Appendix A3
Scoping Comments

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052

FEMA

April 9, 2013

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

Dear Mr. Cannon:

This is in response to your request for comments on Special Public Notice, Notice of Intent (NOI), Notice of Preparation (NOP) of Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) and Public Scoping Meeting for Berths 212-224 project.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the City (Community Number 060137) and County (Community Number 065043) of Los Angeles, Maps revised September 26, 2008. Please note that the City and County of Los Angeles, California are participants in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any ***development*** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtm.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The City of Los Angeles floodplain manager can be reached by calling Gary Moore, City Engineer, at (213) 485-4935. The Los Angeles County floodplain manager can be reached by calling George De La O, Senior Civil Engineer, Department of Public Works, at (626) 458-7155.

If you have any questions or concerns, please do not hesitate to call Michael Hornick of the Mitigation staff at (510) 627-7260.

Sincerely,

Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:
Gary Moore, City Engineer, City of Los Angeles
George De La O, Senior Civil Engineer, Department of Public Works, Los Angeles County
Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources, Southern Region Office
Michael Hornick, NFIP Planner, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

South Coast
Air Quality Management District
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May 3, 2013

Christopher Cannon
Director of Environmental Management
425 S. Palos Verdes Street
San Pedro, CA 90731

U.S. Army Corps of Engineers
Los Angles District, Regulatory Division
Ventura Field Office
C/o Theresa Stevens, Ph. D
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

Notice of Preparation of a CEQA Document for the
Berths 212-224 [YTI] Container Terminal Improvements Project

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the draft CEQA document. Please send the SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. The lead agency may wish to consider using land use emissions estimating software such as the recently released CalEEMod. This model is available on the SCAQMD Website at: http://www.aqmd.gov/ceqa/models.html.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has developed a methodology for calculating PM2.5 emissions from construction and operational activities and processes. In connection with developing PM2.5 calculation methodologies, the SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD requests that the lead agency quantify PM2.5 emissions and compare the results to the recommended PM2.5 significance thresholds. Guidance for

calculating PM2.5 emissions and PM2.5 significance thresholds can be found at the following internet address: http://www.aqmd.gov/ceqa/handbook/PM2_5/PM2_5.html.

In addition to analyzing regional air quality impacts the SCAQMD recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized significance analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at http://www.aqmd.gov/ceqa/handbook/LST/LST.html.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis") can be found on the SCAQMD's CEQA web pages at the following internet address: http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additional mitigation measures can be found on the SCAQMD's CEQA web pages at the following internet address: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: http://www.aqmd.gov/prdas/aqguide/aqguide.html. In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's Air Quality and Land Use Handbook: A Community Perspective, which can be found at the following internet address: http://www.arb.ca.gov/ch/handbook.pdf. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (http://www.aqmd.gov).

Project Specific Comments

It is not clear from data presented in the NOP how much additional container traffic could be transported with the proposed improvements to the Terminal Island Container Transfer Facility (TICTF). According to the NOP, the proposed project would accommodate an additional 221,000 TEUs at the YTI berths beyond its current maximum capacity and approximately 917,000 TEUs beyond what has been achieved in 2012. SCAQMD staff therefore recommends that the Draft EIR analyze an alternative that moves this entire increased throughput via on-dock rail yards, such as TICTF. This on-dock transport should be in addition to the amount sent from YTI via on-dock yards already.

The SCAQMD staff is available to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. If you have any questions regarding this letter, please call Ian MacMillan, Program Supervisor, CEQA Section, at (909) 396-3244.

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

IM
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May 16, 2013

Ms. Theresa Stevens, Ph.D.
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Mr. Christopher Cannon
Director, Environmental Management Division
425 S. Palos Verdes Street
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Ceqacomments@portla.org

RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Berths 212-224 [YTI] Container Terminal Improvements Project [I20130095]

Dear Ms. Stevens and Mr. Cannon:

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the Berths 212-224 [YTI] Container Terminal Improvements Project to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review (IGR) of programs proposed for federal financial assistance and direct development activities, pursuant to Presidential Executive Order 12372. Additionally, SCAG reviews the Environmental Impact Reports of projects of regional significance for consistency with regional plans pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

SCAG is also the designated Regional Transportation Planning Agency under state law, and is responsible for preparation of the Regional Transportation Plan (RTP) including its Sustainable Communities Strategy (SCS) component pursuant to SB 375. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans.[1] Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of the regional goals and policies in the RTP/SCS.

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Berths 212-224 [YTI] Container Terminal Improvements Project. The proposed project includes improvements and upgrades to the container terminal infrastructure to accommodate the fleet mix of larger container ships anticipated to call at the Port of Los Angeles through 2026. As set forth in the attached, SCAG recommends that the draft EIR include a review and consideration of the adopted RTP/SCS goals and that the analyses reflect the most recently adopted growth forecasts.

When available, please send environmental documentation to SCAG's *office in Los Angeles or by email to leep@scag.ca.gov* providing, at a minimum, the full comment period for review. If you have any questions regarding the attached comments, please contact Pamela Lee at (213) 236-1895 or leep@scag.ca.gov. Thank you.

Sincerely,

Jonathan Nadler
Manager, Compliance and Performance Assessment

[1] SB 375 amends CEQA to add Chapter 4.2 Implementation of the Sustainable Communities Strategy, which allows for certain CEQA streamlining for projects consistent with the RTP/SCS. Lead agencies (including local jurisdictions) maintain the discretion and will be solely responsible for determining "consistency" of any future project with the SCS. Any "consistency" finding by SCAG pursuant to the IGR process should not be construed as a finding of consistency under SB 375 for purposes of CEQA streamlining.

COMMENTS ON THE NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT FOR THE BERTHS 212-224 [YTI] CONTAINER TERMINAL IMPROVEMENTS PROJECT [SCAG NO. I20130095]

CONSISTENCY WITH RTP/SCS

SCAG reviews environmental documents for regionally significant projects for their consistency with the adopted RTP/SCS.

