. This is an increase of 129 tons compared to the 2006 baseline level of 296 tons per year. At the current recycle diversion rate of 62%, this would represent a small increase to the permitted throughput at the Sunshine Canyon City/County Landfill from the baseline amounts. Furthermore, if the recycling goals of 70% diversion by 2015 and 100% diversion by 2030 are achieved, this percentage would be lower. The negligible increase in solid waste created by the

cruise ships, terminals, and promenade operations that would be diverted to the Sunshine Canyon City/County Landfill is considered less than significant under CEQA.

Finding

Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effects for construction solid waste identified in the Final EIR. Furthermore, the changes or alterations required in, or incorporated into the project that ensure less than significant environmental effects for solid waste generated by the operation of the proposed Project or water demand, remain less than significant. These changes are set forth in Mitigation Measure MM PS-2 as identified above under Impact PS-3 and Mitigation Measures PS-3, PS-4, PS-5 below. This mitigation would reduce the proposed Project's impacts to potable water, wastewater, and solid waste to less-than-significant.

MM PS-3: Use materials with recycled content. *Materials with recycled content, such as recycled steel from framing and recycled concrete and asphalt from roadway construction, will be used in project construction. Wood chippers registered through the California Air Resources Board's Portable Equipment Registration Program will be used on site during construction, using wood from tree removal, not wood from demolished structures, to further reduce excess wood for landscaping cover.*

MM PS-4: Comply with AB 939. *LAHD and Port tenants will implement a Solid Waste Management Program including the following measures to achieve a 50% reduction of current waste generation percentages by 2037 and ensure compliance with the California Solid Waste Management Act (AB 939).*

a. *Provide space and/or bins for storage of recyclable materials on the project site. All garbage and recycle bin storage space will be enclosed and plans will show equal area availability for both garbage and recycle bins in storage spaces.*

b. Establish a recyclable material pick-up area for commercial buildings.

c. Participate in a curbside recycling program to serve the new development.

d. Develop a plan for accessible collection of materials on a regular basis.

e. Develop source reduction measures that indicate the method and amount of expected reduction.

f. Implement a program to purchase materials that have recycled content for project construction and operation (e.g., lumber, plastic, office supplies).

g. Provide a resident-tenant/employee education pamphlet to be used in conjunction with available Los Angeles County and federal source reduction educational materials. The pamphlet will be provided to all commercial tenants by the leasing/property management agency.

h. Include lease language requiring tenant participation in recycling/waste reduction programs, including specification that janitorial contracts support recycling.

MM PS-5: Water Conservation and Wastewater Reduction. *LAHD and Port tenants will implement the following water conservation and wastewater reduction measures to further reduce impacts on water demand and wastewater flows.*

a. *The landscape irrigation system will be designed, installed, and tested to provide uniform irrigation coverage for each zone. Sprinkler head patterns will be adjusted to minimize overspray onto walkways and streets. Each zone (sprinkler valve) will water plants having similar watering needs (i.e., shrubs, flowers, and turf will not be in the same watering zone). Automatic irrigation timers will be set to water landscaping during early morning or late evening hours to reduce water losses from evaporation. Irrigation run times will be adjusted for all zones seasonally, reducing length and frequency of watering in the cooler months (i.e., fall, winter, spring). Adjust sprinkler timer run time to avoid water runoff, especially when irrigating sloped property. Sprinkler times will be reduced once drought-tolerant plants have been established.*

b. Drought-tolerant, low-water consuming plant varieties will be used to reduce irrigation water consumption.

c. Recycled water will be used for irrigation and toilet flushing (dual-flushing).

d. Ultra-low-flush toilets, ultra-low-flush urinals, and water-saving showerheads must be installed in both new construction and when remodeling. Low-flow faucet aerators will be installed on all sink faucets.

e. Significant opportunities for water savings exist in air conditioning systems that utilize evaporative cooling (i.e., employ cooling towers). LADWP will be contacted for specific information of appropriate measures.

f. Recirculating or point-of-use hot water systems will be installed to reduce water waste in long piping systems where water must be run for considerable period before heated water reaches the outlet.

Rationale for Finding

Implementation of Mitigation Measure MM PS-2 and MM PS-4 will require construction waste materials and operational waste materials to be separated and recycling on site to reduce the amount of construction and operation waste generated and entering landfills. Implementation of Mitigation Measure MM PS-3 will require the use of recycled materials during construction to further reduce the amount of construction waste associated with the proposed Project. Finally, implementation of Mitigation Measure MM PS-5 will require the use of recycled water and water conservation. These measures will ensure that water demand is low and there is sufficient water supply. Therefore, implementation of these mitigation measures would either keep impacts as less than significant or reduce impacts to less than significant, such that residual impacts would be less than significant.

Impact PS-5: The proposed Project would not require new, offsite energy supply and distribution infrastructure, or capacity-enhancing alterations to existing facilities that are not anticipated by adopted plans or programs.

Project operations would generate demands for electricity associated with commercial land uses, Waterfront Red Car Line, and cruise ships. The total electricity use for the proposed Project would be 72.96 to 73.09 million kWh per year in 2037. This is 12.89 to 13.02 million kWh per year more than the 2006 baseline demand (60.07 million kWh per year). The increased natural gas demand of 0.01% from baseline demand would not supersede project natural gas supply. LADWP's IRP anticipates load growth and plans new generating capacity or demand side management programs to meet load requirements for future customers. Additionally, the proposed Project would incorporate energy conservation measures in compliance with California's Building Code CCR Title 24 that requires energy efficiency standards for new construction, including requirements for new buildings, additions, alterations, and repairs to nonresidential buildings. Incorporation of these design standards, as required by state law, would reduce wasteful energy consumption. While incorporation of these design measures would reduce impacts related to reducing energy consumption, impacts would remain significant under CEQA.

Finding

Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effects identified in the Final EIR. These changes are set forth in Mitigation Measure MM PS-6 identified below. This mitigation would reduce the impacts of the proposed Project on energy to less-than-significant.

> ***MM PS-6: Employ energy conservation measures.*** *During the design process, LAHD will consult with LADWP's Efficiency Solutions Business Group regarding possible energy efficiency measures. LAHD and its tenants will incorporate measures to meet or, if possible, exceed minimum efficiency standards for Title XXIV of the California Code of Regulations, such as:*
>
> *a. Built-in appliances, refrigerators, and space-conditioning equipment will exceed the minimum efficiency levels mandated in the California Code of Regulations.*
>
> *b. High-efficiency air conditioning will be installed that is controlled by a computerized energy-management system in office and retail spaces and provides the following:*
>
> - *a variable air-volume system that results in minimum energy consumption and avoids hot water energy consumption for terminal reheat,*
> - *a 100% outdoor air-economizer cycle to obtain free cooling in appropriate climate zones during dry climatic periods,*
> - *sequentially staged operation of air-conditioning equipment in accordance with building demands,*
> - *the isolation of air conditioning to any selected floor or floors, and*

- *considers the applicability of the use of thermal energy storage to handle cooling loads.*

c. *Ventilation air will be cascaded from high-priority areas before being exhausted, thereby decreasing the volume of ventilation air required. For example, air could be cascaded from occupied space to corridors and then to mechanical spaces before being exhausted.*

d. *Lighting system heat will be recycled for space heating during cool weather. While exhaust lighting-system heat will be recycled from the buildings, via ceiling plenums, to reduce cooling loads in warm weather.*

e. *Low and medium static-pressure terminal units will be installed, as well as ductwork to reduce energy consumption by air-distribution systems.*

f. *Buildings must be well sealed to prevent outside air from infiltrating and increasing interior space-conditioning loads. Where applicable, design building entrances with vestibules to restrict infiltration of unconditioned air and exhausting of conditioned air.*

g. *A performance check of the installed space-conditioning system will be completed by the developer/installer prior to issuance or the certificate of occupancy to ensure that energy-efficiency measures incorporated into the proposed Project operate as designed.*

h. *Exterior walls will be finished with light-colored materials and high-emissivity characteristics to reduce cooling loads. Interior walls will be finished with light-colored materials to reflect more light and, thus increase light efficiency.*

i. *White reflective material will be used for roofing meeting California standards for reflectivity and emissivity to reject heat.*

j. *Thermal insulation that exceeds requirements established by the California Code of Regulations will be installed in walls and ceilings.*

k. *Window systems will be designed to reduce thermal gain and loss, thus reducing cooling loads during warm weather and heating loads during cool weather.*

l. *Heat-rejecting window treatments will be installed, such as films, blinds, draperies, or others on appropriate exposures.*

m. *Fluorescent and high-intensity discharge lamps that give the highest light output per watt of electricity consumed will be installed wherever possible, including all street and parking lot lighting, to reduce electricity consumption. Reflectors will be used to direct maximum levels of light to work surfaces.*

n. *Photosensitive controls and dimmable electronic ballasts will be installed to maximize the use of natural daylight available and reduce artificial lighting load.*

o. *Occupant-controlled light switches and thermostats to permit individual adjustment of lighting, heating, and cooling will be installed to avoid unnecessary energy consumption.*

p. *Time-controlled interior and exterior public area light will be installed, limited to that which is necessary for safety and security.*

q. Mechanical systems (HVAC and lighting) in the building will be controlled with timing systems to prevent accidental or inappropriate conditioning or lighting of unoccupied space.

r. Windowless walls or passive solar inset of windows will be incorporated, where feasible, in building design.

s. Project will focus pedestrian activity within sheltered outdoor areas.

Rationale for Finding

Implementation of Mitigation Measure MM PS-6 will require energy efficiency measures that reduce the overall energy demand of the proposed Project. This reduction in energy demand would reduce the proposed Project impacts to less than significant, such that residual impacts would also be less than significant.

Biological Resources

As discussed in Section 3.3 of the EIS/EIR, there would be three significant impacts to Biological resources that would be mitigated to less than significant levels as a result of mitigation measures incorporated into the Project. The impacts and mitigation measures are discussed below.

Impact BIO-1a: Construction of the proposed Project would not result in the loss of individuals, or the reduction of existing habitat, of a state- or federally listed endangered, threatened, rare, protected, candidate, or sensitive species or a species of special concern, or the loss of federally listed critical habitat.

Construction of the proposed Project could result in the loss of individuals, or the reduction of existing habitat, of a state- or federally listed endangered, threatened, rare, protected, candidate, or sensitive species or a species of special concern. In-water construction would cause localized activity, noise, and turbidity that may disrupt marine mammals, designated special aquatic sites such as eelgrass beds, and the special-status bird species' foraging activities and cause them to avoid the construction area during those activities. Proposed construction activities could affect nesting black-crowned night and great blue herons. Also, restoration of the salt marsh could cause turbidity that extends into the Outer Harbor, affecting foraging California least terns. Impacts such as these would be significant under CEQA. Significant impacts on sea lions, which are continuously present along the Main Channel, would result from pile-driving activities.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. This mitigation measure would fully offset the proposed project construction impacts to the biological resources discussed above, reducing these impacts to less than significant. These changes are set forth in Mitigation Measures BIO-1 through BIO-3 below:

MM BIO-1. Monitor and manage turbidity. *Although in-water activities and Promenade construction adjacent to and along Cabrillo Beach will not occur during the*

least tern nesting season (April through August), construction activities in this vicinity will be monitored for visible turbidity in shallow water adjacent to the San Pedro de Salinas Salt Marsh to prevent adverse impacts to eelgrass growth and survival and least tern foraging habitat. This requirement will be monitored by the qualified biologist and will be based on visually observed differences between ambient surface water conditions and any dredging turbidity plume. The biologist will report to the LAHD construction manager and environmental manager, the USACE Regulatory Division, and CDFG/USFWS any turbidity from project construction activities that enter the shallow-water area outside of the salt marsh. Dredging activities will be modified in consultation with CDFG/USFWS. Corrective measures could include using a different dredge bucket to reduce water entrainment, installation of a floating silt curtain to contain turbid water, or other measures.

MM BIO-2. Conduct nesting bird surveys. *This measure applies if construction is to occur between February 15 and September 1. Prior to ground-disturbing activities, a qualified biologist will conduct surveys for the presence of black-crowned night herons, blue herons, and other nesting birds within Berth 78–Ports O'Call or other appropriate and known locations within the study area that contain potential nesting bird habitat. Surveys will be conducted 24 hours prior to the clearing, removal, or grubbing of any vegetation or ground disturbance. If active nests of species protected under the MBTA and/or similar provisions of the California Fish and Game Code (i.e., native birds including but not limited to the black-crowned night heron) are located, then a barrier installed at a 50–100 foot radius from the nest(s) will be established and the tree/location containing the nest will be marked and will remain in place and undisturbed until a qualified biologist performs a survey to determine that the young have fledged or the nest is no longer active.*

> ***MM BIO-3. Avoid marine mammals.*** *The contractor shall be required to use sound abatement techniques to reduce both noise and vibrations from pile driving activities. Sound abatement techniques shall include, but are not limited to, vibration or hydraulic insertion techniques, drilled or augured holes for cast-in-place piles, bubble curtain technology, and sound aprons where feasible. At the initiation of each pile driving event, and after breaks of more than 15 minutes the pile driving shall also employ a "soft-start" in which the hammer is operated at less than full capacity (i.e., approximately 40–60% energy levels) with no less than a 1-minute interval between each strike for a 5-minute period.*

Although it is expected that marine mammals will voluntarily move away from the area at the commencement of the vibratory or "soft start" of pile driving activities, as a precautionary measure, pile driving activities occurring within the Outer Harbor will include establishment of a safety zone, and the area surrounding the operations will be monitored by a qualified marine biologist for pinnipeds. As the disturbance threshold level sound is expected to extend at least 1,000 feet from the steel pile driving operations, a safety zone will be established around the steel pile driving site and monitored for pinnipeds within a 1,200-foot-radius safety zone around the pile. As the steel pile driving site will move with each new pile, the 1,200-foot safety zone will move accordingly. Observers on shore or by boat will survey the safety zone to ensure that no marine mammals are seen within the zone before pile driving of a steel pile segment begins. If marine mammals are found within the safety zone, pile driving of the segment will be delayed until they move out of the area. If a marine mammal is seen above water and then dives below, the contractor will wait at least 15 minutes, and if no marine mammals

are seen, it may be assumed that the animal has moved beyond the safety zone. This 15-minute criterion is based on a study indicating that pinnipeds dive for a mean time of 0.50 minutes to 3.33 minutes; the 15-minute delay will allow a more than sufficient period of observation to be reasonably sure the animal has left the project vicinity.

If pinnipeds enter the safety zone after pile driving of a segment has begun, pile driving will continue. The biologist will monitor and record the species and number of individuals observed, and make note of their behavior patterns. If the animal appears distressed, and if it is operationally safe to do so, pile driving will cease until the animal leaves the area. Pile driving cannot be terminated safely and without severe operational difficulties until reaching a designated depth. Therefore, if it is deemed operationally unsafe by the project engineer to discontinue pile driving activities, and a pinniped is observed in the safety zone, pile driving activities will continue until the critical depth is reached (at which time pile driving will cease) or until the pinniped leaves the safety zone. Prior to the initiation of each new pile driving episode, the area will again be thoroughly surveyed by the biologist.

Rationale for Finding

Water turbidity monitoring during construction, as outlined in MM BIO-1, and implementation of bird surveys for potentially sensitive bird habitat, as outlined in MM BIO-2, as well as the inclusion of monitored safety zone for marine mammals in MM BIO-3 would reduce sensitive species impacts from construction and pile driving impacts such that residual impacts would be less than significant.

Impact BIO-4a: Dredging, filling, and wharf construction activities for the proposed Project would not substantially disrupt local biological communities.

Construction activities in the study area would cause short-term and locally significant impacts on individuals (e.g. birds, marine mammals, and fish including those with designated EFH). Permanent impacts to mudflat habitat at Berth 78–Ports O'Call and at the inlet to the Salinas de San Pedro Salt Marsh, as well as eelgrass impacts associated with groin placement and lowering the elevation of the salt marsh, would be significant prior to mitigation. Additionally, contaminated sediments released during dredging could adversely affect aquatic organisms if toxic substances are present in sediments and if those sediments are suspended in the water column during dredge activities or when disposed of at a marine disposal site. Impacts such as these would be significant under CEQA.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. These mitigation measures would fully offset the proposed project impacts associated with dredging, filling, and wharf construction to biological communities, and would reduce these impacts to less than signficant. These changes are set forth in Mitigation Measures BIO-1 through BIO-6. Mitigation Measure BIO-1 through BIO-3 have been previously described above in Impact Bio-1a, Mitigation Measure MM BIO-4 through MM BIO-6 is below:

MM BIO-4. Enhance and expand Salinas de San Pedro Salt Marsh. *To mitigate impacts associated with shading of the 0.175-acre mudflat habitat at Berth 78–Ports O' Call, shading created by the installation of the promenade at the inlet to the Salinas de San Pedro Salt Marsh, 0.07-acre impact to eelgrass, and 0.04-acre impact to mudflat habitat from placement of the rock groin, LAHD will expand the mudflat and salt marsh habitat and reestablish eelgrass within Salinas de San Pedro Salt Marsh in accordance with the Southern California Eelgrass Mitigation Policy. It is anticipated that construction activities in this portion of the project area will begin shortly after the least tern nesting season concludes at the end of August. A pre-construction eelgrass survey would be conducted following the least tern nesting season, which concludes at the end of August (likely in September or October), prior to commencement of construction activities in the vicinity of Cabrillo Beach and the salt marsh habitat. Surveys for eelgrass would be conducted during eelgrass growing season (March-October) and results would be valid for 60 days, unless completed in September or October, then results are valid until resumption of next growing season. It is anticipated that the mudflat area within the salt marsh will be increased approximately 0.56 acre converting only upland areas to do so and that eelgrass habitat will be reestablished within the salt marsh with no net loss. These improvements will occur by recontouring the side slopes to increase mudflat area, removing the rocksill within the inlets, removing nonnative vegetation, removing the rock-sloped island within the marsh, lowering the elevation of the salt marsh, and constructing a rock groin at the marsh inlet to block littoral sediment from entering the marsh. Figure 3.3-5 illustrates the proposed improvements to the salt marsh.*

MM BIO-5. Prepare a habitat mitigation and monitoring plan. *A habitat mitigation and monitoring plan (HMMP) will be developed in coordination with NMFS and other regulatory agencies to detail the Salinas de San Pedro Salt Marsh expansion and enhancements and will include the following performance measures: 1) eelgrass, pickleweed, cord grass, and other native species present will be salvaged prior to construction and placed in a nursery for replanting post-restoration; 2) salvaged plants will be replanted at appropriate tidal elevations; 3) sediments removed from the salt marsh will be disposed of at LAHD's upland disposal site at Anchorage Road (see Section 3.14, "Water Quality, Sediments, and Oceanography"); 4) turbidity will be monitored in accordance with Mitigation Measure MM BIO-1 so that nearby eelgrass and mudflat habitat is protected during restoration activities; and 5) an eelgrass survey shall be conducted 30 days following construction; and 6) at the completion of expansion and enhancement activities, the salt marsh and associated mudflat will be monitored by a qualified restoration ecologist at Years 1, 2, 3, 5, 7, 8, and 10 to ensure performance standards are met and that restored areas, including eelgrass and a minimum of 0.22 acre of created mudflat, are self-sustaining by Year 5.*

MM BIO-6. Dispose sediment*. Prior to dredging, sediments will be tested for contaminants and if found to meet the sediment quality and quantity criteria for disposal would be beneficially reused if an appropriate site was identified. If no feasible reuse site is available for uncontaminated sediment disposal, marine disposal would occur. Depending on the test results, sediments will be disposed of at a pre-approved ocean disposal site (LA-2, LA-3), a contained disposal facility in the harbor, or an approved upland location such as the Port's Anchorage Road Soil Storage Site. Disposal in-harbor will only occur if an acceptable disposal site is identified and permitted by the USACE (under Section 404 of the federal CWA). At this time, no in-harbor disposal is foreseeable for the San Pedro Waterfront dredged sediments.*

Rationale for Finding

Mitigation Measures MM BIO-1 through MM BIO-5, which include avoidance components, would reduce impacts to sensitive species and habitats to less-than-significant levels. MM BIO-6 would ensure that sediments from dredging are disposed of properly. The implementation of these mitigation measures would reduce impacts to less than significant, such that residual impacts would be less than significant.

Impact BIO-2b: Operation of the proposed Project would not result in a substantial reduction or alteration of a state-, federally, or locally designated natural habitat, special aquatic site, or plant community, including wetlands.

The salt marsh promenade would shade portions of the non-vegetated entrance to the Salinas de San Pedro Salt Marsh and potentially small portions of the vegetated salt marsh habitat. Because the promenade would be elevated 18 feet and would be 30 feet wide, shading occurrences in any one area would be brief and are not anticipated to alter the vegetation. The proposed project would permanently shade 0.175 acres of mudflat habitat located at Berth 78–Ports O'Call and would cover 0.04 acres of mudflat at the Salinas de San Pedro salt marsh with a rock groin. The shading and covering of this special aquatic habitat would severely impair its existing value. Therefore, impacts associated with operation of the waterfront promenade over the 0.175-acre mudflat located at Berth 78–Ports O'Call and the 0.04-acre mudflat area at the entrance to the salt marsh would be significant.

Finding

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. This mitigation would fully offset the operational impacts of the proposed project to existing mudflat habitat such that impacts would be less than significant. These changes are set forth in Mitigation Measures MM BIO-4 and BIO-5 described below.

> ***MM BIO-4. Enhance and expand Salinas de San Pedro Salt Marsh.*** *To mitigate impacts associated with shading of the 0.175-acre mudflat habitat at Berth 78–Ports O' Call, shading created by the installation of the promenade at the inlet to the Salinas de San Pedro Salt Marsh, 0.07-acre impact to eelgrass, and 0.04-acre impact to mudflat habitat from placement of the rock groin, LAHD will expand the mudflat and salt marsh habitat and reestablish eelgrass within Salinas de San Pedro Salt Marsh in accordance with the Southern California Eelgrass Mitigation Policy. It is anticipated that construction activities in this portion of the project area will begin shortly after the least tern nesting season concludes at the end of August. A pre-construction eelgrass survey would be conducted following the least tern nesting season, which concludes at the end of August (likely in September or October), prior to commencement of construction activities in the vicinity of Cabrillo Beach and the salt marsh habitat. Surveys for eelgrass would be conducted during eelgrass growing season (March-October) and results would be valid for 60 days, unless completed in September or October, then results are valid until resumption of next growing season. It is anticipated that the mudflat area within the salt marsh will be increased approximately 0.56 acre converting*

only upland areas to do so and that eelgrass habitat will be reestablished within the salt marsh with no net loss. These improvements will occur by recontouring the side slopes to increase mudflat area, removing the rocksill within the inlets, removing nonnative vegetation, removing the rock-sloped island within the marsh, lowering the elevation of the salt marsh, and constructing a rock groin at the marsh inlet to block littoral sediment from entering the marsh. Figure 3.3-5 illustrates the proposed improvements to the salt marsh.

MM BIO-5. Prepare a habitat mitigation and monitoring plan. *A habitat mitigation and monitoring plan (HMMP) will be developed in coordination with NMFS and other regulatory agencies to detail the Salinas de San Pedro Salt Marsh expansion and enhancements and will include the following performance measures: 1) eelgrass, pickleweed, cord grass, and other native species present will be salvaged prior to construction and placed in a nursery for replanting post-restoration; 2) salvaged plants will be replanted at appropriate tidal elevations; 3) sediments removed from the salt marsh will be disposed of at LAHD's upland disposal site at Anchorage Road (see Section 3.14, "Water Quality, Sediments, and Oceanography"); 4) turbidity will be monitored in accordance with Mitigation Measure MM BIO-1 so that nearby eelgrass and mudflat habitat is protected during restoration activities; and 5) an eelgrass survey shall be conducted 30 days following construction; and 6) at the completion of expansion and enhancement activities, the salt marsh and associated mudflat will be monitored by a qualified restoration ecologist at Years 1, 2, 3, 5, 7, 8, and 10 to ensure performance standards are met and that restored areas, including eelgrass and a minimum of 0.22 acre of created mudflat, are self-sustaining by Year 5.*

Rationale for Finding

With implementation of Mitigation Measures MM BIO-4 and MM BIO-5, the 0.175-acre mudflat located at Berth 78–Ports O'Call and the 0.04-acre mudflat area at the entrance to salt marsh would be replaced in-kind at the Salinas de San Pedro Salt Marsh. There would be an overall increase in the amount of salt marsh area and quality within the study area due to the proposed expansion and enhancements to the salt marsh and associated mudflat habitat. This includes the proposed 0.56 acre of new mudflat area through excavation of existing littoral sediments. The new mudflat area would have higher functional capacity than the 0.175-acre area at Berth 78–Ports O'Call as a result of its association with adjacent restored salt marsh and upland habitat location, which is well away from a heavily utilized retail/commercial area and in proximity to increased Outer Harbor water quality. There would be a net gain in salt marsh and mudflat functions and no loss of mudflat habitat; therefore, long-term impacts on mudflat and salt marsh habitat would be less than significant.

Additionally, proposed harbor cuts would create additional open water area that would provide a small, incremental increase in EFH until such time that mitigation credits are utilized for future Port fills.

Ground Transportation and Circulation

As discussed in Section 3.11 of the Draft EIS/EIR, there would be five significant impacts to Ground Transportation and Circulation that would be mitigated to less than significant levels as a result of mitigation measures incorporated into the Project. The impacts and mitigation measures are discussed below.

Impact TC-1: Construction of the proposed Project would not result in a significant short-term, temporary increase in construction-related truck and auto traffic, decreases in roadway capacity, and disruption of vehicular and nonmotorized travel.

Proposed project construction would result in a temporary increase in traffic volumes and a decrease in roadway capacity due to temporary lane closures. The following impacts could result from the proposed Project.

- Reduced roadway capacity and an increase in construction-related congestion could result in temporary localized increases in traffic congestion that exceed applicable LOS standards,
- Construction activities could disrupt existing transit service in the proposed project vicinity. Impacts may include temporary route detours, reduced or no service to certain destinations, or service delays.
- Construction activities would increase parking demand in the proposed project vicinity and could result in parking demand exceeding the available supply.
- Construction activities would disrupt pedestrian and bicycle travel. Impacts include temporary sidewalk or roadway closures that would create gaps in pedestrian or bicycle routes and interfere with safe travel.
- Construction activities would increase the mix of heavy construction vehicles with general purpose traffic. Impacts include increase in safety hazards due to a higher proportion of heavy trucks.

The impact of construction-generated traffic on transportation operations and safety is considered significant under CEQA.

Finding

Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. These changes are set forth in mitigation measure MM TRANS-1 below. This mitigation would reduce proposed Project construction traffic impacts to less-than-significant.

MM TC-1: Develop and implement a Traffic Control Plan throughout proposed project construction*. In accordance with the City's policy on street closures and traffic diversion for arterial and collector roadways, the construction contractor will prepare a traffic control plan (to be approved by the city and county engineers) before construction. The traffic control plan will include:*

- *a street layout showing the location of construction activity and surrounding streets to be used as detour routes, including special signage;*
- *a tentative start date and construction duration period for each phase of construction;*
- *the name, address, and emergency contact number for those responsible for maintaining the traffic control devices during the course of construction; and*
- *written approval to implement traffic control from other agencies, as needed.*

Additionally, the traffic control plan will include the following stipulations.

- *Provide access for emergency vehicles at all times.*
- *Avoid creating additional delay at intersections currently operating at congested conditions, either by choosing routes that avoid these locations, or constructing during nonpeak times of day.*
- *Maintain access for driveways and private roads, except for brief periods of construction, in which case property owners will be notified.*
- *Provide adequate off-street parking areas at designated staging areas for construction-related vehicles.*
- *Maintain pedestrian and bicycle access and circulation during proposed project construction where safe to do so. If construction encroaches on a sidewalk, a safe detour will be provided for pedestrians at the nearest crosswalk. If construction encroaches on a bike lane, warning signs will be posted that indicate bicycles and vehicles are sharing the roadway.*
- *Traffic controls may include flag persons wearing Occupational Safety and Health Administration–approved vests and using a "Stop/Slow" paddle to warn motorists of construction activity.*
- *Maintain access to Metro, LADOT, MAX, PVPTA, and LAHD transit services and ensure that public transit vehicles are detoured.*
- *Post standard construction warning signs in advance of the construction area and at any intersection that provides access to the construction area.*
- *Construction warning signs will be posted, in accordance with local standards or those set forth in the Manual on Uniform Traffic Control Devices (Federal Highway Administration 2001) in advance of the construction area and at any intersection that provides access to the construction area.*
- *During lane closures, notify LAFD and LAPD, as well as the Los Angeles County Sheriff's and Fire Departments, of construction locations to ensure that alternative evacuation and emergency routes are designed to maintain response times during construction periods, if necessary.*
- *Provide written notification to contractors regarding appropriate routes to and from construction sites, and weight and speed limits for local roads used to access construction sites. Submit a copy of all such written notifications to the City of Los Angeles Planning Department.*

- *Repair or restore the road right-of-way to its original condition or better upon completion of the work.*

Rationale for Finding

Implementation of Mitigation Measure MM TC-1 would reduce traffic impacts during construction by maintaining access, minimizing construction-related traffic delays on the most heavily travelled roadways, and providing public awareness of expected delays that may occur. By implementing this mitigation, decreases in roadway capacity and disruption of vehicular and non-motorized travel would be reduced to less than significant, such that residual impacts would be less than significant.

Impact TC-4: Proposed Project operations would not result in a violation of the City's adopted parking policies and parking demand would not exceed supply.

The alignment of the Waterfront Red Car expansion could result in loss of available parking. The southern portion of the proposed Cabrillo Beach Red Car extension is proposed within the parking lot serving the Cabrillo Marine Aquarium and Cabrillo Beach. The affected areas of the parking lot would need to be reconfigured to accommodate the streetcar, avoiding the potential for parked cars to overhang onto the rail line and to ensure that the Waterfront Red Car has adequate clearance to operate safely. The loss of parking resulting from reconfiguration of the parking lot to accommodate the Waterfront Red Car extension is significant under CEQA.

Finding

Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. These changes are set forth in MM TC-15a to TC-15c below. This mitigation would reduce proposed Project construction traffic impacts to less-than-significant.

MM TC 15-a. *Offset loss of parking through reconfiguration or expansion of parking elsewhere in the vicinity.*

Or,

MM TC 15-b. *Design the southern portion of this extension to minimize disruption to the existing parking lots.*

Or,

MM TC 15-c. *Align the southern segment of the Cabrillo Beach extension behind the Cabrillo Marine Aquarium to avoid or minimize conflicts with the existing parking lots in the area.*

Rationale for Finding

Implementation of Mitigation Measure TC-15a, –b, or –c would require the replacement of any parking loss associated with the expansion of the Waterfront Red Car Line. Replacing any loss of parking associated with the expansion of the Waterfront Red Car Line will ensure

that the parking demand would not exceed the supply. These requirements would reduce impacts to less than significant, such that residual impacts would be less than significant.

Impact TC-5a: The alignment of the Waterfront Red Car expansion for the proposed Project would not increase potential conflict with vehicles at cross streets.

The realignment and extension of the Waterfront Red Car line would create numerous new grade crossings where the Waterfront Red Car tracks would cross surface streets at existing or new intersections, thereby mixing with vehicular traffic and pedestrians, resulting in potential safety hazards. The overall system would be 4.6 miles long and would include 16 new or relocated stations. The plans for this component of the proposed Project are at the conceptual stage. The traffic study prepared for this proposed Project identifies several areas in which potential conflicts (i.e., collisions, vehicles blocking tracks, delays in vehicle traffic and/or Waterfront Red Car progression) could occur with vehicles or pedestrians. Therefore, vehicular and pedestrian safety hazards associated with the Waterfront Red Car expansion at cross street locations are significant under CEQA.

Finding

Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. Mitigation Measures MM TC-16, 17, 18, 19a, 19b, TC-20, and TC-21 below will be implemented to address cross street impacts associated with the Waterfront Red Car line expansion. This mitigation would reduce proposed Project impacts due to conflicts with vehicles at cross streets to less-than-significant.

MM TC-16. Install a signal at the intersection of Harbor Boulevard and 3rd Street.

MM TC-17. Ensure that traffic signals at cross street locations have protected left-turn phases and, potentially, active "No Right Turn" signs to allow these movements from streets parallel to the tracks to be held when a train is approaching or present.

MM TC-18. Provide traffic control on approach streets to rail line to prevent motorists from stopping on tracks. *On the streets that approach the rail line perpendicularly, such as 1st Street, 5th Street, 6th Street, or Miner Street, the stop bars and vehicle detection loops on the intersection legs where the rail line will be placed in advance of the tracks to prevent motorists from stopping on the tracks. During final design, the LAHD may also consider installing automatic crossing gates to fully protect the crossings that lie adjacent to parallel streets.*

MM TC-19-a. Prohibit left turns across tracks on existing and proposed streets and proposed driveways that cross the tracks.

Or,

MM TC-19-b. Reduce streetcar operating speeds along streets where existing and proposed driveways serve the adjacent uses and install appropriate active warning signs or other devices to alert motorists to the possible presence of oncoming streetcars.

MM TC-20. Combine lower levels of proposed parking structures to reduce potential conflict points along Sampson Way. *Locate a main access to the surface parking lots on the east side of Sampson Way to create a four-legged intersection there, and install a signal at this location to reduce conflicts by providing only one point of ingress/egress to the multiple parking structures.*

MM TC-21. Signalize the reconfigured intersection of Signal Street/Sampson Way.

Rationale for Finding

These mitigation measures would provide appropriate and explicit signage, reduction of speeds, and prohibition of vehicular access for some lanes. These measures will slow down the traffic on streets that cross the Red Car Line and ensure safer crossing by controlling the procession of vehicles and pedestrians through the intersections. Implementation of the Mitigation Measures TC-16, TC-19b, and TC-21 would reduce conflicts between pedestrians and the Waterfront Red Car line. Implementation of the Mitigation Measures TC-17, TC-18, TC-19a, and TC-20 would reduce potential conflicts between vehicles and the Waterfront Red Car line. Therefore, impacts would be reduced to less than significant, such that residual impacts would be less than significant.

Impact TC-5b: The alignment of the Waterfront Red Car expansion for the proposed Project would not increase potential conflict at track crossovers where the rail would transition between center-running and side-running.

The proposed Waterfront Red Car alignment includes several locations where the tracks would cross over the adjoining streets. These would occur on Sampson Way near 13th Street and at Signal Way; on Signal Way itself; and at the intersections of Miner Street and Sampson Way/22nd Street, and Via Cabrillo Marina and 22nd Street. The potential conflict of the Waterfront Red Car expansion with vehicles at track crossovers would potentially increase collisions with vehicular traffic or indirectly cause vehicular accidents. Impacts are considered significant under CEQA.

Finding

Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. Mitigation Measures MM TC-22 and MM TC-23 below will be implemented during the final design of the Waterfront Red Car line to address crossover impacts. This mitigation would proposed Project impacts due to conflicts at track crossovers to less-than-significant.

MM TC-22. Install half-signals at two proposed track crossovers located along Sampson Way and retime signals at the proposed track crossovers on 22nd Street at Miner Street and at Via Cabrillo Marina. *At locations where detailed design determines it necessary, retime traffic signals to include a street car phase for turning and crossing streetcars and provide transit signal priority phasing. At the intersection of 22nd Street and Via Cabrillo Marina, provide for train movements to coincide with the westbound left-turn and northbound right-turn movements*

MM TC-23. Install a half-signal at the proposed track crossover on the City Dock No. 1 extension that would occur south of the proposed Mid-Point Station.

Rationale for Finding

Implementation of the mitigation measures TC-22 and TC-23 would minimize or avoid potential conflicts between the Waterfront Red Car line and vehicles at crossovers by providing additional traffic controls. This additional control includes providing a traffic signal for street car turning and crossing, which will ensure the street cars can safely cross the track during center-running and side-running transitions. Therefore, impacts would be reduced to less than significant, and residual impacts would be less than significant.

Impact TC-5c: The Waterfront Red Car expansion for the proposed Project would not result in increased pedestrian conflicts at stations.

An increased number of Red Car Line stations and level of pedestrian activity associated with the stations and the new pedestrian bridge also increases the number of places where pedestrians and vehicles may mix, and thus increases potential safety conflict points for pedestrians. Additionally, increased pedestrian activity throughout the proposed project area could potentially conflict with the Waterfront Red Car at other locations throughout the route where there are no planned designated crossings. Increased pedestrian conflict points resulting from the Waterfront Red Car expansion would be significant under CEQA.

Finding

Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. These changes are set forth in Mitigation Measure MM TC-24, TC-25, and TC-26 below. This mitigation would reduce proposed Project impacts to pedestrians to less-than-significant.

MM TC-24. Design pavement markings and signage in station areas to clearly direct pedestrians to the desired routes.

MM TC-25. Construct new sidewalks to allow for the orderly movement of pedestrians.

MM TC-26. Shift the location of the main Ports O' Call surface parking lot driveway to a point north of this station to improve pedestrian safety there. *Place the main Ports O' Call surface parking lot driveway opposite one of the driveways serving the proposed parking structure on the west side of Sampson Way. Within the Ports O' Call surface parking lots, provide clear pedestrian paths from the foot of the proposed pedestrian bridge.*

Rationale for Finding

Implementation of the mitigation measures above would minimize or avoid potential conflicts between the Waterfront Red Car and pedestrians by providing additional cautionary treatments and organized pedestrian movements. Clearly marked pedestrian pathways and new sidewalks will ensure pedestrians have a safe and orderly method of travel throughout the project site. Having clearly marked pedestrian routes decreases the potential for pedestrian conflicts with vehicles because it provides a separate and known path for

pedestrians, keeping pedestrians out of vehicle lanes and intersections. Impacts would be reduced to less than significant, and as such, residual impacts would be less than significant.

Significant and Unavoidable Environmental Impacts That Cannot Be Reduced to a Less-Than-Significant Level

Unavoidable Significant Impacts The EIS/EIR concludes that unavoidable significant impacts to the following environmental resources would occur if the proposed project were implemented.

- Aesthetics
- Air Quality and Meteorology
- Biological Resources
- Geology
- Noise
- Recreation
- Ground Transportation and Circulation
- Water Quality Sediments and Oceanography

. Attachment 1 contains a list of comments received on the Draft EIS/EIR that contain suggested mitigation measures and/or alternatives suggested to reduce or further reduce significant impacts. The discussion below refers to Attachment 1 and indicates whether the proposed mitigation measure and/or alternative has been added to the Final EIR and/or required in, or incorporated into, the Project. The Board has determined that certain proposed mitigation measures and/or alternatives are infeasible in light of specific economic, legal, social, technological, and other considerations and, therefore, have not been required in, or incorporated into, the Project. The evidence of such infeasibility is explained below within the discussions of the significant impacts for which the measures and/or alternatives were suggested. The Board hereby finds that the significant impacts of the proposed Project would be remain significant and unavoidable, as presented below.

Aesthetics

As discussed in Section 3.1 of the Draft EIS/EIR, there would be one unavoidable significant impact to Aesthetics related to operation as a result of the proposed Project. The impacts and mitigation measures are discussed below.

Impact AES-1: The proposed Project would result in an adverse effect on a scenic vista from a designated scenic resource due to obstruction of views.

Under the proposed Project, Berths 91–93 would provide a total of approximately 4,600 parking spaces in a combination of surface and structured parking areas. Two proposed multi-tiered parking structures would be developed at the existing Cruise Center that would cover a footprint

of approximately 9.1 acres within the project site. The structures would be sited at 45° angles to Harbor Boulevard to preserve view corridors at O'Farrell, Santa Cruz, and 1st Streets while meeting the parking requirements for the cruise terminals. Each would comprise four levels. Both structures would stair-step back from Harbor Boulevard, starting at two levels (22 feet high) adjacent to Harbor Boulevard, increasing to three levels (32 feet high), and ultimately to four levels (42 feet high) closest to the Main Channel.

The Draft EIS/EIR/EIS selected a view-point from the 200 block of south Harbor Boulevard to the site of the proposed parking structures. This segment of Harbor Boulevard has been locally designated a scenic highway by the City of Los Angeles. By definition, views from a locally designated scenic roadway are highly sensitive. In particular, this street segment provides motorists and adjacent residents with views of the historic Vincent Thomas Bridge, which has been named by the City of Los Angeles as its official welcoming monument and as the gateway to the Port of Los Angeles. The creative use of decorative nighttime lighting across the bridge is also an attraction. Sensitive viewers traveling this roadway would include local residents, who are highly familiar with this view of the Vincent Thomas Bridge as a local visual landmark, and tourists who are apt to appreciate views to the bridge because of its historic and functional value within the overall visual context of the Port.

A wireframe study was developed to model views to the Vincent Thomas Bridge from Harbor Boulevard with the proposed Inner Harbor parking structures in place. The wireframe study identified a mass blocking of views to the Vincent Thomas Bridge along approximately 1,440 feet of Harbor Boulevard from 1st Street past O'Farrell Street. These views would be blocked from a locally designated scenic highway. Therefore, impacts would be significant under CEQA.

Finding

The Draft EIS/EIR discussed the significant and unavoidable impacts to Aesthetics that would result due to the Inner Harbor Parking Structure associated with the proposed project (Impact AES-1). There are no feasible mitigation measures to implement which would substantially lessen aesthetic impacts to the Vincent Thomas Bridge caused by the Inner Harbor Parking Structures. Therefore, the Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce impacts to less than significant, as explained below.

Rationale for Finding

The only way to fully mitigate the aesthetic impact to the Vincent Thomas Bridge would be to reduce the size of the parking structures; however this would result in failing to meet City of Los Angeles parking requirements. A reduction in the height of the proposed structures, partial subterranean construction, or a reduced footprint could offer opportunities to maintain views; however, all of these options reduce the number of parking spaces such that the proposed Project would not meet parking requirements. Consequently, no mitigation is available and impacts would remain significant and unavoidable. The discussion below includes additional information on aesthetics issues raised in comments on the Draft EIS/EIR.

Public Comment:

No public comments were received on the Draft EIS/EIR proposing feasible mitigation measures or alternatives to reduce Impact AES-1. A comment from the Coastal San Pedro Neighborhood Commission suggested several alternative locations for parking in order to retain waterfront views. (See FEIR Ch. 2, Comment CSPNC1-5.) The comment suggested providing a multi-level parking structure at the Boys and Girls Club parking lot, Caltrans's Beacon Street lot, or at one of the community Redevelopment Agency's lots downtown. These alternative locations are outside LAHD's jurisdiction and therefore cannot be considered as part of the proposed project. These locations are therefore infeasible.

Air Quality

As discussed in Section 3.2 of the Draft EIS/EIR, there would be six unavoidable significant impacts to air quality and meteorology related to construction and operation as a result of the proposed Project. The impacts and mitigation measures are discussed below.

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

Peak daily construction emissions associated with the proposed Project would exceed the daily construction emission thresholds for VOC, CO, NO_X, PM10, and PM2.5 during the construction period. Therefore, significant impacts under CEQA would occur for VOC, CO, NO_X, PM10, and PM2.5.

Finding

The EIS/EIR discussed impacts to regional air quality that would result during construction activities associated with the proposed project (Impact AQ-1). Implementation of mitigation measures would substantially lessen emissions from criteria pollutants associated with construction of the proposed Project, as listed in Table 2. Therefore, the Board hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. However, emissions of VOC, CO, NOX, PM10, and PM2.5 during construction would remain significant under CEQA. In the Final EIR, AQ-5 was amended to further reduce construction emissions. Incorporation of these mitigation measures, however, would still not reduce construction emissions below significance. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives, however, as explained below.

MM AQ-1. Harbor Craft Used During Construction.

All harbor craft used during the construction phase of the proposed Project shall, at a minimum, be repowered to meet the cleanest existing marine engine emission standards or EPA Tier 2. Additionally, where available, harbor craft shall meet the proposed EPA Tier 3 (which are proposed to be phased-in beginning 2009) or cleaner marine engine emission standards.

The above harbor craft measure shall be met unless one of the following circumstances exists and the contractor is able to provide proof that any of these circumstances exists:

- *A piece of specialized equipment is unavailable in a controlled form within the state of California, including through a leasing agreement;*
- *A contractor has applied for necessary incentive funds to put controls on a piece of uncontrolled equipment planned for use on the proposed Project, but the application process is not yet approved, or the application has been approved, but funds are not yet available; or*
- *A contractor has ordered a control device for a piece of equipment planned for use on the proposed Project, or the contractor has ordered a new piece of* controlled *equipment to replace the uncontrolled equipment, but that order has not been completed by the manufacturer or dealer. In addition, for this exemption to apply, the contractor must attempt to lease controlled equipment to avoid using uncontrolled equipment, but no dealer within 200 miles of the proposed Project has the controlled equipment available for lease.*

MM AQ-2. Dredging Equipment Electrification.

All dredging equipment shall be electric.

MM AQ-3. Fleet Modernization for Onroad Trucks.

1. *Trucks hauling materials such as debris or fill shall be fully covered while operating off Port property.*
2. *Idling shall be restricted to a maximum of 5 minutes when not in use.*
3. *Standards/Specifications:*
   - *January 1, 2009 to December 31, 2011: All onroad heavy-duty diesel trucks with a gross vehicle weight rating (GVWR) of 19,500 pounds or greater used on site or to transport materials to and from the site must contain an EPA 2004 engine model year or newer in order to comply with EPA 2004 onroad emission standards.*
   - *Post-January 2011: All onroad heavy-duty diesel trucks with a GVWR of 19,500 pounds or greater used on site or to transport materials to and from the site shall comply with 2010 emission standards, where available.*

A copy of each unit's certified EPA rating, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment

The above standards/specifications shall be met unless one of the following circumstances exists and the contractor is able to provide proof that any of these circumstances exists:

- *A piece of specialized equipment is unavailable in a controlled form within the state of California, including through a leasing agreement;*
- *A contractor has applied for necessary incentive funds to put controls on a piece of uncontrolled equipment planned for use on the proposed Project, but the*

application process is not yet approved, or the application has been approved, but funds are not yet available; or

- *A contractor has ordered a control device for a piece of equipment planned for use on the proposed Project, or the contractor has ordered a new piece of controlled equipment to replace the uncontrolled equipment, but that order has not been completed by the manufacturer or dealer. In addition, for this exemption to apply, the contractor must attempt to lease controlled equipment to avoid using uncontrolled equipment, but no dealer within 200 miles of the proposed Project has the controlled equipment available for lease.*

MM AQ-4. Fleet Modernization for Construction Equipment.

1. *Construction equipment shall incorporate, where feasible, emissions savings technology such as hybrid drives and specific fuel economy standards.*
2. *Idling shall be restricted to a maximum of 5 minutes when not in use.*
3. *Tier Specifications:*
   - *<u>January 1, 2009, to December 31, 2011:</u> All offroad diesel-powered construction equipment greater than 50 hp, except derrick barges and marine vessels, shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.*
   - *<u>January 1, 2012, to December 31, 2014:</u> All offroad diesel-powered construction equipment greater than 50 hp, except derrick barges and marine vessels, shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.*
   - *<u>Post-January 1, 2015:</u> All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.*

A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

The above standards/specifications shall be met unless one of the following circumstances exists and the contractor is able to provide proof that any of these circumstances exists:

- *A piece of specialized equipment is unavailable in a controlled form within the state of California, including through a leasing agreement;*
- *A contractor has applied for necessary incentive funds to put controls on a piece of uncontrolled equipment planned for use on the proposed Project, but the application process is not yet approved, or the application has been approved, but funds are not yet available; or*
- *A contractor has ordered a control device for a piece of equipment planned for use on the proposed Project, or the contractor has ordered a new piece of controlled equipment to replace the uncontrolled equipment, but that order has not been completed by the manufacturer or dealer. In addition, for this exemption to apply, the contractor must attempt to lease controlled equipment to avoid using uncontrolled equipment, but no dealer within 200 miles of the proposed Project has the controlled equipment available for lease.*

MM AQ-5. Additional Fugitive Dust Controls.

The calculation of fugitive dust (PM10) from unmitigated proposed project earth-moving activities assumes a 75% reduction from uncontrolled levels to simulate rigorous watering of the site and use of other measures (listed below) to ensure proposed project compliance with SCAQMD Rule 403.

The construction contractor shall apply for a SCAQMD Rule 403 Dust Control Permit

The construction contractor shall further reduce fugitive dust emissions to 90% from uncontrolled levels. The construction contractor shall designate personnel to monitor the dust control program and to order increased watering or other dust control measures, as necessary, to ensure a 90% control level. Their duties shall include holiday and weekend periods when work may not be in progress.

The following measures, at minimum, must be part of the contractor Rule 403 dust control plan:

- *Active grading sites shall be watered one additional time per day beyond that required by Rule 403;*
- *Contractors shall apply approved nontoxic chemical soil stabilizers to all inactive construction areas or replace groundcover in disturbed areas;*
- *Construction contractors shall provide temporary wind fencing around sites being graded or cleared;*
- *Trucks hauling dirt, sand, or gravel shall be covered or shall maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code;*
- *Construction contractors shall 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;*
- *The grading contractor shall suspend all soil disturbance activities when winds exceed 25 mph or when visible dust plumes emanate from a site; disturbed areas shall be stabilized if construction is delayed;*

- *Trucks hauling materials such as debris or fill shall be fully covered while operating off LAHD property;*
- *A construction relations officer shall be appointed to act as a community liaison concerning onsite construction activity including resolution of issues related to PM10 generation;*
- *All streets shall be swept at least once a day using South Coast Air Quality Management District (SCAQMD) Rule 1186, 1186.1 certified street sweepers or roadway washing trucks if visible soil materials are carried to adjacent streets;*
- *Water or non-toxic soil stabilizer shall be applied three times daily to all unpaved parking or staging areas or unpaved road surfaces;*
- *Roads and shoulders shall be paved; and*
- *Water shall be applied three times daily or as needed to areas where soil is disturbed.*

MM AQ-6. Best Management Practices.

The following types of measures are required on construction equipment (including onroad trucks):

1. *Use diesel oxidation catalysts and catalyzed diesel particulate traps.*
2. *Maintain equipment according to manufacturers' specifications.*
3. *Restrict idling of construction equipment to a maximum of 5 minutes when not in use.*
4. *Install high-pressure fuel injectors on construction equipment vehicles.*

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

MM AQ-7. General Mitigation Measure.

For any of the above mitigation measures (MM AQ-1 through AQ-6), if a CARB-certified technology becomes available and is shown to be as good as or better in terms of emissions performance than the existing measure, the technology could replace the existing measure pending approval by the LAHD.

MM AQ-8. Special Precautions near Sensitive Sites.

When construction activities are planned within 1,000 feet of sensitive receptors (defined as schools, playgrounds, day care centers, and hospitals), the construction contractor shall notify each of these sites in writing at least 30 days before construction activities begin.

Rationale for Finding

Changes or alterations in the form of mitigation measures have been incorporated into the project in the form of AQ-1 through AQ-8, which lessen significant construction emissions.

During construction, Mitigation Measures MM AQ-1 through MM AQ-5 would lower the peak daily construction emissions of all analyzed pollutants. However, VOC, CO, NO_X, and PM2.5 emissions would remain significant under CEQA for all construction years, and PM10 emissions would be significant. Mitigation Measures MM AQ-6 through MM AQ-8, which were not included in the mitigated emissions calculations because they are conditional measures, could further reduce construction emissions; however these measures are not expected to reduce impacts below significance. Although reduced as a result of the mitigation measures, construction emissions remain significant and unavoidable. Tables 2.1 and 2.2 present the construction emissions and thresholds before and after mitigation.

Table 2.1. Construction Emissions (prior to mitigation)

	Peak Daily Construction Emissions (lb/day)					
Project Year	*VOC*	*CO*	*NO_X*	*SO_X*	*PM10*	*PM2.5*
2009 Peak Daily Construction Emissions	**423**	**1,666**	**5,411**	4	**797**	**323**
Thresholds	75	550	100	150	150	55
CEQA Significant?	**Yes**	**Yes**	**Yes**	No	**Yes**	**Yes**
2010 Peak Daily Construction Emissions	**1,224**	**5,444**	**16,393**	14	**3,220**	**1,136**
Thresholds	75	550	100	150	150	55
CEQA Significant?	**Yes**	**Yes**	**Yes**	No	**Yes**	**Yes**
2011 Peak Daily Construction Emissions	**929**	**4,397**	**12,779**	12	**2,836**	**948**
Thresholds	75	550	100	150	150	55
CEQA Significant?	**Yes**	**Yes**	**Yes**	No	**Yes**	**Yes**
2012 Peak Daily Construction Emissions	**694**	**3,080**	**9,129**	8	**1,867**	**646**
Thresholds	75	550	100	150	150	55
CEQA Significant?	**Yes**	**Yes**	**Yes**	No	**Yes**	**Yes**
2013 Peak Daily Construction Emissions	**319**	**1,275**	**3,892**	3	**1,045**	**329**
Thresholds	75	550	100	150	150	55
CEQA Significant?	**Yes**	**Yes**	**Yes**	No	**Yes**	**Yes**
2014 Peak Daily Construction Emissions	**300**	**1,106**	**3,836**	3	**407**	**201**
Thresholds	75	550	100	150	150	55
CEQA Significant?	**Yes**	**Yes**	**Yes**	No	**Yes**	**Yes**
Notes: CEQA significance is determined by comparing the peak daily construction emissions directly to the thresholds.						

