

Findings of Fact and Statement of Overriding Considerations

Port of Los Angeles Master Plan Update

Program Environmental Impact Report (ADP No. 110518-060/SCH No. 2012071081)

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With Assistance From:



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1.0

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

1.1 Introduction

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

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

1 Additionally, the lead agency shall not approve a project that will have a significant
2 effect on the environment unless it finds that specific overriding economic, legal,
3 social, technological, or other benefits of the project outweigh the unavoidable
4 adverse environmental effects (PRC Section 21081[b]; 14 California Code of
5 Regulations [CCR] Section 15093). The LAHD has prepared the Statement of
6 Overriding Considerations to document and substantiate the reasons to support its
7 action based on the Final Program Environmental Impact Report (PEIR) and other
8 information contained in the record. In accordance with the provisions of CEQA, the
9 City of Los Angeles Board of Harbor Commissioners (Board) adopts the Findings of
10 Fact and Statement of Overriding Considerations as set forth below, as part of the
11 certification of the Final PEIR.

2.0

PROGRAM OVERVIEW

2.1 Introduction

This section describes the proposed Program analyzed in the PMPU Final PEIR. The PMPU area includes the entire Port boundary that lies within the coastal zone (i.e., the Port's coastal zone boundary). In general, the PMPU area is bounded by the community of Wilmington to the north, lands surrounding the Consolidated Slip to the northeast, the City of Los Angeles boundary and lands surrounding the Cerritos Channel to the east, Los Angeles Harbor to the south, and the community of San Pedro to the west. The proposed Program would serve as a long-range plan to establish policies and guidelines for future use of Port lands within the coastal zone, as required under the California Coastal Act (CCA), and update historically outdated language in the 1980 Port Master Plan (PMP), as amended.

2.2 Background

The LAHD's current PMP provides policies and guidelines to direct the future development of the Port. The PMP was originally approved by the Board and certified by the California Coastal Commission (CCC) in April 1980, and has been subsequently amended several times. A comprehensive review and update of the PMP has not been completed since the plan's original certification. In addition, changes in the maritime industry have caused several portions of the PMP to become outdated.

On January 19, 2012, the Board authorized the LAHD to initiate a comprehensive update of the PMP. The PMPU combines the PMP and its subsequent amendments into a comprehensive document that reflects LAHD's recent land-use planning studies, including the *Terminal Island Land Use Plan* and the *Wilmington Marinas Planning Study*, and certified projects, in an easily accessible manner.

2.3 Program Purpose and Objectives

The overall purpose of the PMPU is to create a consolidated planning document that clarifies LAHD's short- and long-term plans in an easily accessible manner. The PMPU is needed to update historically outdated language in the 1980 Port Master Plan, as amended, with policies and guidelines that reflect current community and environmental conditions and account for trends in foreign and domestic waterborne commerce, navigation, and fisheries that influence needs for future development in the Port.

The overall objectives of the PMPU are to:

- Develop the Port in a manner that is consistent with federal, state, county, and city laws, including the CCA and Charter of the City of Los Angeles;
- Integrate economic, engineering, environmental, and safety considerations into the Port development process for measuring the long-term impact of varying development options on the Port's natural and economic environment;
- Promote the orderly, long-term development and growth of the Port by establishing functional areas for Port facilities and operations; and,
- Allow the Port to adapt to changing technology, cargo trends, regulations, and competition from other United States (U.S.) and foreign ports.

2.4 Overview

The PMPU would serve as a long-range plan to establish policies and guidelines for future use of Port lands within the coastal zone, as required under the CCA. Port land outside the coastal zone is not subject to Coastal Development Permits (CDPs) and therefore is not evaluated in the PEIR. The PMPU would also update existing PMP language related to the procedures to approve or deny CDPs, as well as, the process to review liquid bulk development proposals.

The PMPU would consolidate areas characterized by predominant land use patterns, thereby reducing the number of planning areas and would allocate a single allowable land use to most sites. The PMPU includes all required sections under CCA Chapter 8, Article 3 (Section 30711[a] and [b]), including permitted uses, design and location of land use areas, estimates of the effects of development on environmental resources, and anticipated projects listed as appealable. The PMPU would include appealable/fill projects and other projects that have been approved in a certified CEQA document and/or are currently undefined (i.e., in the conceptual design stage). The proposed appealable/fill projects included in the PMPU are in various planning stages and are expected to be initiated or completed within the next 5 years.

This PEIR focuses on land use changes that would result in changes and/or intensification of activities with the potential for impacting the physical environment, as well as the proposed appealable/fill projects, as defined under CCA Section 30715. The PEIR does not analyze the impacts of other projects included in the PMPU that have already been evaluated in a certified CEQA document. Furthermore, since some projects included in the PMPU are in the conceptual design stage, sufficient project details are not available to support a programmatic evaluation of potential impacts.

3.0

PROGRAM DESCRIPTION

The PMPU addresses all elements required under CCA Chapter 8, Article 3 (Section 30711[a] and [b]), including permitted uses, design and location of land use areas, estimates of development effects on environmental resources, and anticipated projects listed as appealable.

The PEIR includes the following elements in the program description:

- Changes to the number and boundaries of existing planning areas;
- Changes to existing PMP land use categories;
- Revisions to allowable land uses within the planning areas;
- Descriptions of the proposed appealable/fill projects; and,
- A list of the other projects that have been approved in a certified CEQA document and/or are undefined (i.e., in the conceptual design stage) that are identified for public disclosure purposes consistent with the PMPU.

3.1 Changes to Existing Planning Areas

The PMPU would result in three principal changes to the existing planning areas:

- Consolidate the number of land uses within the planning areas and specify a single land use for most sites;
- Reduce the number of planning areas from nine to five; and,
- Modify the boundaries of the individual planning areas.

The reduction in the number of planning areas is intended to consolidate general areas with predominant land use patterns within the Port. These changes are largely administrative and would cause no impacts to the physical environment. The locations, acreages, and allowable land uses for the new planning areas are described in Table 1.

Table 1. Proposed PMPU Planning Areas and Allowable Land Uses

<i>Planning Area</i>	<i>Location</i>	<i>Acreage</i>	<i>Allowable Land Uses*</i>
1 (San Pedro)	From the Breakwater up to the Vincent Thomas Bridge	413	Recreational Boating, Commercial, Break Bulk, Open Space, Institutional, Cruise Operations, and Maritime Support
2 (West Basin and Wilmington)	From the Vincent Thomas Bridge to north of the Cerritos Channel	1,098	Container, Open Space, Liquid Bulk, Break Bulk, Dry Bulk, Maritime Support, Recreational Boating, and Commercial
3 (Terminal Island)	Terminal Island, excluding Fish Harbor	1,940	Container, Liquid Bulk, Dry Bulk, Maritime Support, Open Space
4 (Fish Harbor)	Fish Harbor, including former Southwest Marine Shipyard site	92	Commercial Fishing, Maritime Support, Break Bulk, and Institutional
5 (Water)	All water excluding areas adjacent to marinas	3,209	Navigable Waterways, Maneuvering Areas, Anchorage Areas, and Shallow Water Habitat

Note: *Proposed land uses would be confined to the specific sites identified on the PMPU Land Use Designations Map.

3.2 PMPU Land Use Categories

The PMPU land use plan would consolidate the number of land uses within the planning areas and specify a single land use for most sites. For much of the PMPU area, the revised land use categories would be compatible with or less intensive than existing land uses, potentially resulting in fewer impacts to the physical environment compared to existing conditions. The proposed changes to land use categories are listed in Table 2.

Table 2. Changes in Land Use Categories

<i>Existing PMP Land Use Categories</i>	<i>PMPU Land Use Categories</i>	<i>Comments</i>
General Cargo	Container	The General Cargo land use category is divided into three categories to provide more specificity.
	Break Bulk	
	Cruise Operations	
Liquid Bulk	Liquid Bulk	Liquid Bulk and Other Liquid Bulk (nonhazardous) are consolidated into one category.
Other Liquid Bulk		
Dry Bulk	Dry Bulk	No change.
Commercial Fishing	Commercial Fishing	No change.
Recreational	Recreational Boating	This category is divided to differentiate marinas from parks/beaches due to their different land use and water requirements.
	Open Space	
Industrial	Maritime Support	This category is renamed to provide more clarity to the land use description.
Institutional	Institutional	No change.
Commercial	Visitor Serving Commercial	This category is renamed to provide more clarity to the land use description.
Other	N/A	This land use category is no longer needed.

The proposed PMPU land and water use definitions are provided in Table 3. The examples of these uses are not comprehensive, but are intended to be illustrative of the types of activities that may occur for the various land and water use categories.

Table 3. Proposed PMPU Land and Water Use Definitions

<i>Land Use</i>	<i>Description</i>	<i>Examples</i>
<i>Land Use</i>		
Container	Water-dependent uses focused on container cargo handling and movement.	- Container Terminal - Chassis Storage - On-Dock Rail Yard - Omni Terminal
Dry Bulk	Water-dependent uses focused on non-containerized, dry bulk cargoes shipped in large, unpackaged amounts.	- Cement - Potash and similar - Grain; - Scrap Metal
Break Bulk	Water-dependent uses focused on non-containerized, bulk cargoes packaged as a unit.	- Roll-On Roll-Off Cargoes - Steel Slabs - Neo Bulk - Fruit - Automobiles
Cruise Operations	Water-dependent operations focused on cruise operations and passenger handling.	- Cruise Facilities - Baggage Handling Facilities
Liquid Bulk	Water-dependent uses focused on storage, receipt, and delivery of liquid bulk commodities.	- Crude Oil Terminal - Petroleum Products Terminal - Non-petroleum Products and Other Liquid Bulk Commodities
Maritime Support	Water-dependent and non water-dependent operations necessary to support cargo handling and other maritime activities.	- Barge/Tugboat - Boatyard and Ship Repair - Marine Fueling Station - Marine Service Contractors, (e.g., diving, and emergency response services) - Water Taxi - Cargo Fumigation
Commercial Fishing	Facilities related to commercial fishing and processing.	- Fish Processing - Cold Storage/Fish Unloading/Ice House - Fishing Vessel Moorage - Fish Laboratories and Testing
Recreational Boating	Recreational boating activities generally associated with marinas.	- Marinas - Upland Boat Storage - Yacht Clubs - Marina-Related Retail
Visitor-Serving Commercial	Visitor serving commercial uses for the public, including museums.	- Restaurant - Maritime Related Office - Visitor Serving Retail - Harbor Tour Vessels - Sport Fishing - Museums - Community Centers/Conference Centers - Exhibit Space
Open Space	Open spaces reserved for the general public such as parks and beaches or open areas reserved for environmental protection.	- Public Beaches - Parks - Environmentally Protected Area - Wetlands
Institutional	Uses and facilities operated by government agencies.	- Public Safety (Police and Fire) - Other Federal, State, and Local Agencies - Educational - Marine Research Facility - Non-profit Organizations

Table 3. Proposed PMPU Land and Water Use Definitions

<i>Land Use</i>	<i>Description</i>	<i>Examples</i>
<i>Water Use</i>		
Navigation	Water areas devoted to anchorage of vessels, movement and maneuvering of vessels.	▪ Main Channel ▪ East and West Turning Basin
Environmental Mitigation	Water areas dedicated to environmental protection and not suitable for the navigation of cargo moving vessels.	▪ Shallow Water Habitat
Recreational Boating	Water areas associated with the mooring of recreational vessels.	▪ Marina Slip Areas
Berthing	Water areas directly adjacent to cargo berths. These areas are dedicated to the berthing of cargo vessels.	▪ Cargo Berths
Note: * In addition to the specific land use definitions and scope of activities, uses directly related to and supporting the land use are also permitted activities. Examples include but are not limited to an administrative office and/or maintenance and repair facility that support a container terminal or administrative offices and/or quality control laboratory that support commercial fishing processing activities.		