RTP/SCS Goals

The 2012-20135 RTP/SCS links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socio-economic, geographic and commercial limitations (see http://rtpscs.scag.ca.gov). The goals included in the 2012 RTP/SCS may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project within the context of regional goals and policies. Among the relevant goals of the 2012-2035 RTP/SCS are the following:

SCAG 2012-2035 RTP/SCS GOALS	
RTP/SCS G1:	*Align the plan investments and policies with improving regional economic development and competitiveness*
RTP/SCS G2:	*Maximize mobility and accessibility for all people and goods in the region*
RTP/SCS G3:	*Ensure travel safety and reliability for all people and goods in the region*
RTP/SCS G4:	*Preserve and ensure a sustainable regional transportation system*
RTP/SCS G5:	*Maximize the productivity of our transportation system*
RTP/SCS G6:	*Protect the environment and health for our residents by improving air quality and encouraging active transportation (non-motorized transportation, such as bicycling and walking)*
RTP/SCS G7:	*Actively encourage and create incentives for energy efficiency, where possible*
RTP/SCS G8:	*Encourage land use and growth patterns that facilitate transit and non-motorized transportation*
RTP/SCS G9:	*Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies*

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the policy and supportive analysis in a table format. Suggested format is as follows:

SCAG 2012-2035 RTP/SCS Goals		
Goal		**Analysis**
RTP/SCS G1:	*Align the plan investments and policies with improving regional economic development and competitiveness.*	*Consistent: Statement as to why* *Not-Consistent: Statement as to why* *or* *Not Applicable: Statement as to why* *DEIR page number reference*
RTP/SCS G2:	*Maximize mobility and accessibility for all people and goods in the region.*	*Consistent: Statement as to why* *Not-Consistent: Statement as to why* *or* *Not Applicable: Statement as to why* *DEIR page number reference*
RTP/SCS G3:	*Ensure travel safety and reliability for all people and goods in the region.*	*Consistent: Statement as to why* *Not-Consistent: Statement as to why* *or* *Not Applicable: Statement as to why* *DEIR page number reference*
etc.	etc.	etc.

Regional Growth Forecasts

The Notice of Preparation of an Environmental Impact Report for the Berths 212-224 [YTI] Container Terminal Improvements Project should reflect the most recently adopted SCAG forecasts (see http://scag.ca.gov/forecast/index.htm), which are the 2012-2035 RTP/SCS population, household and employment forecasts. The forecasts for the region and applicable jurisdictions are below.

	Adopted SCAG Region Wide Forecasts		Adopted County of Los Angeles Forecasts		Adopted City of Los Angeles Forecasts	
Forecast	**Year 2020**	**Year 2035**	**Year 2020**	**Year 2035**	**Year 2020**	**Year 2035**
Population	19,663,000	22,091,000	10,404,000	11,353,000	3,991,700	4,320,600
Households	6,458,000	7,325,000	3,513,000	3,852,000	1,455,700	1,626,600
Employment	8,414,000	9,441,000	4,558,000	4,827,000	1,817,700	1,906,800

MITIGATION

SCAG staff recommends that you review the SCAG 2012-2035 RTP/SCS Final Program EIR List of Mitigation Measures Appendix for additional guidance, as appropriate. The SCAG List of Mitigation Measures may be found here: http://scag.ca.gov/igr/pdf/SCAG_IGRMMRP_2012.pdf

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May 8, 2013

File Ref: SCH # 2013041017

Christopher Cannon
Port of Los Angeles
Department of Environmental Management Division
425 South Palos Verdes Street
San Pedro, CA 90731

Subject: Notice of Intent/Notice of Preparation (NOI/NOP) for an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Berths 212-224 Yusen Terminals Inc. [YTI] Container Terminal Improvements Project, Los Angeles County

Dear Mr. Cannon:

The California State Lands Commission (CSLC) staff has reviewed the subject NOI/NOP for an EIS/EIR for the Berths 212-224 [YTI] Container Terminal Improvements Project (Project), which is being prepared by the U.S. Army Corps of Engineers (USACE) and the City of Los Angeles Harbor Department (LAHD). USACE, as a federal agency with permitting authority over this Project, is the lead agency under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.). LAHD, as a public agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency with responsibility of natural resources held in trust for the people of the State of California which may be affected by a project, as provided in CEQA and the State CEQA Guidelines.

CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of

all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

The proposed Project will be located on sovereign submerged lands that have been transferred, in trust, to the City of Los Angeles (Statue of 1911, Chapter 656); therefore no CSLC authorization will be required. No minerals have been reserved to the State on these granted lands.

Project Description

USACE and LAHD propose to deepen berths 214-220 and expand the Terminal Island Container Transfer Facility to meet the agency's objectives and needs as follows:

- Optimize the container-handling efficiency and capacity of the Port to accommodate the projected fleet mix of larger container vessels that are expected to call at YTI Terminal through 2026;
- Optimize the use of existing land at the YTI Terminal and associated waterways in a manner that is consistent with the LAHD's public trust obligations;
- Increase on-dock rail facilities to accommodate projected daily peak increases in container movement into and out of the YTI Terminal resulting from the handling of larger ships;
- Improve the container terminal backlands to minimize ongoing needs for pavement repair and maintenance.

From the Project Description, CSLC staff understands that the Project would include the following components:

- Dredging and Pilings. Berths 214-216 would be dredged to a depth of -55 feet mean lower low water (MLLW). King piles and sheet piles, which would be installed to accommodate the dredging activities, would cover 1,400 feet along the berths. Berths 217-220 would be dredged to a depth of -49 feet MLLW. Sheet piles would cover 1,200 feet along the berths. In total, 27,000 cubic yards of dredged material would be removed and disposed at an approved site;
- Wharf Cranes and Crane Rail. The Project would add additional cranes into operation at the Project site by raising and increasing the outreach of some existing wharf cranes. Up to six existing cranes would be raised and the booms would be extended to 197 feet. The existing 100-foot gauge landside crane rail would be extended by 1,500 feet to accommodate new cranes at berths 217-220;
- Backland Improvements. Approximately 160 acres of the 185-acre terminal would be improved. Improvements would consist of ground repairs and maintenance activities involving slurry sealing and deep cold planning, asphalt concrete overlay, concrete runways, restriping and possible upgrades to underground conduits and pipes as needed;

- Terminal Island Container Transfer Facility Improvements. Construction of a single 3,200-foot railroad track, including two turnouts, and reconstruction of a portion of the backlands would accommodate the rail expansion. This would involve grading, paving, lighting, drainage, utility relocation/modification, striping, relocation of an existing fence and third party utility modifications, as needed.

