Chapter 4
Environmental Impacts

4.1 Introduction

This chapter describes the possible environmental effects of the Proposed Project and alternatives for each specific environmental resource area identified by the USACE. The following sections discuss environmental issues found to be potentially significant and those found not to be significant under NEPA. Table 4-1 summarizes the three alternatives (including the CEQA No Project Alternative, for informational purposes) and Table 4-2 summarizes their environmental impacts. The CEQA determinations are included in Table 4-2 but are not included in the following discussion sections. For the CEQA analyses, see Appendix 1, Draft EIR, of this document.

This Draft EIS must evaluate a reasonable range of alternatives to the Proposed Project and briefly describe the rationale for selection and rejection of alternatives, compare the merits of the alternatives, and determine an environmentally preferred alternative under NEPA. Including the Proposed Project, seven alternatives were considered during the preparation of this Draft EIS (see Chapter 3 of this Draft EIS). Of these, three (Proposed Project, CEQA No Project, and No Federal Action) have been carried forward for detailed analysis. However, the No Project Alternative (Alternative 1) is a CEQA alternative that is not analyzed under NEPA (it is analyzed in the Draft EIR and is referred to as Alternative 1 – CEQA No Project Alternative). Accordingly, this Draft EIS only considers the Proposed Project and the No Federal Action Alternative (Alternative 2). As described in Section 1.2.5, for this project the No Federal Action Alternative is equivalent to the NEPA Baseline. As such, the increment between the No Federal Action Alternative and the NEPA Baseline is always zero, and therefore, the No Federal Action Alternative would have no impact under NEPA.

4.2 Terminology Used in This Environmental Analysis

In evaluating the potential impacts of the Proposed Project and the No Federal Action Alternative, the significance of an impact is determined by applying the appropriate threshold of significance (significance criterion). The thresholds of significance used to evaluate impacts are described in each resource section. The following terms are used:

- *No Impact*. A designation of no impact is given when no adverse changes in the environment are expected.
- *Less-Than-Significant Impact*. A less-than-significant impact would be identified when the impact would not reach or exceed the threshold of significance.

- *Significant Impact*. A significant impact would exceed the applicable significance threshold and would thus create a substantial or potentially substantial adverse change in any of the physical conditions within the area affected by the Proposed Project or alternatives. Such an impact could be reduced to less than significant by the application of mitigation.
- *Significant Unavoidable Impact*: As required by Section 15126.2(b) of the CEQA Guidelines, this designation is given when a residual impact that would cause a substantial adverse effect on the environment could not be reduced to less than significant through any feasible mitigation measure(s).
- *Mitigation*. Mitigation refers to measures that would be implemented to avoid or lessen potentially significant impacts.

Table 4-1: Summary of Alternatives

	NEPA Baseline (2062)	Proposed Project (2050/2062)	Alt. 1: CEQA No Project (2050/2062)	Alt. 2: NEPA No Federal Action (2050/2062)
Annual TEUs (millions)	1.332	1.871	1.332	1.332
Annual Ship Calls	208	156	208	208
24-hour Peak Day Ship Calls	3	3	3	3
Truck trips (one-way, millions)	1.182	1.668	1.302	1.182
Train trips (one-way)	768	1059	507	768
Operating Cranes	5	15	5	5
Total dredging material (cy)	310,000	310,000	0	0
Maximum Vessel Size (TEU)				
Berths 121–125	6,500[1]	6,500	6,500	6,500
Berths 126–129	8,000[1]	14,000+	8,000	8,000

Note 1: The largest vessels that called in 2019 were 2,000 TEUs and 4,000 TEU at berths 121-125 and 126-129, respectively, but the existing berths could handle the vessel sizes shown.

4.3 Discussion of Impacts

As described in more detail in Section 1.1.8, this Draft EIS considers impacts in 13 resource issue areas (one resource issue area, greenhouse gases, is considered in the Draft EIR, in Appendix 1, but is not considered in this Draft EIS because an impact assessment for it is not required under NEPA). This scope was established based on the NOI (Appendix 2) published by USACE in the *Federal Register* on April 11, 2014, in consideration of an Initial Study and NOP prepared pursuant to CEQA (Appendix 2), and in consideration of subsequent comments by agencies and the public.

The following discussions summarize the applicable impact analyses that are presented in Table ES-2 of this Draft EIS and discussed in detail in Chapters 3 and 4 of Appendix 1, Draft EIR. The April 2014 Special Public Notice - NOI/NOP of the Draft EIS/EIR and Public Scoping Meeting for the Berths 121-131 [then Yang Ming] Container Terminal Redevelopment Project concluded that certain topics would involve no significant impact and need not be evaluated in the Draft EIS/EIR. Accordingly, neither the Draft EIS nor the Draft EIR evaluates agriculture and forestry, geology and soils, mineral resources,

population and housing, recreation, or wildfire. While the Draft EIS does not evaluate greenhouse gas emissions, readers interested in that topic are directed to the Appendix 1, Draft EIR.

4.3.1 Aesthetics and Visual Resources

Project Setting

As described in Section 3.1 of Appendix 1, Draft EIR, the Proposed Project is located in an industrial area adjacent to residential and commercial activities that have views of the Project site. The overall visual character of the site is of a large, modern, industrial port, with views dominated by tall vessel loading/unloading cranes, stacks of shipping containers, and other industrial structures.

The Proposed Project would add modern wharf cranes to the existing view, which is already dominated by large wharf cranes, and would add large rail-mounted gantry (RMG) cranes to the railyard in the terminal backlands. The No Federal Action Alternative would only add the railyard RMG cranes.

Impacts of the Proposed Project and the No Federal Action Alternative

As described in detail in Section 3.1 of Appendix 1, Draft EIR, the Proposed Project would contribute to the existing image of a working port. It would not change the overall character and quality of the landscape so as to have a significant effect on viewer response from area roadways or established key viewpoints. Therefore, impacts would be less than significant under NEPA. The Proposed Project would not contribute to a significant cumulative aesthetic impact because the nature of the proposed improvements would be consistent with, and blend into, the existing industrial visual setting.

Because the No Federal Action Alternative is identical to the NEPA baseline, there would be no impact under NEPA related to aesthetics and visual resources.

4.3.2 Air Quality and Meteorology

Project Setting

As described in Section 3.2 of Appendix 1, Draft EIR, the Proposed Project is located in the South Coast Air Basin (SCAB) of Southern California. The climate of the SCAB is classified as Mediterranean, characterized by warm, rainless summers and mild, wet winters. The mountain ranges surrounding the Los Angeles Basin constrain the horizontal movement of air and inhibit the dispersion of air pollutants out of the region. These factors, combined with the air pollution sources of more than 15 million people, are responsible for the high pollutant concentrations that can occur in the SCAB. In addition, the warm temperatures and high solar radiation during the summer months promote the formation of ozone, which has its highest levels during the summer.

USEPA designates all areas of the United States according to whether they meet the National Ambient Air Quality Standards (NAAQS). A *nonattainment* designation means that one or more of the six criteria pollutants considered as indicators of air quality exceeds the primary NAAQS in any given area, over a period of time specified by the NAAQS. States with nonattainment areas must prepare a State Implementation Plan (SIP) that demonstrates how those areas will come into attainment. USEPA currently classifies

the SCAB as extreme nonattainment for the 8-hour ozone NAAQS and serious nonattainment for $PM_{2.5}$ (24-hour standard). The SCAB is in attainment/maintenance of the NAAQS for the other four criteria pollutants: CO, SO_2, NO_2, and PM_{10}.