Table 2.2. Mitigated Construction Emissions (bold numbers denote significant emissions)

	Peak Daily Construction Emissions (lb/day)					
Project Year	*VOC*	*CO*	*NO_X*	*SO_X*	*PM10*	*PM2.5*
2009 Peak Daily Construction Emissions	**256**	**1,404**	**3,538**	4	**194**	**119**

Project Year	*Peak Daily Construction Emissions (lb/day)*					
	VOC	*CO*	*NO_X*	*SO_X*	*PM10*	*PM2.5*
Thresholds	75	550	100	150	150	55
CEQA Significant?	**Yes**	**Yes**	**Yes**	No	**Yes**	**Yes**
2010 Peak Daily Construction Emissions	**618**	**3,843**	**10,142**	15	**494**	**268**
Thresholds	75	550	100	150	150	55
CEQA Significant?	**Yes**	**Yes**	**Yes**	No	**Yes**	**Yes**
2011 Peak Daily Construction Emissions	**415**	**2,782**	**7,614**	12	**374**	**174**
Thresholds	75	550	100	150	150	55
CEQA Significant?	**Yes**	**Yes**	**Yes**	No	**Yes**	**Yes**
2012 Peak Daily Construction Emissions	**346**	**2,127**	**5,706**	8	**276**	**143**
Thresholds	75	550	100	150	150	55
CEQA Significant?	**Yes**	**Yes**	**Yes**	No	**Yes**	**Yes**
2013 Peak Daily Construction Emissions	**191**	**1,057**	**2,708**	3	**164**	**87**
Thresholds	75	550	100	150	150	55
CEQA Significant?	**Yes**	**Yes**	**Yes**	No	**Yes**	**Yes**
2014 Peak Daily Construction Emissions	**193**	**1,133**	**2,734**	3	125	**97**
Thresholds	75	550	100	150	150	55
CEQA Significant?	**Yes**	**Yes**	**Yes**	No	No	**Yes**
Notes: CEQA significance is determined by comparing the peak daily construction emissions directly to the thresholds.						

While the mitigation measures presented in the Final EIR reduce emissions, emissions would still exceed SCAQMD emissions for VOC, CO, NOx, PM10, and PM2.5. Mitigation measures AQ-1 through AQ-8 represent feasible means to reduce air pollution impacts from proposed construction sources.

Construction emissions will largely come from diesel-powered construction equipment such as concrete mixers, trucks, bulldozers, and graders for container terminal development; pile drivers and tugboats for wharf development; and cargo ships for crane delivery. As part of the Draft EIS/EIR, mitigation was developed aimed at reducing these emissions through accelerating fleet turnover to newer, cleaner equipment, adding retrofit devices and employing best management practices (BMPs). No additional mitigation beyond that identified in the Final EIR is feasible at this time, however, because of limitations on the availability of required technology in the existing construction fleet. Most construction contractors do not own their own equipment because of the costs associated with owning, maintaining and storing large equipment, but instead rent equipment. The pool of rental construction equipment featuring the most stringent available emissions control technologies is limited, and construction contractors cannot be sure of being able to rent that equipment. For example, new Tier 3 standard off-road engines first became commercially available in 2006/2007 for the prevalent horsepower categories proposed for Project construction. Since

most of the construction would occur within a few years after this time, and construction equipment rental firms have not yet had time to entirely update their fleets, not all Project construction equipment is expected to comply with the most stringent emissions control standards. Hence, MM AQ-3 proposes a feasible goal that requires non-marine construction equipment on the average to comply with Tier 2-equivalent standards until 2012. MM AQ-4 does require all of the equipment to comply with the Tier 3 standards from 2012 to 2014 and Tier 4 in 2015 and onwards, consistent with the Port's Sustainable Construction Guidelines.

Furthermore, the unmitigated fugitive dust emissions were reduced by 75% from uncontrolled levels to reflect the required compliance with SCAQMD Rule 403. In addition to the assumption of 61% control efficiency for a typical construction project, the *Western Regional Air Partnership's Fugitive Dust Handbook* also provides a range of control efficiencies for various levels of construction activities. The handbook noted that fugitive dust control efficiency rates will increase with the application of additional control measures. LAHD has determined that the additional measures as outlined in Mitigation Measure MM AQ-5 would further reduce fugitive dust emissions by 90% from uncontrolled levels. LAHD would monitor and enforce the use of the stringent fugitive dust control measures during construction through the environmental compliance plan required of all contractors.

Finally, as stated in the Draft EIS/EIR, LAHD would implement a process to select additional best management practices (BMPs) to further reduce air emissions during construction. LAHD will determine the BMPs once the contractor identifies and secures a final equipment list. LAHD will include the following measures as BMPs:

- Use electricity from power poles rather than temporary diesel or gasoline power generators.
- Provide temporary traffic controls, such as a flag person, during all phases of construction to maintain smooth traffic flow.
- Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the extent possible.
- Reroute construction trucks away from congested street or sensitive receptor areas.
- Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
- Configure construction parking to minimize traffic interference.
- Improve signal flow by traffic synchronization.
- Properly tune and maintain all vehicles and equipment according to manufacturer specifications.
- Reduce traffic speeds on all unpaved roads to 15 miles per hour or less.

LAHD will encourage use of BMPs through the environmental compliance plan required of all contractors. Each contractor is required to submit an environmental compliance plan for work completed as part of the proposed Project. The environmental compliance plan will be developed by the contractor and must:

- Identify the overall construction area.
- Identify work hours and days.

- Describe the overall construction scope of work.
- Identify all construction equipment to be used to complete the project.
- Identify all applicable mitigation measures depending on scope of work and construction equipment list.
- Develop a plan to adhere to all applicable mitigation measures.
- Develop a record-keeping system to track mitigation and any pertinent permits and/or verification documents, such as equipment specifications, equipment logs, and receipts.
- Develop a tracking system to ensure mitigation is completed within the specified plan.
- Identify one lead person, plus one backup person, to be responsible for environmental compliance.
- Identify additional measures, practices, or project elements to further reduce environmental impacts.

The environmental compliance plan must be submitted to LAHD for review prior to commencing construction. LAHD reserves the right to modify the plan, in conjunction with the contractor, to identify additional measures, practices, or project elements to further reduce environmental impacts.

The discussion below includes additional information on onsite construction emission issues raised in comments on the Draft EIS/EIR.

Public Comment

Seven comments were received on the Draft EIS/EIR specifically regarding mitigation measures related to Impact AQ-1 from the South Coast Air Quality Management District (SCAQMD-7, SCAQMD-8, SCAQMD-12, SCAQMD-14, and SCAQMD-15), the U.S. Environmental Protection Agency (USEPA-19) and Coalition for a Safe Environment (CFASE-4).

Comment SCAQMD-7 recommended additional Best Management Practices to MM AQ-5 and comment SCAQMD-8 recommended additional BMPs to MM AQ-6. Comment SCAQMD-12 recommended revising MM AQ-12 to include suggested language to require new vessel builds for the Inner and Outer Harbor Cruise Terminals to meet at a minimum, State Implementation Plan (SIP) for main engine controls. Comment SCAQMD-14 recommended revising MM AQ-18 to better reflect the intent of the accelerated replacement for tugboats to meet existing marine engine emissions standards or EPA Tier 2, whichever is more stringent at the time of engine replacement, and existing marine engine emissions standards or EPA Tier 3, whichever is more stringent at the time of engine replacement. Comment SCAQMD-15 recommended revising MMAQ-21 to better reflect the intent of the accelerated replacement for ferries calling at Catalina Express Terminal.

Comment USEPA-19 requested including information on potential health impacts from construction emissions and avoidance measures in the construction contractor notifications. Comment CFASE-4 suggested reducing air quality impacts by incorporating the following mitigation measures: suspending use of construction equipment operations during second

stage smog alerts; coordinating among construction projects so they do not overlap; incorporating dust control measures; using electric trucks, hybrid trucks, or LNG trucks; using local construction materials, parts, and equipment suppliers; and, hiring construction workers that live within five miles of the proposed project site.

MM AQ-5 was amended to include the following, per SCAQMD's recommendation in Comment SCAQMD-7:

> ***MM AQ-5. Additional Fugitive Dust Controls.*** *The calculation of fugitive dust (PM10) from unmitigated proposed project earth-moving activities assumes a 75% reduction from uncontrolled levels to simulate rigorous watering of the site and use of other measures (listed below) to ensure proposed project compliance with SCAQMD Rule 403.*
>
> *The construction contractor shall apply for a SCAQMD Rule 403 Dust Control Permit.*
>
> *The construction contractor shall further reduce fugitive dust emissions to 90% from uncontrolled levels. The construction contractor shall designate personnel to monitor the dust control program and to order increased watering or other dust control measures, as necessary, to ensure a 90% control level. Their duties shall include holiday and weekend periods when work may not be in progress.*
>
> *The following measures, at minimum, must be part of the contractor Rule 403 dust control plan:*
>
> - *Active grading sites shall be watered one additional time per day beyond that required by Rule 403;*
> - *Contractors shall apply approved nontoxic chemical soil stabilizers to all inactive construction areas or replace groundcover in disturbed areas;*
> - *Construction contractors shall provide temporary wind fencing around sites being graded or cleared;*
> - *Trucks hauling dirt, sand, or gravel shall be covered or shall maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code;*
> - *Construction contractors shall 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;*
> - *The grading contractor shall suspend all soil disturbance activities when winds exceed 25 mph or when visible dust plumes emanate from a site; disturbed areas shall be stabilized if construction is delayed;*
> - *Trucks hauling materials such as debris or fill shall be fully covered while operating off LAHD property;*
> - *A construction relations officer will be appointed to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.*
> - *All streets will be swept at least once a day using SCAQMD Rule 1186, 1186.1 certified street sweepers or roadway washing trucks if visible soil materials are carried to adjacent streets*

- *Apply water three times daily, or non-toxic soil stabilizer to all unpaved parking or staging areas or unpaved road surfaces,*
- *Pave roads and shoulders*
- *Apply water three times daily or as needed to areas where soil is disturbed*

As stated in MM AQ-6 in the Draft EIS/EIR, LAHD would implement a process to select additional best management practices (BMPs) to further reduce air emissions during construction. LAHD will determine the BMPs once the contractor identifies and secures a final equipment list. LAHD will include the following measures as BMPs:

- Use electric power in favor of diesel power when available.
- Provide temporary traffic controls, such as a flag person, during all phases of construction to maintain smooth traffic flow.
- Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the extent possible.
- Reroute construction trucks away from congested street or sensitive receptor areas.
- Provide dedicated turn lanes for movement of construction trucks and equipment on and off site.
- Configure construction parking to minimize traffic interference.
- Improve signal flow by traffic synchronization.
- Properly tune and maintain all vehicles and equipment according to manufacturer specifications.
- Reduce traffic speeds on all unpaved roads to 15 miles per hour or less.

LAHD will encourage use of BMPs through the ECP required of all contractors. As discussed in Response to Comment SCAQMD-7, each contractor is required to submit an ECP for work completed as part of the proposed Project. The ECP will be developed by the contractor and must:

- Identify the overall construction area.
- Identify work hours and days.
- Describe the overall construction scope of work.
- Identify all construction equipment to be used to complete the project.
- Identify all applicable mitigation measures depending on scope of work and construction equipment list.
- Develop a plan to adhere to all applicable mitigation measures.
- Develop a record-keeping system to track mitigation and any pertinent permits and/or verification documents, such as equipment specifications, equipment logs, and receipts.
- Develop a tracking system to ensure mitigation is completed within the specified plan.

- Identify one lead person, plus one backup person, to be responsible for environmental compliance.
- Identify additional measures, practices, or project elements to further reduce environmental impacts.

The environmental compliance plan must be submitted to LAHD for review prior to commencing construction. LAHD reserves the right to modify the plan, in conjunction with the contractor, to identify additional measures, practices, or project elements to further reduce environmental impacts.

It is infeasible to incorporate the mitigation measures proposed by Comment USEPA-19. The primary purpose of the public notification provision in MM AQ-8 is to inform sensitive receptors about the potential inconvenience to their lifestyle that may occur due to construction activities and to provide a contact for any questions, concern and/or complaints . While this measure is not intended to directly address potential health impacts, the result of this measure could be a reduction in the amount of outdoor activity at the affected locations and, therefore, a reduction in the amount of human exposure to construction emissions.

It is infeasible to incorporate the mitigation measures proposed by Comment CFASE-4 for the reasons listed below. The courts have determined that lead agencies need not accept every mitigation measure suggested by the public. (San *Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal.App.3d 1502, 1519; see also *Concerned Citizens of South Central L.A. v. Los Angeles Unified School Dist*. (1994) 24 Cal.App.4th 826, 841 [discussion of mitigation measures is subject to 'rule of reason' and does not require consideration of every "imaginable" mitigation measure].

Mitigation measures must be consistent with all applicable constitutional requirements, including the following: there must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest and the mitigation measure must be “roughly proportional” to the impacts of the project (15126.4(4)(a)(b)). With respect to the specific mitigation measures proposed in the comment:

a. LAHD does not suspend use of construction equipment operations during second stage smog alerts as there is no regulation to do so and stopping construction would both increase project costs and potentially increase overall emissions by increasing the length of the construction contract and overlapping construction elements to make up lost time. However, operations will be minimized to the extent possible. It should be noted that the South Coast Air Basin has not had a Stage 2 smog alert since 1988 (SCAQMD).

b. LAHD only has jurisdiction over projects it is designing and constructing, it does not have control over projects that are outside its jurisdiction. The air quality analysis of the proposed Project and alternatives is project specific. As described in Section 3.2.4 the proposed Project would emit certain emissions whether constructed over a short or longer period of time. Alternating heavy days or weeks of construction with other projects in the area would not reduce the total amount of emissions generated by the proposed Project. Furthermore, alternating construction with other projects would effectively lengthen the total construction schedule, thereby extending other environmental impacts including construction noise impacts and recreational impacts. Finally, alternating construction with other projects would likely delay the construction schedule beyond a reasonable amount of time.

c. The proposed Project incorporates fugitive dust control measures. Specifically, SCAQMD Rule 403 (Fugitive Dust) prohibits emissions of fugitive dust from any active operation, open storage pile, or disturbed surface area that remains visible beyond the emission source property line. During construction of the proposed Project or one of the alternatives, best available control measures identified in the rule would be required to minimize fugitive dust emissions from proposed earth-moving and grading activities. These measures would include site prewatering and rewatering as necessary to maintain sufficient soil moisture content. Additional requirements apply to construction projects on property with 50 or more acres of disturbed surface area, or for any earth-moving operation with a daily earth-moving or throughput volume of 5,000 cubic yards or more three times during the most recent 365-day period. These requirements include submittal of a dust control plan, maintaining dust control records, and designating a SCAQMD-certified dust control supervisor. Rule 403 defines high wind conditions. Furthermore, LAHD adopted the *Los Angeles Harbor Department Sustainable Construction Guidelines for Reducing Air Emissions* in 2008 which requires compliance with SCAQMD Rule 403.

d. The mitigation measures to reduce air quality impacts do consider the role of new technology to reduce emissions such as electric trucks, hybrid trucks, LNG trucks. MM AQ-15 Truck Emission Standards requires onroad heavy-duty diesel trucks (above 14,000 pounds) entering the cruise terminal building shall achieve EPA's 2007 Heavy-Duty Highway Diesel Rule emission standards for onroad heavy-duty diesel engines (EPA 2001a) in the following percentages: 20% in 2009, 40% in 2012, and 80% in 2015 and thereafter. Furthermore, MM AQ-24 applies to mitigation measures MM AQ-9 through MM AQ-21 and requires that if any kind of technology becomes available and is shown to be as good or as better in terms of emissions reduction performance than the existing measure, the technology could replace the existing measure pending approval by LAHD. The technology's emissions reductions must be verifiable through EPA, CARB, or other reputable certification and/or demonstration studies to LAHD's satisfaction. Therefore, should electric, hybrid, or LNG trucks be deemed to have a better emissions reduction performance than the trucks required under MM AQ15 and this performance is verified by EPA, CARB or other certification studies, LAHD would require their use.

e. Estimating what local construction materials, parts and equipment suppliers could be incorporated into project to prevent or minimize long distance deliveries and support local harbor economy and businesses is beyond the scope of what is required for the analysis in this EIS/EIR and is not enforceable. However, the Port will request that contractors consider local suppliers to minimize long distance deliveries to the extent feasible, which may reduce impacts below what has been previously disclosed.

f. Construction of the proposed Project would require a specialized labor force for some of the large construction components including the water cuts and the remediation of existing contaminated sites. Such labor force may not live within the vicinity within the proposed Project or have adequate access to public transportation. Therefore, LAHD cannot require or mandate construction workers to use public transportation or live within five miles of the proposed Project site.

g. As stated in response CFASE-4(c) the proposed Project would be required to comply with Rule 403 regarding fugitive dust. This measure would appropriately control fugitive dust. The SCAQMD determined in the Multiple Air Toxics Exposure Study II (MATES II) that about 70 percent of the background airborne cancer risk in the SCAB is due to

particulate emissions from diesel-powered on- and offroad motor vehicles (SCAQMD 2000). Since the majority of the toxic air emissions are coming from moving motor vehicles, the use of a tent to cover the proposed Project would be technologically infeasible to reduce toxic air emissions.

Impact AQ-2: Proposed project construction would result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.

Dispersion modeling of onsite construction emissions was performed to assess the impact of the proposed Project on local ambient air concentrations. The complete dispersion modeling report is included in Appendix D2 of the Draft EIS/EIR. Table 3.1 presents the maximum offsite ground-level concentrations of NO_2, CO, PM10, and PM2.5 from construction without mitigation. Maximum offsite ambient pollutant concentrations associated with construction would be significant for NO_2 (1-hour average) as well as for 24-hour PM10 and PM2.5. Therefore, significant impacts under CEQA would occur.

Finding

Implementation of Mitigation Measures AQ-1 through AQ-8 as described above would reduce ambient pollutant impacts from construction. Implementation of these measures would substantially lessen emissions from criteria pollutants associated with construction of the proposed Project, as listed in Table 3.2 below. Therefore, the Board hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. The residual air quality impacts were significant for the maximum offsite ground-level concentrations of NO_2, CO, PM10, and PM2.5 from all construction phases after mitigation. With implementation of mitigation measures, offsite ambient concentrations from construction activities would be temporary over the life of construction activities but significant for 1-hour NO_2, and 24-hour PM10, and PM2.5. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives, however, as explained below.

Rationale for Finding

Changes or alterations in the form of mitigation measures have been incorporated into the project in the form of AQ-1 through AQ-8 which substantially lessen significant construction emissions, as shown in Table 3.2. Although reduced as a result of the mitigation measures, construction emissions from the proposed Project remain significant and unavoidable.

Table 3.1. Maximum Offsite Ambient Concentrations – Proposed Project Construction without Mitigation (**bold** numbers denote significant emissions)

Pollutant	*Averaging Time*	*Background Concentration ($\mu g/m^3$)*	*Maximum Concentration (without Background) ($\mu g/m^3$)*	*CEQA Impact ($\mu g/m^3$)*	*SCAQMD Threshold ($\mu g/m^3$)*
NO_2	1 hour	263	2,680	**2,943**	338
CO	1 hour	4,809	10,797	15,606	23,000
	8 hours	4,008	2,083	6,091	10,000
PM10	24 hours	-	198.8	**198.8**	10.4
PM2.5	24 hours	-	92.0	**92.0**	10.4

Notes:

Exceedances of the thresholds are indicated in bold. The thresholds for PM10 and PM2.5 are incremental thresholds; therefore, the concentrations without background are compared to the thresholds. The thresholds for NO_2 and CO are absolute thresholds; therefore, the total concentrations (with background) are compared to the thresholds.

The CEQA Impact equals the total concentration (proposed Project plus background) for NO_2 and CO. The CEQA Impact equals the incremental concentration (proposed Project minus CEQA baseline) for PM10 and PM2.5. However, because there is no construction for the CEQA baseline, the CEQA Impact for PM10 and PM2.5 is equivalent to the maximum modeled proposed project concentration (without background).

Construction schedules are assumed to be 8 hours per day for all construction equipment and vehicles.

In accordance with SCAQMD guidance (SCAQMD 2005), offsite haul truck transport emissions are considered offsite emissions and were not included in the modeling. However, tugboat emissions associated with barge tending and dredging operations while at the construction site and onsite truck emissions were included in the modeling.

NO_2 concentrations were calculated using the ozone limiting method that uses ozone data from the North Long Beach monitoring station. The conversion of NO_X to NO_2 is dependent on the hourly ozone concentration and hourly NO_X emission rates.

Table 3.2. Maximum Offsite Ambient Concentrations – Proposed Project Construction with Mitigation (**bold** numbers denote significant emissions)

Pollutant	*Averaging Time*	*Background Concentration ($\mu g/m^3$)*	*Maximum Concentration (without background) ($\mu g/m^3$)*	*CEQA Impact ($\mu g/m^3$)*	*SCAQMD Threshold[a] ($\mu g/m^3$)*
NO_2	1 hour	263	2,585	**2,848**	338
CO	1 hour	4,809	10,231	15,040	23,000
	8 hours	4,008	1,994	6,002	10,000
PM10	24 hours	-	58.0	**58.0**	10.4
PM2.5	24 hours	-	48.3	**48.3**	10.4

Notes:

Exceedances of the thresholds are indicated in bold. The thresholds for PM10 and PM2.5 are incremental thresholds; therefore, the concentrations without background are compared to the thresholds. The thresholds for NO_2 and CO are absolute thresholds; therefore, the total concentrations (with background) are compared to the thresholds.

The CEQA Impact equals the total concentration (proposed Project plus background) for NO_2 and CO. The CEQA Impact equals the incremental concentration (proposed Project minus CEQA baseline) for PM10 and PM2.5. However, because there is no construction for the CEQA baseline, the CEQA Impact for PM10 and PM2.5 is equivalent to the maximum modeled proposed project concentration (without background).

Construction schedules are assumed to be 8 hours per day for all construction equipment and vehicles.

In accordance with SCAQMD guidance (SCAQMD 2005), offsite haul truck transport emissions are considered offsite emissions and were not included in the modeling. However, tugboat emissions associated with barge tending and dredging operations while at the construction site and onsite truck emissions were included in the modeling.

NO_2 concentrations were calculated using the ozone limiting method that uses ozone data from the North Long Beach monitoring station. The conversion of NO_X to NO_2 is dependent on the hourly ozone concentration and hourly NO_X emission rates.

While the mitigation measures presented in the EIS/EIR reduce emissions, emissions would still exceed SCAQMD thresholds for 1-hour NO_2, and 24-hour PM10, and PM2.5. The discussion below includes additional information on offsite construction emission issues raised in comments on the Draft EIS/EIR.

Public Comment

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives specifically related to Impact AQ-2. However, the responses to comments received on impact AQ-1 above would also pertain to AQ-3, and likewise establish that additional mitigation proposed in USEPA-19 and CFASE-4 is infeasible. Please see discussion under impact AQ-1 above. No changes are required to the Final EIS/EIR as a result of the comment received regarding Impact AQ-1.

Impact AQ-3: The proposed Project would result in operational emissions that exceed 10 tons per year of VOCs or an SCAQMD threshold of significance.

The proposed Project would result in operational emissions that exceed 10 tons per year of VOCs and SCAQMD thresholds of significance. The main contributors to Project operational emissions include: (1) cruise ships and associated tugs; (2) visitor traffic; and, (3) cruise terminal equipment. Average daily emissions are a good indicator of terminal operations over the long term since terminal operations can vary substantially from day to day depending on ship arrivals. Emissions were estimated for four proposed project study years: 2011, 2015, 2022, and 2037. Proposed project unmitigated peak daily emissions minus the CEQA baseline would be above CEQA thresholds and thus significant under CEQA for all pollutants in all project analysis years, with the exception of CO in years 2011 and 2037. The year 2011 was chosen as the year that best represents a time when construction and operation al activities would overlap. During this year, the combined construction and operational emissions minus the CEQA baseline would exceed CEQA emission thresholds and would therefore be significant under CEQA for all pollutants.

Finding

Mitigation measures AQ-9 through AQ-24 have been developed to reduce operational emissions. Implementation of these measures would substantially lessen emissions from criteria pollutants associated with operation of the proposed Project, as shown in Table 4 Therefore, the Board hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. However, after mitigation, the maximum mitigated Project operations would still exceed CEQA thresholds and would thus be significant under CEQA for NO_X, SO_X, PM10, and PM2.5 in 2011; VOC, NO_X, and PM10 in 2015 and 2022; and NO_X and PM10 in 2037. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives, however, as explained below.

MM AQ-9. Alternative Maritime Power (AMP) for Cruise Vessels.

Cruise vessels calling at the Inner Harbor Cruise Terminal shall use AMP at the following percentages while hoteling in the Port:

- *30% of all calls in 2009, and*
- *80% of all calls in 2013 and thereafter to accommodate existing lease agreements and home ported vessels. This portion of the mitigation measure is not quantified.*

Ships calling at the Outer Harbor Cruise Terminal shall use AMP while hoteling at the Port as follows (minimum percentage):

- *97% of all calls in 2013 and thereafter.*

Additionally, by 2013, all ships retrofitted for AMP shall be required to use AMP while hoteling, with a compliance rate of 100%, with the exception of circumstances when an AMP-capable berth is unavailable due to utilization by another AMP-capable ship.

MM AQ-10. Low-Sulfur Fuel.

All ships (100%) calling at the Inner and Outer Harbor Cruise Terminals shall use low-sulfur fuel (maximum sulfur content of 0.2 percent) in auxiliary engines, main engines, and boilers within 40 nm of Point Fermin (including hoteling for non-AMP ships) beginning on Day 1 of operation. Ships with mono-tank systems or having technical issues prohibiting use of low sulfur fuel would be exempt from this requirement. The tenant shall notify the Port of such vessels prior to arrival and shall make every effort to retrofit such ships within one year.

The following minimum annual participation rates were assumed in the air quality analysis:

Inner Harbor:

- *30% of all calls in 2009, and*
- *90% of all calls in 2013 and thereafter.*

Outer Harbor:

- *90% of all calls in 2013.*

Low-sulfur fuel requirements shall apply independently of AMP participation.

MM AQ-11. Vessel Speed-Reduction Program.

Ships calling at the Inner Harbor Cruise Terminal shall comply with the expanded VSRP of 12 knots between 40 nm from Point Fermin and the Precautionary Area in the following implementation schedule:

- *75% of all calls in 2009, and*
- *100% of all calls in 2013 and thereafter.*

Ships calling at the Outer Harbor Cruise Terminal shall comply with the expanded VSRP of 12 knots between 40 nm from Point Fermin and the Precautionary Area in the following implementation schedule:

- *100% of all calls in 2013 and thereafter.*

MM AQ-12. New Vessel Builds.

The purchaser shall confer with the ship designer and engine manufacture to determine the feasibility of incorporating all emission reduction technology and/or design options and when ordering new ships bound for the Port of Los Angeles. Such technology shall be designed to reduce criteria pollutant emissions (NO_X, SO_X, and PM) and GHG emission (CO, CH_4, N_2O, and HFCs). Design considerations and technology shall include, but is not limited to:

1. *Selective Catalytic Reduction Technology*
2. *Exhaust Gas Recirculation*
3. *In-line fuel emulsification technology*
4. *Diesel Particulate Filters (DPFs) or exhaust scrubbers*
5. *Medium Speed Marine Engine (Common Rail) Direct Fuel Injection*
6. *Low NO_X Burners for Boilers*
7. *Implement fuel economy standards by vessel class and engine*
8. *Diesel-electric pod propulsion systems*
9. *Main engine controls will meet at a minimum the SIP requirements*

OGV engine standards have not kept pace with other engine standards, such as those for trucks and terminal equipment. New vessels destined for California service should be built with these technologies. As new orders for ships are placed, LAHD believes it is essential that the following elements be incorporated into future vessel design and construction:

- *Work with engine manufacturers to incorporate all emissions-reduction technologies/options when ordering main and auxiliary engines, such as slide valves, common rail direct fuel injection, and exhaust gas recirculation;*
- *Design in extra fuel storage tanks and appropriate piping to run engines on a separate/cleaner fuel; and*
- *Incorporate SCR or an equally effective combination of engine controls. If SCR systems are not commercially available at the time of engine construction, design in space and access for main and auxiliary engines to facilitate installation of SCR or other retrofit devices at a future date.*

In addition, this measure shall also incorporate design changes and technology to reduce GHG emissions, where available. Because some of these systems are not yet available but are expected to be available within the next few years, this measure was not quantified.

MM AQ-13. Clean Terminal Equipment.

All terminal equipment shall be electric, where available.

All terminal equipment other than electric forklifts at the cruise terminal building shall implement the following measures:

- *Beginning in 2009, all non-yard tractor purchases shall be either (1) the cleanest available NO_X alternative-fueled engine meeting 0.015 g/bhp-hr for PM or (2) the cleanest available NO_X diesel-fueled engine meeting 0.015 g/bhp-hr for PM. If there are no engines available that meet 0.015 g/bhp-hr for PM, the new engines shall be the cleanest available (either fuel type) and shall have the cleanest VDEC;*
- *By the end of 2012, all non-yard tractor terminal equipment less than 750 hp shall meet the EPA Tier 4 nonroad engine standards; and*
- *By the end of 2014, all terminal equipment shall meet EPA Tier 4 nonroad engine standards.*

MM AQ-14. LNG or LEV Equivalent Shuttle Busses.

All shuttle buses from parking lots to cruise ship terminals shall either be LNG powered or a low-emission vehicle (LEV) equivalent that will reduce emissions at or below LNG abilities.

MM AQ-15. Truck Emission Standards.

Onroad heavy-duty diesel trucks (above 14,000 pounds) entering the cruise terminal building shall achieve EPA's 2007 Heavy-Duty Highway Diesel Rule emission standards for onroad heavy-duty diesel engines (EPA 2001a) in the following percentages: 20% in 2009, 40% in 2012, and 80% in 2015 and thereafter.

MM AQ-16. Truck Idling-Reduction Measure.

The cruise terminal building operator shall ensure that heavy-duty truck idling is reduced at both the Inner and Outer Harbor Cruise Terminal. Potential methods to reduce idling include, but are not limited to, the following: (1) operator shall maximize the times when the gates are left open, including during off-peak hours, (2) operator shall implement an appointment-based truck delivery and pick-up system to minimize truck queuing, and (3) operator shall design gate to exceed truck-flow capacity to ensure queuing is minimized.

MM AQ-17. AMP for Tugboats.

Crowley and Millennium tugboats calling at the North Harbor cut shall use AMP while hoteling at the Port as follows (minimum percentage):

- *100% compliance in 2014.*

MM AQ-18. Engine Standards for Tugboats.

Tugboats calling at the North Harbor cut shall be repowered to meet the cleanest existing marine engine emission standards or EPA Tier 2, whichever is more stringent at the time of engine replacement, as follows (minimum percentages):

- *30% in 2010, and*
- *100% in 2014.*

Tugs calling at the North Harbor cut shall be repowered to meet the cleanest existing marine engine emission standards or EPA Tier 3, whichever is more stringent at the time of engine replacement, as follows (minimum percentages):

- *20% in 2015,*
- *50% in 2018, and*
- *100% in 2020.*

MM AQ-19. Tugboats Idling Reduction.

The tug companies shall ensure that tug idling is reduced to less than 10 minutes at the cruise terminal building.

MM AQ-20. Catalina Express Ferry Idling Reduction Measure.

Catalina Express shall ensure that ferry idling is reduced to less than 5 minutes at the cruise terminal building.

MM AQ-21. Catalina Express Ferry Engine Standards.

Ferries calling at the Catalina Express Terminal shall be repowered to meet the cleanest marine engine emission standards in existence at the time of repowering as follows (minimum percentages):

- *30% in 2010, and*

- *100% in 2014.*

The following measures are lease measures that will be included in the lease for the cruise terminal operations and tug operations due to projected future emissions levels. The measures do not meet all of the criteria for CEQA mitigation measures but are considered important lease measures to reduce future emissions. This lease obligation is distinct from the requirement of further CEQA mitigation measures to address impacts of potential subsequent discretionary proposed project approvals.

MM AQ-22. Periodic Review of New Technology and Regulations.

LAHD shall require the cruise terminal and tug company tenants to review, in terms of feasibility, any LAHD-identified or other new emissions-reduction technology, and report to LAHD. Such technology feasibility reviews shall take place at the time of LAHD's consideration of any lease amendment or facility modification for the cruise terminal and tug company property. If the technology is determined by LAHD to be feasible in terms of cost, technical, and operational feasibility, the tenant shall work with LAHD 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. Over the course of the lease, the tenant and LAHD shall work together to identify potential new technology. Such technology shall be studied for feasibility, in terms of cost, technical, and operational feasibility.

As partial consideration for LAHD agreement to issue the permit to the tenant, the tenant shall implement not less frequently than once every 7 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

MM AQ-23. Throughput Tracking.

If the proposed Project exceeds project throughput assumptions/projections (in terms of cruise terminal passenger numbers) anticipated through the years 2011, 2015, 2022, or 2037, LAHD staff shall evaluate the effects of this on the emissions sources (ship and truck calls) relative to the EIS/EIR. If it is determined that these emissions sources exceed EIS/EIR assumptions, staff shall evaluate actual air emissions for comparison with the EIS/EIR and if the criteria pollutant emissions exceed those in the EIS/EIR, then new or additional mitigations would be applied.

MM AQ-24. General Mitigation Measure.

For any of the above mitigation measures (MM AQ-9 through MM AQ-21), if any kind of technology becomes available and is shown to be as good or as better in terms of emissions reduction performance than the existing measure, the technology could replace the existing measure pending approval by LAHD. The technology's emissions reductions must be verifiable through EPA, CARB, or other reputable certification and/or demonstration studies to LAHD's satisfaction.

Rationale for Finding

Changes or alterations in the form of mitigation measures have been identified in the Draft EIS/EIR in the form of AQ-9 through AQ-24 which lessen the significant effects of operation. In addition, MM AQ-11, AQ-12, AQ-14, and AQ-21 were changed in the Final EIS/EIR to further reduce emissions, although emissions are still expected to remain significant and unavoidable. The mitigation identified to reduce emissions comes primarily from the CAAP. The CAAP represented a collaborative effort between the Ports of Los Angeles and Long Beach, SCAQMD, CARB, and USEPA to identify mechanisms to reduced emissions at both Ports. Through this collaborative effort, exhaustive research was done on available emissions reduction technology and measures. This EIS/EIR complies with CAAP. In addition, the EIS/EIR also considered mitigation developed as part of the former proposed No Net Increase (NNI) Plan and an analysis of applicable mitigation can be found in Appendix B of the EIS/EIR. Nevertheless, although reduced as a result of the mitigation measures, the mitigated peak daily emissions minus the CEQA baseline would exceed CEQA thresholds and would remain significant and unavoidable under CEQA for NO_X, SO_X, PM10, and PM2.5 in 2011; VOC, NO_X, and PM10 in 2015 and 2022; and NO_X and PM10 in 2037, as shown in Table 4 below.

Table 4.1. Peak Daily Operational Emissions (**bold** numbers denote significant emissions)

	Peak Daily Emissions (lb/day)					
Emission Source	*VOC*	*CO*	*NO_X*	*SO_X*	*PM10*	*PM2.5*
Project Year 2011						
Total—Project Year 2011	**1,175**	3,590	**28,267**	**38,473**	**4,075**	**3,167**
CEQA Impacts						
CEQA baseline emissions	1,105	4,503	23,935	32,088	3,562	2,682
Proposed Project minus CEQA baseline	70	-913	4,332	6,384	513	485
Thresholds	55	550	55	150	150	55
Significant?	**Yes**	No	**Yes**	**Yes**	**Yes**	**Yes**
Project Year 2015						
Total—Project Year 2015	**1,621**	**5,528**	**38,395**	**53,245**	**6,015**	**4,444**
CEQA Impacts						
CEQA baseline emissions	1,105	4,503	23,935	32,088	3,562	2,682
Proposed Project minus CEQA baseline	516	1,025	14,460	21,157	2,453	1,762
Thresholds	55	550	55	150	150	55
Significant?	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**
Project Year 2022						
Total—Project Year 2022	**1,588**	**5,282**	**37,974**	**53,245**	**6,044**	**4,444**
CEQA Impacts						
CEQA baseline emissions	1,105	4,503	23,935	32,088	3,562	2,682

Emission Source	*Peak Daily Emissions (lb/day)*					
	VOC	*CO*	*NO_X*	*SO_X*	*PM10*	*PM2.5*
Proposed Project minus CEQA baseline	483	779	14,039	21,157	2,482	1,762
Thresholds	55	550	55	150	150	55
Significant?	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**
Project Year 2037						
Total—Project Year 2037	**1,525**	4,694	**37,847**	**53,246**	**6,131**	**4,460**
CEQA Impacts						
CEQA baseline emissions	1,105	4,503	23,935	32,088	3,562	2,682
Proposed Project minus CEQA baseline	420	191	13,912	21,158	2,569	1,778
Thresholds	55	550	55	150	150	55
Significant?	**Yes**	No	**Yes**	**Yes**	**Yes**	**Yes**

Notes:

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

Ship and motor vehicle emissions include transport within the SCAB.

Motor vehicles include passenger cars, trucks, busses, and shuttles.

Terminal equipment includes equipment at the Cruise Terminal and Berth 87.

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

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. Future studies might use updated data, assumptions, and emission factors that are not currently available.

Table 4.2. Peak Daily Mitigated Operational Emissions (**bold** numbers denote significant emissions)

Emission Source	*Peak Daily Emissions (lb/day)*					
	VOC	*CO*	*NO_X*	*SO_X*	*PM10*	*PM2.5*
Project Year 2011						
Total—Project Year 2011	1,108	3,485	**26,429**	**36,089**	**3,826**	**2,969**
CEQA Impacts						
CEQA baseline emissions	1,105	4,503	23,935	32,088	3,562	2,682
Proposed Project minus CEQA baseline	3	-1,018	2,494	4,001	264	287
Thresholds	55	550	55	150	150	55
Significant?	No	No	**Yes**	**Yes**	**Yes**	**Yes**
Project Year 2015						
Total—Project Year 2015	**1,205**	4,613	**26,668**	28,653	**3,762**	2,641

Emission Source	*Peak Daily Emissions (lb/day)*					
	VOC	*CO*	*NO_X*	*SO_X*	*PM10*	*PM2.5*
CEQA Impacts						
CEQA baseline emissions	1,105	4,503	23,935	32,088	3,562	2,682
Proposed Project minus CEQA baseline	100	110	2,733	-3,435	200	-41
Thresholds	55	550	55	150	150	55
Significant?	**Yes**	No	**Yes**	No	**Yes**	No
Project Year 2022						
Total—Project Year 2022	**1,169**	4,300	**26,348**	28,653	**3,787**	2,638
CEQA Impacts						
CEQA baseline emissions	1,105	4,503	23,935	32,088	3,562	2,682
Proposed Project minus CEQA baseline	64	-204	2,413	-3,435	225	-44
Thresholds	55	550	55	150	150	55
Significant?	**Yes**	No	**Yes**	No	**Yes**	No
Project Year 2037						
Total—Project Year 2037	1,107	3,712	**26,224**	28,654	**3,874**	2,654
CEQA Impacts						
CEQA baseline emissions	1,105	4,503	23,935	32,088	3,562	2,682
Proposed Project minus CEQA baseline	2	-792	2,289	-3,434	312	-28
Thresholds	55	550	55	150	150	55
Significant?	No	No	**Yes**	No	**Yes**	No

Notes:

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

Ship and motor vehicle emissions include transport within the SCAB.

Motor vehicles include passenger cars, trucks, busses, and shuttles.

Terminal equipment includes equipment at the Cruise Terminal and Berth 87.

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

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. Future studies might use updated data, assumptions, and emission factors that are not currently available.

Mitigation measures AQ-9 through AQ-24 represent feasible means to reduce air pollution impacts from proposed operational sources. Mitigation Measure MM AQ-9 includes the requirements for cruise vessels calling at the Port to use alternative maritime power (AMP) while hoteling in the Port; Mitigation Measure MM AQ-10 requires vessels calling at the

cruise terminals to use low-sulfur fuel; Mitigation Measure MM AQ-11 requires cruise vessels to comply with the Vessel Speed-Reduction Program; Mitigation Measure MM AQ-12 requires that emission reduction technology and/or design options be incorporated when ordering new ships bound for the Port of Los Angeles; Mitigation Measure MM AQ-13 requires all terminal equipment to be electric, where available; Mitigation Measure MM AQ-14 requires all shuttle buses from parking lots to cruise ship terminals to be LNG or a low emission vehicle equivalent; Mitigation Measure MM AQ-15 requires on road heavy-duty diesel trucks entering the cruise terminal building to achieve EPA's emission standards; and Mitigation Measure MM AQ-16 requires heavy-duty truck idling to be reduced at both the Inner and Outer Harbor Cruise Terminals.

The Final EIR has accelerated implementation and/or modified of some mitigation measures proposed in the Draft EIS/EIR, namely MM AQ-11 (11 (VSRP), MM AQ-12 (new vessel builds), MM AQ-14 (LNG or low emission equivalent shuttle busses), and MM AQ-21 (Catalina Express Ferry Standards), to further reduce operational emissions. In regards to low sulfur fuel, the new requirements call all (100%) of ships to use low sulfur fuel (0.2%) from day one of operation unless there are technical issues, thereby increasing low sulfur fuel requirements far beyond the Draft EIS/EIR requirements. The he revisions to operational assumptions/mitigation measures used in the Draft EIS/EIR that are included in the Final EIS/EIR were not evaluated for precise quantification of their potential to reduce emissions form proposed operational activities.

The discussion below includes additional information on operational emission issues raised in comments on the Draft EIS/EIR.

Public Comment

A total of 28 comments were received on the Draft EIS/EIR specifically regarding mitigation measures related to Impact AQ-3. These comments were from the following agencies, organizations, and members of the public: the South Coast Air Quality Management District (SCAQMD-10, SCAQMD-11, and SCAQMD-13), the U.S. Environmental Protection Agency (USEPA-17, USEPA-20, and USEPA-24), Central San Pedro Neighborhood Council (CSPNC3-38 through -46), Pacific Corridor Community Advisory Committee (PCCAC1-10), Port Community Advisory Committee Air Quality Subcommittee (PCACAQS-8, PCACAQS-9, PCACAQS-11, PCACAQS-12, PCACAQS-14, and PCACAQS-16), and Mr. Peter Warren and Ms. Melanie Ellen Jones (JONWAR-36, JONWAR-37, JONWAR-38, JONWAR-39, JONWAR-41, JONWAR-42, and JONWAR-43). These comments are summarized below and it is noted if the comments are duplicates of other comments. In addition, the responses to comments received on impact AQ-1 above would also pertain to AQ-3, and likewise establish that additional mitigation proposed in Comments USEPA-19 and CFASE-4 is infeasible.

Comment SCAQMD-11 and USEPA-20 both request accelerating compliance with the Port's Vessel Speed Reduction Program. The comments call for accelerating participation in the VSRP to 100% of all calls by 2009 for both Inner and Outer Harbors to be consistent with CAAP Measure OGV-1 and the California Air Resources Board (CARB) State Implementation Plan (SIP) Strategy. LAHD will accelerate the VSPR commitment to 75% of all calls by 2009 for both Inner and Outer Harbors to be consistent with the CAPP Measure OGV-1 and CARB SIP Strategy analysis. Therefore, Mitigation Measure AQ-11 is revised to read as follows:

MM AQ-11. Vessel Speed-Reduction Program. *Ships calling at the Inner Harbor Cruise Terminal shall comply with the expanded VSRP of 12 knots between 40 nm from Point Fermin and the Precautionary Area in the following implementation schedule: 75% ~~30%~~ of all calls in 2009 and 100% of all calls in 2013 and thereafter. Ships calling at the Outer Harbor Cruise Terminal shall comply with the expanded VSRP of 12 knots between 40 nm from Point Fermin and the Precautionary Area in the following implementation schedule: 100% of all calls in 2013 and thereafter.*

Acceleration of mitigation measures would likely result in emissions lower than those identified, but not sufficiently low that any significant and unavoidable impact would be reduced to a less-than-significant level. Therefore, findings would remain the same as presented in the Draft EIS/EIR.

Comments SCAQMD-10, USEPA-17, CSPNC3-41, JONWAR-38, and PCACAQS-11 request the greater promotion of low sulfur fuels. Mitigation Measure MM AQ-10 states that 100% of ships calling at the Inner and Outer Harbor Cruise Terminals will use low-sulfur fuel (maximum sulfur content of 0.2%) in auxiliary engines, main engines, and boilers within 40 nautical miles of Point Fermin (including hoteling for non-alternative maritime power ships) beginning on day one of operation. Ships with mono-tank systems or having technical issues prohibiting use of low-sulfur fuel would be exempt from this requirement.

Although the mitigation measure stipulates 100% compliance upon commencement of the proposed Project, the following annual participation rates were conservatively assumed in the air quality analysis:

Inner Harbor:

- 30% of all calls in 2009, and
- 90% of all calls in 2013 and thereafter.

Outer Harbor:

- 90% of all calls in 2013.

The incremental benefits of accelerating the implementation of MM AQ-10 have not been quantified. Nevertheless, accelerated implementation of MM AQ-10 would likely result in emissions lower than those identified in the Draft EIS/EIR, although not sufficiently low that any significant and unavoidable impact identified in the Draft EIS/EIR would be reduced to a less-than-significant level.

The use of 0.2% sulfur fuel is consistent with the CAAP. In developing and approving the CAAP, the Ports of Los Angeles and Long Beach met and collaborated with agencies (including CARB, South Coast Air Quality Management District [SCAQMD], and USEPA), environmental and community groups, and the shipping industry. As a result of this collaborative process, 0.2% sulfur fuel was found to be the lowest sulfur-level fuel feasible. To allow for some margin of error and product contamination in the distribution system, when a shipping line orders 0.2% sulfur fuel, the shipping line is actually receiving a fuel with a lower sulfur content between 0.13 and 0.16% (POLA 2007). Therefore, if the mitigation measure required 0.1% fuel, the supplier would have to provide fuel at a content lower than 0.1%, which might not be possible currently from area refineries (POLA 2007).

In developing and approving the CAAP, the Ports of Los Angeles and Long Beach met and collaborated with agencies (including CARB, South Coast Air Quality Management District [SCAQMD], and EPA), environmental and community groups, and the shipping industry. As a result of this collaborative process, 0.2% sulfur fuel was found to be the lowest sulfur-level fuel feasible Port-wide and for mitigation of the impacts of the proposed Project. Use of this fuel for that purpose represents consensus.

There is a CARB regulation that requires 0.1% starting in 2012 (current regulations restrict fuel to 1.5% or 0.5% sulfur depending on source fuel). However this requirement to meet 0.1% is contingent on results of a feasibility study slated to start 12-18 months prior to 2012. The 0.1% fuel represents a goal under the CARB rule and may be amended due to the results of the study. However, if 0.1% fuel was found to be feasible, all ships would be subject to the CARB regulation starting in 2012. All ships would be subject to the CARB regulation. MM AQ-10 simply accelerates and ensures compliance pending legal or other regulatory delays with the statewide measure. MM AQ-10 simply accelerates and ensures compliance pending legal or other regulatory delays with the statewide measure and provides a stopgap to 0.2% low sulfur fuel if the 0.1% fuel is found infeasible.

The mitigation measure also states that the tenant would notify LAHD of such vessels prior to arrival and will make every effort to retrofit such ships within 1 year. It is infeasible to retrofit ships within six months since ships are only removed from the water for regular maintenance at a minimum of once a year.

SCAQMD-12 calls for greater commitment and enforceability of MM AQ-12. MM AQ-12 specifies that new vessel builds will incorporate NO_X and PM control devices on auxiliary and main engines and identifies the types of control technologies that may be included in new vessel builds. However, the specific emission-reduction technologies used on new vessels would depend on availability and feasibility of the technology on a case-by-case basis; therefore, the effectiveness of this measure was not quantified. LAHD expects the types of technologies identified in MM AQ-12 will be feasible and available in the future. Therefore, the Port will change the language of MM AQ-12 to require that new vessel builds for the Inner and Outer Harbor Cruise Terminals to meet at a minimum the SIP requirements for main engine controls for the new vessel builds if such technology is available and feasible. MM AQ-12 will now read as:

> ***MM AQ-12. New Vessel Builds.*** *All new vessel builds shall incorporate NO_X, PM and GHG control devices on ships' engines. These control devices include, but are not limited to, the following technologies, where appropriate: (1) SCR technology, (2) exhaust gas recirculation, (3) in-line fuel emulsification technology, (4) DPFs or exhaust scrubbers, (5) common rail direct fuel injection, (6) low-NO_X burners for boilers, (7) implementation of fuel economy standards by vessel class and engine, ~~and~~ (8) diesel-electric pod-propulsion systems, and (9) main engine controls consistent with CA SIP requirements.*

Future technology would also be implemented through MM AQ-22. Under MM AQ-22, the opportunity to add new measures to the lease would occur not less frequently than once every 7 years. The time limit of 7 years was chosen based on observations by Port staff that requests from customers for terminal improvements or modifications averaged every 7 years, creating the opportunity for lease modifications.

SCAQMD-14 states that that CAAP measures are different than MM AQ-18 and calls for tugboats in the North Harbor Cut to meet EPA Tier 2 standards upon commencement of the Project. The comment also calls for tugboat engines to meet Tier 3 standards by 2014, and Tier 4 standards when marine engines meeting Tier 4 standards become available.

All tugboats will meet CARB's Harbor Craft rule, which sets a schedule for engine replacement/retrofit for harbor craft home-ported in the SCAQMD. MM AQ-18 accelerates CARB's tugboat engine replacement schedule by requiring 100% fleet turnover to Tier 2 (at minimum) in 2014 and 100% fleet turnover to Tier 3 (at minimum) in 2020.

The draft EIR/EIS analysis conservatively assumed Tier 2 standards for all tugboats by the end of 2014, even though some operators may replace ferry engines with Tier 3 engines, as would be dictated by the CARB Harbor Craft rule in the year of retrofit. The analysis also conservatively assumed Tier 3 standards for all tugboats by the end of 2020, even though some operators may replace ferry engines with Tier 4 engines, as would be dictated by the CARB Harbor Craft rule in the year of retrofit.

The MM AQ-18 language will be altered to better reflect the intent of the accelerated replacement as follows:

> ***MM AQ-18. Engine Standards for Tugboats.*** *Tugboats calling at the North Harbor cut shall be repowered to meet the cleanest existing marine engine emission standards or EPA Tier 2, <u>whichever is more stringent at the time of engine replacement</u>, as follows (minimum percentages): 30% in 2010 and 100% in 2014.*
>
> *Tugs calling at the North Harbor cut shall be repowered to meet the cleanest existing marine engine emission standards or EPA Tier 3, <u>whichever is more stringent at the time of engine replacement</u>, as follows (minimum percentages): 20% in 2015, 50% in 2018, and 100% in 2020.*

In regards to SCAQMD-15, MM AQ-21 applies only to the Catalina Express Ferries, and is based on specific operations at the Catalina Express terminal.

All ferries will at a minimum meet CARB's Harbor Craft rule, which sets a schedule for engine replacement/retrofit for ferries home-ported in the SCAQMD. MM AQ-21 accelerates CARB's ferry engine replacement schedule by requiring that in 2014 all engines be replaced with engines that meet marine engine standards at the time of replacement, which depending on the year of replacement and engine size would be either Tier 2 or Tier 3 engines. The EIR/EIS analysis conservatively assumed Tier 2 standards for all ferries by the end of 2014. However, it is likely that operators would replace ferry engines with some Tier 3 engines, depending on the year of retrofit.

The MM AQ-21 language will be altered to better reflect the intent of the accelerated replacement as follows:

> ***MM AQ-21. Catalina Express Ferry Engine Standards.*** *Ferries calling at the Catalina Express Terminal shall be repowered to meet the cleanest ~~existing~~ marine engine emission standards <u>in existence at the time of repowering</u> ~~or EPA Tier 2~~ as follows (minimum percentages): 30% in 2010 and 100% in 2014.*

Comment SCAQMD-13 recommends accelerating implementation of IMO standards on marine vessel emissions limits sufficiently for emissions reductions assumed in the SIP to be achieved. Regarding the recent proposal by the International Maritime Organization (IMO), LAHD fully supports such efforts. The IMO regulation, however, sets emissions limits and does not dictate specific technology. The effectiveness of Mitigation Measure MM AQ-22 depends on the advancement of new technologies and the outcome of future feasibility or pilot studies. Until such time as advanced technologies become feasible and available, LAHD cannot require such technology.

Comment USEPA-24 recommends incorporating the following mitigation measures: contacting those involved with Port Community Mitigation Trust Fund to get their input on appropriate mitigation measures; consider PCAC recommendation for Public Health Trust Fund, Health Survey, Partners for Kids Health (mobile clinic) and Health and Environment Directory as mitigation measures for environmental justice impacts; engage in proactive efforts to hire local residents and train them to do work associated with the project; provide public education programs about environmental health impacts and land use planning issues; improve access to healthy food through establishment of farmer's markets or retail outlets on Port lands; continue expansion and improvements to local community's parks and recreation system in order to ensure access to open space and exercising activities. All feasible mitigation measures as required by CEQA have been applied to the proposed Project and Alternatives in the Draft and Final EIS/EIR. It should be noted that the mitigation measures provided in the Draft EIS/EIR are consistent with the CAAP, which has undergone extensive public review and serves as the overall guide to minimizing Port-wide air quality impacts to local communities. Regarding the recommendation to provide a health care clinic, such a measure would not reduce air emissions from the proposed Project or an Alternative, and so would not be an effective mitigation measure under CEQA to avoid or reduce any significant impacts of the proposed Project or an alternative on the physical environment. It is the intention of LAHD to directly reduce or eliminate the source of emissions and, therefore, to reduce any long-term health care costs that might be associated with Port project development.

