Chapter 2
Project Description

2.1 Introduction and Project Overview

This section describes the proposed Project (shown in Figures 2-1 and 2-2) and alternatives for the Berth 97-109 (China Shipping) Container Terminal Improvements Project Recirculated Draft EIS/EIR. This Recirculated Draft EIS/EIR analyzes the construction and operation of the proposed Project. The proposed Project includes three phases of terminal construction and development: Phase I, Phase II, and Phase III. Phase I construction, which included installing four A-frame cranes, wharf improvements, constructing bridge improvements, new backlands construction, and modifications to the entry gate, has been completed and terminal operations officially began on June 21, 2004. The estimated completion dates of Phases II and III are 2011 and 2012, respectively.

The proposed Project would be designed to optimize container terminal operations in the Berth 97-109 area, along with a 40-year lease (2005 to 2045) to China Shipping Container Lines (China Shipping) to operate the terminal. LAHD will develop the terminal for the proposed tenant. This Recirculated Draft EIS/EIR reanalyzes Phase I construction and all operations between 2004 and 2007, in addition to all future construction and operations (2008 to 2045) consistent with the Amended Stipulated Judgment (ASJ) and federal Settlement Agreement discussed in Section 1.4.3.

Major elements of the proposed Project development include: new wharf construction and lengthening at Berths 100 and 102, the addition of 10 shoreside A-frame cranes, the expansion and development of 142 acres of terminal backlands, the construction of container terminal buildings, gate facilities and accessory structures, the construction of two new bridges over the Southwest Slip to connect Berth 97-109 Container Terminal to Berth 121-131 Marine Terminal, and the construction of road improvements in the vicinity with minor dredging to match the West Basin channel depth of -53 feet. The proposed improvements are illustrated in Figure 2-3, and additional detail on the proposed Project is provided in Section 2.4.2. The proposed terminal is bounded by Harbor Boulevard, the Berth 121-131 (Yang Ming) Container Terminal, and the Los Angeles World Cruise Center terminal at Berths 90-93.

2.1.1 Proposed Project Throughput Comparison

Levels of activity at the Berth 97-109 Container Terminal during the CEQA baseline year (April 2000 to March 2001) and the NEPA baseline years (2005, 2015, 2030, and 2045) are compared to the proposed Project and summarized in Table 2-1. Information pertaining to the CEQA baseline is presented in Section 2.6.1 and Appendix H. Information pertaining to the NEPA baseline is presented in Section 2.6.2. Methods used to develop cargo throughput numbers are discussed in Section 1.1.3. Modeling of the activity at the proposed Project site shows that cargo throughput would reach its maximum at year 2030 and, due to physical constraints at the terminal, would not increase from 2030 to 2045, the end of the 40-year lease period.

Table 2-1. Project Throughput Comparison

	CEQA Baseline [a]	NEPA Baseline[b]				Proposed Project			
		2005	**2015**	**2030***	**2045***	**2005**	**2015**	**2030***	**2045***
Terminal Acreage	11	72	117	117	117	72	142	142	142
TEUs per Acre	4,103	5,600	5,400	5,405	5,405	5,600	8,200	10,922	10,922
Total Annual TEUs	45,135	403,200	631,800	632,500	632,500	403,200	1,164,400	1,551,000	1,551,000
Annual Ship Calls	0	0	0	0	0	52	182	234	234
Daily Truck Movements (Peak)	0	0	0	0	0	1,529	4,364	5,055	5,055
Annual Truck Trips**	0	0	0	0	0	417,702	1,192,185	1,508,004	1,508,004
Annual Rail Movements[c]	0	0	0	0	0	224	648	817	817
% TEUs by Truck[d]	0	0	0	0	0	80.5	79.7	83.1	83.1
% TEUs to Near Dock Rail	N/A***	N/A***	N/A***	N/A***	N/A***	19.1	18.3	19.6	19.6
% TEUs by On-Dock Rail	0	0	0	0	0	19.5	20.3	16.9	16.9
Number of Cranes	0	0	0	0	0	4	10	10	10
Estimated Number of Employees (direct, indirect, and induced)[e]	0	0	0	0	0	72	85	112	112

[a] In 2001, the Berth 97-109 terminal was being used as off-terminal storage by Yang Ming (Berths 121-131). Only direct containers stored on the Berth 97-109 terminal and the associated truck movements between the terminals are accounted for in these baseline conditions (see Section 2.6). Under the CEQA baseline, the acreage varied, but 11 acres are assumed for purposes of this document. NEPA baseline conditions in 2001 are the same as CEQA baseline conditions.

[b] In the NEPA baseline, the Berth 97-109 terminal is assumed to be used as off-terminal storage by Yang Ming (Berths 121-131). Only direct containers stored onsite and the associated truck movements between the terminals are accounted for in NEPA baseline conditions (see Section 2.6).

[c] Estimated annual rail round trips. Includes both on- and near-dock rail. Calculation extrapolated from annual TEU figures specified by Rail Master Plan and actual Yang Ming rail yard projections. Assumes 375 containers per round trip and 1.85 TEUs per container or 694 TEUs per round trip.

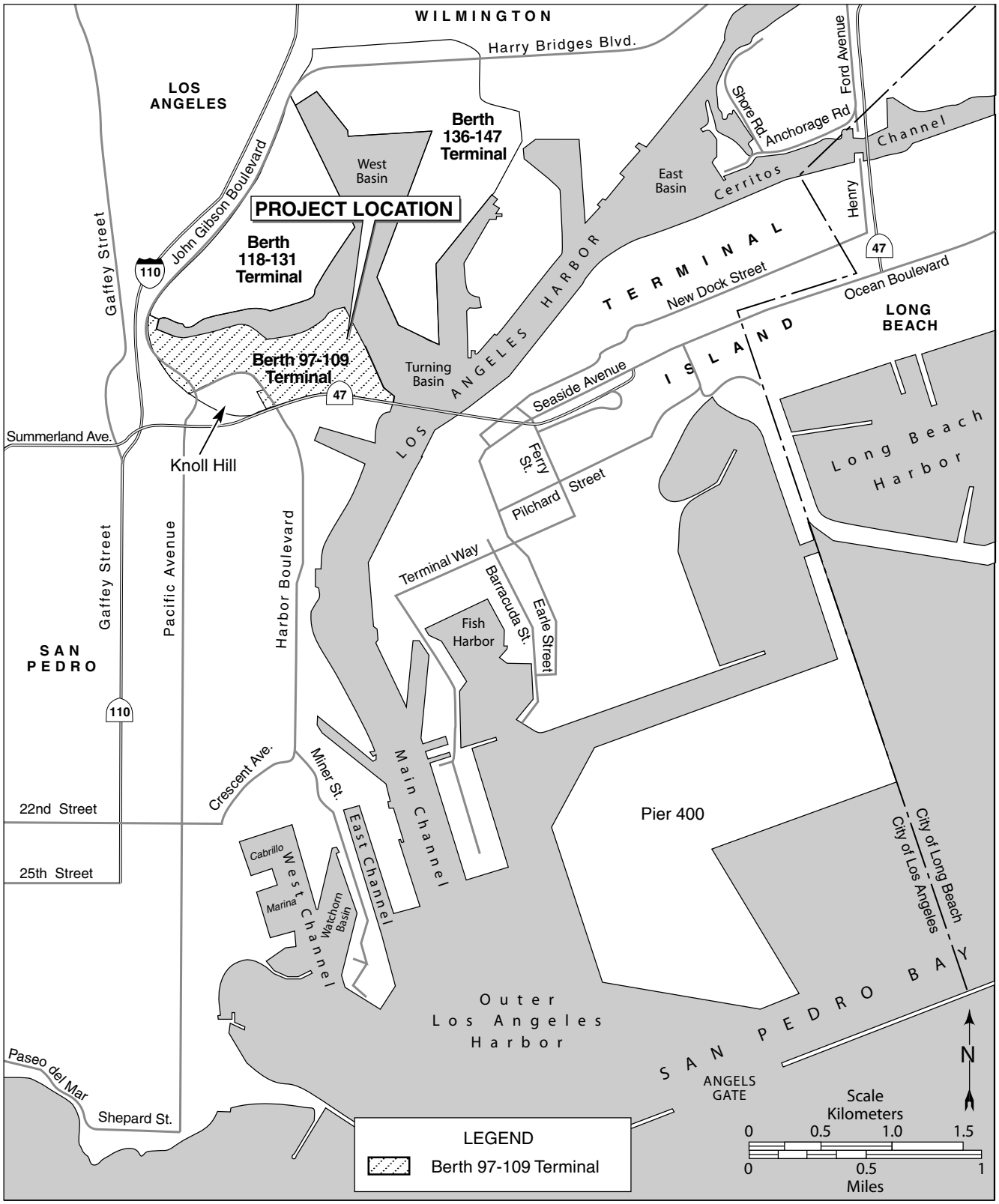
[d] Truck trips are distributed as follows. 2005: 19.1% to near dock rail, 50.0% are local delivery and 11.4% leave the South Coast Basin
2015: 18.3% to near dock rail, 50% are local delivery and 11.4% leave the South Coast Basin
2030/45: 19.6% to near dock rail, 50% are local delivery and 13.5% leave the South Coast Basin

[e] 2005 and 2015 employee estimates interpolated from the 2030 estimate, based on TEU throughput.

*Maximized at Year 2030

**Round trips. This includes truck trips carrying no containers; therefore, 0 TEUs.

*** Under the CEQA and NEPA baselines, the terminal serves as supplemental backlands for the Berth 121-131 Container Terminal. The TEUs on the supplemental backlands are associated with the Berth 121-131 Container Terminal and therefore do not result in any new TEUs that could utilize on-dock rail.



Source: POLA, 2003

Figure 2-1
Project Site and Vicinity
Berth 97-109 Container Terminal Project EIS/EIR

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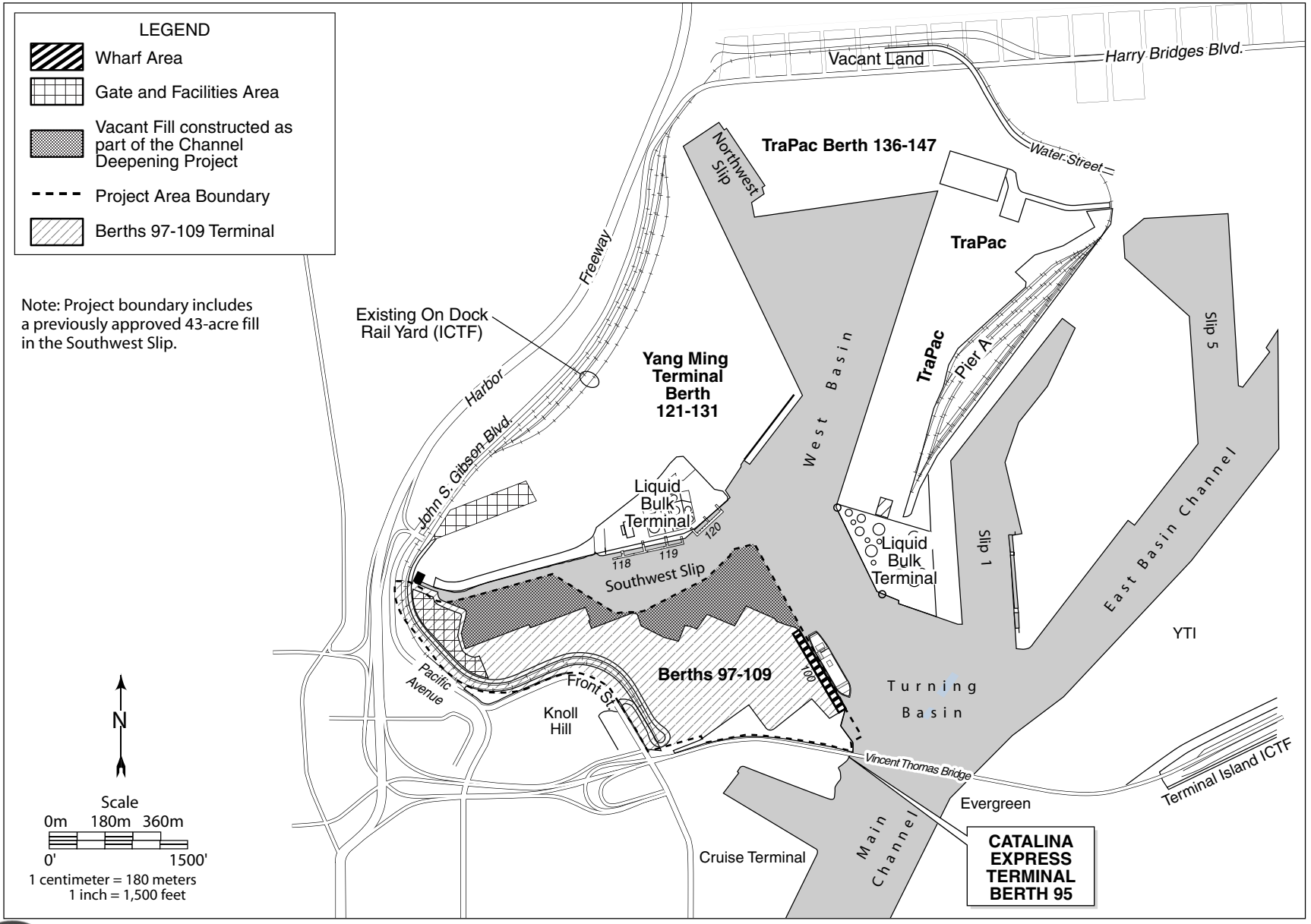

Figure 2-2
Project Site - Existing Conditions
Berth 97-109 Container Terminal Project EIS/EIR

Source: POLA, 2003

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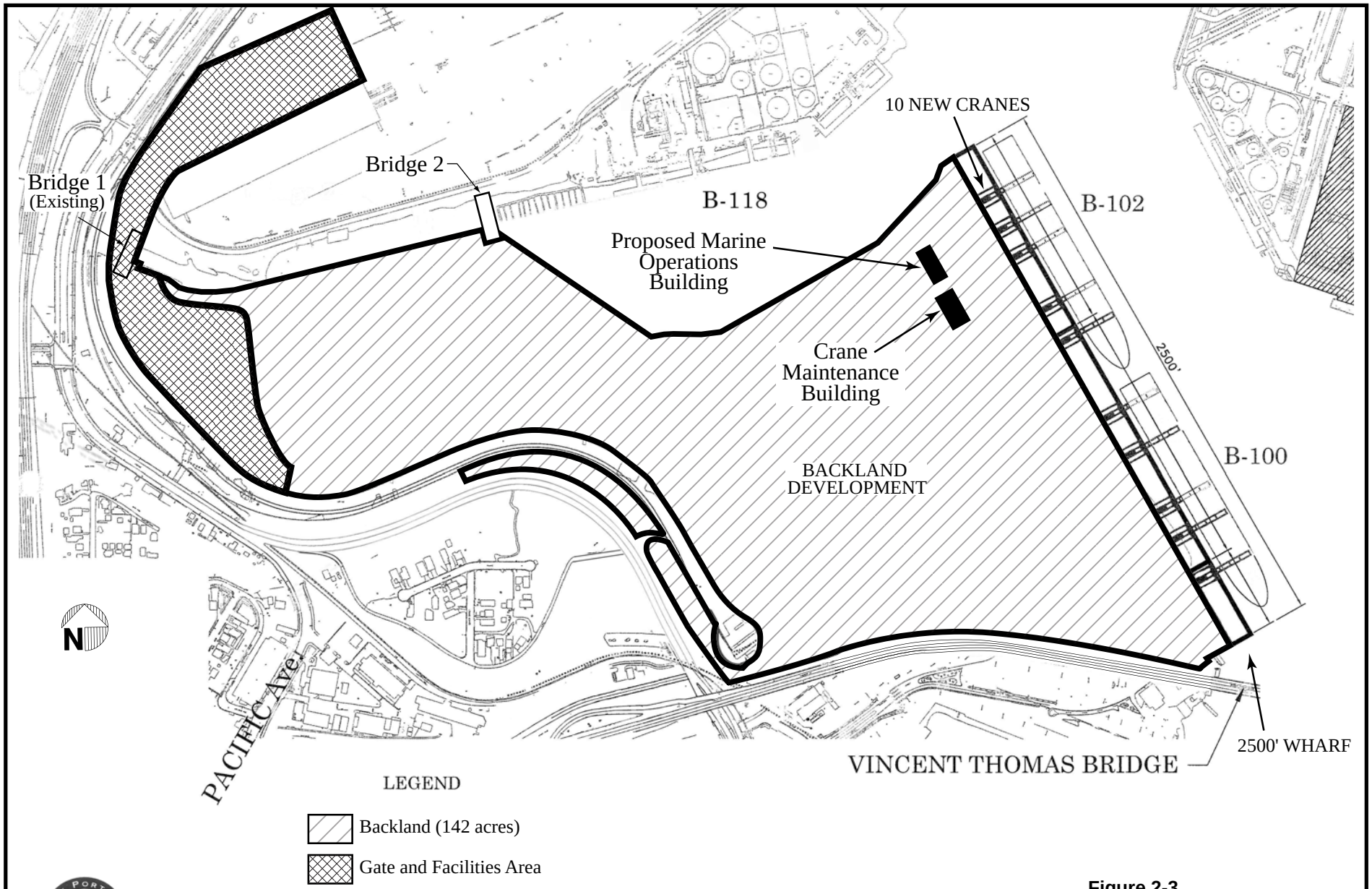

Figure 2-3
Proposed Project at Buildout
Berth 97-109 Container
Terminal Project EIS/EIR

Source: POLA, 2003

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2.1.2 Need for Additional Capacity

Section 1.1.3 describes the forecasted cargo volumes for the Port through the year 2030 and shows that the capacity of the Port terminals in that year, even with anticipated improvements in operational efficiency, as well as expansions and modernization, would be unable to accommodate the forecasted cargo demand. That analysis included the Berth 97-109 Container Terminal because terminal capacity throughout the South Bay Ports would be improved by the proposed Project, as well as by other planned improvements at the Port of Long Beach and other terminals in the Port of Los Angeles. The analysis showed that all terminals in both ports are expected to be operating at maximum capacity, so that capacity not realized through failure to expand Berths 97-109 could not be accommodated at other terminals.

The results of the demand-driven forecasts and the capacity-driven forecasts are presented in Figure 2-4 and are based on the JWD and Mercer Studies as described in Section 1.1.3 and on terminal-specific information such as wharf length and backland acreage. The demand for cargo throughput capacity at the Port will continue to rise (see line labeled "Demand" in Figure 2-4). Capacity (the line labeled "JWD capacity" in Figure 2-4) will continue to rise (until approximately 2030), as a result of two factors: increasing operational efficiency on the part of the terminal operator and physical improvements to the terminal facilities accomplished under the proposed Project or Project alternatives. The capacity line in Figure 2-4 is based upon the proposed Project; other alternatives would produce different lines (Appendix I). As Figure 2-4 shows, even with implementation of the improvements of the proposed Project, the physical capacity of the Berth 97-109 terminal is expected to fall short of demand and will reach a maximum in approximately 2030.

2.2 Existing Conditions

2.2.1 Regional Context

The Port consists of 28 miles of waterfront, approximately 300 commercial berths, and 7,500 acres of land and water. The Port is administered under the California Tidelands Trust Act of 1911 by the LAHD. The LAHD is chartered to develop and operate the Port to benefit maritime uses, and it functions as a landlord by leasing Port properties to more than 300 tenants. The Port contains 27 major cargo terminals, including facilities to handle automobiles, containers, dry bulk products, liquid bulk products and cruise ships as well as extensive transportation infrastructure for cargo movement by truck and rail. The Port accommodates commercial fishing, canneries, shipyards, and boat repair yards; provides slips for 6,000 pleasure craft, sport fishing boats, and charter vessels; and supports community and educational facilities such as a public swimming beach, the Boy/Girl Scout Camp, the Cabrillo Marine Aquarium, and the Maritime Museum.

2.2.2 Project Setting

The proposed Project area is located within the West Basin portion of the Port of Los Angeles, approximately 20 miles south of downtown Los Angeles and immediately south of the community of Wilmington and east of the community of San Pedro (shown

in Figure 1-1 and Figure 2-1). The West Basin is used primarily for containerized cargo operation at three terminals: Berth 97-109 (China Shipping) Terminal; Berth 121-131 (Yang Ming) Terminal; and Berth 136-147 (TraPac) Terminal. Other uses in the West Basin include dry/liquid bulk operations at Berths 118-119, Berth 120, Berths 148-151, and an intermodal rail yard at Berths 121-131 that currently serves rail movements at the China Shipping and Yang Ming terminals.

