

# Chapter 1

## Introduction

### 1.1 Introduction

The Los Angeles Harbor Department (LAHD) is considering an application by SA Recycling LLC (SA Recycling or Applicant) for the proposed SA Recycling Amendment to Permit No. 750 Project (Proposed Project). The Proposed Project would amend Permit No. 750 to allow a 15-year extension, including 10 years (2024–2034) of continued operations without any changes in the existing use or scope of operations approved under the existing permit and 5 years (2034–2039) for the demolition and excavation of the Project site to return it to a clean, vacant site.

Chapter 3, Environmental Analysis, of this Draft Subsequent Environmental Impact Report (SEIR) describes the affected environmental resources and evaluates the potential impacts on those resources that are likely to occur as a result of the Proposed Project. The Draft SEIR will be used to inform decision makers and the public about the environmental effects of the Proposed Project.

### 1.2 Background

#### 1.2.1 PROJECT LOCATION

The Proposed Project is within Port of Los Angeles (POLA or Port), which is in the San Pedro Bay in the city of Los Angeles in Los Angeles County, approximately 20 miles south of downtown Los Angeles. The LAHD administers the Port under the California Tidelands Trust Act of 1911 and the Los Angeles City Charter. The LAHD develops and leases Port property to tenants who operate the facilities. The Port is on the southern side of the city of Los Angeles and adjacent to the communities of San Pedro to the west, Wilmington to the north, the Port of Long Beach to the east, and the Pacific Ocean to the south. In total, the Port encompasses approximately 7,500 acres of land and water along 43 miles of waterfront. The Proposed Project site is shown in Figure 1-1.

The Proposed Project site consists of approximately 26.7 acres of waterfront and backland property at Berths 210 and 211 on Terminal Island at POLA. The Proposed Project site includes Accessor Parcel Numbers 7440013907, 7440012902, 7440012902, 7440021914 and 7440029097.

#### 1.2.2 PROJECT OVERVIEW

SA Recycling has operated a scrap-metal recycling facility on the Project site since September 1, 2007 when they obtained assignment of Permit No. 750 under Order #69250. In 2019, the Applicant submitted an Application for Port Permit (APP #190916-128) to the LAHD expressing interest in extending the permit beyond its current termination date of 2024. The Proposed Project being analyzed in this SEIR would amend Permit No. 750 to allow a 15-year extension, which would be carried out in two phases. Phase 1 (Continued Operation) would allow 10 years (2024–2034) of the continued existing operation as scrap-metal facility. Phase 2 (Non-operational Restoration Period) would allow an additional 5 years (2034–2039) for the demolition and excavation of the Project site.

No changes would occur to the use on the Project site during Phase 1, nor new construction or operations, other than routine maintenance or replacement of equipment. The site would continue to be open to receive scrap-metal material Monday through Friday from 6:00 a.m. to 6:00 p.m. and on Saturday from 6:00 a.m. to 3:00 p.m. Operations would continue to occur 24 hours a day during operational days. No construction or operational changes or increases are proposed for the first 10 years.

For the next 5 years during Phase 2, the Applicant proposes to remove all existing equipment, disconnect and remove all utilities in the existing buildings, demolish all existing buildings, and remove all foundations, slabs and concrete for the transportation, recycling or disposal of the material at an approved facility. The Project site will then be remediated to applicable regulatory standards for future industrial use.

### **1.3 CEQA and the Purpose of an EIR**

The California Environmental Quality Act (CEQA) was enacted by the California Legislature in 1970, with the intent that all agencies of the state government that “regulate activities of private individuals, corporations, and public agencies that are found to affect the quality of the environment shall regulate such activities so that major consideration is given to preventing environmental damage while providing a decent home and satisfying living environment for every Californian” (13 Public Resources Code [PRC] 21000. Legislative Intent). Public agency decision makers are required to consider and document the environmental effects on the environment. When a state or local agency determines that a Proposed Project has the potential to affect the environment significantly, an EIR is prepared. The purpose of an EIR is to identify the significant effects of a proposed project on the physical environment, identify alternatives to reduce the proposed project’s significant effects while achieving project objectives, and indicate the manner in which a project’s significant effects can be mitigated or avoided. A public agency must mitigate or avoid significant environmental impacts of a project it carries out or approves whenever feasible. In instances where significant impacts cannot be avoided or mitigated, the project can nonetheless be carried out or approved if the approving agency finds that economic, legal, social, technological or other benefits outweigh the unavoidable significant environmental effects.