LAHD would be responsible for determining the land use category for all projects. Significant deviation from an allowable land use would require an amendment to the PMPU; however, slight boundary modifications would not require an amendment. Projects characterized by ancillary uses that are inconsistent with a site's land use designation would be permitted, but the predominant land use must be consistent with its PMPU land use designation. Determinations of consistency are the responsibility of the LAHD. Temporary permits are not restricted by the land use designations, but applicants must seek approval by the LAHD before activities commence (e.g., Temporary Entry and Access Permits, Filming Permits, etc.). Existing facilities that are not consistent with the land use designation of the PMPU would be a nonconforming use. General maintenance and facility repairs would still be allowed under the PMPU, but proposals for expansions and increases in the intensity of use of such facilities would not be allowed and would require an amendment to the PMPU.

An amendment would be required if a land use is proposed on a site that differs from the PMPU land use plan. Amendments must be certified by the CCC. After an amendment is approved and certified by the CCC, the land use plan would be updated and would supersede the previous version of the PMPU land use plan.

3.3 Changes to Land Uses and Proposed Appealable/Fill Projects within the PMPU Planning Areas

The proposed Program includes land use changes and proposed appealable/fill projects (Table 4). The PEIR focuses on land use changes that would result in changes and/or intensification of activities with the potential for impacting the physical environment, as well as the proposed appealable/fill projects, as defined under CCA Section 30715. Appealable projects include: liquefied natural gas and crude oil projects that could have a significant impact on oil and gas supplies; wastewater treatment facilities except those producing incidental amounts associated with Port activities; road or highway projects that are not principally for internal circulation within the Port; office and residential buildings not associated with Port administrative activities; hotels, motels, and shopping facilities not associated with commercial goods for water-oriented purposes; commercial fishing facilities; recreational small craft marina related facilities; oil refineries; and, petrochemical production plants.

Table 4. Proposed PMPU Appealable/Fill Projects and Land Use Changes

Planning Area	Appealable/Fill Project ^{a,b}	Land Use Change
Planning Area 1		
Planning Area 1: San Pedro	None	1: (Mixed Land Use Site): Existing institutional uses at Warehouse No. 1 would remain and/or be changed to visitor-serving commercial.
Planning Area 2		
Planning Area 2: West Basin and Wilmington	Berths 187-189 Liquid Bulk Relocation	2: The liquid bulk terminal at Berths 187-189 (Vopak) would be relocated to Berths 191-194. Berths 187-189 would consist of open space and institutional land uses.
	Yang Ming Terminal Redevelopment, including Cut and Fill (3-acre cut; 6-acre fill)	3: An additional 6 acres of fill at Berths 120-121 and cut of 3 acres of land at Berths 121-127 for the Yang Ming Terminal would be designated as container area.
	China Shipping Fill (16-acre fill)	4: The liquid bulk facility at Berths 118-120 (Kinder Morgan) would be eliminated and replaced with container cargo uses.
	None	5: An additional 16 acres of fill would be added at Berth 102 for the China Shipping container terminal and designated for container cargo uses.
6: (Optional Land Use Site): Vacant land on Mormon Island between San Clemente Avenue and Hermosa Street would be changed to liquid bulk or break bulk.		
Planning Area 3		
Planning Area 3: Terminal Island	Berth 300 Development (18-acre fill)	7: An additional 18 acres of fill would be added at Pier 300 and designated for container cargo uses.
	None	8: (Mixed Land Use Sites): Vacant land at Berths 206-209 would be changed to container, break bulk, and/or dry bulk and dry bulk land at Berths 210-211 would be changed to dry bulk and/or container.
		9: Vacant land between Seaside Avenue and Reeves Avenue and south of Reeves Avenue would be changed to maritime support.
		10: Vacant land along Ferry Street would be changed to maritime support.
		11: The land use consisting of the existing liquid bulk area (ExxonMobil) north of the Terminal Island Water Reclamation Plant (TIWRP) would be replaced with container cargo uses.
		12 ^c : The institutional area south of Pier 400 would be changed to open space (least tern habitat).
		13: Existing container area on Pier 400 would be changed to maritime support.
		14: Vacant land, commercial fishing, and industrial areas near Fish Harbor would be changed to container cargo uses.
		15: (Optional Land Use Site); Existing maritime support uses at Berth 301 would be changed to container or liquid bulk.
Planning Area 4		
Planning Area 4: Fish Harbor	Tri Marine Expansion	None
	338 Cannery Street Adaptive Reuse	None
	Al Larson Marina	16: Land use change from recreational boating to maritime support.
	None	17: (Mixed Land Use Site): Vacant land at Southwest Marine Shipyard would be changed to break bulk and/or maritime support. The surrounding area would be changed to maritime support.
18: Vacant land, commercial fishing, liquid bulk, and institutional land uses at Fish Harbor would be replaced with commercial fishing and maritime support.		
Planning Area 5		
Planning Area 5: Water	None	None
Notes:		
a. These projects are appealable to the CCC, as defined under CCA Section 30715.		
b. Proposed fill projects would be consistent with the PMPU, once certified, and would not require an amendment. Appealable/fill projects that would have fill or cut and fill are bolded.		
c. This land use change is administrative because it only changes the definition of the land use; no impacts to the physical environment would occur. Therefore, this land use change is not carried forward for analysis in the PEIR.		

The proposed appealable/fill projects are in various planning stages and are anticipated to be initiated or completed within the next 5 years. Future environmental documents for the proposed appealable/fill projects would incorporate this PEIR by reference and concentrate on the site-specific issues related to the proposed appealable/fill project at the appropriate phase of the planning process. Following the completion of project-specific CEQA reviews for the proposed appealable/fill projects, the LAHD would issue CDPs for approved projects.

Other projects included in the PMPU that have been approved in a certified CEQA document and/or are currently undefined (i.e., in the conceptual design stage) are addressed in Draft PEIR Chapter 4.0, Cumulative Analysis, and listed in Table 5.

Revisions to allowable land uses and proposed appealable/fill projects for each of the five proposed PMPU planning areas are described below.

Table 5. Other PMPU Projects and Land Use Changes^a

<i>Planning Area</i>	<i>Other Projects</i>	<i>Appealable^b</i>	<i>Land Use Changes</i>	<i>Comments</i>
<i>Planning Area 1</i>				
Planning Area 1: San Pedro	Outer Harbor Cruise Terminal and Outer Harbor Park	No	Vacant land would be changed to cruise operations and open space.	This project was previously evaluated in the certified San Pedro Waterfront Project Environmental Impact Statement (EIS)/EIR.
	City Dock No. 1 Marine Research Project	No	The break bulk area east of East Channel (Berths 57-71) would be changed to institutional.	This project was previously evaluated in the certified City Dock No. 1 Marine Research Project EIR.
	Ports O'Call Redevelopment	No	Industrial uses along Harbor Boulevard would be changed to commercial.	This project was previously evaluated in the certified San Pedro Waterfront Project EIS/EIR.
	Various	No	A variety of projects occurring along the San Pedro Waterfront have associated land use changes which eliminate industrial land uses and result in increased public access to the waterfront (open spaces), additional visitor-serving commercial development within the Port, and expanded cruise operations.	These land use changes were previously evaluated in the certified San Pedro Waterfront Project EIS/EIR and the certified Cabrillo Marina Phase II Development Project EIR.

Table 5. Other PMPU Projects and Land Use Changes^a

<i>Planning Area</i>	<i>Other Projects</i>	<i>Appealable^b</i>	<i>Land Use Changes</i>	<i>Comments</i>
<i>Planning Area 2</i>				
Planning Area 2: West Basin and Wilmington	Wilmington Waterfront Development Project	No	Institutional and industrial areas near Wilmington (north of Berths 184-185) would be changed to open space.	This project was previously evaluated in the certified Wilmington Waterfront Development Project EIS/EIR.
	Anchorage Road Soil Storage Site (ARSSS) Open Space	No	None	This is not a proposed project. Specific details are currently not available.
	Berths 176-181 Break Bulk Terminal Redevelopment	No	The Mormon Island container area (Berths 174-181) would be changed to break bulk.	This is not a proposed project. Specific details are currently not available.
	East Basin Marina Improvements	Yes	Vacant land east of Yacht Haven Marina (Berths 201-203) would be changed to open space.	This is not a proposed project. Specific details are currently not available.
<i>Planning Area 3</i>				
Planning Area 3: Terminal Island	Pier 500 (200-acre fill)	No	None	This is not a proposed project. Specific details are currently not available.
	Trucking Support Center	No	None	This is not a proposed project. Specific details are currently not available.
	Terminal Island On-Dock Rail Facility	No	None	This is not a proposed project. Specific details are currently not available.
	Berths 212-224 Container Terminal Expansion	No	None	This is not a proposed project. Specific details are currently not available.
	Relocation of ExxonMobil Storage Tanks	Yes	None	This is not a proposed project. Specific details are currently not available.
<i>Planning Area 4</i>				
Planning Area 4: Fish Harbor	Jankovich Marine Fueling Station	Yes	None	This project was previously evaluated in the certified San Pedro Waterfront Project EIS/EIR.
Notes:				
a. The PEIR does not analyze the impacts of other projects included in the PMPU that have already been evaluated in a certified CEQA document. Furthermore, as some projects included in the PMPU are in the conceptual design stage, sufficient project details are not available to support a programmatic evaluation of potential impacts.				
b. These projects are appealable to the CCC, as defined under CCA Section 30715.				

3.3.1 Planning Area 1: San Pedro

3.3.1.1 General Overview

Planning Area 1 would encompass the San Pedro Waterfront, extending from the breakwater to the Vincent Thomas Bridge along the western boundary of the Port. This area includes Berths 19-95, the Port's cruise operations, institutional uses, open space (Cabrillo Beach), and recreational boating activities. Planning Area 1 includes land uses focused on public access to the waterfront, but also has limited cargo operations and commercial fishing activities. Planning Area 1 emphasizes waterfront access through a waterfront promenade, parks, museums, academic uses, and visitor-serving commercial uses and attractions. In Planning Area 1, existing institutional uses at Warehouse No. 1 would remain and/or be changed to visitor-serving commercial. Adaptive reuse of Warehouse No. 1 would occur in conformance with LAHD's *Built Environment Historic, Architectural, and Cultural Resource Policy*.

3.3.1.2 Appealable/Fill Projects

No appealable/fill projects would occur within Planning Area 1.