Environmental Review

As noted above, the Project is located on lands granted to the city of Los Angeles and will not require a lease with the CSLC; however, because the CSLC retains residual and review authority over granted lands, which are still subject to the protections of the Public Trust Doctrine, CSLC staff offers the following comments as a trustee agency and requests that the USACE and LAHD consider the below comments and suggestions when preparing the Draft EIS/EIR.

Biological Resources

1. Sensitive Species: The USACE and LAHD should conduct queries of the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database and U.S. Fish and Wildlife Service's (USFWS) Special Status Species Database to identify any special-status plant or wildlife species that may occur in the Project area. However, these queries alone should not be used as a substitute for coordination with the CDFW and USFWS, as well as direct surveys or data collection. Although the USACE and LAHD prepared a list of special-status birds in the Project area, the USACE and LAHD should also consult directly with CDFW, USFWS, and the National Oceanic and Atmospheric Administration's Fisheries Service (NMFS or NOAA Fisheries) for information on other species that may be present, their life histories, and possible mitigation for any significant impacts. The EIS/EIR should analyze the potential for such species to occur in the Project area and, if impacts to special-status species are found to be significant, identify adequate mitigation measures.

2. Invasive Species: One of the major stressors in California waterways is introduced species. Therefore, the EIS/EIR should consider the Project's potential to encourage the establishment or proliferation of marine invasive species including nonnative algae. As the NOI/NOP states, the Project could introduce invasive species into Essential Fish Habitat as defined by the Magnuson-Stevens Fisheries Management Act. USACE and LAHD should also consider the impacts of introduced species on the Project. A number of introduced species are known for their ability to bore into pilings and other infrastructure. If the analysis in the EIS/EIR finds potentially significant marine invasive species impacts, possible mitigation could include contracting vessels and barges from nearby, or requiring a certain degree of hull-cleaning from contractors. The CDFW's Invasive Species Program could assist with this analysis as well as with the development of appropriate mitigation (information at http://www.dfg.ca.gov/invasives/).

3. Construction Noise: The EIS/EIR should also evaluate noise and vibration impacts on fish and birds from construction in the water and pile driving. Mitigation measures could include species-specific work windows as defined by CDFW, USFWS, and NOAA Fisheries. Again, staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive species.

Climate Change

4. Greenhouse Gases: A greenhouse gas (GHG) emissions analysis consistent with the California Global Warming Solutions Act (AB 32) and required by the State CEQA Guidelines should be included in the EIS/EIR. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of construction and ultimate build-out of the Project, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce them to the extent feasible.

5. Sea Level Rise: The EIS/EIR should also consider the effects of sea level rise on all resource categories potentially affected by the proposed Project. At its meeting on December 17, 2009, the CSLC approved the recommendations made in a previously requested staff report, "A Report on Sea Level Rise Preparedness" (Report), which assessed the degree to which the CSLC's grantees and lessees have considered the eventual effects of sea level rise on facilities located within the CSLC's jurisdiction. (The Report can be found on the CSLC's website, www.slc.ca.gov.) One of the Report's recommendations directs CSLC staff to consider the effects of sea level rise on hydrology, soils, geology, transportation, recreation, and other resource categories in all environmental determinations associated with CSLC leases. While a lease will not be required for the proposed Project, as noted above, CSLC staff recommends the USACE and LAHD provide information related to sea level rise effects and adaptation strategies due to the nature and cost of the infrastructure that is proposed for the Project.

Cultural Resources

6. Submerged Resources: The EIS/EIR should evaluate potential impacts to submerged cultural resources in the Project area. The CSLC maintains a shipwrecks database that can assist with this analysis. CSLC staff requests that the USACE and LAHD contact Senior Staff Counsel Pam Griggs (see contact information below) to obtain shipwrecks data from the database and CSLC records for the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant.

7. Title to Resources: The EIS/EIR should also mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. CSLC staff requests that the USACE/LAHD consult with Senior Staff Counsel Pam Griggs (see contact information below), should any cultural resources on state lands be discovered during construction of the proposed Project.

Thank you for the opportunity to comment on the NOI/NOP for the Project. As a trustee agency, we request that you consider our comments prior to certification of the EIS/EIR. Please send additional information on the Project to the CSLC as plans become finalized.

Please send copies of future Project-related documents, including electronic copies of the Final EIS/EIR, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Holly Wyer, Environmental Scientist, at (916) 574-2399 or via e-mail at Holly.Wyer@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Sharron Guerrieri, Granted Lands Representative, at (916) 574-1868, or via email at Sharon.Guerrieri@slc.ca.gov.

Sincerely,

Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
Sharron Guerrieri, EAD, CSLC
Holly Wyer, DEPM, CSLC
Kathryn Colson, Legal, CSLC

Department of Toxic Substances Control

Matthew Rodriquez
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Governor

May 2, 2013

U.S. Army Corps of Engineers
Los Angeles District, Regulatory Division
Ventura Field Office
Atten: Ms. Theresa Stevens, Ph. D.
2151 Alessandro Drive, Suite 110
Ventura, California 93001

NOTICE OF INTENT/NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL STATEMENT/ENVIRONMENTAL IMPACT REPORT FOR THE BERTHS 212-224 [YTI] CONTAINER TERMINAL IMPROVEMENTS PROJECT (SCH#), SAN DIEGO LOS ANGELES COUNTY, CALIFORNIA

Dear Ms. Stevens:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Intent /Notice of Preparation (NOI/NOP) for a Draft Environmental Impact Statement / Environmental Impact Report (EIS/EIR) for the above-mentioned project. The following project description is stated in your document:

"The proposed Project involves the construction and operation of terminal improvements within the YTI Terminal. The proposed Project includes raising up to six existing cranes and replacing up to four existing cranes, for a total of 14 operational cranes at full build-out. The proposed Project would be constructed in two phases. The proposed Project site is located at 701 New Dock Street on Terminal Island in the Port. The site is within the Port of Los Angeles Community Plan area in the City and County of Los Angeles, California. The proposed project site is near the communities of San Pedro and Wilmington. The site is generally bounded on the north by confluence of the Cerritos and East Basin Channels, SA Recycling at Berths 210-211 to the east, Seaside Avenue and State Route 47to the south, and the East Basin Channel to the west. Land uses in the proposed project site vicinity support a variety of cargo handling operations, including container, liquid bulk, dry bulk, commercial fishing, seafood processing, and maritime support. The YTI Terminal site maintains a proposed land use designation of "container" use. The proposed project site is zoned for heavy industrial uses."