2.2.3 Project Site and Surrounding Uses

As shown in Figure 2-1, the Berth 97-109 Container Terminal (proposed Project) is located adjacent to the San Pedro District of the Port. It is bordered by the Southwest Slip on the north; John S. Gibson Boulevard and Pacific Avenue on the west; Knoll Hill, Front Street, and the Vincent Thomas Bridge on the south; and the West Basin Channel on the east. Adjacent and north of the Southwest Slip is the Yang Ming Terminal (Berths 121-131). Located immediately to the south are the Los Angeles World Cruise Center, Lane Victory, and the Catalina Express ferry terminal.

Existing equipment and facilities, developed as part of Phase I, on the proposed Project site include four A-frame cranes along the wharf, paved backlands used for container storage, mobile equipment used to handle containers, and wharves (at Berth 100). Prior to construction, the site was largely undeveloped backlands. Surrounding land uses include the community of San Pedro to the west of the terminal, and heavy port industries to the north, south, and east. Wilmington not only is a predominantly residential community but also contains community and commercial uses.

2.2.4 Historical Use of the Project Site

The proposed Project site, prior to use as a container terminal, was used by Chevron USA for a marine oil tank farm and terminal with two oil tanker berths and Todd Pacific Shipyard for a shipbuilding and maintenance facility. As part of the West Basin Widening project, 9 acres of the eastern end of the Chevron site were removed to widen the West Basin Channel for improved navigation.

Beginning in 1916, Chevron USA operated a Marine Oil Terminal at Berths 97-102 (berth designations predate the reconfigured shoreline that resulted from the West Basin Widening Project). Terminal operations occupied approximately 16.5 acres of land, which contained 20 large aboveground storage tanks. The terminal was decommissioned and demolished in the early 1990s. Remediation activities at the site began in 1993 using thermal desorption of the soil and recovery of free hydrocarbon product from the surface of the groundwater.

Todd Pacific Shipyards occupied Berths 103-109 from 1917 to 1998. The shipyard was used for construction, maintenance, and repair operations of large commercial and naval vessels. Since decommissioning and demolition of the shipyard, the property has undergone a series of remediation and reclamation activities.

Following use by Chevron and Todd Shipyard, the site was used temporarily for construction staging for the Pier 300/400 and Badger Avenue Bridge projects and for storage of automobiles, containers, and truck chassis. In 2000-2001 (prior to the construction of the Phase I development), a portion of the site used for supplemental container storage by the adjacent Yang Ming Container Terminal.

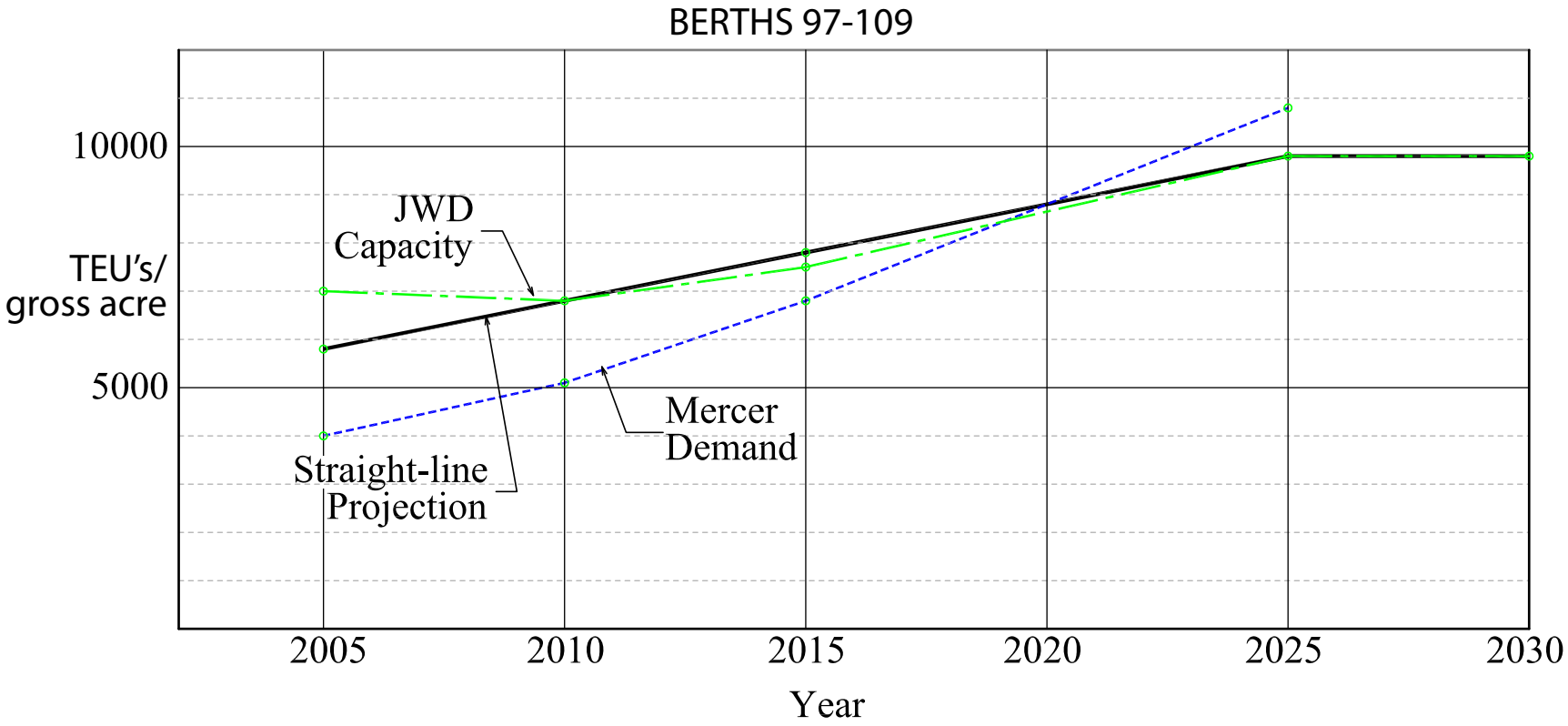

Figure 2-4
West Basin Terminals
Throughput Projections
Berth 97-109 Container
Terminal Project EIS/EIR

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Currently, the Project area includes Phase I construction elements and related operation (analyzed in this document). In addition, Catalina Express currently operates a passenger shuttle service to and from Catalina Island at Berth 96. The Catalina Express Terminal would be relocated to Berth 95, an area south of the Vincent Thomas Bridge as part of the proposed Project.

2.3 Project Purpose

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

The overall purpose of the proposed Project is to expand and maximize the cargo-handling efficiency and capacity of the Port at Berths 97-109 to address the need to optimize Port lands and terminals for current and future containerized cargo handling. This purpose would be accomplished through the construction of a marine terminal of approximately 142 acres that would accommodate an annual throughput of up to 1.5 million TEUs.

2.3.1 CEQA Project Objectives

The LAHD's overall objective for the proposed Project is threefold: (1) provide a portion of the facilities needed to accommodate the projected growth in the volume of containerized cargo through the Port; (2) comply with the Mayor's goal for the Port to increase growth while mitigating the impacts of that growth on the local communities and the Los Angeles region by implementing pollution control measures, including the elements of the Clean Air Action Plan (CAAP) applicable to the proposed Project; and (3) comply with the Port Strategic Plan to maximize the efficiency and capacity of terminals while raising environmental standards through application of all feasible mitigation measures.

Although these interrelated goals require increases in the cargo-handling efficiency and capacity of existing terminal facilities in the Port where feasible, the goals also reflect the need for the development of new container terminals in the Port complex to accommodate future cargo demands. To accomplish these basic objectives in a manner consistent with LAHD public trust responsibilities, the following supporting objectives need to be accomplished:

1. Establish and expand a new container facility in the West Basin to the extent required to:
    a) Optimize the use of existing land and waterways and be consistent with the overall use of allowable uses under the Port Master Plan
    b) Accommodate foreseeable containerized cargo volumes through the Port
    c) Increase container handling efficiency and create sufficient backland area for container terminal operations, including storage, transport, and on/offloading of container ships in a safe and efficient manner

d) Improve or construct container ship berthing and infrastructure capacity where necessary to accommodate projected containerized cargo volumes through the Port

e) Provide access to land-based rail and truck infrastructure locations capable of minimizing surface transportation congestion or delays while promoting conveyance to local and distant cargo destinations

f) Provide needed container terminal accessory buildings and structures to support containerized cargo-handling requirements

2.3.2 USACE Purpose and Need

As discussed in Section 1.1.3, the USACE, along with the Ports of Los Angeles and Long Beach, prepared the 2020 Plan that determined the Ports would need to construct new land for new container terminals and to optimize their existing terminals to meet the forecasted cargo volumes arriving at West Coast ports. As discussed in Section 2.1.2 and shown in Figure 2-4, full implementation of the proposed Project improvements would still fall short of the demand. Therefore, a need exists to maximize container-handling efficiency and container backlands, optimize and increase accommodations for container ship berthing, and provide optimized truck-to-rail container movements.

The overall purpose of the proposed Project is to establish and maximize the cargo-handling efficiency and capacity at Berths 97-109 in the West Basin to address the need to optimize Port lands and terminals for current and future containerized cargo handling. Other proposed Project purposes include establishing needed container-handling facilities that would maximize the use of existing waterways and that would integrate into the overall use of the Port. The basic purpose of the Project is maritime trade, which is a water-dependent activity.

Specifically, the Port of Los Angeles needs to:

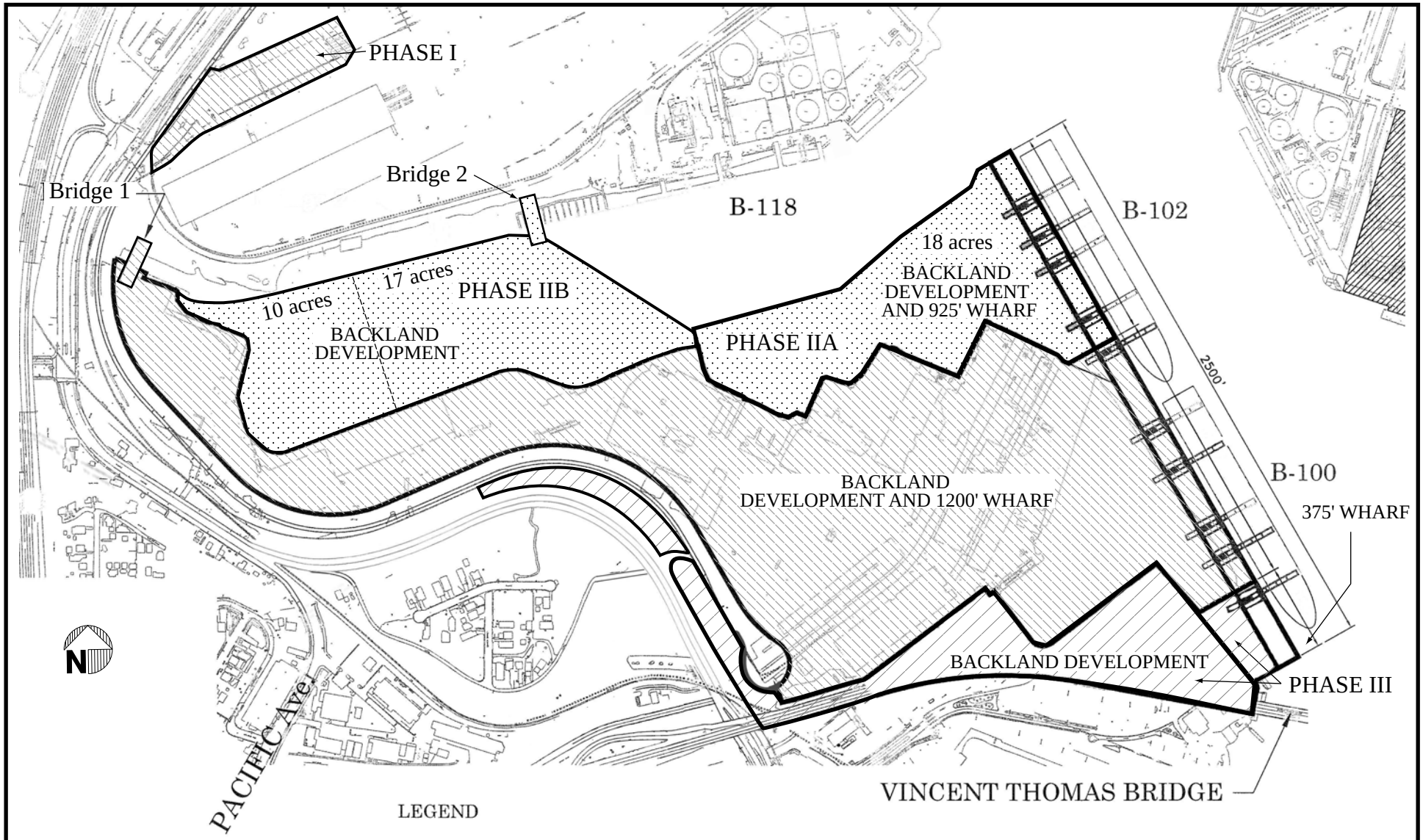
- Construct sufficient berthing and infrastructure capacity to accommodate foreseeable increases in containerized cargo
- Provide the accessory buildings and structures at the terminal to support the anticipated cargo-handling requirements

2.4 Proposed Project

2.4.1 Project Summary

2.4.1.1 General Overview

The proposed Project (shown in Figure 2-3, Figure 2-5, and Table 2-2) consists of the development and operation of a new container terminal for the China Shipping Lines at Berths 97-109. The terminal would be developed by LAHD in three phases of construction, Phase I (completed and in operation since 2004), Phase II (estimated completion in 2011), and Phase III (estimated completion in 2012). The terminal would operate over a 40-year lease (2005 to 2045). China Shipping is operating under an existing lease, which will be reconsidered as part of the proposed Project. Phase I elements in operation are consistent with the ASJ and the federal Settlement Agreement.



Source: POLA, 2003

Figure 2-5
Proposed Project
Terminal Construction Phases I-III
Berth 97-109 Container
Terminal Project EIS/EIR

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Table 2-2. Berth 97-109 Container Terminal Construction Phasing

Activity	Duration*	Period
Phase I		
Construct 1,000-foot Wharf at Berth 100	12 months	Q1 2002 to Q4 2002
Construct 200-foot Wharf at Berth 100	6 months	Q2 2003 to Q3 2003
Crane Delivery and Installation		Q4 2002
Develop 72-acre Backlands at Berth 100	12 months	Q1 2002 to Q4 2002
Construct Bridge 1	6 months	Q2 2002 to Q3 2002
Construct Berth 121 Gate Modifications	3 months	Q2 2003
Phase II		
Construct Berth 102 - *Phase II(a)*	15 months	Q1 2009 to Q1 2009
Construct Berth 100-109 Buildings – *Phase II(a)*	12 months	Q2 2009 to Q1 2010
Construct 18 of 45-acre Backlands – *Phase II(a)*	12 months	Q2 2009 to Q1 2010
Construct Bridge 2	12 months	Q1 2009 to Q4 2009
Construct 17 of 45-acre Backland – *Phase II(b)*	12 months	Q2 2010 to Q1 2011
Construct 10 of 45-acre Backlands (Behind 17 of 45-acre backland) – *Phase II(b)****	9 months	Q3 2010 to Q1 2011
Crane Delivery and Installation	-	Q1 2010
Phase III		
South Extension of Berth 100**	15 months	Q4 2010 to Q1 2012
Construct 25-acre Backlands (Behind Berth 100)**	12 months	Q2 2011 to Q1 2012
Crane Delivery and Installation	-	Q4 2011

Notes:

Q1, Q2, Q3, and Q4 signify the respective quarters of the year,

*Durations provided in this table are only for the construction period. The bid and award period is not included in the provided durations.

**Start of South Extension of Berth 100 and 25-acre backland construction (in Phase III) is contingent upon the relocation of the Catalina Express Terminal currently located at Berth 100.

***Ten of 45 acres includes 8 acres of existing fill (created by the Channel Deepening Project) that will require approval of a Master Plan Amendment (MPA) revision approval for operation as backlands prior to starting construction for the backland.

Phase I elements and existing operation (2004 to 2007) are being reanalyzed in conjunction with future construction and operation (2008 to 2045) as part of this environmental analysis. The proposed Project would operate at maximum capacity by 2030. Figure 2-2 presents a plan view of the existing conditions at the proposed Project site, while Figure 2-3 provides a representative sketch of the proposed Project at full buildout and maximum capacity (2030).

As part of the proposed Project, China Shipping would be granted a 40-year lease, beginning in 2005 and ending in 2045, to occupy and operate the terminal. As part of the lease, West Basin Container Terminal LLC (WBCT), a subsidiary of China Shipping Lines, would operate the terminal backlands. The lease would require that the premises be used for activities, operations, and purposes incidental to and related to the operation of a container terminal. Specifically, the lease would prohibit the tenant from any use of the premises other than those stated above without prior approval of the Port. Within the terms of the ASJ, China Shipping currently operates the terminal under a lease signed in 2005. Consistent with the ASJ, the existing lease would be modified upon certification of

this EIS/EIR to require compliance with all laws and regulations, including environmental controls that are not part of the current lease. These additional environmental controls would be imposed pursuant to this EIS/EIR, the CAAP, the Port Environmental Policy, and the Port Real Estate Leasing Policy (POLA, 2007), as discussed in Section 1.6. Measures would include emissions standards for terminal equipment, participation in the vessel speed reduction program, fuel requirements, Alternative Maritime Power (AMP) for a proportion of marine vessels, clean truck requirements, and other environmental measures unrelated to air quality (such as stormwater management). WBCT would operate under the China Shipping lease as described above.

When operating at maximum capacity in 2030, the improved Berth 97-109 Container Terminal could handle approximately 1,551,000 TEUs per year, which represents an annual throughput of approximately 838,378 containers. To accommodate an annual throughput of 1,551,000 TEUs, 234 annual ship calls and associated tugboat operations (2 tugs are required each for ship docking and undocking, for a total of 4 tugs per call or 936 tugs annually), a total of up to 5,055 daily truck trips, and up to 817 annual round-trip rail movements would be required. As discussed in Section 1.1.3, these throughput numbers were determined using two forecasting models and represent the reasonably foreseeable upper limit of terminal operations. The models consider the capacities of the berth and wharf, along with cargo and vessel forecasts contained in the report *Forecast of Container Vessel Specifications and Port Calls within San Pedro Bay* (Mercator Transport Group, 2005). China Shipping might operate at lower TEU volumes than those described; however, an estimation of reasonably foreseeable throughput based on berth limitations ensures a conservative analysis in that all reasonably foreseeable Project operations are included. Additionally, ships not belonging to China Shipping (third-party invitees) occasionally might use the terminal. By estimating reasonably foreseeable throughput based on berth limitations, the potential for such third-party ship calls is considered. The details of each component of the proposed Project are described in Section 2.4.2.

Consistent with ongoing Port-area transportation studies, truck traffic through the terminal gate in 2005 was distributed as follows: 80 percent day shift (8:00 a.m. to 5:00 p.m.), 10 percent night shift (5:00 p.m. to 3:00 a.m.), and 10 percent hoot shift (3:00 a.m. to 8:00 a.m.) in 2005. The projected distribution of truck traffic through the terminal gate is expected to be: 80 percent day shift, 10 percent night shift, 10 percent hoot shift in 2015; and 60 percent day shift, 20 percent night shift, and 20 percent hoot shift in 2030. Shift splits as of 2001 showed over 90 percent of TEU throughput occurring during the day shift. The 80/10/10 split assumption was determined jointly by the Ports of Long Beach and Los Angeles staff, based on operational reports. This shift split was considered to be realistic and reasonably conservative for purposes of CEQA traffic analysis. A greater reduction in daytime throughput was assumed only in the longer term (2030) to be reasonably conservative, given expected changes in long-term port operations.

Based on the above splits, the terminal handled 403,200 TEUs in 2005, and an assumed 80 percent (322,560 TEUs) was handled during the day, 10 percent (40,320 TEUs) at night, and 10 percent (40,320 TEUs) during the hoot shift. In 2030 (at 1,551,000 TEUs), an assumed 60 percent of total volume would be handled during the day, with 20 percent at night and 20 percent during the hoot shift. As throughput grows, more gate movements would be distributed to the night and hoot shifts. Currently, infrastructure (such as the highway network) and employee levels can handle the majority of gate movements during the day hours. However, although expected future upgrades to both

on- and off-Port infrastructure and additional employees will add additional capacity, the gate will become more congested during these hours, thus shifting the additional throughput to the night and hoot shifts. Most cargo will continue to move through the gate during the day because warehouses and other cargo end users are expected to operate primarily during the day.

To ensure cargo can be handled and moved through the gate at night, the Port and industry groups are exploring operational changes both at the Port and with end users. For example, Pier*PASS*, is a new program that implements financial disincentives to the movement of containers during peak hours (3:00 a.m. to 6:00 p.m., Monday through Friday). While this project assumes 24/7 operation in the future, the terminal, rail facilities, distribution centers, warehouses, and retailers are not expected to operate at full capacity during the night and hoot shifts.