3.3.2 Planning Area 2: West Basin and Wilmington

3.3.2.1 General Overview

Planning Area 2 would encompass the West Basin and Wilmington areas, and includes Berth 96 through Berth 204. The West Basin consists of container terminals, while the remaining Wilmington areas consist of a variety of uses ranging from liquid bulk at Berths 148-150, liquid bulk and dry bulk uses on Mormon Island, to recreational boating and open space along Anchorage Road. Public access to the waterfront is provided at Berths 183-186. The planning framework for Planning Area 2 addressed in the PMPU is based on the *Wilmington Waterfront Plan*, Berths 97-109 (China Shipping) Container Terminal Project, Berths 136-147 (TraPac) Container Terminal Project, the *Anchorage Road Soil Storage Site (ARSSS) Concept Plan*, and *Wilmington Marinas Plan*. Vacant land on Mormon Island between San Clemente Avenue and Hermosa Street would be an optional use site and allow liquid or break bulk uses. Additional land use changes are associated with the proposed appealable/fill projects in Planning Area 2.

3.3.2.2 Appealable/Fill Projects

3.3.2.2.1 Berths 187-189 Liquid Bulk Relocation

This project would relocate existing liquid bulk berthing operations at Berths 187-189 to Berths 191-194. Tankage located along Berths 187-189 would also be removed and replaced with new tankage at Berths 191-194. A new Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS)-compliant wharf and equipment would be constructed at Berths 191-194. Land uses at Berths 187-189 would change from liquid bulk to open space and institutional.

3.3.2.2.2 Yang Ming Terminal Redevelopment

This project would include filling approximately 6 acres of the harbor at Berths 120-121 and cutting (i.e., creating open water) approximately 3 acres of land at Berths 121-127 to facilitate redevelopment of the West Basin Container Terminal. The proposed cut and fill, combined with wharf redevelopment, would create approximately 3,400 feet of new wharf. The project would also include a land use change near Berths 118-120 from liquid bulk to container terminal and would accommodate an approximately 20-acre backland expansion.

3.3.2.2.3 China Shipping Fill

This project would fill approximately 16 acres of a slip at Berth 102 to add additional backland to the existing China Shipping container terminal.

3.3.3 Planning Area 3: Terminal Island

3.3.3.1 General Overview

Planning Area 3, located on Terminal Island, would be the largest planning area and would focus on container operations. The proposed area comprises all of Terminal Island, with the exception of Fish Harbor, which would be in Planning Area 4. Of the six container terminals at the Port, four are located in Planning Area 3. The *Terminal Island Land Use Plan* provides the framework for land uses located in Planning Area 3. The plan optimizes cargo-handling operations on Terminal Island, while restricting non-cargo and non water-dependent uses.

Open space is located along the southern tip of Pier 400 as an environmentally protected area for least terns and the urban forest area north of the Los Angeles Export Terminal (LAXT) rail loop. The proposed appealable/fill project and land use changes would provide additional space for expanding container and liquid bulk cargoes by clearing underutilized and vacant facilities, reconfiguring existing operations, and completing approximately 18 acres of land expansion/filling. The following land use changes would occur within Planning Area 3:

- The land use consisting of the existing ExxonMobil liquid bulk facility north of the TIWRP would be replaced with container uses;
- Planning Area 3 includes two mixed use sites that would allow break bulk, dry bulk, and/or container uses at Berths 206-209 and dry bulk and/or container uses at Berths 211-212;
- Berth 301 would be an optional use site that would allow conversion of existing maritime support uses to either container or liquid bulk;
- Vacant land between Seaside Avenue and Reeves Avenue and south of Reeves Avenue would be changed to maritime support;
- Vacant land along Ferry Street would be changed to maritime support;
- Vacant land, commercial fishing, and industrial areas near Fish Harbor would be changed to container cargo uses; and,
- Existing container area on Pier 400 would be converted to maritime support.

3.3.3.2 Appealable/Fill Projects

3.3.3.2.1 Berth 300 Development

This project would fill approximately 18 acres of water behind Berths 270-271 and Berth 301 to create additional container backland. This project would include berthing for maritime support.

3.3.4 Planning Area 4: Fish Harbor

3.3.4.1 General Overview

Planning Area 4 would contain Fish Harbor and focus on expanding commercial fishing while maintaining adequate acreages for maritime support uses. Commercial fishing would remain in the northern and eastern portions of Fish Harbor, while maritime support, break bulk cargo, and other institutional uses would be focused along the western portion of Fish Harbor. Vacant land at Southwest Marine Shipyard (Berths 240-241) would be a mixed land use site and would allow break bulk and/or maritime support uses. Additional land use changes are associated with the proposed appealable/fill projects in Planning Area 4. The *Terminal Island Land Use Plan* also provides the framework for Planning Area 4.

3.3.4.2 Appealable/Fill Projects

3.3.4.2.1 Tri Marine Expansion

This project would expand Tri Marine's current fish processing facility at Berth 264. The expanded facility would include fish processing operations, cold storage, and office space. A new fish pump to transfer fish from the fishing boats to the new facility would be constructed to complement the existing fish pump at the facility.

3.3.4.2.2 338 Cannery Street Adaptive Reuse

This project would redevelop a 9-acre site located in Fish Harbor at Berth 265 by adaptive reuse of the existing historic buildings for commercial fishing development. Improvements would complement and maintain existing historic structures, while helping to create a financially sustainable commercial fishing development.

3.3.4.2.3 Al Larson Marina

This project would remove approximately 125 recreational boating slips at Berths 256-257 to allow for the expansion of the boatyard located directly north of the marina.

3.3.5 Planning Area 5: Waterways

3.3.5.1 General Overview

Planning Area 5 would consist of water areas in the Port. Water uses allowed in Planning Area 5 include general navigation, areas designated for environmental mitigation, recreational boating, and berthing. No land use changes would occur in Planning Area 5.

3.3.5.2 Appealable/Fill Projects

No appealable/fill projects would occur within Planning Area 5.

3.4 Changes in Land Use Acreage

The proposed changes in land use would result in changes to the total acreages associated with individual land use categories. Table 6 provides a summary of the land use changes (acres by land use type) that would occur with implementation of the PMPU, shown as differences between existing baseline conditions, defined as those occurring in 2011, and proposed conditions.

Table 6. Summary of Proposed PMPU Land Use Changes

<i>Land Use Type</i>	<i>Existing (2011) (acres)^a</i>	<i>Proposed Changes Evaluated in the PEIR (acres)</i>	<i>Previously Analyzed Changes (acres)^b</i>	<i>Overall Difference (acres)</i>	<i>PMPU Acreage (acres)</i>
Container	2,050	288	33	321	2,371
Liquid Bulk	119	-17	66	49	168
Dry Bulk	45	-30	1	-29	15
Commercial Fishing	20	36	2	38	58
Recreational Marina (Recreational Boating)	66	0	25	25	91
Industrial (Maritime Support)	45	75	13	88	133
Institutional	115	-37	15	-22	92
Commercial (Visitor Serving/Commercial)	88	6	15	21	109
Break Bulk	160	21	38	59	219
Open Space	92	28	110	138	231
Passengers/Supporting Commercial (Cruise Operations)	54	0	15	15	69
Vacant	658	-333	-325	-658	0
Open Water ^c	3,224	-37	-7	-44	3,180
Total ^d	6,735	0	0	0	6,735

Notes:

- a. All acreages are approximate. Acreages for mixed use and optional land use sites are associated with the “worst case” or most intensive land use for an individual site, as evaluated in this PEIR.
- b. The PEIR does not analyze the impacts of the land use changes included in the PMPU that have already been evaluated in a certified CEQA document.
- c. Acreages do not include the Reservation Point Area (i.e., 64 acres). This is not LAHD controlled property.
- d. The total area includes open water acreage and all unassigned acreage in Planning Areas 1-4 and boundary differences.

3.5 Program Schedule

Buildout of the proposed appealable/fill projects would occur in multiple phases, although the precise schedule, and in most cases the scope, of these projects is unknown or has not been developed in sufficient detail at this time. The LAHD anticipates, however, that the proposed appealable/fill projects described above would be implemented within the next 5 years. However, the analysis of the PMPU planning horizon extends out to year 2035.

4.0

CEQA FINDINGS

The Findings of Fact are based on information contained in the Final PEIR for the proposed Program, as well as information contained within the administrative record. The administrative record includes, but is not limited to, staff reports, public hearing records, public notices, written comments on the proposed Program and responses to those comments, proposed decisions and findings on the proposed Program, and other documents (e.g., technical reports) relating to the agency decision on the proposed Program.

The Draft PEIR addresses the proposed Program's potential effects on the environment, and was circulated for public review and comment pursuant to CEQA Guidelines for a period of 45 days. Comments were received from a variety of public agencies, organizations, and individuals. The Final PEIR contains copies of all comments and recommendations received on the Draft PEIR; a list of persons, organizations, and public agencies commenting on the Draft PEIR; responses to comments received during the public review; and changes to the Draft PEIR. This section provides a summary of the environmental effects of the proposed Program that are discussed in the Final PEIR, and provides written findings for each of the significant effects, which are accompanied by a brief explanation of the rationale for each finding.

4.1 Environmental Impacts of the Proposed Program

Findings are provided for significant and unavoidable environmental impacts and significant impacts that are mitigated to less than significant. Where mitigation measures are proposed, these mitigation measures are included in a Mitigation Monitoring Reporting Plan (MMRP), which has been prepared separately from these findings.

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

4.1.1 Environmental Impacts Found to be Significant and Unavoidable

The Board hereby finds that the following environmental impacts of the proposed Program are significant and unavoidable, as summarized in Table 7, which also lists the mitigation measures applied and the impacts after mitigation.

Table 7. Significant and Unavoidable Adverse Environmental Impacts for the Proposed Program

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impact After Mitigation</i>
<i>Air Quality and Greenhouse Gases</i>			
AQ-1: Construction of the proposed Program would produce emissions that exceed a South Coast Air Quality Management District (SCAQMD) daily emission threshold.	Significant	MM AQ-1: Harbor Craft Used during Construction MM AQ-2: Cargo Ships Used During Construction MM AQ-3: Fleet Modernization for On-Road Trucks Used During Construction MM AQ-4: Fleet Modernization for Construction Equipment (except Vessels, Harbor Craft, and On-Road Trucks) MM AQ-5: Construction Best Management Practices MM AQ-6: Additional Fugitive Dust Controls MM AQ-7: General Mitigation Measure MM AQ-8: Special Precautions near Sensitive Sites	Significant and unavoidable
AQ-2: Construction of the proposed Program would result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.	Significant	MM AQ-1 through MM AQ-8	Significant and unavoidable
AQ-3: Operation of the proposed Program would result in emissions that exceed a SCAQMD daily emission threshold and the volatile organic compound (VOC) 10 tons per year threshold.	Significant	MM AQ-9: Alternative Maritime Power MM AQ-10: Vessel Speed Reduction Program (VSRP) MM AQ-11: Cleaner Ocean-Going Vessel (OGV) Engines MM AQ-12: OGV Engine Emissions Reduction Technology Improvements MM AQ-13: Yard Tractors at Terminals MM AQ-14: Yard Equipment at Rail Yards MM AQ-15: Yard Equipment at Terminals MM AQ-16: Truck Idling Reduction Measure MM AQ-17: Periodic Review of New Technology and Regulations MM AQ-18: Substitution of New Technology	Significant and unavoidable

Table 7. Significant and Unavoidable Adverse Environmental Impacts for the Proposed Program