### **1.4 Lead, Responsible, and Trustee Agencies**

The Lead Agency is the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect upon the environment (PRC Section 21067). The Board of Harbor Commissioners (Board) has primary responsibility for approving the Proposed Project as a whole and is the appropriate public agency to act as Lead Agency (CEQA Guidelines Section 15051[b]), including evaluating potential impacts and identifying mitigation measures under state CEQA laws.

Several other agencies have special roles with respect to the Proposed Project and will use this SEIR as the basis for their decision to issue any approvals and/or permits that might be required. Section 15381 of the CEQA Guidelines defines a “responsible agency” as:

*...a public agency, which proposes to carry out or approve a project, for which a lead agency is preparing or has prepared an EIR or negative declaration. For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the lead agency which have discretionary approval power over the project.*

Additionally, Section 15386 of the CEQA Guidelines defines a “trustee agency” as:

*...a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California.*

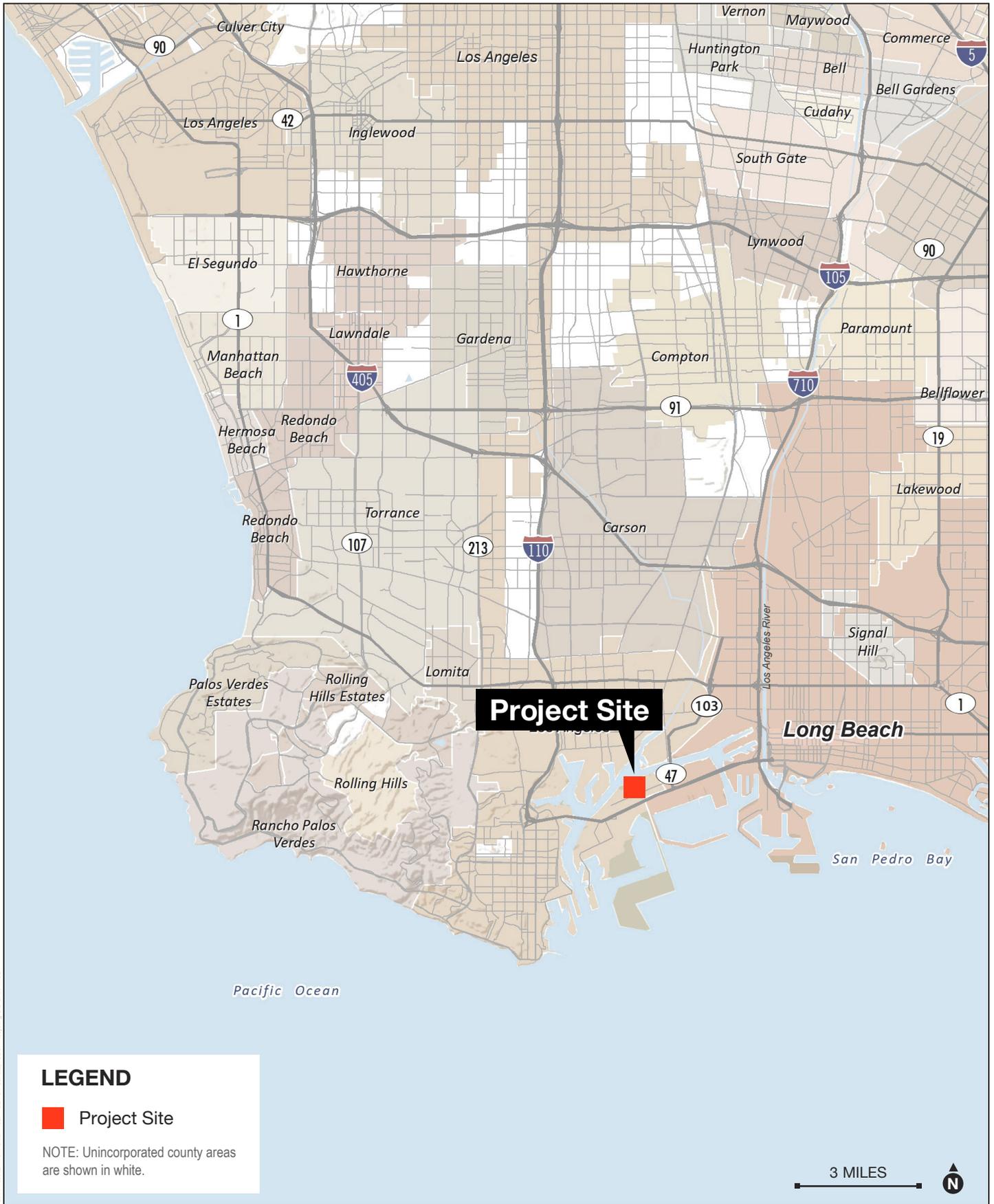


FIGURE 1-1

Regional Location

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Table 1-1 lists the lead, responsible, trustee, state and local agencies that could rely on this Draft SEIR in a review capacity or as a basis for issuance of a permit or other approval for the Proposed Project

**Table 1-1. Agencies Expected to Use this SEIR**

Agency	Responsibilities, Permits and Approvals
<i>Federal Agencies</i>	
U.S. Environmental Protection Agency (EPA)	Has primary responsibility for implementing the federal Clean Air Act and works with the federal agencies to implement conformity requirements.
<i>State Agencies</i>	
California Department of Fish and Wildlife (CDFW)	Trustee agency with oversight responsibility for tidal and submerged lands legislatively granted in trust to local jurisdictions. Reviews and submits recommendations in accordance with CEQA. Consults with lead agencies in accordance with the Fish and Wildlife Coordination Act. Issuance of Memoranda of Understanding and permits pertaining to take of state-listed species under the California Endangered Species Act.
Department of Toxic Substances Control (DTSC) division of the California Environmental Protection Agency (CalEPA)	Regulatory agency responsible for issuance of Hazardous Waste Generator ID for management of wastes generated by construction and by routine operations.