LAHD has been conducting its own air quality monitoring program since February 2005. Meteorological data from the Wilmington Community Station were used in the air quality analysis for this Draft EIS to model human health risks and criteria pollutant impacts of the Proposed Project and alternatives. Table 4-2 shows the highest pollutant concentrations recorded at the Sants Peter and Paul School (Wilmington Community Station), for 2022 through 2024, the most recent complete 3-year period of data available.

Table 4-2: Maximum Pollutant Concentrations Measured at the Wilmington Community Monitoring Station (SPPS)

Pollutant	Averaging Period	National Standard	State Standard	Highest Monitored Concentration		
				2022[d]	2023 [d]	2024 [d]
Ozone (ppm)	1-hour	--	0.09	0.072	0.089	0.083
	8-hour National [a]	0.070	--	0.058	0.060	0.058
	8-hour State	--	0.07	0.059	**0.071**	**0.066**
CO (ppm)	1-hour	35	20	4.2	5.1	3.0
	8-hour	9	9	2.2	2.4	1.9
NO_2 (ppm)	1-hour National [b]	0.100	--	0.055	0.052	0.048
	1-hour State	--	0.18	0.060	0.052	0.053
	Annual	0.053	0.030	0.014	0.013	0.012
SO_2 (ppm)	1-hour National [c]	0.075	--	0.011	0.009	0.007
	1-hour State	--	0.25	0.01	0.008	0.16
	24-hour	--	0.04	0.0070	0.002	0.0013
PM_{10} ($\mu g/m^3$)	24-hour	150	50	44.6	**60.8**	**67.6**
	Annual	--	20	**24.7**	**22.5**	**21.1**
$PM_{2.5}$ ($\mu g/m^3$)	24-hour [b]	35	--	22	28.6	22.8
	Annual	12	12	6.2	7.0	6.5

Notes:

Exceedances of the standards are shown in bold. All reported values represent the highest recorded concentration during the year unless otherwise noted.

a The monitored concentrations reported for the national 8-hour ozone standard represent the 3-year average (including the reported year and the prior 2 years) of the fourth-highest 8-hour concentration each year. Note that the monitored concentrations for the state standard are measured differently (see note e), which accounts for the difference between the two values for a given year.

b The monitored concentrations for the national 1-hour NO_2 standard and the national 24-hour $PM_{2.5}$ standard represent the 3-year average (including the reported year and the prior 2 years) of the 98th percentile of the annual distribution of daily average concentrations.

c The monitored concentrations for the national 1-hour SO_2 standard represent the 3-year average (including the reported year and the prior 2 years) of the 99th percentile of the annual distribution of daily maximum 1-hour average concentrations.

d Year 2022 represents the period May 2021-April 2022 year 2023 represents the period May 2022-April2023 and year 2024 represents the period May 2023-April 2024.

The impact of air emissions on sensitive members of the population is a special concern. Sensitive receptor groups include children, the elderly, and the acutely and chronically ill.

The locations of these groups include residences, schools, child care centers, elder care facilities, and hospitals. For health risk assessment purposes (Impact AQ-6), LAHD also treats recreational areas, such as parks, marinas, and public waterfront areas, as sensitive receptors. The locations of the sensitive receptors in the vicinity of the Proposed Project are shown in Figure 3.2-1 of Appendix 1, Draft EIR, and the receptors are described in Appendix A3 (see Volume II). The nearest sensitive receptors to the project site are located at the Gaffey Street Community Gardens, approximately 1/5 mile west of the project site and the nearest residents are homes along N. Gaffey Street, approximately 1/5 mile west of the project site. The nearest school is the Harbor Occupational Center on North Pacific Avenue about 1/3 mile south of the project site. The nearest daycare center is the YWCA Venture Park Pre-School, approximately1/3 mile west of the project site. The nearest assisted living home is Grandma's House, about 1/3 mile north of the project site. The nearest hospital is the Little Company of Mary San Pedro Hospital, about 1.5 miles southwest of the project site.

Impacts of the Proposed Project and No Federal Action Alternative

Methodology

The air quality analyses estimated air pollutant mass emissions (e.g., lbs per day) from project activities (construction and operation), local concentrations resulting from those emissions, and the potential health effects of the emissions. The methodologies used to assess air quality impacts under CEQA and NEPA are described in Section 3.2.4 of Appendix 1, Draft EIR, and in Appendix A1 – Air Emissions Analysis, Appendix A2 – Dispersion Modeling, and Appendix A3 – Health Risk Analysis (see Volume II).

Analyses included the emissions from concurrent construction and operation, when the B121-131 Terminal would be operating at one berth (Berths 121-125) while construction of the new berth (Berths 126-129) proceeded. Analyses considered the CEQA baseline year (2019) and future analysis years 2026 and 2027 (assumed construction period), 2028 (first year of full operation), 2036 (an interim operational year), 2050 (full capacity of the Proposed Project is reached), 2055 (end of the exposure period for a health risk analysis), and 2062 (full capacity of the No Federal Action Alternative is reached).

In this Draft EIS, the USACE has adopted the topics and significance thresholds established by CEQA as addressing both federal requirements and local concerns (see Section 3.2.4.6 of Appendix 1, Draft EIR).

Impacts

Impacts of construction and operation of the Proposed Project and alternatives are described in detail in Section 3.2.5 of Appendix 1, Draft EIR. The following summarizes the NEPA determinations of significance before mitigation and with the application of the mitigation measures proposed in the DEIR by LAHD. The mitigation measures are described in detail in the relevant sections of Appendix 1 and in Chapter 5 of this Draft EIS.

Impact AQ-1: Would the Proposed Project result in construction-related emissions that exceed the SCAQMD threshold of significance in Table 3.2-8?

Proposed Project peak daily construction emissions would exceed the SCAQMD daily thresholds for NO_X in 2026 and 2027. Therefore, Proposed Project construction emissions would be significant under NEPA for NO_x prior to mitigation. LAHD would apply mitigation measures MM AQ-1 through MM AQ-10, aimed at reducing

construction emissions of air pollutants (see Chapter 5 and Appendix 1, Draft EIR, Section 3.2.4), but the residual impact would still be significant and unavoidable. That impact would represent a cumulatively considerable contribution to an existing significant cumulative impact for NO_X emissions under NEPA.

Impact AQ-2: Would Proposed Project construction result in off-site ambient air pollutant concentrations that exceed a SCAQMD threshold of significance in Table 3.2-9?

Maximum off-site incremental PM_{10} (24-hour and annual average) and $PM_{2.5}$ (24-hour) concentrations from construction activities would exceed SCAQMD thresholds in 2026. Maximum off-site NO_2 (federal and state annual average and 1-hour average), PM_{10} (24-hour and annual average), and $PM_{2.5}$ (24-hour) concentration increments from overlapping construction and operational activities would also exceed SCAQMD thresholds in 2026. Therefore, without mitigation, maximum off-site ambient pollutant concentrations associated with the construction and operation of the Proposed Project in 2026 would be significant under NEPA.

LAHD would apply mitigation measures MM AQ-1 through MM AQ-10, aimed at reducing construction emissions of air pollutants (see Chapter 5 and Appendix 1, Draft EIR, Section 3.2.4). These measures would reduce the above impacts to less than significant with the exception of off-site federal 1-hour NO_2 concentrations from overlapping construction and operational activities, which would remain a significant and unavoidable impact. That impact would represent a cumulatively considerable contribution to an existing significant cumulative impact for NO_2 emissions under NEPA.