2.4.1.2 Project History

The Berth 97-109 terminal currently consists of a container shipping facility and part of the ferry service operated by Catalina Express. Prior to use as a container terminal, Chevron USA and Todd Shipyards were the most recent tenants of the Berth 97-109 area. Subsequent to the departure of these tenants, the area underwent a series of demolition, remediation, and reclamation activities and was used as a construction staging area for the Pier 300/400 projects and as temporary storage for autos, containers, and truck chassis. The site was also used as a temporary staging area during construction of the Badger Avenue Bridge Project. In 1997, the Port prepared and certified the West Basin Transportation Improvements Project (WBTIP) EIR that assessed the construction and operation of terminal and infrastructure improvements in the West Basin of the Port (LAHD, 1997a).

On March 28, 2001, the Port prepared and executed a lease with China Shipping Lines for terminal construction and operation. The lease was supported by the WBTIP and the Deep Draft Navigational Improvements Project. In June 2001, a group of petitioners, including nearby homeowners and environmental groups, filed suit in state and federal courts alleging that LAHD did not comply with, among other things, NEPA or CEQA in approving a permit to construct the Berth 97-109 Container Terminal and a lease with the China Shipping Lines Company to occupy the terminal. On October 30, 2002, the State of California Second District Court of Appeals ordered a partial halt to ongoing construction of Phase I of the Berth 97-109 (China Shipping) Container Terminal Project (i.e., the proposed Project). The court ordered the preparation of a project-specific EIR to evaluate all three phases of the proposed Project. On March 6, 2003, the Superior Court of the State of California, Los Angeles District, approved a Stipulated Judgment memorializing the Settlement Agreement between the Project opponents and LAHD to settle the state case.

Subsequently, the Port and China Shipping negotiated with the litigants to amend the Stipulated Judgment. A compromise in the form of an ASJ was reached in March 2004 (see Appendix B).

Although the China Shipping Container Terminal and Yang Ming Container Terminal share one gate complex, both the federal Settlement Agreement and the state court ASJ require the preparation of a project-specific environmental analysis of all three construction phases and operation of the proposed Project alone, not as part of any larger West Basin project or other project. The federal Settlement Agreement also provided that the previous Environmental Assessment and permit prepared by USACE would remain in

place, until USACE reconsiders the permit terms and conditions upon completion of the Recirculated Draft EIS/EIR.

The ASJ, in consideration of additional mitigation measures and other requirements, allowed the Port to complete Phase I construction and commence operation of the China Shipping Project. Specifically, China Shipping operations are limited to the capacity allowed by Phase I construction elements while the Project-specific China Shipping EIS/EIR is under preparation. Phase I China Shipping construction was completed in 2003, and operations officially began on June 21, 2004. Specific requirements set forth by the ASJ are discussed in Section 1.4.3.1. This Recirculated Draft EIS/EIR has been prepared pursuant to the terms of the ASJ and the obligations of the Port under CEQA as well as pursuant to the federal Settlement Agreement and NEPA.

2.4.2 Project Elements

Key construction elements of the proposed Project include new wharves, dredging, backlands development and buildings, improvements to the John S. Gibson Boulevard entrance to the terminal, bridges connecting Berths 97-109 with Berths 121-131 to the north across the Southwest Slip and the Catalina Terminal relocation.

2.4.2.1 New Wharves

Upon completion of the proposed Project construction, the wharves at Berth 100 and Berth 102 would total approximately 2,500 feet. When completed, the Berth 100 and 102 wharves would include the existing 1,200-foot wharf at Berth 100 and 925 feet of new wharf at Berth 102, and the southern extension of Berth 100 (375 feet). The wharves are designed to accommodate the largest ships in the projected transpacific fleet that would each carry up to 10,000 TEUs. All wharves would be AMP capable, thus allowing ships to "plug in" to shoreside electrical power while at dock instead of using on-board diesel-powered generators. The existing 1,200-foot wharf at Berth 100 was completed as part of Phase I construction and involved the placement of 88,000 cubic yards (yd^3) of rock; 14,000 yd^3 of clean backfill material; and a 652 separate 24-inch-diameter octagonal concrete wharf piles. This section of wharf was completed in 2003 and officially began operation on June 21, 2004, in accordance with the terms of the ASJ.

Of the 1,300 feet of new wharf, approximately 925 feet would be constructed at Berth 102 on a previously approved dike that was built as part of the approved Channel Deepening Project. The new wharf at Berth 102 would extend northward from the existing Berth 100 wharf. New wharf would also be constructed to extend Berth 100 an additional approximately 375 feet south into the Catalina Express Terminal. Only the Berth 100 southern wharf extension (approximately 375 feet) would require new rock dike (116,000 yd^3) and fill (24,000 yd^3). The fill would be obtained from surplus clean fill located onsite (deposited and analyzed as part of the Channel Deepening Project). Wharf construction would include pile driving.

Under the proposed Project, a total of 10 new A-frame cranes[1] would be installed on the wharves at Berths 100 and 102. A-frame cranes have fixed towers that are approximately 240 feet high. When stowed (at a 45-degree angle), the articulated booms on these cranes

[1]A-frame cranes are the standard cranes used throughout the Port for loading and unloading containers to and from ships. The A-frame cranes have booms that move up and down to gain access to different locations on the container ships.

normally extend to a height of about 280 feet and, for maintenance, are capable of being extended up to 360 feet in the vertical position.

Four A-frame cranes were installed during Phase I construction and are currently located at the Berth 100 wharf. Six additional A-frame cranes would be installed subsequently, one as part of the Berth 100 south wharf extension and five at the new Berth 102 wharf. The aesthetic and visual impacts of these cranes and potential mitigation measures are analyzed in Chapter 3.1 in accordance with the requirements of CEQA.

The ASJ requires that two low-profile cranes[2] or, potentially, more low-profile cranes, be used at Berth 102 as mitigation if the wharf is constructed and if the low-profile cranes are not determined to be "infeasible" under the terms of the ASJ. However, a determination by the Port that low-profile cranes are infeasible under the terms of the ASJ was upheld in an arbitration proceeding under the ASJ ("The Arbitration in the Matter of Los Angeles Superior Court Case No. BS 070017: Natural Resources Defense Council et al. v. City of Los Angeles," JAMS Case No. 1220036904 [November 26, 2007].)

Additionally, and independent of the arbitrator's decision under the ASJ, low-profile cranes have been determined under CEQA and NEPA to be infeasible and ineffective as mitigation for aesthetic and visual resources impacts of the proposed Project, as discussed in Section 3.1 of this Recirculated Draft EIS/EIR. Therefore, the use of low-profile cranes is not evaluated as a mitigation measure in this Recirculated Draft EIS/EIR. This Recirculated Draft EIS/EIR assumes that under the proposed Project, all of the 10 new cranes would be standard A-frame cranes. The 10 A-frame cranes would be used as needed along the entire 2,500-foot wharfage, although the fixed length (estimated at 1,200 feet) of the power cable of each crane imposes a limit on how far up and down the wharf each crane can travel. Figure 2-3 depicts the 10 new cranes evenly spaced along the China Shipping wharves at buildout.

The ASJ requires that AMP be implemented at the China Shipping Terminal to reduce diesel emissions while the ships are hoteled. AMP is the technique of utilizing shoreside electrical power from the power grid of the City to operate the container ships when they are berthed at an appropriately equipped wharf. Plugging into shoreside power allows the emissions from auxiliary diesel engines/electrical generators of the ships to be replaced with emissions generated outside the Port area at cleaner-burning power plants. Initially, the shoreside electrical power would be transmitted to the berthed ship by large electrical cables that would extend from the wharf to barge-mounted transformers, which would be connected to the container ship. Eventually, the transformer would be located on the ships, and the ships would plug in directly to the wharf. The transformers convert the shoreside power to a usable voltage for ship operations. The location of the transformer does not affect operation; it represents Port and the shipping lines changing preferences as the use of AMP has developed.

2.4.2.2 Dredging

The construction of sections of new wharves at Berth 100 required clamshell dredging to remove approximately 41,000 yd^3 of sediments, with that material disposed of at the Port's Anchorage Road soil storage site. The dredging that occurred along the wharf at Berth 100 as a part of Phase I construction of the proposed Project matched the main

[2]Low-profile cranes use a boom that moves horizontally, rather than up or down, to access different areas of the container ships. Because of this, they have a lower profile (total height of 185 feet or less) than A-frame cranes at rest (approximately 280 feet).

channel depth of -53 feet, including an additional -2-foot overage to allow for normal construction tolerances. Major dredging is not necessary for Berth 102 because dredging was conducted previously in this area as part of the approved Channel Deepening Project as addressed in its Supplemental EIS/EIR (USACE and LAHD, 2000), and Port Master Plan Amendment No. 21 (USACE and LAHD, 2002). However, some minor maintenance dredging might be needed to remove sediments near Berth 102 that have settled since the Channel Deepening Project dredging, and this material would also be disposed of at the Anchorage Road soil storage site. The area of Berth 102, dredged to the -53-foot channel depth as part of the Channel Deepening Project, would be developed as a container ship wharf (Berth 102) in Phase II construction of the proposed Project.

On the basis of previous sampling and analyses, the USACE and USEPA determined that a portion of the dredge material in Phase I was unsuitable for unconfined ocean disposal. The dredge material was placed in the approved upland disposal site at Anchorage Road.

2.4.2.3 Backlands Development and Buildings

The proposed Project at full buildout (2012) would allow for the operation of approximately 142 acres of backlands. The container terminal lease would cover 142 acres. Phase I construction developed 72 acres as container backlands. Phase II construction would develop an additional 45 acres of backlands on existing fill that the Channel Deepening Project created prior to 2001. Phase III construction would develop an additional 25 acres of backlands on existing adjacent land, which would include conversion of the existing Catalina Express facilities[3] into backlands.

Development of the backlands would include construction of a three-story 12,000-ft^2 marine operation building, a one-story 3,200-ft^2 (plus 2,900 ft^2 of canopy) crane maintenance building (both buildings would be located behind Berth 102), new gate and entrance facilities, chassis racks, a compressed air system, lighting, fire hydrants, and other infrastructure and equipment necessary to ensure the safe and efficient movement of cargo. Both buildings will meet Leadership in Energy and Environmental Design (LEED) standards and are expected to meet, at minimum, LEED silver certification. Figure 2-3 shows the general location of the buildings and gate structures. The terminal lighting, chassis racks, and fire hydrants would be distributed around the backlands. These additional backland improvements would require construction activities such as grading, drainage, paving, striping, lighting, fencing, and the addition of utility facilities and equipment.

2.4.2.4 Improvements to John S. Gibson Boulevard Entrance

The proposed Project includes traffic control modifications and reconfiguration of roadway geometrics at the existing shared entrance of the Berth 97-109 and Berth 121-131 terminals along John S. Gibson Boulevard to improve the flow of truck traffic. These modifications were completed as part of Phase I construction and operations. These improvements occurred within the terminals, outside the public right-of-way. Onsite improvements at the entrance gate included geometric lane upgrades to allow for better container truck queuing and modification of entrance/exit gates to allow for technological improvements in gate operations. Other gate features such as a new scale and additional lighting were included.

[3]The Catalina Express terminal would be relocated to Berth 95 as part of the proposed Project. The operation may be moved again as part of the San Pedro Waterfront Project, in which case it would be evaluated in the environmental document prepared for that project.

2.4.2.5 Bridges from Berth 97-109 Container Terminal to Berth 121-131 Terminal

Two bridges would be constructed across the Southwest Slip as part of the proposed Project to facilitate additional cargo movement between the Berth 97-109 Container Terminal and the Berth 121-131 terminal. As previously discussed, the China Shipping and Yang Ming terminals share one gate complex. The ASJ associated with the proposed Project requires an evaluation of all Project-specific and cumulative impacts from the Berth 97-109 Container Terminal Project alone, not as part of any larger West Basin or other project. The analysis in this Project-level Recirculated Draft EIS/EIR used a combination of two capacity models. The first model analyzes backland capacity while the second model analyzes berth capacity. The latter model is used to determine the ultimate throughput capacity of Berth 97-109 operations to ensure all TEUs transferred through the Berth 97-109 wharf and stored at Berth 97-109 terminal were captured in the throughput analysis. All mitigation measures are terminal-specific and would be applied to all ship and backland operations.

One bridge was constructed under Phase I, and the second bridge would be constructed during Phase II. The Phase I bridge is approximately 130 feet long and 63 feet wide. The Phase II bridge would be approximately 143 feet long and 63 feet wide. Both bridges would be supported by abutments at each end so that no fill would be discharged into waters of the U.S. The spans of the bridges would be precast girders, and the decks would be cast in place concrete.

Inbound containers (unloaded at the proposed Project) destined for delivery by rail would be hauled over the bridges to the existing on-dock rail yard at the Yang Ming Terminal (Berths 121-131). Similarly, outbound containers destined for the proposed Project would be unloaded at the same on-dock rail facility and transferred to the backlands at the proposed China Shipping Terminal. Both of these container transfers would use the two proposed bridges across the Southwest Slip. These bridges would enable trucks to gain access to both terminals and, thereby, to minimize truck traffic on Front Street and John S. Gibson Boulevard.

2.4.2.6 Catalina Express Terminal Relocation

As part of the Berth 100 wharf extension, Catalina Express Terminal operations would be relocated from Berth 96 to the south of the Vincent Thomas Bridge at Berth 95. The existing Catalina Express floating docks would be relocated southerly toward the Lane Victory. Passenger loading of the Catalina Express would occur from the relocated floating dock located between Lane Victory and the bridge. Up to three new floating docks will be provided near Berth 95. These floating docks would accommodate two vessels at a time, along with Catalina Express vessels not in use. Existing parking facilities at Berth 95 would be used. Operations at the Catalina Terminal would be housed in the existing Pavilion Building. The existing Princess Pavilion would be remodeled and the administrative functions of the Catalina Express Terminal would be relocated to the remodeled building. Following this, the existing Catalina Express Terminal building would be demolished.

In-water upgrades near Berth 95 would be minor and would include installing new floating docks, requiring a federal permit. Several piles and minor dike or fill placement may be required to anchor the docks. Catalina Terminal operates four to six vessels ranging from 95 to 145 feet; the terminal runs four daily trips to Catalina and nine trips on Saturday and Sunday.

2.4.2.7 Terminal Operations

The completed Berth 97-109 Container Terminal would have a maximum annual throughput capacity of approximately 1,551,000 TEUs (838,338 containers) reached by 2030 (Table 2-1). By 2030, terminal operations are expected to occur 350 days per year, in three 8-hour shifts per day, 7 days per week, and to directly employ approximately 112 workers during the day and up to 70 at night. While the terminal is expected to operate 24 hours a day, actual work time will be less than 24 hours to accommodate employee breaks and slow-downs during shift changes. It is assumed that two vessels would be berthed at any one time, and approximately 234 vessel calls per year are expected by 2030.

Marine Terminal Operations. The operation of container vessels, their loading and unloading, and the handling of containers in the terminal are described in Section 1.1.2. A total of three vessels could be berthed at the terminal at any one time, but the more usual case would be two vessels at berth. While three vessels could fit at the berth, this scenario would happen only in extreme cases (for example, if a ship were delayed in crossing due to weather or mechanics) due to crane limitations and vessel schedules. By design, shipping companies deploy vessel strings that are spread to avoid berth overlaps. This allows the ship to be turned faster while in port because the maximum amount of cranes and gangs can be dedicated to the ship. With 10 cranes, the optimal condition at Berths 97-109 is to have two ships with 5 cranes per ship. At maximum berth capacity, the terminal would experience approximately 234 vessel calls per year by 2030.

A proportion of the vessels calling at the Berth 97-109 terminal would use AMP while at berth to be consistent with the ASJ. That requirement would be phased in over time as described in Section 2.4.2.1. AMP allows vessels to turn off their diesel auxiliary generators and support hoteling needs with shoreside electrical power.

Truck Operations. Based on models derived from the Port's Baseline Transportation Study and Rail Study, by 2030, when the throughput of the terminal is expected to reach maximum capacity, the Berth 97-109 terminal would generate approximately 5,055 daily truck trips (Table 2-1). Those trips would include local cargo (principally from Southern California but including northern California, Arizona, Nevada, and Utah), national cargo hauled entirely by truck, and intermodal cargo bound for or coming from locations farther east. In 2030, it is assumed that 83.1 percent of containers (or approximately 1.3 million TEUs) are moved by trucks (including being trucked to near and off-dock rail yards). Of the approximately 1.3 million TEUs, approximately 303,996 TEUs are intermodal cargo trucked to nearby dock rail yards.

The intermodal component would consist of containers that could not be accommodated by the on-dock rail yard located at the adjacent Berth 121-131 (Yang Ming) terminal. Because all the containers on a train that is assembled in the on-dock rail yards are bound for the same destination, containers bound for other locations are hauled to nearby dock facilities to be grouped with containers from other terminals bound for the same destination. Trucks would haul those containers on public highways to and from offsite rail yards, including the Union Pacific Carson ICTF, the Burlington Northern Santa Fe Hobart Yard in Vernon, and the Union Pacific East Los Angeles Yard. Nonintermodal cargo, both local and national, would be hauled to and from the terminal gates by trucks.

As rail use increases over time, the proportion of cargo hauled by truck would change, but terminal planners estimate that in 2030, and thereafter, approximately 83.1 percent of the cargo (5,055 truck trips per day and 1,508,004 annual truck trips) would move by truck at least as far as an offsite rail yard. For this analysis, the split is assumed to be

19.6 percent truck trips to near-dock rail, 50 percent local deliveries, and 13.5 percent deliveries outside the South Coast Air Basin (destined to the national market) in 2030.

Rail Operations. The on-dock rail yard at the adjacent Berth 121-131 (Yang Ming) terminal would handle cargo from the Berth 97-109 terminal. According to the Port Rail Master Plan and the Ground Transportation analysis done for the proposed Project, the rail yard could handle approximately 462,500 TEUs annually. It is assumed that China Shipping would use 50 percent of the on-dock capacity or 231,250 TEUs annually, which represents approximately 15 percent of the projected 2030 throughput of 1.5 million TEUs per year.

Containers would be hauled by yard tractors between the vessel berths and the Berth 121-131 rail yard via bridges connecting the two terminals. At the rail yard, containers would be lifted on and off railcars by mobile cranes or rubber-tired gantry (RTG) cranes. The rail yard would operate 24 hours per day, 350 days per year, and could accommodate two double-stack unit trains each day. Although each train in each direction could carry a maximum of 250 containers that are 40 feet long, the trains usually carry fewer than that due to weight considerations. A more realistic estimate is that each inbound train trip (into the Port) transports an average of 150 containers (278 TEUs) plus empty railcars, while each outbound train trip (to inland locations) transports an average of 225 containers (416 TEUs), for an average of 375 containers (694 TEUs) per round trip (Yang Ming, 2003).

Rail operations at on-dock rail yards involve a number of entities. The terminal operator moves containers to and from the on-dock facility. Containers are off-loaded and loaded directly from and onto trains. Railcars are then coupled with other cars traveling to the same destination. The coupled railcars are called a unit train. Unit trains vary in length between 105 and 140 railcars, with each railcar carrying two 40-foot containers. These unit trains are usually built by Pacific Harbor Line (PHL). PHL is a third-party, independent rail company that provides rail transportation, yard switching, maintenance and dispatching services to the San Pedro Bay Ports. PHL manages all rail dispatching and switching functions at the on-dock rail yards at the two ports, including:

- Scheduling and overseeing all train movements
- Organizing railroad cars carrying containers of imported goods and switching them onto various tracks to form unit trains
- Breaking down unit trains arriving at the ports, switching railroad cars onto various tracks and distributing them to nine marine terminals where containers are loaded onto ships for export

The Port is served by two Class 1 railroads, Burlington Northern Santa Fe (BNSF) and Union Pacific (UP), often referred to as the ‘main line’ or ‘line-haul’ rail companies. After PHL has built a unit train, BNSF or UP will hook up their line-haul locomotive(s) to the train and pull the train out of the on-dock rail yard on to the main-line tracks to the eventual destination. PHL locomotives will occasionally pull portions of a unit train out of the on-dock facility to one of the near dock ICTFs. A loaded double-stack train is typically pulled by three or four line-haul locomotives, although, if PHL pulls the train, it would be hauled by two or three smaller locomotives.

PHL contracts with the Ports of Los Angeles and Long Beach to operate the rail traffic control system. Agreements with BNSF and UP for international cargo are usually handled by the shipping lines. Many shipping lines have a contract with both BNSF and UP.