<i>Regional Agencies</i>	
Regional Water Quality Control Board, Los Angeles Region (LARWQCB)	Permitting authority for federal Clean Water Act (CWA) Section 401 Water Quality Certifications; permitting authority for California Waste Discharge Requirements pursuant to the state Porter-Cologne Water Quality Control Act; and responsible for issuance of both construction and Industrial National Pollutant Discharge Elimination System (NPDES) stormwater permits under Section 402 of the CWA. Issuing authority of municipal separate storm sewer system (MS4) permit of Los Angeles.
South Coast Air Quality Management District (SCAQMD)	Permitting authority for construction and operation of stationary sources at terminal facilities; activities involving hydrocarbon-containing soils (Rule 1166); and new or modified sources of air emissions (New Source Review).
LAHD	<p>The City of Los Angeles, through its Harbor Department, is the Lead Agency for CEQA and the California Coastal Act (via the certified Port Master Plan). Other City departments have various approval and permitting responsibilities, however, and are listed separately below for the sake of clarity.</p> <p>Pursuant to its authority, the LAHD would issue permits and other approvals (e.g., coastal development permits, leases for occupancy of Port land, approval of operating, and joint venture or other types of agreements for the operation of facilities) for the Proposed Project evaluated in this SEIR. LAHD has leasing authority for Port land, permitting authority for construction on Port property, and is responsible for general regulatory compliance, Port Master Plan amendments and map changes, and activities of other City of Los Angeles departments for the Proposed Project evaluated in this Draft SEIR.</p>
City of Los Angeles Building and Safety Department	Permitting authority for building and grading permits. Approves, in conjunction with City of Los Angeles Bureau of Sanitation, any required Standard Urban Stormwater Mitigation Plans or Site-Specific Mitigation Plans/Low Impact Development (LID) requirements. Such plans implement requirements of the MS4 permits issued by the LARWQCB to the City of Los Angeles.
City of Los Angeles Bureau of Sanitation	Permitting authority for Industrial Waste permit for discharge of industrial wastewater to the City sewer system. Approves, in conjunction with the city of Los Angeles Building and Safety Department, any required Standard Urban Stormwater Mitigation Plans or Site-Specific Mitigation Plans/LID requirements that may be necessary to implement MS4 permits issued by the LARWQCB.