Impact AQ-3: Would the Proposed Project result in operational emissions that exceed an SCAQMD threshold of significance in Table 3.2-10 of Appendix 1?

Peak daily operational emissions for the Proposed Project minus the NEPA baseline would exceed the operational SCAQMD emission thresholds for VOC in 2036 and 2050, CO in 2028, 2036, 2050, 2055, and 2062 and for NO_x in 2028, 2036, 2050 and 2055. Therefore, impacts of Proposed Project operation would be significant under NEPA prior to mitigation.

LAHD would apply mitigation measures MM AQ-8 through MM AQ-10, aimed at reducing operational emissions (see Chapter 5 and Appendix 1, Draft EIR, Section 3.2.4). Those measures would reduce impacts of VOC and CO emissions to less than significant, but the residual impacts would remain significant and unavoidable under NEPA for NOx in 2028, 2036, and 2050. Those impacts would represent a cumulatively considerable and unavoidable contribution to a significant cumulative impact related to mass emissions of NO_x under NEPA.

Impact AQ-4: Would operation of the Proposed Project result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance?

Maximum off-site NO_2 (federal 1-hour average) concentrations from operational activities would exceed SCAQMD thresholds in 2050 through 2062 and maximum off-site incremental PM_{10} (24-hr and annual average) concentrations from operational activities would exceed SCAQMD thresholds in 2036 through 2055. Therefore, without mitigation, maximum off-site ambient pollutant concentrations associated with operation of the Proposed Project would be significant under NEPA for NO_2 and PM_{10}.

LAHD would apply mitigation measures MM AQ-8 through MM AQ-10, aimed at reducing operational emissions (see Chapter 5 and Appendix 1, Draft EIR, Section 3.2.4).

Those measures would reduce impacts, but impacts would remain significant and unavoidable under NEPA for PM_{10} (24-hr average) concentrations in 2050 and 2055.

Impact AQ-5: Would the Proposed Project create an objectional odor at the nearest sensitive receptor?

As described in Section 3.2.5 of Appendix 1, Draft EIR, the potential is low for the Proposed Project to produce objectionable odors that would affect a sensitive receptor. Odor impacts under NEPA, therefore, would be less than significant, and the Proposed Project would not make a considerable contribution to a significant cumulative impact.

Impact AQ-6: Would the Proposed Project expose receptors to significant levels of TACs?

As shown in Table 4-3, the health risk assessment conducted for the Proposed Project showed that maximum incremental cancer risk, the incremental population cancer burden, and the incremental chronic and acute hazard indices would all be below the significance thresholds established by the SCAQMD. Therefore, the Proposed Project's impacts on public health would be less than significant under NEPA. Although no mitigation is required, the mitigation measures that LAHD would implement to address construction and operational impacts on air quality would further reduce impacts on public health.

Table 4-3: Maximum NEPA Health Impacts Estimated for Construction and Operation of the Proposed Project

Health Impact	Receptor Type	Unmitigated NEPA Increment[a,b,c]	Mitigated NEPA Increment[a,b,c]	Significance Threshold	Significant?
Cancer Risk[b]	Residential/Sensitive	6.6×10^{-6} (7 in a million)	6.2×10^{-6} (6 in a million)	10×10^{-6} (10 in a million)	No
	Occupational	3.5×10^{-6} (4 in a million)	1.8×10^{-6} (2 in a million)		No
Chronic Hazard Index	Residential/Sensitive	0.022	0.015	1.0	No
	Occupational	0.15	0.022		No
Acute Hazard Index	Residential/Sensitive	0.028	<0	1.0	No
	Occupational	0.080	<0		No
Population Cancer Burden		0.14	0.011	0.5	No

Notes:

a The NEPA Increment column represents the maximum difference of the Proposed Project minus the NEPA baseline (as a reminder, the NEPA baseline is the set of conditions expected to prevail if there were no federal action – i.e., if a USACE permit were not issued for Berths 121-131 activities affecting waters of the U.S.).

b Values displayed for individual cancer risk have been rounded to the nearest integer.

c Each positive result shown in the table for cancer risk, chronic hazard index, and acute hazard index represents the modeled receptor location with the maximum increment. The increments at all other receptors would be less than the values in the table.

The Proposed Project's health risks would not exceed SCAQMD thresholds. Accordingly, the impacts would not make a considerable contribution to a significant cumulative impact under NEPA.

Because the No Federal Action Alternative is the same as the NEPA Baseline, that alternative would have no project-related or cumulative impacts under NEPA related to air quality, meteorology, or public health (i.e., that difference or increment would always be zero).

Impact AQ-7: Would the Proposed Project conflict with or obstruct implementation of the applicable air quality plan?

The applicable air quality plan is the air quality management plan (AQMP) for the South Coast Air Basin. The South Coast Air Quality Management District (SCAQMD) prepared AQMPs in 1997, 2003, 2007, 2012, and 2016 (each iteration of the AQMP is an update of the previous AQMP). The most recent update (the Final 2022 AQMP) was adopted by CARB on December 2, 2022. LAHD regularly provides SCAG with its Port-wide cargo forecasts for development of the AQMP. Therefore, the attainment demonstrations included in each AQMP account for the emissions generated by projected future growth at the Port, including the Proposed Project. The emissions from that increased Port activity are included in the General Conformity budgets established in the Final 2022 AQMP (SCAQMD 2022) and in the State Implementation Plan (SIP) for the South Coast Air Basin (CARB 2022).

As described in more detail in Section 3.2.5 of Appendix 1, Draft EIR, the Final 2022 AQMP (SCAQMD 2022) and former iterations propose emission reduction measures that are designed to bring the SCAB into attainment of the state and national ambient air quality standards. The Final 2022 AQMP, the CARB Mobile Source Strategy, and the SIP contain key control measures related to ports that address emissions from marine terminal activities. The SCAQMD adopts those control measures into the SCAQMD rules and regulations. The Proposed Project's compliance with these SCAQMD regulations and control programs would ensure that the Proposed Project would not conflict with or obstruct implementation of the AQMP or the SIP.

Operational activities associated with the Proposed Project would comply with the source-specific performance standards identified in the San Pedro Bay Ports 2010 Clean Air Action Plan (CAAP) and 2017 CAAP Update. Mitigation measures, lease measures, and the operational activities of the Proposed Project would also be consistent with the 2017 CAAP Update. These measures are also consistent with the emission reduction goals of the SCAQMD's 2022 AQMP.

Finally, the Proposed Project is consistent with applicable provisions of the Community Emissions Reduction Plan (CERP) for the communities nearest to the Project site, i.e., Wilmington, Carson, and West Long Beach (SCAQMD 2019) because it includes the deployment of the cleanest available terminal equipment, compliance with CARB rules regarding vessel emissions, and two mitigation measures (MM AQ-9 and MM AQ-10) that specifically apply to vessels.

4.3.3 Biological Resources

Project Setting

As described in detail in Section 3.3 of Appendix 1, Draft EIR, the Project site consists of marine habitat, specifically soft-bottom harbor sand and mud and hard-substrate habitats represented by concrete pilings and the rock dikes (riprap) edging the shoreline. There are no substantial areas of terrestrial habitat, as the terminal is largely paved and has been in that condition for decades. The Project site is in the Inner Harbor area of Los Angeles

Harbor. Although it is still valuable habitat, the Inner Harbor is considered by the resource agencies to have lower habitat value for aquatic species than Outer Harbor habitats, primarily because of restricted water circulation and legacy pollution. This area is designated as "Constrained Harbor Habitat" in the Port's harbor habitat mitigation bank enabling instrument (LAHD 2017a). Because it is subject to tidal influence, the Proposed Project is located in an area designated as essential fish habitat (EFH) for federally managed species under two Fishery Management Plans (FMPs): the Coastal Pelagics FMP and the Pacific Coast Groundfish FMP.