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impact After Mitigation</i>
AQ-4: Operation of the proposed Program would result in ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.	Significant	MM AQ-9 through MM AQ-18	Significant and unavoidable
AQ-7: The proposed Program would expose receptors to significant levels of Toxic Air Contaminants (TACs).	Significant	MM AQ-9 through MM AQ-18	Significant and unavoidable
GHG-1: Operation of the proposed Program would produce greenhouse gases (GHG) emissions that would exceed a CEQA threshold.	Significant	MM AQ-2 through MM AQ-4, MM AQ-9, MM AQ-10, MM AQ-16 MM GHG-1: Energy Efficient Light Bulbs MM GHG-2: Energy Audit MM GHG-3: Recycling MM GHG-4: Tree Planting MM GHG-5: Solar Panels MM GHG-6: Water Conservation	Significant and unavoidable
<i>Biological Resources</i>			
BIO-4: Operation of the proposed Program would result in a substantial disruption of local biological communities.	Significant	No feasible mitigation is currently available to fully avoid the potential for invasive species introductions.	Significant and unavoidable
<i>Noise</i>			
NOI-1: Daytime construction activities lasting more than 10 days in a 3-month period would exceed existing ambient exterior noise levels by 5 decibels (dB) A-weighted (A) or more at a noise-sensitive use.	Significant	MM NOI-1: Construction Hours MM NOI-2: Construction Days MM NOI-3: Construction Equipment MM NOI-4: Idling Prohibitions. MM NOI-5: Equipment Location MM NOI-6: Notification MM NOI-7: Use Quiet Equipment MM NOI-8: Use Electrical Power when feasible MM NOI-9: Disturbance Coordinator MM NOI-10: Restricted Pile Driving Hours MM NOI-11: Temporary Noise Barriers	Significant and unavoidable
<i>Transportation and Circulation</i>			
TRANS-4: Operation of the proposed Program would cause increases considered significant for freeway congestion.	Significant	MM TRANS-1: Interstate (I)-710 Corridor Improvements	Significant and unavoidable

Table 7. Significant and Unavoidable Adverse Environmental Impacts for the Proposed Program

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impact After Mitigation</i>
Cumulative Impacts			
AIR QUALITY AND GREENHOUSE GASES			
Cumulative Impact AQ-1: Construction activities associated with the proposed Program would produce emissions that exceed a SCAQMD Daily Emission Threshold.	Cumulatively considerable and unavoidable	MM AQ-1 through MM AQ-8	Cumulatively considerable and unavoidable
Cumulative Impact AQ-2: Construction activities associated with the PMPU would result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.	Cumulatively considerable and unavoidable	MM AQ-1 through MM AQ-8	Cumulatively considerable and unavoidable
Cumulative Impact AQ-3: Operations associated with the proposed Program would result in emissions that exceed a SCAQMD daily emission threshold.	Cumulatively considerable and unavoidable	MM AQ-9 through MM AQ-18	Cumulatively considerable and unavoidable
Cumulative Impact AQ-4: Operations associated with the proposed Program would result in ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.	Cumulatively considerable and unavoidable	MM AQ-9 through MM AQ-18	Cumulatively considerable and unavoidable
Cumulative Impact AQ-7: The proposed Program would expose receptors to significant levels of TACs.	Cumulatively considerable and unavoidable	MM AQ-9 through MM AQ-18	Cumulatively considerable and unavoidable
Cumulative Impact GHG-1: The proposed Program would produce GHG emissions that would exceed a CEQA threshold.	Cumulatively considerable and unavoidable	MM AQ-2 through MM AQ-4, MM AQ-9, MM AQ-10, MM AQ-16, and MM GHG-1 through MM GHG-6	Cumulatively considerable and unavoidable
BIOLOGICAL RESOURCES			
Cumulative Impact BIO-4: The proposed Program would result in a substantial disruption of local biological communities.	Cumulatively considerable and unavoidable	No feasible mitigation is currently available to fully avoid the potential for invasive species introductions.	Cumulatively considerable and unavoidable
NOISE			
Cumulative Impact NOI-1: Daytime construction activities lasting more than 10 days in a 3-month period would produce noise levels that exceed existing ambient exterior noise levels by 5 A-weighted sound level (dB(A)) or more at a noise-sensitive use.	Cumulatively considerable and unavoidable	MM NOI-1 through MM NOI-11	Cumulatively considerable and unavoidable

4.1.2 Environmental Impacts Found to Be Less than Significant After Mitigation

The Board hereby finds that the following environmental impacts of the proposed Program are less than significant after implementation of mitigation measures, as summarized in Table 8, which also lists the mitigation measures applied and the impacts after mitigation.

Table 8. Significant Impacts that Can be Mitigated for the Proposed Program

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impact After Mitigation</i>
<i>Biological Resources</i>			
BIO-1: Construction of the proposed Program would not result in the loss of individuals, or the reduction of existing habitat, of a state- or federally-listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or the loss of federally-listed critical habitat.	Significant	MM BIO-1: Avoid Marine Mammals MM BIO-2: Minimize In-water Pile Driving Noise MM BIO-3: Avoid and Minimize Impacts to California Least Tern MM BIO-4: Conduct Nest Site Surveys	Less than significant
BIO-2: Construction of the proposed Program would not result in a substantial reduction of a state-, federally- or locally-designated natural habitat, special aquatic site, or plant community, including wetlands.	Significant	MM BIO-5: Apply Credits from Existing Port Mitigation Banks	Less than significant
BIO-5: Construction of the proposed Program would not result in a permanent loss of marine habitat.	Significant	MM BIO-5: Apply Credits from Existing Port Mitigation Banks	Less than significant
<i>Cultural Resources</i>			
CR-1: Construction of the proposed Program would not disturb, damage, or degrade archaeological or ethnographic resources, and thus cause a substantial adverse change in the significance of such resources as defined in §15064.5.	Significant	MM CR-1: Cultural Resource Assessment MM CR-2: Unanticipated Discovery Procedures	Less than significant
CR-2: Construction of the proposed Program would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.	Significant	MM CR-3: Historical Resource Assessment	Less than significant
CR-3: Construction of the proposed Program would not disturb, destroy, or eliminate access to unknown unique paleontological resources.	Significant	MM CR-4: Paleontological Assessment MM CR-5: Unanticipated Discovery Procedures	Less than significant
<i>Geology</i>			
GEO-2: The proposed Program would not expose people and structures to substantial risk involving tsunamis or seiches.	Significant	MM GEO-1: Emergency Response Planning	Less than significant

Table 8. Significant Impacts that Can be Mitigated for the Proposed Program

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impact After Mitigation</i>
Hazards and Hazardous Materials			
HAZ-2: Operation of the proposed Program would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	Significant	MM HAZ-1: General Mitigation Measure MM HAZ-2: Hazards and Operability Studies	Less than significant
Public Services			
PS-1: Construction of the proposed Program would not burden existing U.S. Coast Guard (USCG), Los Angeles Police Department (LAPD), or Los Angeles Port Police (Port Police) staff levels and facilities, such that the USCG, LAPD, or Port Police would not be able to maintain an adequate level of service without constructing additional facilities that could cause significant environmental effects.	Significant	MM PS-1: Prepare a Manual in Compliance with the Work Area Traffic Control Handbook (WATCH)	Less than significant
Cumulative Impacts			
BIOLOGICAL RESOURCES			
Cumulative Impact BIO-1: The proposed Program would not result in the loss of individuals, or the reduction of existing habitat, of a state- or federally-listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or the loss of federally-listed critical habitat.	Cumulatively considerable but avoidable	MM BIO-1 through MM BIO-4	Not cumulatively considerable after mitigation
Cumulative Impact BIO-2: The proposed Program would not result in a substantial reduction or alteration of a state-, federally-, or locally-designated natural habitat, special aquatic site, or plant community, including wetlands.	Cumulatively considerable but avoidable	MM BIO-5	Not cumulatively considerable after mitigation
Cumulative Impact BIO-5: The proposed Program would not result in a permanent loss of marine habitat.	Cumulatively considerable but avoidable	MM BIO-5	Not cumulatively considerable after mitigation

Table 8. Significant Impacts that Can be Mitigated for the Proposed Program

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impact After Mitigation</i>
CULTURAL RESOURCES			
Cumulative Impact CR-1: The proposed Program would not disturb, damage, or degrade archaeological or ethnographic resources, and thus cause a substantial adverse change in the significance of such resources as defined in §15064.5.	Cumulatively considerable but avoidable	MM CR-1 and MM CR-2	Not cumulatively considerable after mitigation
Cumulative Impact CR-2: The proposed Program would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.	Cumulatively considerable but avoidable	MM CR-3	Not cumulatively considerable after mitigation
Cumulative Impact CR-3: The proposed Program would not disturb, destroy, or eliminate access to unknown unique paleontological resources.	Cumulatively considerable but avoidable	MM CR-4 and MM CR-5	Not cumulatively considerable after mitigation
GEOLOGY			
Cumulative Impact GEO-2: The proposed Program would not expose people and structures to substantial risk involving tsunamis or seiches.	Cumulatively considerable but avoidable	MM GEO-1	Not cumulatively considerable after mitigation
HAZARDS AND HAZARDOUS MATERIALS			
Cumulative Impact HAZ-2: The proposed Program would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	Cumulatively considerable but avoidable	MM HAZ-1	Not cumulatively considerable after mitigation
PUBLIC SERVICES			
Cumulative Impact PS-1: The proposed Program would not burden existing USCG, LAPD, or Port Police staff levels and facilities such that the USCG, LAPD, or Port Police would not be able to maintain an adequate level of service without constructing additional facilities that could cause significant environmental effects.	Cumulatively considerable but avoidable	MM PS-1	Not cumulatively considerable after mitigation
TRANSPORTATION AND CIRCULATION			
Cumulative Impact TRANS-4: The proposed Program would result in operations that would cause increases considered significant for freeway congestion.	Cumulatively considerable but avoidable	MM TRANS-1	Not cumulatively considerable after mitigation

4.1.3 Environmental Impacts Found to Be Less than Significant

The Board hereby finds that the following environmental impacts of the proposed Program are less than significant and hereby makes the same determination based on the conclusions in the Final PEIR, as summarized in Table 9. No mitigation measures are required for impacts that are less than significant (14 CCR 15126.4[3][a]).