**Table 1-1. Agencies Expected to Use this SEIR**

Agency	Responsibilities, Permits and Approvals
City of Los Angeles Fire Department	Approval of Hazardous Materials Business Plan and Inventory and its Risk Management and Prevention Program. Reviews and submits recommendations regarding designs for building permit.

As indicated in Table 1-1, LAHD is the CEQA lead agency, as defined in State CEQA Guidelines Sections 15050 and 15051, because it has principal responsibility for carrying out and approving the Proposed Project. As the lead agency, LAHD also has primary responsibility for complying with CEQA. As such, LAHD has analyzed the environmental effects of the Proposed Project, the results of which are presented in this SEIR.

**1.5 Purpose and Use of SEIR**

Pursuant to Public Resources Code (PRC) Section 21166 and State CEQA Guidelines Section 15162, when an EIR has been certified or a negative declaration adopted for a project, no SEIR or negative declaration shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration.
  - b. Significant effects previously examined will be substantially more severe than identified in the previous EIR.
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

In 1996, LAHD certified an EIR for the Hugo Neu-Proler Lease Renewal Project (SCH No. 93071074) (see Chapter 2, Project Description, for more detailed information on this EIR). The primary objective of the Certified EIR was a permit renewal extending Permit No. 750 through 2024. In addition to the renewal of the permit and continuation of current operations, project objectives included remediation of soil and groundwater contamination at the project site, upgrade or replacement of on-site facilities and equipment, and addition of new facilities and equipment to the operation. The project approved in the 1996 Certified EIR (Approved Project) included remediating soil and groundwater contamination on site; reducing the opportunities for future contamination; improving aesthetics of the site; controlling noise; reducing dust emissions, managing stormwater runoff; and improving efficiency,

capacity, reliability, and general environmental compatibility of the operation. The maximum capacity of the site under the 1996 approved project was 1,300,000 gross tons of scrap metal per year.

The 1996 Certified EIR determined that most potential impacts generated by the Approved Project were less than significant prior to mitigation or were reduced to a less than significant level with mitigation. The 1996 Certified EIR also found the following environmental impacts would be significant and unavoidable despite implementation of the identified mitigation and a Statement of Overriding Considerations was adopted:

- Air Quality (Nitric Oxide and Nitrogen Dioxide [NO<sub>x</sub>] and Volatile Organic Compounds [VOC] emissions during construction).
- Air Quality (NO<sub>x</sub>, VOC, and CO [carbon monoxide] emissions during operation).
- Geology (ground shaking).

LAHD also adopted a Mitigation Monitoring and Reporting Program (MMRP) containing 19 mitigation measures to address these impacts, both during construction and operation of the 1996 lease renewal project.

In 2019, the Applicant submitted APP 190916-128 to the Harbor Department expressing interest to extend the existing Permit 750 beyond 2024. In 2021, an Addendum assessing an extension to the Permit was prepared by the Applicant and released for public review from August 12 to October 12, 2021. Comments received from regulatory agencies and community stakeholders requested the Harbor Department evaluate the Proposed Project through a more robust analysis, such as an EIR. After considering the comments and evidence received from commenters on the Previously Proposed Addendum, in addition to changes in circumstances under which the amended/extended permit would continue to be undertaken, the LAHD has elected to prepare this Draft SEIR prior to considering the amended permit for approval. The LAHD will continue to serve as the CEQA lead agency and will give the notice and opportunity for public review as is required under CEQA Guidelines Section 15087. The SEIR will be circulated by itself without recirculating the previous 1996 certified Draft or Final EIR (i.e., the 1996 Certified EIR). Copies of the 1996 certified Draft and Final EIR are available for public review on the Port of Los Angeles' website at: [www.portoflosangeles.org/ceqa](http://www.portoflosangeles.org/ceqa).