The soft bottom sediments support an invertebrate community of burrowing marine worms, crustaceans (mostly amphipods) and molluscs (mostly small clams and snails) and, on the sediment surface, shrimp, crabs, and tunicates. On the hard substrates, the upper intertidal area has been characterized by barnacles and bare rock and the mid-lower intertidal and the subtidal areas by a diverse assemblage of marine organisms, including mussels, red algae, and many species that cannot withstand the harsh conditions of the upper intertidal area, such as green and brown algae, amphipods, sabellid and spirorbid worms, bryozoans, brittle stars, urchins, and tunicates. No giant kelp or eelgrass is present at the Project site.

The most abundant bottom-dwelling fish in the most recent biological survey were white croaker (*Genyonemus lineatus*), queenfish (*Seriphus politus*), lizardfish (*Synodus lucioceps*), specklefin midshipman (*Porichthys myriaster*), and barred sand bass (*Paralabrax nebulifer*). No species of the Pacific Coast Groundfish FMP were captured in vicinity of the Project site. The majority of the fish captured in the overlying water column were topsmelt, and most were caught at night (Wood E&IS 2021). All four of the fish species in the Coastal Pelagics FMP (northern anchovy, Pacific mackerel, jack mackerel, and Pacific sardine) were captured at the two West Basin sampling stations, although only sardines were abundant. In general, abundances of fish in the Project area were lower than in other areas of the harbor.

A number of special-status fish, bird, and marine mammal species occur in the Los Angeles-Long Beach harbor. The only ones commonly observed in the vicinity of the Project site are the fish in the Coastal Pelagics FMP and one marine mammal species (California sea lion, *Zalophus californianus*). The endangered California least tern (*Sternula antillarum brownii*) occasionally flies over the Project site but has rarely been seen to forage there, and the site does not represent critical habitat for the species.

Impacts of the Proposed Project and the No Federal Action Alternative

Construction of the Proposed Project is not likely to result in the loss of individuals or the reduction of existing critical habitat of a state or federally listed endangered, threatened, rare, protected, candidate, or sensitive species or a Species of Special Concern. As described in Appendix 3 (EFH Assessment), no designated or proposed critical habitat is present in or adjacent to the proposed project area and construction and operation of the Proposed Project would not adversely affect pelagic and groundfish species managed under the Magnuson-Stevens Fishery and Conservation Management Act or designated essential fish habitat. In-water construction would cause localized activity, noise, and turbidity that could affect birds and marine mammals. However, these impacts would be temporary and limited to the waters in the vicinity of construction activities.

Impact driving of piles at the Project site could potentially result in Level A harassment (i.e., injury) to marine mammals close to the pile driving and Level B harassment (i.e.,

disturbance) in the general vicinity of the pile driving activity. This would be considered a significant impact. However, with implementation of mitigation measure MM BIO-1 Protect Marine Mammals (see Chapter 5 of this Draft EIS and Appendix 1, Draft EIR, Section 3.3.4), those impacts would be less than significant under NEPA.

Impacts from construction activities that have the potential to introduce or redistribute invasive species would be less than significant under NEPA because the construction area would be surveyed to determine the presence of *Caulerpa* before in-water construction activities would occur. The Proposed Project's vessel traffic at full operation (156 calls per year) would be substantially lower than the NEPA baseline (208 calls per year). Because of that reduction, operation of the Proposed Project would reduce the potential for adverse effects on special-status species such as vessel strikes on marine mammals and on the potential for introduction of invasive species. Accordingly, the Proposed Project's impacts from operational activities would be less than significant under NEPA.

As described in Appendix 1, Section 4.2.3, the Proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact related to special-status or managed species, their habitats, or invasive species under NEPA.

Because the No Federal Action Alternative is the same as the NEPA Baseline, that alternative would have no impacts related to biological resources.

4.3.4 Cultural Resources and Tribal Cultural Resources

The analysis of potential impacts on cultural resources considers only construction, as operation of the Berths 121-131 Terminal would have no potential for disturbing or destroying cultural resources.

As described in detail in Section 3.4 of Appendix 1, Draft EIR, the Berths 121-131 Terminal site consists largely of dredged material placed in the early twentieth as fill on the original marshes and shoreline that occur underneath most of the project site. Records searches and field surveys confirmed that there are no buildings or structures in or near the site that would require evaluation for National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR) eligibility or that have previously been determined eligible. Accordingly, the potential for construction of the Proposed Project or the No Federal Action Alternative to encounter, disturb, or destroy historic, archaeological, or paleontological resources is remote. A special condition (SC-CR-1. Stop Work in the Area if Prehistoric and/or Archaeological Resources are Encountered) would be included in the construction permits that would further reduce the possibility of loss of cultural resources.

The Native American Heritage Committee's (NAHC) Sacred Land Files search did not identify any tribal cultural resources within the Project site. Pursuant to the requirements of Section 106 of the National Historic Preservation Act of 1966, Assembly 23 Bill (AB) 52, and Public Resources Code Section 21080.3.1(b) the USACE and LAHD consulted with tribal entities suggested by the NAHC and did not receive any responses.

Accordingly, given the low potential for construction of the Proposed Project to encounter cultural resources, the Proposed Project would not result in a significant impact on cultural resources under NEPA.

Because the No Federal Action Alternative is the same as the NEPA Baseline, there would be no impacts related to cultural resources or tribal cultural resources under NEPA.

4.3.5 Energy

As described in detail in Section 3.5 of Appendix 1, Draft EIR, although the operation of the Proposed Project would see overall increases in energy use because of increases of cargo and the resultant cargo handling activity, the Proposed Project would realize large decreases in per-cargo unit use of energy by enabling the Berths 121-131 Terminal to accommodate larger, more fuel-efficient vessels, operate zero-emissions cargo-handling equipment in later years, and utilize electric-powered cranes at the expanded intermodal facility. The Proposed Project, by reducing per-unit energy use, would be consistent with state and local policies related to energy efficiency. Accordingly, impacts related to energy use and consistency with plans for renewable energy and energy efficiency would be less than significant under NEPA.

Because the No Federal Action Alternative is the same as the NEPA Baseline, energy use would not differ from that of the baseline. Accordingly, there would be no impacts under NEPA related to energy conservation associated with construction and operation of the No Federal Action Alternative.

4.3.6 Hazards and Hazardous Materials

As described in detail in Section 3.7 of Appendix 1, Draft EIR, the Proposed Project would increase the throughput capacity of an existing marine container terminal, but its activities would be consistent with other uses in the Port area. Construction would involve the use of relatively small quantities of hazardous materials (mostly vehicle fuels and lubricants) and operations would include transport of hazardous cargos in vessels, trucks, and trains. Numerous regulatory controls are in place to minimize the possibility of releases of hazardous materials through routine use or spills, upsets, and accidents involving trucks, trains, and marine cargo vessels. The Berths 121-131 Terminal is not near any schools or on the “Cortese list” of severely contaminated sites.

Because of these factors, implementation of the Proposed Project would not substantially increase the risk of hazardous materials releases through routine use or accidents. Impacts of the Proposed Project would be less than significant under NEPA.

Because the No Federal Action Alternative is the same as the NEPA Baseline, that alternative would have no impacts under NEPA related to hazards or hazardous materials.