Table 9. Less than Significant Impacts of the Proposed Program

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impact After Mitigation</i>
<i>Aesthetics/Visual Resources</i>			
AES-1: The proposed Program would not cause substantial, adverse effects on a scenic vista.	No impact	No mitigation is required	No impact
AES-2: The proposed Program would not cause substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within [view from] a state scenic highway.	No impact	No mitigation is required	No impact
AES-3: The proposed Program would not cause a substantial degradation of existing visual character or quality of a site and its surroundings.	No impact	No mitigation is required	No impact
AES-4: The proposed Program would not result in a new source of substantial light or glare that would adversely affect day or nighttime views in the area.	No impact	No mitigation is required	No impact
AES-5: The proposed Program would not result in substantial shadow effects on nearby shadow-sensitive uses.	No impact	No mitigation is required	No impact
AES-6: The proposed Program would not result in impacts inconsistent with guidelines and regulations established to protect aesthetic/visual resources.	No impact	No mitigation is required	No impact
<i>Air Quality and Greenhouse Gases</i>			
AQ-5: Operation of the proposed Program would not generate on-road traffic that would contribute to an exceedance of the 1-hour or 8-hour carbon monoxide (CO) standards.	Less than significant	No mitigation is required	Less than significant
AQ-6: Operation of the proposed Program would not create an objectionable odor at the nearest sensitive receptor.	Less than significant	No mitigation is required	Less than significant
AQ-8: Operation of the proposed Program would not conflict with or obstruct implementation of an applicable Air Quality Management Plan (AQMP).	Less than significant	No mitigation is required	Less than significant
GHG-2: Operation of the proposed Program would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of GHGs.	Less than significant	No mitigation is required	Less than significant

Table 9. Less than Significant Impacts of the Proposed Program

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impact After Mitigation</i>
<i>Biological Resources</i>			
BIO-1: Operation of the proposed Program would not result in the loss of individuals, or the reduction of existing habitat, of a state- or federally-listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or the loss of federally-listed critical habitat.	Less than significant	No mitigation is required	Less than significant
BIO-2: Operation of the proposed Program would not result in a substantial reduction or alteration of a state-, federally-, or locally-designated natural habitat, special aquatic site, or plant community, including wetlands.	Less than significant	No mitigation is required	Less than significant
BIO-3: The proposed Program would not result in interference with wildlife movement/migration that may diminish the long-term survival of a species.	Less than significant	No mitigation is required; however, MM BIO-2 would reduce any potential for impact	Less than significant
BIO-4: Construction of the proposed Program would not result in a substantial disruption of local biological communities.	Less than significant	No mitigation is required; however, MM BIO-2 and MM BIO-4 would reduce any potential impact	Less than significant
BIO-5: Operation of the proposed Program would not result in a permanent loss of marine habitat.	Less than significant	No mitigation is required	Less than significant
BIO-6: The proposed Program would not conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	Less than significant	No mitigation is required	Less than significant
<i>Cultural Resources</i>			
CR-1: Operation of the proposed Program would not disturb, damage, or degrade archaeological or ethnographic resources, and thus cause a substantial adverse change in the significance of such resources as defined in §15064.5.	Less than significant	No mitigation is required	Less than significant
CR-2: Operation of the proposed Program would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.	Less than significant	No mitigation is required	Less than significant
CR-3: Operation of the proposed Program would not disturb, destroy, or eliminate access to unknown unique paleontological resources.	Less than significant	No mitigation is required	Less than significant

Table 9. Less than Significant Impacts of the Proposed Program

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impact After Mitigation</i>
<i>Geology</i>			
GEO-1: The proposed Program would not result in substantial damage to structures or infrastructure or expose people to substantial risk of injury from seismic activity along the Palos Verdes Fault Zone or other regional faults that could produce fault ruptures, seismic ground shaking, liquefaction, or other seismically induced ground failure.	Less than significant	No mitigation is required	Less than significant
GEO-3: The proposed Program would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from subsidence/soil settlement.	Less than significant	No mitigation is required	Less than significant
GEO-4: The proposed Program would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from soil expansion.	Less than significant	No mitigation is required	Less than significant
GEO-5: The proposed Program would not result in or expose people or property to a substantial risk of landslides or mudslides.	No impact	No mitigation is required	No impact
GEO-6: The proposed Program would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from unstable soil conditions from excavation, grading, or fill.	Less than significant	No mitigation is required	Less than significant
GEO-7: The proposed Program would not result in one or more distinct and prominent geologic or topographic features being destroyed, permanently covered, or materially and adversely modified.	No impact	No mitigation is required	No impact
GEO-8: The proposed Program within the limits of the oil field would not result in the permanent loss of availability of any mineral resource of regional, statewide, or local significance.	Less than significant	No mitigation is required	Less than significant
GEO-9: The proposed Program would not result in substantial damage to structures or infrastructure or expose people to substantial risk of injury from sea level rise.	Less than significant	No mitigation is required	Less than significant
<i>Groundwater and Soils</i>			
GW-1: The proposed Program would expose soils containing toxic substances and petroleum hydrocarbons, associated with prior operations, resulting in exposure to construction and operation personnel. The exposure would not be deleterious to humans, based on regulatory standards established by the lead agency for the site.	Less than significant	No mitigation is required; however Lease Measures GW-1 and GW-2 would reduce any potential for impact	Less than significant
GW-2: The proposed Program would not result in changes in the rate or direction of movement of existing contaminants; expansion of the area affected by contaminants; or increases in the level of groundwater contamination, which would increase risk of harm to humans.	Less than significant	No mitigation is required; however Lease Measures GW-1 and GW-2 would reduce any potential for impact	Less than significant

Table 9. Less than Significant Impacts of the Proposed Program

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impact After Mitigation</i>
GW-3: The proposed Program would not result in a demonstrable and sustained reduction in groundwater recharge capacity or change in potable water levels sufficient to reduce the ability of a water utility to use the groundwater basin for public water supplies, conjunctive use purposes, storage of imported water, or summer/winter peaking, or to respond to emergencies and drought; reduce yields of adjacent wells or well fields (public or private); or adversely change the rate or direction of groundwater flow.	No impact	No mitigation is required	No impact
GW-4: The proposed Program would not result in a violation of regulatory water quality standards at an existing production well, as defined in CCR, Title 22, Division 4, Chapter 15 and in the Safe Drinking Water Act.	No impact	No mitigation is required	No impact
<i>Hazards and Hazardous Materials</i>			
HAZ-1: The proposed Program would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	Less than significant	No mitigation is required	Less than significant
HAZ-2: Construction of the proposed Program would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	Less than significant	No mitigation is required	Less than significant
HAZ-3: The proposed Program would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	Less than significant	No mitigation is required	Less than significant
HAZ-4: The proposed Program would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	Less than significant	No mitigation is required	Less than significant
<i>Land Use</i>			
LU-1: The proposed Program would be consistent with the General Plan or adopted environmental goals or policies contained in other applicable plans adopted for the purpose of avoiding or mitigating an environmental impact.	Less than significant	No mitigation is required	Less than significant
<i>Noise</i>			
NOI-2: Construction activities would not exceed the ambient noise level by 5 dB(A) at a noise-sensitive use between the hours of 9:00 P.M. and 7:00 A.M. Monday through Friday, before 8:00 A.M. or after 6:00 P.M. on Saturday, or at any time on Sunday.	No impact	No mitigation is required	No impact
NOI-3: The proposed Program would not expose persons to or generate excessive groundborne vibration or groundborne noise levels.	Less than significant	No mitigation is required	Less than significant

Table 9. Less than Significant Impacts of the Proposed Program

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impact After Mitigation</i>
NOI-4: The ambient noise level measured at the property line of affected uses would not increase by 3 dB(A) in Community Noise Equivalent Level (CNEL) to or within the “normally unacceptable” or “clearly unacceptable” category, or any 5 dB(A) or greater noise increase, as defined by city thresholds.	Less than significant	No mitigation is required	Less than significant
<i>Public Services</i>			
PS-1: Operation of the proposed Program would not burden existing USCG, LAPD, or Port Police staff levels and facilities such that the USCG, LAPD, or Port Police would not be able to maintain an adequate level of service without constructing additional facilities that could cause significant environmental effects.	Less than significant	No mitigation is required	Less than significant
PS-2: The proposed Program would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility to maintain service.	Less than significant	No mitigation is required	Less than significant
<i>Recreation</i>			
REC-1: The proposed Program would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated.	Less than significant	No mitigation is required	Less than significant
REC-2: The proposed Program would not include recreational facilities or require the construction or expansion of recreational facilities that could have an adverse physical effect on the environment.	Less than significant	No mitigation is required	Less than significant
<i>Transportation and Circulation</i>			
TRANS-1: The proposed Program would not result in a short-term, temporary increase in truck and auto traffic.	Less than significant	No mitigation is required	Less than significant
TRANS-2: The proposed Program would not significantly impact at least one study location volume/capacity (V/C) ratios or level of service for long-term vehicular traffic.	Less than significant	No mitigation is required	Less than significant
TRANS-3: The proposed Program would not cause an increase in onsite employees due to operations, which would then result in a significant increase in public transit use.	Less than significant	No mitigation is required	Less than significant
TRANS-5: The proposed Program would not result in operations that would cause a significant impact in vehicular delay at railroad grade crossings.	Less than significant	No mitigation is required	Less than significant
TRANS-6: The proposed Program would not substantially increase hazards due to a design feature or incompatible uses.	Less than significant	No mitigation is required	Less than significant
TRANS-7: The proposed Program would not result in inadequate emergency access.	Less than significant	No mitigation is required	Less than significant

Table 9. Less than Significant Impacts of the Proposed Program

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impact After Mitigation</i>
TRANS-8: The proposed Program would not conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	Less than significant	No mitigation is required	Less than significant
TRANS-9: The proposed Program would not result in inadequate parking capacity.	Less than significant	No mitigation is required	Less than significant
VT-1: The proposed Program would not interfere with the operation of designated vessel traffic lanes and/or adversely affect the safety of vessels navigating within the Port of Los Angeles and its approaches.	Less than significant	No mitigation is required	Less than significant
<i>Utilities</i>			
UT-1: The proposed Program would not result in a substantial increase in wastewater flows that would exceed the wastewater treatment requirements of the Los Angeles Regional Water Quality Control Board (RWQCB) or the capacity of existing treatment facilities.	Less than significant	No mitigation is required	Less than significant
UT-2: The proposed Program would not result in a substantial increase in water demand that would exceed the water supplies available from existing entitlements and resources, and new or expanded facilities or entitlements would be required.	Less than significant	No mitigation is required	Less than significant
UT-3: The proposed Program would not generate substantial surface runoff that would exceed the capacity of existing municipal storm drain systems.	Less than significant	No mitigation is required	Less than significant
UT-4: The proposed Program would not result in an increase in solid waste generation due to project operations that would exceed the capacity of existing solid waste handling and disposal facilities.	Less than significant	No mitigation is required	Less than significant
UT-5: The proposed Program would not require new, offsite energy supply and distribution infrastructure, or capacity-enhancing alterations to existing facilities that are not anticipated by adopted plans or programs.	Less than significant	No mitigation is required	Less than significant
<i>Water Quality, Sediments, and Oceanography</i>			
WQ-1: The proposed Program would not result in discharges that create pollution, contamination, or nuisance as defined in Section 13050 of the California Water Code or that cause regulatory standards to be violated.	Less than significant	No mitigation is required	Less than significant
WQ-2: The proposed Program would not substantially reduce or increase the amount of surface water in a water body.	Less than significant	No mitigation is required	Less than significant
WQ-3: The proposed Program would not cause permanent adverse changes to the movement of surface water sufficient to produce a substantial change in the current or direction of water flow.	Less than significant	No mitigation is required	Less than significant
WQ-4: The proposed Program would not accelerate natural processes of wind and water erosion and sedimentation, resulting in sediment runoff or deposition which would not be contained or controlled onsite.	Less than significant	No mitigation is required	Less than significant