2.4.3 Federal Project

Based on the limits of federal jurisdiction, not all the elements of the proposed Project are subject to federal permit requirements. Thus, the scope of the federal review of the proposed Project is different from the scope of the CEQA review (see Section 1.4). The federal project is indicated by shading in Figure 2-6. The federal project consists of all dredging activities, the construction of new wharves, the two bridges over the southwest slip (subject to the River and Harbor Act), and the floating docks to Catalina Express. Landside activities within 100 feet of the shoreline supporting in-water construction activities also require USACE authorization. Twelve of the 25 acres of backland development in Phase III extend beyond 100 feet of the shoreline, but the acreage is included in the federal project because it is associated with the 375 feet of new wharf at Berth 100 (the southern extension of Berth 100), which is subject to USACE authorization. The 12 acres of backlands in Phase III would be constructed only if the Berth 100 southern extension is granted federal approval. The federal project does not include the construction of buildings, gates, or rail facilities. Nor does it include installation of utilities (except on and near the wharves or water edges) or paving.

2.4.4 Construction Plan by Phase

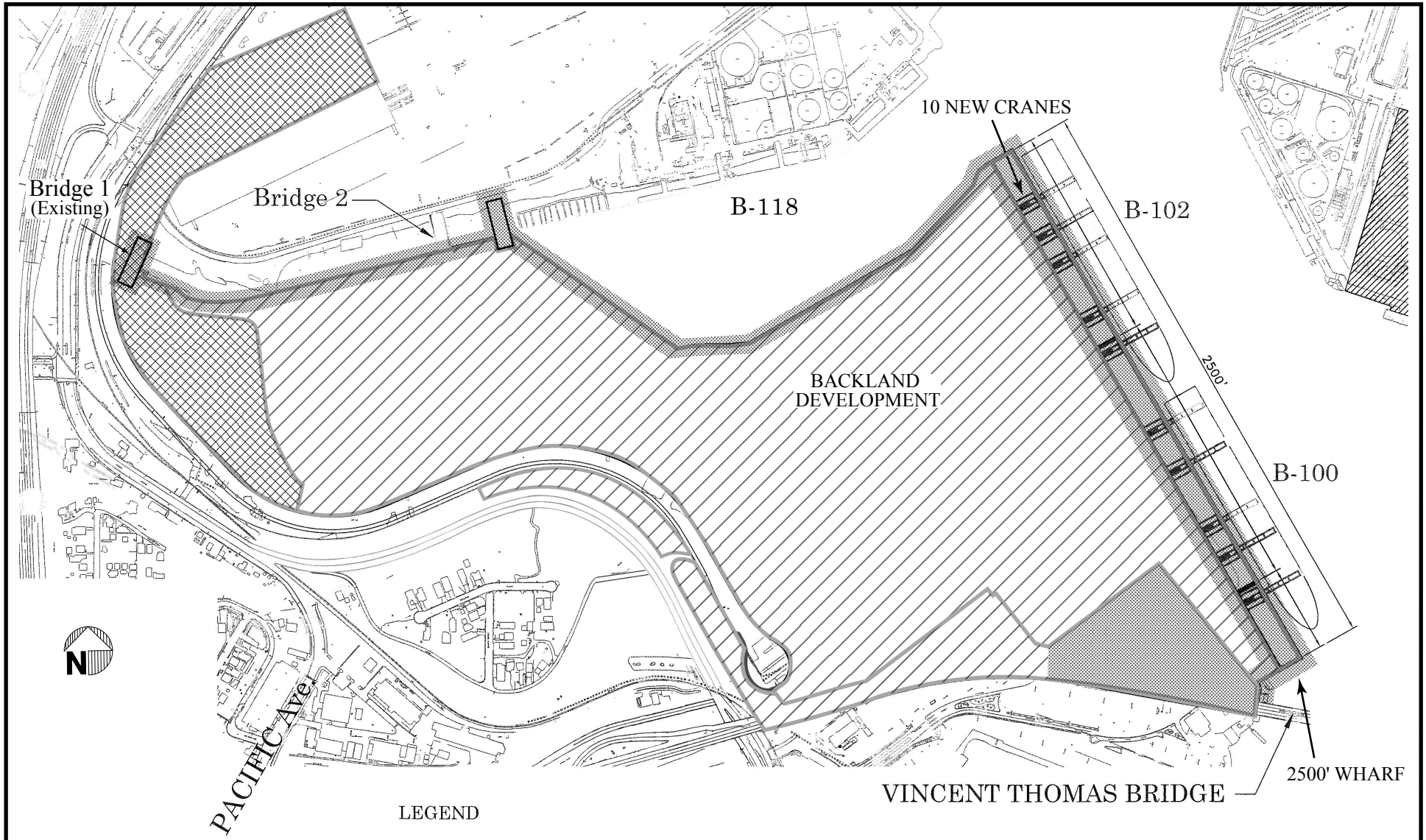
Construction of the proposed Project would be completed over three phases. Phase I was completed in 2003 and became operational in June 2004, which is in accordance with the provisions of the ASJ and allowed by the federal Settlement Agreement. Phase II would be completed by 2011, and Phase III would be completed in 2012. Construction could take place 6 days per week (Monday through Saturday) with no construction occurring on Sundays or national holidays. Optimal terminal operation would be reached by 2030 following completion of Phase III construction in 2012. Figure 2-5 illustrates and identifies the major improvements that would occur during each construction phase. Table 2-2 shows the estimated construction schedule for each component of the proposed Project, by phase.

While all construction would be complete by 2012, throughput would continue to grow between 2012 and 2030, when the terminal would be expected to reach maximum capacity. At maximum capacity, operations of the Berth 97-109 Container Terminal could accommodate approximately 1,551,000 TEUs per year.

2.4.4.1 Phase I (Completed in 2003)

Phase I construction was completed in 2003, as specified in the Stipulated Judgment and ASJ and as allowed in the federal Settlement Agreement, and focused on optimizing and expanding the Berth 97-109 Container Terminal into adjacent areas. Construction took place over approximately 20 months, and included:

- Discharge of fill in 1.3 acres of waters of the U.S. associated with construction and operation of a 1,200-foot wharf (134,000 square feet [ft^2]) at Berth 100.



Source: POLA, 2003

Figure 2-6
Federal Project
Berth 97-109 Container Terminal Project EIS/EIR

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- Dredging of 41,000 yd^3 of material along the waterfront at Berth 100. Dredged material was placed at the Anchorage Road soil storage site.
- Construction of 88,000 yd^3 of rock dike, placement of 14,000 yd^3 of fill behind the dike, and placement of 652 bearing piles and 950 displacement piles at Berth 100.
- Construction and development of 72 acres of backlands for the proposed container terminal.
- Construction of the first of two bridges connecting the Berth 97-109 Container Terminal to the Berth 121-131 terminal, designed to facilitate more efficient cargo movement between the terminals, minimize truck traffic on public streets, and provide more direct access of Berth 97-109 containers to the on-dock rail transfer facility at Berths 121-131.
- Installation of four new shoreside A-frame cranes along the new wharf.
- Construction of gate facilities and other necessary infrastructure for the proposed container terminal.

2.4.4.2 Phase II (Completed by 2011)

The total acreage at Berth 97-109 Container Terminal at the completion of Phase II would be 117 acres and construction staging would occur onsite. Phase II construction would occur over approximately 2 years (2009 to 2011) and would include:

- Construction of a new 925-foot wharf at Berth 102.
- Installation of five new shoreside A-frame cranes.
- Development of 45 acres of additional backlands created as a result of the Channel Deepening Project prior to 2001, including development of 8 acres of container terminal backlands that would require an amendment to the Port Master Plan redesignating the 8 acres from general cargo to container use.
- Construction of the second of two bridges connecting the Berth 97-109 Container Terminal to the Berth 121-131 terminal, designed to facilitate more efficient cargo movement between the terminals and the on-dock rail transfer facility.
- Relocating Catalina Express Terminal including renovating the Princess Pavilion building, demolishing existing terminal building and relocating/replacing existing docks.
- Construction of terminal buildings (Marine Operations Building and Crane Maintenance Building) and other necessary infrastructure for the proposed container terminal.
- Minor maintenance dredging that may be required to remove sediments that have settled since Phase I was completed; with that material also placed at the Anchorage Road soil storage site.

2.4.4.3 Phase III (Completed in 2012)

Phase III construction would increase the terminal size by approximately 25 acres for a total of 142 acres. Development of Phase III would occur over a 2-year period (2010 to 2012) and construction staging would occur onsite. Specific activities would include:

- Construction of the 375-foot Berth 100 south extension, including a 116,000-yd^3 rock dike and placement of 24,000 yd^3 of fill behind the dike.
- Installation of one new shoreside A-frame crane.
- Expansion of Berth 97-109 backlands by an additional 25 acres by redeveloping land currently comprising part of the Catalina Terminal. This development could require an amendment to the Port Master Plan (prior to development) to allow for such a land use.

Prior to construction of Phases II and III, LAHD would prepare a Public Services Relocation Plan to address the public utilities and services that would require relocation or otherwise would be affected during proposed Project construction. This Plan would be developed with input from the service providers for the proposed Project site and would be submitted to City regulatory departments for review and approval. Construction affecting utilities could not begin until the Plan was approved. The Plan would be on file with LAHD during construction.

The Public Services Relocation Plan would include the following measures:

- Prior to disconnecting any existing services, new facilities (e.g., water, sewer, communications, gas, and electricity) would be installed. Pipeline installation would occur within existing utility corridors/easements.
- As construction progresses, unnecessary facilities and connections would be eliminated, and new facilities and connections would be activated.
- Minor service interruptions (defined as those lasting 1 day or less) might occur during the connection of existing and newly installed facilities and services. Affected properties would be properly notified prior to any service interruption.

Full access to all utilities would be restored after the completion of proposed Project construction.

2.5 Alternatives

2.5.1 Alternatives Evaluated in this Recirculated Draft EIS/EIR

This document evaluates a reasonable range of alternatives to the proposed Project. The identification by the Port of a reasonable range of alternatives is informed by the legal mandates of the Port and the U.S. Army Corps of Engineers. The Port is one of only five locations in the state identified in the Coastal Act (PRC Sections 30700 and 30701) for the purposes of international maritime commerce. These mandates identify the Port and its facilities as a primary economic/coastal resource of the State and an essential element of the national maritime industry for promotion of commerce, navigation, fisheries and operations of a harbor. Activities should be water dependent and give highest priority to navigation, shipping and necessary support, and access facilities to accommodate the demands of foreign and domestic waterborne commerce. Leaving the premises vacant for any extended time is not consistent with the legal mandates of the Port. Based on existing demand and capacity limitations on industrial Port uses and Trust purposes, all or most of the industrial facilities adjacent to deep water are needed to accommodate maritime commerce, specifically containerized cargo.

Eighteen alternatives (including the proposed Project, the No Project Alternative, and No Federal Action Alternative) were considered during preparation of this Recirculated Draft EIS/EIR, which included alternative terminal configurations and alternative terminal locations. Of these, six alternatives (including the proposed Project) that meet most of the proposed Project objectives, including the specific alternatives required by the ASJ, have been carried forward for detailed analysis in Chapter 3. This section also presents the alternatives considered but eliminated from further discussion (including the rationale for the decision to eliminate the alternatives from detailed analysis), followed by a description of the alternatives analyzed in this environmental document.

The alternatives analyzed in this Recirculated Draft EIS/EIR, including the No Project Alternative and the No Federal Action Alternative, are presented below. Figures 2-7a and 2-7b illustrate the details of each of the alternatives (such as wharf alignments, fill, and number of cranes), and Table 2-3 provides a summary of the quantitative differences in the construction and operation of the proposed Project and each alternative at buildout (2030).

2.5.1.1 Alternative 1 – No Project Alternative

Alternative 1 would utilize the terminal site constructed as part of Phase I for container storage. Because of this, the Phase I construction activities are included under Alternative 1 although the in-water Phase I elements would not be used (they would be abandoned). Alternative 1 acknowledges the completion of Phase I activities but seeks to return to pre-Phase I conditions to the maximum extent practicable through abandonment of structures and fills rather than removing them, which could require additional federal action.

Under the No Project Alternative (Alternative 1), the operation of wharf-related components (A-frame cranes and wharves) at Berths 97-109 beyond those constructed prior to the court injunction and as allowed for in the ASJ would not occur.

Under the No Project Alternative, no further Port action or federal action would occur. The Port would take no further action to construct and develop additional backlands (other than the 72 acres that currently exist), the four existing A-frame cranes would be removed, and the existing wharf at Berth 100 would cease to be used for ship berthing and container loading and unloading operations. The bridge constructed during Phase I would be abandoned in place. USACE would not issue a permit for dredge and fill actions needed for construction of wharves at Berths 100 (south expansion) and 102 or for the second bridge. The 1.3 acres of fill added to waters of the U.S. during construction of Phase I of the proposed Project (as allowed under the ASJ and under USACE permit), which was fully mitigated by applying mitigation bank credit offsets and in-water construction “best management practices” (BMPs), would remain in place under Alternative 1. The fill associated with (and completed as part of) the separately approved Channel Deepening Project would not be developed as backlands.

Under the No Project Alternative, the site would continue to operate as a 72-acre container backlands area by the Yang Ming Terminal under a revocable permit. The 72 acres of backlands includes the approved acres used prior to the 2001 court injunction, as provided in the ASJ. Yang Ming would use this area as additional backlands to supplement the Berth 121-131 area.

Under the No Project Alternative, cargo ships that currently berth and load/unload at the Berth 121-131 terminal (operated by Yang Ming Lines) would continue to do so. Some of these cargo containers would be transported by yard tractors from Berths 121-131

along an internal road to the Berth 97-109 Container Terminal, where they would be sorted and stored before transportation to final destinations.

Under the No Project Alternative, up to 457,100 TEUs from the Yang Ming Terminal could be stored on the 72 acres of backlands. The Yang Ming facility currently is berth limited. Under this alternative, the Yang Ming total throughput is assumed to remain the same with or without additional land at Berths 97-109. The additional land would allow Yang Ming to operate more wheeled operations versus stacked operations. Wheeled operations are more efficient and cheaper than stacked, but terminals often are limited by their backlands area necessitating a certain amount of stacking.

No ship calls would occur at Berths 97-109 under this alternative. Additionally, because the Berth 121-131 terminal is berth limited under current and all reasonably foreseeable future conditions, the use of Berth 97-109 backlands by Yang Ming would not result in additional ship, truck, or rail trips at the Berth 121-131 terminal (Appendix I). This alternative, however, would result in daily yard tractor trips transporting the containers to and from Berths 97-109 and would require terminal equipment to stack, sort, and store containers at Berths 97-109 along an internal road connecting the two terminals.

Alternative 1 differs from the proposed Project in that container ship operations (loading and unloading), and direct truck and rail transport would not occur at the Berth 97-109 terminal. However, the Berth 97-109 backlands would be used to sort and store containers, and containers would be transported between the two terminals (Berths 121-131 and Berths 97-109) by yard equipment.

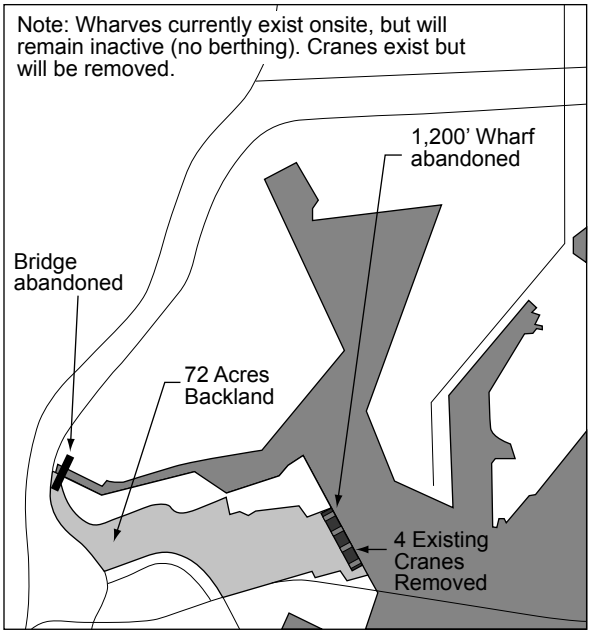
The No Project Alternative would not preclude the future container terminal use of Berth 97-109 Container Terminal. Any future use, however, would need to be analyzed in a separate environmental document.

When compared against the CEQA baseline, the No Project Alternative would result in fewer environmental impacts than the proposed Project because its operational capacity and level of capital development would be lower. The reduced environmental impacts include: fewer aesthetic impacts (no cranes), lessened air quality impacts (less construction and operational emissions), and lessened impacts from ground traffic (no truck trips) and noise (related to reduced truck trips and reduced construction).

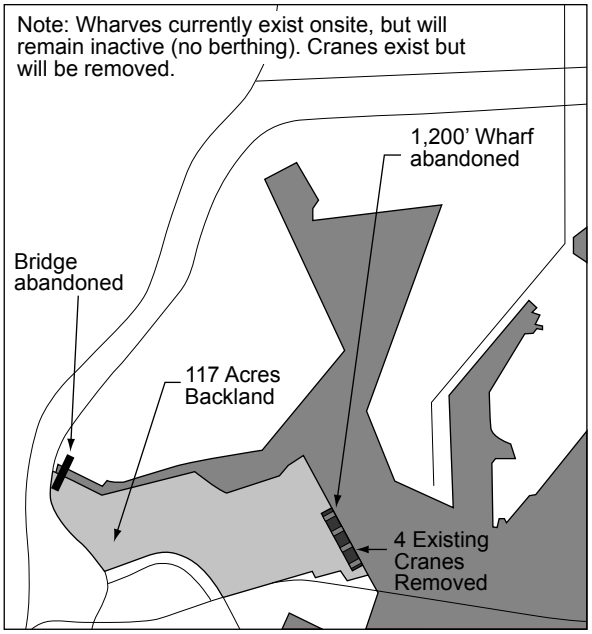
When compared against the NEPA baseline, Alternative 1 would result in fewer environmental impacts than those experienced under the proposed Project. The decreased environmental impacts would occur from less intensive construction activities and a lower level of terminal operations associated with the lower TEU throughput and direct ship, truck, and rail emissions.

The No Project Alternative assumes implementation of existing and future CAAP measures. Under this alternative, mitigation measures would be applied to reduce emissions from yard tractors and yard equipment used at Berths 97-109 through the revocable permit to Yang Ming. In addition, any future Portwide CAAP measure would be applied to this alternative.