4.3.7 Land Use/Planning

As described in detail in Section 3.8 of Appendix 1, Draft EIR, the Proposed Project would not result in a significant impact in terms of land use under NEPA. Specifically, the Proposed Project:

- Would be consistent with the Port Master Plan and the uses described for Planning Area 2;
- Would be consistent with the adopted land use/density designation in the Community Plan, redevelopment plan, or specific plan for the site;
- Would be consistent with the General Plan and adopted environmental goals or policies contained in other applicable plans;
- Would not cause secondary impacts to surrounding land uses; and
- Would remain consistent with the Port of Los Angeles Community Plan zone designation for the project site.

The No Federal Action Alternative would be identical to the NEPA Baseline in terms of land use. Accordingly, that alternative would result in no impact under NEPA on land uses or land use policies and plans.

4.3.8 Noise

Project Setting

The vicinity of the Project site is characterized by industrial and Port-related facilities, visitor-serving commercial areas, marine service and support facilities, limited residential areas, and open space and recreational areas. The noise environment at the Project site and vicinity is composed of a background of traffic and distant port-related noise, and periodic increases associated with terminal operations and nearby train movements.

As described in Section 3.9 of Appendix 1, Draft EIR, noise-sensitive receptors include residences, a training /community center, and public parks. The nearest residential area to the Project site is located along Gaffey Street in San Pedro, about 0.2 miles (1,000 feet) to the west, across I-110. There are also residential uses on Knoll Hill to the south and in Wilmington to the north of the terminal. Parks include the baseball fields at Knoll Hill, the Field of Dreams soccer field west of the terminal, and Wilmington Waterfront Park (including the Bannings Landing Community Center) to the northeast. The Harbor Occupational Center (a community/training center) is located to the southwest. None of those sensitive uses is within 500 feet of the Project site. Long-term baseline monitoring at 5 locations in the vicinity of the Project site measured CNEL values ranging from 62 to 77 dBA, with values at three of the locations above 70 dBA, a level considered “normally unacceptable” by the Noise Element of the City of Los Angeles General Plan.

Impacts of the Proposed Project and the No Federal Action Alternative

As described in detail in Section 3.9 of Appendix 1, Draft EIR, construction of the Proposed Project would generate noise from a variety of activities, notably pile driving for wharf construction. Operational activity would produce noise similar to the existing noise environment of trucks, cargo-handling equipment, trains, and oceangoing vessels.

Daytime and night-time construction activities and operational activities of the Proposed Project would not cause noise levels that would exceed significance threshold levels at the nearest noise-sensitive receptors. In every case, the noise increment over the NEPA baseline would be 1 dBA or less, whereas the significance threshold is an incremental increase of 5 dBA. Accordingly, impacts of the Proposed Project would be less than significant and the Proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact under NEPA.

Because the No Federal Action Alternative is the same as the NEPA Baseline, that alternative would have no impacts under NEPA related to noise.

4.3.9 Ground Transportation

Project Setting

As described in Section 3.10 of Appendix 1, Draft EIR, access to and from the Project site is provided by a network of arterial routes and freeways. The arterial street network that serves the Proposed Project area includes John S. Gibson Boulevard, Harry Bridges

Boulevard, Figueroa Street, Alameda Street, Anaheim Street, Henry Ford Avenue, Sepulveda Boulevard/ Willow Street, Front Street, Harbor Boulevard, and Pacific Avenue. The freeway network consists of the Harbor Freeway (I-110), the Long Beach Freeway (I-710), the San Diego Freeway (I-405), and the Terminal Island Freeway (SR-103/SR-47). John S. Gibson Boulevard is defined as a Truck Route (vehicle weight greater than three tons) in the City of Los Angeles Mobility Plan 2035.

USACE has adopted LAHD's CEQA analysis for its consideration of ground transportation impacts. State Senate Bill 743 (SB 743) directed revisions to the State CEQA Guidelines (Public Resources Code section 21000, et seq.) relevant to transportation impacts. New Guidelines section 15064.3 establishes automobile vehicle miles traveled (VMT) as the most appropriate measure of transportation impacts. Accordingly, the previous focus on vehicle operating conditions at intersections and on freeway segments (level of service, or LOS, analysis) is no longer the basis for environmental impact assessment. Instead, the City of Los Angeles Transportation Assessment Guidelines, which conform to the requirements of Senate Bill 743 and incorporate methodology guidance from the State, governs transportation impact analysis within City limits. The City updated its travel demand forecasting model and transportation impact thresholds to be consistent with the VMT impact methodology.

Impacts of the Proposed Project and the No Federal Action Alternative

The Proposed Project would not conflict with an established program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Accordingly, there would be no impacts associated with Proposed Project construction or operations related to consistency with local transportation plans.

The analysis in Appendix 1, Draft EIR, Section 3.10.4.5 shows that the Proposed Project's calculated daily VMT per employee is lower than the threshold prescribed in the LADOT Transportation Assessment Guidelines for the harbor area. Accordingly, the impacts of the Proposed Project would be less than significant, and the Proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact under NEPA.

The Proposed Project would not cause changes to Project site driveways or public rights-of-way and would not alter or close existing roadways or emergency access points relative to the NEPA baseline. Accordingly, there would be no impacts under NEPA.

Because the No Federal Action Alternative is the same as the NEPA Baseline, that alternative would have no impacts under NEPA related to ground transportation.

4.3.10 Public Services

As described in, Section 3.11 of Appendix 1, Draft EIR, there is adequate existing fire and police protection resources to service the Proposed Project. No new or expanded services would be required that would result in a significant impact on the environment. Accordingly, the Proposed Project's impacts on public services would be less than significant and the Proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact under NEPA.

Because the No Federal Action Alternative is the same as the NEPA Baseline, that alternative would have no impacts under NEPA related to police, fire protection, or other public services.

4.3.11 Utilities and Service Systems

Project Setting

As described in Section 3.12 of Appendix 1, Draft EIR, there is adequate existing water, wastewater, stormwater, solid waste, and energy infrastructure to service the Proposed Project through 2055. There is sufficient water supply, wastewater treatment capacity, and landfill capacity to accommodate the Proposed Project's water demand, wastewater generation, and solid waste generation.

Impacts of the Proposed Project and the No Federal Action Alternative

No utility infrastructure expansion or upgrades would be required that would result in a significant impact on the environment. Construction of the Proposed Project would not have a significant impact on landfill capacity, and two standard conditions related to recycling imposed by LAHD would further reduce the reduce the generation of solid wastes requiring disposal in landfills. Accordingly, impacts of the Proposed Project on utilities would be less than significant and the Proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact under NEPA.

Because the No Federal Action Alternative is the same as the NEPA Baseline, that alternative would have no impacts under NEPA related to utilities.

4.3.12 Water Quality/Hydrology, Sediments, and Oceanography

Project Setting

As described in Section 3.13 of Appendix 1, Draft EIR, the Project site is in Los Angeles Harbor. The harbor is considered the receiving water area for the Dominguez Watershed, which drains approximately 132 square miles (342 square kilometers) of southern Los Angeles County and empties into the western side of San Pedro Bay. The main freshwater input to the Los Angeles side of the San Pedro Bay (in which the Port of Long Beach is also located) is the Dominguez Channel, but effluent from the Terminal Island Water Reclamation Plant (TIWRP), sheet runoff, storm drain discharges from several large City and County drains, and spillover from Lake Machado also contribute fresh water.