The LAHD has established a Port Community Mitigation Trust Fund geared towards addressing the overall off-port impacts created by Port operations outside of the context of project-specific CEQA documents entered into an MOU. This fund includes, for example, approximately $6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in the communities of Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to Port impacts on harbor area communities. While the MOU does not alter the legal obligations of the lead agencies under CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the proposed Project, which means it is not an environmental justice mitigation per se, it would have particular benefits for harbor area communities where disproportionate effects could occur

Regarding the suggestion to engage in proactive efforts to hire local workers and the suggestion to provide public education programs, LAHD has an ongoing set of mechanisms to promote inclusion of small, minority, woman-owned, and similar business enterprises, many of which are in the local area, in its contracting. In addition, job training targeted at harbor area communities is provided by economic development organizations, the City of Los

Angeles, and other entities. LAHD provides outreach to the communities in the form of meetings with the Port Community Advisory Committee (PCAC), other community groups, and individuals. LAHD also provides educational information on its web site, in newsletters that are available in English and Spanish, through outreach at community events and festivals, and by other means. Related to the suggestion to improve access to healthy food by establishing markets on Port lands, reuse of the existing Warehouses 9 and 10 and a potential mercado is discussed under the proposed Project and alternatives. Downtown San Pedro hosts a farmers market near LAHD property on 6th street near Pacific Avenue every Friday. There is also an existing community garden located within the project area on Harbor Boulevard near 14th Street. A farmer's market/mercado has also been proposed for the Port's Wilmington Waterfront Project, which was approved in June 2009.

Finally, the discussion below relates to the suggestion to continue expansion and improvements to the local community's parks and recreation system. The proposed Project and alternatives include the construction of 27 acres of new park space within San Pedro, extensions of the California Coastal Trail, and new connected bikeways throughout the 400 acre project area, in addition to the approximately 8-miles of waterfront promenade. These recreational improvements are in addition to the 18-acre 22nd Street Park currently under construction in San Pedro , the 30-acre Harry Bridges Buffer Project park currently under construction in Wilmington, and the recently approved 90-acre Wilmington Waterfront Project that will also provide open space, recreation, and pedestrian amenities.

Comment PCCAC1-10 recommends the minimum threshold for mitigation should be maintaining the existing conditions of traffic and air quality. The air quality significance thresholds used in the Draft EIS/EIR were primarily based on standards established by the City of Los Angeles in the *L.A. CEQA Thresholds Guide* (City of Los Angeles 2006) and are consistent with the CEQA thresholds established by the South Coast Air Quality Management District. Mitigation measures were prescribed for all impacts found to be significant using these thresholds. All feasible mitigation measures as required by CEQA have been applied to the proposed Project in the Draft EIS/EIR.

Comments CSPNC3-38, JONWAR-35, and PCACAQS-8 all recommend MM-AQ-9 should require 100% Alternative Maritime Power (AMP) for Cruise Vessels immediately on start of Project operations. The AMP compliance rate at the Outer Harbor is 97% (to allow time for ships to tie up to AMP). The lower AMP compliance rate of 30% of all calls in 2009 at the Inner Harbor Terminal is driven by existing lease agreements and home-ported vessels. The mitigation measure requires 80% AMP of all calls in the Inner Harbor in 2013 and thereafter to accommodate existing lease agreements and home-ported vessels.

Mitigation measures were developed based on industry standards, technology developments, cruise industry expertise, input from community advisory groups, and mitigation measures deemed feasible for other Port projects. However, it is important to note that each project, and thus mitigation measures appropriate to that project, carry individual technological feasibility, operational feasibility and lease agreement considerations. Although mitigation measures from other projects were considered in developing mitigation measures for the Draft EIS/EIR/EIS, final mitigation measures are project-specific, are based on feasibility and existing lease agreements.

Comments CSPNC3-39, JONWAR-36 and PCACAQS-9 and 10 all recommend MM AQ-3 should require 100% compliance to USEPA 2007 emission standards for on-road trucks during construction phase. Most of the on-road delivery trucks are owned and/or leased by

individual vendors who are not LAHD tenants. The phased-in schedule for on-road trucks was established to allow time for LAHD tenants to inform and encourage their vendors to implement the use of EPA 2007 emission standard trucks during fleet turnover period. The suggestion could therefore not be accomplished within a reasonable period of time.

Comments CSPNC3-40, JONWAR-37 and PCACAQS-9 and 10 all recommend MM AQ-15 should require 100% compliance to USEPA 2007 emission standards for on-road trucks during construction phase. Mitigation Measure MM AQ-15 applies to delivery trucks associated with the operation of the proposed project. During the construction phases, Mitigation Measure MM AQ-3 applies to on-road trucks delivery construction materials. The mitigation measure requires trucks to meet the EPA 2004 emission standards for the years 2009 through 2011 and EPA 2007 emissions standards for post-year 2011.

Comments CSPNC3-42, JONWAR-39, and PCACAQS-12 all recommend all uses planned for LNG-Powered Shuttle Busses require change to implement electric powered busses. LAHD conducted a survey in early 2008 of shuttle buses and vehicle providers, including information on future vehicle orders. As a result of this survey, it was found that electric-powered buses would not be available in large quantities to fulfill the requirements of the proposed Project. However, LAHD will encourage use of the cleanest available shuttle buses. As indicated in the Draft EIS/EIR, all shuttle buses will be LNG powered or LEV-equivalent buses, which are low emission. This issue is also discussed in Response to Comment JONWAR-39 and PCACAQS-12.

CommentsCSPNC3-44, JONWAR-41, and PCACAQS-14 all recommend MM-AQ-21 should be revised to require EPA Tier 2 compliance at 100% in 2010. MM AQ-21 applies only to Catalina Ferries, which are not subject to CAAP. MM AQ-21 language has been altered to better reflect the intent of the accelerated replacement and will requires all ferries calling at the Catalina Express Terminal to be 100% repowered to meet the cleanest marine engine emissions standards in existence at the time of repowering as follows (minimum percentages): 30% in 2010 and 100% in 2014.

SCAQMD recommends MM-AQ-21 should be revised to require all Catalina Express ferries to have EPA Tier 2 compliance at the start of project operation and Tier 3 compliance by 2014. While LAHD will require the cleanest available marine engine emissions standards at the time of repowering, this does not necessarily align with the desired SCAQMD timeframe of 100% Tier 3 compliance by 2014.

Comments CSPNC3-45, JONWAR-42, and PCACAQS-14 all recommend MM AQ-22 should state the basis of periodic review such as once yearly and no less frequently than every five years. Mitigation Measure MM AQ-22 provides a process to consider new or alternative emission control technologies in the future and an implementation strategy to ensure compliance. Under Mitigation Measure MM AQ-22, the opportunity to add new measures to the lease would occur not less frequently than once every 7 years. The periodic review time frame required by MM AQ-22 is based on an historical average for tenants requesting terminal modifications, thereby allowing lease modifications.

Regarding the recent proposal by the International Maritime Organization (IMO), LAHD fully supports such efforts. The IMO regulation, however, sets emissions limits and does not dictate specific technology. The effectiveness of Mitigation Measure MM AQ-22 depends on the advancement of new technologies and the outcome of future feasibility or pilot studies.

Until such time as advanced technologies become feasible and available, LAHD cannot require such technology.

Comments CSPNC3-46, JONWAR-43, and PCACAQS-16 all recommend MM QA-23 should be revised to include no less than two additional review cycles between the years of 2022 and 2037. The review cycles are tied to the years in which air emissions were quantified and air dispersion modeling was conducted, namely 2011, 2015, 2022, and 2037. These analysis years were chosen based on project milestones and regulatory actions. Adding review cycles that do not correspond to analysis years would not allow for valid comparison, since no analysis would have been done in that year.

No changes are required to the Final EIS/EIR as a result of the comment received regarding Impact AQ-3.

Impact AQ-4: Proposed project operations would result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.

Dispersion modeling of onsite and offsite proposed project operational emissions was performed to assess the impact of the proposed Project on local ambient air concentrations. Emissions were estimated for the milestone years 2015, 2022, and 2037; and the highest emission rate for each source category from each milestone year was used in the dispersion modeling to determine maximum impact. A summary of the dispersion modeling results is presented here, and the complete dispersion modeling report is included in Appendix D2 of the Draft EIS/EIR.

Maximum offsite ambient pollutant concentrations associated with the proposed Project operations would be significant for NO2 (1-hour average and annual average) and PM10 (24-hour and annual average) and PM2.5 (24-hour average). Therefore, impacts would be significant impacts under CEQA.

Finding

Mitigation measures AQ-9 through AQ-24 as described above have been developed to reduce operational emissions. Implementation of these measures would substantially lessen emissions from criteria pollutants associated with operation of the proposed Project, as listed in Table 5. Therefore, the Board hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. However, after mitigation impacts would be significant for NO_2 and 24-hour PM10 and PM2.5 as well as annual PM10, although offsite ambient concentrations of PM10 and PM2.5 would be reduced. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives, however, as explained below.

Rationale for Finding

Changes or alterations in the form of mitigation measures have been required in or incorporated into the project in the form of AQ-9 through AQ-24 which substantially lessen significant operational emissions, as shown in Tables 5.1a to 5.2b. Although reduced as a

result of the mitigation measures, ambient air concentrations emissions remain significant and unavoidable for NO2, PM10 and PM2.5.

Table 5.1a. Maximum Offsite NO2 and CO Concentrations Associated with Operation of the Proposed Project without Mitigation (**bold** numbers denote significant emissions)

Pollutant	*Averaging Time*	*Maximum Modeled Concentration of Proposed Project ($\mu g/m^3$)*	*Background Concentration ($\mu g/m^3$)*	*Total Ground-Level Concentration ($\mu g/m^3$)*	*SCAQMD Threshold ($\mu g/m^3$)*
NO_2	1 hour	1,559	263	**2,006**	338
	Annual	74	53	**127**	56.4
CO	1 hour	6,229	4,809	11,038	23,000
	8 hours	2,362	4,008	6,370	10,000

Notes:

Exceedances of the thresholds are indicated in bold.

The background concentrations were obtained from the North Long Beach monitoring station. The maximum concentrations during the years of 2004, 2005, 2006, and 2007 were used.

NO_2 concentrations were calculated using the ozone limiting method that uses ozone data from the North Long Beach monitoring station. The conversion of NO_X to NO_2 is dependent on the hourly ozone concentration and hourly NO_X emission rates.

Table 5.1b. Maximum Offsite PM10 and PM2.5 Concentrations Associated with Operation of the Proposed Project without Mitigation (**bold** numbers denote significant emissions)

	Maximum Modeled Concentration of Proposed Project (µg/m3)	*Maximum Modeled Concentration of CEQA Baseline (µg/m3)*	*Ground-Level Concentration CEQA Increment (µg/m3)*	*SCAQMD Threshold (µg/m3)*
PM10 24-hour period	26.9	32.3	**15.5**	2.5
PM10 annual average	7.3	4.3	**3.0**	1.0
PM2.5 24-hour period	20.0	25.8	**12.3**	2.5

Notes:

Exceedances of the threshold are indicated in bold. The thresholds for PM10 and PM2.5 are incremental thresholds; therefore, the incremental concentration without background is compared to the threshold.

The maximum increments presented in this table do not necessarily occur at the same receptor location as the maximum concentrations. This means that the increments cannot necessarily be determined by simply subtracting the baseline concentrations from the proposed project concentration in the table. The CEQA increment represents the mitigated proposed Project minus the CEQA baseline. The NEPA increment represents the mitigated proposed Project minus the NEPA baseline. NEPA baseline emissions include as project elements the same mitigation measures identified for Alternative 5.

Table 5.2a. Maximum Offsite NO2 and CO Concentrations Associated with Operation of the Proposed Project after Mitigation (**bold** numbers denote significant emissions)

Pollutant	*Averaging Time*	*Maximum Modeled Concentration of Mitigated Project ($\mu g/m^3$)*	*Background Concentration ($\mu g/m^3$)*	*Total Ground-Level Concentration ($\mu g/m^3$)*	*SCAQMD Threshold ($\mu g/m^3$)*
NO_2	1 hour	772	263	**1,035**	338
	Annual	55	53	**108**	56.4
CO	1 hour	6,182	4,809	10,991	23,000
	8 hours	2,355	4,008	6,363	10,000

Notes:

Exceedances of the thresholds are indicated in bold.

The background concentrations were obtained from the North Long Beach monitoring station. The maximum concentrations during the years of 2004, 2005, 2006, and 2007 were used.

NO_2 concentrations were calculated using the ozone limiting method that uses ozone data from the North Long Beach monitoring station. The conversion of NO_X to NO_2 is dependent on the hourly ozone concentration and hourly NO_X emission rates.

Table 5.2b. Maximum Offsite PM10 and PM2.5 Concentrations Associated with Operation of the Proposed Project after Mitigation (**bold** numbers denote significant emissions)

	Maximum Modeled Concentration of Mitigated Project ($\mu g/m^3$)	*Maximum Modeled Concentration of CEQA Baseline ($\mu g/m^3$)*	*Ground- Level Concentration CEQA Increment ($\mu g/m^3$)*	*SCAQMD Threshold ($\mu g/m^3$)*
PM10 24-hour period	18.9	32.3	**8.3**	2.5
PM10 annual average	6.6	4.3	**2.4**	1.0
PM2.5 24-hour period	13.5	25.8	**6.5**	2.5

Notes:

Exceedances of the threshold are indicated in bold. The thresholds for PM10 and PM2.5 are incremental thresholds; therefore, the incremental concentration without background is compared to the threshold.

The maximum increments presented in this table do not necessarily occur at the same receptor location as the maximum concentrations. This means that the increments cannot necessarily be determined by simply subtracting the baseline concentrations from the proposed project concentration in the table.

The CEQA increment represents the mitigated proposed Project minus the CEQA baseline.

Mitigation measures AQ-9 through AQ-24 represent feasible means to reduce air pollution impacts from proposed operational sources. Mitigation measures AQ-9 through AQ-24 represent feasible means to reduce air pollution impacts from proposed operational sources. Mitigation Measure MM AQ-9 includes the requirements for cruise vessels calling at the Port to use alternative maritime power (AMP) while hoteling in the Port; Mitigation Measure MM AQ-10 requires vessels calling at the cruise terminals to use low-sulfur fuel; Mitigation Measure MM AQ-11 requires cruise vessels to comply with the Vessel Speed-Reduction Program; Mitigation Measure MM AQ-12 requires that emission reduction technology and/or design options be incorporated when ordering new ships bound for the Port of Los Angeles; Mitigation Measure MM AQ-13 requires all terminal equipment to be electric, where available; Mitigation Measure MM AQ-14 requires all shuttle buses from parking lots to cruise ship terminals to be LNG powered or a low-emission vehicle equivalent; Mitigation Measure MM AQ-15 requires on road heavy-duty diesel trucks entering the cruise terminal building to achieve EPA's emission standards; and Mitigation Measure MM AQ-16 requires heavy-duty truck idling to be reduced at both the Inner and Outer Harbor Cruise Terminals. With mitigation, offsite ambient concentrations from proposed Project operations would be reduced; however they would remain significant and unavoidable.

The Final EIR has accelerated implementation and/or modified of some mitigation measures proposed in the Draft EIS/EIR, namely MM AQ-11 (VSRP), MMAQ-12 (new vessel builds) and MM AQ-14 (LNG or low emission equivalent shuttle busses), and MM AQ-21 (Catalina Express Ferry Standards), to further reduce operational emissions. In regards to low sulfur fuel, the new requirements call all (100%) of ships to use low sulfur fuel (0.2%) from day one of operation unless there are technical issues, thereby increasing low sulfur fuel requirements far beyond the Draft EIS/EIR requirements. In response to a number of comments received on electric yard tractors, a pilot project was included in MM AQ-17. The revisions to operational assumptions/mitigation measures used in the Draft EIS/EIR that are included in the Final EIS/EIR were not evaluated for precise quantification of their potential to reduce emissions form proposed operational activities.

Public Comment

A total of three comments were received on the Draft EIS/EIR specifically regarding mitigation measures related to Impact AQ-4 from the Pacific Corridor Community Advisory Committee (PCCAC1-24) and the Grand Vision Foundation (VISION- 21 and VISION-23).

In addition, the responses to comments received on Impact AQ-1 above would also pertain to AQ-4, and likewise establish that additional mitigation proposed in Comments USEPA-19 and CFASE-4 is infeasible. Furthermore, responses to comments received on Impact AQ-3 above would also pertain to AQ-4 and likewise establish that additional mitigation proposed by Comments SCAQMD-10, SCAQMD-13, USEPA-17, USEPA-24, CSPNC3-38 through -46, PCCAC1-10, PCACAQS-8, PCACAQS-9, PCACAQS-11, PCACAQS-12, PCACAQS-14, and PCACAQS-16, JONWAR-36, JONWAR-37, JONWAR-38, JONWAR-39, JONWAR-41, JONWAR-42, and JONWAR-43 is infeasible. Please see the discussion under Impacts AQ-1 and AQ-3 above.

VISION-21 recommends purchase adjacent blighted and underutilized property to add additional lanes (at impacted street intersections on Harbor Boulevard, Gaffey Street, and other impacted intersections) and also provide land for redevelopment, for mixed use joint development including public open space and relocation resources for any displaced housing and businesses. To minimize disruption to the surrounding community and to avoid potential

secondary impacts, the mitigation program developed for the proposed project focused on improvements that can be made within the existing rights-of-way, such as roadway restriping and widening and installation of traffic signals. The proposed traffic mitigation program is described in Appendix M and is summarized in Section 3.11, "Ground Transportation and Circulation," of the Draft EIS/EIR. Should land be purchased, as suggested by the commenter, for the acquisition and relocation of property and for new mixed use developments to offset impacted intersections, the physical relocation and the construction and operation of new mixed use developments would result in additional significant impacts, such as air quality and noise. Significant and unavoidable impacts to air quality and noise would occur during construction and potentially during operation of these suggested "offsets". Therefore, the commenter's suggestion would simply exchange significant unavoidable impacts associated with traffic for significant and unavoidable impacts associated with air quality and noise and thus lessen or avoid significant and unavoidable impacts overall. Furthermore, the Draft EIS/EIR analyzes a reasonable range of alternatives which permit the decision makers to make a reasoned choice regarding project/alternative approval, approval with modifications, or disapproval. Additional alternatives, such as inclusion of a mixed use development, do not meet most of the basic project objectives are therefore not considered.

Comment PCCAC1-24 and VISION-23 recommend increased land area devoted to open space as landscaped area along waterfront and tree planting along streets and private property within the San Pedro Community. While aesthetic and visual benefits may occur with increased open space and tree covering, they would have minimal impact on reducing the air quality concentration at the Port and surrounding vicinity. While the Draft EIS/EIR does show that the proposed Project does have a location where there are expected exceedances of the significant threshold levels, the vast majority of areas will experience a decrease in concentration. This is illustrated in Figure D 3.7-9 which shows that most residential areas will experience a reduction in exposure to air pollutants as a result of the proposed Project.

Commenters also suggest changing the Port's land use designations to "improve land utilization and bring in conformance with the proposed improvements." Commenters provide suggested land use designations but do not provide a description of permissible uses within the suggested designations. It is therefore unclear how such designations would be consistent with the proposed project objectives discussed in Sections 2.3.1 and 2.3.2. Furthermore, the proposed project did not identify any significant land use impacts that could not be mitigated to less than significant. Therefore such measures are not needed to reduce land use impacts.

No changes are required to the Final EIS/EIR as a result of the comments received regarding Impact AQ-4.

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

Proposed project operations would emit Toxic Air Contaminants (TACs) that could affect public health. A Health Risk Assessment (HRA) spanning the years 2009–2078 was conducted consistent with both CARB and SCAQMD policies (Port of Los Angeles 2008). The HRA was used to evaluate possible health impacts from the emissions of TACs associated with proposed project operations. The HRA was conducted following the methodology as developed in *The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*

(OEHHA 2003) and *Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics Hot Spots Information and Assessment Act* (SCAQMD 2005). The approach is consistent with the Hotspots Analysis and Reporting Program (HARP), version 1.3 (CARB 2006). The approach used the modeled output from the AERMOD dispersion model. The complete HRA report is included in Appendix D3 of this EIS/EIR.

The main sources of TACs from proposed project operations would be Diesel Particulate Matter (DPM) emissions from cruise vessels, terminal equipment, and motor vehicles. Also included in the HRA analysis are construction-related emissions spanning the construction period.

For health effects resulting from long-term exposure, CARB considers DPM as representative of the total health risks associated with the combustion of diesel fuel. TAC emissions from non-diesel sources (such as gasoline engines) and non-internal combustion sources (such as auxiliary boilers) were also evaluated in the HRA, although their impacts were minor for long-term exposure in comparison with DPM. Since the proposed Project would generate emissions of DPM, Impact AQ-7 also discusses the effects of ambient PM on increased mortality and morbidity.

The HRA evaluated three different types of health effects: individual lifetime cancer risk, chronic noncancer hazard index, and acute noncancer hazard index. Individual lifetime cancer risk is the additional chance for a person to contract cancer after a lifetime of exposure to Project emissions. The "lifetime" exposure duration assumed in this HRA is 70 years.

The chronic hazard index is a ratio of the long-term average concentrations of TACs in the air to established reference exposure levels. A chronic hazard index below 1.0 indicates that adverse noncancer health effects from long-term exposure are not expected. Similarly, the acute hazard index is a ratio of the short-term average concentrations of TACs in the air to established reference exposure levels. An acute hazard index below 1.0 indicates that adverse noncancer health effects from short-term exposure are not expected.

For the determination of significance from a CEQA standpoint, the HRA determined the incremental increase in health effect values due to the proposed Project by estimating the net change in impacts between the proposed Project and CEQA baseline conditions. Both of these incremental health effect values (proposed Project minus CEQA baseline) were compared to the significance thresholds for health risk described in Section 3.2.4.2.

To estimate cancer risk impacts, VOC and DPM emissions were projected over a 70-year period, from 2009 through 2078. This 70-year projection of emissions was done for the proposed Project, CEQA baseline to enable a proper calculation of the CEQA cancer risk increments. To calculate the 70-year emissions for vessels, emissions were calculated for each segment of transit and hoteling for each analysis year; the emissions were then interpolated for intermediate years and held constant at 2037 levels for years beyond 2037.

The maximum CEQA cancer risk increment associated with the unmitigated proposed Project is predicted to be 270 in a million (270×10^{-6}), at a recreational receptor. This risk value exceeds the significance criterion of 10 in a million and would be considered a significant impact. The receptor location for the maximum recreational increment is in the Outer Harbor Park, approximately 300 meters northeast of Outer Harbor Cruise Terminal Berths 45–47. The CEQA cancer risk increment would also exceed the threshold at occupational, sensitive, and residential receptors. The maximum residential receptor is located in the marina. These exceedances are considered significant impacts under CEQA. The maximum chronic hazard index CEQA

increment associated with the unmitigated proposed Project is predicted to be less than significant for all receptor types for the proposed Project without mitigation. The acute hazard index CEQA increment is predicted to be lower than the significance threshold for sensitive and student receptor types, but significant for residential, occupational, and recreational receptors.

Finding

Mitigation measures AQ-9 through AQ-24 as described above have been developed to reduce operational emissions. Implementation of these measures would substantially lessen emissions from criteria pollutants associated with operation of the proposed Project, as listed in Table 6. Therefore, the Board hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the EIS/EIR. However, even with these reductions, impacts associated with the maximum cancer risk for the recreational and occupational receptor and the acute hazard index for the occupational, residential, and recreational receptors would remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives, however, as explained below.

Rationale for Finding

Changes or alterations in the form of mitigation measures have been required in, or incorporated into the project in the form of AQ-9 through AQ-24 which substantially lessen significant toxic air emissions, as shown in Tables 6.1 and 6.2. Although reduced as a result of the mitigation measures, ambient air concentrations emissions remain significant and unavoidable residential health risk.

Table 6.1. Maximum Health Impacts Associated with the Proposed Project without Mitigation (**bold** numbers denote significant emissions)

Health Impact	*Receptor Type*	*Maximum Predicted Impact*			*Significance Threshold*
		Proposed Project	*CEQA Baseline*	*CEQA Increment*	
Cancer Risk	Residential	341 x 10^{-6} (341 in a million)	379 x 10^{-6} (379 in a million)	**112 x 10^{-6} (112 in a million)**	10 × 10^{-6} (10 in a million)
	Occupational	387 x 10^{-6} (387 in a million)	992 x 10^{-6} (992 in a million)	**176 x 10^{-6} (176 in a million)**	
	Recreational	594 x 10^{-6} (594 in a million)	1,522 x 10^{-6} (1,522 in a million)	**270 x 10^{-6} (270 in a million)**	
	Sensitive	97 x 10^{-6} (97 in a million)	120 x 10^{-6} (120 in a million)	**12 x 10^{-6} (12 in a million)**	

Health Impact	*Receptor Type*	*Maximum Predicted Impact*			*Significance Threshold*
		Proposed Project	*CEQA Baseline*	*CEQA Increment*	
	Student	6×10^{-6} (6 in a million)	8×10^{-6} (8 in a million)	1×10^{-6} (1 in a million)	
Chronic Hazard Index	Residential	0.53	0.69	0.09	
	Occupational	1.16	1.72	0.38	
	Recreational	1.16	1.72	0.38	1.0
	Sensitive	0.13	0.13	0.02	
	Student	0.13	0.11	0.02	
Acute Hazard Index	Residential	1.64	2.40	**1.42**	
	Occupational	2.56	3.07	**2.51**	
	Recreational	2.56	3.07	**2.51**	1.0
	Sensitive	0.86	0.51	0.73	
	Student	0.54	0.42	0.41	

Notes:

Exceedances of the significance criteria are in bold. The significance thresholds apply to the CEQA increments only.

The maximum increments might not necessarily occur at the same receptor locations as the maximum impacts. This means that the increments cannot necessarily be determined by simply subtracting the baseline impacts from the proposed project impact.

The CEQA increment represents the proposed Project minus the CEQA baseline.

Data represent the receptor locations with the maximum impacts or increments. The impacts or increments at all other receptors would be less than these values.

The cancer risk values reported in this table for the residential receptor are based on the 80th percentile breathing rate.

For the acute hazard index, half the ships were assumed to use residual fuel oil with a 4.5% sulfur content and the other half were assumed to use the average residual fuel oil of 2.7% sulfur content

Table 6.2. Maximum Health Impacts Associated with the Proposed Project with Mitigation (**bold** numbers denote significant emissions)

Health Impact	*Receptor Type*	*Maximum Predicted Impact*			*Significance Threshold*
		Proposed Project	*CEQA Baseline*	*CEQA Increment*	
Cancer Risk	Residential	111×10^{-6} (111 in a million)	379×10^{-6} (379 in a million)	$<1 \times 10^{-6}$ (<1 in a million)	10×10^{-6} (10 in a million)
	Occupational	86×10^{-6} (86 in a million)	992×10^{-6} (992 in a million)	**16×10^{-6} (16 in a million)**	

Health Impact	*Receptor Type*	*Maximum Predicted Impact*			*Significance Threshold*
		Proposed Project	*CEQA Baseline*	*CEQA Increment*	
	Recreational	132×10^{-6} (132 in a million)	$1{,}522 \times 10^{-6}$ (1,522 in a million)	**25×10^{-6} (25 in a million)**	
	Sensitive	47×10^{-6} (47 in a million)	120×10^{-6} (120 in a million)	$<1 \times 10^{-6}$ (<1 in a million)	
	Student	2×10^{-6} (2 in a million)	8×10^{-6} (8 in a million)	$<1 \times 10^{-6}$ (<1 in a million)	
Chronic Hazard Index	Residential	0.44	0.69	0.04	1.0
	Occupational	1.04	1.72	0.20	
	Recreational	1.04	1.72	0.20	
	Sensitive	0.11	0.13	0.00	
	Student	0.10	0.11	0.00	
Acute Hazard Index	Residential	1.55	2.40	**1.10**	1.0
	Occupational	1.97	3.07	**1.74**	
	Recreational	1.97	3.07	**1.74**	
	Sensitive	0.73	0.51	0.60	
	Student	0.42	0.42	0.29	

Notes:

Exceedances of the significance criteria are in bold. The significance thresholds apply to the CEQA increments only.

The maximum increments might not necessarily occur at the same receptor locations as the maximum impacts. This means that the increments cannot necessarily be determined by simply subtracting the baseline impacts from the proposed project impact.

The CEQA increment represents the proposed Project minus the CEQA baseline.

Data represent the receptor locations with the maximum impacts or increments. The impacts or increments at all other receptors would be less than these values.

The cancer risk values reported in this table for the residential receptor are based on the 80th percentile breathing rate.

For the acute hazard index, half the ships were assumed to use residual fuel oil with a 4.5% sulfur content and the other half were assumed to use the average residual fuel oil of 2.7% sulfur content

The mitigation measures would reduce the maximum chronic hazard index to less than significant for all receptors including occupational, residential, and recreational.

The mitigation measures would reduce the maximum residential cancer risk associated with the proposed Project by about 67%. The maximum residential chronic hazard index would be reduced by about 17%. The maximum residential acute hazard index would be reduced by about 6%. Therefore, the mitigation measures would reduce the cancer risk and the chronic

hazard index to less than significant for residential receptors. However, this would still result in significant and unavoidable impact for the acute hazard index for residential receptors. The mitigation measures would result in a significant and unavoidable acute hazard index impact to occupational and recreational receptors as well. Acute risk is due mainly to construction and on-road trucks during operation..

Mitigation measures AQ-1 through AQ-24 represent feasible means to reduce air pollution impacts from proposed construction and operational sources.

Public Comment

One comment was received on the Draft EIS/EIR specifically regarding mitigation measures related to Impact AQ-7 from the Coalition for a Safe Environment (CFASE-15). CFASE-15 recommended numerous mitigation measures to reduce the health effects of air quality emissions, including the following:

- Comment CFASE-15: Establish a Public Health Care Mitigation Trust Fund to fund local community clinics such as the Wilmington Community Clinic and the San Pedro Harbor Free Clinic and the Los Angeles County Harbor General Hospital.
- Comment CFASE-15: Provide financial assistance to pay for health care at local clinics & county hospitals.
- Comment CFASE-15: Provide financial assistance to pay for health insurance.
- Comment CFASE-15: Provide financial assistance to pay for medical equipment.
- Comment CFASE-15: Provide financial assistance to pay for medical supplies.
- Comment CFASE-15: Provide financial assistance to pay for medical prescriptions.
- CFASE-15: Provide financial assistance for funeral expenses.
- CFASE-15: Provide financial assistance for short & long term convalescent care.
- CFASE-15: Provide financial assistance for rehabilitation.
- CFASE-15: Provide financial assistance for job retraining.
- CFASE-15: Provide financial assistance for lost income.
- CFASE-15: Provide financial assistance for special learning disability assistance.
- CFASE-15: Provide funeral and burial services.

The proposed Project mitigation measures were selected and developed based on technical research including current feasibility and future capabilities, as well as public input and comment, and the involvement of the Port Community Advisory Committee. The selected mitigation measures represent those technically feasible and of greatest value in protecting

public health and safety. Regarding the comment for the Port to establish a Public Health Care Mitigation Trust Fund, LAHD previously agreed to establish a Port Community Mitigation Trust Fund. This Mitigation Trust Fund would be geared towards addressing the overall off-Port impacts created by Port operations outside of the context of project-specific CEQA documents. This fund includes, for example, approximately $6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts related to port impacts on harbor area communities.

The courts have determined that lead agencies need not accept every mitigation measure suggested by the public. (San *Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal.App.3d 1502, 1519; see also *Concerned Citizens of South Central L.A. v. Los Angeles Unified School Dist*. (1994) 24 Cal.App.4th 826, 841 [discussion of mitigation measures is subject to 'rule of reason' and does not require consideration of every "imaginable" mitigation measure].

Mitigation measures must be consistent with all applicable constitutional requirements, including the following: there must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest and the mitigation measure must be "roughly proportional" to the impacts of the project (15126.4(4)(a)(b)). Furthermore, the recommended mitigation would not substantially reduce or avoid health risk impacts on the physical environment, and is not appropriate mitigation under CEQA. The suggestion for the Port to provide financial assistance for: public health care and treatment; health care at local clinics and county hospitals; health insurance; medical equipment, medical supplies, medical prescriptions; funeral expenses; short and long term convalescent care; rehabilitation; job retraining; lost income; special learning disability assistance; and, funeral and burial services is not proportional to the air quality impacts disclosed in the Draft EIS/EIR.

No changes are required to the Final EIS/EIR as a result of the comment received regarding Impact AQ-7.

Impact AQ-9: The proposed Project would produce GHG emissions that would exceed CEQA Baseline levels.

In each future project year, annual construction and operational greenhouse gas (GHG) emissions would increase relative to GHG emissions in the CEQA baseline year (2001). For the purposes of this EIR, any emissions above the CEQA baseline were considered significant under CEQA. Gases that trap heat in the atmosphere are called GHGs. GHGs are emitted by natural processes and human activities. Examples of GHGs that are produced both by natural processes and industry include carbon dioxide (CO2), methane (CH4), and nitrous oxide (N2O). Examples of GHGs created and emitted primarily through human activities include fluorinated gases (hydrofluorocarbons and perfluorocarbons) and sulfur hexafluoride. The accumulation of GHGs in the atmosphere regulates the earth's temperature. Without these natural GHGs, the Earth's surface would be about 61°F cooler (AEP, 2007). However, emissions from fossil fuel combustion for activities such as electricity production and vehicular transportation have elevated the concentration of GHGs in the atmosphere above natural levels. According to the *Intergovernmental Panel on Climate Change* (IPCC), 2007, the atmospheric concentration of CO2 in 2005 was 379 ppm compared to the pre-industrial levels of 280 ppm. In addition, *The Fourth U.S. Climate Action Report* concluded, in assessing current trends, that CO2 emissions increased by 20 percent from 1990-2004, while CH4 and N2O emissions decreased by 10 percent

and 2 percent, respectively. There appears to be a close relationship between the increased concentration of GHGs in the atmosphere and global temperatures. For example, the California Climate Change Center reports that by the end of this century, temperatures are expected to rise by 4.7 to 10.5°F due to increased GHG emissions. Scientific evidence indicates a trend of increasing global temperatures near the earth's surface over the past century due to increased human induced levels of GHGs.

GHGs differ from criteria pollutants in that GHG emissions do not cause direct adverse human health effects. Rather, the direct environmental effect of GHG emissions is the increase in global temperatures, which in turn has numerous indirect effects on the environment and humans. For example, some observed changes include shrinking glaciers, thawing permafrost, later freezing and earlier break-up of ice on rivers and lakes, a lengthened growing season, shifts in plant and animal ranges, and earlier flowering of trees (IPCC, 2001). Other, longer term environmental impacts of global warming may include sea level rise, changing weather patterns with increases in the severity of storms and droughts, changes to local and regional ecosystems including the potential loss of species, and a significant reduction in winter snow pack (for example, estimates include a 30-90% reduction in snowpack in the Sierra Mountains). Current data suggests that in the next 25 years, in every season of the year, California will experience unprecedented heat, longer and more extreme heat waves, greater intensity and frequency of heat waves, and longer dry periods.

The main contributors to GHG construction emissions include: (1) offroad construction equipment, (2) onroad trucks, and (3) workers' commute vehicles. The main contributors to operational GHG emissions include: (1) vessel movements; and (2) worker and visitor commuter vehicles.

In addition to GHG, the Project could also potentially contribute black carbon. Black Carbon is a form of carbon produced by incomplete combustion of fossil fuel and wood that may also contribute to climate change. Black carbon aerosols absorb, rather than reflect, solar radiation, which shades the Earth's surface, but warms the atmosphere. In the proposed Project, black carbon would be formed as part of diesel combustion and is a part of DPM. Therefore, GHG impacts would be significant under CEQA.

Finding

GHG emissions would exceed the CEQA baseline in all Project years, and therefore would be a significant impact under CEQA. Although mitigation measures reduce GHG emissions, emissions remain significant and unavoidable. Mitigation Measures MM AQ-9, MM AQ-11 through MM AQ-13, and MM AQ-16 through MM AQ-20, already developed for criteria pollutant operational emissions as part of Impact AQ-3, would also reduce GHG emissions. However, Mitigation Measures that reduce electricity consumption or fossil fuel usage from proposed project emission sources, such as MM AQ-25 through MM AQ-30, would also reduce proposed GHG emissions. Therefore, the Board hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. However, incorporation of these mitigation measures would not reduce GHG emissions below significance. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives, however, as explained below.

MM AQ-25. Recycling.

The terminal buildings shall achieve a minimum recycling rate of 40% by 2012 and 60% by 2015. Recycled materials shall include:

- *white and colored paper;*
- *Post-it notes;*
- *magazines;*
- *newspaper;*
- *file folders;*
- *all envelopes, including those with plastic windows;*
- *all cardboard boxes and cartons;*
- *all metal and aluminum cans;*
- *glass bottles and jars; and*
- *all plastic bottles.*

In general, products made with recycled materials require less energy and raw materials to produce than products made with unrecycled materials. This savings in energy and raw material use translates into GHG emission reductions. The effectiveness of this mitigation measure was not quantified due to the lack of a standard emission estimation approach.

MM AQ-26. Leadership in Energy and Environmental Design.

The cruise terminal building shall obtain the Leadership in Energy and Environmental Design (LEED) gold certification level. LEED certification is made at one of the following four levels, in ascending order of environmental sustainability: certified, silver, gold, and platinum. The certification level is determined on a point-scoring basis where various points are given for design features that address the following areas (U.S. Green Building Council 2005):

- *sustainable sites,*
- *water efficiency,*
- *energy and atmosphere,*
- *materials and resources,*
- *indoor environmental quality, and*
- *innovation and design process.*

As a result of the above design guidelines, a LEED-certified building will be more energy efficient, thereby reducing GHG emissions compared with conventional building design. Electricity consumption at the on-terminal buildings represents about 7% of on-terminal electrical consumption and about 0.1% of overall proposed project GHG emissions.Although not quantified in this analysis, implementation of this measure is expected to reduce the proposed Project's GHG emissions by less than 0.1%.

MM AQ-27. Compact Fluorescent Light Bulbs.

All interior terminal buildings shall use compact fluorescent light bulbs.

Fluorescent light bulbs produce less waste heat and use substantially less electricity than incandescent light bulbs. Although not quantified in this analysis, implementation of this measure is expected to reduce the proposed Project's GHG emissions by less than 0.1%.

MM AQ-28: Energy Audit.

The tenant shall conduct a third-party energy audit every 5 years and install innovative power-saving technology where feasible, such as power-factor correction systems and lighting power regulators. Such systems help maximize usable electric current and eliminate wasted electricity, thereby lowering overall electricity use.

This mitigation measure targets primarily large on-terminal electricity demands, such as on-terminal lighting and shoreside electric gantry cranes, which consume the majority of on-terminal electricity and account for about 1% of overall proposed project GHG emissions. Therefore, implementation of power-saving technology at the terminal could reduce overall proposed project GHG emissions by a fraction of 1%.

MM AQ-29. Solar Panels.

Solar panels shall be installed on the cruise terminal building.

Solar panels will provide the cruise terminal building with a clean source of electricity and replace some of its fossil-fuel-generated electricity use. Although not quantified in this analysis, implementation of this measure is expected to reduce the proposed Project's GHG emissions by less than 0.1%.

MM AQ-30. Tree Planting.

Shade trees shall be planted around the cruise terminal building.

Trees act as insulators from weather, thereby decreasing energy requirements. Onsite trees also provide carbon storage (AEP 2007). Although not quantified, implementation of this measure is expected to reduce the proposed Project's GHG emissions by less than 0.1%. Future Port-wide GHG emission reductions are also anticipated through AB 32 rule promulgation. However, such reductions have not yet been quantified because AB 32 implementation is still under development by CARB.

Rationale for Finding

Climate change, as it relates to man-made GHG emissions, is by nature a global impact. An individual project does not generate enough GHG emissions to significantly influence global climate change by itself (AEP, 2007). The issue of global climate change is, therefore, a cumulative impact. Nevertheless, for the purposes of this EIR, the Port has opted to address GHG emissions as a project-level impact, as well as a cumulative impact. GHG emissions are significant and unavoidable for all Project years with mitigation and without mitigation.

The construction sources for which GHG emissions were calculated include off-road diesel equipment, on-road trucks, marine cargo vessels used to deliver equipment to the site, and worker commute vehicles. The operational emission sources for which GHG emission were calculated include ships, tugboats, yard equipment, on-terminal electricity usage, and worker and visitor commute vehicles. Changes or alterations in the form of mitigation measures have been incorporated into the project in the form of Mitigation Measures MM AQ-9, MM AQ-11 through MM AQ-13, and MM AQ-16 through MM AQ-20, which lessen significant GHG emissions. However, as shown above, while the mitigation measures presented in the Final EIR reduce emissions, GHG emissions remain significant and unavoidable. The discussion below includes more details on suggested changes to mitigation measures raised in comments on the Draft EIS/EIR.

Public Comment

A total of two comments were received on the Draft EIS/EIR specifically regarding mitigation measures related to Impact AQ-9 from the Coalition for a Safe Environment (CFASE-5) and the Port Community Advisory Committee Air Quality Subcommittee (PCACAQS-6). In addition, measures to reduce operational air emissions would reduce GHG emissions as well. Therefore, the some of the comments received as part of Impact AQ-3 and Impact AQ-4 also pertain to Impact AQ-7.

Comments CFASE-5 and PCACAQS-6 both recommend reducing GHG emissions by implementing the following mitigation measures: purchasing or leasing AMECS (Advanced Marine Emissions Control Systems®) technology into Port; purchasing or leasing Clean Air Marine Power-Wittmar DFMV Cold Ironing System; purchasing or leasing Vycon, Inc. Regen Power System; purchasing the MagLev Container Support Transport System; installing solar power systems on top of public schools and other public buildings; purchasing and replacing old inefficient gas floor and wall heaters; purchasing and replacing old inefficient water heaters; purchasing and replacing old inefficient refrigerators; offering $5,000 coupon for the replacement of an old car; paying for the annual cost to repair leaking HFCs from older Port trucks; paying for the evacuation of HFC's from refrigeration units in reefer containers placed into storage in Wilmington.

Greenhouse gas (GHG) emissions at the Port are largely a function of diesel combustion; therefore, addressing these emissions will help address potential climate change effects. Mitigation measures for proposed Project/alternative construction were derived, where feasible, from the proposed no net increase (NNI) measures, Port Community Advisory Committee (PCAC) recommended measures, the San Pedro Bay Clean Air Action Plan (CAAP), LAHD's Construction Guidelines, and consultation with LAHD. Table 3.2-18 in Section 3.2, "Air Quality and Meteorology," of the Draft EIS/EIR summarizes all construction mitigation measures and regulatory requirements assumed in the mitigated emission calculations. Table 3.2-25 in the Draft EIS/EIR details how the mitigation measures for the proposed Project compare to those identified in the CAAP. Table 3.2-26 in the Draft EIS/EIR summarizes all operational mitigation measures and regulatory requirements included in the mitigated emissions calculations. The following additional mitigation measures specifically target the proposed project GHG emissions:

- MM AQ-25. Recycling
- MM AQ-26. Leadership in Energy and Environmental Design
- MM AQ-27. Compact Fluorescent Light Bulbs

- MM AQ-28: Energy Audit
- MM AQ-29. Solar Panels
- MM AQ-30. Tree Planting

These were developed through an applicability and feasibility review of possible measures identified in the *Climate Action Team Report* to Governor Schwarzenegger and the California Legislature (State of California 2006), and California Air Resources Board's (CARB's) *Proposed Early Actions to Mitigate Climate Change in California* (CARB 2007). The strategies proposed in these two reports for the commercial/industrial sector are listed in Table 3.2-42 of the Draft EIS/EIR. In addition, proposed Project elements and mitigation measures were also developed in response to the Attorney Generals' May 2008 memo on Climate Changes.

With respect to the specific comments and mitigation measures proposed in the comment:

a. The Draft EIS/EIR analysis considers and addresses the legal requirements of AB32. Carbon dioxide and Carbon Dioxide Equivalent emissions are analyzed in Chapter 3.2. Mitigation measures to reduce GHG emissions were developed using Assembly Bill 32 Guidelines and are identified in Section 3.2.3.2.10. The cumulative impacts analysis for air quality and in particular health risks, considers the cumulative effects of a larger region than the immediate Port area, also references risks as determined by the MATES II study. Thus the cumulative analysis is considered reasonable.

b. The suggestion to offset the LAHD's construction and operational GHG emissions by investing in numerous potential mitigation measures on Port Property are addressed below:

   The comment calls for implementation of the AMECS. It is not feasible at this time as the technology has not been fully tested. LAHD anticipates that AMECS technology could eventually prove feasible and cost-effective as an alternative to alternative maritime power (AMP) for some vessels at the Port, especially marine oil tankers. Parts of an AMECS system have been tested as part of a pilot project at the Port of Long Beach that is focused on vessels carrying dry bulk, break bulk, and roll-on/roll-off cargo (Port of Long Beach 2006). However, it should be noted that AMECs would not reduce GHG emissions over AMP. Unlike AMP, AMECs does not allow the ship to turn its engines off instead the NOx, SOx, and PM emissions from the stack are scrubbed through the AMECs system producing a waste stream (AMECs does not remove GHG from the stack emissions). AMECs also uses a similar amount or more electricity as AMP.

   With respect to the cruise ships, MM AQ-9 would require AMP for cruise vessels. While this does not mean an immediate reduction in GHG, this alternative power could come from renewable sources in the future. Furthermore, MM AQ-12 requires all new vessel builds to incorporate NO_X, PM and GHG control devices on ships' engines. These control devices include, but are not limited to, the following technologies, where appropriate: (1) SCR technology, (2) exhaust gas recirculation, (3) in-line fuel emulsification technology, (4) DPFs or exhaust scrubbers, (5) common rail direct fuel injection, (6) low-NO_X burners for boilers, (7) implementation of fuel economy standards by vessel class and engine, and (8) diesel-electric pod-propulsion systems. Furthermore, MM AQ-24 applies to mitigation

measures MM AQ-9 through MM AQ-21 and requires that if any kind of technology becomes available and is shown to be as good or as better in terms of emissions reduction performance than the existing measure, the technology could replace the existing measure pending approval by LAHD. The technology's emissions reductions must be verifiable through EPA, CARB, or other reputable certification and/or demonstration studies to LAHD's satisfaction. Therefore, should new technology be deemed to have a better emissions reduction performance than the trucks required under MM AQ-15 and this performance is verified by EPA, CARB or other certification studies, LAHD would require their use. Furthermore, MM AQ-22 requires the periodic review of New Technology and regulations via San Pedro Bay Clean Air Action Plan Technology Advancement Program and other methods. Therefore, the specific comments (#2 to 3) in the comment are already being included in the proposed Project for cruise ships as mitigation and any additional future technology that is proven to further reduce GHG emissions would be incorporated through the use of MM-24 and MM-22. For example, should AMECS become feasible and commercially available in the future, Mitigation Measure MM AQ-22 provides a process to consider new or alternative emission control technologies in the future and an implementation strategy to ensure compliance. Under Mitigation Measure MM AQ-22, the opportunity to add new measures to the lease would occur not less frequently than once every 7 years.

Currently container transport within the Port is primarily performed by private entities under lease to the Port. Furthermore, the implementation of electric trains, electric rail, maglev, or thither modes of transportation relating to regional goods movement infrastructure is outside the scope of this EIS/EIR. Implementation of these systems is not necessary or financial feasible at the project specific level.

c. The suggestion to offset the Port's construction and operational GHG emissions by investing in numerous potential mitigation measures off Port Property are addressed below:

LAHD has previously agreed to establish a Port Community Mitigation Trust Fund. This Mitigation Trust Fund would be geared towards addressing the overall off-Port impacts created by Port operations outside of the context of project-specific CEQA documents. This fund includes, for example, approximately $6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts related to port impacts on harbor area communities. Therefore, LAHD is currently contributing to and funding mechanisms to off-port property uses specifically for air quality purposes.

Furthermore, mitigation measures must be feasible. Feasible is defined in §15364 of the CEQA Guidelines as capable of being accomplished in a successful manner within a reasonable period of time, taking into consideration economic, environmental, legal, social, and technological factors. The suggested mitigation measures would occur outside the jurisdiction of LAHD. Therefore, LAHD cannot ensure the suggested mitigation measures would be accomplished in a successful manner as it would have to rely on a number of other agencies and jurisdictions to implement the measures. Furthermore, LAHD cannot ensure these measures would occur with a reasonable period of time. Since the success and timing of the

suggested measures cannot be guaranteed they are not considered feasible to reduce either project specific impacts or cumulative impacts associated with GHGs.

Finally, even with the inclusion of the suggested mitigation measures, the proposed Project would still result in significant cumulative effects on air quality and GHGs. The GHG threshold the Port uses for project specific impacts is no net increase of GHGs. Even with the inclusion of the suggested mitigation measure the proposed Project or alternatives would still result in a net increase of GHGs, thus resulting in a project specific impact and a cumulative impact.

LAHD believes it has identified and considered all voluntary GHG mitigation measures that are feasible at present. Through its continuing planning processes as well as project planning and development, LAHD will consider any additional mitigation measures that are identified.

No changes are required to the Final EIS/EIR as a result of the comment received regarding Impact AQ-9.

Biological Resources

As discussed in Section 3.3 of the Draft EIS/EIR, there would be two significant and unavoidable impacts to Biological Resources as a result of the proposed Project.

Impact BIO-2a: Construction of the proposed Project would result in a substantial reduction or alteration of a state-, federally, or locally designated natural habitat, special aquatic site, or plant community, including wetlands.

Proposed project construction activities would affect several special aquatic sites in the project area. Specifically, construction activities associated with expansion and enhancement of the mudflat and salt marsh for the long-term benefit of the Salinas de San Pedro Salt Marsh would result in significant short-term impacts on the salt marsh, and eelgrass and mudflat habitat within the marsh. Expansion and enhancement of the salt marsh and mudflat as mitigation for the shading of the mudflat habitat at Berth 78–Ports O'Call and the inlet to the Salinas de San Pedro Salt Marsh, as well as restoration of tidal flushing, would result in significant short-term impacts on the existing mudflat in the salt marsh and coastal salt marsh through loss of production and use by shorebirds and other aquatic species. Construction activities include the addition of mudflat habitat to replace the loss at Berth 78, the addition of a rock groin to increase tidal circulation and protect the integrity of the inlet, removal of the island located in the center of the marsh and accumulated sediment to restore the marsh area to its as-built condition. Construction associated with the salt marsh enhancement would cause temporary disturbance of vegetation, water quality, and soils. Turbidity from the Salinas de San Pedro Salt Marsh enhancement/restoration activities could result in turbidity extending into the eelgrass beds and mudflat immediately offshore of the site. While salt marsh enhancement would provide long-term benefits to aquatic organisms and habitat functions by removing accreted sediments and improving circulation, these short-term construction impacts would be significant under CEQA. Avoidance measures and Mitigation Measures MM BIO-1 through MM BIO-5 would reduce these impacts, but short-term impacts remain significant and unavoidable.

Finding

Mitigation Measures MM BIO-1 through BIO-5 identified below would reduce impacts associated with construction activities. Therefore, the Board hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. Although an overall net gain in habitat area (minimum 0.22-acre of mudflat for Berth 78 and rock groin placement) and functions of the salt marsh and mudflat would be achieved through the proposed construction activities, Mitigation Measures MM BIO-1 through BIO-5 would not reduce short term significant impacts, discussed above, to less than significant levels. Therefore, impacts would be significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives.

MM BIO-1. Monitor and manage turbidity. *Although in-water activities and Promenade construction adjacent to and along Cabrillo Beach will not occur during the least tern nesting season (April through August), construction activities in this vicinity will be monitored for visible turbidity in shallow water adjacent to the San Pedro de Salinas Salt Marsh to prevent adverse impacts to eelgrass growth and survival and least tern foraging habitat. This requirement will be monitored by the qualified biologist and will be based on visually observed differences between ambient surface water conditions and any dredging turbidity plume. The biologist will report to the LAHD construction manager and environmental manager, the USACE Regulatory Division, and CDFG/USFWS any turbidity from project construction activities that enters the shallow-water area outside of the salt marsh. Dredging activities will be modified in consultation with CDFG/USFWS. Corrective measures could include using a different dredge bucket to reduce water entrainment, installation of a floating silt curtain to contain turbid water, or other measures.*

MM BIO-2. Conduct nesting bird surveys. *This measure applies if construction is to occur between February 15 and September 1. Prior to ground-disturbing activities, a qualified biologist will conduct surveys for the presence of black-crowned night herons, blue herons, and other nesting birds within Berth 78–Ports O'Call or other appropriate and known locations within the study area that contain potential nesting bird habitat. Surveys will be conducted 24 hours prior to the clearing, removal, or grubbing of any vegetation or ground disturbance. If active nests of species protected under the MBTA and/or similar provisions of the California Fish and Game Code (i.e., native birds including but not limited to the black-crowned night heron) are located, then a barrier installed at a 50–100 foot radius from the nest(s) will be established and the tree/location containing the nest will be marked and will remain in place and undisturbed until a qualified biologist performs a survey to determine that the young have fledged or the nest is no longer active.*

MM BIO-3. Avoid marine mammals. *The contractor will be required to use sound abatement techniques to reduce both noise and vibrations from pile driving activities. Sound abatement techniques will include, but are not limited to, vibration or hydraulic insertion techniques, drilled or augured holes for cast-in-place piles, bubble curtain technology, and sound aprons where feasible. At the initiation of each pile driving event, and after breaks of more than 15 minutes, the pile driving will also employ a "soft-start" in which the hammer is operated at less than full capacity (i.e., approximately 40–60% energy levels) with no less than a 1-minute interval between each strike for a 5-minute*

period. Although it is expected that marine mammals will voluntarily move away from the area at the commencement of the vibratory or "soft start" of pile driving activities, as a precautionary measure, pile driving activities occurring within the Outer Harbor will include establishment of a safety zone, and the area surrounding the operations will be monitored by a qualified marine biologist for pinnipeds. As the disturbance threshold level sound is expected to extend at least 1,000 feet from the steel pile driving operations, a safety zone will be established around the steel pile driving site and monitored for pinnipeds within a 1,200-foot-radius safety zone around the pile. As the steel pile driving site will move with each new pile, the 1,200-foot safety zone will move accordingly. Observers on shore or by boat will survey the safety zone to ensure that no marine mammals are seen within the zone before pile driving of a steel pile segment begins. If marine mammals are found within the safety zone, pile driving of the segment will be delayed until they move out of the area. If a marine mammal is seen above water and then dives below, the contractor will wait at least 15 minutes, and if no marine mammals are seen, it may be assumed that the animal has moved beyond the safety zone. This 15-minute criterion is based on a study indicating that pinnipeds dive for a mean time of 0.50 minutes to 3.33 minutes; the 15-minute delay will allow a more than sufficient period of observation to be reasonably sure the animal has left the project vicinity.