Based on the review of the submitted document DTSC has the following comments:

1) The EIS/EIR should evaluate whether conditions within the Project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:

   - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
   - EnviroStor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
   - EnviroStor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
   - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
   - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
   - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
   - GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
   - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
   - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

2) The EIS/EIR should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed Project area that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.

3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIS/EIR.

4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.

6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.

7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

8) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, by e-mail at Rafiq.Ahmed@dtsc.ca.gov , or by phone at (714) 484-5491.

Sincerely,

Rafiq Ahmed
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

CEQA # 3741

STATE OF CALIFORNIA Edmund G. Brown, Jr., *Governor*

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
(916) 657-5390 - FAX

April 9, 2013

Mr. Christopher Cannon, Director of Environmental Management
Los Angeles Harbor Department
Environmental Management Division
425 South Palos Verdes Street
San Pedro, CA 90731

RE: SCH# 2013041017 Joint NEPA/CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) and NEPA Notice of Intent (NOI) for the **Berths 212-224 [YTI] Container Terminal Improvements Project.;** located in the City of Los Angeles Harbor area;; Los Angeles County, California.

Dear Mr. Cannon:

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resources, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine :If a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s), The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report.

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure pursuant to California Government Code Section 6254.10.
Contact has been made to the Native American Heritage Commission for :a Sacred Lands File Check. A list of appropriate Native American Contacts for consultation

concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Dave Singleton
Program Analyst
(916) 653-6251

CC: State Clearinghouse

Attachment: Native American Contacts list

Native American Contacts
Los Angeles County
April 9, 2013

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th St, Rm. 403
Los Angeles , CA 90020
randrade@css.lacounty.gov
(213) 351-5324
(213) 386-3995 FAX

Gabrielino Tongva Nation
Sam Dunlap, Cultural Resources Director
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
samdunlap@earthlink.net

(909) 262-9351 - cell

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3094 Mace Avenue, Apt. B Gabrielino
Costa Mesa, , CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva
,
tattnlaw@gmail.com
310-570-6567

Gabrielino-Tongva Tribe
Bernie Acuna, Co-Chairperson
P.O. Box 180 Gabrielino
Bonsall , CA 92003
(619) 294-6660-work
(310) 428-5690 - cell
(760) 636-0854- FAX
bacuna1@gabrieinotribe.org

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Gabrielino-Tongva Tribe
Linda Candelaria, Co-Chairperson
P.O. Box 180 Gabrielino
Bonsall , CA 92003
palmsprings9@yahoo.com
626-676-1184- cell
(760) 636-0854 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013041012; CEQA Notice of Preparation (NOP) for the Berths 212-224 [YTI] Container Improvements Project; located in the Port of Los Angeles; San Pedro Area; Los Angeles County, California.

Native American Contacts
Los Angeles County
April 9, 2013

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
(626) 926-4131
gabrielenoindians@yahoo.com

Gabrielino-Tongva Tribe
Conrad Acuna,
P.O. Box 180 Gabrielino
Bonsall , CA 92003

760-636-0854 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013041012; CEQA Notice of Preparation (NOP) for the Berths 212-224 [YTI] Container Improvements Project; located in the Port of Los Angeles; San Pedro Area; Los Angeles County, California.

STATE OF CALIFORNIA EDMUND G. BROWN JR., *Governor*

PUBLIC UTILITIES COMMISSION
320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013
(213) 576-7083

April 15, 2013

Christopher Cannon
City of Los Angeles Harbor Department
425 South Palos Verdes Street
San Pedro, California 90731

Dear Mr. Cannon:

Re: SCH# 2013041017; Berths 212-224 Container Terminal Improvements Project NOP

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires the Commission approval for construction or alteration of crossings and grants the Commission exclusive power on design, alteration, and/or closure of crossings in California. The Commissionôs Rail Crossings Engineering Section (RCES) has received a copy of the *Notice of Preparation (NOP)* from the State Clearinghouse for the proposed Berths 212-224 Container Terminal Improvements project. The City of Los Angeles (City) is the lead agency.

According to the NOP, the project would include expansion of the Terminal Island Container Transfer (TICT) Facility and others. The project would expand the TICT facility by adding a single loading track and others.

The project may increase truck traffic volumes not only on streets and intersections, but also on at-grade highway-rail crossings. The potential project impacts on the existing at-grade crossings along the Port of Los Angeles Red Car Line tracks which serve or are near the TICT facility should be identified, discussed and evaluated for necessary safety improvements and mitigations. This includes considering traffic queuing, weaving, emergency service response, pedestrian circulation patterns or destinations with respect to railroad right-of-way, and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad right-of-way. All identified crossings shall also comply with the requirements of California Manual on Uniform Traffic Control Devices. Furthermore, the Emergency Notification Sign (ENS) I-13 shall be installed with contact information and DOT Number visible in plain sight.

The additional track shall be constructed in accordance with the Commission General Order (GO) Nos. 26-D (Clearance on railroads and street railroads as to side and overhead structures, parallel tracks and crossings), 72-B (Construction and maintenance ï standard types of pavement construction at railroad grade crossings) and 75-D (Warning devices for at-grade railroad crossings).