This SEIR is intended to be an informational document to be used by the Board, public agencies, stakeholder organizations and individuals, and the general public during the decision-making process for the Proposed Project. In accordance with the State CEQA Guidelines, this SEIR will inform readers if the implementation of the Proposed Project will cause any new significant environmental impacts or increase the severity of impacts already previously identified in the Certified EIR, identify applicable mitigation measures from the Certified EIR, identify feasible mitigation measures for any new impacts or describe project changes to lessen the Proposed Project's significant impacts. The Board will consider the 1996 SEIR, along with other substantial evidence in the administrative record, when deciding whether to approve the Proposed Project and grant the amendment to Permit No. 750. The Board, in its role as the decision-making body of the LAHD, is responsible for certifying the Final SEIR and adopting the MMRP, Findings of Fact, and Statement of Overriding Considerations pursuant to Sections 15090–15093 of the State CEQA Guidelines (if needed) prior to approval of the Proposed Project. Table 1-2 describes a list of required discretionary Actions that will be taken by the Board.

**Table 1-2. List of Required Discretionary Actions**

Discretionary Action	LAHD
Certification of Final SEIR	X
Adoption of Mitigation Monitoring and Reporting Program	X
Adoption of Findings of Fact	X
Adoption of Statement of Overriding Considerations (if needed)	X
Approval of Proposed Project	X
Approval of new or amended lease agreement	X

## 1.6 Scope and Content of the Draft SEIR

As the CEQA lead agency, LAHD is responsible for determining the scope and content of this Draft SEIR, a process referred to as *scoping*. As part of the scoping process, LAHD considered the environmental resources present within its jurisdiction and the surrounding area and identified the probable environmental effects of the Proposed Project by preparing an Environmental Checklist in accordance with the current City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act of 1970, (Article I); the State CEQA Guidelines (Title 14, California Code of Regulations); and CEQA (Public Resources Code Section 21000, et seq). For those resources which do not warrant further consideration, the Environmental Checklist also explained the basis for scoping out those resources from further environmental consideration in the SEIR.

On March 30, 2023, LAHD posted the Initial Study Checklist and Notice of Preparation (IS/NOP) for a 30-day review period with the County Clerk in accordance with current City of Los Angeles Guidelines for the Implementation of CEQA and Section 15082 of the State CEQA Guidelines. The NOP was mailed to public agencies, organizations, and other interested individuals to solicit their comments on the scope and content of the environmental analysis. A copy of the IS/NOP document was also made available for public review on the Port of Los Angeles website at: <https://www.portoflosangeles.org/ceqa>.

Print documents were also made available for distribution to interested parties upon request and available for pickup at the Port of Los Angeles Environmental Management Division located at 425 South Palos Verdes Street, San Pedro, California 90731.

LAHD also held a virtual public scoping meeting on April 11, 2023 at 5:00 p.m. Comments received in response to the IS/NOP and during the public scoping meeting were used to inform the scope of this Draft SEIR. The written comments received from the IS/NOP distribution are summarized in Table 1-2. Based on LAHD's preliminary evaluation of the probable effects of the Proposed Project and a thorough review of the comments on the IS/NOP, the Draft SEIR analyzes effects associated with the following resources:

- Air Quality and Meteorology
- Cultural Resources
- Greenhouse Gas Emissions
- Hazards
- Hydrology and Water Quality

Consistent with the findings of the 1996 Certified EIR, it was determined during preparation of the IS/NOP (Appendix A) that the Proposed Project would have either a less-than-significant impact or no impact associated with the following resources: Aesthetics, Agriculture and Forestry Resources,

Biological Resources, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, Utilities and Service Systems and Wildfire.

### 1.6.1 COMMENTS RECEIVED IN RESPONSE TO THE IS/NOP

Twenty-three comment letters and emails were received during the scoping period, and the comments related to the scope of the SEIR are summarized in Table 1-3.