If pinnipeds enter the safety zone after pile driving of a segment has begun, pile driving will continue. The biologist will monitor and record the species and number of individuals observed, and make note of their behavior patterns. If the animal appears distressed, and if it is operationally safe to do so, pile driving will cease until the animal leaves the area. Pile driving cannot be terminated safely and without severe operational difficulties until reaching a designated depth. Therefore, if it is deemed operationally unsafe by the project engineer to discontinue pile driving activities, and a pinniped is observed in the safety zone, pile driving activities will continue until the critical depth is reached (at which time pile driving will cease) or until the pinniped leaves the safety zone. Prior to the initiation of each new pile driving episode, the area will again be thoroughly surveyed by the biologist.

MM BIO-4. Enhance and expand Salinas de San Pedro Salt Marsh. *To mitigate impacts associated with shading of the 0.175-acre mudflat habitat at Berth 78–Ports O' Call, shading created by the installation of the promenade at the inlet to the Salinas de San Pedro Salt Marsh, 0.07-acre impact to eelgrass, and 0.04-acre impact to mudflat habitat from placement of the rock groin, LAHD will expand the mudflat and salt marsh habitat and reestablish eelgrass within Salinas de San Pedro Salt Marsh in accordance with the Southern California Eelgrass Mitigation Policy. It is anticipated that construction activities in this portion of the project area will begin shortly after the least tern nesting season concludes at the end of August. A pre-construction eelgrass survey would be conducted following the least tern nesting season, which concludes at the end of August (likely in September or October), prior to commencement of construction activities in the vicinity of Cabrillo Beach and the salt marsh habitat. Surveys for eelgrass would be conducted during eelgrass growing season (March-October) and results would be valid for 60 days, unless completed in March or October, then results are valid until resumption of next growing season. It is anticipated that the mudflat area within the salt marsh will be increased approximately 0.56 acre converting only upland areas to do so and that eelgrass habitat will be reestablished within the salt marsh with no net loss. These improvements will occur by recontouring the side slopes to increase mudflat area, removing the rocksill within the inlets, removing nonnative vegetation, removing the rock-sloped island within the marsh, lowering the elevation of the salt*

marsh, and constructing a rock groin at the marsh inlet to block littoral sediment from entering the marsh. ***MM BIO-5. Prepare a habitat mitigation and monitoring plan.*** *A habitat mitigation and monitoring plan (HMMP) will be developed in coordination with NMFS and other regulatory agencies to detail the Salinas de San Pedro Salt Marsh expansion and enhancements and will include the following performance measures: 1) eelgrass, pickleweed, cord grass, and other native species present will be salvaged prior to construction and placed in a nursery for replanting post-restoration; 2) salvaged plants will be replanted at appropriate tidal elevations; 3) sediments removed from the salt marsh will be disposed of at LAHD's upland disposal site at Anchorage Road (see Section 3.14, "Water Quality, Sediments, and Oceanography"); 4) turbidity will be monitored in accordance with Mitigation Measure MM BIO-1 so that nearby eelgrass and mudflat habitat is protected during restoration activities; and 5) an eelgrass survey will be conducted 30 days following construction; and 6) at the completion of expansion and enhancement activities, the salt marsh and associated mudflat will be monitored by a qualified restoration ecologist at Years 1, 2, 3, 5, 7, 8, and 10 to ensure performance standards are met and that restored areas, including eelgrass and a minimum of 0.22 acre of created mudflat, are self-sustaining by Year 5.*

Rationale for Finding

The proposed mitigation measures would not reduce short-term construction impacts to the salt marsh to less than significant. Construction, by its very nature is disturbing to biological habitat, and no mitigation is available to reduce its significant impact to less than significant. Therefore, the proposed Project would result in short-term significant and unavoidable impacts on the salt marsh and on the eelgrass and mudflat habitat during expansion and enhancement construction activities would occur.

Public Comment

Two comments were received on the Draft EIS/EIR specifically regarding mitigation related to Impact BIO-2a (National Marine Fisheries Service comments NMFS-11 and NMFS-13).

NMFS-11 requested preparation of a mitigation monitoring plan in coordination with regulatory agencies. Mitigation Measure BIO-5 has been modified to add the development of a habitat mitigation and monitoring plan in coordination with NMFS and other regulatory agencies. The modification is shown below:

> ***MM BIO-5. Prepare a habitat mitigation and monitoring plan.*** *A habitat mitigation and monitoring plan (HMMP) will be developed <u>in coordination with NMFS and other regulatory agencies</u> to detail the Salinas de San Pedro Salt Marsh expansion and enhancements and will include the following performance measures: 1) eelgrass, pickleweed, cord grass, and other native species present will be salvaged prior to construction and placed in a nursery for replanting post-restoration; 2) salvaged plants will be replanted at appropriate tidal elevations; 3) sediments removed from the salt marsh will be disposed of at LAHD's upland disposal site at Anchorage Road (see Section 3.14, "Water Quality, Sediments, and Oceanography"); 4) turbidity will be monitored in accordance with Mitigation Measure MM BIO-1 so that nearby eelgrass and mudflat habitat is protected during restoration activities<u>; 5) an eelgrass survey shall be conducted 30 days following construction; and 6</u>) at the completion of expansion and enhancement activities, the salt marsh and associated mudflat will be monitored by a qualified restoration*

ecologist at Years 1, 2, 3, 5, 7, 8, and 10 to ensure performance standards are met and that restored areas, including eelgrass and a minimum of 0.22-acre of created mudflat, are self-sustaining by Year 5.

NMFS-13 requested pre and post construction surveys of eelgrass at designated times of the year. Mitigation Measures BIO-4 and BIO-5 are modified to include additional language regarding eelgrass surveys. The modifications to MM BIO-5, adding a post-construction survey, is shown above, and the modifications to MM BIO-4, adding a pre-construction survey requirement, are shown below:

MM BIO-4. Enhance and expand Salinas de San Pedro Salt Marsh. *To mitigate impacts associated with shading of the 0.175-acre mudflat habitat at Berth 78–Ports O' Call, shading created by the installation of the promenade at the inlet to the Salinas de San Pedro Salt Marsh, 0.07-acre impact to eelgrass, and 0.04-acre impact to mudflat habitat from placement of the rock groin, LAHD will expand the mudflat and salt marsh habitat and reestablish eelgrass within Salinas de San Pedro Salt Marsh in accordance with the Southern California Eelgrass Mitigation Policy. It is anticipated that construction activities in this portion of the project area will begin shortly after the least tern nesting season concludes at the end of August. A pre-construction eelgrass survey would be conducted following the least tern nesting season, which concludes at the end of August (likely in September or October), prior to commencement of construction activities in the vicinity of Cabrillo Beach and the salt marsh habitat. Surveys for eelgrass would be conducted during eelgrass growing season (March-October) and results would be valid for 60 days, unless completed in March or October, then results are valid until resumption of next growing season. It is anticipated that the mudflat area within the salt marsh will be increased approximately 0.56 acre converting only upland areas to do so and that eelgrass habitat will be reestablished within the salt marsh with no net loss. These improvements will occur by recontouring the side slopes to increase mudflat area, removing the rocks within the inlets, removing nonnative vegetation, removing the rock-sloped island within the marsh, lowering the elevation of the salt marsh, and* constructing a rock groin at the marsh inlet to block littoral sediment from entering the marsh.

Impact BIO-4b: Operation of the proposed Project would cause a substantial disruption of local biological communities.

The amount of ballast water discharged into the harbor and, thus, the potential for introduction of invasive exotic species could increase because more and larger ships would use the Port as a result of the proposed Project. These vessels would come primarily from outside the Exclusive Economic Zone (EEZ) and would be subject to regulations to minimize the introduction of non-native species in ballast water. In addition, ships coming into the Port loaded would be taking on local water while unloading and discharging when reloading, which would diminish the opportunity for discharge of non-native species. Thus, ballast water discharges during cargo transfers in the Port would be unlikely to contain non-native species but is still a possibility.

Non-native algal species can also be introduced via vessel hulls. Of particular concern is the introduction of an alga, *Caulerpa taxifolia*. This species is most likely introduced from disposal of aquarium plants and water and is spread by fragmentation rather than from ship hulls or ballast water; therefore, risk of introduction is associated with movement of plant fragments from

infected to uninfected areas by activities such as dredging and/or anchoring. The Port conducts surveys, consistent with the Caulerpa Control Protocol (NMFS and CDFG, 2006) prior to every water related construction Project to verify that *Caulerpa* is not present. This species has not been detected in the Harbors and has been eradicated from known localized areas of occurrence in Southern California. Therefore, there is little potential for additional vessel operations from the proposed Project to introduce these species. *Undaria pinnatifida*, which was discovered in the Los Angeles and Long Beach Harbors in 2000 and *Sargassum filicinum*, discovered in October 2003 may be introduced and/or spread as a result of hull fouling or ballast water and, therefore, might have the potential to increase in the Harbor via vessels traveling between ports in the EEZ. Invertebrates that attach to vessel hulls could be introduced in a similar manner.

Considering, the small discharge of nonlocal water from ships and the ballast water regulations currently in effect, the potential for introduction of additional exotic species via ballast water would be low from vessels entering from outside the EEZ. The potential for introduction of exotic species via vessel hulls would be increased in proportion to the increase in number of vessels. However, vessel hulls are generally coated with antifouling paints and cleaned at intervals to reduce the frictional drag from growths of organisms on the hull, which would reduce the potential for transport of exotic species. For these reasons, the proposed Project has a low potential to increase the introduction of non-native species into the Harbor that could substantially disrupt local biological communities; however, the proposed Project would increase the annual ship calls relative to the CEQA baseline. Therefore, operation of the proposed Project facilities has the potential to result in the introduction of non-native species into the Harbor via ballast water or vessel hulls. Thus the proposed Project could substantially disrupt local biological communities. Therefore, impacts would be significant under CEQA

Finding

No mitigation, beyond implementation of measures required under existing regulations, is available to fully mitigate the potential introduction of non-native species into the Harbor via ballast water or vessel hulls. The proposed Project would increase the annual ship calls relative to the CEQA baseline. Operation of the proposed Project facilities has the potential to result in the introduction of non-native species into the Harbor via ballast water or vessel hulls and thus could substantially disrupt local biological communities. Impacts, therefore, would be significant under CEQA. Further, because no additional mitigation is available, impacts would be significant and unavoidable. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels as explained below.

Rationale for Finding

While unlikely, operation of the proposed Project has the potential to introduce invasive marine species into the harbor through minor ballast water exchanges that could occur, or through attachment to ship hulls or equipment. Invasive species would substantially disrupt biological communities, which would be a significant impact. All feasible measures to avoid or lessen the impact of introduction of non-native species have been identified in the EIS/EIR but the risk of an introduction remains a possibility. There are no additional feasible mitigation measures that would reduce the potential for accidental introduction of non-native species, because the potential for such an introduction cannot be eliminated. Therefore, impacts related to the disruption of local biological communities due to the introduction of invasive species is significant and unavoidable.

Public Comment

National Marine Fisheries Service comment NMFS-14 recommended pre- construction surveys and reporting in accordance with the Caulerpa Control Protocol. No modifications were made in response to this comment because the Port routinely conducts pre-construction surveys for *Caulerpa*, as recommended in comment NMFS-14, and would follow established containment, eradication and monitoring procedures, if *Caulerpa* is found .

Geology

As discussed in Section 3.5 of the EIS/EIR, there would be four significant and unavoidable impacts to geology as a result of the proposed Project relating to ground shaking. As there is no known measure to eliminate the potential effects of ground shaking in an earthquake-prone area, these impacts would remain significant and unavoidable.

Impact GEO-1a: Construction of the proposed Project would result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from fault rupture, seismic ground shaking, liquefaction, or other seismically induced ground failure.

There would be a minor increase in the exposure of people and property to seismic hazards during construction relating to baseline conditions. The proposed project area lies near the Palos Verdes Fault zone. Strong-to-intense ground shaking, surface rupture, and liquefaction could occur in these areas, due to the location of the fault beneath the proposed Project area and the presence of water-saturated hydraulic fill. Projects in construction phases are especially susceptible to earthquake damage due to temporary conditions, such as temporary slopes and unfinished structures, which are typically not in a condition to withstand intense ground shaking. Strong ground shaking would potentially cause damage to unfinished structures resulting in injury or fatality to construction workers. With the exception of ground rupture, similar seismic impacts could occur due to earthquakes on other regional faults. Earthquake-related hazards, such as liquefaction, ground rupture, ground acceleration, and ground shaking cannot be avoided in the Los Angeles region and in particular in the harbor area where the Palos Verdes Fault is present and hydraulic and alluvial fill is pervasive.

The Los Angeles Building Code, Sections 91.000 through 91.7016 of the Los Angeles Municipal Code, regulates construction in areas of the Port. These building codes and criteria provide requirements for construction, grading, excavations, use of fill, and foundation work, including type of materials, design, procedures, etc. These codes are intended to limit the probability of occurrence and the severity of consequences from geological hazards, such as earthquakes. Necessary permits, plan checks, and inspections are also specified. The Los Angeles Municipal Code also incorporates structural seismic requirements of the California Uniform Building Code, which classifies almost all of coastal California (including the proposed Project site) in Seismic Zone 4, on a scale of 1 to 4, with 4 being most severe.

Seismic hazards are common to the Los Angeles region and are not increased by the proposed Project. However, because the proposed project area is potentially underlain by strands of the active Palos Verdes Fault and liquefaction-prone hydraulic fill, there is a substantial risk of seismic impacts. Design and construction in accordance with applicable laws and regulations

pertaining to seismically induced ground movement would minimize structural damage in the event of an earthquake. However, increased exposure of people and property during construction to seismic hazards from a major or great earthquake cannot be precluded even with incorporation of modern construction engineering and safety standards. Therefore, impacts due to seismically induced ground failure would be significant and unavoidable under CEQA.

Finding

Despite the incorporation of design measures in accordance with applicable laws and regulations pertaining to seismically induced ground movement to minimize structural damage in the event of an earthquake, impacts due to seismically induced ground failure would remain significant and unavoidable because increased exposure of people and property during construction to seismic hazards from a major or great earthquake cannot be precluded. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels, as explained below.

Rationale for Finding

Seismic activity along the Palos Verdes Fault zone, or other regional faults, could produce fault rupture, seismic ground shaking, liquefaction, or other seismically induced ground failure. Seismic hazards are common to the Los Angeles region and are not increased by the proposed Project. However, because the proposed Project area is potentially underlain by strands of the active Palos Verdes Fault and liquefaction-prone hydraulic fill, there is a substantial risk of seismic impacts. Future construction of proposed Project components would occur over multiple years, thus, increasing exposure of people and property during construction to seismic hazards from a major or great earthquake. Such exposure cannot be precluded, even with incorporation of modern construction engineering and safety standards. Therefore, no feasible mitigation measures are available to reduce impacts, and impacts due to seismically induced ground failure are significant under CEQA.

Public Comment

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Impact GEO-1a.

Impact GEO-2a: Construction of the proposed Project would result in substantial damage to structures or infrastructure, or expose people to substantial risk involving tsunamis or seiches.

Local or distant seismic activity and/or offshore landslides could result in the occurrence of tsunamis or seiches in the proposed Project area and vicinity. Due to the historic occurrence of earthquakes and tsunamis along the Pacific Rim, placement of any development on or near the shore in Southern California, including the proposed Project site, would always involve some measure of risk of impacts from a tsunami or seiche. Although relatively rare, should a large tsunami or seiche occur, it would be expected to cause some amount of property damage and possibly personal injuries to most on or near-shore locations. As a result, this is considered by LAHD as the average, or normal condition for most on- and near-shore locations in Southern California. Therefore, a proposed Project tsunami- or seiche-related impact would be one that

would exceed this normal condition and cause substantial damage and/or substantial injuries. For reasons explained below, under a theoretical maximum worst-case scenario, the proposed Project would likely expose people or property to substantial damage or substantial injuries in the event of a tsunami or seiche.

The lowest deck elevation in the area immediately surrounding the West Channel is approximately 4.9 feet (1.5 meters) above MSL. The adjacent buildings within the West Channel area are set back from the waterfront and are at a slightly higher elevation of approximately 7.2 feet (2.19 meters) above MSL. The lowest deck elevations within the East Channel and Main Channel are approximately 11.2 feet (3.41 meters) and 12.2 feet (3.71 meters) above MSL, respectively.

Based on a reasonable maximum source for future tsunami events at the proposed project site from a moment magnitude 7.6 earthquake on the Catalina Fault or a submerged landslide along the nearby Palos Verdes Peninsula, maximum tsunami wave heights in the Port area could reach approximately 5.2 feet (1.6 meters) to 6.6 feet (2.0 meters) above MSL for the earthquake scenario and approximately 7.2 feet (2.2 meters) to 23.0 feet (7.0 meters) above MSL for the landslide scenario. The highest anticipated water levels from the landslide scenario would occur in the Outer Harbor area. Based on the lowest deck elevations presented above, tsunami-induced flooding could occur in the proposed project area under both the earthquake and landslide scenarios, particularly in the area of the West Channel where deck elevations are the lowest. Additionally, the modeled landslide scenario could result in localized overtopping of the existing deck in the proposed project area.

However, there is no certainty that any of these earthquake events would result in a tsunami, since only about 10 percent of earthquakes worldwide result in a tsunami. In addition, available evidence indicates that tsunamigenic landslides would be extremely infrequent and occur less often than large earthquakes. Recurrence intervals for such landslide events would be longer than a 10,000-year recurrence interval estimated for a magnitude 7.5 earthquake.

Designing new facilities based on existing building codes may not prevent substantial damage to structures from coastal flooding. In addition, projects in construction phases are especially susceptible to damage due to temporary conditions, such as unfinished structures, which are typically not in a condition to withstand coastal flooding. Impacts due to tsunamis and seiches are typical for the entire California coastline and would not be increased by construction of the proposed Project. Emergency planning and coordination between the existing and future Port tenants and LAHD, as outlined in Mitigation Measure MM GEO-1, would contribute to reducing onsite injuries during a tsunami. However, even with incorporation of emergency planning and construction in accordance with current City and State regulations, substantial damage and/or injury would occur in the event of a tsunami or seiche, causing significant impacts under CEQA.

Finding

Emergency planning and coordination between Port tenants and the LAHD, as outlined in Mitigation Measure GEO-1, would contribute in reducing injuries to on-site personnel during a tsunami. Therefore, the Board hereby finds that changes or alterations have been required in, or incorporated into the project that lessen the significant environmental effect identified in the Final EIR. Incorporation of this mitigation measures, however, would not reduce construction geological impacts below the level of significance. Even with incorporation of emergency planning and construction in accordance with current City and State regulations,

substantial damage and/or injury would occur in the event of a tsunami or seiche. While MM GEO-1 would reduce potential impacts, impacts remain significant and unavoidable.

MM GEO-1: Emergency Response Planning.

The tenant shall work with Port engineers and LAHD police to develop tsunami response training and procedures to assure that construction and operations personnel will be prepared to act in the event of a large seismic event. Such procedures shall include immediate evacuation requirements in the event that a large seismic event is felt at the proposed Project site, as part of overall emergency response planning for the proposed Project.

Such procedures shall be included in any bid specifications for construction or operations personnel, with a copy of such bid specifications to be provided to LAHD, including a completed copy of its operations emergency response plan prior to commencement of construction activities and/or operations.

Rationale for Finding

Designing new facilities based on existing building codes may not prevent substantial damage to structures from coastal flooding. In addition, projects in construction phases are especially susceptible to damage due to temporary conditions, such as unfinished structures, which are typically not in a condition to withstand coastal flooding. Impacts due to tsunamis and seiches are typical for the entire California coastline and would not be increased by construction of the proposed Project. Under the unlikely events of the modeled scenario(s) there would be a risk of coastal flooding due to tsunamis and seiches. Such exposure cannot be precluded, even with incorporation of modern construction engineering and safety standards. Raising the elevation of the site or constructing a wall along the perimeter of the site of sufficient height to mitigate the potentially damaging effects of tsunami would be the only way to mitigate potential impacts. However, elevating the approximately 400 acres within the site or building a wall around the entire perimeter of the proposed project area would be cost-prohibitive and would significantly impact existing infrastructure requiring extensive modification of existing improvements. Mitigating the tsunami risk would not be feasible. As a result, impacts during the construction phase of the proposed Project would be significant and unavoidable under CEQA.

Public Comment

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Impact GEO-2a.

Impact GEO-1b: Operation of the proposed Project would result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from fault rupture, seismic ground shaking, liquefaction, or other seismically induced ground failure.

There would be an increase in the exposure of people and property to seismic hazards relating to baseline conditions. The proposed project area lies in the vicinity of the Palos Verdes Fault zone. Strands of the fault may pass beneath the proposed project area near Berths 94 and 95 (Figure

3.5-1). Strong-to-intense ground shaking, surface rupture, and liquefaction could occur in these areas due to the location of the fault beneath the proposed project area and the presence of water-saturated hydraulic fill. With the exception of ground rupture, similar seismic impacts could occur due to earthquakes on other regional faults. Earthquake-related hazards, such as liquefaction, ground rupture, and seismic ground shaking cannot be avoided in the Los Angeles region and in particular in the harbor area where the Palos Verdes Fault is present and dredged fill and alluvial deposits underlie the site.

Design and construction in accordance with applicable laws and regulations pertaining to seismically induced ground movement would minimize structural damage in the event of an earthquake. However, increased exposure of people and property during operations to seismic hazards from a major or great earthquake cannot be precluded even with incorporation of modern construction engineering and safety standards. As discovered during the 1971 San Fernando earthquake and the 1994 Northridge earthquake, existing building codes are often inadequate to completely protect engineered structures from hazards associated with liquefaction, ground rupture, and large ground accelerations. Consequently, designing new facilities based on existing building codes may not prevent significant damage to structures from a major or great earthquake on the underlying Palos Verdes Fault or any other regional fault. Therefore, impacts due to seismically induced ground failure would be significant and unavoidable under CEQA.

Finding

Design and construction in accordance with applicable laws and regulations pertaining to seismically induced ground movement would minimize structural damage in the event of an earthquake. However, increased exposure of people and property during construction to seismic hazards from a major or great earthquake cannot be precluded even with incorporation of modern construction engineering and safety standards. Therefore, impacts due to seismically induced ground failure would remain significant and unavoidable. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels, as explained below.

Rationale for Finding

Seismic activity along the Palos Verdes Fault zone, or other regional faults, could produce fault rupture, seismic ground shaking, liquefaction, or other seismically induced ground failure. Seismic hazards are common to the Los Angeles region and are not increased by the proposed Project. However, because the proposed Project area is potentially underlain by strands of the active Palos Verdes Fault and liquefaction-prone hydraulic fill, there is a substantial risk of seismic impacts. Future construction of the proposed Project components would occur over multiple years, thus, increasing exposure of people and property during construction to seismic hazards from a major or great earthquake. Such exposure cannot be precluded, even with incorporation of modern construction engineering and safety standards. Therefore, impacts due to seismically induced ground failure are significant under CEQA.

Public Comment:

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Impact GEO-1b.

Impact GEO-2b: Operation of the proposed Project would result in substantial damage to structures or infrastructure, or expose people to substantial risk involving tsunamis or seiches.

Local or distant seismic activity and/or offshore landslides could result in the occurrence of tsunamis or seiches in the proposed Project area and vicinity. Due to the historic occurrence of earthquakes and tsunamis along the Pacific Rim, placement of any development on or near the shore in Southern California, including the proposed Project site, would always involve some measure of risk of impacts from a tsunami or seiche. Although relatively rare, should a large tsunami or seiche occur, it would be expected to cause some amount of property damage and possibly personal injuries to most on or near-shore locations. As a result, this is considered by LAHD as the average, or normal condition for most on- and near-shore locations in Southern California. Therefore, a proposed Project tsunami- or seiche-related impact would be one that would exceed this normal condition and cause substantial damage and/or substantial injuries. For reasons explained below, under a theoretical maximum worst-case scenario, the proposed Project would likely expose people or property to substantial damage or substantial injuries in the event of a tsunami or seiche.

The lowest deck elevation in the area immediately surrounding the West Channel is approximately 4.9 feet (1.5 meters) above MSL. The adjacent buildings within the West Channel area are set back from the waterfront and are at a slightly higher elevation of approximately 7.2 feet (2.19 meters) above MSL. The lowest deck elevations within the East Channel and Main Channel are approximately 11.2 feet (3.41 meters) and 12.2 feet (3.71 meters) above MSL, respectively.

Based on a reasonable maximum source for future tsunami events at the proposed project site from a moment magnitude 7.6 earthquake on the Catalina Fault or a submerged landslide along the nearby Palos Verdes Peninsula, maximum tsunami wave heights in the Port area could reach approximately 5.2 feet (1.6 meters) to 6.6 feet (2.0 meters) above MSL for the earthquake scenario and approximately 7.2 feet (2.2 meters) to 23.0 feet (7.0 meters) above MSL for the landslide scenario. The highest anticipated water levels from the landslide scenario would occur in the Outer Harbor area. Based on the lowest deck elevations presented above, tsunami-induced flooding could occur in the proposed project area under both the earthquake and landslide scenarios, particularly in the area of the West Channel where deck elevations are the lowest. Additionally, the modeled landslide scenario could result in localized overtopping of the existing deck in the proposed project area.

As discussed for Impact GEO-2a, designing new facilities based on existing building codes may not prevent substantial damage to structures from coastal flooding. Impacts due to seismically induced tsunamis and seiches are typical for the entire California coastline and would not be increased by operation of the proposed Project. However, because portions of the proposed project site are at elevations lower than the predicted tsunami wave heights, there is a substantial risk of coastal flooding in the event of a tsunami and seiche.

For onsite personnel, the risk of tsunami or seiches is a part of any ocean-shore interface and hence personnel working at the proposed project berths cannot avoid some risk of exposure. Similarly, berth infrastructure would be subject to some risk of exposure. Although initial tsunami-induced run-up would potentially cause substantial injury and damage to infrastructure, the drawdown of the water after run-up exerts the often crippling opposite drags on the persons and structures and washes loose/broken properties and debris to sea. The floating debris brought

back on the next onshore flow has been found to be a significant cause of extensive damage after successive run-up and drawdown. Similarly, for cruise ships and other water vessels, the risk of tsunami or seiches is a part of any ocean-shore interface and hence vessels in transit or at berth cannot avoid some risk of exposure. A vessel destined for the proposed project berths (or any berth in the Port for that matter) would be under its own power. Under this circumstance, the vessel would likely be able to maneuver to avoid damage. The exposure of a tsunami or seiche to a vessel in transit to or from the proposed project berth, and the associated risk, is no different than for any other vessel entering the Los Angeles/Long Beach Port Complex. A vessel docked at one of the proposed project berths would be subject to the rising and falling of the water levels and the accompanying currents during a tsunami or seiche. Either the vessel would stay secured to the berth and ride out the tsunami or the motion during a tsunami would cause the mooring lines of the vessel to break free and the ship would be set adrift. Substantial damage is not expected to vessels or the wharf in the event that a tsunami were to strike while a vessel was secured at a berth. A vessel set adrift in the harbor could have more serious consequences from the potential of collision, including a potential hull breach and possible fuel spill.

Emergency planning and coordination between the Terminal operator and LAHD, as outlined in Mitigation Measure MM GEO-1, would contribute to reducing onsite injuries during a tsunami. However, even with incorporation of emergency planning and construction in accordance with current City and State regulations, substantial damage and/or injury could occur in the event of a tsunami or seiche. Therefore, impacts from the worst-case wave action would be significant and unavoidable for the site under CEQA.

Finding

Emergency planning and coordination between the Terminal operator and Port, as outlined in Mitigation Measure GEO-1, as described above under Impact GEO-2a, would contribute in reducing injuries to on-site personnel during a tsunami. Therefore, the Board hereby finds that changes or alterations have been required in, or incorporated into the project that lessen the significant environmental effect identified in the Final EIR. Incorporation of this mitigation measures, however, would not reduce construction geological impacts below the level of significance. However, even with incorporation of emergency planning and construction in accordance with current City and State regulations, substantial damage and/or injury would occur in the event of a tsunami or seiche. While MM GEO-1 would reduce potential impacts, impacts remain significant and unavoidable.

Rationale for Finding

Designing new facilities based on existing building codes may not prevent substantial damage to structures from coastal flooding. In addition, projects in construction phases are especially susceptible to damage due to temporary conditions, such as unfinished structures, which are typically not in a condition to withstand coastal flooding. Impacts due to tsunamis and seiches are typical for the entire California coastline and would not be increased by construction of the proposed Project. Under the unlikely event of modeled scenario(s), there would be a risk of coastal flooding due to tsunamis and seiches. Such exposure cannot be precluded, even with incorporation of modern construction engineering and safety standards. Raising the elevation of the site or constructing a wall along the perimeter of the site of sufficient height to mitigate the potentially damaging effects of tsunami would be the only way to mitigate potential impacts. However, elevating the approximately 400 acres within the site or building a wall around the entire perimeter of the proposed project area would be cost-prohibitive and would significantly impact existing infrastructure requiring extensive

modification of existing improvements. Mitigation of the tsunami risk would not be feasible. As a result, impacts during the operation of the proposed Project would be significant under CEQA.

Public Comment

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Impact GEO-2b.

Noise

As discussed in Section 3.9 of the EIS/EIR, there would be two significant impacts in regards to Noise as a result of the proposed Project during construction and operation. These impacts will be significant and unavoidable.

Impact NOI-1: The proposed Project would exceed construction noise standards.

The sources of noise construction include landside equipment such as loaders, dozers, and trucks, and waterside equipment such as hoists, generators, and tugs. The noise levels analyzed represent the noise levels that would occur during the noisiest phase of construction, i.e., wharf construction with simultaneous pile driving. The following standard controls would be implemented during proposed project construction:

- **Construction Hours.** Limit construction to the hours of 7:00 a.m. to 9:00 p.m. on weekdays, between 8:00 a.m. and 6:00 p.m. on Saturdays, and prohibit construction equipment noise anytime on Sundays and federal holidays as prescribed in the City of Los Angeles Noise Ordinance. Mitigation is incorporated that further restrict these hours of construction and is discussed in detail below.
- **Construction Days.** Do not conduct noise-generating construction activities on Sundays or federal holidays.
- **Construction Equipment.** Properly muffle and maintain all construction equipment powered by internal combustion engines.
- **Idling Prohibitions.** Prohibit unnecessary idling of internal combustion engines near noise sensitive areas. The Port's "Sustainable Construction Guidelines for Reducing Air Emissions" prohibit idling for more than 5 minutes for any equipment or vehicles that are not in use.
- **Equipment Location.** Locate all stationary noise-generating construction equipment, such as air compressors and portable power generators, as far as practical from existing noise sensitive land uses.

Construction activities would typically last more than 10 days in any 3-month period for all construction phases. Following the thresholds for significance, an impact would be considered significant if noise from these construction activities would exceed existing ambient exterior noise levels by 5 dBA or more at a noise-sensitive use. Of the 51 proposed project elements, 35 would result in a more than 5 dBA increase in ambient noise levels. The impacts are determined on a project-element basis and not on an impacted-location basis. Because of this, an affected use

that is in close proximity to two or more project elements may be impacted by concurrent construction at nearby project elements. It is possible that a combined impact due to the construction of those nearby project elements may be significant even if none of the project elements individually make a significant impact. In this sense, there would be overlap between project elements. Therefore, construction due to the proposed Project would cause a significant impact under CEQA.

Finding

Construction noise levels for the proposed Project would cause more than 5-dBA increases over the estimated ambient noise levels at sensitive receivers surrounding the proposed Project. This would be a significant impact. Considering the distances between the construction noise sources and receivers, the standard controls and temporary noise barriers may not be sufficient to reduce the projected increase in the ambient noise level to the point where it would no longer cause a substantial increase. Mitigation Measures MM NOI-1 and MM NOI-2 would reduce potential impacts; however, even with implementation of these mitigation measures, construction equipment noise levels generated at the construction sites could substantially exceed existing ambient noise levels. Thus, impacts to sensitive receptors will remain significant even after mitigation. Therefore, the Board hereby finds that changes or alterations have been required in, or incorporated into, the project that lessen the significant environmental effect identified in the Final EIR. Incorporation of thes mitigation measures, however, will not reduce noise impacts during construction impacts below the level of significance and impacts to sensitive receptors will remain significant an unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures, as explained below.

MM NOI-1. Construct temporary noise barriers, muffle and maintain construction equipment, idling prohibitions, equipment location, use quiet construction equipment, and notify residents. *The following will reduce the impact of noise from construction activities:*

a) ***Temporary Noise Barriers.*** *When construction is occurring within 500 feet of a residence or park, temporary noise barriers (solid fences or curtains) will be located between noise-generating construction activities and sensitive receivers.*

b) ***Construction Equipment.*** *All construction equipment powered by internal combustion engines will be properly muffled and maintained.*

c) ***Idling Prohibitions.*** *Unnecessary idling of internal combustion engines near noise sensitive areas will be prohibited.*

d) ***Equipment Location.*** *All stationary noise-generating construction equipment, such as air compressors and portable power generators, will be located as far as practical from existing noise sensitive land uses.*

e) ***Quiet Equipment Selection.*** *Select quiet construction equipment whenever possible. Comply where feasible with noise limits established in the City of Los Angeles Noise Ordinance.*

f) ***Notification.*** *Notify residents within 500 feet to the proposed project site of the construction schedule in writing.*

MM NOI-2. Construction Hours. *Construction activities for the proposed Project would not exceed the ambient noise level by 5 dBA at a noise sensitive use between the hours of 6:00 p.m. and 7:00 a.m. Monday through Friday, before 8:00 a.m. or after 6:00 p.m. on Saturday, or at any time on Sunday. If extended construction hours are needed during weekdays under special circumstances, the LAHD and contractor will provide at least 72 hours notice to sensitive receptors within 0.5 miles of the construction area. Under no circumstances will construction hours exceed the range prescribed by the City of Los Angeles Municipal Code.*

Rationale for Finding

Construction noise levels that would be experienced by sensitive receivers in proposed Project area were calculated by determining the distance between the noise measurement sites in these areas and where the construction activity would occur. A standard acoustical formula was used to determine the attenuation of construction noise due to a particular distance. Table 3.9-6 in the Draft EIS/EIR presents the predicted construction noise levels experienced at the various sensitive land uses during construction. Because of the short distance between the construction noise sources and receivers, the standard controls and temporary noise barriers will not be sufficient to reduce the projected increase in the ambient noise level to the point where it would no longer cause a substantial increase. Implementation of MM NOI-1 and MM NOI-2 will reduce the impact by muffling the noise to the extent possible and limiting construction hours. However, sensitive receivers will still experience a substantial increase in noise during construction. Thus, impacts to sensitive receptors resulting from construction equipment noise are significant and unavoidable.

Public Comment

One comment was received on the Draft EIS/EIR specifically regarding mitigation measures related to Impact NOI-1 from the U.S. Environmental Protection Agency (USEPA-33).

Comment USEPA-33 recommended soliciting input from the local community to determine whether construction until 9:00 PM on weekdays would be a disturbance and requested LAHD consider avoiding the use of louder construction equipment, like hydrohammers, after 6:00 PM. Although community input was not solicited regarding this impact, for reasons stated below, mitigation measure MM NOI-2 was added to the Final EIR to ensure construction noise will not exceed the ambient noise levels by more than 5 dBA after 6:00 pm on weekdays.

The recommendation by the USEPA to solicit residents would be overly ambitious and complicated to implement and would not yield additional information. The public has been given the opportunity to comment on the noise impact analysis in the Draft EIS/EIR during the public review period and at a public meeting held during the review period. A Notice of Availability (NOA) for the Draft EIS/EIR/EIS was released in accordance with CEQA Guidelines Sections 15085 & 15087, and 40 CFR 1506.6 and 33 CFR 230.18. The Draft EIS/EIR and NOA were released on September 22, 2008 for a 78 day review period The NOA, which included information on the public meeting, was distributed in English and Spanish. The notice was published Long Beach Press-Telegram, Los Angeles Times, Hoy, Daily Breeze, Metropolitan News-Enterprise, The Torrance Daily Breeze, and Los Angeles Sentinel. In addition, the notice was sent to the Federal Register, the California State Clearing House, the Los Angeles County and Los Angeles City Clerks Offices, and was posted at the following libraries: Los Angeles Public Library, Central Branch; Los Angeles

Public Library, San Pedro Branch; and the Los Angeles Public Library, Wilmington Branch. Furthermore, a Reader's Guide was released in English and Spanish at the time of the NOA which specifically identified all significant and unavoidable impacts including those associated with noise.

Impact NOI-3a: The proposed Project would cause noise from motor vehicle traffic measured at the property line of affected uses to increase by 3 dBA in CNEL, to or within the "normally unacceptable" or "clearly unacceptable" category, or any 5 dBA or greater noise increase.

To estimate the traffic noise level increases and impacts due to the development of the proposed Project, comparisons have been made between the noise levels generated by the existing baseline condition, the existing-plus-project noise condition, and the year 2037 with-project condition. Impacts to noise levels on roadways in the study area from increases in traffic are shown in the Draft EIR on Table 3.9-7, Traffic Noise Increases Due To the Proposed Project. Miner Street south of 22nd Street is the only street segment that would result in a significant impact from the proposed project. This roadway leads into and out of the Outer Harbor. Adjacent to this roadway segment is the Cabrillo Marina. The closest affected uses to this roadway segment are live-aboards in the marina. The distance from the roadway to the live-aboards is at least 80 feet. The modeled noise level for existing conditions is 57.0 CNEL at 50 feet and 55.0 CNEL at 80 feet. The with-project noise level is 67.9 CNEL at 50 feet and 65.9 CNEL at 80 feet, the proposed project-only noise increase over existing conditions would be 10.9 dB. This is a substantial increase in noise. There would be a significant impact to the surrounding land use from this roadway segment since the noise increase is greater than 5 dB. Therefore, impacts would be significant and unavoidable.

Finding

Operational noise levels would cause future ambient noise levels to be greater than 5 dBA above the 2008 baseline CNEL at receivers on Miner Street south of 22nd Street. These receivers would experience a significant noise impact from operations.. No feasible mitigation is available that would reduce noise impacts to live-aboards in the marina to a less-than-significant level. Impacts, therefore, would be significant and unavoidable under CEQA. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels as explained below.

Rationale for Finding

The increased traffic along Miner Street, south of 22nd Street that will occur as a result of the proposed Project or its alternatives will cause an increase in noise. This noise will impact the live-aboards at the marina in the Outer Harbor. Noise impacts to these live-aboards can be mitigated to some extent, but there are costs associated with such mitigation. One method of reducing the exterior noise levels caused by traffic (or any other noise source) is to construct a sound barrier between the noise source and the sensitive receiver. A sound barrier reduces noise levels because it obstructs line-of-sight sound propagation from the noise source to the area needing protection. A high, long noise barrier could be constructed around the Outer Harbor between the noise source (i.e. traffic on Miner Street) and the live-aboards in the

marina at the Outer Harbor. Such a barrier would have to be long enough to protect all live-aboards, so it may need to be extended beyond the boundary of the Outer Harbor.

A long barrier would impede ingress and egress between Miner Street and the boats in the Outer Harbor. Ingress and egress to the Outer Harbor from Miner Street could be achieved by constructing breaks in the sound barrier at specified intervals to permit access to the Outer Harbor for vehicles and pedestrians; however, due to the barrier effect, any line-of-sight break in a sound barrier greatly reduces the attenuation that the barrier provides, thereby reducing its efficacy in providing noise mitigation. Sound barriers that have breaks, but do not permit line-of-sight propagation through the barrier are possible to build, but they need to be carefully designed either by providing double walls that are staggered so that sound doesn't have a direct route through the barrier, or by providing some other means (e.g. constructing a tunnel underneath the barrier) for pedestrian and vehicles to get around the barrier.

Any sound barrier that has vehicle ingress/egress also allows the noise source (i.e. vehicle traffic) onto the protected side of the barrier, somewhat negating the purpose of the barrier. In order to be completely effective, the barrier also has to be high enough to sufficiently reduce the sound level on the protected side of the barrier. In order for the sound barrier to reduce the noise level on the protected side of the barrier to the value that it would have had in the absence of the proposed Project, a very rough estimation of noise barrier design parameters seems to indicate that for flat topography and no breaks in the barrier, the height of the noise barrier would need to be about 12 feet high for some of the alternatives. The required height and length of the sound barrier depends upon the actual topography of the Outer Harbor, so further analysis would be required to determine the barrier's exact design parameters.

Furthermore, building a long, high sound barrier would drastically degrade the view of the Outer Harbor, resulting in negative impacts to the aesthetics of the area. Due to these complexities, building a sound barrier to mitigate noise levels at Miner Street, south of 22nd Street, is not feasible. Therefore, impacts would remain significant and unavoidable under CEQA.

Public Comment

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Impact NOI-3a.

Recreation

As discussed in Section 3.10 of the EIS/EIR, there would be one significant impact in regards to Recreation as a result of the proposed Project during operation. This impact will be significant and unavoidable.

Impact REC-1a: Construction of the proposed Project would result in a substantial loss or diminished quality of recreational, educational, or visitor-oriented opportunities, facilities, or resources.

The construction of the proposed Project would result in a temporary substantial loss or diminished quality of existing recreational, educational, or visitor-oriented opportunities, facilities, or resources on land and water. The existing recreational, educational, or visitor-oriented opportunities that would be impacted include: existing bike lanes along Harbor Boulevard, existing segments of the California Coastal Trail, John S. Gibson Jr. Park, Bloch Field, existing Waterfront Red Car Line, Ralph J. Scott Fireboat, L.A. Maritime Museum, L.A. Maritime Institute, Cabrillo Marine Aquarium, -Cabrillo Beach, Cabrillo Beach Youth Camp, and recreational fishing and boating. Although temporary, construction of the proposed Project would cause adverse significant impacts to many of the recreational resources in the proposed project vicinity. Furthermore, the proximity of construction activities related to the proposed Project relative to these recreational resources would result in a substantial loss or significantly reduced quality of recreational experience. Impacts would be significant.

Finding

Mitigation Measures MM REC-1 through MM REC-7 identified below and Mitigation Measures MM NOI-1 and MM NOI-2, identified above under the findings for Impact NOI-1, would reduce recreational impacts associated with construction of the proposed Project. . However, these mitigation measures would not reduce the impacts to less than significant. Therefore, impacts to existing recreational opportunities would be significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives.

MM REC-1. Maintain pedestrian access during construction. *The LAHD and construction contractors will follow standard safety procedures to protect pedestrian traffic from construction hazards, including providing brightly colored fencing and signage indicating closures and safely directing pedestrian traffic around construction areas. This will also require coordinated construction activities such that pedestrian access can be routed around construction with a minimum increase in distance.*

MM REC-2. Maintain bicycle access during construction. *The LAHD and construction contractors will provide signage notifying users of bike lanes of closure as well as signage directing users to alternative bike routes. Alternative bike lanes in the proposed project vicinity include a north-south Class II bike path along the entire length of South Gaffey Street, and an east-west Class III bike path on 9th from North Harbor Boulevard west to State Route 213. LAHD will be required to inform the public prior to commencement of construction resulting in closures or possible disruptions to bike paths. Public sources to notify will, at minimum, include the City of Los Angeles Department of Transportation Bicycle Program, and Los Angeles area bicycling groups.*

MM REC-3. Maintain parking during construction. *The LAHD and construction contractors will minimize parking obstructions during construction periods by placing construction areas out of roadways and parking lots, where possible. In areas where construction staging areas and construction activities must impede access to parking areas, detour signs and lane striping will direct traffic to additional off-site parking areas. LAHD will provide shuttle service to remote parking areas in the event that offsite parking areas are farther than 1 mile from existing waterfront areas and the Waterfront Red Car Line does not adequately service the offsite parking areas.*

MM REC-4. Maintain vehicle access during construction. *The LAHD and construction contractors will minimize obstructions to vehicle access during construction*

periods by placing construction areas out of roadways and parking lots, where possible. In areas where construction staging areas and construction activities must impede access to roadways, detour signs and lane striping will safely direct traffic around construction areas. See Section 3.11, "Ground Transportation and Circulation," for further details on mitigation measures related to vehicle access to the proposed project site.

MM REC-5. Maintain boat ramp access during construction. *The LAHD and construction contractors will minimize obstructions to the boat ramp during construction periods by placing construction areas out of roadways and parking lots leading to boat ramps, where possible. In cases where the boat ramp must be closed, or access will be severely impeded due to construction activities, LAHD will inform the public prior to commencement of construction that will result in closures or possible disruptions to boat ramp access. Public notifications will, at minimum, include notifying local boating groups and posting flyers at boat ramps in the proposed project vicinity.*

MM REC-6. Maintain access to open waters of the harbor during construction. *The LAHD and construction contractors will minimize obstructions to open waters of the harbor during construction periods by placing construction staging areas out of high-traffic waterways, parking lots leading to boat ramps, and boat docks, where possible. LAHD will embark on a public awareness campaign, providing information about construction periods, construction areas, closures, and suggestions of alternative boating areas. LAHD will inform the public prior to commencement of construction that will result in closures or possible disruptions to open waters of the harbor. Public notifications will, at minimum, include notifying local boating groups and posting flyers at boat ramps in the proposed project vicinity. LAHD will offer boater safety training for the public, specifically with respect to safe navigation around construction activities.*

MM REC-7. Maintain docking space and dock access during construction. *The LAHD and construction contractors will minimize obstructions to docking space and dock access during construction periods by placing construction staging areas away from boat docks where possible. LAHD will embark on a public awareness campaign, providing information about construction periods, construction areas, closures, and suggestions of alternative boating areas and docking locations. In cases where docking space will be closed or removed and existing tenants need alternative docking space, LAHD will provide temporary docking space in the near vicinity of the proposed Project. LAHD will provide notification and signage to direct users to these temporary alternative docking areas. LAHD will inform the public prior to commencement of construction that will result in closures or possible disruptions to dock access. Public notifications will, at minimum, include notifying local boating groups and posting flyers at boat ramps in the proposed project vicinity. LAHD will offer boater safety training for the public, specifically with respect to safe navigation around construction activities.*

Rational for Finding

Mitigation Measures MM REC-1 through MM REC-7 and MM NOI-1 and MM NOI-2 would reduce adverse significant impacts during construction of the proposed Project. However, construction by its very nature is disruptive and loud. Therefore, due to the length of time during which construction would occur and the proximity to recreational resources in the vicinity of the proposed Project, unavoidable and significant impacts would occur as a result of construction activities. No additional feasible mitigation measures have been identified that would reduce this impact.

Public Comment

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Impact REC-1a.

Ground Transportation and Circulation

As discussed in Section 3.11 of the EIS/EIR, there would be two significant impacts in regards to Ground Transportation as a result of the proposed Project during operation. These impacts will be significant and unavoidable.

Impact TC-2a: Proposed Project operations would increase traffic volumes and degrade LOS at intersections within the proposed project vicinity.

The proposed Project would increase commercial, recreational, and other proposed waterfront facilities and would therefore increase the number of people traveling to and from the San Pedro Waterfront area. The resulting increase in traffic volumes on the surrounding roadways would in turn degrade intersection operations. The proposed Project would result in significant traffic impacts at 10 intersections by 2015 and at 16 intersections by 2037 during one or more peak hours. Table 3.11-8 in the Draft EIS/EIR shows the intersections that would be significantly impacted by the proposed project, and during which specific time periods (AM Peak Hour, PM Peak Hour, Weekend Peak). Impacts would be significant under CEQA.

Finding

Mitigation Measures MM TC-2 to TC-14 identified below would reduce impacts associated with traffic and circulation. These mitigation measures would fully mitigate impacts identified at seven of the 10 intersections in 2015 and six of the 16 intersections in 2037 to less-than-significant levels. Therefore, the Board hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. However, Mitigation Measures MM TC-2 to TC-14 would not fully mitigate impacts identified at three of the 10 intersections in 2015 and 10 of the 16 intersections in 2037 to less-than-significant levels. The Draft EIS/EIR shows the intersections that would be fully mitigated, and those that would remain significantly impacted by the proposed project after mitigation, and during which specific time periods. The intersections of Gaffey Street and 9th Street, Gaffey Street and 1st Street, and Gaffey Street and 7th Street would be significant and unavoidable in 2015. The intersections at Gaffey Street and 9th Street, Gaffey Street and 7th Street, Gaffey Street and 5th Street, Gaffey Street and 1st Street, Harbor Boulevard and Miner Street, Harbor Boulevard and 7th Street, Harbor Boulevard and 5th Street, Harbor Boulevard and 1st Street, and Harbor Boulevard and SR-47 Westbound Ramp would remain significant and unavoidable in 2037. No feasible measures were identified for these locations. Therefore, impacts to these intersections would be significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures.

MM TC-2. Prohibit weekday peak period parking on Gaffey Street (needed by 2015). *Prohibit parking on Gaffey Street both northbound and southbound north of 9th Street during the weekday AM and PM peak periods to allow for an additional through lane in both the northbound and southbound directions. This prohibition is identified in the current San Pedro Community Plan as a potential measure to improve traffic flow on Gaffey Street.*

MM TC-3. Modify southbound approach to Gaffey Street and 9th Street (needed by 2015). *Modify the southbound approach to Gaffey Street and 9th Street to provide one left-turn lane, two through lanes, and one through/right-turn lane.*

MM TC-4. Install traffic signal at Gaffey Street and 6th Street (needed by 2015).

MM TC-5. Modify northbound and southbound approaches at Miner Street and 22nd Street (needed by 2037). *Modify the northbound and southbound approaches at Miner Street and 22nd Street to provide one left-turn lane, one through lane, and one through/right-turn lane.*

MM TC-6. Prohibit parking on Harbor Boulevard (needed by 2015). *As a complementary mitigation measure for intersection-specific mitigation measures along Harbor Boulevard, the prohibition of parking on Harbor Boulevard would allow for the roadway to be configured to generally provide three lanes in each direction. This prohibition is identified in the current San Pedro Community Plan as a potential measure to improve traffic flow on Harbor Boulevard north of 7th Street.*

MM TC-7. Modify Harbor Boulevard at 6th Street (needed by 2037). *Reconfigure Harbor Boulevard at 6th Street to provide three lanes on the southbound intersection approach, resulting in two through lanes and one shared through/right-turn lane.*

MM TC-8. Modify Harbor Boulevard at 5th Street (needed by 2015). *Reconfigure Harbor Boulevard at 5th Street to provide three lanes on the southbound intersection approach, resulting in one left-turn lane, two through lanes, and one shared through/right-turn lane.*

MM TC-9. Modify Harbor Boulevard at 1st Street (needed by 2015). *Reconfigure Harbor Boulevard at 1st Street to provide three lanes both northbound and southbound.*

MM TC-10. Modify eastbound approach to Harbor Boulevard and 7th Street (needed by 2015). *Reconfigure the eastbound approach to Harbor Boulevard and 7th Street to provide two left-turn lanes, one through lane onto Sampson Way, and one through/right-turn lane.*

MM TC-11. Reconfigure Harbor Boulevard and Swinford Street/SR-47 eastbound ramps (needed by 2015). *Restripe the westbound (Swinford Street) approach to provide an additional lane at the Harbor Boulevard and Swinford Street/SR-47 eastbound ramps. The westbound approach would be configured with one left-turn lane, one through lane, and one right-turn lane.*

MM TC-12. Reconfigure Harbor Boulevard at O'Farrell Street (needed by 2015). *Reconfigure Harbor Boulevard at O'Farrell Street to provide three lanes both northbound and southbound.*

MM TC-13. Install signal at Harbor Boulevard and 3rd Street (needed by 2015). *Install a traffic signal at Harbor Boulevard and 3rd Street and configure the roadway to provide three lanes both northbound and southbound.*

MM TC-14. Modify eastbound and westbound approaches at Gaffey Street and 13th Street (needed by 2037). *Modify the eastbound and westbound approaches at Gaffey Street and 13th Street to provide one left-turn lane and one shared through/right-turn lane each. This reconfiguration will result in the loss of approximately six on-street parking spaces.*

Rationale for Finding

Changes or alterations in the form of mitigation measures have been required in, or incorporated into the project. Mitigation measures TC-2 through TC-14 substantially reduce the significant impacts at seven of the 10 intersections in 2015 and six of the 16 intersections in 2037 by modifying and reconfiguring the intersections to accommodate better traffic flow, including installing traffic signals, providing separate left turn lanes, and providing additional lanes. Table 3.11-8 in the Draft EIS/EIR shows the intersections that would remain significantly impacted by the proposed project after mitigation, and during which specific time periods. Following is a description of the effectiveness of each proposed intersection mitigation measure.