Construction of a new public crossing or modification of an existing public crossing requires authorization from the Commission, through the formal application or the General Order (GO) 88-B request processes, respectively. Prior to submission of a formal application or GO 88-B request, the City should arrange a diagnostic meeting with RCES to discuss relevant safety issues and requirements for the Commissionôs authorization. While construction of private crossings may not need the Commissionôs authorization, compliance with the Commissionôs GO 26-D (Clearances on Railroads and Street Railroads as to Side and Overhead Structures, Parallel Tracks and Crossings) and GO 75-B (Regulations Governing Standards for Warning Devices for At-Grade Highway-Rail Crossing) standards are still required. RCES representatives are available for consultation on crossing safety matters. See the link for more information: http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/formalapps.htm.

If you have any questions in this matter, please contact me at (213) 576-7076, yen.chiang@cpuc.ca.gov, or Jose Pereyra at (213) 576-7083, jfp@cpuc.ca.gov.

Sincerely,

Ken Chiang, P.E.
Utilities Engineer
Rail Crossings Engineering Section
Safety and Enforcement Division

C: State Clearinghouse
Jose Pereyra

Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012-2952
213.922.2000 Tel
metro.net

Metro

April 22, 2013

Mr. Christopher Cannon
Director of Environmental Management
425 S. Palos Verdes Street
San Pedro, CA 90731

Dear Mr. Cannon:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the proposed Berths 212-224 [YTI] Container Terminal Improvements Project. This letter conveys recommendations from the Los Angeles County Metropolitan Transportation Authority (LACMTA) concerning issues that are germane to our agency's statutory responsibilities in relation to the proposed project.

A Traffic Impact Analysis (TIA), with roadway and transit components, is required under the State of California Congestion Management Program (CMP) statute. The CMP TIA Guidelines are published in the "2010 Congestion Management Program for Los Angeles County", Appendix D (attached). The geographic area examined in the TIA must include the following, at a minimum:

1. All CMP arterial monitoring intersections, including monitored freeway on/off-ramp intersections, where the proposed project will add 50 or more trips during either the a.m. or p.m. weekday peak hour (of adjacent street traffic);
2. If CMP arterial segments are being analyzed rather than intersections, the study area must include all segments where the proposed project will add 50 or more peak hour trips (total of both directions). Within the study area, the TIA must analyze at least one segment between monitored CMP intersections;
3. Mainline freeway-monitoring locations where the project will add 150 or more trips, in either direction, during either the a.m. or p.m. weekday peak hour; and
4. Caltrans must also be consulted through the NOP process to identify other specific locations to be analyzed on the state highway system.

The CMP TIA requirement also contains two separate impact studies covering roadways and transit, as outlined in Sections D.8.1 – D.9.4. If the TIA identifies no facilities for study based on the criteria above, no further traffic analysis is required. However, projects must still consider transit impacts. For all CMP TIA requirements please see the attached guidelines.

MTA looks forward to reviewing the Draft EIR. If you have any questions regarding this response, please call me at 213-922-2836 or by email at hartwells@metro.net. Please send the Draft EIR to the following address:

MTA CEQA Review Coordination
One Gateway Plaza MS 99-23-2
Los Angeles, CA 90012-2952
Attn: Scott Hartwell

Sincerely,

Scott Hartwell
CEQA Review Coordinator, Long Range Planning

Attachment

cc: Theresa Stevens, Ph.D.

APPENDIX

D

GUIDELINES FOR CMP TRANSPORTATION IMPACT ANALYSIS

Important Notice to User: This section provides detailed travel statistics for the Los Angeles area which will be updated on an ongoing basis. Updates will be distributed to all local jurisdictions when available. In order to ensure that impact analyses reflect the best available information, lead agencies may also contact MTA at the time of study initiation. Please contact MTA staff to request the most recent release of "Baseline Travel Data for CMP TIAs."

D.1 OBJECTIVE OF GUIDELINES

The following guidelines are intended to assist local agencies in evaluating impacts of land use decisions on the Congestion Management Program (CMP) system, through preparation of a regional transportation impact analysis (TIA). The following are the basic objectives of these guidelines:

- Promote consistency in the studies conducted by different jurisdictions, while maintaining flexibility for the variety of project types which could be affected by these guidelines.
- Establish procedures which can be implemented within existing project review processes and without ongoing review by MTA.
- Provide guidelines which can be implemented immediately, with the full intention of subsequent review and possible revision.

These guidelines are based on specific requirements of the Congestion Management Program, and travel data sources available specifically for Los Angeles County. References are listed in Section D.10 which provide additional information on possible methodologies and available resources for conducting TIAs.

D.2 GENERAL PROVISIONS

Exhibit D-7 provides the model resolution that local jurisdictions adopted containing CMP TIA procedures in 1993. TIA requirements should be fulfilled within the existing environmental review process, extending local traffic impact studies to include impacts to the regional system. In order to monitor activities affected by these requirements, Notices of Preparation (NOPs) must be submitted to MTA as a responsible agency. Formal MTA approval of individual TIAs is not required.

The following sections describe CMP TIA requirements in detail. In general, the competing objectives of consistency & flexibility have been addressed by specifying standard, or minimum, requirements and requiring documentation when a TIA varies from these standards.

D.3 PROJECTS SUBJECT TO ANALYSIS

In general a CMP TIA is required for all projects required to prepare an Environmental Impact Report (EIR) based on local determination. A TIA is not required if the lead agency for the EIR finds that traffic is not a significant issue, and does not require local or regional traffic impact analysis in the EIR. Please refer to Chapter 5 for more detailed information.

CMP TIA guidelines, particularly intersection analyses, are largely geared toward analysis of projects where land use types and design details are known. Where likely land uses are not defined (such as where project descriptions are limited to zoning designation and parcel size with no information on access location), the level of detail in the TIA may be adjusted accordingly. This may apply, for example, to some redevelopment areas and citywide general plans, or community level specific plans. In such cases, where project definition is insufficient for meaningful intersection level of service analysis, CMP arterial segment analysis may substitute for intersection analysis.