The current beneficial uses of the waters of Inner Los Angeles Harbor (which includes the West Basin where the Project site is located), as identified in the *Water Quality Control Plan: Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan, as amended), include: industrial service supply, navigation, noncontact water recreation, commercial and sportfishing, marine habitat, and preservation of rare and endangered species. The Los Angeles/Long Beach Inner Harbor waters, including the West Basin, are listed for: sediment toxicity and benthic community effects; the pesticide DDT and polychlorinated biphenyls (PCBs) in fish tissue; the polynuclear aromatic hydrocarbons (PAHs) benzo(a)pyrene and chrysene in sediments; and the metals copper and zinc in sediments.

The Los Angeles Regional Water Quality Control Board has developed total maximum daily loads (TMDLs) to address the identified impairments and has amended the Basin

Plan to incorporate those TMDLs. The TMDL for bacteria became effective in 2005 and the TMDL for toxics (the remaining elements on the list of impairments) took effect in March, 2012 and was revised in 2022. The Harbor Toxics TMDL is being implemented by a working group of responsible parties, including the LAHD, that undertakes comprehensive monitoring and special studies required by the TMDL.

Water quality parameters in the vicinity of the Project site, including dissolved oxygen, turbidity, and pollutant concentrations, generally meet regulatory standards. Sediment quality in the Port Complex varies widely, and there are localized areas of sediment contamination "hotspots," which have driven the Section 303(d) listings and creation of TMDLs for the harbors. Although the Project area is listed as impaired pursuant to Section 303(d) of the CWA (see Section 3.13.2.1 of Appendix 1, Draft EIR), it is not considered a hotspot.

Much of the sediment contamination in the Port Complex is "legacy contamination" from historic Port activities and watershed inputs. Potential sources of ongoing sediment contamination include municipal storm drains, the Dominguez Channel, industrial outfalls, stormwater runoff from Port facilities, commercial vessels (oceangoing vessels and harbor craft), recreational vessels, aerial deposition, and the redistribution into the Port Complex, by ocean currents, of sediments from outside the harbors.

The majority of the Project site is located in flood Zone X, which consists of areas of 0.2% annual chance of flood (500-year flood); areas of 1% annual chance flood (100-year flood) with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood. Zone X occurs on site primarily because precipitation has the potential to create shallow flooding in these adjacent land and wharf areas until the shallow flooding is collected by storm drainage systems or until it spills over the edge of the wharf to open water; the land elevation is high enough to preclude flooding by normal events of storms and tides. A study of tsunami risk in Los Angeles Harbor concluded that even under the most extreme, i.e., conservative assumptions of seismic events and storm surge, little overtopping of wharves would happen in the vicinity of the Project site.

Impacts of the Proposed Project and the No Federal Action Alternative

Water quality impacts from construction of the Proposed Project could include increased turbidity, increased sediment suspension, increased dissolved or particulate contaminants, and reduced dissolved oxygen. Standard controls imposed on construction projects by permits and the Port's construction guidelines would reduce such effects, and impacts of construction would be less than significant under NEPA.

Impacts on water quality during operations could occur from stormwater runoff, atmospheric deposition of contaminants generated by operational activities, discharges of contaminants from vessels during their transit through the Harbor, and accidental spills. With implementation of international, federal, state, and local regulations and tariffs, the potential for such effects would be low, and impacts would be less than significant under NEPA.

Construction and operation of the Proposed Project would not increase the number of people or amount of property exposed to potential flooding on the proposed Project site. Accordingly, construction and operation would result in less than significant impacts from flooding. Site topography and the stormwater management system at the terminal would be essentially unchanged from baseline conditions. Accordingly, construction and

operation of the Proposed Project would not accelerate natural processes of wind and water erosion or soil deposition into Los Angeles Harbor, and impacts would be less than significant under NEPA.

Because the Proposed Project ‘s impacts on water quality would be localized and temporary (primarily during construction) and less than significant, and given the existing controls on water pollution activities, the Proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact under NEPA.

Because the No Federal Action Alternative is the same as the NEPA Baseline, that alternative would have no impacts under NEPA related to water quality, hydrology, or sediments.

Preliminary Clean Water Act Section 404(b)1 Alternatives Analysis

Introduction

Discharge of fill material into waters of the U.S. requires compliance with Section 404 of the Clean Water Act, which authorizes the U.S Army Corps of Engineers (USACE) to issue permits for the discharge of dredged or fill materials into waters of the United States. This analysis is provided in accordance with the U.S. Environmental Protection Agency’s (USEPA) Section 404(b)(1) Guidelines (40 CFR 230, Guidelines), which are the substantive environmental criteria used by USACE to evaluate permit applications for such discharges. Under these guidelines, an analysis of practicable alternatives is the primary tool used to determine whether a proposed discharge can be authorized. The Section 404(b)(1) Guidelines suggest a sequential approach to project planning that considers mitigation measures only after the project proponent shows no practicable alternatives are available to achieve the overall project purpose with less environmental impacts. The Guidelines also require the USACE to compile findings related to the environmental impacts of discharges of dredged or fill material into waters of the U.S.

The background and setting material and the impact evaluations in this analysis are summarized from Section 3.13 of Appendix 1, Draft EIR; accordingly, this analysis is not intended to be a stand-alone document.

Purpose and Need

The overall Project need is to increase container terminal efficiency and capacity to accommodate a portion of the predicted future containerized cargo throughput volume and the modern cargo vessels that transport those goods to and from the Port of Los Angeles (Port). These larger container vessels need water depths and berth lengths that are greater than previous generations of cargo vessels.

The overall Project purpose is to increase and optimize the cargo handling efficiency and capacity of the Port by constructing sufficient berthing and infrastructure capacity to accommodate a proportional share of foreseeable increases in containerized cargo. Additional Project purposes include improving marine terminal operational efficiency that would expand the use of existing waterways for international maritime commerce, and upgrading utility infrastructure to support the implementation of environmental controls necessary to reduce pollution and conserve energy.

Proposed Action and Alternatives

The Proposed Project being considered is to provide additional berthing facilities and berth depth to accommodate increased cargo volumes and larger vessels at the Berths

121-131 Container Terminal. During the NEPA process, seven alternatives to the Proposed Project were considered and, as described in Chapter 3 of this Draft EIS, one (No Federal Action) is evaluated equally with the Proposed Project and one other one (CEQA No Project) is evaluated in the Draft EIR (Appendix 1 of this Draft EIS). The other alternatives, including the project originally described in the 2014 NOI, were either impracticable, not feasible or reasonable, or would not meet most of the project objectives while substantially reducing or eliminating environmental impacts, and were eliminated from consideration in the EIS (see Chapter 3 of this Draft EIS).

The Proposed Project construction and operation are described in detail in Chapter 2 of this Draft EIS and in Chapter 2 of Appendix 1, Draft EIR. Briefly, under the Proposed Project, approximately 310,000 cubic yards (cy) of sediments would be dredged to deepen the berth. The existing wharf at Berth 126-129 would be replaced by a new wharf that would occupy the same over-water footprint as the existing wharf. The existing rock dike along the shoreline would be reconstructed, and approximately 0.3 acres of existing soft-bottom habitat along the toe of the existing rock dike would be converted to rocky habitat as a result. The dredging is not a Section 404 discharge, but the placement of rock for the dike is regulated by Section 404. However, no other fill would be discharged into waters of the United States and no water area would be lost (i.e. converted to dry land).