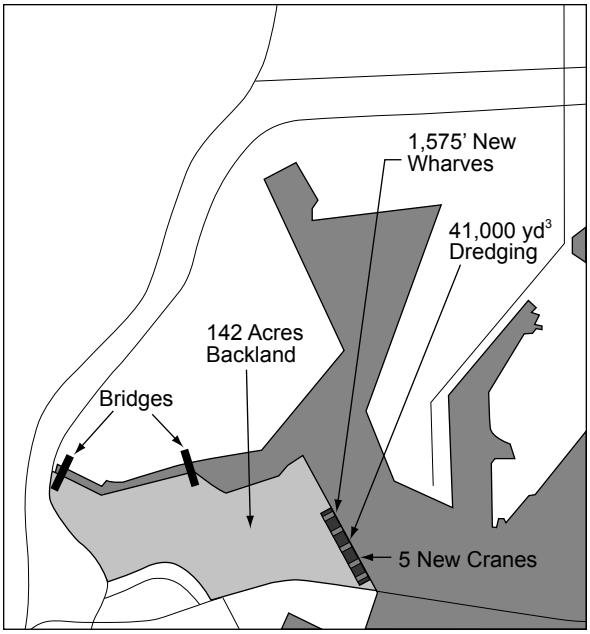
1 No Project



2 No Federal Action



3 Reduced Fill - No B102 Wharf



Source: POLA, 2003

Figure 2-7a
Summary of Project Alternatives
Berth 97-109 Container Terminal Project EIS/EIR

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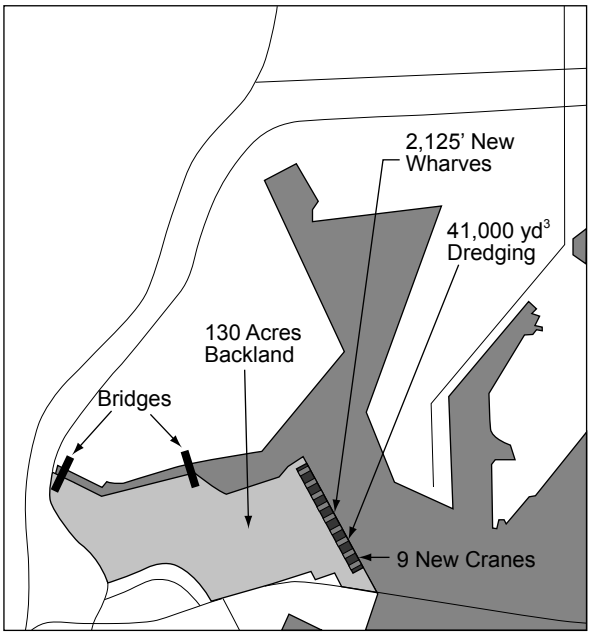
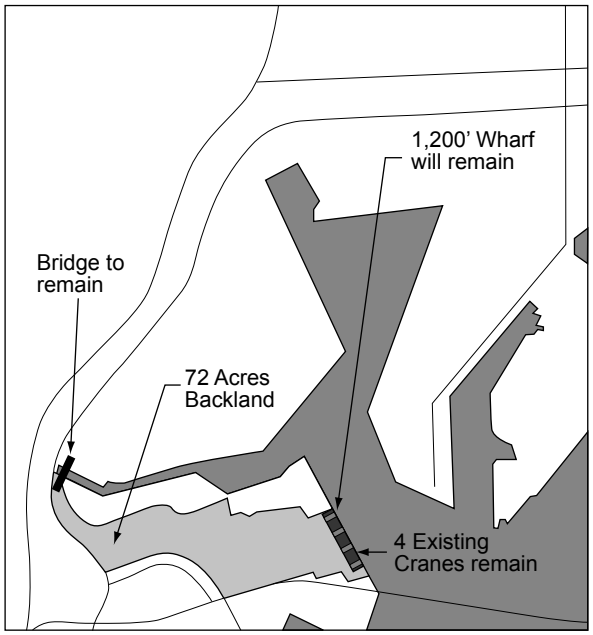
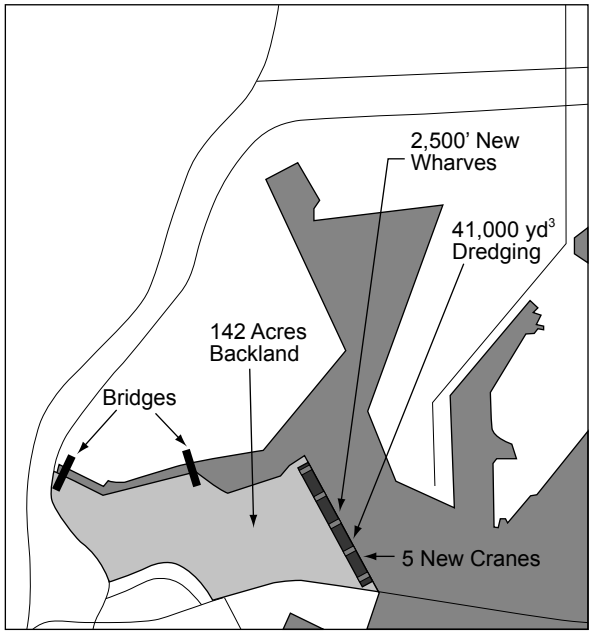
4 Reduced Fill - No B100
South Wharf Extension



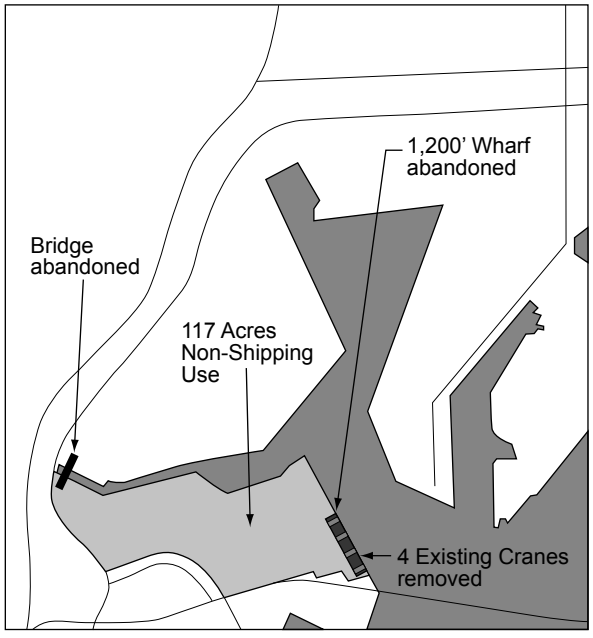
5 Reduced Construction -
Phase I Only



6 OMNI/RORO/Break Bulk Terminal



7 Non-Shipping Use
Retail/Office/Industrial



Source: POLA, 2003

Figure 2-7b
Summary of Project Alternatives
Berth 97-109 Container
Terminal Project EIS/EIR

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Table 2-3. Summary of Proposed Project and Alternatives at Buildout (2030)a

	Terminal Acres	Ship Calls	Annual TEUs (in millions)[d]	Cranes	Total Fill	New Wharves
Proposed Project	142 Gross Terminal Acres	234 Annual Ship Calls	1,551,000 Annual TEUs	10 A-frame cranes	Total of 2.54 acres of fill into waters of the U.S.	Total of 2,500 linear feet of new wharves
No Project Alternative[b]	72 Gross Terminal Acres	0 Annual Ship Calls	457,100 Annual TEUs	4 Existing A-frame cranes would be removed	1.3 acres of fill from Phase I, no new fill into waters of the U.S.	1,200 linear feet of wharves (Phase I)
No Federal Action Alternative [c]	117 Gross Terminal Acres	0 Annual Ship Calls	632,500 Annual TEUs	4 Existing A-frame cranes would be removed	1.3 acres of fill from Phase I, no new fill into waters of the U.S.	1,200 linear feet of wharves (Phase I)
Reduced Fill Alternative, No Berth 102 wharf	142 Gross Terminal Acres	130 Annual Ship Calls	936,000 Annual TEUs	5 A-frame cranes	Total of 2.5 acres of fill into waters of the U.S.	Total of 1,575 linear feet of new wharves
Reduced Fill Alternative, No Berth 100 South	130 Gross Terminal Acres	208 Annual Ship Calls	1,392,000 Annual TEUs	9 A-frame cranes	Total of 1.34 acres of fill into waters of the U.S.	Total of 2,125 linear feet of new wharves
Reduced construction and operation: Phase I construction only	72 Gross Terminal Acres	104 Annual Ship Calls	630,000 Annual TEUs	4 A-frame Cranes	Total of 1.3 acres of Fill into waters of the U.S.	1,200 linear feet new wharves
Omni Cargo Terminal Alternative	142 Gross Terminal Acres	364 Annual Ship Calls	506,467 Annual TEUs; 17,987 Annual Autos (in TEUs); 5,159,570 Annual Break-Bulk Commodities (in Tons)	5 A-frame cranes	Total of 2.54 acres of fill into waters of the U.S.	Total of 2,500 linear feet of new wharves
Nonshipping Alternative: (Retail, Office, Light Industrial Land Uses)	117 Gross Acres: 277,564 ft^2 of Retail Buildings; 277,564 ft^2 of Office Buildings; 1.3 million ft^2 of Light Industrial Buildings	No Annual Ship Calls	No Annual TEUs	No A-frame cranes	1.3 acres of fill from Phase I, minor new fill into waters of the U.S.	1,200 linear feet of wharves (Phase I)

Notes: Alternative Maritime Power is not included in the alternatives involving wharf development at the China Shipping site to account for worst-case scenarios. Alternative Maritime Power is treated as mitigation, consistent with the ASJ.

[a] This table summarizes the major features of the proposed Project and alternatives.

[b] Under the No Project Alternative, the existing 1,200-foot-long wharf at the Berth 97-109 site and the 1.3 acres of fill from Phase I would remain onsite, but the four existing cranes would be removed. The analysis in this Recirculated Draft EIS/EIR assumes: (1) the existing four A-frame cranes would be removed, (2) the wharf would remain in place but no ship berthing would occur, and (3) no terminal backlands beyond the existing 72 acres would be improved. Yang Ming would use 72 acres at Berth 100 as backlands.

[c] Under the No Federal Action Alternative, the backlands (up to 117 acres) would be improved but the existing four A-frame cranes would be removed and (2) the wharf and 1.3 acres of fill from Phase I would remain in place but no ship berthing would occur. Yang Ming would use terminal acreage at Berth 100 as backlands. The bridge constructed in Phase I would be abandoned.

[d] Throughput projection methodology is based on the Mercer and JWD reports (Section 1.1.3 and Appendix I). Throughput under the No Project and No Federal Action Alternatives are reallocated from Berths 121-131.

2.5.1.2 Alternative 2 – No Federal Action Alternative

Alternative 2 would utilize the terminal site constructed as part of Phase I for container storage, and would further increase the backland area to 117 acres. Because of this, the Phase I construction activities are included under Alternative 2 although the in-water Phase I elements would not be used. Phase I dike, fill, and the wharf would be abandoned. Alternative 2 acknowledges the completion of Phase I activities but seeks to return to pre-Phase I conditions to the maximum extent practicable through abandonment of structures and fills rather than removing them, which could require additional federal action.

The No Federal Action Alternative includes all of the construction and operational impacts likely to occur absent further USACE permits (e.g., air emissions and traffic likely to occur without issuance of permits to construct or modify wharves and bridges, or to dredge). Alternative 2 differs from the proposed Project in that container ship operations (loading and unloading), and direct truck and rail transport would not occur at the Berth 97-109 terminal. Under Alternative 2, the Yang Ming Terminal would operate the site as a supplemental container backlands area under a revocable permit. The Berth 97-109 backlands would be used to sort and store containers, and yard equipment would transport containers between the two terminals using an internal road (Berths 121-131 and Berths 97-109). The Yang Ming facility currently is berth limited. Under this alternative, the Yang Ming total throughput is assumed to remain the same with or without additional land at Berths 97-109; however, the additional land would allow Yang Ming to use more wheeled operations versus stacked operations. Wheeled operations are more efficient and cheaper than stacked, but terminals are often limited by their backlands area necessitating a certain amount of stacking.

The No Federal Action Alternative would not include terminal features that could only be implemented when additional federal permits or funding for either construction or operation were acquired. This alternative would not allow any new dredging (beyond what was previously approved with the Channel Deepening Supplemental EIS/EIR of 2000 and for Phase I), filling, or new wharf construction. Under the No Federal Action Alternative, however, further development of backlands could occur at the Project site, which does not require a federal action. The No Federal Action Alternative would allow construction and container storage use of all upland elements (existing lands and fill areas previously approved through permits or Channel Deepening) for backlands or other purposes for up to 117 acres, including 72 acres of existing backlands, and 45 additional acres proposed to be developed as backlands under Phase II of the Project. The No Federal Action Alternative would not include development of any backlands under Phase III of the Project because, even though no federal permit is required for that development, 12 of the 25 acres are associated with the Berth 100 south extension that would not occur without a USACE permit, and because this acreage currently is being used by Catalina Express Terminal and that use would remain in place. The westerly bridge constructed during Phase I of the proposed Project would be abandoned. No wharves beyond the wharf at Berth 100 would be improved or constructed as part of this alternative. The 1.3 acres of fill added to waters of the U.S. during construction of Phase I of the proposed Project (as allowed under the ASJ and under USACE permit), which was fully mitigated by applying mitigation bank credit offsets and in-water construction BMPs during Phase I, would remain in place under Alternative 2.

The LAHD would take no further action necessary to accommodate wharf operations at Berths 100-102. Rather, the four existing A-frame cranes installed in Phase I would be removed and the existing wharf at Berth 100 would not be used for container loading and unloading activities. Under the No Federal Action Alternative, up to 632,500 TEUs from the Yang Ming Terminal could be stored on the 117 acres of backlands (as presented in Appendix I). Under this alternative, the Yang Ming total throughput is assumed to remain the same with or without additional land at Berths 97-109. The additional land would allow Yang Ming to operate more wheeled operations versus a stacked operation. Wheeled operations are more efficient and cheaper than stacked, but terminals are often limited by their backlands area necessitating a certain amount of stacking. No ship calls would occur at Berths 97-109 under this alternative. Additionally, because the terminal at Berths 121-131 is berth limited, use of Berths 97-109 by Yang Ming will not result in additional ship, truck, or rail trips at the Berth 121-131 terminal. This alternative, however, would result in daily yard-tractor trips transporting the containers to and from Berths 97-109 and terminal equipment to stack, sort and store containers at Berths 97-109 along an internal road connecting the two terminals.

When compared against the CEQA baseline, Alternative 2 would result in fewer environmental impacts than the proposed Project because its operational capacity would be lower and its level of capital development would be lower. These reduced environmental impacts under Alternative 2 include fewer aesthetic impacts (no cranes compared to 10 for the proposed Project), fewer air quality impacts (less construction and operational emissions), fewer ground traffic impacts (no truck trips), and fewer noise impacts (related to fewer truck trips and reduced construction).

When compared against the NEPA baseline, Alternative 2 would result in fewer environmental impacts than would result under the proposed Project. The decreased environmental impacts under Alternative 2 would occur from less-intensive construction activities and a lower level of terminal operations associated with the lower TEU throughput and lower direct ship, truck, and rail emissions. The NEPA baseline represents project site conditions prior to construction of Phase I. Although Phase I has been built, this retrospective examination is necessary to ensure that all impacts associated with Phases I through III are fully considered. Similarly, Alternative 2 acknowledges the completion of Phase I activities, but seeks to return to pre-Phase I conditions to the maximum extent practicable through abandonment of structures and fills rather than removing them, which could require additional federal action. Alternative 2 would result in slightly higher impacts than the NEPA baseline because the Phase I in-water construction activity is applied to Alternative 2 but is not included in the NEPA baseline.

The No Federal Action Alternative assumes implementation of existing and future CAAP measures. Under this alternative, mitigation measures would be applied to reduce emissions from yard tractors and yard equipment used at Berths 97-109. In addition, any future Portwide CAAP measure would be applied to this alternative.

2.5.1.3 Alternative 3 – Reduced Fill: No New Wharf Construction at Berth 102

This alternative would be developed similar to the proposed Project except that 925 linear feet of wharf proposed at Berth 102 would not be constructed. The total length of wharf at the terminal would be 1,575 feet (i.e., the existing 1,200 feet of Berth 100 that already were constructed during Phase I and officially put into operation on June 21, 2004, plus

the proposed 375-foot south extension). In addition to the 41,000 yd^3 of dredge material that was disposed of at the Anchorage Road soil storage site, and the dike and fill placements that occurred under Phase I, an additional 116,000 yd^3 of rock dike and 24,000 yd^3 of fill behind the dike would be required for the Berth 100 south extension.

As a result of no wharf construction at Berth 102, only one additional A-frame crane would be installed for a total of five cranes at the Berth 97-109 Container Terminal (four currently exist). The total acreage of backlands under this alternative would be 142 acres, the same as the proposed Project. TEU throughput would be less than the proposed Project, with an expected throughput of 936,000 TEUs by 2030. This would translate into 130 annual ship calls at Berths 97-109 with associated 520 tugboat operations. In addition, this alternative would result in up to 2,833 daily truck trips, and up to 493 annual round-trip rail movements. Development of all other landside terminal components would be identical to the proposed Project.

When compared against the CEQA baseline, Alternative 3 would result in fewer environmental impacts than the proposed Project because its operational capacity would be lower and its level of capital development would be lower. These reduced environmental impacts includes fewer aesthetic impacts (5 cranes compared to 10 for the proposed Project), fewer air quality impacts (less construction and operational emissions), fewer ground traffic impacts (fewer truck trips), and fewer noise impacts (related to fewer truck trips and reduced construction).

When compared against the NEPA baseline, Alternative 3 would result in fewer environmental impacts than those experienced under the proposed Project. The decreased environmental impacts would occur from less construction activities associated with the lower TEU throughput and direct ship, truck, and rail emissions.

The Reduced Fill Alternative assumes implementation of existing and future CAAP measures. Under this alternative, mitigation measures would be applied to reduce emissions from ships, trucks, rail, yard tractors, and yard equipment. In addition, any future Portwide CAAP measure would be applied to this alternative.

2.5.1.4 Alternative 4 – Reduced Fill: No South Wharf Extension at Berth 100

This alternative would be similar to the proposed Project except that the proposed 375 feet of linear wharf proposed south of Berth 100 and 12 of the 25 acres of backland behind Berth 100 would not be constructed or developed. Alternative 4 includes construction and operation of 13 acres in Phase III, compared to 25 acres for the proposed Project, to better match backlands capacity with wharf capacity. The total length of wharf at the terminal would be 2,125 feet. As part of the Phase I construction, 1,200 feet of wharf at Berth 100 already have been constructed and were officially put into operation on June 21, 2004. The dredging of 41,000 yd^3 of fill has already occurred as part of Phase I construction, and this material was placed at the Anchorage Road soil storage site.

This alternative would include construction of an additional 925 feet of wharf at Berth 102, to extend north of the existing wharf at Berth 100. No additional rock dike or fill would be required. Five additional A-frame cranes would be installed at Berth 102 in Phase II for a total of nine cranes at the Berth 97-109 Container Terminal (four currently exist). TEU throughput would be less than the proposed Project with an expected throughput of 1,392,000 TEUs by 2030. This would translate into 208 annual ship calls

and 832 associated tugboat trips. In addition, this alternative would result in up to 4,472 daily truck trips, and up to 734 annual round-trip rail movements. With 130 acres of backlands, compared to the proposed Project, slightly less backland would be developed under Alternative 4.

When compared against the CEQA baseline, Alternative 4 would result in slightly fewer environmental impacts than the proposed Project because its operational capacity and its level of capital development would be slightly lower. These reduced environmental impacts include fewer aesthetic impacts (9 cranes compared to 10 for the proposed Project), slightly fewer air quality impacts (less construction and operational emissions), slightly fewer ground traffic impacts (fewer truck trips), and fewer noise impacts (related to fewer truck trips and reduced construction).

When compared against the NEPA baseline, Alternative 4 would result in fewer environmental impacts than those experienced under the proposed Project. The decreased environmental impacts would occur from fewer construction activities associated with the lower TEU throughput and direct ship, truck, and rail emissions.

The Reduced Fill, No South Wharf Extension Alternative assumes implementation of existing and future CAAP measures. Under this alternative, mitigation measures would be applied to reduce emissions from ships, trucks, rail, yard tractors, and yard equipment. In addition, any future Portwide CAAP measure would be applied to this alternative.

2.5.1.5 Alternative 5 – Reduced Construction and Operation: Phase I Construction Only

Under Alternative 5, the Phase I terminal (completed in 2003 as allowed by the ASJ and the USACE permit kept in place by the federal Settlement Agreement) would operate at levels similar to today. The total acreage of backlands under this alternative would be 72 acres. Existing equipment and facilities on the proposed Project site would remain, including four A-frame cranes along the wharf, the bridge connecting Berths 121-131 to Berths 97-109, the paved backlands used for container storage, terminal and gate buildings, mobile equipment used to handle containers, and 1,200 linear feet of wharves and the 1.3 acres of fill associated with the wharf construction. Under this alternative, however, Phase II and Phase III construction elements would not be constructed, including the Berth 102 wharf and the Berth 100 south extension construction, six additional cranes, the second bridge connecting Berths 97-109 and Berths 121-131, and 70 acres of additional backlands.

Under Alternative 5, China Shipping would operate the terminal under a 40-year lease. The lease would include AMP and terminal equipment provisions consistent with the ASJ. TEU throughput would be less than the proposed Project with an expected throughput of 630,000 by 2030. This would translate into 104 annual ship calls at Berths 97-109 and 416 associated tugboat trips. In addition, this alternative would result in up to 1,796 daily truck trips, and up to 332 annual round-trip rail movements.

When compared against the CEQA baseline, Alternative 5 would result in fewer environmental impacts than the proposed Project because its operational capacity and its level of capital development would be lower. These reduced environmental impacts include fewer aesthetic impacts (4 cranes compared to 10 for the proposed Project), fewer air quality impacts (less construction and operational emissions), fewer ground traffic impacts (fewer truck and rail trips), and fewer noise impacts (related to fewer truck trips and reduced construction).

When compared against the NEPA baseline, Alternative 5 would result in fewer environmental impacts than those experienced under the proposed Project. The decreased environmental impacts would occur from less construction activities associated with the lower TEU throughput and direct ship, truck, and rail emissions.

The Reduced Construction and Operation Alternative assumes implementation of existing and future CAAP measures. Under this alternative, mitigation measures would be applied to reduce emissions from ships, trucks, rail, yard tractors, and yard equipment. In addition, any future Portwide CAAP measure would be applied to this alternative.

2.5.1.6 Alternative 6 – Omni Cargo Terminal

The Omni Cargo Terminal Alternative would convert the existing site into an operating omni cargo-handling terminal similar to the Pasha Stevedoring & Terminals L. P. (Pasha) currently operating at Berths 174-181. The primary objective of the Omni Cargo Terminal Alternative is to provide increased and diversified cargo-handling capabilities by expanding and improving existing terminal facilities. The omni terminal would handle containers, Roll-On-Roll-Off and break-bulk commodities. Roll-On-Roll-Off goods include automobiles. Break-bulk commodities include factory equipment, forest products, bundles of steel, and other bulky material. This alternative does not meet the project objective to accommodate foreseeable containerized cargo volumes through the Port and to increase container handling efficiency and create sufficient backland area for container terminal operations, including storage, transport, and on/offloading of container ships in a safe and efficient manner.