Table 9. Less than Significant Impacts of the Proposed Program

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impact After Mitigation</i>
Cumulative Impacts			
AIR QUALITY AND GREENHOUSE GASES			
Cumulative Impact AQ-5: The proposed Program would not generate on-road traffic that would contribute to an exceedance of the 1-hour or 8-hour carbon monoxide (CO) standards.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact AQ-6: Operations associated with the proposed Program would not create objectionable odors at the nearest sensitive receptor.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact AQ-8: The proposed Program would not conflict with or obstruct implementation of an applicable AQMP or the San Pedro Bay Ports Clean Air Action Plan (CAAP).	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact GHG-2: The proposed Program would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
BIOLOGICAL RESOURCES			
Cumulative Impact BIO-3: The proposed Program would not result in interference with wildlife movement/migration that may diminish the long-term survival of a species.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact BIO-6: The proposed Program would not conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
GEOLOGY			
Cumulative Impact GEO-1: The proposed Program would not contribute to substantial damage or exposure of people and structures to substantial risk of injury from fault rupture, seismic ground shaking, liquefaction, or other seismically induced ground failure.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact GEO-3: The proposed Program would not result in substantial damage to structures or infrastructure or expose people to substantial risk of injury from subsidence/settlement.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact GEO-4: The proposed Program would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from expansive soils.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact GEO-5: The proposed Program would not result in or expose people or property to a substantial risk of landslides or mudflows.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact GEO-6: The proposed Program would not result in substantial damage to structures or infrastructure, or expose people to cumulatively considerable risks of injury from unstable soil conditions from excavation, grading, or fill.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable

Table 9. Less than Significant Impacts of the Proposed Program

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impact After Mitigation</i>
Cumulative Impact GEO-7: The proposed Program would not result in one or more distinct and prominent geologic or topographic features being destroyed, permanently covered, or materially and adversely modified.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact GEO-8: The proposed Program within the limits of the oil field would not result in the permanent loss of availability of any mineral resource of regional, statewide, or local significance.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact GEO-9: The proposed Program would not result in substantial damage to structures or infrastructure or expose people to substantial risk of injury from sea level rise.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
GROUNDWATER AND SOILS			
Cumulative Impact GW-1: The proposed Program would expose soils containing toxic substances and petroleum hydrocarbons, associated with prior operations, resulting in exposure to construction and operation personnel. The exposure would not be deleterious to humans, based on regulatory standards established by the lead agency for the site.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact GW-2: The proposed Program would not result in changes in the rate or direction of movement of existing contaminants; expansion of the area affected by contaminants; or increases in the level of groundwater contamination, which would increase risk of harm to humans.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
HAZARDS AND HAZARDOUS MATERIALS			
Cumulative Impact HAZ-1: The proposed Program would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact HAZ-3: The proposed Program would not emit hazardous materials or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact HAZ-4: The proposed Program would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
LAND USE			
Cumulative Impact LU-1: The proposed Program would be consistent with the General Plan or adopted environmental goals or policies contained in other applicable plans.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable

Table 9. Less than Significant Impacts of the Proposed Program

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impact After Mitigation</i>
NOISE			
Impact NOI-2: Construction activities would not produce noise levels that exceed the ambient noise level by 5 dB(A) at a noise-sensitive use between the hours of 9:00 P.M. and 7:00 A.M. Monday through Friday, before 8:00 A.M. or after 6:00 P.M. on Saturday, or at any time on Sunday.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact NOI-3: Construction or operation would not expose persons to or generate excessive groundborne vibration or groundborne noise levels.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Impact NOI-4: The ambient noise level measured at the property line of affected uses would not increase by 3 dB(A) in CNEL to or within the “normally unacceptable” or “clearly unacceptable” category, or any 5 dB(A) or greater noise increase, as defined by City thresholds.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
PUBLIC SERVICES			
Cumulative Impact PS-2: The proposed Program would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility to maintain service.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
RECREATION			
Cumulative Impact REC-1: The proposed Program would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact REC-2: The proposed Program would not include recreational facilities or require the construction or expansion of recreational facilities that could have an adverse physical effect on the environment.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
TRANSPORTATION AND CIRCULATION			
Cumulative Impact TRANS-1: The proposed Program would not result in a short-term, temporary increase in truck and auto traffic.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact TRANS-2: The proposed Program would not significantly impact at least one study location V/C ratios or level of service for long-term vehicular traffic.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact TRANS-3: The proposed Program would not cause an increase in onsite employees due to operations, which would then result in a significant increase in public transit.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact TRANS-5: The proposed Program would not result in operations that would cause a significant impact in vehicular delay at railroad grade crossings.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable

Table 9. Less than Significant Impacts of the Proposed Program

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impact After Mitigation</i>
Cumulative Impact TRANS-6: The proposed Program would not substantially increase hazards due to a design feature or incompatible uses.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact TRANS-7: The proposed Program would not result in inadequate emergency access.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact TRANS-8: The proposed Program would not conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact TRANS-9: The proposed Program would not result in inadequate parking capacity.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact VT-1: The proposed Program would not interfere with the operation of designated vessel traffic lanes and/or adversely affect the safety of vessels navigating within the Port of Los Angeles and its approaches.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
UTILITIES			
Cumulative Impact UT-1: The proposed Program would not result in a substantial increase in wastewater flows that would exceed the wastewater treatment requirements of the Los Angeles RWQCB or the capacity of existing treatment facilities.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact UT-2: The proposed Program would not result in a substantial increase in water demand that would exceed the water supplies available from existing entitlements and resources, and new or expanded facilities or entitlements would not be required.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact UT-3: The proposed Program would not generate substantial surface runoff that would exceed the capacity of existing municipal storm drain systems.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact UT-4: The proposed Program would not result in an increase in solid waste generation due to project operations that would exceed the capacity of existing solid waste handling and disposal facilities.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact UT-5: The proposed Program would not require new, offsite energy supply and distribution infrastructure, or capacity-enhancing alterations to existing facilities that are not anticipated by adopted plans or programs.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable

Table 9. Less than Significant Impacts of the Proposed Program

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impact After Mitigation</i>
WATER QUALITY, SEDIMENTS, AND OCEANOGRAPHY			
Cumulative Impact WQ-1: The proposed Program would not cause violations of any water quality standard or waste discharge requirement, or create a condition of pollution, contamination or nuisance as defined in California Water Code §13050.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact WQ-2: The proposed Program would not result in placement of fill that substantially reduces or increases the amount of surface water in a water body.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact WQ-3: The proposed Program would not result in placement of fill that causes permanent adverse changes to the movement of surface water sufficient to produce a substantial change in the current or direction of water flow.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable
Cumulative Impact WQ-4: The proposed Program would not accelerate natural processes of wind and water erosion and sedimentation, resulting in sediment runoff or deposition which would not be contained or controlled onsite.	Not cumulatively considerable	No mitigation is required	Not cumulatively considerable

4.2 Findings Regarding Environmental Impacts Found to be Significant and Unavoidable

The following Findings pertain to the significant environmental impacts of the proposed Program for which feasible mitigation measures are not available to avoid or substantially lessen the significant environmental effects to below a level of significance. The impacts would remain significant and unavoidable.

4.2.1 Air Quality and Greenhouse Gases

As discussed in Draft PEIR Section 3.2, Air Quality and Greenhouse Gases, there would be six significant and unavoidable impacts on air quality and greenhouse gases (GHGs) related to construction and operation of the proposed Program. The impacts and mitigation measures are discussed below.

Impact AQ-1: Construction activities associated with the proposed Program would produce emissions that exceed a SCAQMD Daily Emission Threshold.

The unmitigated peak daily construction emissions associated with the proposed Program would exceed the South Coast Air Quality Management District (SCAQMD) daily emission thresholds for volatile organic compounds (VOCs), nitrogen oxides (NO_x), carbon monoxide (CO), particulate matter less than

10 microns in diameter (PM₁₀), and particulate matter less than 2.5 microns in diameter (PM_{2.5}). Therefore, the proposed Program's daily peak construction emissions would be significant for VOCs, NO_x, CO, PM₁₀, and PM_{2.5}.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measures **MM AQ-1 through MM AQ-8** would reduce air emissions from construction activities and would be implemented, as applicable, for the proposed appealable/fill projects and development associated with land use changes under the proposed Program. However, emissions of VOCs, NO_x, CO, PM₁₀, and PM_{2.5} during construction would remain significant. Specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible.

MM AQ-1: Harbor Craft Used During Construction

1. All harbor craft with C1 or C2 marine engines must utilize a United States Environmental Protection Agency (USEPA) Tier-3 engine, or cleaner. This measure shall be met, unless the contractor is able to provide proof that one of the following circumstances exists:
 - a. A piece of specialized equipment is unavailable in a controlled form, or within the required Tier level, within the State of California, including through a leasing agreement;
 - b. A contractor has applied for necessary incentive funds to put controls on a piece of uncontrolled equipment planned for use on the project, but the application process is not yet approved, or the application has been approved, but funds are not yet available; and,
 - c. A contractor has ordered a control device for a piece of equipment planned for use on the project, or the contractor has ordered a new piece of controlled equipment to replace the uncontrolled equipment, but that order has not been completed by the manufacturer or dealer. In addition, for this exemption to apply, the contractor must attempt to lease controlled equipment to avoid using uncontrolled equipment, but no dealer within 200 miles of the project has the controlled equipment available for lease.

MM AQ-2: Cargo Ships Used During Construction

1. All ships & barges used primarily to deliver construction-related materials to a LAHD-contractor construction site shall comply with the expanded Vessel Speed Reduction Program (VSRP) of 12 knots between 40 nautical miles (nm) from Point Fermin and the Precautionary Area.
2. These ships also must use low-sulfur fuel (maximum sulfur content of 0.2 percent) in auxiliary engines, main engines, and boilers within 40 nm of Point Fermin. On January 1, 2014, this requirement is superseded by the California Air Resources Board (CARB) regulation for Ocean-Going Vessels (OGVs) operating within 24 nm of the shoreline where the maximum allowable sulfur content is

0.1 percent. This mitigation measure goes above and beyond the CARB rule, as it requires 0.2 percent sulfur fuel within 40 nm from shore, whereas the CARB rule only applies to vessels within 24 nm of the shoreline, prior to January 1, 2014. In 2015, the North American Emission Control Area sulfur fuel limitation will be 0.1 percent.

MM AQ-3: Fleet Modernization for On-Road Trucks Used During Construction

1. Trucks hauling material such as debris or any fill material shall be fully covered while operating off LAHD property.
2. Idling shall be restricted to a maximum of 5 minutes when vehicles are not in use.
3. USEPA Standards:
 - a. For on-road trucks with a gross vehicle weight rating (GVWR) of at least 19,500 pounds (except for Import Haulers and Earth Movers): comply with USEPA 2007 on-road emission standards for PM₁₀ and NO_x (0.01 g [grams]/brake horse power –hour [bhp-hr] and 1.2 g/bhp-hr or better, respectively);
 - b. For Import Haulers with a GVWR of at least 19,500 pounds used to move dirt and debris to and from the construction site via public roadways: comply with USEPA 2004 on-road emission standards for PM₁₀ and NO_x (0.10 g/bhp-hr and 2.0 g/bhp-hr, respectively); and,
 - c. For Earth Movers with a GVWR of at least 19,500 pounds used to move dirt and debris within the construction site: Comply with USEPA 2004 on-road emission standards for PM₁₀ and NO_x (0.10 g/bhp-hr and 2.0 g/bhp-hr, respectively).