**Table 1-3. Summary of Written Comments Received on the Initial Study/  
Notice of Preparation**

Comment No.	Agency/Organization/Individual Name	Comment Topics	Relevant Draft SEIR Chapter/Section
1	Central City Association	Letter of Support	N/A
2	Native American Heritage Commission	Provided Overview of NAHC Process for Tribal Cultural Resources Consultation	Section 3.2 - Cultural Resources
3	Department of Toxic Substances	Recommended considering outstanding violations and corrective action enforcement	Section 3.1 - Air Quality and Meteorology and Section 3.4 - Hazards
4	Fennec Pulpitoe	Works at the terminal next to SA Recycling. If wind comes from the direction of the facility, they may need to where masks outdoors to protect from odors and particulates coming from the facility.	Section 3.1 - Air Quality and Meteorology
5	Tom Hoffman	Letter of Support	N/A
6	ShareFest	Letter of Support	N/A
7	Propeller Club of Los Angeles/Long Beach	Letter of Support	N/A
8	Wilmington YMCA	Letter of Support	N/A
9	EXP	Letter of Support	N/A
10	Long Beach Chamber of Commerce	Letter of Support	N/A
11	Assemblymember Mike A. Gipson and Senator Bradford	Letter of Support	N/A
12	BizFed	Letter of Support	N/A
13	Ricardo Rojas	Letter of Support	N/A
14	The Beacon House	Letter of Support	N/A
15	National Association for the Advancement of Colored People – San Pedro Branch	Letter of Support	N/A
16	Ramiro Elias	Letter of Support	N/A
17	South Coast Air Quality Management District	Recommendation on Air Quality Management Plan Guidance	Section 3.1 - Air Quality and Meteorology
18	San Pedro Chamber of Commerce	Letter of Support	N/A
19	Robert Barney	Letter of Support	N/A

**Table 1-3. Summary of Written Comments Received on the Initial Study/  
Notice of Preparation**

<b>Comment No.</b>	<b>Agency/Organization/Individual Name</b>	<b>Comment Topics</b>	<b>Relevant Draft SEIR Chapter/Section</b>
20	LA Sanitation	The Proposed Project is unrelated to sewers and does not require further analysis. Recommends addressing outstanding violations and corrections.	Section 3.5 - Hydrology and Water Quality
21	Board of Future Ports	Letter of Support	N/A
22	Los Angeles Maritime Institute	Letter of Support	N/A
23	Boys & Girls Clubs of Long Beach	Letter of Support	N/A

Six commenters provided input at the virtual public scoping meeting held on April 11, 2023, all in support of the Proposed Project. There were no written comments received at the scoping meeting. The IS/NOP and copies of all IS/NOP comment letters are provided in Appendix A.

### **1.7 Organization of the Draft SEIR**

The content and format of this Draft SEIR are designed to meet the requirements of CEQA and State CEQA Guidelines Article 9. This Draft SEIR is organized as follows:

The **Executive Summary** includes a brief summary of the Proposed Project; identifies each significant effect, including proposed mitigation measures to reduce or avoid the effect; identifies the areas of controversy known to the lead agency, including issues raised by agencies and the public; and summarizes the issues to be resolved, including whether or how to mitigate the significant effects (State CEQA Guidelines Section 15162 and PRC 21166).

**Chapter 1, Introduction**, discusses the purpose of CEQA and this Draft SEIR, the scope and content of this Draft SEIR, a list of the required Proposed Project approvals and other agencies that must consider aspects of the Project and the scope and content of the document, the availability of the Draft SEIR, and brief outline of the organization of this Draft SEIR, and the intended uses for this Draft SEIR (State CEQA Guidelines Section 15124[d]).

**Chapter 2, Project Description**, contains both a map of the precise location and boundaries of the Proposed Project and its location relative to the region; lists the Proposed Project's central objectives, underlying purpose, as well as Project benefits; and provides a detailed description of the Proposed Project's characteristics (State CEQA Guidelines Section 15124[a], [b], and [c]).

**Chapter 3, Environmental Analysis**, describes the existing physical conditions for each resource area in the environmental setting, lists the applicable laws and regulations germane to the specific resource in the regulatory setting, describes the impact assessment methodology, lists the criteria and thresholds for determining whether a new significant impact or a substantially more severe impact than previously analyzed would result from implementation of the Proposed Project, and lists feasible mitigation measures that would eliminate or reduce the identified significant impacts (State CEQA Guidelines Sections 15162 and PRC 21166).