D.4 STUDY AREA

The geographic area examined in the TIA must include the following, at a minimum:

- ❑ All CMP arterial monitoring intersections, including monitored freeway on- or off-ramp intersections, where the proposed project will add 50 or more trips during either the AM or PM weekday peak hours (of adjacent street traffic).
- ❑ If CMP arterial segments are being analyzed rather than intersections (see Section D.3), the study area must include all segments where the proposed project will add 50 or more peak hour trips (total of both directions). Within the study area, the TIA must analyze at least one segment between monitored CMP intersections.
- ❑ Mainline freeway monitoring locations where the project will add 150 or more trips, in either direction, during either the AM or PM weekday peak hours.
- ❑ Caltrans must also be consulted through the Notice of Preparation (NOP) process to identify other specific locations to be analyzed on the state highway system.

If the TIA identifies no facilities for study based on these criteria, no further traffic analysis is required. However, projects must still consider transit impacts (Section D.8.4).

D.5 BACKGROUND TRAFFIC CONDITIONS

The following sections describe the procedures for documenting and estimating background, or non-project related traffic conditions. Note that for the purpose of a TIA, these background estimates must include traffic from all sources without regard to the exemptions specified in CMP statute (e.g., traffic generated by the provision of low and very low income housing, or trips originating outside Los Angeles County. Refer to Chapter 5, Section 5.2.3 for a complete list of exempted projects).

D.5.1 Existing Traffic Conditions. Existing traffic volumes and levels of service (LOS) on the CMP highway system within the study area must be documented. Traffic counts must

be less than one year old at the time the study is initiated, and collected in accordance with CMP highway monitoring requirements (see Appendix A). Section D.8.1 describes TIA LOS calculation requirements in greater detail. Freeway traffic volume and LOS data provided by Caltrans is also provided in Appendix A.

D.5.2 Selection of Horizon Year and Background Traffic Growth. Horizon year(s) selection is left to the lead agency, based on individual characteristics of the project being analyzed. In general, the horizon year should reflect a realistic estimate of the project completion date. For large developments phased over several years, review of intermediate milestones prior to buildout should also be considered.

At a minimum, horizon year background traffic growth estimates must use the generalized growth factors shown in Exhibit D-1. These growth factors are based on regional modeling efforts, and estimate the general effect of cumulative development and other socioeconomic changes on traffic throughout the region. Beyond this minimum, selection among the various methodologies available to estimate horizon year background traffic in greater detail is left to the lead agency. Suggested approaches include consultation with the jurisdiction in which the intersection under study is located, in order to obtain more detailed traffic estimates based on ongoing development in the vicinity.

D.6 PROPOSED PROJECT TRAFFIC GENERATION

Traffic generation estimates must conform to the procedures of the current edition of Trip Generation, by the Institute of Transportation Engineers (ITE). If an alternative methodology is used, the basis for this methodology must be fully documented.

Increases in site traffic generation may be reduced for existing land uses to be removed, if the existing use was operating during the year the traffic counts were collected. Current traffic generation should be substantiated by actual driveway counts; however, if infeasible, traffic may be estimated based on a methodology consistent with that used for the proposed use.

Regional transportation impact analysis also requires consideration of trip lengths. Total site traffic generation must therefore be divided into work and non-work-related trip purposes in order to reflect observed trip length differences. Exhibit D-2 provides factors which indicate trip purpose breakdowns for various land use types.

For lead agencies who also participate in CMP highway monitoring, it is recommended that any traffic counts on CMP facilities needed to prepare the TIA should be done in the manner outlined in Chapter 2 and Appendix A. If the TIA traffic counts are taken within one year of the deadline for submittal of CMP highway monitoring data, the local jurisdiction would save the cost of having to conduct the traffic counts twice.

D.7 TRIP DISTRIBUTION

For trip distribution by direct/manual assignment, generalized trip distribution factors are provided in Exhibit D-3, based on regional modeling efforts. These factors indicate Regional Statistical Area (RSA)-level tripmaking for work and non-work trip purposes.

(These RSAs are illustrated in Exhibit D-4.) For locations where it is difficult to determine the project site RSA, census tract/RSA correspondence tables are available from MTA.

Exhibit D-5 describes a general approach to applying the preceding factors. Project trip distribution must be consistent with these trip distribution and purpose factors; the basis for variation must be documented.

Local agency travel demand models disaggregated from the SCAG regional model are presumed to conform to this requirement, as long as the trip distribution functions are consistent with the regional distribution patterns. For retail commercial developments, alternative trip distribution factors may be appropriate based on the market area for the specific planned use. Such market area analysis must clearly identify the basis for the trip distribution pattern expected.

D.8 IMPACT ANALYSIS

CMP Transportation Impact Analyses contain two separate impact studies covering roadways and transit. Section Nos. D.8.1-D.8.3 cover required roadway analysis while Section No. D.8.4 covers the required transit impact analysis. Section Nos. D.9.1-D.9.4 define the requirement for discussion and evaluation of alternative mitigation measures.

D.8.1 Intersection Level of Service Analysis. The LA County CMP recognizes that individual jurisdictions have wide ranging experience with LOS analysis, reflecting the variety of community characteristics, traffic controls and street standards throughout the county. As a result, the CMP acknowledges the possibility that no single set of assumptions should be mandated for all TIAs within the county.

However, in order to promote consistency in the TIAs prepared by different jurisdictions, CMP TIAs must conduct intersection LOS calculations using either of the following methods:

- The Intersection Capacity Utilization (ICU) method as specified for CMP highway monitoring (see Appendix A); or
- The Critical Movement Analysis (CMA) / Circular 212 method.

Variation from the standard assumptions under either of these methods for circumstances at particular intersections must be fully documented.

TIAs using the 1985 or 1994 Highway Capacity Manual (HCM) operational analysis must provide converted volume-to-capacity based LOS values, as specified for CMP highway monitoring in Appendix A.

D.8.2 Arterial Segment Analysis. For TIAs involving arterial segment analysis, volume-to-capacity ratios must be calculated for each segment and LOS values assigned using the V/C-LOS equivalency specified for arterial intersections. A capacity of 800 vehicles per hour per through traffic lane must be used, unless localized conditions necessitate alternative values to approximate current intersection congestion levels.

D.8.3 Freeway Segment (Mainline) Analysis. For the purpose of CMP TIAs, a simplified analysis of freeway impacts is required. This analysis consists of a demand-to-capacity calculation for the affected segments, and is indicated in Exhibit D-6.