MM AQ-4: Fleet Modernization for Construction Equipment (except Vessels, Harbor Craft and On-Road Trucks)

All dredging equipment shall be electric, unless contractor can demonstrate that such equipment is not feasible for a specific activity.

1. Construction equipment shall incorporate, where feasible, emissions-savings technology such as hybrid drives and specific fuel economy standards.
2. Idling shall be restricted to a maximum of 5 minutes when not in use.
3. Equipment Engine Specifications:
 - a. Prior to January 1, 2015: All off-road diesel-powered construction equipment greater than 50 horsepower (hp) shall meet Tier 3 off-road emission standards at a minimum. In addition, this equipment shall be retrofitted with a CARB-verified Level 3 Diesel Emissions Control System (DECS); and,
 - b. From January 1, 2015 on: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 4 off-road emission standards at a minimum.

MM AQ-5: Construction Best Management Practices

Construction activities due to the proposed Program shall comply with LAHD Sustainable Construction Guidelines. These general construction best management practices (BMPs) include:

1. Use of diesel oxidation catalysts and catalyzed diesel particulate traps;
2. Maintain equipment according to manufacturers' specifications;
3. Restrict idling of construction equipment and on-road heavy-duty trucks to a maximum of 5 minutes when not in use;
4. Install high-pressure fuel injectors on construction equipment vehicles;
5. Maintain a minimum buffer zone of 300 meters between truck traffic and sensitive receptors;
6. Enforce truck parking restrictions;
7. Provide onsite services to minimize truck traffic in or near residential areas, including, but not limited to, the following services: meal or cafeteria services, automated teller machines, etc.;
8. Re-route construction trucks away from congested streets or sensitive receptor areas;
9. Provide dedicated turn lanes for movement of construction trucks and equipment on- and offsite; and,
10. Use electric power in favor of diesel power where available.

MM AQ-6: Additional Fugitive Dust Controls

The calculation of fugitive dust (e.g., particulate matter [PM]) from Project earth-moving activities assumes a 60 percent reduction from uncontrolled levels to simulate rigorous watering of sites and use of other measures (listed below) to ensure compliance with SCAQMD Rule 403. SCAQMD Rule 403 requires a Fugitive Dust Control Plan be prepared and approved for construction sites. The project construction contractor shall obtain a Rule 403 Permit from SCAQMD prior to construction.

The following measures shall be included in the contractor's Fugitive Dust Control Plan to enable fugitive dust emission reductions of at least 90 percent compared to uncontrolled levels:

1. All projects shall follow the SCAQMD Best Available Control Technology measures, as outlined in Table 1 in Rule 403. Large construction projects (on a property which contains 50 or more disturbed acres) shall also follow Rule 403 Tables 2 and 3;
2. Active grading sites shall be watered three times per day;
3. Contractors shall apply approved non-toxic chemical soil stabilizers to all inactive construction areas or replace groundcover in disturbed areas;
4. Contractors shall provide temporary wind fencing around sites being graded or cleared;

5. Trucks hauling dirt, sand, or gravel shall be covered or shall maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code (*Spilling Loads on Highways*);
6. Construction contractors shall install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site;
7. The grading contractor shall suspend all soil disturbance activities when winds exceed 25 miles per hour (mph) or when visible dust plumes emanate from a site. If construction is delayed, disturbed areas shall be stabilized;
8. Open storage piles (greater than 3 feet tall and a total surface area of 150 square feet) shall be covered with a plastic tarp or chemical dust suppressant;
9. Materials shall be stabilized while loading, unloading and transporting to reduce fugitive dust emissions;
10. Belly-dump truck seals shall be checked regularly to remove trapped rocks to prevent possible spillage; and,
11. Projects shall comply with track-out regulations and provide water while loading and unloading to reduce visible dust plumes.

MM AQ-7: General Mitigation Measure

For any of the above mitigation measures (**MM AQ-1 through MM AQ-6**), if a CARB-certified technology becomes available and is shown to be as effective as or better in terms of emissions performance than the existing measure, the technology shall replace the existing measure pending approval by the LAHD. Measures shall be set at the time a specific construction contract is advertised for bids.

MM AQ-8: Special Precautions near Sensitive Sites

All construction activities located within 1,000 feet of sensitive receptors (defined as schools, playgrounds, daycares, and hospitals) shall notify each of these sites in writing at least 30 days before construction activities begin.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures **MM AQ-1 through MM AQ-8**, which would reduce the ambient impact relative to proposed Program levels. While mitigation measures presented in the Final PEIR reduce emissions, emissions would still exceed SCAQMD significance criteria for VOCs, NO_x, CO, PM₁₀, and PM_{2.5} during construction. Mitigation measures **MM AQ-1 through MM AQ-8** represent feasible means to reduce air pollution impacts from proposed construction sources. No additional mitigation beyond that identified in the Final PEIR is feasible at this time because of the limitations on the availability of required technology in the existing construction fleet.

Impact AQ-2: Construction activities associated with the PMPU would result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.

The maximum 24-hour and annual PM₁₀ concentration increments would exceed SCAQMD significance thresholds. In addition, the maximum state 1-hour and annual nitrogen dioxide (NO₂) concentration, including background, would exceed the SCAQMD significance threshold. The maximum 24-hour PM_{2.5} concentration increment and the maximum 1-hour and 8-hour CO concentrations would not exceed the SCAQMD thresholds.

Implementation of mitigation measures **MM AQ-1 through MM AQ-8** would substantially lessen emissions from criteria pollutants associated with construction of the proposed Program and reduce the ambient impact relative to the unmitigated proposed Program levels. Table 3.2-15 of the Draft PEIR presents the maximum ground level concentrations of NO₂, CO, PM₁₀, and PM_{2.5} from peak daily and annual construction activities after mitigation. These data show that **MM AQ-1 through MM AQ-8** would reduce ambient concentrations of annual NO₂ and 24-hour PM₁₀ to below the SCAQMD thresholds. However, ambient concentrations of 1-hour NO₂ and annual PM₁₀ would continue to exceed the SCAQMD thresholds.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measures **MM AQ-1 through MM AQ-8** would reduce air emissions from construction activities and would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program. However, construction equipment emission concentrations would remain significant and unavoidable for 1-hour NO₂ and annual PM₁₀ concentrations during construction. Specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures **MM AQ-1 through MM AQ-8**, which would reduce the ambient impact relative to proposed Program levels. Construction equipment emissions would be reduced as a result of the mitigation measures, but would remain significant and unavoidable for 1-hour NO₂ and annual PM₁₀. Mitigation measures **MM AQ-1 through MM AQ-8** represent feasible means to reduce air pollution impacts from proposed construction sources. No additional mitigation beyond that identified in the Final PEIR is feasible at this time because of the limitations on the availability of required technology in the existing construction fleet.

Impact AQ-3: Operations associated with the proposed Program would result in emissions that exceed a SCAQMD daily emission threshold.

Emissions generated by operation of the proposed appealable/fill projects and land use changes during a peak day would exceed the SCAQMD daily emission significance thresholds for all pollutants. Therefore, unmitigated emissions of VOC, CO, NO_x, sulfur oxides (SO_x), PM₁₀, and PM_{2.5} that exceed these significance thresholds during the operation of the proposed Program would be significant.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measures **MM AQ-9 through MM AQ-18** would reduce air emissions from operations and would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program. However, emissions of VOC, CO, NO_x, SO_x, PM₁₀, and PM_{2.5} from operations associated with the proposed Program during a peak day would remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible.

MM AQ-9: Alternative Maritime Power

Container and passenger vessels calling at the Port shall use Alternative Maritime Power (AMP) at the following percentages while hoteling. The maximum compliance rate of 95 percent by year 2026 is consistent with the goal of San Pedro Bay Ports Clean Air Action Plan (CAAP) measure OGV2:

- 2017: 70 percent of total ship calls; and,
- 2026: 95 percent of total ship calls.

While the Port is expected to meet 95 percent AMP, certain events such as equipment failure may mean less than 95 percent of ships would comply with this measure in certain years (the Port expects compliance to be 92 to 93 percent in such cases). A compliance rate reduction of 2 to 3 percent would not affect significance findings in this analysis.

Use of AMP would enable ships to turn off their auxiliary engines during hoteling, leaving the boiler as the only source of direct emissions. An increase in regional power plant emissions associated with AMP electricity generation is also assumed. Including the emissions from ship boilers and regional power plants, a ship hoteling with AMP reduces its criteria pollutant emissions 71 to 93 percent, depending on the pollutant, compared to a ship hoteling without AMP and burning residual fuel in the boilers.

MM AQ-10: Vessel Speed Reduction Program

All ships calling at the Port shall comply with the expanded VSRP of 12 knots between 40 nm from Point Fermin and the Precautionary Area in the following implementation schedule:

- 2014 and thereafter: 95 percent.

This mitigation measure would require shippers to increase their VSRP compliance rates to higher than current levels. The average cruise speed for a container vessel ranges from about 18 to 25 knots, depending on the size of a ship (larger ships generally cruise at higher speeds). For a ship with a cruise speed of 24 knots, a reduction in speed to 12 knots reduces the main engine load factor from 83 to 10 percent, due to the cubic relationship of load factor to speed. The corresponding reduction in overall transit emissions from the main engine from the SCAQMD overwater boundary to berth is approximately 19 percent for VOC, 37 percent for CO, 56 percent for NO_x, 58 percent for SO_x, and 53 percent for PM₁₀.

MM AQ-11: Cleaner OGV Engines

Tenants shall seek to maximize the number of vessels calling at the Port that meet the International Maritime Organization (IMO) NO_x limit of 3.4 grams per kilowatt-hour (g/kW-hr). The IMO Tier 2 NO_x standards came into effect January 1, 2011 for new vessels. IMO Tier 3 NO_x standards will become effective January 1, 2016 for new vessels operating in Emission Control Areas. When ordering new ships bound for the Port, the purchaser shall confer with the ship designer and engine manufacturer to determine the feasibility of incorporating all emission reduction technology and/or design options.

On an individual OGV basis, a 15 percent reduction in NO_x emissions would result from compliance with the IMO Tier 2 standard compared to Tier 1 standard and an 80 percent reduction in NO_x emissions would result from compliance with the IMO Tier 3 standard compared to Tier 1 standard. Due to the uncertainty of predicting the rate of project compliance with this measure, this analysis does not quantify its potential benefits. However, in July 2012 the Port began implementation of a voluntary Environmental Ship Index Program that provides incentives for operators of OGVs that accelerate diesel particulate matter (DPM) and NO_x emission reductions in advance of regulatory schedules. One of the incentives the Program provides is for the early introduction of OGVs with engines that meet the IMO Tiers 2 and 3 NO_x standards.

MM AQ-12: OGV Engine Emissions Reduction Technology Improvements

When using or retrofitting existing ships bound for the Port, a tenant shall determine the feasibility of incorporating all emission reduction technology and/or design options. Such technology shall be designed to reduce criteria pollutant emissions (NO_x and DPM). Some examples of potential methods for reducing emissions from large marine diesel engines include:

- Direct Water Injection;
- Fuel Water Emulsion;

- Humid Air Motor;
- Exhaust Gas Recirculation;
- Selective Catalytic Reduction;
- Continuous Water Injection; and,
- Slide Valves.