This alternative would develop 2,500 feet of wharves (including the 1,200-foot wharf at Berth 100 wharf completed as part of Phase I, the 925-foot wharf at Berth 102 as part of Phase II, and the 375-foot wharf south extension at Berth 100 as part of Phase III), five new A-frame cranes (one would be added to the existing four A-frame cranes installed as part of Phase I), and backlands occupying 142 acres (the same as under the proposed Project).

Annual throughput volumes at the proposed omni terminal would vary by commodity: 506,467 container TEUs; 17,987 auto TEUs; and break-bulk commodities totaling 5,159,570 tons. Under this alternative, 364 annual ship calls and 1,456 tugboat trips would be required. In addition, this alternative would result in up to 3,982 truck trips, and up to 245 annual round-trip rail movements.

A new 250,000- to 350,000-ft^2 transit storage shed would be constructed onsite, as well as new entrance and exit gate facilities, heavy lift pad, utility relocations, and possible realignment of existing railroad tracks. Development of this alternative would take place proportionately over three phases similar to those of the proposed Project.

Demolition and/or reconstruction of existing backlands facilities such as exit gate, maintenance building, operations building, extensive filling, grading, fire protection system, storm drains, sewers, lighting, electrical, and paving would be completed to match the needs of the proposed omni terminal.

Hours of operation would be from 8:00 a.m. to 5:00 p.m., Monday through Friday. Terminal operations would involve the mooring of up to nine vessels per month. It is anticipated that each ship would take 31 to 52 hours to unload. Employment would vary by day and would largely depend upon the activities at the facility. During vessel berthing operations, the site would require approximately 45 employees. Approximately two people would be onsite for daily operations when no vessels are at the terminal.

When compared against the CEQA baseline and against the NEPA baseline, Alternative 6 would result in environmental impacts generally similar to those of the proposed Project because the amount of backlands and wharves would be the same. However, the intensity of environmental impacts of Alternative 6 would differ slightly from the proposed Project depending on the type of impact. As an example, Alternative 6 would result in reduced aesthetic impacts (5 cranes compared to 10 for the proposed Project) but slightly greater air quality impacts from construction (due to the need to construct additional terminal features).

The Omni Terminal Alternative assumes implementation of existing and future CAAP measures. Under this alternative, mitigation measures would be applied to reduce emissions from ships, trucks, rail, yard tractors, and yard equipment. In addition, any future Portwide CAAP measure would be applied to this alternative.

2.5.1.7 Alternative 7 – Nonshipping Use

A nonshipping use alternative normally would not be evaluated in detail in an EIS/EIR for the Port because such use of the site would not be consistent with the Project objectives, with the maximum utilization of Port lands for Port-related uses, with the Port Master Plan for the Project site, or with Regulations and Guidelines for Development Projects (LAHD, 2002a).[4] However, the Nonshipping Use Alternative is included for detailed analysis in this Recirculated Draft EIS/EIR pursuant to the terms of the ASJ, which states that the Draft EIS/EIR shall

> *…consider alternatives to the China Shipping project with reduced impacts, including alternative "Port-related uses" other than a shipping terminal at the site of the China Shipping Project…*

Alternative 7 would utilize the terminal site constructed as part of Phase I for container storage. Because of this, the Phase I construction activities are included under Alternative 7 although the in-water Phase I elements would be abandoned. Alternative 7 acknowledges the completion of Phase I activities but seeks to return to pre-Phase I conditions to the maximum extent practicable through abandonment of structures and fills rather than removing them, which could require additional federal action.

The Nonshipping Use Alternative would convert the existing site into a "Regional Center," which would generally be considered as a mixed-use center with major retail tenants serving as "anchor" uses; office park uses; and light industrial uses supporting maritime activities such as machine shops, marine vessel chandlers, and marine supply stores. In addition, a public dock would be constructed to support onsite retail and restaurant uses. This dock would be constructed to provide service and access to smaller watercraft (such as small boats, wave runners, and kayaks). The public dock would likely be a floating dock with access ramps connected to the existing wharf or adjacent area to allow recreational users access to the Regional Center and would require a permit from the USACE (under the River and Harbor Act) prior to construction. Hours of operation for the Nonshipping Use Alternative would generally be 8:00 a.m. to 10:00 p.m., Monday through Friday, and 10:00 a.m. to 2:00 a.m. on the weekends.

[4] According to the Port Master Plan Regulations and Guidelines for Development Projects that regulate the planned development of the Project site: "*the Port is responsible for modernizing and constructing necessary facilities to accommodate deep-draft vessels and to accommodate the demands of foreign and domestic waterborne commerce and other traditional water dependent and related facilities*…" and "…*the highest priority for any water or land area use within the jurisdiction of the Port of Los Angeles shall be for developments which are completely dependent on such harbor water areas and/or harbor land areas for their operations*…" (LAHD, 2002a)

Similar to the proposed Project, this alternative could be developed proportionally over three phases. Existing backlands uses and facilities on the 117-acre site would have to be demolished because they would not be consistent with the alternative use. The 1.3 acres of fill added to waters of the U.S. during construction of Phase I of the proposed Project (as allowed under the ASJ and under USACE permit) and the bridge over the Southwest Slip, would remain in place under Alternative 7. The fill in the Southwest Slip would continue to occur as part of the approved Channel Deepening Project. The construction of berths would continue to occur, but berths would be developed to support small watercraft only.

This alternative would be generally consistent with the Regional Center uses as described in the *City of Los Angeles General Plan Long Range Land Use Diagram, West/Coastal Los Angeles* (February 2003). A Regional Center is defined in the City of Los Angeles General Plan as follows:

> *A focal point of regional commerce, identity and activity and containing a diversity of uses such as corporate and professional offices, residential, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities, and supporting services. Generally, different types of Regional Centers will fall within the range of floor area ratios from 1.5:1 to 6.0:1. Some will only be commercially oriented; others will contain a mix of residential and commercial uses. Generally, Regional Centers are characterized by 6- to 20-stories (or higher). Regional Centers are usually major transportation hubs.*

Three general land uses are included in this alternative: retail, office, and light industrial uses. Floor area ratios (FAR) and land use allocation percentages were assumed based on their potential viability in the West Basin area, and the locations and sizes of other similar uses in that part of the City. Retail uses were assumed to make up approximately 15 percent of the 117-acre site with a FAR of 0.6:1 (60 percent). Office uses would also be approximately 15 percent of the site with a FAR of 0.4:1 (40 percent). Light industrial uses would be developed on approximately 70 percent of the site with a FAR of 0.3:1 (30 percent). FARs for all proposed land uses would be below the ranges established in the General Plan.

Anchor retail uses could consist of nationally known department stores and/or "big-box" retail tenants. Other "in-line" retail uses might include smaller specialty retail shops and/or service and restaurant uses that would support the office and light industrial uses proposed onsite, as well as the adjacent area. Office uses would potentially be the local offices of major Port tenants, while light industrial uses would be centered on supporting maritime activities. Table 2-4 provides a quantitative summary of this alternative.

Table 2-4 indicates a total building floor space of 1,850,428 ft^2 for the 117-acre site. Based on application of parking ratios from the Institute of Transportation Engineers (ITE), the maximum parking requirement would be approximately 3,812 spaces. (Shared parking has not been assumed, but it could reduce the requirement.)

Table 2-4. Summary of Nonshipping Use (Alternative 7)

Land Use	FAR*	Building ft^2	Parking Spaces
Retail	0.6:1 FAR	277,564	1,110
Office	0.4:1 FAR	277,564	694
Light Industrial	0.3:1 FAR	1,295,300	2,008
Total		1,850,428	3,812

*FAR floor area ratio

For planning and design purposes, a parking space would use approximately 370 ft^2, which accounts for actual parking spaces, drive aisles, landscaping, and other parking lot circulation space. The required 3,812 parking spaces would occupy approximately 1,410,440 ft^2 of space. The remaining space on the site would be reserved for public open space and landscaped areas (outside the parking lots).

This alternative would result in up to 24,000 additional daily trips to and from the site by 2030. Major access to the site would occur at the signalized intersections of Harbor Boulevard/Swinford Street-I-110 and SR-47 ramps, Pacific Avenue/Front Street, and John S. Gibson Boulevard/Channel Street. Internal roadways would serve these access locations from the site.

When compared against the CEQA baseline, Alternative 7 would result in different environmental impacts than those associated with the proposed Project because it is a development project rather than a cargo-handling project. In some instances, impacts would be less apparent than those of the proposed Project, such as aesthetics or potential health risks. Alternative 7 would not require A-frame cranes and, as such, would not result in view blockage impacts such as those of the proposed Project (the A-frame cranes installed during Phase I would be removed). Alternative 7 would not require diesel-powered oceangoing vessels and container trucks during operations, and as such, would result in a substantially lower potential for diesel particulate matter (DPM)-related health risks, when compared to the proposed Project. Traffic generated by Alternative 7, however, would adversely affect more intersections than the proposed Project prior to implementation of mitigation measures.

In some instances, compared against the NEPA baseline, impacts of Alternative 7 would be less than those of the proposed Project, such as potential health risks. Alternative 7 would result in a much lower potential for DPM-related health risks than the proposed Project due to a lower level of diesel equipment and trucks. However, Alternative 7 has the potential to adversely affect more intersections, prior to mitigation, than the proposed Project. In addition, any future Portwide CAAP measure would be applied to this alternative.

2.5.2 Alternatives Considered and Withdrawn

A number of alternatives were considered during preparation of this Recirculated Draft EIS/EIR but were eliminated from further discussion and detailed analysis. These alternatives are discussed below including a consideration of the rationale leading to their exclusion from further analysis. Alternatives considered but eliminated include the following:

1. Use of West Coast Ports Outside Southern California
2. Expansion of Terminals in Southern California but Outside the Los Angeles Harbor District
3. Lightering
4. Shallower Dredge Depth
5. Liquefied Natural Gas Terminal Facility
6. Offsite Backlands Alternatives
7. Development of New Landfills and Terminals Outside the Berth 97-109 Terminal Area and the Adjoining West Basin Area
8. Other Sites in the Los Angeles Harbor District
9. Narrower Wharves
10. Development and Operation of Small Container Terminal

2.5.2.1 Use of West Coast Ports Outside Southern California

Compared to the proposed Project, this alternative would not meet the following Project objective: to expand and optimize the cargo-handling efficiency and capacity in the West Basin needed to accommodate increased movement of containerized goods through the Port of Los Angeles.

Under this alternative, the Port of Los Angeles would not develop Berths 97-109 with a container terminal, but would instead assume that the additional cargo would be accommodated by other West Coast ports outside Southern California (i.e., Oakland, Seattle, Tacoma, Portland, and Vancouver in British Columbia, Canada). It is important to note that the Port of Los Angeles has no authority to direct cargo to ports outside its jurisdictional boundaries. The Port could only refuse to provide the discretionary actions necessary to increase Port capacity within its own boundaries, thus providing shippers with an incentive to route cargo to other ports. Such a course is not consistent with the Tidelands Trust or Coastal Act.

To evaluate this alternative, it is important to recognize the current and expected role of the Port of Los Angeles in U.S. foreign trade. Between 40 and 45 percent of all the containers handled by U.S. ports come through the Port of Los Angeles (USACE and POLA, 2007) and more than 75 percent of all containers shipped through West Coast ports pass through the Ports of Los Angeles, Long Beach, and Oakland because those ports have the specialized facilities and navigational channels of sufficient depth to safely accommodate the new generation of deep-draft ships, some of which are as long as four football fields (over 1,200 feet) (USACE and LAHD, 2000). The value of goods handled by the Ports of Los Angeles and Long Beach was a combined $240.5 billion in 2004,

whereas the value of goods handled by the Ports of Oakland, Seattle, and Tacoma was a combined $63.9 billion in the same year (United States Maritime Administration, 2005). As described in Section 1.1.3, the large population base of the Southwestern United States and the strong transportation connections to the rest of the country make the two San Pedro Bay ports prime destinations for foreign trade.

A survey of West Coast ports prepared for the Deep Draft Navigation Improvements Project showed that other West Coast ports are not capable of absorbing additional cargo diverted from the Port of Los Angeles without constructing new facilities (USACE and LAHD, 1992). The 1992 survey is still valid. A number of new studies on goods movement in California, such as the governor's *Goods Movement Action Plan* (CalEPA and the Business, Transportation, and Housing Agency, 2005), have identified capacity constraints at other West Coast ports. Other major West Coast ports are operating at or near current physical capacity, have recently expanded, or are undergoing expansion to accommodate their projected future throughput demand. Although small temporary diversions from the Port of Los Angeles can be accommodated, large permanent diversions would require further physical improvements at other major West Coast ports.

Improvements necessary to allow the other West Coast ports to accommodate the additional cargo would result in environmental impacts similar to or more pronounced than those associated with the proposed Project (LAHD, 1997a). Moreover, even with the expansion of other Ports, the Port of Los Angeles is expected to grow. Because use of other Ports would not achieve proposed Project objectives to maximize the cargo-handling efficiency and capacity in the West Basin and improve transportation infrastructure needed to accommodate increased movement of containerized goods through the Port of Los Angeles, this alternative is considered infeasible.

2.5.2.2 Expansion of Terminals in Southern California but Outside the Los Angeles Harbor District

In this alternative, new container terminal facilities would be constructed at other Southern California ports (Long Beach, San Diego, Port Hueneme) or a new port would be established to accommodate future increases in cargo volumes that would otherwise be handled by the proposed Project. As with the previous alternative, the Port of Los Angeles has no authority to direct cargo to ports outside its jurisdictional boundaries. The Port could only refuse to provide the discretionary actions necessary to increase Port capacity within its own boundaries, which is not consistent with the Tidelands Trust or Coastal Act.

The chief candidate among existing ports to accommodate the Port of Los Angeles' share of cargo is the Port of Long Beach because that port is similar in size to the Port of Los Angeles, has modern container terminals, deep-water access and is geographically close. However, the Port of Long Beach faces future increases in cargo volumes similar to those forecast for the Port of Los Angeles (see Section 1.1.3). To satisfy that demand, the Port of Long Beach has embarked on its own program of modernization and expansion of container terminals. Furthermore, even if the proposed container terminal could be located in the Port of Long Beach, it would have impacts very similar to those of the proposed Project at the Port of Los Angeles, given the proximity of the two ports. Other existing ports in Southern California do not have the water depths, wharf facilities, backland capacity, or transportation connections necessary to accommodate a large amount of container cargo (USACE and LAHD, 1992).

The option of building a new port to accommodate additional cargo is infeasible because the California Coastal Act does not allow the development of new commercial ports outside existing port districts. The standards for master plans, contained in Chapter 8 of the Coastal Act, require environmental protection while expressing a preference for port-dependent projects. The logic behind this policy is that it is environmentally and economically preferable to concentrate commercial shipping activities and other maritime industrial facilities in existing ports rather than siting them at new coastline locations.

Using other Southern California ports to accommodate future Port of Los Angeles cargo volumes is infeasible because sufficient capacity does not exist and cannot be constructed. Therefore, this alternative was eliminated from further consideration in this Recirculated Draft EIS/EIR.

2.5.2.3 Lightering

Lightering involves offloading a portion of cargo from a fully loaded vessel onto smaller vessels until the draft of the larger vessel has been reduced to the point where it can safely transit to the terminals. It is a common practice for liquid-bulk vessels, whose cargo can be quickly and safely transferred between vessels through pipes, and is sometimes used for break-bulk cargos at smaller ports in other countries. In this alternative, containers would be offloaded from oceangoing container vessels to smaller vessels or barges that would convey them to the existing terminal. This alternative would eliminate the need to deepen berths and channels, since the large vessels would not come to the terminal fully loaded. Instead, the oceangoing vessel would anchor offshore, probably in the Outer Harbor, while the lightering process proceeded.

Lightering slows cargo movement, requires use of more vessels, and results in higher operational costs. The extra cost of lightering, including use of smaller vessels and delay times, would be considerable. Furthermore, lightering of containers on a large scale has not been shown to be physically practicable or safe, and might not be acceptable to labor and terminal operators for those reasons. Finally, although lightering would avoid the temporary impacts associated with channel deepening (dredging and dredge material disposal), its environmental impacts would be considerable. The delays in port time would result in additional air emissions from the oceangoing vessels; the use of smaller vessels, in addition to the oceangoing vessel, and the requirement to double-handle containers would add air emissions; and the risk of cargo loss during transfer would pose a risk to water quality and marine resources.

Compared to the proposed Project, this alternative would not achieve the following Project objectives: to expand and modernize existing container terminal facilities at the Port; to optimize the use of Los Angeles Harbor waterways; and to accommodate the projected growth in the volume of containerized cargo through the Port. Therefore, this alternative was eliminated from further consideration in this Recirculated Draft EIS/EIR.

2.5.2.4 Shallower Dredge Depth

Under this alternative the berths would be dredged to a shallower depth than the -53-foot mean lower low water (MLLW) proposed for the Project. Some of the impacts associated with dredging and disposal (e.g., air quality, water quality, and impairment of marine resources) would be lessened compared to the proposed Project. On the other hand, the larger, deep-draft container ships entering the West Basin would not be able to dock, thus confining use of the terminal to smaller vessels and reducing the terminal's ability to accommodate modern oceangoing vessels.

Compared to the proposed Project, this alternative would not achieve the project objectives of providing container ship berthing and infrastructure capacity to accommodate projected containerized cargo volumes through the Port and to optimize the use of existing waterways. Accordingly, this alternative is eliminated from further consideration in this Recirculated Draft EIS/EIR.

2.5.2.5 Liquefied Natural Gas Terminal Facility

Compared to the proposed Project, this alternative would not meet the following Project objective: to expand and optimize the cargo-handling efficiency and capacity in the West Basin needed to accommodate increased movement of containerized goods through the Port of Los Angeles.

In December 2002, the LAHD received an Application for Development Project for the construction and operation of a liquefied natural gas (LNG) terminal facility in the Port. The LAHD has prepared a Siting Study to identify and evaluate 14 potential locations for an LNG terminal facility in the Port of Los Angeles. One of the 14 candidate sites was the Berth 97-109 Container Terminal area.

The purpose of this initial screening step was to identify and eliminate those potential sites that are not suitable for siting an LNG terminal facility based upon navigational safety and/or vessel traffic issues, and proximity to vulnerable resources in accordance with LAHD Risk Management Plan requirements.

The *Los Angeles Pilot Service Operations Manual*, issue dated January 15, 2002, sets forth certain navigational restrictions for shipping in the Port under the Manual Policy for Liquefied Hazardous Gas Carriers (LAHD, 2002b). Some of these restrictions have an impact on the feasibility of several of the candidate sites, particularly those located in the Inner Harbor area of the Port.

The following restrictions would apply during transit of an LNG carrier: one-way traffic of oceangoing vessels is required; a safety zone extending 3,000 feet ahead of the carrier and 1,500 feet on all other sides of the carrier is established when the carrier is in transit—no other vessel traffic may pass through this safety zone; when the LNG carrier is berthed, a safety zone extending 1,500 feet around the carrier is established by the Coast Guard—no other vessel traffic may pass through this safety zone; and an LNG carrier cannot be moored or transit through the Port when cruise ships are moored at Berths 91-93.

As a result, siting an LNG terminal facility at Berths 97-109 would result in shutting down the Main Channel, Turning Basin, West Basin, marine vessel access to the East Basin, and the cruise terminal for the time required for an LNG vessel to transit to Berths 97-109, berth, offload, and exit the Main Channel.

Segments of the active Palos Verdes fault cross the Los Angeles Harbor near the proposed Project site. The location of the fault near the site is not well defined, but current data suggest the fault most likely passes beneath Berths 97-104, 121-131, 146-147, and 153-155 (see Figure 3.5-2 in Section 3.5, Geology).

For these identified navigational and safety reasons, the Berth 97-109 Container Terminal area was eliminated from further analysis, and the LNG Terminal Facility alternative was eliminated from further consideration.

2.5.2.6 Offsite Backlands Alternatives

Compared to the proposed Project, this alternative would not meet the Project objective to expand and optimize the cargo-handling efficiency and capacity in the West Basin needed to accommodate increased movement of containerized goods through the Port of Los Angeles.

Offsite backland alternatives would mean using existing backland areas outside the Berth 97-109 terminal but still within the Port to store and handle containers. Under this alternative, the terminal wharves would be constructed but the terminal's backlands would not be developed and expanded as proposed. Instead, container storage and handling facilities would be constructed elsewhere in the Port as isolated yards with fencing, lighting, gates, and container handling equipment. Import containers would be off-loaded from the ship onto chassis at the Berth 97-109 terminal by terminal equipment and drayed by on-road trucks from the terminal to the offsite locations, where they would be lifted off the chassis into a grounded stack by terminal equipment or stored on the chassis pending pick-up. Export containers would be handled in reverse.