D.8.4 Transit Impact Review. CMP transit analysis requirements are met by completing and incorporating into an EIR the following transit impact analysis:

- ❑ Evidence that affected transit operators received the Notice of Preparation.
- ❑ A summary of existing transit services in the project area. Include local fixed-route services within a ¼ mile radius of the project; express bus routes within a 2 mile radius of the project, and; rail service within a 2 mile radius of the project.
- ❑ Information on trip generation and mode assignment for both AM and PM peak hour periods as well as for daily periods. Trips assigned to transit will also need to be calculated for the same peak hour and daily periods. Peak hours are defined as 7:30-8:30 AM and 4:30-5:30 PM. Both "peak hour" and "daily" refer to average weekdays, unless special seasonal variations are expected. If expected, seasonal variations should be described.
- ❑ Documentation of the assumption and analyses that were used to determine the number and percent of trips assigned to transit. Trips assigned to transit may be calculated along the following guidelines:
  - ➢ Multiply the total trips generated by 1.4 to convert vehicle trips to person trips;
  - ➢ For each time period, multiply the result by one of the following factors:

    3.5% of Total Person Trips Generated for most cases, except:

    10% primarily Residential within 1/4 mile of a CMP transit center
    15% primarily Commercial within 1/4 mile of a CMP transit center
    7% primarily Residential within 1/4 mile of a CMP multi-modal transportation center
    9% primarily Commercial within 1/4 mile of a CMP multi-modal transportation center
    5% primarily Residential within 1/4 mile of a CMP transit corridor
    7% primarily Commercial within 1/4 mile of a CMP transit corridor
    0% if no fixed route transit services operate within one mile of the project

  To determine whether a project is primarily residential or commercial in nature, please refer to the CMP land use categories listed and defined in Appendix E, *Guidelines for New Development Activity Tracking and Self Certification.* For projects that are only partially within the above one-quarter mile radius, the base rate (3.5% of total trips generated) should be applied to all of the project buildings that touch the radius perimeter.

- ❑ Information on facilities and/or programs that will be incorporated in the development plan that will encourage public transit use. Include not only the jurisdiction's TDM Ordinance measures, but other project specific measures.

- Analysis of expected project impacts on current and future transit services and proposed project mitigation measures, and;
- Selection of final mitigation measures remains at the discretion of the local jurisdiction/lead agency. Once a mitigation program is selected, the jurisdiction self-monitors implementation through the existing mitigation monitoring requirements of CEQA.

D.9 IDENTIFICATION AND EVALUATION OF MITIGATION

D.9.1 Criteria for Determining a Significant Impact. For purposes of the CMP, a significant impact occurs when the proposed project increases traffic demand on a CMP facility by 2% of capacity ($V/C \geq 0.02$), causing LOS F ($V/C > 1.00$); if the facility is already at LOS F, a significant impact occurs when the proposed project increases traffic demand on a CMP facility by 2% of capacity ($V/C \geq 0.02$). The lead agency may apply a more stringent criteria if desired.

D.9.2 Identification of Mitigation. Once the project has been determined to cause a significant impact, the lead agency must investigate measures which will mitigate the impact of the project. Mitigation measures proposed must clearly indicate the following:

- Cost estimates, indicating the fair share costs to mitigate the impact of the proposed project. If the improvement from a proposed mitigation measure will exceed the impact of the project, the TIA must indicate the proportion of total mitigation costs which is attributable to the project. This fulfills the statutory requirement to exclude the costs of mitigating inter-regional trips.
- Implementation responsibilities. Where the agency responsible for implementing mitigation is not the lead agency, the TIA must document consultation with the implementing agency regarding project impacts, mitigation feasibility and responsibility.

Final selection of mitigation measures remains at the discretion of the lead agency. The TIA must, however, provide a summary of impacts and mitigation measures. Once a mitigation program is selected, the jurisdiction self-monitors implementation through the mitigation monitoring requirements contained in CEQA.

D.9.3 Project Contribution to Planned Regional Improvements. If the TIA concludes that project impacts will be mitigated by anticipated regional transportation improvements, such as rail transit or high occupancy vehicle facilities, the TIA must document:

- Any project contribution to the improvement, and
- The means by which trips generated at the site will access the regional facility.

D.9.4 Transportation Demand Management (TDM). If the TIA concludes or assumes that project impacts will be reduced through the implementation of TDM measures, the TIA must document specific actions to be implemented by the project which substantiate these conclusions.

D.10 REFERENCES

1. *Traffic Access and Impact Studies for Site Development: A Recommended Practice*, Institute of Transportation Engineers, 1991.
2. *Trip Generation*, 5th Edition, Institute of Transportation Engineers, 1991.
3. *Travel Forecast Summary: 1987 Base Model - Los Angeles Regional Transportation Study (LARTS)*, California State Department of Transportation (Caltrans), February 1990.
4. *Traffic Study Guidelines*, City of Los Angeles Department of Transportation (LADOT), July 1991.
5. *Traffic/Access Guidelines*, County of Los Angeles Department of Public Works.
6. *Building Better Communities*, Sourcebook, Coordinating Land Use and Transit Planning, American Public Transit Association.
7. *Design Guidelines for Bus Facilities*, Orange County Transit District, 2nd Edition, November 1987.
8. *Coordination of Transit and Project Development*, Orange County Transit District, 1988.
9. *Encouraging Public Transportation Through Effective Land Use Actions*, Municipality of Metropolitan Seattle, May 1987.

CITY OF RANCHO PALOS VERDES
CITY MANAGER'S OFFICE
ADMINISTRATION

17 April 2013

VIA E-MAIL & U.S. MAIL

Theresa Stevens, Ph.D.
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Los Angeles District, Regulatory Division
Ventura Field Office
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Ventura, CA 93001

Christopher Cannon
Director of Environmental Management
Los Angeles Harbor Department
425 S. Palos Verdes St.
San Pedro, CA 90731

SUBJECT: City of Rancho Palos Verdes' Comments on the Notice of Intent/Notice of Preparation (NOI/NOP) for the Berths 212-224 (YTI) Container Terminal Improvements Project

Dear Dr. Stevens and Mr. Cannon:

The City of Rancho Palos Verdes appreciates the opportunity to comment upon the scope of the draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Berths 212-224 (YTI) Container Terminal Improvements Project. We have reviewed the Notice of Intent/Notice of Preparation (NOI/NOP) and offer the following comments:

1. The discussion of Hazards and Hazardous Materials in the Environmental Checklist (Section VIII.a, p. 37) notes that there is the potential for "[cargo] movement [to] include the transport of material considered to be hazardous." The City of Rancho Palos Verdes suggests that the discussion in Section VIII.b regarding "reasonable foreseeable upset and accident conditions involving the likely release of hazardous material into the environment" should also include assessment of the movement of cargo at the YTI facility, not just the risk of unearthing contaminated soil during site excavation.