Dredged material determined to be suitable for ocean disposal would be transported and discharged into waters of the United States, at USEPA-designated ocean disposal sites. Sediments to be dredged are described in detail in Section 3.13.2.3 of Appendix 1, Draft EIR and consist of the silts and silty sands typical of Los Angeles Harbor. A portion of the sediments is contaminated by heavy metals and organic pollutants, but characterization for permitting purposes has not been completed. Accordingly, this Draft EIS conservatively assumes that the bulk of the sediments would be disposed of at upland sites and up to 50,000 cy would be disposed of at the LA-2 ocean disposal site or other sites as determined by USEPA and USACE.

The No-Federal-Action Alternative eliminates all the project elements that would require a federal permit or other substantial federal interest such as property or funding. Under the No Federal Action Alternative, no dredging and dredged material transport or disposal would occur, the rock dike would not be reconstructed, no wharf construction would occur, and no water area would be lost to fill or created. There would be no landside construction activities within 100 feet of the shoreline that would be required to complete in/over/under-water construction.

The No Federal Action Alternative would not increase terminal capacity, would not accommodate the larger vessels in the future container vessel fleet, and would not substantially improve the operational efficiency of the Berths 121-131 container terminal. Accordingly, the No Federal Action Alternative would not meet the project objectives. Only the Proposed Project is considered practicable given the future throughput capacity shortfall projected for the entire Port complex (see Chapter 1 of Appendix 1, Draft EIR). Only the Proposed Project would meet the objectives to increase and optimize the cargo handling efficiency and capacity of the Port and to improve marine terminal operational efficiency. The Proposed Project would best accommodate foreseeable containerized cargo volumes through the Port. The Proposed Project, therefore, appears to be the least environmentally damaging practicable alternative that would satisfy the present and future needs of the Port and the overall project purpose.

Environmental Effects

The purpose of the Section 404(b)(1) Guidelines is to restore and maintain the chemical, physical, and biological integrity of the waters of the U.S. through the control of discharges of dredged or fill material. Except as provided under CWA Section 404(b)(2), no discharge of dredged or fill material will be permitted if there is a practicable alternative to the proposed discharge that would have a less-adverse impact on the aquatic ecosystem, as long as the alternative does not have other significant adverse environmental consequences. In accordance with the Section 404(b)(1) Guidelines, the potential short-term or long-term effects of a proposed discharge of dredged or fill material on the physical, chemical, and biological components of the aquatic environment must be determined.

The potential for environmental impacts as a result of construction and operation of the Proposed Project or operation of the No Federal Action Alternative have been analyzed in detail in chapters 3 and 4 of Appendix 1, Draft EIR. The following discussion provides the location of the analysis in the document for each of the factors or criteria that must be considered, as set forth in Subparts C through H of the Section 404(b)(1) Guidelines.

Subpart C: Potential Impacts on Physical and Chemical Characteristics of the Aquatic Ecosystem

The No Federal Action Alternative would have no in-water construction and, therefore, would have no impacts on the physical and chemical characteristics of the aquatic environment.

As described in Chapter 2 of this Draft EIS and in Chapter 2 of Appendix 1, Draft EIR, the Proposed Project would replace existing rock dike with new rock dike; the rock dike is necessary to protect the shoreline from erosion and settlement or slope failure. Placement of rock slope protection under the Proposed Project would convert approximately 0.3 acre of soft-bottom habitat to hard substrate (rock) at a depth of approximately -56 feet MLLW and result in a temporary disruption of biological productivity until the new rock surfaces recolonize.

In-water construction of the Proposed Project, including piling and rock dike removal, dredging, rock placement, and piling installation, would result in temporary turbidity. As described in detail in Section 3.13.4.3 of Appendix 1, Draft EIR, studies have shown that such turbidity, occurring as it would in the relatively calm waters of the West Basin, would last for a matter of hours, as suspended sediments would quickly settle back to the bottom. The dredge monitoring and adaptive management required by the DA permit (and the regional water board's Waste Discharge Requirements) and described in Section 3.13.4.3 of Appendix 1, Draft EIR would ensure that excessive turbidity would not extend beyond the immediate vicinity of the project site.

As described in Section 3.13.2 of Appendix 1, Draft EIR, sediments at the project site are known to contain concentrations of contaminants that exceed regulatory thresholds. Such contaminants could be released into the water column during in-water construction activities. However, as described in Section 3.13.4.3 of Appendix 1, Draft EIR, contaminant releases would not likely substantially affect the concentrations of contaminants in waters in the project area. As described in Section 3.12.4 of Appendix 1, Draft EIR, disposal of dredged sediments at the LA-2 Ocean Disposal Site would not substantially affect ocean water chemistry or turbidity at the disposal site.

As the Proposed Project would not change the configuration of the West Basin or substantially alter water depths beyond what has been achieved at other nearby Port

terminals during the past 15-20 years (e.g., TraPac, China Shipping), there would be no discernible alteration of currents, circulation, or other hydrological or oceanographic characteristics.

Subpart D: Potential Impacts on Biological Characteristics of the Aquatic Ecosystem

As described in detail in Section 3.3.2 of Appendix 1, Draft EIR, the Project site does not represent critical nesting or foraging habitat for endangered bird and marine mammal species, and the in-water construction activities and operational activities of the Proposed Project would not affect any federally listed as endangered or threatened species. Marine mammals (i.e., California sea lions and harbor seals), which are federally protected, do frequent the site, although only sea lions are common. As described in detail in Section 3.3.4.3 of Appendix 1, Draft EIR, marine mammals would be expected to avoid the Project site during in-water construction, and mitigation measure MM BIO-1 (Protect Marine Mammals) would minimize the chance that underwater noise from pile driving would result in Level A (injury) or Level B harassment. Because operation of the Proposed Project would result in substantially fewer vessel calls than under the NEPA Baseline, the risk of collisions with marine mammals would not be increased and would actually be slightly reduced.

As discussed in the Essential Fish Habitat (EFH) analysis prepared for the Proposed Project (Appendix 3 of this Draft EIS), several fish species managed under the Coastal Pelagics and Pacific Groundfish fisheries management plans (FMP) occur in the vicinity of the Project site. The EFH analysis considers potential effects of construction and operational underwater noise, turbidity, and contaminant releases. It concludes that with the controls imposed through permit conditions and the fact that there would be no loss of water area, construction and operation of the Proposed Project would not have substantial adverse effects on managed species or essential habitat.

The benthic invertebrate communities on the pilings, rock dike, and soft sediments (described in detail in Section 3.3.2 of Appendix 1, Draft EIR) would be removed by piling and dike removal and dredging. Approximately 3.5 acres of rocky habitat (including pilings) and 3 acres of soft bottom would be affected (including the conversion of approximately 0.3 acre to rocky habitat). Construction activities would produce localized turbidity that could impair fish foraging and respiration and invertebrate filter-feeding mechanisms in adjacent areas. As described above in the Subpart C discussion and in Section 3.3.4.3 of Appendix 1, Draft EIR, the controls on dredging that would be imposed by DA and RWQCB permit conditions would limit the extent of turbidity and contaminant remobilization, so that adverse effects on biological resources would be limited. The replacement pilings and rock would be similar in nature and extent to the existing substrata and would be recolonized by communities similar to the existing condition. The soft bottom exposed by dredging and 0.3 acre of soft bottom affected by rock placement/footing of the replacement dike would also be recolonized. Vessel activity under the Proposed Project would be substantially less than under the No Federal Action Alternative; accordingly, the Proposed Project would not increase the risk of invasive species introduced into the harbor through ballast water discharge and hull fouling. Accordingly, the Proposed Project would have no long-term adverse effects on fish and marine invertebrate communities at the Project site.