This alternative would provide more backlands for container handling without producing the impacts associated with additional fill (i.e., air quality, water quality, and loss of marine resources). On the other hand, containers would have to be handled more often with this alternative than with the proposed Project (once in the marine terminal and once in the backlands facility), which would produce more air emissions from terminal equipment. The containers would have to be conveyed by on-road trucks between the terminal and the backlands facility, which would contribute to congestion on local streets and produce air emissions.

Local and regional planning programs encourage the upgrading and improvement of transportation systems within the Port, and offsite alternatives would not result in such improvements at Berths 97-109 (aside from existing Phase I improvements). Draying containers between the terminal and the offsite facility would add truck trips to the Port road system. The additional truck trips and the additional handling cycle by terminal equipment would add air emissions. Finally, container terminal operators are consolidating facilities wherever possible to expand and optimize their cargo-handling efficiencies and capacities. Consolidation results in reduced traffic within the Port and reduced air emissions per TEU. Offsite backland alternatives would not offer those benefits. Furthermore, land is in short supply in the Port, so that it is not certain that suitable locations for offsite backlands could be acquired and developed in a timely manner.

While offsite backlands might be needed in the future, they do not meet the current objectives of the proposed Project to accommodate the projected growth in the volume of containerized cargo through the Port in accordance with its legal mandates (see Section 2.5.1), and this alternative is judged to result in increased environmental impacts compared to the proposed Project. Therefore, this alternative was eliminated from further consideration in this Recirculated Draft EIS/EIR.

2.5.2.7 Development of New Landfills and Terminals Outside the Berth 97-109 Terminal Area and the Adjoining West Basin Area

This alternative would consist of creating land elsewhere in the harbor and building a new terminal on that land. This approach has been implemented in previous projects,

notably the Pier 400 Container Terminal. The new terminal would be required to handle approximately 1.5 million TEUs per year in 2030 to satisfy the objectives of the proposed Project, which means that the new terminal would need to be approximately 142 acres in size and have one or two berths (assuming the same terminal capacity as the proposed Project). The new land would have to be in the Outer Harbor, because no body of water of such size that is not needed for vessel navigation exists elsewhere in the Harbor, and it is not feasible at this point to operate a container terminal built outside the breakwaters. Furthermore, LAHD projections of future Port capacity (Section 2.1.2) already incorporate the need for additional landfills in the Outer Harbor, so that implementing this alternative would displace a need for new land that has previously been identified.

The costs and impacts of developing new facilities on new land, as well as the time it would take, would be much greater than for the proposed Project, which largely focuses on optimizing existing facilities and expanding onto existing land. The creation of a 142-acre landfill would necessitate much more dredging than in the case of the proposed Project, which would increase the impacts on biological and water resources. The loss of 142 acres of marine habitat, although it might be mitigated, nevertheless represents an avoidable impact on biological resources.

Constructing additional landfill in the Outer Harbor to expand container terminals and backland capacities would not meet Port objectives to expand and modernize existing container terminal facilities at the Port. This alternative was considered but eliminated during previous environmental impact analyses (USACE and LAHD, 1992), and was eliminated from further consideration in this Recirculated Draft EIS/EIR.

2.5.2.8 Other Sites in the Los Angeles Harbor District

Under this alternative, the Port would expand and reconfigure a different container terminal in such a way as to accommodate an additional 1.5 million TEUs by 2030. The expansion would include most of the landside elements in the proposed Project. It is likely that berth dredging and wharf upgrades and extensions would be needed to accommodate the additional vessel traffic, but the need for additional landfill would be site-dependent.

Although this alternative would achieve the Project objective to expand and modernize existing container terminal facilities at the Port, it would not achieve the other objectives to optimize the use of Los Angeles Harbor waterways and to accommodate the projected growth in the volume of containerized cargo through the Port. All of the other adjacent West Basin container terminals (Berths 121-131 and 136-147) already have proposed expansion and modernization projects undergoing NEPA/CEQA review. There are no other large tracts of land in the Port of Los Angeles with water access and with a minimum of -53-foot channel depth available at this time that have the potential to support container terminal operations. Furthermore, as described in Section 1.1.3, there is a need to upgrade all of the container terminals in the Port. Accordingly, this alternative was eliminated from further consideration in this Recirculated Draft EIS/EIR.

2.5.2.9 Narrower Wharves

Compared to the proposed Project, this alternative would not meet the following Project objective: to expand and optimize the cargo-handling efficiency and capacity in the West Basin needed to accommodate increased movement of containerized goods through the Port of Los Angeles.

Narrower wharves or shorter wharves would reduce impacts to the waters of the U.S., but the proposed wharf upgrades and new wharf construction are just wide enough to accommodate the standard 100-foot-gauge gantry crane. A narrower wharf would not allow the use of optimal cargo-handling equipment. Therefore, reducing the width of the wharves has been eliminated from further consideration.

2.5.2.10 Development and Operation of Small Container Terminal

Compared to the proposed Project, this alternative would not meet the following Project objectives: to expand and optimize the cargo-handling efficiency and capacity in the West Basin needed to accommodate increased movement of containerized goods through the Port of Los Angeles.

Development and operation of a small container terminal (less than 72 acres of backlands) could result in reduced environmental impacts relative to the proposed Project due to substantially reduced operations and TEU throughput. Although a small container terminal would provide landside infrastructure that uses existing waterways, the small scale of this terminal alternative would not provide efficient container terminal operations in the long term. Such a reduced-scale container terminal would not meet project objectives of establishing a container facility that would maximize the use of the waterfront land area of the Project site, and would not provide sufficient container berthing and infrastructure capacity to accommodate foreseeable cargo volumes. This alternative would not include the needed capacity to allow ships to offload containers in the long term, and could result in ship backlogs and conflicts with State Tidelands Trust obligations to fully develop Port operations at areas designated as a port by the State Coastal Plan and the Port Master Plan. Because of this, the small container alternative was eliminated from further consideration.

2.6 Project Baselines

To determine significance, impacts resulting from implementation of the proposed Project and alternatives are compared to a baseline condition. The difference between the Project and the baseline impact levels is then compared to a threshold to determine if the difference between the two is significant. As discussed in Section 1.5.5, CEQA and NEPA use different baseline concepts against which to determine significance.

The baselines used to analyze the Berth 97-109 Container Terminal Project are presented below and illustrated conceptually in Figure 2-8. The illustration compares the scenarios on the basis of cargo throughput (TEUs), but the concept applies equally to types of impacts, for example tons of air emissions, noise levels, or average daily traffic figures. The illustration shows that the CEQA baseline remains fixed for the duration of the Project, reflecting conditions that prevailed at the time specified in the ASJ (prior to March 2001). The NEPA baseline changes over time in response to increases or decreases in activity or other factors that would occur at the Project site absent federal action, such as a USACE permit. Because the baselines are different, review under CEQA and NEPA could reach different conclusions concerning impacts at a given point in time from the same project activity.

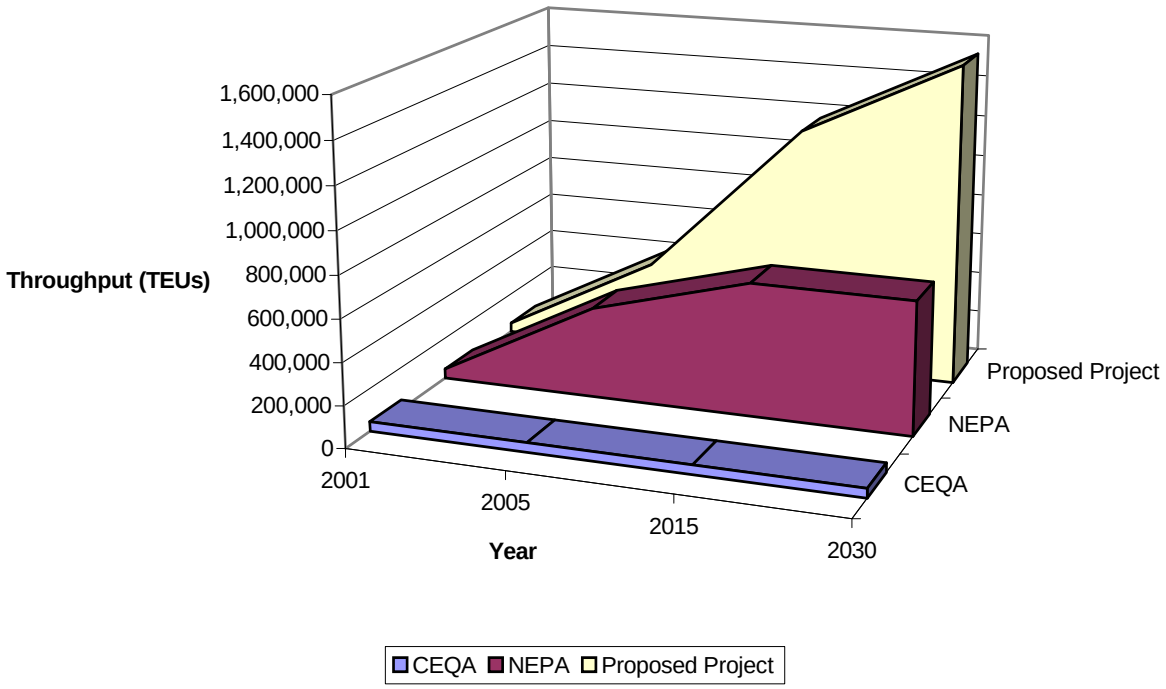

Figure 2-8. Comparison of CEQA Baseline, NEPA Baseline, and Proposed Project

2.6.1 CEQA Baseline

CEQA provides for an EIR to assess the significance of a project's impacts in comparison with a baseline that consists of the physical environmental conditions near the project site, as they exist prior to a final decision whether to approve the project. Baseline conditions normally, but not always, are measured at the time of commencement of environmental review of the proposed project. CEQA Guidelines, Section 15125, subdivision (a), provides:

> *An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.*

By providing that existing conditions at the time environmental analysis commences will "normally" constitute the CEQA baseline, the Guidelines recognize that lead agencies have discretion to formulate a different baseline in appropriate situations (e.g., *Save Our Peninsula Comm. v. Monterey County Bd. of Supervisors*, 87 Cal. App. 4th 99, 126; 2001).

The CEQA baseline employed in this document is governed not only by the CEQA Guidelines, but also by the terms of the Amended Stipulated Judgment (ASJ) described in Section 1.4.3 of this document. Section VI(A)(2) of the ASJ provides that "The baseline for consideration of impacts from the China Shipping Project shall be either zero or the

baseline for Berths 97-109 prior to approval of the Lease in March 2001 (ASJ, Appendix A).

As discussed herein, certain activities related to container terminal operations were occurring at the Project site during the period prior to approval of the China Shipping lease in March 2001. CEQA case law holds that, where facts in the record show that activities were occurring at a project site prior to environmental review, it may be "misleading and illusory" to describe baseline conditions as if those activities were not occurring. (See *Fairview Neighbors v. County of Ventura*, 70 Cal. App. 4th 238, 243, 1999, upholding baseline for evaluation of conditional use permit to expand existing mining operations as including levels of truck traffic actually achieved under previous approvals.) Therefore, as allowed under the ASJ, this document describes CEQA baseline conditions at the Berth 97-109 Project site prior to the approval, by the Board of Harbor Commissioners, of the initial Berth 97-109 (China Shipping Container Terminal) lease.

The approval by the Board of that lease occurred on March 28, 2001. The Notice of Preparation of this document was filed on July 2, 2003. However, as discussed above, the ASJ does not allow this document to describe baseline conditions as those existing at that date, but instead allows only conditions existing prior to March 2001. Therefore, the CEQA baseline allowed under the ASJ does not consist of conditions existing at the time of commencement of preparation of this document (as does a "normal" CEQA baseline), but consists instead of conditions several years prior to commencement of this document. Accordingly, the baseline is based on evidence of past conditions at the Project site.

Prior to March 28, 2001, the primary use of the Project site was the use of portions of the site for temporary storage of containers by Yang Ming Marine Transport Corp. (Yang Ming). Yang Ming operates in the Port of Los Angeles at the Berth 121-131 terminal, which is separated from the Berth 97-109 terminal by the Southwest Slip, an inlet of the West Basin waterway.

Prior to March 28, 2001, Yang Ming was allowed to use varying amounts of backlands at Berths 97-109 for container storage. In a space assignment running from April 21 through May 20, 2000, Yang Ming was allowed to use 0.5 acre; on April 25, 2000, Yang Ming was allowed to use an additional 7.7 acres through May 24, 2000; from May 25 to July 18, 2000, Yang Ming was allowed to use 20 acres; from July 19, 2000, through August 6, 2001, Yang Ming was allowed to use 11.8 acres (shown in Figure 2-9).

The range of activities associated with the container storage use at Berths 97-109 prior to March 28, 2001, is most accurately described based upon the container throughput volume that was accommodated at the site during that period. "Container throughput volume" is defined as the volume of containers (measured in TEUs) that passes through a facility over time. Container throughput volume is the factor from which the Port generally derives the levels of activity at the gate, on the berth, and on the backlands (truck, rail trips, vessel visits and cargo handling equipment).

For purposes of developing a description of baseline conditions for the China Shipping Terminal Project, however, the EIS/EIR uses the conservative approach of including only activities that took place on the Project site. That approach means that this EIS/EIR document will not include ship calls or rail trips attributable to throughput volume at the Berth 97-109 backlands in its description of CEQA baseline conditions. This results in a conservative estimation of Project impacts, which will be compared to baseline activity levels that are lower than they would be if those ship calls or rail trips were included.

2/8/01
01.2.8 neg-9.jpg

Figure 2-9
CEQA Baseline Container Count Photograph
Berth 97-109 Container Terminal Project EIS/EIR

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The Port routinely accounts for throughput data over the course of a year because throughput can vary from month to month. The Port follows this practice in describing baseline conditions and in describing projected throughput under a proposed project, to allow an "apples-to-apples" comparison. For purposes of describing CEQA baseline conditions, therefore, this document identifies throughput volume accommodated at the Berth 97-109 backlands during the year-long period prior to March 28, 2001 (that is, from the beginning of April 2000 through the end of March 2001.

Terminal operators normally keep records of the container throughput volume that passes through the terminal gates they operate. Nevertheless, because Yang Ming was using the Berth 97-109 terminals as contiguous backlands, it did not distinguish in its records between containers that are stored on the Berth 121-131 backlands versus containers that are stored at Berths 97-109.

Throughput volume accommodated at the Berth 97-109 backlands in the year prior to March 28, 2001, is derived from expert interpretation of physical evidence. The EIS/EIR relies on a series of seven aerial photos of the Berths 97-109 backlands taken during the year prior to March 28, 2001. The seven aerial photographs were taken by the Port Graphics Department as part of regular port operations for April, June, July, September, and November of 2000, and for February and March of 2001. Copies of these aerial photographs are in Appendix H.

The aerial photographs demonstrate that a greater area of the Berth 97-109 backlands was used for container storage in the period prior to March 28, 2001, than was allowed under the space assignments held by Yang Ming during that period. The description of the baseline conditions in this document includes activities associated with all containers estimated to have been accommodated at Berths 97-109 during the baseline period. CEQA Guidelines provide for the environmental baseline to include all uses that actually existed during the baseline period, regardless of whether those activities are alleged to have exceeded prior approvals. See, e.g., *Fat v. County of Sacramento*, 97 Cal. App. 4th 1270, 1277-1281 (2002); *Riverwatch v. County of San Diego*, 76 Cal. App. 4th 1428, 1451-1453 (1999).

The aerial photographs were interpreted to identify container throughput volume at the Berth 97-109 backlands in the following manner:

- First, the containers shown in the photographs physically were counted and differentiated into containers determined likely to be empty and containers determined likely to be loaded with imports/exports.
- Second, certain assumptions regarding average "dwell time" (that is, the expected length of time a container is stored at a terminal backland) were applied to the numbers resulting from the physical count, to derive conclusions about the rate at which containers moved in and out of storage on the Berth 97-109 backlands during the CEQA baseline year.

The photographs show the containers being stored in two different manners – stacked on or below other containers, or loaded on wheeled chassis. For this analysis, stacked containers were assumed to be empty, while wheeled containers were assumed to be loaded. Empty containers typically are stacked because they tend to be stored for longer periods than are loaded containers, and empty containers typically are shipped out in large batches that do not require sorting. Loaded containers also can be stacked; however, in the experience of the Port, stacking would require rubber-tired or other mobile gantry cranes because loaded stacked containers must be constantly sorted within the stacks.

When a truck arrives to carry its assigned container, that container must be made accessible, often on short notice, even if other containers must be moved to make the container accessible. Because none of the aerial photographs shows the presence anywhere on the Berth 97-109 backlands of gantry cranes, the experts at the Port have concluded that the practice of stacking loaded containers generally was not followed during the baseline period. Port experts also concluded that all stacked containers shown in the photographs should be assumed to be empty. This assumption leads to a conservative estimate of baseline activity levels, since (as discussed below), this document also assumes that empty containers were moved and replaced with other containers less frequently than were loaded containers. By using an assumption that (if anything) overestimates the ratio of empty to loaded containers, this document therefore identifies less frequent movement of the containers stored at Berths 97-109 than it would if it assumed more loaded containers.

To determine how often the containers shown in the photographs were moved, this document applied assumptions regarding "dwell time" for stored containers, empty or loaded, which were derived from a Port-wide study of terminal operational capacity (JWD, 2006). According to that study, the average dwell time for an empty container at the Port is 6 to 10 days; whereas, the average dwell time for a loaded container is 1 to 4 days for a container holding imports and 4 to 6 days for a container holding exports.

Based on that study, this document conservatively assumes that empty containers stored on the Berth 97-109 backlands remained for 10 days before being moved, and that loaded containers remained for 6 days before being moved. This document further conservatively assumes that when empty containers were moved, they were replaced with new empty containers at a rate of 1:1, and similarly that when loaded containers were moved, they were replaced with new loaded containers at a rate of 1:1. This assumption is conservative because the aerial photographs demonstrate that numbers of both empty and loaded containers stored on Berth 97-109 backlands trended upward over time, albeit not in straight-line fashion, during the course of the baseline year prior to March 28, 2001.

The average dwell times identified in the JWD report were used to form the dwell-time assumptions used in this document. As shown in Tables 2-5 and 2-6, this document concludes that, in the 7 months for which container storage data exist, a total of 14,627 containers were moved on and off the Berth 97-109 backlands. This document further concludes that, in those same 7 months, an average of 2,090 containers moved on and off the Berths 97-109 backlands, per month, during the 12 months prior to March 28, 2001.

Table 2-5. Storage Containers on Berth 97-109 Backlands during Baseline Period

Month	Loaded	Empty
April 2000	99	
June 2000	198	0
July 2000	379	31
September 2000	143	25
November 2000	226	10
February 2001	344	727
March 2001	88	560

On the basis of those conclusions, this document determines that during the 12 months prior to March 28, 2001, a total of 25,075 containers were moved on and off the Berth 97-109 backlands (2,090 containers times 12 months). Since each container represents approximately 1.8 TEUs, this document finally concludes that total container throughput volume at the Berth 97-109 backlands during the 12 months prior to March 28, 2001, was 45,135 TEUs.

Table 2-6. Historical Turnover of Storage Containers on Berth 97-109 Backlands

Month [a]	Turnover of Loaded Containers [b]	Turnover of Empty Containers [c]	Total Monthly Container Turnover
April 2000	495	0	495
June 2000	990	93	1,083
July 2000	1,895	75	1,970
September 2000	715	30	745
November 200	1,130	3183	4,313
February 2001	1,720	2181	3,901
March 2001	440	1680	2,120
Total Container Turnover			**14,627** [d]
Average Monthly Container Turnover			**2,090** [e]

[a]Each month is assumed to be 30 days in length.

[b]Each month's turnover of Loaded Containers equals Loaded Container count (see Table 1) x 5 (=30 days ÷ 6 days "dwell time").

[c]Each month's turnover of Empty Containers equals Empty Container count (see Table 1) x 3 (=30 days ÷ 3 days "dwell time").

[d]Total container turnover in those months for which data exists.

[e]Total container turnover in the 7 months for which data exists ÷ 7

2.6.2 NEPA Baseline

The USACE typically uses the No Federal Action condition as the baseline for determining significance of impacts (that is, onsite conditions without the implementation of the federally approved or funded activities for the proposed Project). The NEPA baseline is typically equivalent to the No Federal Action Alternative. However, for this project, the NEPA baseline differs from the No Federal Action Alternative, described above. In addition, unlike the CEQA baseline, which is fixed by statute to conditions occurring at the site at the time the Notice of Preparation is issued, the NEPA baseline can change if environmental conditions at the site would change in the absence of federal action.