- Mitigation Measure MM TC-2 would mitigate all identified impacts, except during the weekend midday peak hour in 2037, identified at the following locations, which would remain significant and unavoidable:
  - Gaffey Street and 7th Street, and
  - Gaffey Street and 5th Street.
- Mitigation Measure MM TC-3, when combined with Mitigation Measure MM TC-2, would fully mitigate the identified impact at Gaffey Street and 9th Street during the future weekday PM peak hour. No feasible measures could be identified to mitigate the impact at this location during the weekday AM peak hour (2037) or weekend midday peak hour (in 2015 and in 2037), which would remain significant and unavoidable.
- Mitigation Measure MM TC-4, when combined with Mitigation Measure MM TC-2, would fully mitigate the impacts identified at Gaffey Street and 6th Street. Impacts would be less than significant.
- Mitigation Measure MM TC-5 would fully mitigate the identified impact at Miner Street and 22nd Street. Impacts would be less than significant.
- Mitigation Measure MM TC-6, combined with additional measures, would mitigate impacts identified at the following locations to less-than-significant levels:
  - Harbor Boulevard and 6th Street (see also MM TC-7),
  - Harbor Boulevard and 5th Street (see also MM TC-8),

- Harbor Boulevard and 1st Street (see also MM TC 9),
- Harbor Boulevard and 7th Street (See also MM TC-10),
- Harbor Boulevard and O'Farrell Street (see also MM TC-12), and
- Harbor Boulevard and 3rd Street (see also MM TC-13).

- Mitigation Measure MM TC-7, when combined with Mitigation Measure MM TC-6, would fully mitigate the identified impact at Harbor Boulevard and 6th Street to less-than-significant levels.
- Mitigation Measure MM TC-8, when combined with Mitigation Measure MM TC-6, would partially mitigate the identified impact at Harbor Boulevard and 5th Street. No feasible measures could be identified to mitigate the impact at this location during the weekend midday peak hour (in 2037), which would remain significant and unavoidable.
- Mitigation Measure MM TC-9, when combined with Mitigation Measure MM TC-6, would fully mitigate the identified impact at Harbor Boulevard and 1st Street, except during the weekday AM peak hour (in 2037), which would remain significant and unavoidable.
- Mitigation Measure MM TC-10, when combined with Mitigation Measure MM TC-6, would partially mitigate impacts identified at Harbor Boulevard and 7th Street. No feasible measures could be identified to address the impact at during the weekday AM peak hour (in 2037) or weekend midday peak hour (in 2015 and 2037), which would remain significant and unavoidable.
- Mitigation Measure MM TC-11 would fully mitigate the impacts at Harbor Boulevard and Swinford Street/SR-47 Eastbound Ramps to less-than-significant levels.
- Mitigation Measure MM TC-12, combined with Mitigation Measure MM TC-6, would fully mitigate all identified impacts at Harbor Boulevard and O'Farrell Street to less-than-significant levels.
- Mitigation Measure MM TC-13, combined with Mitigation Measure MM TC-6, would fully mitigate all identified impacts at Harbor Boulevard and 3rd Street to less-than-significant levels.
- Mitigation Measure TC-14 would fully mitigate the identified impact at Gaffey Street and 13th Street to less-than-significant levels.

The potential removal of existing on-street bicycle lanes under MM TC-7, MM TC-12, and MM TC-13 would not result in significant impacts because the Los Angeles Harbor Bike Path would be provided adjacent to Harbor Boulevard and Sampson Way, outside of the roadway right-of-way.

Additionally, implementation of Mitigation Measure TC-6 and portions of Mitigation Measures TC-7, TC-8, TC-9, TC-12 and TC-13 (involving configuring Harbor Boulevard to provide three lanes both northbound and southbound) have been identified to reduce congestion and increase levels of service. While these mitigation measures are available to the LAHD, the LAHD may decide not to adopt Mitigation Measure TC-6 and portions of Mitigation Measures TC-7, TC-8, TC-9, TC-12 and TC-13 (involving configuring Harbor Boulevard to provide three lanes both northbound and southbound) because the provision of three lanes both northbound and southbound on Harbor Boulevard would increase speeds

along Harbor Boulevard and would not contribute to a pedestrian-friendly environment along Harbor Boulevard. Should the LAHD decide not to adopt these mitigation measures, the resulting congestion and the levels of service would still be significant and unavoidable.

The mitigation measures would not reduce the impacts at three intersections in 2015 and 10 intersections in 2037 to less than significant levels. For these remaining locations, no feasible measures were identified that would fully mitigate impacts to less-than-significant levels for all analysis periods. Existing physical constraints at those locations due to the unavailability of a right-of-way to improve capacity or reduce volume make further mitigation technologically infeasible. Therefore, these intersections would experience significant and unavoidable impacts.

Public Comment

As identified in Attachment 1: Suggested Mitigation Measures and Alternatives, two comments were received regarding Impact TC-2a from the Pacific Corridor Community Advisory Committee (PCCAC1-10 and PCCAC1-11).

Comment PCCAC1-10 recommends the minimum threshold for mitigation should be maintaining the existing conditions of traffic and air quality. Comment PCCAC1-11 states that funds should be allocated for acquisition and relocation of property that impacted intersections for traffic improvements and sites for new mixed use developments.

Concerning PCCAC1-10, the detailed traffic impact study prepared as part of the Draft EIS/EIR was prepared in accordance with the traffic impact study guidelines adopted by the City of Los Angeles Department of Transportation. Mitigation measures sufficient to address the proposed project-related impacts were developed that would fully or partially mitigate 7 of the 10 significantly impacted intersections in 2015 and 10 of the 16 significantly impacted intersections in 2037. No additional feasible mitigation measures were identified to fully mitigate the remaining significantly impacted intersections.

Concerning PCCAC1-11, the mitigation program developed for the proposed project focused on improvements that can be made within the existing rights-of-way, such as roadway restriping and widening and installation of traffic signals. This mitigation was proposed to minimize disruption to the surrounding community and to avoid potential secondary impacts. The proposed traffic mitigation program is described in Appendix M and is summarized in Section 3.11, “Ground Transportation and Circulation,” of the Draft EIS/EIR. Should funds be allocated, as suggested by the commenter, for the acquisition and relocation of property and for new mixed use developments to offset impacted intersections, the physical relocation and the construction and operation of new mixed use developments would result in additional significant impacts, such as air quality and noise as a result of demolition, construction and relocation activities. Significant and unavoidable impacts to air quality and noise would occur during construction and potentially during operation of these suggested “offsets”. Therefore, the commenter’s suggestion would simply exchange significant unavoidable impacts associated with traffic for significant and unavoidable impacts associated with air quality and noise and thus not actually reduce significant and unavoidable impacts overall. In addition, the suggested allocation of funds is infeasible because it would not effectively reduce project impacts. Traffic impacts have been mitigated to the extent feasible given existing physical constraints. Additional funding for traffic improvements will not reduce the impacts below a level already achieved by the mitigation measures adopted under the proposed project.

Furthermore, the Draft EIS/EIR analyzes a reasonable range of alternatives, as discussed in Master Response #1, which permit the decision makers to make a reasoned choice regarding project/alternative approval, approval with modifications, or disapproval. Additional alternatives, such as inclusion of a mixed use development, are therefore not needed

No changes are required to the Final EIS/EIR as a result of the comment received regarding Impact TC-2a.

Impact TC-2b: Proposed Project operations would increase traffic volumes and degrade LOS along neighborhood streets within the proposed project vicinity.

The proposed Project would increase the number of people traveling to and from the San Pedro Waterfront area. The resulting increase in traffic volumes would increase traffic volumes on the surrounding neighborhood roadways. Under 2037 conditions, projected increases in traffic on the neighborhood streets due to the proposed Project would exceed CEQA thresholds for West 17th Street between Centre and Palos Verdes. Thus, a significant impact would occur under CEQA.

Finding

No feasible mitigation is available to address the impacts due to traffic on West 17th Street between Centre and Palos Verdes under 2015 and 2037 conditions. Impacts, therefore, would be significant and unavoidable under CEQA. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

The only possibility to address the significant and unavoidable impacts would be to permanently close the affected street segment. This would not be acceptable since it serves adjacent land uses and carries substantial traffic volumes. Therefore, no mitigation measures exist that would fully eliminate the addition of significant or adverse traffic volumes to this segment of 17th Street. Impacts remain significant and unavoidable under CEQA.

Public Comment

As identified in Attachment 1: Suggested Mitigation Measures and Alternatives, two comments were received regarding Impact TC-2a from the Pacific Corridor Community Advisory Committee (PCCAC1-10 and PCCAC1-11). See Impact TC-2a above for a detailed discussion of these public comments. No changes are required to the Final EIS/EIR as a result of the comment received regarding Impact TC-2b.

Water Quality, Sediment and Oceanography

As discussed in Section 3.14 of the Draft EIS/EIR, there would be one significant impact to Water Quality as a result of the proposed Project during operation. This impact remains significant and unavoidable.

Impact WQ-4d: Operation of the proposed Project would result in discharges that create pollution, contamination, or nuisance as defined in Section 13050 of the CWC or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or water quality control plan for the receiving water body.

Operation of proposed Project facilities could create pollution, contamination, or a nuisance as defined in Section 13050 of the California Water Code or cause regulatory standards to be violated in harbor waters because there is potential for an increase in incidental spills and illegal discharges due to increased vessel calls at the facility.

There is potential for an increase in accidental spills and illegal discharges due to increased vessel calls at the facility, but recent history seems to show improvements in water quality in spite of increased use of the harbor, due to improved regulation and enforcement. Leaching of contaminants such as copper from anti-fouling paint could also cause increased pollutant loading in the harbor, which is listed as impaired with respect to copper. Therefore, the impact to water quality from leaching is significant under CEQA.

Finding

No feasible mitigation is available to address the water pollution impacts the leaching of contaminants from anti-fouling paint. Impacts, therefore, would be significant and unavoidable under CEQA. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

The amount of vessel traffic in the Main Channel and the Outer Harbor would increase to approximately 275 annual cruise ship calls by 2015 and 287 cruise ship calls by 2037, relative to the CEQA baseline of 258 ship calls in 2006. This increase of up to 11% in annual cruise ship calls would occur as a result of the proposed Project. Increases in vessel traffic related to the proposed Project could also result in higher mass loadings of contaminants such as copper that are leached from vessel hull anti-fouling paints. Portions of the Los Angeles Harbor are impaired with respect to copper; therefore, increased loadings associated with increases in vessel traffic relative to baseline conditions would likely exacerbate water and sediment quality conditions for copper.

No mitigation is required to address the impact from upland spills, stormwater, and accidental spills from vessels, which would be less than significant. Beyond legal requirements, there are no available mitigations to eliminate the leaching of contaminants from anti-fouling paint on vessel hulls. Residual impacts for upland spills, stormwater, accidental spills from vessels, and illegal discharges would be less than significant. There would be a significant residual impact from leaching of anti-fouling paints on vessel hulls.

Public Comment

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Impact WQ-4d.

Cumulatively Considerable Impacts

The State CEQA Guidelines (Section 15130) require an analysis of the project's contribution to significant and unavoidable cumulative impacts. Cumulative impacts include "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts" (State CEQA Guidelines, Section 15355). A total of 90 present or reasonably foreseeable future projects (approved or proposed) were identified within the general vicinity of the Project that could contribute to cumulative impacts. These projects include projects in the Ports of Los Angeles and Long Beach, the City of Long Beach, and the communities of San Pedro, Wilmington, and Carson.

The discussion below identifies significant cumulative impacts for which the proposed Project's contribution is cumulatively considerable prior to mitigation (i.e. less than significant with mitigation incorporated) and for which the proposed Project's contribution is cumulatively considerable and unavoidable. All feasible mitigation measures to reduce or avoid the cumulatively considerable contribution of the proposed Project to these impacts have been required in, or incorporated into, the proposed Project. The Board has determined that additional proposed mitigation measures and/or alternatives are infeasible in light of specific economic, legal, social, technological, and other considerations and, therefore, have not been required in, or incorporated into, the Project. The evidence of such infeasibility is explained below.

There were several comments received on the Draft EIS/EIR regarding cumulative impacts for various resources. According to CEQA Guidelines Section 15130(b): "The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness..." The cumulative analysis presented in the Draft EIS/EIR in Chapter 4, "Cumulative Analysis," meets this criterion. For example, analysis of cumulative traffic impacts specifically identifies the Pacific Corridor Redevelopment Project as a project having the potential to contribute to cumulative neighborhood street impacts and increase demand for traffic. (See Sections 4.2.11.4, 4.2.11.6.). Please refer to Chapter 2 of this Final EIS/EIR for detailed responses to each particular comment. Where applicable, the responses to the cumulative comments are discussed generally below under each resource.

Aesthetics

Cumulative Impact AES-1: The proposed Project would contribute to a cumulatively considerable adverse effect on a scenic vista from a designated scenic resource due to obstruction of views—cumulatively considerable and unavoidable.

Cumulative Impact AES-1 represents the potential of the proposed Project along with related cumulative projects to result in significant adverse impacts on a scenic vista within the cumulative study area from a designated scenic resource.

The proposed Project would not obstruct views from the designated viewpoint represented at Lookout Point Park; however, construction of the proposed Inner Harbor Parking complex at the Inner Harbor Cruise Ship Terminal would have a significant and unavoidable impact on views from Harbor Boulevard (north of KOP A and sequential viewpoints) to the Vincent Thomas Bridge along an approximately 1,440-foot segment of the scenic highway. The collective effect of the past and future projects would be to create a cumulatively considerable impact on the views from the surrounding area. Therefore, along a short segment of Harbor Boulevard, the proposed Project in combination with past, present, and foreseeable projects, would result in a cumulatively considerable and unavoidable impact under CEQA.

Finding

No feasible mitigation is available to address the cumulative impact on views of the Vincent Thomas Bridge from Harbor Boulevard. Impacts, therefore, would be cumulatively considerable and unavoidable under CEQA. The Board hereby finds that specific technological considerations make infeasible mitigation measures which would reduce these impacts to less-than-significant levels.

Rationale for Finding

There is no mitigation to reduce the affects that the mass and siting of the proposed Inner Harbor Parking Structures would have on obstruction of views to the Vincent Thomas Bridge. The proposed parking structures have been sized to be as small as possible and still provide the number of required parking spaces. Since two structures are proposed, there is no room to reduce the height of the structures, maintain the proposed footprint, and provide the number of required parking spaces. Cumulative impacts remain cumulatively considerable and unavoidable under CEQA.

Public Comments

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Cumulative Impact AES-1.

Cumulative Impact AES-5: The proposed Project would create a new source of cumulatively substantial light or glare that would adversely affect day or nighttime views of the area—cumulatively considerable and unavoidable.

Cumulative Impact AES-5 represents the potential for the proposed Project and related cumulative projects to result in cumulatively considerable impacts in the cumulative study area

through the creation of a new source of substantial light or glare that would adversely affect day or nighttime views.

As discussed in Section 3.1.4.3, the proposed Project would not create a new source of substantial light or glare that would adversely affect day or nighttime views resulting in significant impacts. Proposed project features that would contribute to ambient nighttime illumination would be negligible within the context of the functional lighting of the Port and would include the Inner Harbor Parking Structure, lighting of the Town Square area and associated harbors, lighting of the waterfront promenade and Ports O'Call area, and lighting of the Outer Harbor Cruise Terminals. Design consistency with these guidelines and regulations would minimize lighting effects and keep the lighting impacts of the proposed Project below significance. The collective effect of the past and future projects would be to create a cumulatively considerable impact on the light and glare to the surrounding area. Therefore, although project features and design measures would minimize and keep the project-level lighting impacts of the proposed Project below significance, lighting from the proposed Project would nevertheless make a cumulatively considerable contribution to a significant cumulative impact.

Finding

No feasible mitigation is available to address the cumulative impact from new lighting. Impacts, therefore, would be cumulatively considerable and unavoidable under CEQA. The Board hereby finds that specific technological considerations make infeasible mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

Past projects at the Port of Los Angeles and in surrounding industrial districts have had the effect of creating sources of unshielded or poorly shielded and directed light that have had the effect of causing light spill and a change in ambient illumination levels in nearby areas. The contributions of present and future projects to cumulative lighting impacts in the area will be limited due to the current standards implemented by the Port to minimize the lighting impacts of new projects. However, the net effect of the past projects has been to create a significant cumulative impact.

As documented in Section 3.1.4.3, the design of the lighting proposed for the proposed project site incorporates a range of measures to minimize offsite lighting impacts. Given that the lighting plan already makes maximum use of measures to attenuate the proposed Project's lighting impacts or those of the alternatives, no additional mitigation measures are available to reduce the proposed Project's contribution to the cumulative lighting impact. Therefore, the proposed Project would contribute to a cumulatively considerable and unavoidable impact under CEQA.

Public Comments

As identified in Attachment 1: Suggested Mitigation Measures and Alternatives, one comment was received regarding Cumulative Impact AES-5 from the Coalition for a Safe Environment (CFASE-3).

Comment CFASE-3 states to prevent the cumulative effect of exterior lighting that the following mitigation measures should be incorporated: limiting exterior lighting, dimming exterior lighting, using florescent glow-in-the-dark paint, shortening lighting posts, and replacing curtains in residential homes. For the reasons stated below, these measures are infeasible and do not reduce the impact to a level of less than cumulatively considerable/significant. As discussed in Section 3.1.4.3, within the context of the brightly lit night setting of the Port, and the lighting and glare impacts of past projects, the incremental change in ambient proposed project lighting would have little effect on light-sensitive areas. Large flood lights in the Outer Harbor and the Inner Harbor (associated with surface parking) would be removed and replaced with directional lighting associated with the proposed Outer Harbor Terminals and the Inner Harbor parking structure. Lighting associated with proposed project components would comply with the San Pedro Waterfront and Promenade Design Guidelines, which include lighting recommendations to minimize light pollution, spill light, and glare while promoting goals to create an attractive and safe daytime and nighttime waterfront that supports local economic growth. Additionally, lighting would comply with the PMP (Port Master Plan), which requires an analysis of design and operational effects on existing community areas. Design consistency with these guidelines and regulations would minimize lighting effects and keep the lighting impacts of the proposed Project below significance. The proposed project would also be required to meet the Los Angeles City Bureaus of Street Lighting Standards, which sets forth street lighting requirements. (City of Los Angeles Bureau of Street Lighting, Plan Processing Information for Private Development Projects, Attachment C.)

Therefore, the contribution of the proposed Project to the lighting and glare impacts is insignificant when compared to the effect of cumulative projects. By itself the proposed Project would not contribute to a significant lighting impact as determined in Section 3.1.4.3 and further reducing the minimal lighting impacts from the project will not reduce the cumulative impact to less than cumulatively considerable. Only when the proposed Project is combined with all past, present, and reasonably foreseeable future projects is there a significant cumulative lighting and glare impact because the overall lighting levels exceed the baseline. In regards to the specific mitigation measures identified in the comment:

a. Limiting exterior lighting is infeasible for social and legal reasons and would not reduce the cumulative impact to less than cumulatively considerable. Some exterior lighting could be reduced after normal business hours. However, the majority of exterior lighting is necessary after normal business hours for public safety and security concerns. The proposed Project would be required to meet the Los Angeles City Bureau of Street Lighting Standards, described above, which set forth the minimum illumination levels. Exterior lighting cannot be reduced below those levels. Furthermore, removing lighting associated with the proposed Project would not reduce or mitigate the cumulative impact to less than cumulatively considerable since the contribution of the proposed Project to this impact is already minimal. b. Some exterior signage could be turned off after normal business hours. However, the majority of exterior lighting signage is necessary after normal business hours. This signage would be used by motorists or pedestrians using the proposed Project area after normal business hours. Furthermore, removing lighting associated with the proposed Project would not reduce or mitigate the cumulative impact to less than cumulatively considerable since the contribution of the proposed project to this impact is already minimal.

c. Dimming exterior lighting is infeasible and would not reduce the cumulative impact to less than significant. Some exterior lighting could be dimmed after normal business

hours. However, the majority of exterior lighting cannot be dimmed after normal business hours. The proposed Project would be required to meet to the Los Angeles City Bureau of Street Lighting Standards described above. Exterior lighting cannot be dimmed below levels required by the City.. Furthermore, dimming lighting associated with the proposed Project would not reduce or mitigate the cumulative impact to less than cumulatively considerable since the contribution of the proposed project to this impact is already minimal.

d. Reducing the height of the light posts is not a feasible mitigation measure. Lighting posts would be designed to provide adequate lighting for public safety and security. The proposed Project would be required to meet to the Los Angeles City Bureau of Street Lighting Standards described above, which set forth minimum lighting requirements which effect the height of light posts. . Therefore, electric lighting posts could not be lower than standard practice. Furthermore, lowering electric lighting posts within the proposed Project area would not reduce or mitigate the cumulative impact to less than cumulatively considerable since the contribution of the proposed project to this impact is already minimal.

e. Using florescent glow-in-the-dark paint for signage is infeasible. It is not an acceptable replacement for electric lighted signage since florescent glow-in-the-dark does not provide the illumination necessary to identify buildings or roads to motorists or pedestrians. Furthermore, using glow-in-the-dark signage would not reduce or mitigate the cumulative impact to less than cumulatively considerable since the contribution of the proposed project to this impact is already minimal.

f. Replacing nearby resident's window curtains and shades with darker material is not consistent with the constitutional requirements for mitigation measures Mitigation measure must be "roughly proportional" to the impacts of the project. (CEQA Guidelines, §15126.4(4)(b).)The proposed Project would not cause spill over lighting or glare; therefore, window curtains and shades would not reduce impacts from the proposed Project. Additionally, replacing nearby resident window curtains would not reduce or mitigate the cumulative impact to a less than cumulatively considerable. Darker shades would not be sufficient to reduce the lighting and glare impacts in the project area because of the extent to which the overall lighting levels exceed the baseline. No changes are required to the Final EIS/EIR as a result of the comments received regarding Impact AES-5.

Air Quality

Cumulative Impact AQ-1: The proposed Project would result in cumulatively considerable construction-related emissions that exceed an SCAQMD threshold of significance—cumulatively considerable and unavoidable.

Cumulative Impact AQ-1 assesses the potential for proposed project construction along with other cumulative projects to produce a cumulatively considerable increase in criteria pollutant emissions for which the proposed project region is in nonattainment under a national or state ambient air quality standard or for which the SCAQMD has set a daily emission threshold.

Emissions from proposed project construction would increase relative to CEQA baseline emissions for VOC, CO, NO_X, PM10, and PM2.5. These emission increases would combine with construction emissions from concurrent construction projects in the vicinity of the proposed project site, which would already be cumulatively significant. As a result, without mitigation, emissions from proposed project construction would make a cumulatively considerable contribution to a cumulative significant impact for VOC, CO, NO_X, SO_X, PM10, and PM2.5 emissions under CEQA.

MM AQ-1 through MM AQ-8 would help reduce construction emissions. After mitigation, proposed project construction emissions would continue to exceed CEQA baseline emissions for VOC, CO, NO_X, SO_X, PM10, and PM2.5. Therefore, the proposed Project after mitigation would make a cumulatively considerable and unavoidable contribution to a cumulative significant impact for VOCs, CO, NOX, SOX, PM10, and PM2.5 emissions under CEQA.

Finding

While mitigation has been incorporated to reduce impacts, proposed project construction emissions would continue to exceed CEQA baseline emissions for VOC, CO, NO_X, SO_X, PM10, and PM2.5 even with mitigation incorporated. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

Due to its substantial amount of emission sources and topographical/meteorological conditions that inhibit atmospheric dispersion, the South Coast Air Basin is a "severe-17" nonattainment area for 8-hour O3, a "serious" nonattainment area for PM10, a nonattainment area for PM2.5, and a maintenance area for CO in regard to the National Ambient Air Quality Standards (NAAQS). The South Coast Air Basin is in attainment of the NAAQS for SO2, NO2, and lead. In regard to the California Ambient Air Quality Standards (CAAQS), the South Coast Air Basin is presently in nonattainment for O3, PM10, and PM2.5. The South Coast Air Basin is in attainment of the CAAQS for SO2, NO2, CO, sulfates, and lead, and is unclassified for hydrogen sulfide and visibility-reducing particles. These pollutant nonattainment conditions within the project region are therefore cumulatively significant. In the time period between 2007 and 2011, a number of large construction projects will occur at the two ports and surrounding areas that will overlap and contribute to significant cumulative construction impacts. The 2007 Air Quality Management Plan (AQMP) predicts attainment of all NAAQS within the South Coast Air Basin, including PM2.5 by 2014 and O3 by 2020. However, the predictions for PM2.5 and O3 attainment are speculative at this time.

The construction impacts of the related projects would be cumulatively significant if their combined construction emissions would exceed the SCAQMD daily emission thresholds for construction. MM AQ-1 through MM AQ-8 would be applied to the proposed Project to reduce construction emissions. After mitigation, proposed project construction emissions would continue to exceed CEQA baseline emissions for VOC, CO, NO_X, SO_X, PM10, and PM2.5. Therefore, during construction, the proposed Project after mitigation would make a cumulatively considerable and unavoidable contribution to a cumulative significant impact for VOC, CO, NO_X, SO_X, PM10, and PM2.5 emissions under CEQA.

Public Comments

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Cumulative Impact AQ-1.

Cumulative Impact AQ-2: Proposed project construction would result in cumulatively considerable offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance—cumulatively considerable and unavoidable.

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

The SCAQMD develops ambient pollutant thresholds that signify cumulatively considerable increases in criteria pollutant concentrations. Proposed project construction emissions would produce offsite impacts that would exceed the SCAQMD ambient thresholds for 1-hour NO_2, and would exceed CEQA baseline levels for PM10 and PM2.5. Any concurrent emissions-generating activity that occurs in the vicinity of the proposed project site would add additional air emission burdens to these significant levels. As a result, without mitigation, emissions from proposed project construction would make cumulatively considerable contributions to significant cumulative ambient NO_2, PM10, and PM2.5 levels under CEQA.

Finding

Mitigation Measures MM AQ-1 through MM AQ-8 have been incorporated into the project to help reduce construction emissions related to the SCAQMD 1-hour NO_2, 24-hour PM10, and 24-hour PM2.5 ambient thresholds. Nonetheless, construction emission could still make cumulatively considerable (and unavoidable) contributions to significant cumulative ambient NO2, PM10, and PM2.5 levels from concurrent related project construction under CEQA. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

The past, present, and reasonably foreseeable future projects for Cumulative Impact AQ-2 would result in significant cumulative impacts if their combined ambient pollutant concentrations, during construction, would exceed the SCAQMD ambient concentration thresholds for pollutants from construction.

MM AQ-1 through MM AQ-8 would help reduce construction emissions; however, would not reduce impacts below significance. Impacts from the proposed project construction would exceed the SCAQMD 1-hour NO_2, 24-hour PM10, and 24-hour PM2.5 ambient thresholds. Therefore, construction emissions of the proposed Project with mitigation, would still make a cumulatively considerable and unavoidable contribution to 1-hour NO_2, 24-hour PM10, and 24-hour PM2.5 under CEQA.

Public Comments

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Cumulative Impact AQ-2.

Cumulative Impact AQ-3: The proposed Project would result in cumulatively considerable operational emissions that exceed 10 tons per year of VOCs or an SCAQMD threshold of significance—cumulatively considerable and unavoidable.

Cumulative Impact AQ-3 assesses the potential for proposed project operation along with other cumulative projects to produce a cumulatively considerable increase in criteria pollutant emissions for which the proposed project region is in nonattainment under a national or state ambient air quality standard or for which the SCAQMD has set a daily emission threshold.

Peak daily emissions from proposed Project operation would increase relative to CEQA baseline emissions for VOCs, CO, NOX, SOX, PM10, and PM2.5 during one or more project analysis years. These emission increases would combine with operation emissions from other projects in the vicinity of the proposed project site, which would already be cumulatively significant. As a result, without mitigation, emissions from proposed project operation would make a cumulatively considerable contribution to a cumulative significant impact for VOC, CO, NO_X, SO_X, PM10, and PM2.5 emissions under CEQA.

Finding

MM AQ-9 through MM AQ-24 would help reduce operational emissions. After mitigation, peak daily emissions from the proposed Project would still exceed CEQA baseline emissions for VOCs, NOX, SOX, PM10, and PM2.5 during one or more project analysis years. As a result, after mitigation, emissions from the proposed Project would make a cumulatively considerable and unavoidable contribution to a cumulative significant impact for VOCs, NOX, SOX, PM10, and PM2.5 emissions under CEQA. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

The other projects would be cumulatively significant if their combined operational emissions would exceed the SCAQMD daily emission thresholds for operations. This almost certainly would be the case for all analyzed criteria pollutants; therefore, past, present and future projects would result in a significant cumulative air quality criteria pollutant impact. MM AQ-9 through MM AQ-24 would help reduce operational emissions, however would not reduce impacts below significance.

Public Comments

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Cumulative Impact AQ-3.

Cumulative Impact AQ-4: Proposed project operations would result in cumulatively considerable offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance—cumulatively considerable and unavoidable.

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

The SCAQMD develops ambient pollutant thresholds that signify cumulatively considerable increases in concentrations of these pollutants. The proposed Project operational emissions would produce offsite impacts that would exceed the SCAQMD ambient thresholds for 1-hour and annual NO_2, 24-hour and annual PM10, and 24-hour PM2.5. Any concurrent emissions-generating activity that occurs in the vicinity of the proposed project site would add additional air emission burdens to these significant levels. As a result, without mitigation, emissions from proposed project operations would produce cumulatively considerable contributions to ambient NO_2, PM10, and PM2.5 levels under CEQA.

Finding

MM AQ-9 through MM AQ-24 would be applied to the proposed Project to reduce project emissions. With mitigation, impacts from proposed Project would exceed the 1-hour and annual NO2, 24-hour and annual PM10, and annual PM2.5 SCAQMD ambient thresholds. As a result, emissions from operation of the proposed Project would produce cumulatively considerable and unavoidable contributions to ambient NO2, PM10, and PM2.5 levels under CEQA. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

The related projects would result in significant cumulative impacts if their combined ambient concentration levels during operations would exceed the SCAQMD ambient concentration thresholds for operations. Although there is no way to be certain if a cumulative exceedance of the thresholds would happen for any pollutant without performing dispersion modeling of the other projects, cumulative air quality impacts are likely to exceed the thresholds for NOX, could exceed the thresholds for PM10 and PM2.5, and are unlikely to exceed for CO. Consequently, operation of the related projects would result in a significant cumulative air quality impacts related to exceedances of the significance thresholds. MM AQ-9 through MM AQ-24 would be applied to the proposed Project to reduce project emissions. Tables 3.2-32 and 3.2-33 show that with mitigation, impacts from proposed project or Alternatives 1 through 5 operation would exceed the 1-hour and annual NO_2, 24-hour and annual PM10, and annual PM2.5 SCAQMD ambient thresholds. As a result, emissions from operation of the proposed Project would produce cumulatively considerable and unavoidable contributions to ambient NO_2, PM10, and PM2.5 levels under CEQA.

Public Comments

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Cumulative Impact AQ-4.

Cumulative Impact AQ-6: The proposed Project would create a cumulatively considerable objectionable odor at the nearest sensitive receptor—cumulatively considerable and unavoidable.

Cumulative Impact AQ-6 assesses the potential of the proposed project operation along with other cumulative projects to create objectionable odors at the nearest sensitive receptor.

Operation of the proposed Project would increase diesel emissions within the Port. Any concurrent emissions-generating activity that occurs in the vicinity of the proposed project site would add additional air emissions burden to cumulative impacts. As a result, without mitigation, proposed project operations would result in cumulatively considerable contributions to significant cumulative odor impacts within the proposed project region under CEQA.

Operation of the Project would increase diesel emissions within the Port. Any concurrent emissions-generating activity that occurs near the Project site would add additional air emission burdens to cumulative impacts. As a result, without mitigation, Project operations would result in cumulatively considerable contributions to significant cumulative odor impacts within the Project region under CEQA. Implementation of Project mitigations would reduce odor emissions from operation of the proposed Project.

Finding

Implementation of proposed project mitigation that reduce diesel combustion, including MM AQ 1-6, MM AQ 9-21, and MM AQ 26-30, would reduce odor emissions from operation of the proposed Project. After mitigation, the proposed Project however, would continue to produce cumulatively considerable and unavoidable contributions to ambient odor levels within the Project region from operations. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

There are temporary and semi-permanent sources of odors within the Port region, including mobile sources powered by diesel and residual fuels and stationary industrial sources, such as petroleum storage tanks. Some individuals may sense that diesel combustion emissions are objectionable in nature, although quantifying the odorous impacts of these emissions to the public is difficult. Due to the large number of sources within the Port that emit diesel emissions and the proximity of residents (sensitive receptors) adjacent to Port operations, odorous emissions in the Project region are cumulatively significant. MM AQ-9 through MM AQ-24 would help reduce operational odors, however would not reduce impacts below significance. Odor impacts of the proposed Project would be cumulatively considerable and unavoidable.

Public Comments

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Cumulative Impact AQ-6.

Cumulative Impact AQ-7: The proposed Project would expose receptors to cumulatively significant levels of TACs—cumulatively considerable and unavoidable

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

Proposed Project construction and operational emissions of TACs would increase cancer risks from CEQA baseline levels to above the significance criterion of 10 in a million (10×10^{-6}) risk to offsite residential, occupational, sensitive, and recreational receptors. Proposed Project emissions of TACs would make a cumulatively considerable contribution (although a contribution of less than 10 in a million risk) to cancer risks relative to CEQA baseline levels to offsite student receptors.

Proposed Project construction and operational emissions of TACs would increase acute non-cancer effects from CEQA baseline levels to above the 1.0 hazard index significance criterion at offsite residential, occupational, and recreational receptors in proximity to the proposed Project site.

Any concurrent emissions-generating activity that occurs in the vicinity of the proposed project site would add an additional airborne health burden to these significant levels. As a result, emissions from proposed project construction and operation would make a cumulatively considerable contribution to airborne cancer and non-cancer levels at all receptor types under CEQA.

While the proposed project emissions would not have an individually significant impact on chronic non-cancer health effects at any receptor type under CEQA, the proposed Project would make a greater than zero, and therefore cumulatively considerable, contribution to cumulatively significant impacts on chronic non-cancer health risks.

Finding

Mitigation Measures MM AQ-9 through MM AQ-24 would be applied to the proposed Project to reduce project TAC emissions. With mitigation, construction and operational emissions of TACs under the proposed Project would increase cancer risks from CEQA baseline levels to above the significance criterion of 10 in a million (10×10^{-6}) risk to offsite occupational and recreational receptors, resulting in a significant cumulative impact. In addition, proposed project emissions of TACs would make a cumulatively considerable contribution (although a contribution of less than 10 in a million risk) to cancer risks relative to CEQA baseline levels to offsite residential, student, and sensitive receptors.

Levels of toxic air contaminant emissions from Port facilities and Port-related trucks traveling along adjacent streets will diminish in future years with the implementation of the recently approved CAAP and current and future rules adopted by the CARB and USEPA. Specifically, diesel particulate matter (DPM) emissions from trucks are anticipated to diminish by approximately 80 percent over the next 5 years with the implementation of the CAAP. It is unknown at this time whether these future emission reductions would reduce the cumulative health impacts in the Port region to less than significant levels. However, the Port is in the process of developing a Port-wide HRA that will define the cumulative health

impacts of Port emissions in proximity to the Port. Although levels of toxic air contaminant emissions from Port facilities and Port-related trucks traveling along adjacent streets will diminish in future years from these programs and rules, emissions from construction and operation of the proposed Project are assumed to make a cumulatively considerable contribution to airborne cancer and noncancer levels at all receptor types under CEQA.

The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

The Multiple Air Toxics Exposure Study (MATES-II) conducted by the SCAQMD in 2000 estimated the existing cancer risk from toxic air contaminants in the South Coast Air Basin to be 1,400 in a million (SCAQMD, 2000). In MATES III, completed by SCAQMD, the existing cancer risk from toxic air contaminants was estimated at 1,000 to 2,000 in a million in the San Pedro and Wilmington areas. In the Diesel Particulate Matter Exposure Assessment Study for the Ports of Los Angeles and Long Beach, the CARB estimates that elevated levels of cancer risks due to operational emissions from the Ports of Los Angeles and Long Beach occur within and in proximity to the two Ports (CARB, 2006). Based on this information, airborne cancer and noncancer levels within the project region are therefore cumulatively significant.

The Port has approved port-wide air pollution control measures through their San Pedro Bay Ports Clean Air Action Plan (CAAP) (LAHD et al., 2006). Implementation of these measures will reduce the health risk impacts from the Project and future projects at the Port. Currently adopted regulations and future rules proposed by the ARB and USEPA also will further reduce air emissions and associated cumulative health impacts from Port operations. However, because future proposed measures (other than CAAP measures) and rules have not been adopted, they have not been accounted for in the emission calculations or health risk assessment for the Project. Therefore, it is unknown at this time how these future measures would reduce cumulative health risk impacts within the Port project area, and therefore, airborne cancer and noncancer impacts within the project region would therefore still be cumulatively significant. MM AQ-9 through MM AQ-24 would help reduce TACs, however would not reduce impacts below significance for all types of receptors.

Public Comments

Several comments were received in regards to Cumulative Impact AQ-7. The detailed responses to these comments are discussed in Chapter 2 of this EIS/EIR; however, a brief summary of the responses is included below.

The USEPA requested a quantitative analysis of cumulative emissions and health risk impacts. A quantitative analysis of cumulative emissions and health risk impacts is not feasible for this Draft EIS/EIR because the data necessary to conduct such an analysis are not available and cannot be obtained with reasonable effort. For example, for every cumulative project identified in Table 4-1 of the Draft EIS/EIR, a quantitative analysis would require detailed project-level information on the types of stationary and mobile emission sources, activity levels, fuel usage, chemical usage, emission controls, operating schedule, stack parameters, vehicle trip generation, routes driven, building configuration, and project construction schedule. This is an enormous amount of information that is not currently

available in sufficient detail for most of the cumulative projects. Without such information, an attempt to quantify cumulative air quality impacts would produce speculative and unreliable results. The magnitude and geographic distribution of modeled health risk impacts around each cumulative project are very dependent on such detailed information. Without such information, it would be impossible to predict whether, and to what degree, risk impacts from the cumulative projects would overlap each other to produce a combined effect.

Because of the infeasibility of collecting sufficient information needed for a quantitative cumulative air quality analysis, cumulative impacts were assessed qualitatively. Broader regional studies were used to gain an indication of the magnitude of impacts from the cumulative projects. For example, the 2006 California Air Resources Board (CARB) report *Diesel Particulate Matter Exposure Assessment Study for the Ports of Los Angeles and Long Beach*, estimated that diesel particulate matter (DPM) emissions from the two ports result in potential cancer risk levels exceeding 500 in one million near the Port boundaries. Furthermore, the SCAQMD MATES-III report, which considered all emission sources in the South Coast Air Basin, predicted cancer risk values ranging from 1,100 to 2,900 in one million near the ports. Given these two studies, health risk impacts from the cumulative projects were considered to be significant. Therefore, a cumulatively considerable contribution to this impact from the proposed Project or alternative would represent a significant cumulative impact.

Regarding the USEPA's suggestion to perform a quantitative "cumulative" analysis with only Port of Los Angeles and Port of Long Beach projects for which emissions have been quantified, LAHD believes such an analysis would produce inaccurate and potentially misleading quantitative results. For example, such an analysis would likely grossly overestimate cumulative impacts by considering only a few specific projects while omitting substantial emission reductions that will occur throughout both ports through port-wide San Pedro Bay Clean Air Action Plan (CAAP) implementation. Therefore, until such time as the port-wide HRA is available and provides more quantitative information on future Port-wide impacts, the qualitative cumulative analysis as presented in Section 4.2.2 of Chapter 4, "Cumulative Analysis," is appropriate.

Sensitive receptors to air quality impacts are detailed in Section 3.2.2.4 and Figure 3.2-1 of the Draft EIS/EIR. The cumulative analysis for air quality includes the entire South Coast Air Basin and is intended to look at the area as a whole. As discussed in CEQA Guidelines Section 15130, "The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicability and reasonableness…" Furthermore, CEQA Guidelines Section 15143 states that "the EIR shall focus on the significant effects on the environment. The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence." It was not necessary to discuss impacts at the level of detail requested. The level of detail provided in the Draft EIS/EIR was sufficient to address the significant thresholds, to determine whether there would be significant impacts, and to determine whether there would be any potentially feasible mitigation measures.

Cumulative Impact AQ-9: The proposed Project would produce cumulatively considerable GHG emissions that

would exceed CEQA baseline levels—cumulatively considerable and unavoidable.

Cumulative Impact AQ-9 represents the potential of the proposed Project along with other cumulative projects to contribute to global climate change.

The challenge in assessing the significance of an individual project's contribution to global GHG emissions and associated global climate change impacts is to determine whether a project's GHG emissions—which are at a micro-scale relative to global emissions—result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. CO_2 emissions in California totaled approximately 478 million metric tons in year 2003 (CEC 2006a). The construction and operation of the proposed Project would produce higher GHG emissions within California borders in each future project year, compared to CEQA baseline levels. Furthermore, emissions from proposed project-associated ships traveling beyond California borders, while not quantified in the tables, would further increase GHG emissions above CEQA baseline levels. Any concurrent emissions-generating activity that occurs global-wide would add additional air emission burdens to these significant levels, which could further exacerbate environmental effects as discussed in Section 3.2. Therefore, emissions from proposed project construction and operation would produce cumulatively considerable contributions to global climate change under CEQA.

Finding

The mitigated proposed Project would produce higher GHG emissions than CEQA baseline emissions in each future project year except 2011. The way in which CO2 emissions associated with the proposed Project or alternatives might or might not influence actual physical effects of global climate change cannot be determined. For these reasons, it is uncertain whether emissions from the proposed Project would make a significant contribution to the impact of global climate change when considered with the emissions generated by human activity. Nevertheless, as discussed in Chapter 3.2, existing GHG levels are projected to result in changes to the climate of the world, with significant warming seen in some areas, which, in turn, will have numerous indirect effects on the environment and humans. Project GHG emissions would contribute to existing levels and, therefore, would contribute to the causes of global climate change. Impact AQ-9 states that any increase in GHG emissions over the CEQA baseline is significant; therefore, emissions from construction and operation of the proposed Project and project would produce cumulatively considerable and unavoidable contributions to global climate change under CEQA.

The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

Scientific evidence indicates a trend of warming global surface temperatures over the past century due at least partly to the generation of greenhouse gases (GHG) emissions from human activities. Some observed changes include shrinking glaciers, thawing permafrost, and shifts in plant and animal ranges. Credible predictions of long-term impacts from increasing GHG levels in the atmosphere include sea level rise, changes to weather patterns, changes to local and regional ecosystems including the potential loss of species, and significant

reductions in winter snow packs. These and other effects would have environmental, economic, and social consequences on a global scale. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors (California Energy Commission, 2006a). Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. In California alone, CO2 emissions totaled approximately 478 million metric tons in year 2003 (CEC 2006a), which was an estimated 6.4 percent of global CO2 emissions from fossil fuels. Based upon this information, past, current, and future global GHG emissions, including emissions from projects in the Ports of Los Angeles and Long Beach and elsewhere in California, are cumulatively significant. MM AQ-25 through MM AQ-30 would help reduce GHG emissions, however would not reduce impacts below significance. Therefore, proposed Project impacts would remain cumulatively considerable and unavoidable.

Public Comments

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Cumulative Impact AQ-9.

Biological Impacts

Cumulative Impact BIO-1: The proposed Project would result in the cumulative loss of individuals, or the reduction of existing habitat, of a state- or federally listed endangered, threatened, rare, protected, candidate, or sensitive species or a species of special concern, or the loss of federally listed critical habitat—cumulatively considerable and unavoidable.

Cumulative Impact BIO-1 assesses the effects of the proposed Project along with other past present and reasonably foreseeable projects that would cause a loss of individuals or the reduction of existing habitat of a state- or federally-listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or the loss of federally listed critical habitat. No critical habitat for any federally listed species is present in the LA/LB Harbor; therefore, no cumulative impacts to critical habitat would occur.

In-water construction activities, particularly pile driving, would also result in underwater sound pressure waves that could affect marine mammals. The locations of most of these activities (e.g., pile and sheetpile driving) are in areas where few marine mammals occur. Marine mammals are expected to avoid areas where pile driving is occurring by moving to other areas within the LA/LB Harbor. However, pile driving that occurs from more than one project concurrently, particularly the proposed Project and Pacific LA Marine Terminal on Pier 400, would reduce the area available for marine mammals to avoid the disturbance. Although MM BIO-3 (avoid marine mammals) would reduce the impacts from the proposed Project to less than significant, if pile driving from other projects in the vicinity of the proposed Project were to occur concurrently, a significant and unavoidable cumulative impact would occur. Therefore, cumulative impacts to marine mammals from construction related pile driving activities would be cumulatively considerable for the proposed project.

Although the increased number of vessels attributed to the proposed Project is relatively small, 24 in total annually, the proposed Project's contribution to the cumulative impact of whale strikes would be cumulatively considerable and unavoidable.

Finding

Implementation of Mitigation Measure MM BIO-3 (avoid marine mammals) would reduce the impacts from the proposed Project to less than significant levels, however, the cumulative contribution of the proposed project in combination with the effects of other past, present and reasonably foreseeable future projects would result in cumulatively considerable and unavoidable impacts. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

Past, present, and future projects will increase vessel traffic. Ship strikes involving marine mammals and sea turtles, although uncommon, have been documented for the following listed species in the eastern North Pacific: blue whale, fin whale, humpback whale, sperm whale, southern sea otter, loggerhead sea turtle, green sea turtle, olive ridley sea turtle, and leatherback sea turtle (NOAA Fisheries and 19 USFWS 1998a, 1998b, 1998c, 1998d; Stinson 1984; Carretta et al. 2001).

Ship strikes have also been documented involving gray, minke, and killer whales. The blue whale, fin whale, humpback whale, sperm whale, gray whale, and killer whales are all listed as endangered under the ESA although the Eastern Pacific gray whale population was delisted in 1994. In Southern California, potential strikes to blue whales are of the most concern due to the migration patterns of blue whales and the established shipping channels. Blue whales normally passed through the Santa Barbara Channel en route from breeding grounds in Mexico to feeding grounds farther north. Blue whales were a target of commercial whaling activities worldwide. In the North Pacific, pre-whaling populations were estimated at approximately 4,900 blue whales, the current population estimate is approximately 3,300 blue whales (NMFS, 2008). Along the California coast, blue whale abundance has increased over the past two decades (Calambokidis et al., 1990; Barlow, 1994; Calambokidis, 1995).

However, the increase is too large to be accounted for by population growth alone and is more likely attributed to a shift in distribution. Incidental ship strikes and fisheries interactions are listed by NMFS as the primary threats to the California population. Operation of many of the past, present, and future projects would result in increased vessel trips to and from the Harbor Complex; therefore, the related projects could potentially increase whale mortalities from vessel strikes, which is considered to be an unavoidable significant cumulative impact.

Implementation of Mitigation Measures MM BIO-1 through MM BIO-6 would reduce the construction impacts to special-status species to less than significant. However, MM BIO-3 (avoid marine mammals) would not eliminate potential cumulative effects from pile driving to marine mammals, and there are no additional feasible mitigation measures to reduce the potential to less than significant; therefore, the potential for the proposed Project to make a cumulatively considerable contribution to a significant cumulative impact related to

pile driving construction activities under CEQA A would remain. Operation of the proposed Project would not significantly affect whales through vessel strikes, and the VSRP has an approximate 90% participation rate, which minimizes the potential for vessel strikes to occur. No other feasible mitigation is available to reduce cumulative impacts related to vessel strikes to below the level of significance; therefore, operation of the proposed Project would have a cumulatively considerable and unavoidable impact under CEQA.

Public Comments

As identified in Attachment 1: Suggested Mitigation Measures and Alternatives, one comment was received regarding Cumulative Impact BIO-1 from the Coalition for a Safe Environment (CFASE-6).

Comment CFASE-6 states to prevent the cumulative effect of accidental deaths to whales and mammals from ship strikes and pollution the following mitigation measures should be implemented: moving shipping lanes farther out; installing land based sound detectors for passing whales and mammals; having a migrating whale season notification alert system; reducing ships to reduce speed to 10nm within 50 nm of coastal shorelines and ports; prohibiting ship ballast from dumping; and, installing trash traps, water purification filter systems and ship water skimmers.

The increase in whale strikes as a result of the proposed project will result in well under 1 additional strike over a 22 year period. Whale strike occurrences are reported for the entire coast of California. Installation of land based sound detectors or alert systems for Port projects even when examining them at the cumulative level is disproportionate to the Port's contribution to a significantly cumulative impact. Furthermore, ships arriving and departing out of the Harbor are required by mitigation to move at very slow speeds which, as discussed above, facilitates whale avoidance of vessel strikes. The mariners' advisory program for blue whales appears has been implemented at the Port. In response to an unusual number of blue whale strikes in September 2007, NOAA's Fisheries Service, Channel Islands National Marine Sanctuary, and Weather Service, in conjunction with the U.S. Coast Guard and the Ports of Los Angeles and Long Beach, began to broadcast advisories for mariners entering the Santa Barbara Channel informing them of the presence of blue whales and recommending channel transit speeds of 10 knots or less. Monitoring by the ports provided initial indication that voluntary compliance was high. No further blue whale deaths or ship strikes were detected through June 2008. The LAHD would actively participate in such as program if it were reinstated by the regulatory agencies responsible for the Blue Whale monitoring in the Santa Barbara Channel. However, the LAHD does not have the capacity to monitor whales in the Santa Barbara Channel.

The Port already has in place its Vessel Speed Reduction Program (VSRP) with over 90 percent participation. The VSRP slows ship speeds to 12 knots from Point Fermin to the harbor, approximately 40 nautical miles (nm) out.

Invasive species that could be introduced as a result of ballast water exchanges are not considered an impact to whale species feeding habits (grey whales feed mainly in the cold arctic water of the Bering and Chuchi Seas during the summer months and lack of availability of krill for blue whale is not cited by NOAA Fisheries Office of Protected Resources as threat to their existence). As discussed in Section 3.3.3.13, California PRC Section 71200 et seq.

requires ballast water management practices for all vessels, domestic and foreign, carrying ballast water into waters of the state after operating outside the Exclusive Economic Zone (EEZ). Specifically, the regulation prohibits ships from discharging ballast water within harbor waters unless they have performed an exchange outside the EEZ in deep, open ocean waters. Alternatively, ships may retain water while in port, discharge to an approved reception facility, or implement other similar protective measures. Each ship must also develop a ballast water management plan to minimize the amount of ballast water discharged in the harbor.

The proposed Project's or alternatives' contribution to a cumulative impact was found to be less than cumulatively considerable under CEQA. Best management practices to prevent or minimize contaminant loadings to the LA/LB Harbor from stormwater runoff from past, present, and reasonably future projects, including the proposed Project or alternatives, are required by the Standard Urban Stormwater Mitigation Plan (SUSMP), which is incorporated into the Los Angeles County Urban Runoff and Stormwater NPDES Permit issued by the LARWQCB. SUSMP requirements must be incorporated into the project plan and approved prior to issuance of building and grading permits. Specifically, the SUSMP requires that each project incorporate BMPs specifically designed to minimize stormwater pollutant discharges. While adopted BMPs vary by project, all BMPs must meet specific design standards to mitigate stormwater runoff and control peak flow discharges. The SUSMP also requires implementation of a monitoring and reporting program to ensure compliance with the constituent limitations in the permit. These BMPs and compliance monitoring for the proposed Project or alternatives would reduce the residual cumulative impacts from runoff.

Additionally, the Dominguez Channel Watershed Management Area is approximately 133 square miles and is dominated by urban land uses such as residential, industrial, commercial, and transportation, which together comprise 85% of the land (Weston, 2005). Port controlled land adjacent to the Dominguez Channel comprises only a small portion of the 133 square miles. The requested mitigation is disproportionate to the proposed Project, its alternatives or overall Port contribution to this cumulative effect.

Furthermore, while the LAHD appreciates suggestions for mitigation measures, the courts have determined that lead agencies need not accept every mitigation measure suggested by the public. (San *Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal.App.3d 1502, 1519; see also *Concerned Citizens of South Central L.A. v. Los Angeles Unified School Dist*. (1994) 24 Cal.App.4th 826, 841 [discussion of mitigation measures is subject to 'rule of reason' and does not require consideration of every "imaginable" mitigation measure.

No changes are required to the Final EIS/EIR as a result of the Comment CFASE-6.

Cumulative Impact BIO-2: The proposed Project would not result in a cumulatively substantial reduction or alteration of a state-, federally, or locally designated natural habitat, special aquatic site, or plant community, including wetlands—less than cumulatively considerable with mitigation.