**Chapter 4, Cumulative Analysis**, discusses the cumulative effects of the Proposed Project in combination with the effects of other past, present and reasonably foreseeable projects in its vicinity.

**Chapter 5, Significant Irreversible Changes**, describes the significant irreversible changes to the environment associated with the Proposed Project.

**Chapter 6, References**, provides a comprehensive listing by chapter of all references cited in this Draft SEIR (State CEQA Guidelines Section 15148).

**Chapter 7, List of Preparers and Contributors**, lists the individuals and agencies involved in preparing this Draft SEIR (State CEQA Guidelines Section 15129).

**Chapter 8, Acronyms and Abbreviations**, provides the full names for acronyms and abbreviations used in this document.

**Appendices** present additional background information and technical detail for several of the resource areas.

## **1.8 Key Principles Guiding Preparation of this Draft SEIR**

### **1.8.1 EMPHASIS ON SIGNIFICANT ENVIRONMENTAL EFFECTS**

This Draft SEIR focuses on the significant environmental effects of the Proposed Project and their relevance to the decision-making process. The following sections describe the general framework for analysis under CEQA. These summaries are not meant to capture the legal nuances that have developed through the passage and amendment of various statutes and regulations, and from corresponding judicial decisions, rather, the summaries are meant to communicate a general understanding of this act.

“Environmental impacts,” as defined by CEQA, include physical effects on the environment. The State CEQA Guidelines (Section 15360) define the environment as follows:

*The physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, ambient noise, and objects of historic or aesthetic significance.*

This definition does not include strictly economic impacts (e.g., changes in property values) or social impacts (e.g., a particular group of persons moving into an area). The State CEQA Guidelines (Section 15131[a]) state that “economic or social effects of a project shall not be treated as significant effects on the environment.” However, economic or social effects are relevant to physical effect in two situations. In the first, according to Section 15131(a) of the State CEQA Guidelines, “An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes....to physical changes caused in turn by the economic or social changes.” In other words, if an economic or social impact leads to a physical impact, this ultimate physical impact would be evaluated in the EIR. In the second instance, according to Section 15131(b) of the State CEQA Guidelines: “Economic or social effects of a project may be used to determine the significance of physical changes caused by the project.”

As with economic or social impacts, psychological impacts are outside the definition of the term “environmental.” While not specifically discussed in the State CEQA Guidelines, the exclusion of psychological impacts was specifically affirmed in the 1999 court decision *National Parks and Conservation Association v. County of Riverside* 71 Cal. App. 4<sup>th</sup> 1341 and 1364 (1999).

In view of these legal precedents, LAHD is not required to treat economic, social or psychological impacts as significant environmental impacts absent a related physical effect on the environment.

Therefore, such impacts are discussed only to the extent necessary to determine the significance of the physical impacts of the Proposed Project.

## **1.8.2 FORECASTING**

In this Draft SEIR, LAHD and its consultants have made their best efforts to predict and evaluate whether implementation of the Proposed Project would cause any new or more severe reasonably foreseeable, direct, indirect, and cumulative environmental impacts beyond what was previously studied. CEQA does not require LAHD to engage in speculation about impacts that are not reasonably foreseeable (State CEQA Guidelines Sections 15144 and 15145). CEQA does not require a worst-case analysis.

## **1.8.3 RELIANCE ON ENVIRONMENTAL THRESHOLDS AND SUBSTANTIAL EVIDENCE**

The identification of impacts as “significant” or “less than significant” is one of the important functions of an SEIR. New significant impacts or impacts that are more severe than those previously identified in the Certified EIR need to be acknowledged in the SEIR, and applicable mitigation measures from the SEIR or new feasible mitigation measures for any impact identified as “significant” should be identified. In preparing this document, LAHD has based its conclusions about the significance of environmental impacts on identifiable thresholds and has supported these conclusions with substantial scientific evidence and publicly available information.

The criteria for determining the significance of environmental impacts in this analysis are described in each resource section in Chapter 3, Environmental Analysis. The “threshold of significance” under CEQA for a given environmental effect is the level at which LAHD finds a potential effect of the Proposed Project to be significant. “Threshold of significance” can be defined as a “quantitative or qualitative standard or set of criteria, pursuant to which significance of a given environmental effect may be determined.” (State CEQA Guidelines, Section 15064.7[a]).