Subpart E: Potential Impacts on Special Aquatic Sites

There are no special aquatic sites (i.e., marine sanctuaries or refuges, wetlands, mudflats, kelp beds, or eelgrass beds) in or near the Project site. As described in Section 3.3.2.8 of

Appendix 1, Draft EIR, the nearest sanctuary is the Pier 400 California least tern nesting site, approximately 4 miles southeast of the Project site. The nearest wetland, Anchorage Road Wetlands, is approximately 1.6 miles east of the Project site. No eelgrass has been documented at the Project site; the closest eelgrass is located in small patches approximately one-half mile east of the Project site, and water depths at the Project site (approximately 45 feet at the wharf face) are likely too great to support it, as insufficient light penetrates. Shallow-water areas (less than 20 feet deep) in the Port Complex provide nursery habitat for fish and foraging habitat for fish-eating birds.

Two created shallow-water areas are located in Los Angeles Harbor: the Cabrillo Shallow Water Habitat inside the San Pedro Breakwater is approximately three miles from the Berths 121-131 Terminal, and the Pier 300 Shallow Water Habitat/Seaplane Lagoon area is approximately 1.5 miles from the Berths 121-131 Terminal. The nearest kelp beds to the Berths 121-131 Terminal site are about two miles away, near the Main Channel entrance (adjacent to the USCG Base and Berth 72). Giant kelp is not expected to occur near the Berths 121-131 Terminal site because protected locations such as the West Basin do not experience the vigorous water circulation that kelp depends upon. The nearest known mud flats are located at Berth 78 along the west side of the Main Channel (approximately 1.4 miles from the Project site) and at the Salinas de San Pedro Salt Marsh (approximately 2.6 miles from the Project site). Accordingly, neither the Proposed Project nor the No Federal Action Alternative would adversely affect special aquatic sites.

Subpart F: Potential Effects on Human Use Characteristics

The Proposed Project and the No Federal Action Alternative would utilize existing municipal water supplies. The Proposed Project area is not located within or near an intake for a water supply, and neither the Proposed Project nor the No Federal Action Alternative would affect a water supply. Similarly, implementation of the Proposed Project or the No Federal Action Alternative would not affect private water supplies or wells.

Recreational fishing is an important activity within the Los Angeles Outer Harbor area but is not known to occur to a substantial extent in the Project area. The Project area (i.e., the West Basin) does not support commercial fishing activity or recreational boating. Accordingly, the Proposed Project would have little, if any, effect on recreational and commercial fishing and boating activities. The No Federal Action Alternative would have no effect on recreational or commercial fishing or boating activities.

As described in Section 4.3.1, above, the Proposed Project's effects on visual aesthetics would be less than significant as the structures to be installed would be consistent with the existing scale and visual quality of the Port. There are no parks, national or historical monuments, national seashores, wilderness areas, research sites, or similar preserves in or near the Project site or the Port of Los Angeles.

Subpart G: Evaluation and Testing

Implementation of the Proposed Project would generate approximately 310,000 cubic yards of dredged material. Preliminary testing (see Section 4.13.2 of Appendix 1, Draft EIR) has suggested that some portion of that material is contaminated to an extent that would prevent disposal in waters of the United States. This Draft EIS assumes that approximately 50,000 cubic yards of material would be suitable for disposal at the LA-2 ocean disposal site, but further testing is necessary to refine that estimate and support issuance of the DA permit under Section 103 of the Marine Protection, Research, and

Sanctuaries Act (MPRSA). As there would be no dredging under the No Federal Action Alternative, its implementation would not require dredged material testing.

Subpart H: Actions Taken to Minimize Adverse Effects

Actions taken to minimize adverse effects to the aquatic ecosystem as a result of dredge or fill discharges into waters of the U.S. are discussed throughout the above analysis. However, a summary of actions that the LAHD intends to take during rock fill and rock dike placement activities to minimize adverse effects to the aquatic environment, are provided below. LAHD will secure an individual NPDES permit for construction storm water discharges or will be covered under the General Construction Activity Storm Water Permit for the onshore portions of the proposed Project. In either case, a stormwater pollution prevention plan (SWPPP) must be prepared.

Sediments from the proposed dredging area would be tested using standard USEPA/USACE protocols to determine the suitability of the material for disposal as proposed. LAHD would perform wharf construction activities, dredging, required monitoring, and ocean disposal of dredged material in waters of Los Angeles Harbor in accordance with provisions of a CWA Section 404, RHA Section 10, and MPRSA Section 103 permit from the USACE. LAHD would secure a Section 401 Water Quality Certification or Waste Discharge Requirements (WDRs) from the LARWQCB for construction, dredging, and discharge activities, and would comply with conditions of that certification or WDRs. LAHD would secure approvals in accordance with Section 103 of the MPRSA, for ocean disposal of suitable (non-toxic) dredge material at a USEPA-approved disposal site (assumed to be LA-2).

Cumulative Impacts

As described above, the Proposed Project would not result in a loss of water area or permanent adverse effects on special aquatic sites, federally listed as threatened or endangered species, or EFH. Adverse effects from construction would be localized and temporary, with aquatic habitats, biological communities, and water quality returning to pre-construction conditions sometime after the end of construction. Operation of the Proposed Project would involve substantially fewer, although larger, vessels calling at the Berths 121-131 Container Terminal than under the NEPA Baseline condition. Accordingly, vessel operations would not substantially increase adverse effects on water quality, hydrology, or aquatic biological resources.

As described in Chapter 4 of Appendix 1, Draft EIR, the underway and planned projects in the Los Angeles-Long Beach harbor complex (see Table 4-1 in Chapter 4 of Appendix 1, Draft EIR) do not represent significant cumulative impacts on water quality and hydrographic conditions. Water quality in the harbor complex has improved substantially in the past 50 years, and the expansion of sensitive species such as giant kelp and eelgrass in the harbor attests to that improvement. As described above and in the analysis in the Draft EIR, the controls that would be implemented would ensure that construction and operation of the Proposed Project would not result in a significant cumulative impact on water resources.

As described in Chapter 4 of Appendix 1, Draft EIR, the underway and planned projects in the harbor complex do not represent significant cumulative impacts on the biological resources of the harbor complex. A series of harbor-wide biological surveys over the past 30 years has documented a shift in community composition towards more pollution-intolerant species, substantial expansion in the extent of giant kelp and eelgrass beds, a substantial nursery function for recreational and managed fish species, and a stable

condition with regard to non-native species. The Proposed Project would not alter habitat conditions in the harbor complex or result in an increased potential for habitat disruptions through the introduction of non-native invasive species. The Draft EIR did identify one significant cumulative impact with regard to biological resources, namely, whale strikes by vessels calling at the ports. However, because the Proposed Project would not result in an increase in vessel calls (in fact, there would be substantially fewer than under NEPA Baseline conditions), it would not contribute to the cumulative impact under NEPA. The No Federal Action Alternative would have no impacts with respect to the NEPA Baseline; accordingly, it would not contribute to a cumulative impact.

4.3.13 Maritime Transportation

As described in detail in Section 3.14 of Appendix 1, Draft EIR, the Proposed Project would result in a decrease in annual container vessel calls compared to the NEPA baseline. Accordingly, the Proposed Project's impacts related to navigation and vessel safety would be less than significant and the Proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact under NEPA.

Because the No Federal Action Alternative is the same as the NEPA Baseline, that alternative would have no impacts under NEPA related to maritime transportation.