Cumulative Impact BIO-2 assesses the effects of the proposed Project in combination with the effects of other past, present and reasonably foreseeable projects to substantially reduce or alter state, federally, or locally designated natural habitats, special aquatic sites, or plant communities, including wetlands.

Essential fish habitat (EFH) has been and would be lost due to past, present, and future landfill projects in the LA/LB Harbor. Natural habitats, including special aquatic sites (e.g., eelgrass beds, mudflats, or wetlands), have a limited distribution and abundance in the LA/LB Harbor. Cumulative impacts to natural habitats, special aquatic sites, and plant communities would be cumulatively significant when compared to past conditions (i.e. pre-Port). Other projects that are underway or are planned within the LA/LB Harbor complex are not anticipated to affect these resources significantly and would have to fully mitigate any impacts to natural habitats that may occur as would the proposed Project.

The proposed Project would adversely affect 0.175 acres of mudflat habitat at Berth 78-Ports O'Call by shading. Construction of the rock groin at the inlet to the Salinas de San Pedro Salt Marsh would result in a permanent loss of 0.07 acres of eelgrass and 0.04 acres of mudflat habitat. Significant, short term impacts to salt marsh habitat would result from the enhancement and expansion of the Salinas de San Pedro Salt Marsh (MM BIO-4), including the removal of 0.25 acres of eelgrass that would be removed from within the salt marsh, and lowering the exsiting elevation within the salt marsh to -4 MLLW.

Finding

Eelgrass and mudflat impacts due to rock groin placement and salt marsh enhancement activities would be fully mitigated with implementation of MM BIO-4 (Enhancement and Expansion of the Salinas de San Pedro Salt Marsh) and MM BIO-5 (Implementation of the MMP), as would mudflat impacts at Berth 78. Although short-term significant impacts to eelgrass and mudflat habitat would occur under the proposed Project, with mitigation implementation, the effects of the proposed Project would not contribute to significant cumulative impacts related to the loss of natural habitats and EFH (i.e., no contribution to a cumulatively significant impact).

The Board hereby finds that implementation of mitigation measures or project alternatives would reduce these impacts to less-than-significant levels.

Rationale for Finding

With implementation of MM BIO4 and MM BIO-5, the proposed Project would fully offset the temporary and permanent impacts to mudflat and eelgrass habitat described above, by

enhancing and expanding the Salinas de San Pedro Salt Marsh (MM BIO-4) and establishing a habitat mitigation and monitoring program in coordination with NMFS (MM BIO-5). Fully offsetting these impacts ensures that the effects of the proposed Project would not contribute to this significant cumulative impact.

Public Comments

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Cumulative Impact BIO-2.

Cumulative Impact BIO-4: The proposed Project would result in cumulatively substantial disruptions of local biological communities—cumulatively considerable and unavoidable.

Cumulative Impact BIO-4 assesses whether the effects of the proposed Project in combination with the effects of other past, present and reasonably foreseeable projects result in a cumulatively substantial disruption of local biological communities (e.g., from the introduction of noise, light, or invasive species).

The small increase in vessel traffic in the Harbor (8 percent) caused by the proposed Project would add to the cumulative potential for introduction of exotic species. Many exotic species have already been introduced into the Harbor, and many of these introductions occurred prior to implementation of ballast water regulations. These regulations reduce the potential for introduction of non-native species. Cumulative effects relative to the introduction of non-native species have the potential to be significant, and the proposed Project would result in a cumulatively considerable contribution to a significant cumulative impact related to the introduction of non-native species under CEQA.

In addition, there is a remote possibility of an accidental spill from vessels during Project operation. Although remote, due to the large amounts of fuel that is onboard oceangoing vessels, an accidental spill is considered to be a significant impact on biological communities. Therefore, if such an accidental spill occurred, it would represent a cumulatively considerable contribution to a potentially significant cumulative impact.

Permanent impacts to 0.175-acre mudflat habitat at Berth 78–Ports O'Call associated with the proposed Project or alternatives would contribute to the significant impact resulting from overall loss of this habitat from past projects that were implemented prior to mitigation requirements. Impacts from the Salinas de San Pedro expansion and enhancement activities intended to restore tidal flushing and improve habitat conditions would result in permanent coverage of 0.07 acre of eelgrass and 0.04 acre of mudflat habitat (rock groin placement) would result in a significant contribution to a cumulatively significant impact for the proposed Project. Temporary loss of 0.25 acre of eelgrass and salt marsh habitat functions from construction expansion and enhancement activities within the mudflat and salt marsh area are expected and would result in a temporary significant and unavoidable impact under both CEQA.

Finding

The proposed Project's contribution to significant cumulative impacts to mudflat habitat at Berth 78–Ports O'Call and the inlet to the Salinas de San Pedro salt marsh and eelgrass would be mitigated by implementation of MM BIO-4 and MM BIO-5, as would temporary impacts to the 0.25 acre eelgrass habitat located within the salt marsh. Impacts to mudflat habitat would be fully offset by implementation of MM BIO-4 and MM BIO-5, therefore the proposed Project's contribution to these impacts would not be cumulatively considerable. Impacts from the promenade and wharf construction would be mitigated through implementation of MM BIO-1, and the proposed Project's contribution would not be cumulatively considerable. The release of contaminated sediments during dredging would be mitigated via Mitigation Measure MM BIO-6 and the proposed Project's contribution would not be cumulatively considerable.

Nevertheless, t impacts of the proposed Project related to the introduction of exotic species and potential for accidental spills would be cumulatively considerable. No additional mitigation is available to further reduce these impacts. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

Regarding the cumulatively considerable contribution to the significant cumulative biological resources impact related to the potential introduction of invasive species of the proposed Project, no feasible mitigation beyond legal requirements is currently available to totally prevent introduction of invasive species via vessel hulls or ballast water, due to the lack of a proven technology. New technologies are being explored, and, if methods become available in the future, they would be implemented as required at that time. Consequently, the proposed Project would make a cumulatively considerable residual contribution to a significant cumulative impact (to biological resources) under CEQA.

Regarding the cumulatively considerable contribution to a potentially significant cumulative biological resources impact from accidental vessel spills during operation of the proposed Project, the terminal operator is required to specifically prepare a Spill Response Plan for inclusion in the required Spill Prevention, Control, and Countermeasure/Oil Spill Contingency Plan (SPCC/OSCP) in the event of a vessel accident that results in a fuel spill. However, the nature of the spill may be such that significant impacts to biological resources may still occur. Consequently, operation of the proposed Project would make a cumulatively considerable residual contribution to a significant cumulative impact related to accidental vessel spills under CEQA.

Regarding the cumulatively considerable contribution to mudflat habitat at Berth 78–Ports O'Call and the inlet to the Salinas de San Pedro salt marsh and eelgrass would be mitigated by implementation of MM BIO-4 and MM BIO-5, as would temporary impacts to the 0.25 acre eelgrass habitat located within the salt marsh. Impacts from the promenade and wharf construction would be mitigated through implementation of MM BIO-1. The release of contaminated sediments during dredging would be mitigated via Mitigation Measure MM BIO-6. With implementation of mitigation, construction impacts resulting from the proposed Project would not be cumulatively considerable under CEQA.

Public Comments

As identified in Attachment 1: Suggested Mitigation Measures and Alternatives, one comment was received regarding Cumulative Impact BIO-4 from the Coalition for a Safe Environment (CFASE-7).

Comment CFASE-7 states to prevent the cumulative effect of impacting or killing fish, crustaceans, and sea plant life the following mitigation measures should be implemented: installing trash traps, water purification systems, and ship water skimmers; building fresh and salt water fisheries or sponsoring an organization or company that can raise fish for replenishing the loss and depletion of sealife; building additional seaweed and plan life reserves and bedrock islands; and, prohibiting ship ballast.

Cumulative impacts to Biological Resources are addressed in Chapter 4, "Cumulative Analysis." Mitigation Measures MM BIO-1 through MM BIO-5 were recommended to reduce the impacts from the proposed Project and Alternatives. However, it was found that after implementation of the mitigation measures, temporary impacts from construction would remain significant and unavoidable. Should the Board of Harbor Commissioners choose to approve the project with these significant impacts, a statement of overriding consideration will be required.

The Cumulative analysis for biological resources concluded that the contribution to significant cumulative impacts to fish and aquatic plant life as a result of the proposed project or its alternatives, considered in combination with other past, present and reasonably foreseeable projects, was not cumulatively considerable after mitigation with the exception of ballast water exchanges (discussed in detail under Impact BIO-2b and Comment CFASE-6 above). However, responses to the suggested mitigation measures are provided below.

The proposed Project and its alternatives include significant measures to reduce air emissions including VOCs from cruise ship vessels entering the Harbor. These measures are outlined in MM AQ-9 through MM AQ-24 (see Section 3.2, "Air Quality and Meteorology.") However, it was found that after implementation of the mitigation measures, temporary impacts from construction would remain significant and unavoidable. Should the Board of Harbor Commissioners choose to approve the project with these significant impacts, a statement of overriding consideration will be required.

As discussed in Response to Comment CFASE 6, the Port has implemented and will continue to implement BMPs for stormwater runoff and other discharges. The land area controlled by the Port adjacent to the Dominguez Channel and in the watershed is only a fraction of the total 133 square miles. Therefore, the suggested mitigation is disproportionate to the proposed Project's contribution to this cumulative effect.

Runoff from on-land construction and operations resulting from present and reasonably foreseeable Port projects would not result in a loss of EFH nor would these activities cumulatively alter or reduce this habitat. Cumulative impacts to fisheries and aquatic plant life are considered significant only when compared to historic Port conditions. The proposed Project or its alternatives and any other reasonably foreseeable Port project would mitigate permanent losses to fisheries, their habitats or aquatic plant life. E.g., mitigation measures for the proposed project, MM BIO-4 and MM BIO-5, would enhance and expand the Salinas de San Pedro salt marsh which would provide higher quality and more diverse habitat upon completion. The requested mitigation that the Port sponsor or build fresh and/or salt water

fisheries and create bedrock islands is disproportionate to any potential cumulative effect. The requested mitigation would also have additional impacts.

Furthermore, while the LAHD appreciates suggestions for mitigation measures, the courts have determined that lead agencies need not accept every mitigation measure suggested by the public. (San *Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal.App.3d 1502, 1519; see also *Concerned Citizens of South Central L.A. v. Los Angeles Unified School Dist*. (1994) 24 Cal.App.4th 826, 841 [discussion of mitigation measures is subject to 'rule of reason' and does not require consideration of every "imaginable" mitigation measure.

No changes are required to the Final EIS/EIR as a result of the Comment CFASE-7.

Cultural Resource Impacts

Cumulative Impact CR-1: The proposed Project would result in cumulatively considerable impacts by disturbing, damaging, or degrading known prehistoric and historic archaeological resources—cumulatively considerable and unavoidable.

Cumulative Impact CR-1 represents the potential of the proposed Project along with other projects to disturb, damage, or degrade listed, eligible, or otherwise unique or important known archaeological resources.

The proposed project would result in impacts to Mexican Hollywood, a significant historical archaeological site, from construction of the Inner Harbor cruise terminal parking structures. The collective effect of the past and future projects would be to create a cumulatively considerable impact on significant cultural resources. Archaeologists estimate that projects within urban areas, including the proposed project vicinity, have destroyed over 80% of all prehistoric sites without conducting systematic data collection. Prehistoric sites are non-renewable resources, and the cumulative impacts of the destruction of these sites are significant. The possibility of adverse impacts to archaeological sites from the proposed project represents an incremental effect which would be cumulatively considerable when combined with the impacts of past, present, and reasonably foreseeable projects. Therefore, construction of the project would have cumulatively considerable impacts on archaeological resources for the purposes of CEQA.

Finding

Implementation of Mitigation Measures MM CR-1 through MM CR-3 would reduce impacts to known prehistoric or historical archaeological sites from the proposed project to less than cumulatively considerable, but the cumulative effect of past, present, and reasonably foreseeable future projects would remain cumulatively considerable. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures which would reduce these impacts to less-than-significant levels.

Rationale for Finding

Mitigation Measure MM CR-1, as described in Draft EIS/EIS Section 3.4.4.3.1 and in the Finding for Impact CR-1 above, requires the proposed Project to generate a treatment plan and conduct archaeological testing for Mexican Hollywood prior to construction. If Mexican Hollywood is determined to be eligible for listing in the CRHR or NRHP, implementation of Mitigation Measures MM CR-2a and/or MM CR-2b would reduce impacts to less-than-significant levels.

Mitigation Measure MM CR-2b requires data recovery if additional CRHR/NRHP-eligible deposits associated with Mexican Hollywood are identified. Mitigation Measure CR-2a requires that Mexican Hollywood be preserved and protected in place.

Mitigation Measure MM CR-3 provides that construction would stop if unanticipated cultural resources are identified during ground disturbing activities. The contractor will stop construction within 100 feet of the exposure of these finds until a qualified archaeologist, retained by LAHD in advance of construction, can be contacted to evaluate the find (see 36 CFR 800.11.1 and pertinent CEQA regulations). If the resources are found to be significant, they will be avoided or will be mitigated consistent with SHPO guidelines as appropriate. All construction equipment operators will attend a pre-construction meeting presented by a professional archaeologist retained by LAHD to review types of cultural resources and artifacts that would be considered potentially significant, to ensure operator recognition of these materials during construction.

These mitigation measures would reduce the project's contribution to cumulative impacts to less than cumulatively considerable and less than significant. However, because such losses to the prehistoric and archeological record have already been incurred in the proposed Project area due to past projects, the proposed Project combined with the past actions would result in a cumulatively considerable and unavoidable impact under CEQA. No mitigation measures are available to reduce the impact caused by past projects.

Public Comments

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Cumulative Impact CR-1.

Cumulative Impact CR-2: The proposed Project would result in cumulatively considerable impacts by disturbing, damaging, or degrading unknown archaeological and ethnographic cultural resources—cumulatively considerable and unavoidable.

Cumulative Impact CR-2 represents the potential of the proposed Project along with other projects to disturb, damage, or degrade listed, eligible, or otherwise unique or important unknown archaeological or ethnographic resources.

The proposed Project at its peripheries would impact intact natural landforms where prehistoric occupation could have occurred. Given previous disturbance, there is a low likelihood of disturbing, damaging, or degrading unknown prehistoric remains or ethnographic resources

considered significant to contemporary Native Americans prior to mitigation in the proposed project area. However, the remote possibility of an adverse impact is an incremental effect that would be cumulatively considerable when combined with the impacts of past, present, and reasonably foreseeable future projects. Therefore, the construction of the proposed Project would result in cumulatively considerable impacts under CEQA.

Finding

Implementation of Mitigation Measure MM CR-3 would reduce the project's contribution to cumulatively considerable impacts, but impacts would remain cumulatively considerable and significant. Therefore, impacts to archaeological or ethnographic cultural resources would remain cumulatively considerable and unavoidable. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

Mitigation Measure MM CR-3 requires the proposed Project to stop work if cultural resources are discovered during ground-disturbing activities. However, even with application of this mitigation effort and the extent of previous soil disturbances throughout much of the proposed project area, the incremental contribution of the proposed Project to cumulative impacts on archaeological and ethnographic resources cannot be eliminated. Mitigation of an archaeological resource that is encountered during construction must be done expeditiously, resulting in the ability to collect or salvage only enough information to characterize the nature of the find. As with any non-renewable archaeological site, it is impossible to retain all information that is represented in a given assemblage of prehistoric site remains. Similarly, the destruction of any archaeological site, regardless of its condition (i.e., previously disturbed or intact) represents a loss of heritage values to contemporary Native Americans. Therefore, the contribution of the proposed Project would be cumulatively considerable and unavoidable with mitigation under CEQA.

Public Comments

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Cumulative Impact CR-2.

Cumulative Impact CR-4: The proposed Project would not result in cumulatively considerable impacts through the permanent loss of or loss of access to a paleontological resource of regional or statewide significance—less than cumulatively considerable with mitigation.

Cumulative Impact CR-4 represents the potential of the proposed Project along with other cumulative projects to result in the permanent loss of, or loss of access to, a paleontological resource of regional or statewide significance.

Except in the East and West Channels, where construction-related excavations would be confined to areas underlain by artificial fill materials, the proposed Project would disturb ground within

areas of high paleontological sensitivity on the upland bluffs west of Harbor Boulevard, or in deep excavations below filled or disturbed areas. This potential disturbance to paleontological resources by the proposed Project would be significant. Therefore, the incremental effect of the proposed Project on paleontological resources prior to mitigation would be cumulatively considerable under CEQA when considered in conjunction with past projects and related present and future projects outside of the jurisdiction of LAHD.

Finding

Implementation of Mitigation Measure MM CR-4 would reduce the cumulative impacts of the proposed Project. The Board hereby finds that incorporation of mitigation measures would reduce the proposed project's impact so that its contribution would not be cumulatively considerable. However, the cumulative effect of past, present, and reasonably foreseeable future projects would remain cumulatively considerable. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

Implementation of Mitigation Measure MM CR-4 would reduce the cumulative impacts of the proposed Project or alternatives. Under Mitigation Measure MM CR-4, a program would be developed by a qualified vertebrate paleontologist to monitor for non-renewable paleontological resources during initial ground disturbance in sensitive area (i.e., areas not made up of artificial fill materials). If fossils were found, work would temporarily cease until a qualified vertebrate paleontologist evaluates the significance of the fossil and, if determined to be a significant, systematically removes and stabilizes the specimen in anticipation of its preservation and curation in a qualified professional research facility. These actions would eliminate the proposed Project's individual contribution to cumulative impacts. Therefore, with implementation of Mitigation Measure MM CR-4, the proposed Project would not contribute to cumulatively considerable impacts to paleontological resources. However, because such losses to paleontological resources have already been incurred in the proposed Project area due to past projects, the proposed Project combined with the past actions would result in a cumulatively considerable and unavoidable impact under CEQA. No mitigation measures are available to reduce the impact caused by past projects.

Public Comments

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Cumulative Impact CR-4.

Geologic Impacts

Cumulative Impact GEO-1: The proposed Project would result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from fault rupture, seismic ground shaking, liquefaction, or other

seismically induced ground failure—cumulatively considerable and unavoidable.

Cumulative Impact GEO-1 addresses the degree to which the proposed Project along with other cumulative projects places structures and/or infrastructure in danger of substantial damage or exposes people to substantial risk following a seismic event.

As discussed in section 3.5.4.3, the proposed Project would result in significant impacts relative to seismic hazards, even with incorporation of modern construction engineering and safety standards. The proposed Project area is potentially underlain by strands of the active Palos Verdes Fault and liquefaction-prone soils; therefore, there is a substantial risk of seismic impacts.

All of the present and reasonably foreseeable future projects listed in Table 4-1 of the Draft EIS/EIR, with the exception of the Channel Deepening Project (Project 4) and the Artificial Reef Project (Project 6), would also result in increased infrastructure, structures, and number of people working on site in the cumulative geographic scope. The Channel Deepening Project (Project 4) and the Artificial Reef Project (Project 6) would not contribute to this impact because they do not involve existing or proposed structures that would result in greater exposure to seismically induced ground failure. The cumulative projects other than Channel Deepening and the Artificial Reef Project would expose new workers to these hazards and therefore, are considered a significant cumulative impact.

The Port of Los Angeles uses a combination of probabilistic and deterministic seismic hazard assessment for seismic design prior to any construction projects. Structures and infrastructure planned for areas with high liquefaction potential must have installation or improvements comply with regulations to ensure proper construction and consideration for associated hazards.

Although, the proposed Project would not increase the risk of seismic ground shaking, it would increase the amount of structures and people working at the Port in a known seismically active area. Therefore, it would contribute to the potential for seismically induced fault rupture and/or ground shaking to result in injury to people and damage to structures. The collective effect of the past, present, and future projects would not change the risk of seismic ground shaking; however, these projects also have increased the amount of structures and people working at the Port. Therefore, the proposed Project would result in cumulatively considerable impacts under CEQA.

Finding

Even with incorporation of modern construction engineering and safety standards, no mitigation is available that would reduce impacts to less than cumulatively considerable in the event of a major earthquake. The proposed Project would result in cumulatively considerable and unavoidable impacts under CEQA. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

Southern California is recognized as one of the most seismically active areas in the United States. The region has been subjected to at least 52 major earthquakes (i.e., of magnitude 6 or greater) since 1796. Earthquakes of magnitude 7.8 or greater occur at the rate of about two or three per 1,000 years, corresponding to a 6 to 9 percent probability in 30 years. Therefore, it

is reasonable to expect a strong ground motion seismic event during the lifetime of any proposed project in the region.

Ground motion in the region is generally the result of sudden movements of large blocks of the earth's crust along faults. Numerous active faults in the Los Angeles region are capable of generating earthquake-related hazards, particularly in the Los Angeles Harbor area, where the Palos Verdes Fault is present and hydraulic fill and alluvial deposits are pervasive. Also noteworthy, due to its proximity to the site, is the Newport-Inglewood Fault, which was the source of the 1933 Long Beach magnitude 6.4 earthquake. Large events could occur on more distant faults in the general area, but the effects at the cumulative geographic scope would be reduced due to the greater distance.

In addition, dredged materials from the Harbor area were spread across lower Wilmington from 1905 until 1910 or 1911. In combination with natural soil and groundwater conditions in the area (i.e., unconsolidated, soft, and saturated natural alluvial deposits and naturally occurring shallow groundwater), backfilling of natural drainages and spreading of dredged materials associated with past development at the Port has resulted in conditions with increased potential for liquefaction following seismic ground shaking.

Furthermore, past development has increased the amount of infrastructure, structural improvements, and the number of people working onsite in the POLA/POLB Harbor area (i.e., the cumulative geographic scope). This past development has placed commercial, industrial and residential structures and their occupants in areas that are susceptible to seismic ground shaking. Thus, these developments have had the effect of increasing the potential for seismic ground shaking to result in damage to people and property. Impacts from the proposed Project would be cumulatively considerable and unavoidable.

Public Comments

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Cumulative Impact GEO-1.

Cumulative Impact GEO-2: Construction of the proposed Project would result in substantial damage to structures or infrastructure, or expose people to substantial risk involving tsunamis or seiches—cumulatively considerable and unavoidable.

Cumulative Impact GEO-2 addresses the degree to which the proposed Project, along with other cumulative projects, exposes people and structures to substantial risk from local or distant tsunamis or seiches.

Tsunami-induced flooding could occur in the proposed project area. Additionally, the modeled landslide scenario could result in localized overtopping of the existing deck in the proposed project area.

The additional infrastructure, structural improvements, and onsite personnel associated with the proposed Project would contribute to the potential for damage to infrastructure and harm to people. The collective effect of the past, present, and future projects would not change the risk of

tsunamis; however, these projects also have increased the amount of structures and people working at the Port. Therefore, even with incorporation of modern construction engineering and safety standards, no mitigation is available that would reduce impacts to less than cumulatively considerable in the event of a tsunami.

Finding

Implementation of Mitigation Measure GEO-1, Emergency Response Planning, would reduce impacts from a potential tsunami. However, even with the incorporation of this mitigation measure, impacts associated with tsunamis would be cumulatively considerable and unavoidable. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

Tsunamis are a relatively common natural hazard, although most of the events are small in amplitude and not particularly damaging. As has been shown historically, the potential loss of human life following a seismic event can be great if a large submarine earthquake or landslide occurs that causes a tsunami or seiche that affect a populated area. Abrupt sea level changes associated with tsunamis in the past had a great impact on human life. Tsunamis also have reportedly caused damage to moored vessels within the outer portions of the Los Angeles Harbor. Gasoline from damaged boats have caused a major spill in the Harbor waters and created a fire hazard following a seiche. Currents of up to 8 knots and a 6-foot rise of water in a few minutes have been observed in the West Basin. For onsite personnel, the risk of tsunami or seiches is a part of any ocean-shore interface, and hence personnel working in the cumulative effects area cannot avoid some risk of exposure. Similarly, berth infrastructure, cargo/containers, and tanker vessels would be subject to some risk of damage as well. This past, present and future development has placed commercial and industrial structures and their occupants in areas that are susceptible to tsunamis and seiches. Thus, these developments have had the effect of increasing the potential for tsunamis and seiches to result in damage to people and property. Designing new facilities based on existing building codes may not prevent substantial damage to structures from coastal flooding.

Furthermore, even with incorporation of emergency planning, substantial damage and/or injury would potentially occur in the event of a tsunami or seiche. No mitigation is available that would reduce impacts to less than cumulatively significant, or the contribution of the proposed Project to less than cumulatively considerable, in the event of a major tsunami. Therefore, impacts would remain cumulatively considerable and unavoidable.

Public Comments

As identified in Attachment 1: Suggested Mitigation Measures and Alternatives, one comment was received regarding Cumulative Impact GEO-2 from the Coalition for a Safe Environment (CFASE-8).

Comment CFASE-8 states that to reduce the cumulative effect of tsunami or seiche impacts the following mitigation measures should be incorporated: develop a public alarm system; develop and distribute English and Spanish information to explain what the public can do in the event of a tsunami or seiche; and, coordinate with disaster agencies.

Although impacts due to seismically induced tsunamis and seiches are typical, but infrequent, for the entire California coastline, these impacts associated with these events would not be increased by the construction or operation of the proposed Project. The potential is very low for a major tsunami to occur that would cause the kind of results predicted in the tsunami model study (see Section 3.5, "Geology," for additional information on the probability of a major tsunami). However, even with incorporation of emergency planning and construction in accordance with current City and State regulations, substantial damage and/or injury would occur in the event of a tsunami or seiche. Because portions of the proposed project site are at elevations lower than the predicted tsunami wave heights, there is a substantial risk of coastal flooding due to tsunamis and seiches. Therefore, when combined with past, present, and reasonably foreseeable future projects, the proposed Project results in a cumulatively considerable impact with respect to tsunamis and seiches as described in Section 4.2.5.3. In regards to the suggested mitigation measures in the comment:

a. As described in Section 3.7.2.2 there are currently existing public emergency systems for the west coast regarding tsunamis. Tsunami bulletins and warnings are broadcast by WCATWC through standard National Weather Service (NWS) dissemination methods such as NOAA Weather Radio All Hazards, the Emergency Alert System, and the Emergency Managers Weather Information Network. State emergency service agencies receive the message through FEMA's National Warning System and the NOAA Weather Wire Service. The states immediately pass warnings to local jurisdictions (NOAA National Weather Service 2008). The USCG also relays the message via radio. The City of Los Angeles General Plan Public Safety Element identifies the entire Port as an area that could be affected by a tsunami and inundation (City of Los Angeles Planning Department 1996). LAHD is in the process of creating a port-wide emergency notification system to warn of tsunamis and other emergency situations (Malin pers. comm. 2008a). Furthermore, as described in Section 3.7.3.3.5 the City of Los Angeles has a Tsunami Response Plan Annex which identifies specific evacuation routes, protocols for evacuation and the chain of command of responsibility for evacuations.

b. The Port will consider developing and distributing English and Spanish information on what the public can do in the event of a tsunami or seiche. However, even with the distribution of additional informational materials in English and Spanish, the significant impact determination for the proposed Project independently and cumulatively would not change as the measure would not reduce the impact. The Port and surrounding area is susceptible to tsunamis and seiches based on its location on the west coast and due to the fact that some of the area within the Port is at low elevations and could potentially be inundated with floodwaters.

c. As described above in CFASE-8(a) and in Section 3.7.3.3.5 of the Draft EIS/EIR/EIS there are a number of current emergency plans and future plans for the Port area and the City of Los Angeles which require coordination among city agencies and the timely notification of warnings to the public. Furthermore, the City of Los Angeles and the Port are planning to adopt the Standardized Emergency Management System (SEMS). SEMS is used to manage responses to multi-agency and multi-jurisdiction emergencies and facilitate communications and coordination among all levels of the system and among all responding agencies. Additionally, a new emergency management process that incorporates Homeland Security's National Incident Management System (NIMS) and Incident Command System (ICS) and the application of standardized procedures and preparedness measures will be used within the City (LAHD 2008).

Noise

Cumulative Impact NOI-1: The proposed Project would cumulatively exceed construction noise standards—cumulatively considerable and unavoidable.

Cumulative Impact NOI-1 represents the potential of construction activities of the proposed Project along with other cumulative projects to cause a substantial increase in ambient noise levels at sensitive receivers within the cumulative geographic scope.

As identified in Draft EIR Section 3.9.4.3, there would be a substantial increase in noise along the Harbor Boulevard residential area during the construction of the proposed Project. The proposed Project would result in an increase of more than 5 dBA over the ambient noise. The collective effect of the present projects would be to create a cumulatively considerable impact if any of the construction phases overlapped with the construction of the proposed Project. Therefore, construction noise impacts would be cumulatively considerable.

Finding

Implementation of Mitigation Measures MM NOI-1 and MM NOI-2 will help to reduce impacts during construction. However, impacts will remain cumulatively considerable and unavoidable. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

The standard controls and temporary noise barriers identified in MM NOI-1and MM NOI-2would not be sufficient to reduce the projected increase in the ambient noise level. This is due to the limited distances between the construction noise sources and receivers. Therefore, the impacts to the Harbor Boulevard residents would remain cumulatively considerable and unavoidable.

Public Comments

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Cumulative Impact NOI-1.

Cumulative Impact NOI-3: The proposed Project would cause cumulatively considerable noise from operations measured at the property line of affected uses to increase by 3 dBA in CNEL, to or within the “normally unacceptable” or “clearly unacceptable” category, or any 5 dBA or greater

noise increase—cumulatively considerable and unavoidable.

Cumulative Impact NOI-3 represents the potential of the proposed Project along with other cumulative projects to cause a substantial permanent increase in ambient noise levels at sensitive receivers within the geographic scope of the proposed Project.

Operation of the proposed Project would cause an increase in traffic and a significant cumulatively considerable increase in noise on portions of Harbor Boulevard from the I-110 Freeway to Swinford Street, Harbor Boulevard from Beacon Street to Crescent Avenue, and Miner Street south of 22nd Street. These street segments would experience a significant cumulative impact over existing conditions resulting from the proposed Project. This increase represents a cumulatively considerable impact from vehicular noise. The collective effect of the past, present and future projects would be to create a cumulatively considerable impact on the noise in the area. Onsite operations at the Port of Los Angeles and traffic on the roadway network along major roadways in the study area, including Harbor Boulevard, I-110, and local streets in the San Pedro areas, are the dominant sources of community noise and noise sensitive receivers within the geographic scope of the proposed Project. The proposed Project would contribute to cumulatively considerable impacts under CEQA.

Finding

No mitigation measures are available to reduce vehicular noise impacts on surrounding roadways. The proposed Project would contribute to cumulatively considerable and unavoidable impacts under CEQA. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

The proposed project and collective effect of past, present, and future projects would create a cumulatively considerable and unavoidable impact on noise in the area. This is due to vehicular traffic generated by the proposed project, past, present and future projects. As it is vehicular traffic generating the noise, no feasible mitigation measures are available. One method of reducing the exterior noise levels caused by traffic (or any other noise source) includes constructing a sound barrier between the noise source and the sensitive receiver. A sound barrier reduces noise levels because it obstructs line-of-sight sound propagation from the noise source to the area needing protection. However, it is infeasible to build a sound barrier along Harbor Boulevard that would mitigate the noise generated.

A long barrier would, in addition to reducing noise, impede ingress and egress. Sound barriers that have breaks, but do not permit line-of-sight propagation through the barrier are possible to build, but they need to be carefully designed either by providing double walls that are staggered so that sound doesn't have a direct route through the barrier, or by providing some other means (e.g. constructing a tunnel underneath the barrier) for pedestrian and vehicles to get around the barrier. Any sound barrier that has vehicle ingress/egress also allows the noise source (i.e. vehicle traffic) onto the protected side of the barrier, somewhat negating the purpose for the existence of the barrier.

Additionally, the barrier also has to be high enough to sufficiently reduce the sound level on the protected side of the barrier in order for the sound barrier to reduce the noise level on the protected side of the barrier to the value that it would have had in the absence of the proposed Project.

Furthermore, building a long, high sound barrier would drastically degrade the view of the Outer Harbor, resulting in negative impacts to the aesthetics of the area. Due to the complexities involved, noise mitigation to reduce the cumulatively considerable vehicular noise impact, is not feasible. Therefore, impacts would remain cumulatively considerable and unavoidable under CEQA.

Public Comments

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Cumulative Impact NOI-3.

Recreation

Cumulative Impact REC-1: The proposed Project would result in a cumulatively considerable loss or diminished quality of recreational, educational, or visitor-oriented opportunities, facilities, or resources—cumulatively considerable and unavoidable.

Cumulative Impact REC-1 represents the potential of the proposed Project, along with other cumulatively considerable projects, to result in a loss or diminished quality of recreational, educational, or visitor-oriented opportunities, facilities, or resources.

The construction of the proposed Project would result in a temporary substantial loss or diminished quality of on-land and water-related recreational, educational, or visitor-oriented opportunities, facilities, or resources. Although temporary, construction of the proposed Project would cause adverse significant impacts to many existing on-land and water-related recreational resources in the proposed project vicinity and would result in a substantial loss or significantly reduced quality of recreational experience. Therefore, construction impacts to recreational opportunities from the proposed Project would be cumulatively considerable under CEQA.

Finding

Implementation of Mitigation Measures MM REC-1 through MM REC-7 and MM NOI-1and MM NOI-2 would reduce adverse significant impacts during construction of the proposed Project. However, they would not reduce them below cumulatively considerable levels; therefore, mitigated construction impacts associated with the proposed Project would remain cumulatively considerable and unavoidable under CEQA. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures which would reduce these impacts to less-than-significant levels.

Rationale for Finding

Although temporary, construction of the proposed Project or alternatives would cause adverse significant impacts to many existing on-land and water-related recreational resources in the proposed project vicinity and would result in a substantial loss or significantly reduced quality of recreational experience. Furthermore, due to the length of time during which construction would occur and the proximity to recreational resources in the proposed project vicinity, cumulatively considerable and unavoidable impacts would occur as a result of construction activities in spite of the implementation of all mitigation measures MM REC-1 to MM REC-7 and MM NOI-1. No additional feasible mitigation measures have been identified that would reduce this impact.

Public Comments

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Cumulative Impact REC-1.

Ground Transportation and Circulation

Cumulative Impact TC-1: Construction of the proposed Project would not result in a cumulatively considerable short-term, temporary increase in construction-related truck and auto traffic, decreases in roadway capacity, and disruption of vehicular and nonmotorized travel—less than cumulatively considerable with mitigation.

Cumulative Impact TC-1 represents the potential of the proposed Project or alternatives in combination with other cumulative projects to result in impacts to roadways and intersections from a short-term temporary increase in construction truck and automobile traffic (associated with construction worker commutes), transport and staging of construction equipment, transport of construction materials to construction sites, and hauling excavated and demolished materials away from construction sites.

Construction-related traffic due to the proposed Project would add to overall traffic congestion in the area, with most proposed project construction occurring between 2009 and 2014. The proposed Project would result in temporary increases in traffic from construction worker commutes, deliveries and hauling of materials, roadway or lane closures, parking demands, sidewalk or bicycle path impacts, and slow-moving construction vehicles, which would result in a significant impact. Similar construction impacts identified for past, present, and reasonably foreseeable future projects, when combined with cumulative projects, the cumulative effects would be considerable.

Finding

Implementation of Mitigation Measure MM TC-1 (Develop and implement a Traffic Control Plan throughout proposed project construction) would reduce the contribution of the proposed Project to cumulative construction impacts to less than cumulatively considerable levels. The Board hereby finds that changes or alterations have been required in, or incorporated into, the

project which mitigate or avoid the significant effects on the environment. These changes include mitigation measures that would reduce these impacts to less-than-significant levels.

Rationale for Finding

MM TC-1 would account for other construction activities occurring within the proposed project area (i.e., Waterfront Enhancements Project) and would coordinate schedules and activities to minimize effects of traffic disturbances and delays. This may include scheduling lane closures for non-peak traffic hours, providing detours for vehicles and pedestrians/bicyclists, and traffic controls such as signage and flag personnel. Access at driveways would be maintained, along with access for emergency vehicles, and adequate off-street parking areas would be provided on Port property to minimize disruption in surrounding neighborhoods. With this measure in place, residual impacts would be less than cumulatively considerable under CEQA

Public Comments

As identified in Attachment 1: Suggested Mitigation Measures and Alternatives, one comment was received regarding Cumulative Impact TC-1 from the Coalition for a Safe Environment (CFASE-9).

Comment CFASE-9 states to reduce and/or address local and neighborhood impacts the following mitigation measures should be incorporated: posting signs prohibiting neighborhood entry by construction workers and suppliers, posting designated traffic and delivery routes; requiring contractor employee travel training classes; requiring contractors hire a percentage of local residents to minimize out of area workers; and, requiring contractors use public transportation.

To mitigate potential construction-period impacts, the Draft EIS/EIR includes mitigation measure MM TC-1, the development and implementation of a worksite traffic control plan, including numerous elements. While the designation of specific and appropriate haul routes was not among those elements, these routes would normally be identified during the preparation of the worksite traffic control plan. The traffic control plan could include written instructions to construction workers and delivery drivers, as well as temporary signage posted to direct construction traffic to the identified routes. These measures would not alter the finding of the Draft EIS/EIR that the construction-period impacts would be less than significant with the mitigation as proposed.

MM TC-1 requires the development and implementation of a worksite traffic control plan as discussed above. All contractors would be trained on the worksite traffic control plan and would be required to understand and follow the worksite traffic control plan. Therefore, contractors would receive training on the appropriate construction travel routes and manners. These suggested mitigation measures provided in the comment are already incorporated into Mitigation Measure MM TC-1 and would not be effective in reducing impacts further. MM TC-1 already reduces the project's contribution to the cumulative impact to less than considerable.

The last two potential mitigation measures suggested in the comment (requiring contractors to meet a specific goal of hiring local residents and requiring that a specific portion of construction workers utilize public transit) are not normally included in a worksite traffic

control plan. Certain types of construction activities would require skilled labor, and local residents may not provide the required expertise. These measures are therefore infeasible. While these measures could be pursued, they would not alter the finding of the Draft EIS/EIR that the construction-period impacts would be less than significant with the mitigation as proposed.

No changes are required to the Final EIS/EIR as a result of the Comment CFASE-9.

Cumulative Impact TC-2a: Proposed project operations would cumulatively increase traffic volumes and degrade LOS at intersections within the proposed project vicinity—cumulatively considerable and unavoidable.

Cumulative Impact TC-2 represents the potential of the proposed Project, in combination with other cumulative projects, to result in significant increases in traffic volumes or degradation of level of service (LOS) as people travel to and from expanded commercial, recreational, and other waterfront facilities.

The proposed Project would increase traffic volumes and degrade LOS at intersections within the proposed project vicinity. Because the impacts from the proposed Project are compared to the baseline that includes cumulative projects, the contribution from the proposed Project would be cumulatively considerable for 10 intersections in 2015 and 16 intersections in 2037.

Finding

Mitigation measures would be implemented to address intersection impacts identified through 2015 and 2037 (MM TC-2 through MM TC-14). Mitigation measures would fully mitigate 7 of the 10 impacted intersections to less-than-cumulatively considerable levels in 2015 and 7 of the 16 impacted intersections to less-than-cumulatively considerable levels 2037. Thus, not all impacts would be mitigated; therefore impacts would remain cumulatively considerable and unavoidable. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

Implementation of Mitigation Measures MM TC-2 to MM TC-14 would not reduce all impacts at all intersections. No feasible measures were identified that would fully mitigate the impact to due to existing physical constraints at the locations of the remaining intersections. Therefore, operation of the proposed Project would cumulatively increase traffic volumes and degrade LOS at intersections such that impacts are cumulatively considerable and unavoidable.

Public Comments

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Cumulative Impact TC-2a.

Cumulative Impact TC-2b: Proposed project operations would cumulatively increase traffic volumes and degrade LOS along neighborhood streets within the proposed project vicinity—cumulatively considerable and unavoidable.

Cumulative Impact TC-2b represents the potential of the proposed Project or alternatives in combination with other cumulative projects to result in significant increases in traffic volumes or degradation of LOS along neighborhood streets as people travel to and from expanded commercial, recreational, and other waterfront facilities.

The proposed Project would increase the number of people traveling to and from the San Pedro Waterfront area. The resulting increase in traffic volumes would increase traffic volumes and degrade LOS on the surrounding neighborhood roadways when added to the traffic from the cumulative projects plus ambient growth conditions. As presented in Section 3.11, the proposed Project would result in cumulatively considerable and unavoidable impacts to West 17th Street between Centre and Palos Verdes under CEQA by 2037.

Finding

No mitigation measures are feasible to reduce this impact; therefore, impacts would remain cumulatively considerable and unavoidable under CEQA. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Findings

No feasible mitigation is identified to address the cumulatively considerable impacts due to traffic on West 17th Street between Centre and Palos Verdes under 2015 and 2037 conditions. Short of the permanent closure of the affected street segment, which would not be acceptable since it serves adjacent land uses and carries substantial traffic volumes, no mitigation measures exist that would fully eliminate the addition of cumulatively considerable traffic volumes to this segment of 17th Street. Impacts would be cumulatively considerable and unavoidable under CEQA.

Public Comments

As identified in Attachment 1: Suggested Mitigation Measures and Alternatives, one comment was received regarding Cumulative Impact TC-2b from the Coalition for a Safe Environment (CFASE-10).

Comment CFASE-10 states to reduce or prevent the cumulative effect of traffic Port can contribute funds to the city and state for publicly incurred costs such as the degradation of public streets, highways, freeways, and bridges.

The comment does not provide any evidence that the proposed Project would cause the degradation of public streets, highways, freeways, and bridges where the public is paying for repair, maintenance and replacement of infrastructure. The proposed Project includes a number of upgrades and replacements to existing infrastructure along the waterfront that has

become worn over time. This includes Harbor Boulevard and Sampson. For this reason, the mitigation measure is not proportional to the impacts of the projects, as is required under CEQA. (CEQA Guidelines, § 15126.4 (4)(B).) Furthermore, the mitigation measure is legally infeasible. Public streets outside the boundaries of the Port are not within the jurisdiction of the Port and are under the jurisdiction of either the City of Los Angeles, County of Los Angeles or CalTrans. These agencies are responsible for the maintenance, upgrade, and upkeep of streets and rights of way within their jurisdictional boundaries. The Port will not contribute funds to the city and state. No changes are required to the Final EIS/EIR as a result of the Comment CFASE-10.

Water Quality

Cumulative Impact WQ-4: The proposed Project would result in cumulatively considerable discharges that create pollution, contamination, or nuisance as defined in Section 13050 of the CWC or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or water quality control plan for the receiving water body—cumulatively considerable and unavoidable.

Cumulative Impact WQ-4 represents the potential of the proposed Project along with other cumulative projects to create pollution, cause nuisances, or violate applicable standards as defined in Section 13050 of the California Water Code (CWC) or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or Water Quality Control Plan for the receiving water body.The proposed Project would result in an increased number of ship visits to the Ports of Los Angeles, which would contribute to higher mass loadings of contaminants such as copper that are released from vessel hull anti-fouling paints and would also result in a proportionally higher potential for accidental spills and illegal vessel discharges within the LA/LB Harbor. Portions of the LA/LB Harbor are listed as impaired under Section 303(d) of the Clean Water Act with respect to copper, and the proportional increase in leaching of contaminants such as copper from anti-fouling paint would add to the cumulative loading of these contaminants from other projects which also would increase ship traffic. Due to the potential for leaching of contaminants from anti-fouling paints, cumulative impacts to water quality from the proposed Project and other past, present and reasonably foreseeable projects would be significant under CEQA, and the proposed Project's contribution would be cumulatively considerable.

The increased number of ship visits also increases the risk of large accidental spills. Safety measures discussed in Section 3.14 minimize, but cannot eliminate this risk and the increase in the risk of such events as a result of past, present and reasonably foreseeable projects is considered a significant cumulative impact. The increase in vessel traffic that would result from the proposed Project represents a cumulatively considerable contribution to this impact.

Finding

No mitigation measures are available to minimize impacts related to leaching of contaminants from anti-fouling paints. No additional mitigation measures are available to eliminate the risk of accidental spills. Therefore, impacts to water quality from the proposed Project would

be cumulatively considerable and unavoidable under CEQA. The Board hereby finds that specific technological considerations make infeasible additional mitigation measures or project alternatives which would reduce these impacts to less-than-significant levels.

Rationale for Finding

The proposed Project or alternatives would result in an increased number of ship visits to the Ports of Los Angeles and Long Beach, which would contribute to higher mass loadings of contaminants such as copper that are released from vessel hull anti-fouling paints and would also result in a proportionally higher potential for accidental spills and illegal vessel discharges within the LA/LB Harbor. Recent history seems to show improvements in water quality in spite of increased use of the LA/LB Harbor due to improved regulation and enforcement. However, a large volume spill or waste discharge directly to the LA/LB Harbor could result in significant impacts to water quality, and the proposed Project would contribute to the cumulative risk of a significant spill or discharge. Portions of the LA/LB Harbor are listed as impaired under Section 303(d) of the Clean Water Act with respect to copper, and the proportional increase in leaching of contaminants such as copper from anti-fouling paint would add to the cumulative loading of these contaminants from other projects which also would increase ship traffic. Due to the potential for leaching of contaminants from anti-fouling paints, impacts to water quality from the proposed Project and other projects would be cumulatively considerable and unavoidable under CEQA.

Public Comments

No public comments were received on the Draft EIS/EIR regarding mitigation measures or alternatives related to Cumulative Impact WQ-4.

Environmental Justice

While not a CEQA Impact Section, the EIS/EIR includes an environmental justice analysis. The environmental justice analysis complies with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which requires federal agencies to assess the potential for their actions to have disproportionately high and adverse environmental and health impacts on minority and low-income populations, and with the Council on Environmental Quality (CEQ) Guidance for Environmental Justice Under NEPA (CEQ 1997). This assessment is also consistent with California state law regarding environmental justice.

After implementation of mitigation measures, the proposed Project would result in disproportionate effects on minority and low-income populations as a result of significant project and cumulative impacts related to air quality, noise, recreation, and ground transportation and circulation. Three comments were received from the USEPA and the Coalition for a Safe Environment in regards to Environmental Justice as described in Attachment 1: Suggested Mitigation Measures and Alternatives:

- Comment CFASE-14: Temporarily relocate residents and patients and pay for hotels, motels, other schools and care facilities and transportation expenses.

- Comment USEPA-24 (also discussed above under Impact AQ-3): Contact those involved with Port Community Mitigation Trust Fund to get their input on appropriate mitigation measures; consider PCAC recommendation for Public Health Trust Fund, Health Survey, Partners for Kids Health (mobile clinic) and Health and Environment Directory as mitigation measures for environmental justice impacts; engage in proactive efforts to hire local residents and train them to do work associated with the project; provide public education programs about environmental health impacts and land use planning issues; improve access to healthy food through establishment of farmer's markets or retail outlets on Port lands; continue expansion and improvements to local community's parks and recreation system in order to ensure access to open space and exercising activities.

- Comment USEPA-25: Ports and Corps consider development of a port-wide health impact assessment (HIA).

In regards to CFASE-14**,** a**s** discussed in the Draft EIS/EIR, the complexity of individual health outcomes and the fact that they are based on numerous factors involving personal choices as well as environmental factors make relocating people to hotels, motels, other schools and care facilities not effective. In addition, the LAHD's primary means of mitigating the disproportionate effects of air quality impacts is to address the source of the impact through a variety of Port-wide clean air initiatives, including the CAAP, the Sustainable Construction Guidelines, and the CAAP San Pedro Bay [Health] Standards. As part of the San Pedro Bay Standards, the Port will complete a Port-wide Health Risk Assessment (HRA) covering both the Ports of Los Angeles and Long Beach that will include a quantitative estimate of overall health risk impacts from the Ports' existing operations. Current and future projects approval will be dependent on meeting the SPB Standard. Through a Memorandum of Understanding (MOU), LAHD has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing, outside the process of CEQA/NEPA review of individual proposed Port projects, the overall off-port impacts created by existing Port operations. This fund includes, for example, approximately $6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute received $1.50 per cruise passenger, up to an amount of approximately $1.66 millionat the terminal up to an amount of approximately million. The off-Port community benefits of the MOU are designed to offset overall effects of Port operations.

In regards to comment USEPA-24, the MOU will be a collaborative effort. In fact, LAHD will be a participant in the studies but will not direct them. The direction will be the job of the TraPac Appellant Group, the group made up of community members and non-profit organizations, administered through an interim entity.

The comments from USEPA (25) suggest conducting a port-wide Health Impact Assessment (HIA)-like analysis. According to the World Health Organization (WHO), a Health Impact Assessment (HIA) is "A combination of procedures, methods and tools by which a policy, program or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population". Recommendations are produced for decision makers and stakeholders, with the aim of maximizing the proposal's positive health effects and minimizing the negative health effects. The EIS/EIR included a number of health assessment tools to accomplish the goals of an HIA and therefore, a separate HIA is not required. These tools include a full project-specific Health Risk Assessment (HRA), criteria pollutant modeling, morbidity/mortality analysis, an Environmental Justice analysis, and a Socioeconomic analysis. These analyses are presented in the EIS/EIR for the proposed Project and all project Alternatives (including the No Project Alternative), allowing the

reader, and subsequently the Board (the decision makers) to compare and contrast the benefits and costs among all proposals.

The HRA, as presented in Section 3.2 and Appendix D3, examined the cancer risks and the acute and chronic noncancer health risks associated with the proposed Project on the local communities. Health risks are analyzed for five different receptor types: residential, sensitive (elderly and immuno¬compromised), student, recreational, and occupational. Health risks are reported over geographical areas (for example, the HRA includes cancer risk isopleths to illustrate risk patterns in the communities). The HRA is based on procedures developed by public health agencies, most notably the California Office of Environmental Health Hazards Assessment (OEHHA). Section 3.2 and Appendix D3 of the Draft EIS/EIR also include a discussion of some recent studies that link pollution, specifically Diesel PM, to various health impacts including cancer, asthma and cardiovascular disease.

The Draft EIS/EIR also includes a particulate matter mortality analysis that assesses the incidence (as opposed to risk) of premature death as a result of the proposed Project. As discussed in Section 3.2, epidemiological studies substantiate the correlation between the inhalation of ambient PM and increased mortality and morbidity (CARB 2002a and CARB 2007). The analysis is based on guidance from CARB and relies on numerous studies and research efforts that focused on PM and ozone as they represent a large portion of known risk associated with exposure to outdoor air pollution. CARB's analysis of various studies allowed large-scale quantification of the health effects associated with emission sources.

The Environmental Justice Section (Chapter 5) of the Draft EIS/EIR evaluates whether the proposed Project and its alternatives would result in disproportionately high and adverse human health or environmental impacts on minority populations and low-income populations. The Environmental Justice analysis looks at the Project impacts as assessed in Chapter 3 of the Draft EIS/EIR on minority and low-income individuals in the local communities surrounding the Port. The Socioeconomic Section (Chapter 7) encompasses a number of topical areas including employment and income, population, and housing. Within each of these areas, subtopics include an examination of conditions at different geographical scales that are relevant to the potential impacts associated with implementation of the proposed Project.

EJ Mitigation Measures

In Chapter 5, "Environmental Justice," of the Draft EIS/EIR, LAHD and the USACE have put forth a tremendous level of effort to identify all feasible measures to reduce or avoid impacts of the proposed Project that would disproportionately affect minority or low-income populations.

The USACE and LAHD are committed to mitigating disproportionate effects to the extent feasible. LAHD's primary means of mitigating the disproportionate effects of air quality impacts are to address the source of the impact through a variety of Port-wide clean air initiatives, including the CAAP, the Sustainable Construction Guidelines, and the proposed CAAP San Pedro Bay (Health) Standards. As part of the San Pedro Bay Standards, LAHD will complete a Port-wide Health Risk Assessment (HRA) covering both the Port of Los Angeles and the Port of Long Beach that will include a quantitative estimate of health risk impacts from diesel particulate matter (DPM) emissions of the Port's overall existing and planned operations. Current and future proposed projects' approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the proposed San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and agencies with evaluating and substantially reducing the long-term overall health risk effects of future projects and ongoing Port operations' emissions over time. LAHD and the Port of Long Beach will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the standards will not serve as a standard of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed in order to ensure that the proposed project is fully contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP on projected future Ports' operations through the specified CAAP implementation mechanisms and also assumed implementation of existing regulations. As long as the project is consistent with growth projection assumptions used to develop the San Pedro Bay Standards, and the CAAP mitigations for the project are consistent with the mitigation assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay Standards because it is consistent with projections of the Ports' future operations used in formulating the San Pedro Bay Standards and because it exceeds compliance with applicable CAAP measures.

In addition, through a MOU discussed above, LAHD previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the overall off-Port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the proposed Project, and therefore is not an environmental justice mitigation per se, it would have particular benefits for harbor area communities where disproportionate effects could occur.

Despite identification of all feasible mitigation measures, as required by CEQA, significant unavoidable adverse impacts will remain after implementation of the mitigation measures (under both CEQA and NEPA). The environmental justice evaluation bases its identification of high and adverse impacts to minority and low-income population upon these significant unavoidable adverse NEPA impacts. Regarding the comment that the Draft EIS does not propose any measures to mitigate significant and unavoidable impacts identified in Chapter 5, all feasible mitigation measures have been identified for each environmental resource topic addressed in the Draft EIS/EIR and would be implemented and tracked under the mitigation monitoring and reporting plan required under CEQA.