2. The discussion of Land Use and Planning in the Environmental Checklist (Section X.b, pp. 43-44) acknowledges the on-going Port Master Plan Update (PMPU) as it relates to the project site. However, we note that the neither the PMPU nor the associated Program Environmental Impact Report (PEIR) identifies the Berths 212-224 (YTI) Container Terminal Improvements Project as a "Proposed" or "Other" project. The City of Rancho Palos Verdes suggests that inconsistencies (if any) of the proposed project with the proposed PMPU should be fully analyzed in the EIS/EIR.

Again, thank you very much for the opportunity to review and comment upon this important project. If you have any questions or need additional information, please feel free to contact me at (310) 544-5226 or via e-mail at *kitf@rpv.com*

Sincerely,

Kit Fox, AICP
Senior Administrative Analyst

cc: Mayor Susan Brooks and City Council
Carolyn Lehr, City Manager
Carolynn Petru, Deputy City Manager
Border Issues file

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Flex your power!
Be energy efficient!

April 25, 2013

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IGR/CEQA No. 130415AL-NOP
Berths 212-224 [YTI] Container Terminal Improvements Project
Vic. LA-710 / PM 4.96, LA-47 / PM 3.5, LA-110/ R0.93
SCH # 2013041017

Dear Mr. Cannon and Ms. Stevens:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed project involves the construction and operation of terminal improvements within the YTI Terminal; these consist of dredging and installing sheet piles and king piles, adding and replacing/extending wharf cranes, extending the 100-foot gage crane rail, improving/repairing backlands, and expanding the TICTF on-dock rail.

On page 53 of the NOP, the project would result in an increase in vehicle trips during construction and operations. During construction these would primarily be construction worker private vehicles and heavy trucks used during the construction process. Operation of the improved container terminal could increase the number of cargo truck trips.

To assist in evaluating the impacts of this project on State transportation facilities, a traffic study should be prepared prior to preparing the Draft Environmental Impact Report (DEIR). Please refer the project's traffic consultant to Caltrans' traffic study guide Website below:

http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf

Below is a list of general elements that are expected in the traffic study:

1. Presentations of assumptions and methods used to develop trip generation, trip distribution, choice of travel mode, and assignments of trips to SR-47, SR-110, and SR-710, and all on/off ramps within 2 mile radius of the project. Caltrans has concerns about queuing of vehicles using off-ramps that will back into the mainline through lanes. It is recommended that the Lead Agency determine whether project-related plus cumulative traffic is expected to cause long queues on the on and off-ramps. We would like to meet with the traffic consultant to identify study locations on the State facilities before preparing the Environmental Impact Report (EIR).

2. All freeway segments and interchanges within 5 miles of the project should be analyzed.

3. Consistency of project travel modeling with other regional and local modeling forecasts and with travel data. The Department may use indices to verify the results and any differences or inconsistencies must be thoroughly explained.

4. Analysis of ADT, AM and PM peak-hour volumes for both the existing and future conditions in the affected area. Utilization of transit lines and vehicles, and of all facilities, should be realistically estimated. Future conditions would include build-out of all projects and any plan-horizon years. (see next item)

5. Inclusion of all appropriate traffic volumes. Analysis should include existing traffic, traffic generated from the project, cumulative traffic generated from all specific approved developments in the area, and traffic growth other than from the project and developments.

6. Discussion of mitigation measures appropriate to alleviate anticipated traffic impacts. These mitigation discussions should include, but not be limited to, the following:

    - Description of Transportation Infrastructure Improvements
    - Financial Costs, Funding Sources and Financing
    - Sequence and Scheduling Considerations
    - Implementation Responsibilities, Controls, and Monitoring

    Any mitigation involving transit or Transportation Demand Management (TDM) should be justified and the results conservatively estimated. Improvements involving dedication of land or physical construction may be favorably considered.

7. Caltrans may accept fair share contributions toward pre-established or future improvements on the State Highway System. Please use the following ratio when estimating project equitable share responsibility: additional traffic volume due to project implementation is divided by the total increase in the traffic volume (see Appendix "B" of the Guide).

    Please note that for purposes of determining project share of costs, that the number of trips from the project on each traveling segment or element is estimated in the context of forecasted traffic volumes which include build-out of all approved and not yet approved projects, and other sources of growth. Analytical methods such as select-zone travel forecast modeling should be used.

Please be reminded that as the responsible agency under CEQA, the Department has authority to determine the required freeway analysis for this project and is responsible for obtaining measures that will off-set project vehicle trip generation that worsens State Highway facilities. CEQA allows the Department to develop criteria for evaluating impacts on the facilities that it manages. In addition, the County CMP standards states that the Department should be consulted for the analysis of State facilities. The State Route mentioned in item #1 should be analyzed, preferably using methods suggested in the Department's Traffic Impact Study Guide. To help determine the appropriate scope, we request that a select zone model run is performed. We welcome the opportunity to provide consultation regarding the Department's preferred scope and methods of analysis.

Per our phone conversation with Ms. Laura Masterson on April 24, 2013, Caltrans is requesting a **Scoping Meeting** prior to the preparation of the traffic study, to determine the study area, methodology to be used for the analysis. Please contact Alan Lin, the project coordinator, to schedule a time and date to meet.

If you have any questions about preparing a traffic study on the State Highway and study locations, please feel free to contact Alan Lin at (213) 897-8391 and refer to IGR/CEQA No. 130415AL.

Sincerely,

DIANNA WATSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse
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