The NEPA baseline for this EIS represents Project site conditions without in-water construction. Although Phase I has been built, this retrospective examination is necessary to ensure that all impacts associated with Phases I through III are fully considered. For this Project, a variety of construction and operational activities and impacts would occur in the upland portions of the Project site even if a USACE permit were not issued. Because the USACE lacks federal control and responsibility over these activities and impacts, the impacts of these activities are included in the NEPA baseline. Moreover, because these

activities and impacts change over time (for example, increases in cargo throughput, air emissions, and traffic), the NEPA baseline conditions also change.

The NEPA baseline does not include terminal features that could only be implemented when federal permits or funding for either construction or operation were acquired. The NEPA baseline does not include any new dredging (beyond what previously was approved for the Channel Deepening Supplemental EIS/EIR of 2000), filling, or new wharf or bridge construction.

The NEPA baseline assumes that in the absence of federal approval, there would likely be a Port action that does not require federal action to further develop backlands at the Project site. The NEPA baseline includes construction and container storage use of all upland elements (existing lands and fill areas previously approved through permits or channel deepening) for backlands or other purposes for up to 117 acres, including 72 acres of existing backlands, and 45 additional acres proposed to be developed as backlands under Phase II of the Project. The NEPA baseline does not include development of any backlands under Phase III of the Project. (This acreage currently is being used at the Catalina Express Terminal, which usage would remain in place and 12 of the 25 acres are associated with the Berth 100 south extension that would not occur without a USACE permit.) The in-water elements constructed under Phase I are not included in the NEPA baseline so that Phase I activities of the proposed Project and as applied to certain alternatives can be properly evaluated under NEPA. The NEPA baseline also includes dredging and filling that occurred under the previously approved Channel Deepening Supplemental EIS/EIR of 2000, that supplemented the 1998 Channel Deepening EIR. No wharf improvement or construction at Berths 97-109 is included in the NEPA baseline.

The NEPA baseline does not include any further federal action necessary to accommodate wharf operations at Berths 97-109.

Under the NEPA baseline, up to 632,500 TEUs from the Yang Ming Terminal could be stored on the 117 acres of backlands. The Yang Ming facility currently is berth limited. Under this alternative, total throughput for Yang Ming is assumed to remain the same with or without additional land at Berths 97-109. The additional land will allow Yang Ming to operate more wheeled operations versus stacked operations. Wheeled operations are more efficient and cheaper than stacked, but terminals are often limited by their backland area, which results in a certain amount of stacking.

No ship calls at Berths 97-109 are included in the NEPA baseline. Additionally, because the Berth 121-131 terminal is berth limited under existing and all reasonably foreseeable future conditions, the NEPA baseline does not include additional ship, truck, or rail trips at the Berth 121-131 terminal due to use of Berth 97-109 backlands by Yang Ming. The NEPA baseline, however, does include daily yard tractor trips transporting the containers along the internal road between Berths 121-131 and Berths 97-109, as well as other terminal equipment to sort and store containers at Berths 97-109.

The NEPA baseline assumes implementation of existing and future CAAP measures. The NEPA baseline also assumes that mitigation measures would be applied to reduce emissions from yard tractors and yard equipment used at Berths 97-109. In addition, any future Port-wide CAAP measure is assumed under the NEPA baseline.

2.7 Relationship to Existing Statutes, Plans, Policies, and Other Regulatory Requirements

One of the primary objectives of the NEPA/CEQA process is to ensure that the proposed Project is consistent with applicable statutes, plans, policies, and other regulatory requirements. Table 2-7 lists the statutes, plans, policies, and other regulatory requirements applicable to the proposed Project and alternatives. Additional analysis of plan consistency is contained in individual resource sections of Chapter 3 and, in particular, in Section 3.9 (Land Use).

Table 2-7. Applicable Statutes, Plans, Policies, and Other Regulatory Requirements

Applicable Ruling	Description
California Coastal Act of 1976	The Coastal Act (PRC Div. 20 Section 30700 *et seq.*) identifies the Port of Los Angeles and its facilities as a "primary economic and coastal resources of the state, and an essential element of the national maritime industry (PRC Section 30701). The Port is responsible for modernizing and constructing necessary facilities to accommodate deep-draft vessels along with the demands of foreign and domestic waterborne commerce as well as other traditional and water-dependent and related facilities to preclude the necessity for developing new ports elsewhere in the state (Sections 30007.5 and 30701 [b]). The Act also establishes that the highest priority for any water or land area use within the jurisdiction of the Port of Los Angeles shall be for developments that are completely dependent on such harbor water areas and/or harbor land areas for their operations (Sections 30001.5 [d], 30255 and 31260). The Coastal Act further provides that the Port should "Give highest priority to the use of existing land space within harbors for port purposes, including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities." (Section 30708 [c]). Under the California Coastal Act, water areas may be diked, filled, or dredged when consistent with a certified port master plan only for specific purposes, including: (1) construction, deepening, widening, lengthening, or maintenance of ship channel approaches, ship channels, turning basins, berthing areas, and facilities that are required for the safety and the accommodation of commerce and vessels to be served by port facilities; and (2) new or expanded facilities or waterfront land for Port-related facilities. In accordance with provisions of the Coastal Act, the Port has a certified Master Plan that provides the Port with Coastal Development Permit authority for actions/developments consistent with that Master Plan. Items that are inconsistent with the Master Plan such as new fills in water would require a Master Plan Amendment through the Coastal Commission. The proposed Project is consistent with general provisions of the Plan, but implementation of the proposed Project will require an amendment of the Port of Los Angeles Master Plan (see below) because the 1.2-acre fill is not described in the current version of the Plan and because a minor redesignation of land use is required for 8 acres of existing fill.
Coastal Zone Management Act (CZMA)	Section 307 of the Coastal Zone Management Act (CZMA) requires that all federal agencies with activities directly affecting the coastal zone, or with development projects within that zone, comply with the state coastal acts (in this case, the California Coastal Act of 1976) to ensure that those activities or projects are consistent, to the maximum extent practicable. The California Coastal Commission will use this Recirculated Draft EIS/EIR when considering whether to find the proposed Project consistent with the Coastal Act, and the USACE will use that approval as a demonstration that the proposed Project is in compliance with the CZMA.
Port of Los Angeles Port Master Plan	The Port of Los Angeles Master Plan (PMP) (POLA, 1979) provides for the development, expansion, and alteration of the Port (both short-term and long-term) for commerce, navigation, fisheries, Port-dependent activities, and general public recreation. Those objectives are consistent with the provisions of the California Coastal Act (1976), the Charter of the City of Los Angeles, and applicable federal, state, and municipal laws and regulations. The proposed action will necessitate an amendment of the Port of Los Angeles Port Master Plan to change the use of 8 acres of land on the Project site from "other" to "cargo." Other amendments might be necessary to change or add uses, or for the placement of additional fill.

Table 2-7. Applicable Statutes, Plans, Policies, and Other Regulatory Requirements

Applicable Ruling	Description
California Coastal Plan	Under provisions of the California Coastal Act, the Port of Los Angeles Master Plan is incorporated into the Local Coastal Program of the City of Los Angeles. The LAHD has coastal development permit authority for activities in the Main Channel. Therefore, if the proposed Project would be consistent with the Port of Los Angeles Master Plan, the proposed Project would also be considered consistent with the Local Coastal Program. The LAHD does not currently have coastal development permit authority for the following proposed Project element: filling-in of 2.5 acres in a waterway for container terminal purposes, or redesignating 8 acres of land uses from general cargo to container uses. Authority would be granted if the Port of Los Angeles Master Plan were amended to include the Project element.
California Tidelands Trust Act, 1911	Submerged lands and tidelands within the Port of Los Angeles, which are under the Common Law Public Trust, were legislatively granted to the City of Los Angeles pursuant to Chapter 656, Statutes of 1911 as amended. Those properties are held in trust by the City and administered by the LAHD to promote and develop commerce, navigation and fisheries, and other uses of statewide interest and benefit, including but not limited to, commercial, industrial, and transportation uses, public buildings and public recreational facilities, wildlife habitat, and open space. The LAHD would fund the proposed Project with trust revenues. All property and improvements included in the proposed Project would be dedicated to maritime-related uses and would, therefore, be consistent with the Trust. Although under the Tidelands Trust Act, the Port can have nonshipping uses, the Port has given container operations priority for the Berth 97-109 area.
San Pedro Bay Clean Air Action Plan	The Port, in conjunction with the Port of Long Beach and with guidance from AQMD, CARB, and USEPA, has developed the San Pedro Bay Clean Air Action Plan (CAAP), which was approved by the Los Angeles and Long Beach Boards of Harbor Commissioners on November 20, 2006. The CAAP focuses on reducing diesel particulate matter (DPM), NO_X, and SO_X, with two main goals: (1) to reduce Port-related air emissions in the interest of public health, and (2) to disconnect cargo growth from emissions increases. The Plan includes near-term measures implemented largely through the CEQA/NEPA process and new leases at both ports. The proposed Project includes air quality control measures outlined in the CAAP, both as mitigation that will be imposed via permits and lease provisions and as standard measures that will be implemented through the lease, agreements with other agencies and business entities, and Port contracting policies.
Port of Los Angeles Real Estate Leasing Policy	The purpose of this Policy is to provide a framework that governs leasing and rental decisions as they relate to tenant retention, selecting new tenants, development of new agreements and, as appropriate, modifications to existing agreements by amendments. The proposed Project would be consistent with the Leasing Policy in that it would incorporate CAAP provisions that would be implemented through the lease with the terminal operator.

Table 2-7. Applicable Statutes, Plans, Policies, and Other Regulatory Requirements

Applicable Ruling	Description
Port of Los Angeles Strategic Plan	The Port of Los Angeles Strategic Plan (USACE and POLA, 2007) identifies the mission of the Port and provides 11 strategic objectives for the next 5 years. The mission includes promotion of "grow green" philosophy combined with fiduciary responsibility and promotion of global trade. The 11 strategic objectives include, minimization of land use conflicts, maximizing the efficiency and the capacity of current and future facilities, addressing needed infrastructure requirements, maintaining financial self-sufficiency, raising environment standards and enhancing public health, promoting emerging and environmentally friendly cargo movement technology and energy sources, provide for safe and efficient operations and homeland security, strengthen local community relations and developing more and higher quality jobs. The proposed Project is consistent with the Strategic Plan because the Project would help to maximize the efficiency and capacity of a port terminal and would raise environmental standards through the incorporation of Port environmental policies into a new lease.
Port of Los Angeles Risk Management Plan	The Risk Management Plan, an amendment to the Port of Los Angeles Master Plan, was adopted in 1983, per requirements of the California Coastal Commission. The purpose of the Risk Management Plan is to provide siting criteria relative to vulnerable resources and the handling and storage of potentially hazardous cargo such as crude oil, petroleum products, and chemicals. The Risk Management Plan provides guidance for future development of the Port to minimize or eliminate the hazards to vulnerable resources from accidental releases (LAHD, 1983). The proposed Project design is consistent with the Risk Management Plan.
City of Los Angeles General Plan – Port of Los Angeles Plan	The Port of Los Angeles Plan is part of the General Plan for the City of Los Angeles (City of Los Angeles, 1982a). This plan provides a 20-year official guide to the continued development and operation of the Port. It is designed to be consistent with the Port of Los Angeles Master Plan discussed above. Because the proposed Project would be consistent with the Port of Los Angeles Master Plan following the amendment, it would also be consistent with the goals of the General Plan.
City of Los Angeles – San Pedro Community Plan	The San Pedro Community Plan (City of Los Angeles, 1982b) serves as a basis for future development of the community. It is also the land use plan portion of the City's Local Coastal Program for San Pedro. The Port of Los Angeles, although contiguous to San Pedro, is not part of the San Pedro Community Plan area. However, the San Pedro Community Plan does make recommendations regarding the Port, particularly for areas adjacent to commercial and residential areas of San Pedro. Although the proposed Project site is not contiguous with San Pedro, the proposed Project would be consistent with these recommendations as the Port has taken into consideration the residential and commercial communities of San Pedro during project development through the scoping process.
City of Los Angeles General Plan – Air Quality Element	The City of Los Angeles General Plan has an Air Quality Element (City of Los Angeles, 1992) that contains general goals, objectives, and policies related to improving air quality in the region. Policy 5.1.1 relates directly to the Port and requires improvements in harbor operations and facilities to reduce emissions. The LAHD is actively planning for and implementing such improvements. The proposed Project is consistent with the Air Quality Element in that it incorporates CAAP measures to reduce air quality impacts.

Table 2-7. Applicable Statutes, Plans, Policies, and Other Regulatory Requirements

Applicable Ruling	Description
Water Quality Control Plan – Los Angeles River Basin	The Water Quality Control Plan for the Los Angeles River Basin (Region 4) (Basin Plan) was adopted by the Regional Water Quality Control Board, Los Angeles Region (RWQCB) in 1978 and updated in 1994 (RWQCB, 1994). The Basin Plan designates beneficial uses of the basin's water resources. The Basin Plan describes water quality objectives, implementation plans, and surveillance programs to protect or restore designated beneficial uses. The proposed Project would be operated in conformance with objectives of the Water Quality Control Plan because it would be required by the lease to comply with the General Industrial permit for stormwater.
Water Quality Control Policy – Enclosed Bays and Estuaries of California	In 1974, the State Water Resources Control Board (SWRCB) adopted a water quality control policy that provides principles and guidelines to prevent degradation and to protect the beneficial uses of waters of enclosed bays and estuaries (SWRCB, 1974). Los Angeles Harbor is considered to be an enclosed bay under this policy. Activities, such as the discharge of effluent, thermal wastes, radiological waste, dredge materials, and other materials that adversely affect beneficial uses of the bay and estuarine waters are addressed. Waste discharge requirements developed by the RWQCB, among other requirements, must be consistent with this policy. The proposed Project would be constructed and operated in conformance with objectives of the Water Quality Control Policy through controls on construction activities (dredging and fill, wharf construction) and on operations (stormwater and other discharges).
Air Quality Management Plan	The federal Clean Air Act (CAA) and its subsequent amendments establish the National Ambient Air Quality Standards (NAAQS) and delegate the enforcement of these standards to the states. In areas that exceed the NAAQS, the CAA requires states to prepare a State Implementation Plan (SIP) that details how the NAAQS will be achieved within mandated time frames. The CAA identifies emission reduction goals and compliance dates based on the severity of the ambient air quality standard violation within an area. The California Clean Air Act (CCAA) outlines a program to attain the more stringent California Ambient Air Quality Standards (CAAQS) for O_3, NO_2, SO_2, and CO by the earliest practical date. The Lewis Air Quality Act of 1976 established the South Coast Air Quality Management District (SCAQMD), created SCAQMD jurisdiction over the four-county South Coast Air Basin, and mandated a planning process requiring preparation of an Air Quality Management Plan (AQMP). The 2003 AQMP (SCAG, 2007) proposes emission reduction strategies that will enable the South Coast Air Basin to achieve the national and most state ambient air quality standards within the mandated time frames. The proposed Project would be consistent with this plan, and discussions with the Southern California Association of Governments (SCAG) determined that construction and operation of the proposed Project are consistent with SCAG regional employment and population growth forecasts, which were used in the development of the 2003 AQMP.
California Air Resources Board – Emission Reduction Plan for Ports and Goods Movement	California Air Resources Board (CARB) approved the Emission Reduction Plan for Ports and Goods Movement (CARB, 2006) on April 20, 2006. All of the proposed mitigations in this EIR were developed as part of the Port's Clean Air Action Plan (POLA and POLB, 2006; see Section 1.6). Thus, the Port Air Quality Plan complies with CARB goals and meets and/or exceeds all reduction strategies.

Table 2-7. Applicable Statutes, Plans, Policies, and Other Regulatory Requirements

Applicable Ruling	Description
AB 32	On September 27, 2006, Governor Schwarzenegger signed AB 32, the Global Warming Solutions Act. The Act caps California's greenhouse gas emissions at 1990 levels by 2020. This legislation represents the first enforceable statewide program in the United States to cap all GHG emissions from major industries that includes penalties for noncompliance. It requires the State Air Resources Board to establish a program for statewide greenhouse gas emissions reporting and to monitor and enforce compliance with this program. The proposed Project's consistency with AB 32 cannot be accurately evaluated until the Air Resources Board establishes its program.
Southern California Association of Governments Regional Plans	Southern California Association of Governments (SCAG) is responsible for developing regional plans for transportation management, growth, and land use, as well as developing the growth factors used in forecasting air emissions within the South Coast Air Basin. SCAG has developed a Growth Management Plan (GMP), a Regional Housing Needs Assessment, a Regional Mobility Plan (RMP), and in cooperation with the SCAQMD, the AQMPs. The proposed Project would not generate population migration into the area or create a demand for new housing units, and thus would be consistent with these plans.
Congestion Management Plan	The Congestion Management Program (CMP) is a state-mandated program intended as the analytical basis for transportation decisions made through the State Transportation Improvement Program process (LACMTA, 1993). The CMP was developed to: (1) link land use, transportation, and air quality decisions; (2) develop a partnership among transportation decision makers on devising appropriate transportation solutions that include all modes of travel; and (3) propose transportation projects that are eligible to compete for state gas tax funds. The CMP includes a Land Use Analysis Program, which requires local jurisdictions to analyze the impacts of land use decisions on the regional transportation system. For development projects, an EIR is required based on local determination and must incorporate a Transportation Impact Analysis into the EIR. This EIR does include a transportation impact analysis and thus is consistent with the CMP.
Water Quality Regulations	The Rivers and Harbors Act of 1899, Section 10; federal Water Pollution Control Act (as amended by the Clean Water Act of 1977), Section 404; California Hazardous Waste Control Act; State Water Resources Control Board, Enclosed Bays and Estuaries Plan; Water Quality Control Plan for the Los Angeles River Basin (Region 4B), adopted by the Regional Water Quality Control Board, Los Angeles Region; and Sections 401 and 402 of the Clean Water Act of 1977.
Air Quality Regulations	Clean Air Act, Title 40 CFR Parts 50 and 51 as amended; Prevention of Significant Deterioration, Titles 40 CFR Part 51.24 and 40 CFR Part 52.21; California Clean Air Act; Air Quality Management Plan of the City of Los Angeles General Plan, Air Quality Element; and SCAQMD Regulations X111 and XV, New Source Review and Rules 212, 401, 403, and 431.2.
Transportation Regulations	California Public Utilities Commission Guidelines; Federal Railroad Administration Guidelines; Federal Highway Administration Guidelines; California Transportation Guidelines; California Administrative Code Section 65302 (f)-Noise Element; City of Long Beach Noise Control Ordinance, No. C-5371; Federal Aid Highway Program Manual 7-7-3; USACE Regulation 1105-2-100; National Environmental Compliance, 91-190; United States Coast Guard Regulations Pertaining to Navigation Safety and Waterfront Facilities; State and Federal Department of Transportation Requirements regarding Track and Rail Transportation of Hazardous Materials; NEPA of 1969 as Amended (Public Law 91-190); and USACE Regulation 1105-2-100, Economic and Environmental Principles and Guidelines for Water and Related Land Resource Implementation Studies.

Table 2-7. Applicable Statutes, Plans, Policies, and Other Regulatory Requirements

Applicable Ruling	Description
Biological Resources Protection	Endangered Species Act of 1973, as amended; Marine Mammal Protection Act; Migratory Bird Conservation Act; Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972; California Endangered Species Act; Section 302 of the Marine Protection, Research, and Sanctuaries Act of 1972; United States Fish and Wildlife Act of 1956 (16 USC 742a *et seq*.); Fish and Wildlife Coordination Act (16 USE 661 *et seq*.); Magnuson-Stevens Fishery Conservation and Management Act, as amended through 1996; Executive Order 13112, Invasive Species; Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (P.L 01-646), as amended by the National Invasive Species Act of 1996; Ballast Water Management for Control of Nonindigenous Species Act of 1999 (PRC Sections 71200-71271).
Cultural Resources Protection	National Historic Preservation Act of 1966, as amended, and its implementing regulations (36 CFR 800); the Archaeological and Historical Preservation Act and Executive Order 11593 "Protection and Enhancement of the Cultural Environment." In compliance with federal laws, regulations, and other guidelines, the USACE will use this Recirculated Draft EIS/EIR and resource evaluation studies (e.g., Jones & Stokes, 2001) to consult with the State Historic Preservation Officer (SHPO) regarding any effect the project may have on cultural resources listed or eligible for listing on the National Register of Historic Places.
Environmental Justice	Executive Order 12898 requires that "to the greatest extent practicable, each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations." California adopted legislation addressing environmental justice in 1999 with the passage of Senate Bill (SB) 115 (Government Code Section 65040.12[c]), which established the Governor's Office of Planning and Research as the lead agency responsible for implementation of federal and state environmental justice policies in California. SB 115 defines environmental justice as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation and enforcement of environmental laws and policies." In 2000, the Governor signed the related SB 89 requiring that the Secretary for Environmental Protection convene a Working Group to assist California Environmental Protection Agency (CalEPA) in developing an environmental justice strategy.

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