Finding Regarding Responses to Comments on the Draft EIS/EIR

The Board of Harbor Commissioners finds that all information added to the EIR after public notice of the availability of the Draft EIS/EIR for public review but before certification merely clarifies or amplifies or makes insignificant modifications in an adequate EIR and does not require recirculation.

After careful consideration of all comments, the Board recognizes that disagreements among experts remain with respect to environmental impacts identified in the Final EIR. Main points of disagreements include assessment of environmental impacts in these resource areas: Aesthetics, Air Quality, Ground Transportation, and Recreation. These disagreements are addressed in detail in response to comments. The Board finds that substantial evidence supports the conclusions in the Final EIR.

III. Alternatives to the Proposed Project

Alternatives Considered

Ten alternatives, including the proposed Project, the No Federal Action Alternative, and No Project Alternative, were considered and evaluated in regards to how well each could feasibly meet the basic objectives of the Project and avoid or substantially lessen any of the significant effects of the project. Three of these alternatives were eliminated from detailed consideration either because they could not feasibly meet the basic objectives of the Project and/or because they would not avoid or substantially lessen any of the significant effects of the project, as discussed in Section 2.5.2 and Chapter 6 of the Draft EIS/EIR. Seven of the alternatives (including the proposed Project) were carried forward for further analysis to determine whether they could feasibly meet most of the Project objectives but avoid or substantially lessen any of the significant effects of the project. These seven alternatives are evaluated co-equally with the proposed Project for all environmental resources in Chapter 3 in the Draft EIS/EIR. Chapter 6 of the EIS/EIR compares the seven alternatives, and identifies the environmentally preferred and environmentally superior alternative. The seven alternatives that were carried through the analysis of impacts in Chapter 3 in conjunction with the proposed Project are:

- Proposed Project
- Alternative 1 – Alternative Development Scenario 1
- Alternative 2 – Alternative Development Scenario 2
- Alternative 3 – Alternative Development Scenario 3
- Alternative 4 – Alternative Development Scenario 4
- Alternative 5 – No-Federal Action Alternative
- Alternative 6 – No-Project Alternative

Reasonable Range of Alternatives

Under both CEQA, lead agencies are required to evaluate a "reasonable range" of alternatives but are not required to evaluate every possible alternative. According to the Council on Environmental Quality (CEQ), "[w]hen there are potentially a very large amount of alternatives, only a reasonable number of examples, covering the full spectrum of alternatives, must be analyzed and compared in the EIS." (CEQ Forty Questions, No. 1b.) Under CEQA, "an EIR need not consider every conceivable alternative to a project." (CEQA Guidelines 15126.6(a).) The "range of alternatives required in an EIR is governed by a 'rule of reason' that requires an EIR to set forth only those alternatives necessary to permit a reasoned choice." (CEQA Guidelines § 15126.6(f).) The Draft EIS/EIR contained six alternatives (seven including the proposed Project), discussed in Section 2.5. These six alternatives provide variations among 36 components incorporated into the proposed Project shown in the table below. These six alternatives constitute a reasonable range of alternatives, which permits the decision makers to make a reasoned choice regarding proposed Project or one of its alternatives approval, approval with modifications, or disapproval. Furthermore, CEQA does not require an EIR to consider multiple variations on the alternatives analyzed in the Draft EIR. "What is required is the production of information sufficient to permit a reasonable choice of alternatives so far

as environmental aspects are concerned." (*Village Laguna of Laguna Beach, Inc. v. Board of Supervisors of Orange County* (1982) 134 Cal.App.3d 1022.)

Alternatives Eliminated from Further Consideration

Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, need not be considered (CEQA Guidelines, Section 15126[f][2]). Alternatives may be eliminated from detailed consideration in an EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid any significant environmental effects (CEQA Guidelines, Section 15126.6[c]). The following alternatives were determined to be infeasible and were eliminated from further consideration in the Draft EIS/EIR (additional details regarding reasons for rejection are included in Section 2.5.2 of the Draft EIS/EIR):

1. Cruise Ship Berthing Alternatives;
   a. Cruise Ship Berth at Berths 66–67 (South of Warehouse No. 1),
   b. Alternative Cruise Ship Berth at Berths 69–72 (Adjacent to Warehouse No. 1), and
   c. Alternative Cruise Ship Berth at Berths 75–79 (Ports O'Call).

Alternatives Analyzed in the EIS/EIR

Chapter 6 of the Draft EIS/EIR contains a detailed comparative analysis of the alternatives that were found to achieve the project objectives, are considered ostensibly feasible, and may reduce environmental impacts associated with the proposed project. The tables that follow provide a summary of the project components within each alternative, and a summary of the cruise activities associated with the proposed Project and the alternatives, respectively.

Project Elements	***CEQA Baseline*** ***2006***	***Proposed Project*** ***2037***	***Alt 1*** ***2037***	***Alt 2*** ***2037***	***Alt 3*** ***2037***	***Alt 4*** ***2037***	***Alt 5*** ***2037***	***Alt 6*** ***2037***
CRUISE SHIP CHARACTERISTICS								
Cruise ship calls (annual)	258	287	275	287	275	275	275	275
Cruise passengers (annual)[a]	1,150,548	2,257,335	2,163,703	2,257,335	2,163,703	1,814,976	1,814,976	1,814,976
Passengers/ ship (annual average)	2,235	3,934	3,934	3,934	3,934	3,300	3,300	3,300
Cruise ship calls (monthly average)	22	24	23	24	23	23	23	23
Peak monthly calls	36	40	38	40	38	38	38	38
PASSENGER THROUGHPUT								
Peak month passengers[b]	138,066	419,328	257,088	419,328	307,008	277,056	257,088	257,088
Low month passengers[c]	46,022	139,776	85,696	139,776	102,336	92,352	85,696	85,696
Maximum daily passenger throughput[d]	14,540	31,472	23,604	31,472	23,604	19,800	19,800	19,800
NUMBER OF BERTHS								
Inner Harbor Berths	3[e]	2	2[f]	2	2	3[g]	3[g]	3[g]
Outer Harbor Berths	0	2	1	2	1	0	0	0
Inner Harbor Vessel Sizes								
Berth 93	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Berths 91–92	1,150	1,150	1,150	1,150	1,150	1,150	1,150	1,150
Berths 87–90	1,000					1,000	1,000	1,000
Outer Harbor Vessel Sizes								
Berths 45–47	N/A	1,150	1,150	1,150	1,150	N/A	N/A	N/A
Berths 49–50	N/A	1,150	N/A	1,150	N/A	N/A	N/A	N/A
MAXIMUM DAILY TRAFFIC								

Cars parking	1,840	4,317	3,238	4,317	3,238	2,716	2,716	2,716
Cars drop-off	1,064	2,497	1,873	2,497	1,873	1,571	1,571	1,571
Taxis	2,287	5,367	4,025	5,367	4,025	3,376	3,376	3,376
Buses	66	156	117	156	117	98	98	98
Total vehicles	5,257	12,337	9,253	12,337	9,253	7,761	7,761	7,761
PARKING DEMAND								
Average yearly demand	1,466	2,539	2,435	2,539	2,435	2,048	2,048	2,048
Peak month	1,910	3,422	3,275	3,422	3,275	2,730	2,730	2,730
Peak day	1,840	4,317	3,238	4,317	3,238	2,716	2,716	2,716

Notes:

[b] The peak month for the port is January when it receives14% of its annual traffic

[c] The low months are in June, July, and August when the port receives 4% of its annual traffic each month

[d] Maximum daily passengers are governed by the berth capacity and the projected ship size

[e] Nonpermanent occasional-use berth at Berth 87

[f] Berth 87 is 540 feet long and not useable for a cruise berth

[g] New berth is 1,000 feet long

1

A summary of the impact analysis for the proposed Project and the Alternatives is shown in the table below. Eight of the environmental resources evaluated (aesthetics; air quality; biological resources; geology; noise; recreation; ground transportation; and water quality, sediments, and oceanography) have unavoidable significant impacts for at least one alternative. Five of the environmental resources evaluated (cultural resources, groundwater and soils, hazards and hazardous materials, land use and planning, and utilities and public services) have significant impacts that could be mitigated to a less-than-significant level for all of the alternatives. Marine Transportation and Navigation has no significant impacts associated with any alternatives. The discussion below describes the significant impacts for each resource and identifies to which alternative the impacts apply.

Table 7 Summary Table of CEQA Significance Analysis by Alternative

Environmental Resource Area	*Proposed Project*	*Alt. 1*	*Alt. 2*	*Alt. 3*	*Alt. 4*	*Alt. 5 No Federal Action*	*Alt. 6 No Project*
Aesthetics	S	S	S	S	S	S	N
Air Quality	S	S	S	S	S	S	N
Biological Resources	S	S	S	S	S	S	N
Cultural Resources	M	M	M	M	M	M	N
Geology	S	S	S	S	S	S	N
Groundwater and Soils	M	M	M	M	M	M	N
Hazards and Hazardous Materials	M	M	M	M	M	M	N
Land Use and Planning	M	M	M	M	M	M	N
Noise	S	S	S	S	S	S	N
Recreation	S	S	S	S	S	S	N
Ground Transportation and Circulation	S	S	S	S	S	S	N
Marine Transportation and Navigation	L	L	L	L	L	L	N
Utilities and Public Services	M	M	M	M	M	M	N
Water Quality, Sediments, and Oceanography	S	S	S	S	S	S	N

Notes:

S = Unavoidable significant impact
M = Significant but mitigable impact
L = Less than significant impact (not significant)
N = No impact

A comparison of the Alternatives to the proposed Project is provided in the table that follows. This table captures subtle differences of each alternative components and the alternative analysis as compared to the proposed Project. Therefore, the significance determination in the table above can be the same for the proposed Project and alternative(s), but the alternatives may actually show a reduction or increase in environmental impacts when compared to the proposed Project in the table

below. The comparisons summarized in the table below are identified for each alternative in "CEQA Findings for Alternatives Analyzed."

Table 8: Comparison Table of Alternatives to the Proposed Project

Environmental Resource Area	*Proposed Project*	*Alt. 1*	*Alt. 2*	*Alt. 3*	*Alt. 4*	*Alt 5 No Federal Action*	*Alt 6 No Project*
Aesthetics	0	-1	-1	-1	-2	-2	-3
Air Quality	0	-1	0	-1	-2	-2	-3
Biological Resources	0	-1	0	-1	-1	-2	-3
Cultural Resources	0	0	0	0	-1	-1	-2
Geology	0	-1	0	-1	-1	-2	-3
Groundwater and Soils	0	0	0	0	0	-1	-2
Hazards and Hazardous Materials	0	-1	0	-1	-2	-1	-3
Land Use and Planning	0	0	0	0	0	+1	-3
Noise	0	0	+1	0	-1	-1	-3
Recreation	0	0	0	0	0	+1	-1
Ground Transportation and Circulation	0	-1	+1	-1	-2	-2	-3
Marine Transportation and Navigation	0	-1	0	-1	-2	-3	-3
Utilities and Public Services	0	-1	0	-2	-1	-1	-3
Water Quality, Sediments, and Oceanography	0	-1	0	-1	-1	-2	-3
Total	**0**	**-9**	**+1**	**-10**	**-16**	**-18**	**-38**

Notes:

(-3) = Impacts considered to be substantially reduced when compared with the proposed Project.
(-2) = Impacts considered to be moderately reduced when compared with the proposed Project.
(-1) = Impacts considered to be somewhat reduced when compared with the proposed Project.
(0) = Impacts considered to be equal to the proposed Project.
(+1) = Impacts considered to be somewhat increased when compared with the proposed Project.
(+2) = Impacts considered to be moderately increased when compared with the n proposed Project.
(+3) = Impacts considered to be substantially increased when compared with the n proposed Project.

Environmentally Superior Alternative

As shown in the table above, the No Project Alternative is deemed to be the environmentally superior alternative under CEQA, although this alternative does not meet all Project objectives. Alternative 6, the No-Project Alternative, is the environmentally superior alternative because this alternative would have no impact on any of the environmental resource areas analyzed under CEQA Pursuant to the CEQA Guidelines, if the No-Project Alternative is deemed to be environmentally superior, then the

lead agency must identify an alternative other than the No-Project Alternative as environmentally superior. Alternative 5 ranked first in terms of the least overall environmental impact when compared to the CEQA baseline and the proposed Project. This alternative would result in the least impact on biological resources, geology, groundwater and soils, marine transportation, and water quality when compared to all other alternatives. Alternative 5 would share the least impact for all other environmental resource areas except hazards and hazardous materials (Alternative 4 would result in the least impact) land use (proposed Project and Alternatives 1 through 4 would result in the least impact), and utilities and public services (Alternative 3 would result in the least impact).

Alternatives Suggested as Part of Public Comment on the Draft EIS/EIR

Other than the Sustainable Waterfront Plan Alternative (discussed below), there were a total of five comments and letters regarding suggestions of alternatives. These included comments from the following organizations: Grand Vision Foundation (Comment VISION-4), San Pedro Chamber of Commerce (SPCoC), Coastal San Pedro Neighborhood Committee (CSPNC1), Hurricane Gulch Yacht Club (HGYC-3), and Sierra Club Harbor Vision Task Force (SCHVTF2). Comment VISION-4, comment letter SPCoC, comment letter CSPNC1 all identified variations on Alternative 4. HGYC-3 identified variations on Alternative 3. And Comment letter SCHVTF2 discussed range of alternatives.

Several comment letters have suggested the Draft EIS/EIR should have analyzed the Sustainable Waterfront Project (SWP). The SWP and several visual representations can be seen at the end of comment letters SCIC1 and CSPNC3 in Chapter 2 of the Final EIS/EIR. The Draft EIS/EIR did not need to address the SWP or other alternatives because: (1) the analysis in the Draft EIS/EIR provided a reasonable range of alternatives; (2) the SWP Alternative constitutes a variation upon the existing alternatives; and (3) several components of the SWP are infeasible. Details regarding each of these three topics are outlined in Master Responses to Key Topics: Master Response 1: The Sustainable Waterfront Plan in Chapter 2 of the Final EIS/EIR.

CEQA Findings for Alternatives Analyzed

Project Purpose

LAHD operates the Port under legal mandates under the Port of Los Angeles Tidelands Trust (Los Angeles City Charter, Article VI, Sec. 601) and the California Coastal Act (PRC Div 20 S30700 et seq.). The Port is one of only five locations in the state identified in the California Coastal Act for the purposes of international maritime commerce (PRC Div 20 S30700 and S30701). These mandates identify the Port and its facilities as a primary economic/coastal resource of the state and an essential element of the national maritime industry for promotion of commerce, navigation, fisheries, and harbor operations. According to the Port of Los Angeles Tidelands Trust, Port-related activities should be water dependent and should give highest priority to navigation, shipping, and necessary

support and access facilities to accommodate the demands of foreign and domestic waterborne commerce.

One purpose of the proposed Project is to redevelop the San Pedro Waterfront area for increased public access and to provide connections between the waterfront area and the San Pedro Community. In addition to reserving tideland properties for water- and maritime-dependent uses identified above, the State Lands Commission and the Public Trust Doctrine place a responsibility on the Port that emphasizes public access. Throughout history, the community of San Pedro and the Port have been closely linked and mutually interdependent. However, the physical connection between downtown San Pedro and the waterfront is lacking due to a number of visual and physical barriers that currently inhibit access to the water's edge.

Downtown San Pedro and Ports O'Call are currently not performing to their potential, due in part to the weak and non-reinforcing connections with one another. There are isolated areas of successful visitor-oriented commercial enterprises along the waterfront, interspersed with abandoned, vacant, or underutilized sites. Existing landmarks along the waterfront are isolated from one another, with little physical and visual connection between them (i.e., S.S. Lane Victory, Los Angeles Maritime Museum, Ralph J. Scott Fireboat, S.P. Slip, Warehouse No. 1, etc.). Existing open space along the waterfront is fragmented and disconnected from the rest of San Pedro, and there is a general lack of usable open space for the San Pedro community and visitors to the waterfront.

Additionally, the cruise industry within the Port of Los Angeles is projecting not only a growth in passenger volume over the next 10 to 20 years, but also a growth in the size of ships that regularly call on the Port (Chase pers. comm.). The landside infrastructure (i.e., gangways, terminal size, and space for ship services) needed to serve these new, larger ships is not available at the existing Cruise Center and is required in order for the Port to accommodate demands in the cruise industry. The current Princess Class cruise ships are the largest that currently call at the Port and measure over 900 feet long and require 1,000 feet of berth space. The next line of ships that are expected to call on the Port within about 3 years is known as the Voyager class (Royal Caribbean), which will be over 1,050 feet long and 210 feet high, with capacities exceeding 3,500 passengers, and will require a 1,150-foot berth. The Freedom class ships are even longer (over 1,150 feet) and require a 1,250-foot berth. Although one of these larger ships can be handled at Berths 91-92, they are beyond the size the existing terminal was designed for. In addition, other vessels, such as container ships, that berth along the main channel have increased in size since the construction of the cruise terminal in the Inner Harbor.

In addition, the Port's existing available cruise berths will not meet future cruise berth occupancy demand. Currently, there are two passenger terminals and three berths (the third berth is used on a limited basis due to the lack of terminal space). Projections indicate that a third full-time berth and terminal is needed now, and a fourth berth and terminal will be needed in the 2010–2012 timeframe (Bermello Ajamil & Partners 2006).

In order to meet future projections, the Port will need terminal space that can accommodate four cruise vessels, capable of handling two ships requiring 1,250-foot berths (plus two shorter vessels) simultaneously. Without the new terminals and berths, the Port's ability to handle additional business will be limited. Additionally, due to height conflicts with the Vincent Thomas Bridge, and because backing down the Main Channel is not a preferable maneuver due to safety and maneuverability concerns, placing two berths capable of handling the larger, higher air draft vessels in the Outer Harbor would be preferred.

The overall purposes of the proposed Project are to increase public access to the waterfront, allow additional visitor-serving commercial development within the Port, respond to increased demand in the cruise industry, and improve vehicular access to and within the waterfront area. The proposed Project seeks to achieve these goals by improving existing infrastructure and providing new infrastructure facilities, providing waterfront linkages and pedestrian enhancements, providing increased development and redevelopment opportunities, and providing berthing opportunities for increased cruise ship capacity.

Project Objectives

CEQA Guidelines (Section 15124[b]) require that the project description contain a statement of objectives, including the underlying purpose of the proposed Project. The proposed Project is intended to fulfill the overall project purpose of the Port. The CEQA project objectives are described below.

1. Enhance and revitalize the existing San Pedro Waterfront area, improve existing pedestrian corridors along the waterfront, increase waterfront access from upland areas, and create more open space, through:
    a) providing public access to the San Pedro Waterfront and new open spaces, including parks and other landscape amenities linked to the promenade;
    b) creating a continuous waterfront promenade throughout the project area allowing the public access to the water's edge;
    c) enhancing key linkages between downtown San Pedro and the waterfront, including the creation of a downtown harbor and promenade that will become the focal point for vessel activity and draw visitors to downtown San Pedro;
    d) creating and expanding the waterfront promenade as part of the California Coastal Trail to connect the community and region to the waterfront;
    e) providing for a variety of waterfront uses, including berthing for visiting vessels, harbor service craft and tugboats, as well as other recreational, commercial, and port-related waterfront uses;
    f) providing for enhanced visitor-serving commercial opportunities within Ports O'Call, complementary to those found in downtown San Pedro, as well as a potential conference center; and
    g) creating a permanent berth for existing Port customers' helicopters.
2. Expand cruise ship facilities and related parking to capture a significant share of anticipated West Coast growth in the cruise demand, through:
    a) creating space for berthing up to four cruise vessels,
    b) creating space for berthing of two Freedom class or equivalent vessels simultaneously, and
    c) enhancing cruise ship navigation down the Main Channel.
3. Improve vehicular access to and within the waterfront area.
4. Demonstrate LAHD's commitment to sustainability by reflecting the Port's Sustainability Program policies and goals in the project design, construction, and implementation.

Alternative 1—Alternative Development Scenario 1

Alternative 1 is an alternative development scenario that reduces the number of total cruise berths compared to the proposed Project (two in the Inner Harbor and one in the Outer Harbor), changes the location of the Waterfront Red Car Museum and Maintenance Facility to occupy Warehouse No. 1, reduces Harbor Boulevard at 7th Street/Sampson Way to one lane southbound, provides a roundabout to prevent northbound traffic along Harbor Boulevard at 13th Street, constructs a two-way roadway extending Crescent Street from Miner Street to Sampson Way, and makes other minor modifications. The majority of the proposed project elements are the same under this alternative as the proposed Project and these are described under the proposed Project.

Finding

The failure of Alternative 1 to support the projected increase in long-term cruise demands to accommodate the increase in passengers, increase in the number of cruise vessel calls, and larger vessels renders it infeasible under CEQA. The Board hereby finds that specific economic, legal, social, technological, and other considerations make Alternative 1 infeasible because it does not meet key project objectives and is undesirable from a policy perspective.

Facts in Support of Finding

When compared against the CEQA baseline, Alternative 1 would result in fewer environmental impacts than the proposed Project because the operation associated with the cruise terminals and berths would be lower. These reduced environmental impacts includes fewer aesthetic impacts (three level Inner Harbor Parking Structure rather than four level and one less berth and terminal in the Outer Harbor), fewer air quality impacts (less construction and operational emissions), fewer biological impacts (fewer ships calling reducing the possibility of releasing invasive species into harbor waters), fewer geology impacts (fewer people being exposed to existing geological hazards such as earthquakes and tsunamis due to less development), fewer hazardous and hazardous material impacts (reduced size of Outer Harbor terminal and overall reduction in the number of cruise terminals reduces the need for compliance with safety regulations and further reduces the possibility for an hazardous material spill, release, or explosion due to a tsunami), fewer transportation and circulation (ground and marine) impacts (fewer trips and fewer ships calling associated with the reduction of cruise terminals and berths), fewer utilities and public services impacts (less development), and fewer water quality, sediments and oceanography impacts (less development).

Although Alternative 1 would result in fewer impacts to the nine environmental resources described above, the significance determinations of each of these resources would not change when compared to the determinations for the proposed Project (as shown in the table above) because the reduction to each impact would be minimal. Thus, Alternative 1 would not reduce significant environmental effects associated with the proposed project to less than significant levels. Furthermore, Alternative 1 would not meet project objectives. Alternative 1 would not accomplish Project Objective Number 2, nor fully accomplish the goals of Project Objective Number 3. Alternative 1 would not support the long-term projected increase in cruise ship passengers and larger vessels, create space for berthing up to four cruise vessels, or create space for berthing of two Freedom/Voyager class or equivalent vessels simultaneously.
Alternative 1 would site only one cruise berth and cruise terminal in the Outer Harbor at Berth 45-47. It would not provide the flexibility to respond to market conditions and future growth associated with the cruise industry. In addition, by reducing transportation improvements, the Alternative would not improve vehicular access to and within the Project area.

The failure of Alternative 1 to meet this key project objective makes it undesirable from a policy perspective since it would not allow the Port to accommodate predicted growth. Weighing environmental, economic, social, technological, and other considerations, Alternative 1 is undesirable from a policy standpoint and is therefore infeasible. (California Native Plant Society v. City of Santa Cruz (Sept. 18, 2009, H032502) __ Cal.App.4th___.)

Alternative 2—Alternative Development Scenario 2

Alternative 2 is an alternative development scenario that has a similar cruise terminal configuration as the proposed Project, but locates the parking for the Outer Harbor Terminals at the Outer Harbor instead of shuttling passengers from the Inner Harbor. Additionally, this alternative reduces Harbor Boulevard at Sampson Way to one lane southbound, provides a roundabout to prevent northbound traffic along Harbor Boulevard at 13th Street, and constructs a two-way roadway extending Crescent Street from Miner Street to Sampson Way (similar to Alternative 1). The remaining elements of Alternative 2 are the same as described under the proposed Project.

Finding

The Board hereby rejects Alternative 2 because it would not reduce or avoid significant impacts associated with the proposed project.

Facts in Support of Finding

When compared against the CEQA baseline, Alternative 2 would generally result in the same environmental impacts as the proposed Project because its operational capacity associated with the cruise terminals would generally be the same. Reduced environmental impacts include fewer aesthetic impacts (no Inner Harbor parking structure). Increased environmental impacts include greater noise impacts (increased traffic noise on area roadways) and greater impacts to transportation and Circulation (increased congestion at local intersections). Impacts to the following resources would be the same for Alternative 2 as the proposed Project: air quality, biological, cultural, geology, groundwater and soils, hazards and hazardous materials, land use and planning, recreation, Marine Transportation and Navigation, utilities and public services and water quality, sediments and oceanography.

Alternative 2 would result in fewer impacts to only one environmental resource described above; however, the significance determinations of this resources would not change when compared to the determinations for the proposed Project. Alternative 2 would reduce environmental effects associated with aesthetics but it would not reduce these effects to the point of less than significance. It would increase environmental effects in noise and ground transportation/circulation. Therefore, Alternative 2 results in a net increase in environmental impacts as compared to the proposed project. In addition, Alternative 2 would not fully accomplish the goals of Project Objectives Number 3 and 5. By reducing transportation improvements, the Alternative would not improve vehicular access to and within the Project area, nor would the Alternative improve parking options for the cruise operations.

Alternative 3—Alternative Development Scenario 3 (Reduced Project)

As with Alternative 1, Alternative 3 is an alternative development scenario that provides a similar cruise ship berth and parking configuration as Alternative 1, a reduction in development in Ports O'Call, and reduction of Harbor Boulevard to one lane in each direction south of 7th Street with a greenbelt in the median, and no roadway extending Crescent Street between Miner Street and Sampson Way. The remaining elements of Alternative 3 are the same as described under the proposed Project.

Finding

The failure of Alternative 3 to support the projected increase in long-term cruise demands to accommodate the increase in passengers, increase in the number of cruise vessel calls, and larger vessels renders it infeasible under CEQA. The Board hereby finds that specific economic, legal, social, technological, and other considerations make Alternative 3 infeasible because it does not meet key project objectives and is undesirable from a policy perspective.

Facts in Support of Finding

When compared against the CEQA baseline, Alternative 3 would result in fewer environmental impacts than the proposed Project because its operational capacity associated with the cruise terminals and berths, as well as Ports O'Call, would be lower. These reduced environmental impacts includes fewer aesthetic impacts (three level Inner Harbor Parking Structure rather than four level and one less berth and terminal in the Outer Harbor), fewer air quality impacts (less construction and operational emissions), fewer biological impacts (fewer ships calling reducing the possibility of releasing invasive species into the harbor waters), fewer geology impacts (fewer people being exposed to existing geological hazards such as earthquakes and tsunamis due to less development), fewer hazardous and hazardous material impacts (reduced size of Outer Harbor terminal and overall reduction in the number of cruise terminals reduces the need for compliance with safety regulations and further reduces the possibility for an hazardous material spill, release, or explosion due to a tsunami), fewer transportation and circulation (ground and marine) impacts (fewer trips and fewer ships calling associated with the reduction of cruise terminals and berths), fewer utilities and public services impacts (less development), and fewer water quality, sediments and oceanography impacts (less development).

Although Alternative 3 would result in fewer impacts to the nine environmental resources described above, the significance determinations of each of these resources would not change when compared to the determinations for the proposed Project (as identified in the table above) because the reduction to each impact would be minimal. Thus, Alternative 3 would reduce environmental effects but it would not reduce them to the point of less than significance. The proposed Project and Alternative 3 have unavoidable significant impacts in the areas of Aesthetics; Air Quality; Biological Resources; Geology, Noise; Recreation; Ground Transportation and Circulation; and Water Quality, Sediments and Oceanography. Furthermore, Alternative 3 would not accomplish Project Objectives Number 1(f), 2, and 3. Alternative 3 would not support the long-term projected increase in cruise ship passengers and larger vessels, create space for berthing up to four cruise vessels, or create space for berthing of two Freedom/Voyager class or equivalent vessels simultaneously. Alternative 3 would also possibly not allow for the optimum development of Ports O' Call. It would not provide the flexibility to respond to market conditions and future growth associated with the cruise industry. By reducing transportation improvements, the Alternative would also not improve vehicular access to

and within the Project area. The failure of Alternative 3 to meet this key project objective makes it undesirable from a policy perspective since it would not allow the Port to accommodate predicted growth. Weighing environmental, economic, social, technological, and other considerations, Alternative 3 is undesirable from a policy standpoint and is therefore infeasible. (California Native Plant Society v. City of Santa Cruz (Sept. 18, 2009, H032502) __ Cal.App.4th___.)

Alternative 4—Alternative Development Scenario 4

Alternative 4 is an alternative development scenario that would eliminate the proposed North Harbor and modify the location of the associated uses that would have been moved to the North Harbor (i.e., tugboats, S.*S. Lane Victory*). Alternative 4 would also eliminate the Outer Harbor Cruise Terminals. The remaining elements of Alternative 4 are the same as described under the proposed Project.

Finding

The failure of Alternative 4 to support the projected increase in long-term cruise demands to accommodate the increase in passengers, increase in the number of cruise vessel calls, and larger vessels renders it infeasible under CEQA. The Board hereby finds that specific economic, legal, social, technological, and other considerations make Alternative 4 infeasible because it does not meet key project objectives and is undesirable from a policy perspective.

Facts in Support of Finding

When compared against the CEQA baseline, Alternative 4 would result in fewer environmental impacts than the proposed Project because its operational capacity associated with the cruise terminals and berths, as well as Ports O'Call, would be lower. These reduced environmental impacts includes fewer aesthetic impacts (three level Inner Harbor Parking Structure rather than four level and removal of Outer Harbor berths and terminals), fewer air quality impacts (less construction and operational emissions), fewer biological impacts (fewer ships calling reducing the possibility of the release of invasive species), fewer cultural resources (fewer archaeological impacts to Mexican Hollywood due to smaller Inner Harbor parking structure), fewer geology impacts (fewer people being exposed to existing geological hazards such as earthquakes and tsunamis due to less development), fewer hazardous and hazardous material impacts (elimination of Outer Harbor terminal and overall reduction in Ports O'Call reduces the need for compliance with safety regulations and further reduces the possibility for an hazardous material spill, release, or explosion due to a tsunami), fewer noise impacts, fewer transportation and circulation (ground and marine) impacts (fewer trips and fewer ships calling associated with the reduction of cruise terminals and berths), fewer utilities and public services impacts (less development), and fewer water quality, sediments and oceanography impacts (less development).

Although Alternative 4 would result in fewer impacts to the eleven environmental resources described above, the significance determinations of each of these resources would not change when compared to the determinations for the proposed Project (as identified in the table above). Alternative 4 would reduce environmental effects but it would not reduce them to the point of less than significance. The proposed Project and Alternative 4 would both have unavoidable significant impacts in the areas of Aesthetics; Air Quality; Biological Resources; Geology, Noise; Recreation; Ground Transportation and Circulation; and Water Quality, Sediments and Oceanography. Alternative 4 would not accomplish Project Objective Number 2. Alternative 4 would not support the long-term projected increase in cruise ship passengers and larger vessels, create space for berthing up to four cruise

vessels, create space for berthing of two Freedom/Voyager class or equivalent vessels simultaneously, or enhance navigational safety be eliminating the passage of large cruise ships in the Main Channel. . It would also not provide the flexibility to respond to market conditions and future growth associated with the cruise industry. The failure of Alternative 4 to meet this key project objective makes it undesirable from a policy perspective since it would not allow the Port to accommodate predicted growth. Weighing environmental, economic, social, technological, and other considerations, Alternative 4 is undesirable from a policy standpoint and is therefore infeasible. (California Native Plant Society v. City of Santa Cruz (Sept. 18, 2009, H032502) __ Cal.App.4th___.)

Alternative 5—No Federal Action

The No-Federal-Action Alternative eliminates all of the project elements that would require a federal permit or other substantial federal interest such as property or funding. The federal project consists of all harbor cuts and dredging activities; removal of existing, and construction of new, bulkheads, wharves, pilings, piers, rock slope protection, floating docks, and promenades that cover waters of the United States; and ocean disposal of dredge material. Landside construction activities within 100 feet of the shoreline necessary to complete the in-water activities, as well as the Outer Harbor Cruise Terminals and associated parking, which directly depend on authorization of in-water activities at the Outer Harbor, would be within the USACE's regulatory purview. Under this alternative, the existing supertanker berth at Berth 45–47 could continue to be used on occasion by visiting cruise ships and other large vessels, as occurs under existing conditions.

None of the following project elements would be constructed under Alternative 5 because they would require the involvement of the USACE for federal permitting purposes:

- three harbors (North Harbor, Downtown Harbor, 7th Street Harbor) and the 7th Street Pier,
- Outer Harbor cruise berths and terminals, and
- waterfront promenade constructed over water (i.e., Ports O'Call, City Dock No. 1, and the salt marsh/Cabrillo Beach Waterfront Youth Camp promenade—the promenade in the vicinity of the salt marsh/Cabrillo Beach Waterfront Youth Camp would be constructed along Shoshonean Road as described in Alternative 2, and would not require a federal permit.)

The open space project elements that are the same under Alternative 5 as those described for the proposed Project include: Downtown Civic Fountain, John S. Gibson Jr. Park, Town Square, S.P. Slip (working promenade), Fishermen's Park, Outer Harbor Park, San Pedro Park, Warehouses Nos. 9 and 10, and pedestrian and waterfront access linkages.

The following new development and existing tenants project elements would change under Alternative 5, as compared to the proposed Project:

- **Cruise Ship Berths.** The three existing cruise berths in the Inner Harbor at the existing terminal would remain. None of the wharf work proposed under the proposed Project or the other alternatives would occur for Alternative 5. The existing terminal at Berth 91 would be demolished, and a new 200,000-square-foot terminal would be developed to serve Berths 91 and 87. Alternative 5 does not include new cruise ship berths or upgrading the existing berths in the Outer Harbor. Therefore, Alternative 5 is a reduction of two berths in the Outer Harbor when compared to the proposed Project.

- **Parking for Cruise Ships.** The Inner Harbor parking would be located at Berths 91–93 and would consist of 3,525 spaces (reduced from 4,600 spaces). These spaces would be located in one new 3-level parking structure covering 4.3 acres (reduction of one 4.8-acre structure compared to the proposed Project). The footprint, siting, and design would be identical to Alternative 4 and the same as the northernmost structure planned for the proposed Project, however, there would be no fourth level. Parking needs would be met by spaces provided in the structure and surface parking areas at the Cruise Center. This parking would be dedicated to the Catalina Express Terminal and the Inner Harbor Cruise Terminals (similar to Alternative 3). This alternative would not include Outer Harbor parking for cruise ship purposes.
- **Outer Harbor Parking.** Similar to Alternative 4, this alternative would provide approximately 60 surface parking spaces to support the 6-acre Outer Harbor Park.
- **Catalina Express.** Under a separate environmental review process for the China Shipping Project, Catalina Express would relocate from Berth 96 to Berth 95 just north of the S.S. Lane Victory and would construct floating docks. Under Alternative 5, Catalina Express would remain in this location north of the S.S. Lane Victory and would not relocate to a permanent location at the S.S. Lane Victory site at Berth 95.
- **Tugboats.** The Crowley and Millennium tugboat operations would be relocated to Berths 70–71 (at the existing Westway Terminal site) since the North Harbor would not be developed as part of Alternative 5. The existing building at Westway Terminal would be converted for office uses for the tugboat operations, and an additional building or expansion of the existing building may be required for the tugboat operations at this location. No in-water work that required a permit from the USACE would be necessary.
- **Los Angeles Maritime Institute.** Under Alternative 5, LAMI would remain in its existing location; the institute would not be relocated to the renovated Crowley Building.
- **S.S. Lane Victory.** Since Alternative 5 does not include the development of the North Harbor, the S.S. Lane Victory would remain at Berth 94.
- **Jankovich Fueling Station.** The Jankovich fueling station operations would continue on a hold-over lease in their existing location in Ports O'Call. The promenade would be constructed on the west side of the existing Jankovich leasehold.
- **Fishermen's Park.** This park cannot be constructed in the vicinity of Jankovich fueling station should the fueling station remain in operation at its current location.
- **Berth 240 Fueling Station.** The development of a new fueling station at Berth 240 would not occur under this alternative.
- **Ralph J. Scott Fireboat Museum.** The Ralph J. Scott would remain in its original proposed location in the Downtown Harbor near the Fireman's Plaza. Alternative 5 would not include any of the harbor cuts in the Downtown Harbor area.

The remaining new development and existing tenants project elements are the same under Alternative 5 as those described for the proposed Project, and would include: S.P. Railyard demolition, Westway Terminal demolition, All of the Ports O'Call redevelopment and parking project elements, Waterfront Red Car Museum and Maintenance Facility location at 13th Street bluff site, and Mike's fueling station. Finally, all of the transportation improvements' project elements for Alternative 5 are the same as those described for the proposed Project.

Finding

The Board hereby finds that Alternative 5 is infeasible because it would not support the projected increase in long-term cruise demands to accommodate the increase in passengers, increase in the number of cruise vessel calls, and larger vessels. As a result, it does not meet project objectives. The proposed Project would better accomplish the Project goals and objectives compared to Alternative 5. Additionally, Alternative 5 would not feasibly meet many of the other Project Objectives. Therefore, the Board rejects Alternative 5 the No Federal Action alternative.

Facts in Support of Finding

When compared against the CEQA baseline, Alternative 5 would result in fewer environmental impacts than the proposed Project because in water or adjacent water elements would not be constructed or operated as part of Alternative 5. The reduced environmental impacts include: fewer aesthetic impacts (no in water development and reduction of Inner Harbor Parking Structure), lessened air quality impacts (less construction and operational emissions), fewer biological impacts (no in water development), fewer cultural impacts (reduced archaeological impacts to Mexican Hollywood due to smaller Inner Harbor parking structure), fewer geology impacts (fewer people being exposed to existing geological hazards such as earthquakes and tsunamis due to less development), fewer groundwater and soils impacts, fewer hazardous and hazardous material impacts (elimination of Outer Harbor terminal and overall reduction in Ports O'Call reduces the need for compliance with safety regulations and further reduces the possibility for an hazardous material spill, release, or explosion due to a tsunami), fewer noise impacts (less construction), fewer transportation and circulation (ground and marine) impacts (fewer trips and fewer ships calling associated with the reduction of cruise terminals and berths), fewer utilities and public services impacts (less development), and fewer water quality, sediments and oceanography impacts (less development).

However, it would result in increased environmental impacts to land use and planning (consistency with Risk Management Plan due to Jankovich fueling station remaining in Ports O'Call) and recreation (fewer recreational facilities, including the waterfront promenade, and exposing recreationists to hazards at Jankovich fueling station).

Although Alternative 5 would result in fewer impacts to the 12 environmental resources described above, the significance determinations of each of these resources would not change when compared to the determinations for the proposed Project. Alternative 5 would reduce environmental effects but it would not reduce them to the point of less than significance.). Furthermore, Alternative 5 would reduce environmental effects of the proposed Project it would not meet many of the Project objectives, specifically Project Objectives 1b, 1c, 1e, and 2. harbor cuts and the promenade.
Alternative 5 would not meet project objectives. It Under this alternative, the existing supertanker berth at Berth 45–47 could continue to be used on occasion by visiting cruise ships and other large vessels, as occurs under existing conditions. It would not provide the flexibility to respond to market conditions and future growth associated with the cruise industry. Alternative 5would not support the long-term projected increase in cruise ship passengers and larger ships or allow simultaneous berthing of larger cruise ships, nor would it allow approval of any project elements that would be constructed in the water, such as The failure of Alternative 5 to meet this key project objective makes it undesirable from a policy perspective since it would not allow the Port to accommodate predicted growth. Weighing environmental, economic, social, technological, and other considerations, Alternative 5 is undesirable from a policy standpoint and is therefore infeasible. (California Native Plant Society v. City of Santa Cruz (Sept. 18, 2009, H032502) __ Cal.App.4th___.)

Alternative 6—No Project Alternative

Alternative 6 describes what would reasonably be expected to occur on the site if no LAHD or federal action would occur. In this case, Alternative 6 involves no build of any of the proposed Project facilities and continued operations of the existing uses within the project area, but acknowledges some forecasted growth in the existing cruise operations at the Inner Harbor cruise berths and terminals, and construction and operation of the existing entitled projects within the proposed project area (i.e., Waterfront Enhancement Project, Cabrillo Way Marina, China Shipping, demolition of Westway Terminal). Any other growth or development in accordance with the General Plan, Port Master Plan, or Port of Los Angeles Strategic Plan would be too speculative to assume in this process.

Under this alternative, LAHD would not issue any permits or discretionary approvals, and would not take further action to construct or permit the construction of any portion of the proposed Project. The USACE would not issue any permits or discretionary approvals for dredge or fill actions, transport or ocean disposal of dredged material, or construction of wharves, and there would be no significance determinations under NEPA. This alternative would not allow implementation of the proposed Project or other physical improvements associated with the proposed Project. Under this alternative, no construction impacts would occur. No environmental controls beyond those imposed by local, state, and federal regulatory agencies would be implemented.

The following related projects and reasonably foreseeable actions would occur even if the proposed Project is not approved:

- The Town Square project elements would be constructed as described in the approved Waterfront Enhancements Project (LAHD 2006).
- Warehouses Nos. 9 and 10 would remain vacant after Crescent Warehouse operations vacate the premises, as planned under a separate project.
- The cruise ship facilities would continue to operate with three berths in the Inner Harbor. The cruise operations would be brought under CAAP compliance as leases renew.
- Catalina Express would relocate to Berth 95 as a result of the approved China Shipping Project, which displaces Catalina Express from Berth 96.
- Catalina Express would continue to share parking with the existing cruise ship parking lots.
- The Ralph J. Scott Fireboat would remain in its existing location.
- Jankovich fueling station would continue operations in its current location in Ports O'Call on a hold-over lease.
- Mike's fueling station would continue operations in its existing location.
- The 22nd Street/Miner Street lot would be constructed as described in the approved Waterfront Enhancements Project.
- Demolition of Westway Terminal would occur under a separate action under the oversight of the Department of Toxic Substances Control.
- Harbor Boulevard and Sampson Way would remain in their existing configurations.
- Landscaping improvements would not occur along the west side of Harbor Boulevard.

- The Waterfront Red Car Line would continue to operate along its existing alignment with no expansion.

Finding

The Board hereby finds that Alternative 6 the No Project alternative would not feasibly meet any of the Project Objectives, and on that basis, rejects Alternative 6 the No Project alternative.

Facts in Support of the Finding

When compared against the CEQA baseline, the No Project Alternative would result in fewer environmental impacts than the proposed Project because its construction and operational capacity would be lower. Alternative 6 would reduce impacts in every resource area, including fewer aesthetic impacts (no inner harbor parking structures), fewer air quality impacts (no construction and operational emissions), fewer biological impacts (no development and no in water construction or operation), fewer cultural impacts (no construction), fewer geology impacts (fewer people being exposed to existing geological hazards such as earthquakes and tsunamis due to less development), fewer groundwater and soil impacts (no exposure to existing soil contamination), fewer ground traffic impacts (no truck or car trips), and fewer noise impacts (related to no truck or car trips and no construction).

Alternative 6 would result in fewer impacts when compared to the proposed Project and would also significantly reduce the impact determinations when compared to the proposed Project. However, Alternative 6 would not meet any of the project objectives. It would not enhance or revitalize the San Pedro Waterfront area, improve access to the Waterfront, allow LAHD to implement the Port's Sustainability Program, or support the projected increase in cruise ship over time. Nor would it support the berthing of two Freedom class or equivalent vessels simultaneously. Under this alternative, the existing supertanker berth at Berth 45–47 could continue to be used on occasion by visiting cruise ships and other large vessels, as occurs under existing conditions. It would not provide the flexibility to respond to market conditions and future growth associated with the cruise industry. The failure of Alternative 5 to meet any of the project objectives makes it undesirable from a policy perspective. Weighing environmental, economic, social, technological, and other considerations, Alternative 5 is undesirable from a policy standpoint and is therefore infeasible. (California Native Plant Society v. City of Santa Cruz (Sept. 18, 2009, H032502) __ Cal.App.4th___.) It should be noted that even if terminal capacity were maximized throughout the Port, there would still be a shortfall in meeting future throughput demand.

Alternatives and Health Risk

As shown below in Table 9, the proposed Project will result in occupational and recreational cancer risks of over 10 in a million. In addition, the proposed Project will also exceed the acute hazard index threshold for residential, occupational and recreational receptors. As shown below, however, all build alternatives will result in exceed the acute hazard index threshold for residential, occupational and recreational receptors and Alternatives 1-3 will also exceed the cancer risk threshold for recreational and occupational receptors. The maximum occupational and recreational receptors for cancer risk are located in the Outer Harbor. As discussed in the Draft EIS/EIR, occupational (cancer risk is 16 in a million) and recreational (cancer risk is 25 in a million) cancer risk is largely a result of Diesel Particulate Emissions (DPM) from the proposed Project operations, specifically harbor craft (non-

tugs), and mainly due to the proximity of the receptors to the emission sources and the duration of exposure. For example, a recreational receptor is assumed to be exposed for two hours a day, 350 days a year for 70 years with an elevated breathing rate. These assumptions are to ensure protection of the entire population but are not usually representative of an average person's activity level. The residential (health index is 1.10) acute risk is coming mainly from on-road heavy duty vehicles (trucks) along Harbor Blvd. during operation with overlapping construction in the downtown waterfront area being the secondary source. The occupational and recreational (health index is 1.74) acute risk are largely a result of overlapping construction in the downtown waterfront area. The EIR/EIS analyzed a worst-case construction schedule to ensure all potential impacts were fully disclosed.

Table 9: **Health Risk Findings**

	Cancer Risk*				**Chronic Hazard Index****				**Acute Hazard Index****			
	Threshold = 10 in a million				*Threshold = 1*				*Threshold = 1*			
	Residential	Occupational	Recreational	Student	**Residential**	Occupational	Recreational	Student	**Residential**	Occupational	Recreational	Student
Proposed Project (2 Inner harbor, 2 Outer harbor)	<1	**16**	**25**	<1	0.04	0.20	0.20	0.00	**1.10**	**1.74**	**1.74**	0.29
Alternative 1 (2 Inner harbor, 1 Outer harbor)	<1	**21**	**32**	<1	0.04	0.17	0.17	0.00	**1.10**	**1.74**	**1.74**	0.31
Alternative 2 (2 Inner harbor, 2 Outer harbor)	<1	**16**	**25**	<1	0.04	0.19	0.19	0.00	**1.10**	**1.74**	**1.74**	0.29
Alternative 3 (2 Inner harbor, 1 Outer harbor)	<1	**21**	**32**	<1	0.01	0.15	0.15	0.00	**1.07**	**1.74**	**1.74**	0.28
Alternative 4 (3 Inner harbor, 0 Outer harbor)	<1	<1	<1	<1	0.04	0.14	0.14	0.00	**1.12**	**1.74**	**1.74**	0.29
Alternative 5: No Federal Action (3 Inner harbor, 1 Outer harbor)	<1	<1	<1	<1	0.03	0.13	0.13	0.00	0.38	**1.14**	**1.14**	0.09
Alternative 6 No Project (3 Inner harbor, 0 Outer harbor)	**18**	**18**	**27**	<1	0	0	0	0	0.2	0.4	0.2	0.4

Table 10 shows the DPM emissions of the proposed Project as compared to the baseline, the No Project, and the proposed Project without mitigation. As shown below, DPM emissions are significantly reduces versus the baseline conditions. Mitigation measures reduce:

- Cancer risks by about 52 to 78%, depending on the receptor type
- Chronic hazard indexes by about 10 to 23%.(max during construction
- Acute hazard indices by about 5 to 23% (max during construction)

While Alterative 4 would have slightly less DPM emissions than the proposed Project, as shown above, cancer risk is not due to the cruise ships in the Outer Harbor. As discussed above, Alternative 4 would not support the long-term projected increase in cruise ship passengers and larger vessels, create space for

berthing up to four cruise vessels, create space for berthing of two Freedom/Voyager class or equivalent vessels simultaneously, or enhance navigational safety be eliminating the passage of large cruise ships in the Main Channel.

Table 10: DPM Emissions

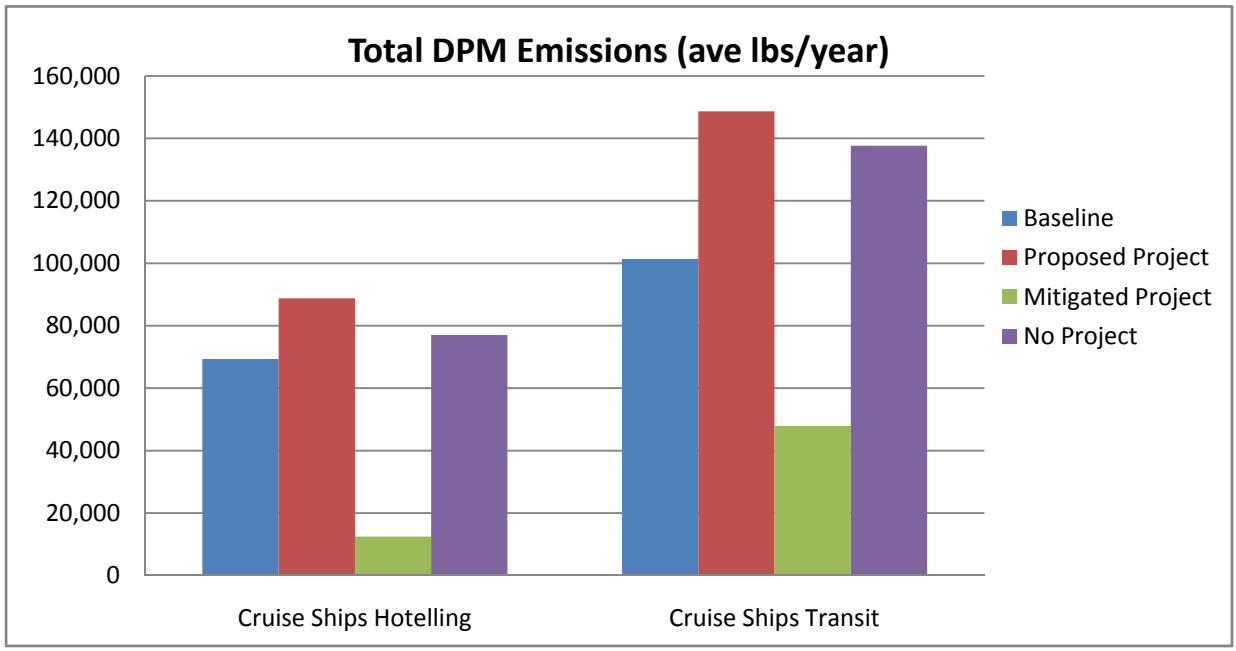


Table 11 shows the source contributions for the acute hazard index. As discussed in the Draft EIS/EIR, while cancer risk is mainly a result of DPM emissions, acute and chronic Risk models 27 toxic air contaminants, including DPM, Benzene, Butadiene, Formaldehyde, Arsenic, and Acrolein. As shown, the greatest source contributions for acute health risk are mainly on-road vehicles, heavy duty operations, tugs, and construction for all Alternatives. As discussed earlier, only the proposed Project fully meets all project objectives. In addition, while Alternative 4 would reduce cancer risk for occupational and recreational receptors, Alternative 4 would still result in acute health risks.