## **1.8.4 DUTY TO MITIGATE**

According to Section 15126.4(a) of the State CEQA Guidelines, each new or more substantially severe significant impact identified in an SEIR must include a discussion of applicable mitigation measures from the Certified EIR or feasible mitigation measures that would avoid or substantially reduce the significant environmental effect. To reduce significant effects, mitigation measures must avoid, minimize, rectify, reduce, eliminate, or compensate for a given impact of the Proposed Project. Mitigation measures must satisfy certain requirements to be considered adequate. Mitigation should be specific and enforceable, define feasible actions that would demonstrably improve significant environmental conditions, and allow monitoring of their implementation. Mitigation measures that merely require further studies or consultation with regulatory agencies and are not tied to a specific action that would directly reduce impacts, or that defer mitigation until some future time, are not adequate.

Effective mitigation measures clearly explain objectives and indicate how a given measure should be implemented, who is responsible for its implementation, and where and when the mitigation would occur. Mitigation measures must be enforceable, meaning the lead agency must ensure the measures would be imposed through appropriate permit conditions, agreements, or other legally binding instruments.

Section 15041 of the State CEQA Guidelines grants public agencies the authority to require feasible changes (mitigation) that would substantially lessen or avoid a significant effect on the environment associated with activities involved in a project. Public agencies, however, do not have unlimited

authority to impose mitigation. A public agency might exercise only those express or implied powers provided by law, aside from those provided by CEQA. However, where another law grants discretionary powers to a public agency, CEQA authorizes use of discretionary powers (State CEQA Guidelines Section 15040).

In addition to limitations imposed by CEQA, the U.S. Constitution limits the authority of regulatory agencies. The Constitution limits the authority of a public agency to impose conditions to those situations where a clear and direct connection (“nexus” in legal terms) exists between a project impact and the mitigation measure. Finally, a proportional balance must exist between the impact caused by the project and the mitigation measure imposed upon the project applicant. A project applicant cannot be forced to pay more than its fair share of the mitigation, which should be roughly proportional to the impact(s) caused by the project.

### **1.8.5 SCOPE OF ANALYSIS**

This document has been prepared by Dudek under contract to the LAHD and has been reviewed independently by City staff. The scope of the document, methods of analysis and conclusions represent the independent judgments of the City, Staff members from the LAHD and Dudek who helped prepare this Draft SEIR are identified in Chapter 7, List of Preparers and Contributors.

### **1.9 Availability of the Draft SEIR**

The Draft SEIR for the Proposed Project is being distributed directly to agencies, organizations, and interested groups and persons via distribution by the Governor’s Office of Planning and Research, the Los Angeles County Clerk, direct mail and email for comment during the formal review period in accordance with Section 15087 of the State CEQA Guidelines. A 45-day comment period has been established, which begins on January 4, 2024 and ends on February 19, 2024, during which the Draft SEIR is available for general public review at the following location:

Los Angeles Harbor Department  
Environmental Management Division  
425 S. Palos Verdes Street  
San Pedro, California 90731

Please call (310) 732-3615 or email [ceqacomment@portla.org](mailto:ceqacomment@portla.org) to schedule document review. In addition to printed copies of the Draft SEIR, electronic versions are available. Due to the size of the document, the electronic versions have been prepared as a series of PDF files to facilitate downloading the printing. Members of the public can request a flash drive containing this document. The Draft SEIR is available in its entirety on the Port of Los Angeles website at [www.portoflosangeles.org/ceqa](http://www.portoflosangeles.org/ceqa).

Interested parties may provide written comments on the Draft SEIR, which must be postmarked by January 4, 2024. Please address comments to:

Director of Environmental Management  
Los Angeles Harbor Department  
425 South Palos Verdes Street  
San Pedro, California 90731

Comments can also be submitted via email. Emailed comments should include the title of the Project in the subject line. Email comments should be sent to [ceqacomment@portla.org](mailto:ceqacomment@portla.org).

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