Proposed Project:

- Residential: On-road Vehicles
- Occupational and recreational: Harbor Craft (non-tugs)

Alternative 1: 2 berths in Inner Harbor and 1 Berth in Outer Harbor

- Residential: Harbor Craft and Tugs
- Occupational and recreational: Harbor Craft (non-tugs) and Tugs

Alternative 4: No Berths in the Outer Harbor

- Residential: On-road Vehicles and Harbor Craft (non-tugs)
- Occupational and recreational: Harbor Craft (non-tugs) and Tugs

No Project

- Residential: Tugs and On-road Vehicles
- Occupational and recreational: Tugs

Table 11.1 Source Contribution for Residential Receptors

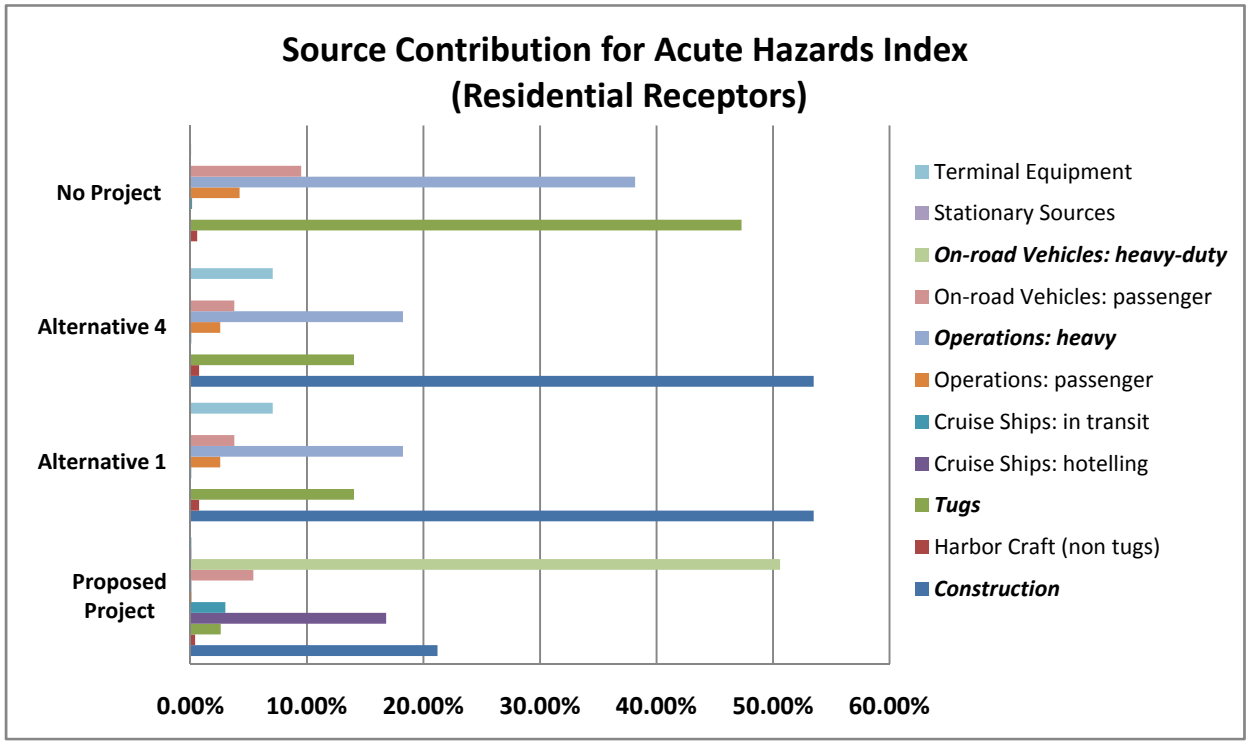
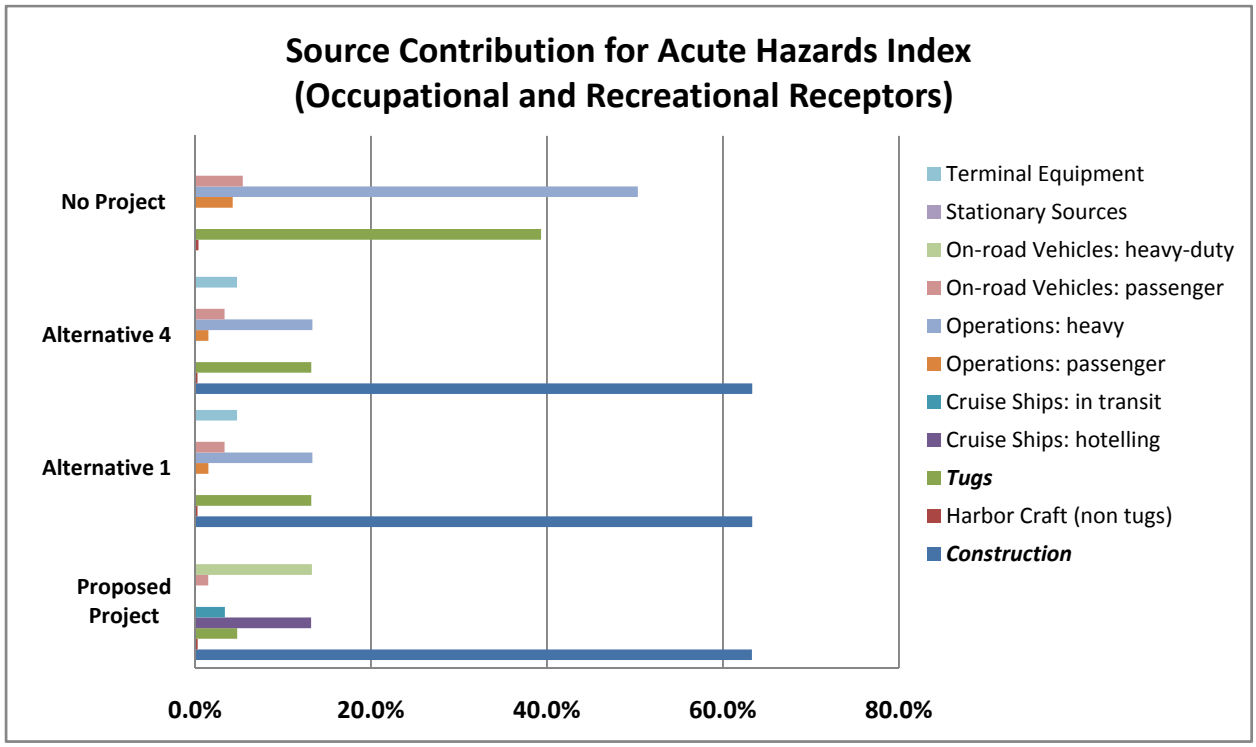


Table 11.2 Source Contribution for Occupational and Recreational Receptors



Comments Received on the Final EIR

Several comments were received between the Final EIS/EIR release and the Final EIR hearing regarding reconstructing the Inner Harbor wharf to remove an existing angle point. Comments have suggested that removing the angle point would allow the Port to accommodate two Voyager class vessels in the Inner Harbor which would achieve project objective No. 2, thereby eliminating the need for the Outer Harbor Cruise Terminal. However, as discussed in the Draft and Final EIS/EIR, while accommodating Freedom Class or equivalent cruise vessels is one subset of project objective No. 2, objective No. 2 also includes enhancing navigation along the Main Channel (2c) and berthing four vessels at the same time (2a). Voyager and Freedom class vessels are currently too large to fit under the Vincent Thomas Bridge and therefore cannot access the turning basin to turn around in the Channel. Therefore, these ships have to back down the Main Channel which poses navigational issues. In addition, even if the ships could access the Inner Harbor Terminal without backing down, a reconstructed wharf at Berth 90-92 could not accommodate four vessels at the same time. This proposal will also not reduce or avoid any significant impacts as compared to the proposed Project. Removing the angle would involve major construction, similar to the level of construction needed in the outer harbor. In addition to constructing a new cruise terminal and parking structure in the Inner Harbor to accommodate the larger ships (discussed in Alternative 4), the wharf structure would have to be removed and the berth would have the be dredged which would result in additional air emissions (both criteria pollutants and GHG emissions) and noise impacts. In addition, this proposal would likely not reduce and may even increase acute health impacts as the maximum contribution to such risk is construction and on-road trucks in the Inner Harbor area.

Another set of comments received at the Final EIR hearing dealt with the need for an Outer Harbor cruise terminal. One of the comments suggested that the Outer Harbor cruise terminal is only being proposed for economic reasons and will result in greater health risk. The analysis in the Draft EIS/EIR does show that the proposed Project will increase cancer risk in the Outer Harbor. However, the majority of the risk takes place over the water (where there are no residential receptors). In addition, displacing the cruise ships to Outer Harbor results in a significant decrease in the Inner Harbor cruise terminal. specifically in regards to building one cruise berth at the Outer Harbor instead of two.

Another comment questioned how the proposed Project would reduce pollution as compared to the current conditions. The mitigated proposed Project does indeed reduce emissions relative to the CEQA baseline for several pollutants, depending on the pollutant and analysis year. The reduction in emissions occurs because of the mitigation measures applied to the Project.

During their presentation at the Final EIR hearing, the Coastal San Pedro Neighborhood Council questioned how the proposed Project could result in a decrease in GHG emissions when compared to Alternative 4. This comment misstated the findings of the However, in the Final EIS/EIR the e response to comment PCACAQS-5 states that the proposed Unmitigated Project would increase GHG emissions by 13.2% over Mitigated Alternative 4. The proposed Mitigated Project would increase GHG emissions by 8.5% over Mitigated Alternative 4.

Comments also requested that the Harbor Department only construct a cruise terminal at Berth 45-47 and should not move forward with the cruise terminal at Berth 49-50. As discussed in the Final EIS/EIR and the *Proposed Project Summary* document released in conjunction with the Final EIS/EIR, the Harbor Department is currently proposing to initially only build one terminal in the Outer Harbor and move forward with the second berth only when market conditions warrant

additional berthing space. The Board could choose to proceed with either berth first as the EIR fully assessed all impacts associated with both Outer Harbor berths. In regards to project phasing, the impact analysis in the Final EIS/EIR assumed a worst case scenario as described in Section 1.5.4. *Project Phasing and Demolition Construction Plan* (pages 1-49 to 1-50) of the Final EIS/EIR, and analyzed construction occurring over a 5-year period from 2009-2014. Construction assumptions used for the analysis provided for overlapping construction as well as operation of various project elements. Hence, it analyzed the potential significant effects from peak activities. The proposed Project, if phased over a longer period of time, would result in changes to impacts in the following resource areas:

- Aesthetics: less construction concurrently,
- Air Quality: less concentration of emissions and equipment would be cleaner as time progresses,
- Biology: less impacts to fish and marine mammals from noise and turbidity,
- Hazards: less need for remediation concurrently,
- Noise: less noise over the project area and in concentrated locations,
- Traffic: less impact to roadway and access, and
- Water Quality: less turbidity and erosion concentrated over a short timeframe

Impacts to other resource areas would remain the same. The phasing schedule does not result in any significant information triggering recirculation pursuant to CEQA Guidelines Section 15088.5.

Another comment regarding the Outer Harbor cruise terminal had to deal with water quality and stated that the Draft EIS/EIR did not adequately address potential water quality impacts at Cabrillo Beach. In the Draft EIS/EIR, water quality impacts are addressed for the harbor as a whole, and do not specifically address impacts to Cabrillo Beach. The water quality analysis was done on a larger scale for the harbor waters as a whole. The impact analysis did not focus on Cabrillo Beach because 1) no direct construction is proposed for Cabrillo Beach, and impacts related to dredging are localized and temporary; 2) operation of the proposed project facilities would not involve any new direct point source discharges of wastes or wastewaters to the harbor (Draft EIS/EIR Page 3.14-45); 3) discharges of polluted water or refuse directly to the harbor are prohibited, so the increased vessel traffic and terminal operations associated with the proposed Project would not cause any increase in authorized waste discharges from vessels (Draft EIS/EIR Page 3.14-47); and 4) there are preventative measures to minimize impacts incorporated into the project, such as oil spill contingency plans, stormwater pollution prevention plans, and other Best Management Practices. Water quality impacts at Cabrillo Beach would be comparable to impacts described for the harbor as a whole, which are adequately described and disclosed in Section 3.14, Water Quality, Sediments, and Oceanography.

One comment suggested that the Draft EIS/EIR underreported traffic impacts by erroneously reporting traffic numbers. The commenter's statements of 640 buses per day were based on 14,000 passengers at the Outer Harbor Terminal with 80% of them self-parking. This comment is incorrect. As discussed in Final EIS/EIR, Response to Comments, the Draft assumed 30% of passengers drive and park. This 30% is based on past and current market research, including direct observations.

The final comment at the Board hearing had to do with the need for the expanding cruise operations in the Port. The commenter noted that there was a "Cruise Bubble". As discussed in the Final EIS/EIR, the future demand forecast is strong post-recession. Ship sizes are increasing; while the Los Angeles area will not get the newest classes first, the ships do get relocated here about 10 years after introduction and as discussed in the Final EIR, the Harbor Department is building for the next 30 years. A summary of the response to this comment is as follows:

1. **There is not a "cruise bubble"**
    a. Port's volume loss was due to the relocation of the *Monarch of the Seas*, not because of a dramatic drop in cruise demand
    b. Menlo finds that underlying market demand is still strong
    c. *Monarch* relocation is a business decision by RCL related to their revenue-per-passenger; demand for the *Monarch* out of Los Angeles was still strong
    d. Any recession-related-effects on demand are short-term effects not affecting the long-term market demand

2. **The existence of the low "status quo" forecast is the result of the timing**
    a. Menlo prepared forecast before *Monarch* replacement was announced
        i. One forecast showed growth without replacing the *Monarch*
        ii. One forecast showed growth with replacing the *Monarch*
    b. Since Menlo's work, Disney agreed to homeport vessels in the 2011 season, putting the Port's projected volumes closer to the higher replacement forecast volumes
    c. This scenario was Menlo's more likely case, but they couldn't report that with certainty before the Disney agreement was announced

3. **Future demand forecast is strong post-recession, long-term factors include:**
    a. Strength of the regional cruise market
    b. Higher-than-average cruise demand profile for the region
    c. High occupancy levels here in Los Angeles relative to other sectors of the travel industry
    d. Anticipated long-term ship capacity additions,
    e. Increasing ship size,
    f. The completion of the Panama Canal expansion which would allow more single-season ship relocations, and
    g. Increased Mexican port infrastructure development and potential new cruise itineraries.

4. **Port faces capacity constraints**
    a. Current constraints – market conditions are moving the Port from a three small ship cruise operation to a two ship operation
    b. Menlo's study indicated that the Port was at capacity or over capacity at its terminals over half of its prime cruise weekends
    c. The problem will continue to worsen as ship size continues to increase
    d. Ship size has increased faster than projected in 2006; average passenger-per-ship is already at 2011 levels in the previous forecast
    e. There are currently 10 ships in service that are post-Panamax (by length – if you count by width, 33), and one is already serving the Port of Los Angeles (the *Mariner of the Seas*); there are 12 (13) more on order through 2012
    f. Port is building infrastructure for the future, for the next 30 years, which will see continued growth in ship sizes.

Summary

Based on the alternatives discussion provided in the EIR and the information above, the Board determines that the Proposed Project is the only feasible alternative that best meets project objectives of maximizing Port efficiency and capacity for handling increased numbers and size of cruise vessels and increased passenger projections, taking into account environmental and economic factors.

IV. Statement of Overriding Considerations

Pursuant to Section 15093 of the CEQA Guidelines, the Board must balance the benefits of the proposed Project against unavoidable environmental risks in determining whether to approve the proposed Project. The proposed Project would result in significant unavoidable impacts to aesthetics; air quality and meteorology; biological resources; geology; noise; recreation; Ground Transportation and Circulation; and water quality, sediments, and oceanography. The proposed Project would also result in a cumulatively considerable contribution to significant cumulative impacts in aesthetics; air quality; biological resources; cultural resources; geology; noise; recreation; Ground Transportation and Circulation; and water quality, sediments, and oceanography.

Aesthetics

There would be one unavoidable significant impact to aesthetics related to operation as a result of the proposed Project (Impact AES-1). The proposed Project would result in an adverse effect on a scenic vista from a designated scenic resource due to obstruction of views. Specifically, the proposed Inner Harbor parking structures would block views of the Vincent Thomas Bridge, a local visual landmark, from motorists travelling along Harbor Boulevard, a locally designated scenic highway. A mass blocking of views to the Vincent Thomas Bridge would occur along approximately 1,440 feet of Harbor Boulevard from 1st Street to O'Farrell Street. Therefore, impacts would be significant under CEQA.

Impacts would be significant despite design concepts to minimize view impacts of the parking structures, which include implementing design concepts guided by the *Harbor Boulevard Seamless Study* to include architectural treatments that would help soften and integrate the structures through siting, the use of landscaping, and pedestrian-scaled façades. Such efforts include turning the structures at 45-degree angles to Harbor Boulevard to preserve view corridors at O'Farrell, Santa Cruz, and 1st Streets, and stair-stepping back the structure from Harbor Boulevard, starting at two levels (22 feet high) adjacent to Harbor Boulevard, increasing to three levels (32 feet high), and ultimately to four levels (42 feet high) closest to the Main Channel.

There are no mitigation measures to implement that would substantially lessen aesthetic impacts to the Vincent Thomas Bridge caused by the Inner Harbor parking structures. At full build-out of the project, the only way to fully mitigate the aesthetic impact to the Vincent Thomas Bridge would be to reduce the size of the parking structures; however, this would not meet City of Los Angeles parking requirements.

However, to delay construction of the cruise parking structures for as long as possible, LAHD staff recommendations for implementing the proposed Project include accommodating cruise parking for two Inner Harbor berths and one Outer Harbor berth with only surface parking, including extending the cruise parking area to Berth 87. Construction of structured parking would be required upon construction of the second berth in the Outer Harbor.

As provided in the Findings above, there would also be cumulative aesthetic operational impacts (see Cumulative Impact AES-1 and AES-5) that would remain significant and unavoidable.

Air Quality

The proposed Project would result in significant unavoidable impacts to air quality during construction and operation even with the adoption and implementation of mitigation measures. Specifically, construction emissions would exceed SCAQMD thresholds both with and without mitigation (Impact AQ-1 and AQ-2). In addition, operational emissions would exceed daily SCAQMD thresholds for all years both with and without mitigation (Impacts AQ-3 and AQ-4). The proposed Project would also expose receptors to significant levels of toxic air contaminants (Impact AQ-7). Mitigation measures have been incorporated to reduce operational emissions, which would substantially lessen emissions from criteria pollutants. However, even with these reductions, impacts associated with the maximum cancer risk for the recreational and occupational receptors and the acute hazard index for the occupational, residential, and recreational receptors would remain significant and unavoidable. It should be noted that the receptor location for the maximum recreational and occupational increment is in the Outer Harbor Park and Outer Harbor terminals, respectively. LAHD would implement mitigation measures for direct impacts that would substantially reduce impacts; however, the impacts would remain significant and unavoidable (Impacts AQ-1 through AQ-4, and AQ-7).

As a climate action leader,, LAHD adopted a no net increase significance criteria for GHG emissions for the proposed Project. Thus, for the purposes of this EIS/EIR, any emissions above the CEQA baseline were considered significant under CEQA. Impacts from GHG emissions would be significant for construction and all years of operation (Impact AQ-9). Mitigation Measures MM AQ-9, MM AQ-11 through MM AQ-13, and MM AQ-16 through MM AQ-20, already developed for criteria pollutant operational emissions as part of Impact AQ-3, would also reduce GHG emissions. Additionally, mitigation measures that reduce electricity consumption or fossil fuel usage from proposed project emission sources, such as MM AQ-25 through MM AQ-30, would also reduce proposed GHG emissions. Although mitigation measures reduce GHG emissions, emissions would remain significant and unavoidable.

As provided in the Findings above, there would be cumulative air quality construction and operational impacts (see Cumulative Impacts AQ-1 through AQ-4, AQ-6, AQ-7, and AQ-9) that would remain significant and unavoidable.

Biological Resources

There would be two significant and unavoidable impacts to biological resources as a result of the proposed Project.

Construction of the proposed Project would adversely affect several special aquatic sites in the proposed project area (Impact BIO-2a). Specifically, construction activities associated with expansion and enhancement of the mudflat and salt marsh for the long-term benefit of the Salinas de San Pedro Salt Marsh would result in significant short-term impacts on the salt marsh and eelgrass and mudflat habitat within the marsh. Construction would cause temporary disturbance of vegetation, water quality, and soils from turbidity associated with enhancement/restoration activities extending into the eelgrass beds and mudflat immediately offshore of the site. Therefore, the proposed Project would result in short-term significant and unavoidable impacts on the salt marsh and on the eelgrass and mudflat habitat during expansion and enhancement construction activities. Mitigation Measures MM BIO-1 through MM BIO-5 would reduce impacts associated with construction activities.

Although an overall net gain in habitat area and functions of the salt marsh and mudflat would be achieved through the proposed construction activities, impacts would remain significant and unavoidable.

Additionally, impacts from operation of the proposed Project would result in increased introduction of invasive exotic species due to increased amounts of ballast water discharged into the harbor from more and larger cruise ships calling on the Port (Impact BIO-4b). Non-native algal species can also be introduced via vessel hulls; of particular concern is the introduction of *Caulerpa taxifolia*. Invertebrates that attach to vessel hulls could be introduced in a similar manner. While the proposed Project has a low potential to increase the introduction of non-native species into the harbor that could substantially disrupt local biological communities, the increase in cruise vessel calls could result in the introduction of non-native species into the harbor via ballast water or vessel hulls. Thus the proposed Project could substantially disrupt local biological communities causing significant impacts. No mitigation, beyond implementation of measures required under existing regulations, is available to fully mitigate the potential introduction of non-native species into the Los Angeles Harbor via ballast water or vessel hulls.

As provided in the Findings above, there would be cumulative biology impacts (see Cumulative Impact BIO-1 and BIO-4) that would remain significant and unavoidable.

Geology

With regard to geology, the proposed project site lies in the vicinity of the Palos Verdes Fault Zone. Strands of the fault may pass beneath the perimeter and immediately west of the proposed project area, in the vicinity of Pier 400. Strong-to-intense ground shaking, surface rupture, and liquefaction could occur in these areas due to the location of the fault beneath the proposed project area and the presence of water-saturated hydraulic fill. An earthquake within this fault zone could cause strong-to-intense ground shaking and surface rupture. As discovered during the 1971 San Fernando Earthquake and the 1994 Northridge Earthquake, existing building codes are often inadequate to protect engineered structures from hazards associated with liquefaction, ground rupture, and large ground accelerations. Consequently, designing new facilities based on existing building codes may not prevent significant damage to structures from a major or great earthquake on a nearby fault. Therefore, as provided in the findings above for Impact GEO-1a/1b and GEO-2a/2b, seismic hazards related to future major or great earthquakes, as well as tsunami hazards, are significant and unavoidable impacts.

As provided in the Findings above, there would be cumulative geology impacts (see Cumulative Impact GEO-1 and GEO-2) that would remain significant and unavoidable.

Noise

The proposed Project would result in significant noise impacts during construction (Impact NOI-1). Construction noise levels for the proposed Project would cause greater than 5 dBA increases over the 2008 ambient noise levels at sensitive receivers in surrounding neighborhoods. Of the 51 proposed project elements, 35 would result in a greater than 5 dBA increase in ambient noise levels. The impacts are determined on a project-element basis and not on an impacted-location basis. Because of this, an affected use that is in close proximity to two or more proposed project elements may be

impacted by concurrent construction at nearby proposed project elements. It is possible that a combined impact due to the construction of those nearby proposed project elements may be significant even if none of the proposed project elements individually make a significant impact. In this sense, there would be overlap between proposed project elements. Therefore, construction due to the proposed Project would cause a significant impact under CEQA. The distances between the construction noise sources and receivers, the standard controls, and temporary noise barriers may not be sufficient to reduce the projected increase in the ambient noise level to the point where it would no longer cause a substantial increase. Implementation of Mitigation Measure MM NOI-1 would reduce potential impacts; however, even with implementation of this mitigation measure, construction equipment noise levels generated at the construction sites could substantially exceed existing ambient noise levels. Thus, impacts to sensitive receptors would remain significant even after mitigation.

The proposed Project would also result in significant impacts to sensitive receptors from increased traffic noise levels. Miner Street south of 22nd Street is the only street segment that would result in a significant impact from the proposed Project. This roadway leads into and out of the Outer Harbor. Adjacent to this roadway segment is the Cabrillo Marina. The closest affected uses to this roadway segment are live-aboards in the marina. The distance from the roadway to the live-aboards is at least 80 feet. The modeled noise level for existing conditions is 57.0 CNEL at 50 feet and 55.0 CNEL at 80 feet. The with-project noise level is 67.9 CNEL at 50 feet and 65.9 CNEL at 80 feet; the proposed project-only noise increase over existing conditions would be 10.9 dB. This is a substantial increase in noise. There would be a significant impact to the surrounding land use from this roadway segment since the noise increase is greater than 5 dB. No feasible mitigation is available that would reduce noise impacts to live-aboards in the marina to a less-than-significant level. Impacts, therefore, would be significant and unavoidable under CEQA.

As provided in the Findings above, there would be cumulative noise impacts (see Cumulative Impact NOI-1 and NOI-3) that would remain significant and unavoidable.

Recreation

There would be one significant recreational impact as a result of the proposed Project during operation. The construction of the proposed Project would result in a temporary substantial loss or diminished quality of existing recreational, educational, or visitor-oriented opportunities, facilities, or resources on land and water (Impact REC-1a). The existing recreational, educational, or visitor-oriented opportunities that would be effected include existing bike lanes along Harbor Boulevard, existing segments of the California Coastal Trail, John S. Gibson Jr. Park, Bloch Field, existing Waterfront Red Car Line, Ralph J. Scott Fireboat, LA Maritime Museum, LA Maritime Institute, Cabrillo Marine Aquarium, Cabrillo Beach, Cabrillo Beach Youth Camp, and recreational fishing and boating. Although temporary, construction of the proposed Project would cause adverse significant impacts to many of the recreational resources in the proposed project vicinity. Furthermore, the proximity of construction activities related to the proposed Project relative to these recreational resources would result in a substantial loss or significantly reduced quality of recreational experience. Despite the incorporation of Mitigation Measures MM REC-1 through MM REC-7 and MM NOI-1, impacts to existing recreational opportunities would be significant and unavoidable. Construction by its very nature is disruptive and loud, and due to the length of time during which construction would occur and the proximity to recreational resources in the vicinity of the proposed Project, significant and unavoidable impacts would occur as a result of construction activities.

As provided in the Findings above, there would be cumulative recreation impacts (see Cumulative Impact REC-1) that would remain significant and unavoidable.

Ground Transportation and Circulation

There would be two significant impacts in regards to ground transportation as a result of the proposed Project during operation.

The proposed Project would increase the number of people traveling to and from the San Pedro Waterfront area, increasing traffic volumes on the surrounding roadways, which would degrade level of service (LOS) at intersections within the proposed project vicinity (Impact TC-2a). Full build-out of the proposed Project would result in significant traffic impacts at 10 intersections by 2015 and at 16 intersections by 2037 during one or more peak hours. Incorporation of Mitigation Measures MM TC-2 through MM TC-14 would reduce impacts associated with traffic and circulation, which would fully mitigate impacts identified at seven of the 10 intersections in 2015 and six of the 16 intersections in 2037 to less-than-significant levels. However, Mitigation Measures MM TC-2 through MM TC-14 would not fully mitigate impacts identified at three of the 10 intersections in 2015 and 10 of the 16 intersections in 2037 to less-than-significant levels. For the remaining locations, no feasible measures are available. Therefore, impacts to these intersections would be significant and unavoidable.

The proposed Project would also result in increased traffic volumes on surrounding neighborhood roadways (Impact TC-2b). Under 2037 conditions, projected increases in traffic on the neighborhood streets due to the proposed Project would exceed CEQA thresholds for the 17th Street segment between Centre and Palos Verdes. No feasible mitigation is available to address the impacts due to traffic on West 17th Street between Centre and Palos Verdes under 2015 and 2037 conditions. The only possibility to address the significant and unavoidable impacts would be to permanently close the affected street segment. This would not be acceptable since it serves adjacent land uses and carries substantial traffic volumes. Therefore, no mitigation measures exist that would fully eliminate the addition of significant or adverse traffic volumes to this segment of 17th Street. Impacts remain significant and unavoidable under CEQA.

As provided in the Findings above, there would be cumulative ground transportation impacts (see Cumulative Impact TC-2a and TC-2b) that would remain significant and unavoidable. As noted in the LAHD staff recommendations, full build-out of Ports O'Call and the Outer Harbor Cruise Facilities, the two largest traffic generators of the project, would be driven by market conditions. It is possible that both project components would be built at a smaller scale than analyzed in the EIS/EIR.

Water Quality Sediments and Oceanography

There would be one significant impact to water quality as a result of the proposed Project during operation. Operation of proposed project facilities could create pollution, contamination, or a nuisance as defined in Section 13050 of the California Water Code or could cause regulatory standards to be violated in harbor waters because there is potential for an increase in incidental spills and illegal discharges due to increased vessel calls at the facility (Impact WQ-4d). There is potential for an increase in accidental spills and illegal discharges due to increased vessel calls at the facility, but recent history shows improvements in water quality in spite of increased use of the harbor due to

improved regulation and enforcement. Leaching of contaminants such as copper from anti-fouling paint could also cause increased pollutant loading in the harbor, which is listed as impaired with respect to copper. The amount of vessel traffic in the Main Channel and the Outer Harbor would increase to approximately 275 annual cruise ship calls by 2015 and 287 cruise ship calls by 2037, relative to the CEQA baseline of 258 ship calls in 2006. This increase of up to 11% in annual cruise ship calls would occur as a result of the proposed Project. Increases in vessel traffic related to the proposed Project could also result in higher mass loadings of contaminants such as copper that are leached from vessel hull anti-fouling paints. Portions of the Los Angeles Harbor are impaired with respect to copper; therefore, increased loadings associated with increases in vessel traffic relative to baseline conditions would likely exacerbate water and sediment quality conditions for copper. Therefore, the impact to water quality from leaching is significant under CEQA. No feasible mitigation is available to address the water pollution impacts the leaching of contaminants from anti-fouling paint. Impacts, therefore, would be significant and unavoidable under CEQA.

As provided in the Findings above, there would be cumulative water quality impacts (see Cumulative Impact WQ-4) that would remain significant and unavoidable.

Project Benefits

The proposed Project offers several benefits that outweigh the unavoidable adverse environmental effects of the proposed Project. The Board of Harbor Commissioners adopts the following Statement of Overriding Considerations. The Board recognizes that significant and unavoidable impacts would result from implementation of the proposed Project, as discussed above. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible alternatives to the proposed Project discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the proposed Project against the proposed Project's significant and unavoidable impacts, the Board hereby finds that the benefits outweigh and override the significant unavoidable impacts for the reasons stated below.

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

Enhances Maritime Uses

- *Fulfills LAHD legal mandates and objectives.* Submerged lands and tidelands within the Port, which are under the Common Law Public Trust, were legislatively granted to the City pursuant to Chapter 656, Statutes of 1911, as amended. Those properties are held in trust by the City and administered by LAHD to promote and develop commerce, navigation, and fisheries, and other uses of statewide interest and benefit, including commercial, industrial, and transportation uses; public buildings and public recreational facilities; wildlife habitat; and open space. All property and improvements included in the proposed Project would be dedicated to maritime-related uses and would, therefore, be consistent with the trust. In addition to reserving tideland properties for water- and maritime-dependent uses identified above, the State Lands Commission and the Public Trust Doctrine place a responsibility on LAHD that emphasizes public access. The proposed Project would increase public access to the water by bringing the water's edge closer to the community, providing a waterfront promenade, and providing linkages to the San Pedro

community (see Final EIS/EIR Section 2.3.1). The Coastal Act identifies the Port as an essential element of the national maritime industry and obligates LAHD to modernize and construct necessary facilities to accommodate deep-draft vessels and to accommodate the demands of foreign and domestic waterborne commerce and other traditional and water dependent and related facilities in order to preclude the necessity for developing new ports elsewhere in the state. Further, the Coastal Act provides that LAHD should give highest priority to the use of existing land space within harbors for port purposes, including but not limited to navigational facilities, shipping industries, and necessary support and access facilities. The proposed Project would also meet the Mayor's goal and LAHD's strategic objectives including the goal to "grow the Port green," which for this project includes maximizing the efficiency and the capacity of facilities, including mitigation measures that adhere to and/or exceed CAAP requirements, and maintaining financial self-sufficiency through long term leases while raising environmental standards and protecting public health. The strategic plan also calls for developing more and higher quality jobs. The proposed Project provides significant high quality operational and construction employment.

Promotes Sustainability

- *Includes sustainable design project features.* The proposed Project demonstrates LAHD's commitment to sustainability by reflecting LAHD's Sustainability Program policies and goals in the proposed project design, construction, and implementation. The proposed project would implement the Port of Los Angeles Sustainability Program, which was developed out of Mayor Villaraigosa's Executive Directive No. 10, Sustainable Practices in the City of Los Angeles, on July 18, 2007. This directive sets forth his vision to transform Los Angeles into the most sustainable large city in the country and includes goals in the areas of energy and water, procurement, contracting, waste diversion, non-toxic product selection, air quality, training, and public outreach. LAHD has evaluated its existing programs and policies against the eight goals identified in the Executive Directive. There are currently at least 32 specific programs already in place that support each of the eight goals in varying degrees. The San Pedro Waterfront Project is intended to showcase LAHD's commitment to sustainability (see Final EIS/EIR Section 2.4.2.4). The following proposed project features are consistent with LAHD's sustainability program and policies:
  - Recycled water would be used for landscaping, water features, and flushing toilets in new buildings.
  - Drought-tolerant plants and shade trees would be included in the planting palette.
  - Consistent with LAHD's Green Building Policy, Leadership in Energy and Environmental Design (LEED) Silver certification is required for all new development over 7,500 square feet. Furthermore, the proposed Outer Harbor Cruise Terminals would be designed to attain LEED Gold status, the highest LEED standard building in the Port. LEED-certified buildings would be more energy efficient, thereby reducing GHG emissions compared to a conventional building design.
  - Sustainable engineering design guidelines would be followed in the siting and design of new development.
  - Sustainable construction guidelines would be followed for construction of the proposed Project.
  - Solar power would be incorporated into all new development to the maximum extent feasible. Within the proposed project area, photovoltaic panels would be integrated onto the roof of the

existing cruise terminal building at Berth 93, at the proposed Inner Harbor parking structures, and at the Ports O'Call parking structures along the bluff.

- Pedestrian and bike connections would be maintained throughout the proposed project area.

- *Implements the San Pedro Bay Clean Air Action Plan (CAAP).* Project-specific standards implemented through CEQA are one of several mechanisms for meeting CAAP requirements. For project-specific standards identified in the CAAP, the proposed Project meets the 10 in a million excess residential cancer risk threshold (<1 in a million), and substantially reduces health risks associated with the Inner Harbor cruise operations compared to CEQA baseline (Final EIS/EIR Section 3.2, Air Quality and Meteorology, and Appendix D.3). The proposed Project also implements 30 feasible mitigation measures (Mitigation Measures MM AQ-1 through MM AQ-30) to minimize air quality emissions for construction and operation to the greatest extent possible. The proposed Project is also in compliance with the CAAP source specific standards for ships as described in Final EIS/EIR and LAHD's Sustainable Construction Guidelines. (See Final EIS/EIR, Section 3.2, Air Quality and Meteorology.)

Provides New Employment

- *Provides new construction jobs.* Construction of the proposed Project is expected to take place over the next 7 years, through 2015. The proposed Project is expected to generate 14,301 construction related jobs due to public spending. These include direct employment of 7,416 workers and an additional 6,885 jobs indirectly related to project construction as shown in Table 12. The Project is expected to generate 6,055 construction related jobs due to private spending. These include direct employment of 2,523 workers and an additional 2,376 jobs indirectly related to project construction.

- *Provides new jobs during the life of the proposed Project.* Total employment attributable to the proposed Project would be approximately 3,669 jobs in 2015 in the Los Angeles area and approximately 5,660 jobs in the Los Angeles area by 2037. The proposed Project would provide direct employment associated with the cruise ship industry, as well as new commercial development. The cruise ship industry in Port of Los Angeles would generate 3,025 jobs in 2015 and 4,111 jobs in 2037 overall in Los Angeles area. There are an existing estimated 2,478 employees in the cruise ship industry in the Los Angeles area. Out of these, 1,650 jobs in 2015 and 1,722 jobs in 2037 would be in the Port area itself. New commercial development is expected to generate approximately 802 new jobs as shown in Table 12.

Increases Nonvehicular Access to the Waterfront

- *Enhances and revitalizes the existing San Pedro Waterfront area.* The proposed Project would redevelop the San Pedro Waterfront area to increase public access and to provide connections between the waterfront area and the San Pedro community, establish a physical connection between downtown San Pedro and the waterfront by removing visual and physical barriers that currently inhibit access to the water's edge, improve existing infrastructure and provide new infrastructure facilities, and provide opportunities for increased development and redevelopment. The proposed Project provides for a variety of waterfront uses, including berthing for visiting vessels, harbor service craft, and tugboats, as well as other recreational, commercial, and port-related waterfront uses. Enhanced visitor-serving commercial opportunities would occur within Ports O'Call, complementary to those found in downtown San Pedro, as well as a potential conference center.

- *Implements the Harbor Boulevard Seamless Study*. The proposed Project incorporates many of the elements identified in the Harbor Boulevard Seamless Study, which was a collaboration between LAHD, CRA, City Planning, the mayor's office, and Council District 15 to provide a seamless integration of access and urban design along Harbor Boulevard between the San Pedro Waterfront development and the community of San Pedro from Swinford Street south to 13th Street. The proposed Project includes key pedestrian and vehicular access points between downtown and the waterfront; incorporates design considerations for the proposed cruise terminal parking structure to preserve viewsheds of the Main Channel and waterfront; and contributes landscape, hardscape, signage, and lighting treatments along both sides of Harbor Boulevard to enhance the streetscape. (See Final EIS/EIR Section 2.4.1.2.5.)

- *Improves existing and creates new pedestrian corridors and maximizes nonvehicular access along and to the waterfront.* The proposed Project includes the creation of a continuous waterfront promenade and bike path. The promenade would tie in to promenade elements that are already in place or are being constructed, such as the existing improvements that were completed as part of the Waterfront Gateway Project, which included the cruise ship promenade, Gateway Plaza and Fanfare Fountains, and Harbor Boulevard Parkway from Swinford to 5th Street; the promenade that was approved as part of the Cabrillo Way Marina Project in November 2003 (pending construction), which would extend from the 22nd Street Landing area, along the water's edge through the proposed marina area, toward the end of Kaiser Point; and the proposed waterfront promenade approved as part of the Waterfront Enhancements Project in 2006 (pending construction), which provides for a promenade extending from 5th Street (at the terminus of the Waterfront Gateway Harbor Boulevard Parkway) through Ports O'Call as a "paseo" on the landside of the Ports O'Call commercial buildings, around the S.P. Slip, west on 22nd Street, and to Cabrillo Beach and the Federal Breakwater via Shoshonean Road and Via Cabrillo Marina (Final EIS/EIR Section 2.4.2.1.2). The proposed waterfront promenade improves and completes missing links of the California Coastal Trail to connect the community and region to the waterfront, and it would provide connections to the California Coastal Trail outside of the proposed project area, as well as the L.A. Harbor View Trail. The proposed Project would also create enticing and attractive connections from upland areas in downtown San Pedro and residential areas to provide pedestrian access over the bluff and downtown to the waterfront. Connections would be provided at Swinford, O'Farrell, 1st, 3rd, 5th, 6th, and 7th Streets, 13th Street (pedestrian bridge), and 22nd Street. The proposed Project also includes a signalized pedestrian crossing or pedestrian bridge across Harbor Boulevard at 9th Street. Vehicular access to the waterfront would also be provided at 1st, 3rd, 5th, 6th, and 7th Streets. To strengthen pedestrian access at these locations, destination landmarks and uses would be developed to serve as pedestrian gathering places and gateways to the waterfront. The proposed North Harbor would serve as a destination accessed from the 1st Street pedestrian connection, while the Downtown and 7th Street Harbors would serve as destinations directly accessed from the 5th, 6th, and 7th Street pedestrian connections. The 9th Street and 13th Street pedestrian connections would provide access to Ports O'Call. Signage and hardscape treatment would be included that clearly identifies pedestrian crossings and pedestrian access to the waterfront and downtown San Pedro. Physical barriers to the waterfront would be eliminated, such as fences required for freight rail activity. The proposed Project brings the water closer to the community with new harbor cuts. Waterside access would also be improved by including slips for transient boat access in the marina area in front of Ports O'Call to promote usage by visitors from other areas who arrive by boat. In addition, this area would also provide the optimum location for connections to a water taxi service to allow people to travel from one attraction to another (e.g., from Outer Harbor Park to Ports O'Call) or from one waterfront development to another (e.g., Long Beach to San Pedro) without using their cars. (See Final EIS/EIR Section 2.4.2.1.1.)

Creates New Open Space

- *Creates more open space, including parks and other landscape amenities.* The proposed Project would connect existing open space along the waterfront that is fragmented and disconnected from the rest of San Pedro, and create new usable open space for the San Pedro community and visitors to the waterfront. Approximately 27 acres of new parks would also be integrated throughout the proposed Project, including the approximately 3-acre Fishermen's Park in Ports O'Call and San Pedro Park, an 18-acre "central park" designed to include an informal amphitheatre for harbor viewing, waterfront events, and concerts with lawn seating for approximately 3,000 people north of 22nd Street. The Outer Harbor Park would be developed as an approximately 6-acre park near Berths 45–50 and would be designed to maximize harbor views (such as of Angel's Gate lighthouse), facilitate public access to the water's edge, and encourage special events. The open spaces would be linked by the waterfront promenade, which would feature an approximately 30-foot-wide walkway along the waterfront extending throughout the entire proposed project area. (Final EIS/EIR Section 2.4.2.1.)

Provides New Revenue

- *Provides Harbor Fund Revenues through approval of leases with terminal operators.* The Inner Harbor and Outer Harbor cruise ship terminal operations would generate revenues for the Port of Los Angeles over the life of the proposed Project. These funds are included in the Harbor Revenue Fund for the purposes of operating, maintaining, and improving the Port in accordance with the Tidelands Trust.

- *Provides tax revenues.* The proposed Project would lead to increased tax revenues by expanding the tax base of the area with introduction of new marine commercial developments and new restaurants, by expanding the cruise ship industry, and by the provision of a new conference center. The construction of the Downtown and 7th Street Harbors, with new public open spaces that consist of promenade areas, plazas, parks, and landscape and hardscape areas, would make the waterfront and downtown San Pedro more attractive to visitors. Therefore, there would be an overall beneficial impact of the proposed Project on local business revenue. Based on the cruise calls projected for 2037 for the Port of Los Angeles, the proposed Project would generate $340.1 million in revenue for the region from cruise activity. Similarly, the cruise ship industry and expanded commercial activity could generate as much as $30.3 million in state and local taxes as shown in Table 12.

- *Expands cruise ship facilities and related parking to capture a significant share of anticipated West Coast growth in the cruise demand, including creating space for berthing of larger cruise vessel classes.* The proposed Project would provide the necessary berth and landside infrastructure (i.e., gangways, terminal size, and space for ship services) needed to serve new, larger ships that are projected over the long term for the cruise industry over the next 10 to 20 years that are not currently available at the existing Inner Harbor Cruise Center The proposed Project would provide terminal space and berthing capacity that can accommodate four cruise vessels, capable of handling two of the larger ships (Voyager/Freedom classes) simultaneously(See final EIS/EIR Section 2.3 and Section 2.4.2.2.1.)

In summary, the proposed Project would allow LAHD to meet its legal mandates to accommodate maritime-related and water-dependent uses, while enhancing the waterfront with new development and open spaces, providing public access to and along the waterfront, and providing jobs and tax

revenues to the local economy. The Board hereby finds that the benefits of the proposed Project described above outweigh the significant and unavoidable environmental effects of the proposed Project, which are therefore considered acceptable.

Suggested Mitigation Measures (MMs) and Alternatives

The following is a list of comments that contain suggested mitigation measures (MMs) and alternatives. These MMs and alternatives were suggested to reduce impacts on Aesthetics, Air Quality, Biological Resources, Geology, Land Use, Noise, and Ground Transportation, Utilities, Socioeconomics, and Environmental Justice, some of which would be significant and unavoidable. For all suggested mitigation measures and/or alternatives found infeasible, the Findings of Fact includes an infeasibility determination.

Mitigation Measures and/or Alternatives modified in or added to the Final EIR

Air Quality:

Construction (Impact AQ-1)

Comment SCAQMD-7: Added suggested Best Management Practices to MM AQ-5.

Comment SCAQMD-8: Added suggested Best Management Practices to MM AQ-6.

Operations (Impact AQ-1)

Comment SCAQMD-12: Revised MM AQ-12 to include suggested language to require new vessel builds for the Inner and Outer Harbor Cruise Terminals will meet at a minimum SIP requirements for main engine controls.

Comment SCAQMD-14: Revised MM AQ-18 to better reflect the intent of the accelerated replacement for tugboats to meet existing marine engine emissions standards or EPA Tier 2, whichever is more stringent at the time of engine replacement, and existing marine engine emissions standards or EPA Tier 3, whichever is more stringent at the time of engine replacement.

Comment SCAQMD-15: Revised MMAQ-21 to better reflect the intent of the accelerated replacement for ferries calling at Catalina Express Terminal.

Operations (Impact AQ-3)

Comment USEPA-20 and SCAQMD-11: Accelerate compliance with Port's Vessel Speed Reduction Program. POLA will accelerate the VSPR commitment date to 75% of all calls by 2009 for both Inner and Outer Harbors to be consistent with the CAPP Measure OGV-1 and CARB SIP Strategy analysis. Therefore Mitigation Measure AQ-11 is revised.

Biological Resources:

Construction (Impact BIO-2a and Impact BIO-4a) and Operations (Impact BIO-2b)

Comment NMFS-11: Prepare mitigation monitoring plan in coordination with regulatory Agencies. Mitigation Measure BIO-5 has been modified to add the development of a habitat mitigation and monitoring plan in coordination with NMFS and other regulatory agencies.

Comment NMFS-13: Add pre and post construction surveys of eelgrass. Mitigation Measure BIO-4 and BIO-5 are modified to include additional language regarding eelgrass surveys.

Mitigation Measures and/or Alternatives found to be Infeasible

Aesthetics:

Cumulative Operations (Cumulative Impact AES-5)

Comment CFASE-3: Reduce exterior lighting of the proposed project by limiting exterior lighting, dimming exterior lighting, using florescent glow-in-the-dark paint, shortening lighting posts, and replacing curtains in residential homes.

Air Quality:

Construction (Impact AQ-1)

Comment USEPA-19: Include information on potential health impacts from construction emissions and avoidance measures in the construction contractor notifications.
Comment CFASE-4: Reduce air quality impacts by: suspending use of construction equipment operations during second stage smog alerts; coordinating among construction projects so they do not overlap; incorporating dust control measures; using electric trucks, hybrid trucks, or LNG trucks; using local construction materials, parts, and equipment suppliers; and, hiring construction workers that live within five miles of the proposed project site.

Operations (Impact AQ-3):

Comment USEPA-17, SCAQMD-10, CSPNC3-41, JONWAR-38, and PCACAQS-11: Promote greater use of low sulfur fuels.

Comment USEPA-24: Contact those involved with Port Community Mitigation Trust Fund to get their input on appropriate mitigation measures; consider PCAC recommendation for Public Health Trust Fund, Health Survey, Partners for Kids Health (mobile clinic) and Health and Environment Directory as mitigation measures for environmental justice impacts; engage in proactive efforts to hire local residents and train them to do work associated with the project; provide public education programs about environmental health impacts and land use planning issues; improve access to healthy food through establishment of farmer's markets or retail outlets on Port lands; continue expansion and improvements to local community's parks and recreation system in order to ensure access to open space and exercising activities.

Comment SCAQMD-13: Accelerate implementation of IMO standards on marine vessel emissions limits sufficiently for emissions reductions assumed in the SIP to be achieved.

Comment PCCAC1-10: The minimum threshold for mitigation should be maintaining the existing conditions of traffic and air quality.

Comments CSPNC3-38, JONWAR-35, and PCACAQS-8: MM-AQ-9 should require 100% Alternative Maritime Power (AMP) for Cruise Vessels immediately on start of Project operations.

Comment SCAQMD-9 requires 100% AMP in 2013 and thereafter.

Comments CSPNC3-39, JONWAR-36 and PCACAQS-9 and 10: MM AQ-3 should require 100% compliance to USEPA 2007 emission standards for on-road trucks during construction phase.

Comments CSPNC3-40, JONWAR-37 and PCACAQS-9 and 10: MM AQ-15 should require 100% compliance to USEPA 2007 emission standards for on-road trucks during construction phase.

Comments CSPNC3-42, JONWAR-39, and PCACAQS-12: All uses planned for LNG-Powered Shuttle Busses require change to implement electric powered busses.

CommentsCSPNC3-44, JONWAR-41, and PCACAQS-14: MM-AQ-21 should be revised to require EPA Tier 2 compliance at 100% in 2010.

Comments CSPNC3-45, JONWAR-42, and PCACAQS-14: MM AQ-22 should state the basis of periodic review such as once yearly and no less frequently than every five years.

Comments CSPNC3-46, JONWAR-43, and PCACAQS-16: MM QA-23 should be revised to include no less than two additional review cycles between the years of 2022 and 2037.

Operations (Impact AQ-4):

Comment PCCAC1-24 and VISION-23: Increase land area devoted to open space as landscaped area along waterfront and tree planting along streets and private property within the San Pedro Community.

VISION-21: Purchase adjacent blighted and underutilized property to add additional lanes (at impacted street intersections on Harbor Boulevard, Gaffey Street, and other impacted intersections) AND also provide land for redevelopment, for mixed use joint development including public open space and relocation resources for any displaced housing and businesses.

Operations (Impact AQ-7)

Comment CFASE-15: Establish a Public Health Care Mitigation Trust Fund to fund local community clinics such as the Wilmington Community Clinic and the San Pedro Harbor Free Clinic and the Los Angeles County Harbor General Hospital.

Comment CFASE-15: Provide financial assistance to pay for health care at local clinics & county hospitals.

Comment CFASE-15: Provide financial assistance to pay for health insurance.

Comment CFASE-15: Provide financial assistance to pay for medical equipment.

Comment CFASE-15: Provide financial assistance to pay for medical supplies.

Comment CFASE-15: Provide financial assistance to pay for medical prescriptions.

CFASE-15: Provide financial assistance for funeral expenses.

CFASE-15: Provide financial assistance for short & long term convalescent care.

CFASE-15: Provide financial assistance for rehabilitation.

CFASE-15: Provide financial assistance for job retraining.

CFASE-15: Provide financial assistance for lost income.

CFASE-15: Provide financial assistance for special learning disability assistance.

CFASE-15: Provide funeral and burial services.

Operations (Impact AQ-9):

Comments CFASE-5 and PCACAQS-6: Reduce GHG emissions by: purchasing or leasing AMECS technology into Port; purchasing or leasing Clean Air Marine Power-Wittmar DFMV Cold Ironing System; purchasing or leasing Vycon, Inc. Regen Power System; purchasing the MagLev Container Support Transport System; installing solar power systems on top of public schools and other public buildings; purchasing and

replacing old inefficient gas floor and wall heaters; purchasing and replaing old inefficient water heaters; purchasing and replacing old inefficient refrigerators; offering $5,000 coupon for the replacement of an old car; paying for the annual cost to repair leaking HFCs from older Port trucks; paying for the evacuation of HFC's from refrigeration units in reefer containers placed into storage in Wilmington.

Biological Resources:

Cumulative Operations (Cumulative Impact BIO-1)

Comment CFASE-6: Prevent accidental deaths to whales and mammals from ship strikes and pollution by: moving shipping lanes farther out; installing land based sound detectors for passing whales and mammals; having a migrating whale season notification alert system; reducing ship speed to 10nm within 50 nm of coastal shorelines and ports; prohibiting ship ballast from dumping; and, installing trash traps, water purification filter systems and ship water skimmers.

Cumulative Operations (Cumulative Impact BIO-4)

Comment CFASE-7: Prevent fish, crustaceans, and sea plant life from being impacted or killed by: installing trash traps, water purification systems, and ship water skimmers; building fresh and salt water fisheries or sponsoring an organization or company that can raise fish for replenishing the loss and depletion of sealife; building additional seaweed and plan life reserves and bedrock islands; and, prohibiting ship ballast.

Geology:

Cumulative Operations (Cumulative Impact GEO-2)

Comment CFASE-8: Port to include or develop the following to reduce tsunami or seiche impacts: develop a public alarm system; develop and distribute English and Spanish information to explain what the public can do in the event of a tsunami or seiche; and, coordinate with disaster agencies.

Land Use:

Operations (Impact LU-1)

Comment VISION-23: Recommends following land use changes West Bank Planning Area 2: Replace land use designations general cargo, liquid bulk, industrial, and other with commercial, recreational and institutional land use designations. West Turning

Basin Planning Area 3: remove general cargo land use designation and designate recreational land use.

Noise:

Construction (Impact NOI-1)

Comment USEPA-33: Solicit input from the local community to determine whether construction until 9:00PM on weekdays would be a disturbance. Consider avoiding the use of louder construction equipment, like hydro-hammers, after 6:00PM.

Traffic:

Operations (Impact TC-2a and 2b)

Comment PCCAC1-10: The minimum threshold for mitigation should be maintaining the existing conditions of traffic and air quality.

Comment PCCAC1-11: Fund should be allocated for acquisition and relocation of property that impacted intersections for traffic improvements and sites for new mixed use developments.

Operations (Impact TC-4)

Comment CRA-18: Designate off-site parking structure(s) that would serve both the Waterfront Project and the impacted Downtown and neighborhoods.

Operations (Impact TC-5a, b, and c)

Comment CRA-15: Include suggested mitigation measures that reduce vehicular/pedestrian conflict and improve pedestrian safety between the waterfront and the larger San Pedro Community.

Cumulative Operations (Cumulative Impact TC-1)

Comment CFASE-9: Reduce and/or address local and neighborhood impacts by: posting signs prohibiting neighborhood entry by construction workers and suppliers, posting designated traffic and delivery routes; requiring contractor employee travel training classes; requiring contractors hire a percentage of local residents to minimize out of area workers; and, requiring contractors use public transportation.

Cumulative Operations (Cumulative Impact TC-2b)

Comment CFASE-10: Contribute funds to the city and state for public incurred costs such as the degradation of public streets, highways, freeways, and bridges.

Utilities:

Cumulative Operations (Cumulative Impact PS-5)

Comment CFASE-12: Mandate a Port lessor utility tax or fee and purchase and install solar power systems on top of residential homes, public schools recreational, senior care and child care facilities and hospitals.

Socioeconomics:

Operations

Comment CRA-17: Devise and fund a marketing plan to promote downtown San Pedro and its businesses at Ports O'Call in collaboration with CRA/LA.

Environmental Justice:

Construction

Comment CFASE-14: Temporarily relocate residents and patients and pay for hotels, motels, other schools and care facilities and transportation expenses.

Operations

Comment USEPA-24 identified above under Impact AQ-3.

Comment USEPA-25: Ports and Corps consider development of a port-wide health impact assessment (HIA).

Alternatives:

Comment VISION-4: Variation on Alternative 4.

Comment letter SCHVTF2: Range of alternatives.

Comment letter SPCoC: Variation on Alternative 4.

Comment letter CSPNC1: Variation on Alternative 4.

Comment HGYC-3: Variation on Alternative 3.