This measure focuses on reducing DPM and NO_x emissions from the existing fleet of vessels. This measure is coupled with the Port's Technology Advancement Program (TAP) which will evaluate potential technologies. Tenants will work with the Port in their effort to streamline the evaluation process of emissions reduction technologies under the TAP and the verification process through CARB in order to achieve the greatest level of emissions reduction from OGVs as quickly as possible.

Because the effectiveness of this measure has not been established, this measure is not quantified in this study.

MM AQ-13: Yard Tractors at Terminals

By the end of 2013, all yard tractors shall meet USEPA Tier 4 nonroad or 2007 on-road emission standards.

In 2013, this measure would require all yard tractors to meet the equivalent of the Tier 4 diesel engine standards. This study assumes that this requirement would be met by replacing yard tractor engines or adding diesel emission controls to meet the equivalent of the Tier 4 diesel engine standards.

MM AQ-14: Yard Equipment at Rail Yards

All diesel-powered equipment operated at on-dock rail yards shall implement the requirements discussed below in **MM AQ-15**.

MM AQ-15: Yard Equipment at Terminals

1. All terminal equipment equipped with Tier 1 and 2 engines less than 750 hp must meet 2010 on-road or Tier 4 standards by 2012.
2. The highest available Verified Diesel Emissions Controls (VDECs) shall be installed on all Tier 3 equipment.
3. By the end of 2015: all terminal equipment equipped with Tier 3 engines shall meet USEPA Tier 4 nonroad engine standards.

For other types of terminal equipment, this measure would provide a health risk benefit if some of the equipment purchased in accordance with this measure were alternative fueled. However, this study conservatively assumed that all equipment purchased in accordance with this measure would be diesel-fueled. For diesel-fueled equipment, this measure would provide a short-term reduction in criteria pollutant emissions (roughly until 2015, although it varies by equipment type) compared to unmitigated emissions. Eventually, however, the CARB Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards would cause

the unmitigated fleet to “catch up” to the mitigated fleet, at which point there would be no substantial difference in emissions.

MM AQ-16: Truck Idling Reduction Measure

Within 6 months of the effective date of a lease agreement and thereafter for the remaining term of the permit and any holdover, the terminal operator shall ensure that truck idling is reduced to less than 30 minutes in total or 10 minutes at any given time while on the terminal through measures that include but are not limited to, the following.

1. The operator shall maximize the durations when the main gates are left open, including during off-peak hours (6 P.M. to 7 A.M.).
2. The operator shall implement an appointment-based system for receiving and delivering containers to minimize truck queuing (trucks lining up to enter and exit the terminal’s gate).
3. The operator shall design the main entrance and exit gates to exceed the average hourly volume of trucks that enter and exit the gates (truck flow capacity) to ensure queuing is minimized.

This measure could potentially reduce on-terminal truck idling emissions at all terminals at the Port.

MM AQ-17: Periodic Review of New Technology and Regulations

The LAHD shall require tenants to review, in terms of feasibility and benefits, any LAHD-identified or other new emissions-reduction technology, and report to the LAHD. Such technology feasibility reviews shall take place at the time of the LAHD’s consideration of any new lease amendment or facility modification. If the technology is determined by the LAHD to be feasible in terms of cost, technical and operational feasibility, the tenant shall work with the Port to implement such technology.

Potential technologies that may further reduce emission and/or result in cost-savings benefits for the tenant may be identified through future work on the CAAP, TAP, Zero Emissions Technology Program, or terminal automation. Over the course of the lease, the tenant and the LAHD shall work together to identify potential new technologies. Such technology shall be studied for feasibility, in terms of cost, technical and operational feasibility, and emissions reduction benefits.

As partial consideration for the LAHD agreement to issue the permit to the tenant, the tenant shall implement not less frequently than once every 5 years following the effective date of the permit, new air quality technological advancements, subject to mutual agreement on operational feasibility and cost sharing, which shall not be unreasonably withheld.

The effectiveness of this measure has not been quantified in this PEIR as it depends on the advancement of new technologies and the outcome of future feasibility or pilot studies. If the tenant requests future project changes that would require

environmental clearance and a lease amendment, future CAAP mitigation measures would be incorporated into the new lease at that time.

MM AQ-18: Substitution of New Technology

If any kind of technology becomes available and is shown to be as effective as or better in terms of emissions reduction performance than the existing measure, the technology could replace the existing measure pending approval by the LAHD. The technology's emissions reductions must be verifiable through USEPA, CARB, or other reputable certification and/or demonstration studies to the LAHD's satisfaction. The effectiveness of this measure has not been quantified in this PEIR.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures **MM AQ-9 through MM AQ-18**, which would reduce the ambient impact relative to proposed Program levels. Peak day emissions of VOC, CO, NO_x, SO_x, PM₁₀, and PM_{2.5} from operations associated with the proposed Program would be reduced as a result of the mitigation measures, but would remain significant and unavoidable. Mitigation measures **MM AQ-9 through MM AQ-18** represent feasible means to reduce air pollution impacts from proposed operation sources. All mitigation measures determined feasible by LAHD have been identified in the Final PEIR.

Impact AQ-4: Operations associated with the proposed Program would result in ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.

Proposed Program operational emissions would exceed the SCAQMD significance thresholds for the 1-hour NO₂ state and national standards, the annual state NO₂ standard, and maximum 24-hour and annual PM₁₀ and 24-hour PM_{2.5} standards. However, operational activities would produce maximum CO and sulfur dioxide (SO₂) concentrations that would not exceed the SCAQMD thresholds.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measures **MM AQ-9 through MM AQ-18** would reduce air emissions from operational activities and would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program. However, ambient pollutant levels would remain significant and unavoidable for the national and state 1-hour NO₂ standard, state annual NO₂ standard, 24-hour PM₁₀ and PM_{2.5} SCAQMD thresholds, and annual PM₁₀ SCAQMD threshold. Specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures **MM AQ-9 through MM AQ-18**, which would reduce the ambient impact relative to proposed Program levels. Ambient pollutant levels during operations would be reduced as a result of the mitigation measures, but would remain significant and unavoidable for the national and state 1-hour NO₂ standard, state annual NO₂ standard, 24-hour PM₁₀ and PM_{2.5} SCAQMD thresholds, and annual PM₁₀ SCAQMD threshold. Mitigation measures **MM AQ-9 through MM AQ-18** represent feasible means to reduce air pollution impacts from proposed operation sources. All mitigation measures determined feasible by LAHD have been identified in the Final PEIR.

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

Construction and operations of the proposed appealable/fill projects and land use changes under the proposed Program would generate toxic air contaminants (TACs) that could affect public health. Recent LAHD CEQA/ National Environmental Policy Act (NEPA) documents for the development of container terminal projects within the PMPU area include evaluations of public health impacts due to emissions of TACs from these actions. These documents include the China Shipping Container Terminal Project Environmental Impact Statement (EIS)/EIR, TraPac Container Terminal Project EIS/EIR, and Berths 302-306 Container Terminal Project EIS/EIR. These health risk assessments (HRAs) evaluate the lifetime cancer risk and chronic and acute non-cancer effects at the maximum exposed residential, occupational, sensitive, student, and recreational receptors. The results of the HRAs performed for these projects are used to qualitatively estimate public health impacts from the proposed appealable/fill projects and land use changes for the proposed Program. Given the programmatic nature of this PEIR, air dispersion modeling to estimate health risks from proposed construction and operations is not possible as it requires project-level specific information regarding source geometries and locations relative to receptor locations.

The results of the China Shipping and TraPac project HRAs determined that unmitigated emissions of TACs from these actions would result in significant cancer risks and acute non-cancer effects to all receptor types. These HRAs also determined that unmitigated emissions of TACs from these actions would produce less than significant chronic non-cancer effects to all receptor types. The maximum annual cargo throughput levels between these actions and activities associated with the proposed appealable/fill projects and land use changes within Planning Area 2 are similar. Therefore, the unmitigated activities associated with proposed appealable/fill projects and land use changes within Planning Area 2 would produce 1) significant cancer risks and acute non-cancer effects, but 2) less than significant chronic non-cancer effects to all receptor types.

The results of the Berths 302-306 Project HRA determined that unmitigated emissions of TACs would result in 1) significant cancer risks to residential, occupational, and sensitive receptors and 2) significant acute non-cancer effects to residential and occupational receptors. The HRA also determined that unmitigated emissions of TACs from this project would produce less than significant impacts to

all other health effects and associated receptors. The maximum annual cargo throughput levels for proposed appealable/fill projects and land use changes within Planning Area 3 would be substantially higher than the maximum annual cargo throughput level for operation of the Berths 302-306 Project. Therefore, unmitigated activities associated with proposed appealable/fill projects and land use changes within Planning Area 3 would produce 1) significant cancer risks and acute non-cancer effects to all receptor types, but 2) less than significant chronic non-cancer effects to all receptor types.

Since activities associated with proposed appealable/fill projects and land use changes under the PMPU would incrementally increase ambient PM within communities adjacent to the Port, the proposed Program would result in an incremental increase in mortality and morbidity effects within the region.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measures **MM AQ-9 through MM AQ-18** would reduce significant levels of proposed TACs from activities associated with the proposed Program and would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program. However, impacts would be significant and unavoidable for cancer risks and acute non-cancer effects to all receptor types. Specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures **MM AQ-9 through MM AQ-18**, which would reduce significant levels of proposed TACs. Impacts would be reduced as a result of the mitigation measures, but they would remain significant and unavoidable for cancer risks and acute non-cancer effects to all receptor types. Mitigation measures **MM AQ-9 through MM AQ-18** represent feasible means to reduce TAC levels associated with the proposed Program. In addition, the proposed appealable/fill projects and development associated with land use changes that would occur from the proposed Program would implement all applicable CAAP measures and future regulations, which also would reduce health impacts. All mitigation measures determined feasible by LAHD have been identified in the Final PEIR.

Impact GHG-1: The proposed Program would produce GHG emissions that would exceed a CEQA threshold.

Future construction and operation of proposed appealable/fill projects and land use changes under the proposed Program would produce annual CO_{2e} emissions that would exceed the CEQA threshold of 10,000 metric tons per year of CO_{2e}. Therefore, GHG emissions from the proposed Program would result in a significant impact.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Measures that reduce electricity consumption or fossil fuel use would reduce GHG emissions from activities under the proposed Program, as necessary. Construction mitigation measures that would accomplish this include **MM AQ-2 through MM AQ-4**. The operational mitigation measures proposed to reduce both criteria pollutant and TAC emissions, as applicable, (**MM AQ-9, MM AQ-10, and MM AQ-16**) also would reduce operational GHG emissions. In addition, mitigation measures (**MM GHG-1 through MM GHG-6**) would reduce GHG emissions and would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program. However, annual GHG emissions would remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible.

MM GHG-1: Energy Efficient Light Bulbs

All interior buildings within each terminal shall exclusively use energy efficient light bulbs (compact fluorescent, light-emitting diode, or other equally efficient bulbs) for ambient lighting. Compact fluorescent and light-emitting diode bulbs produce less waste heat and use substantially less electricity than incandescent light bulbs.

MM GHG-2: Energy Audit

Tenants shall conduct an energy audit by a third party of their choice every 5 years and install innovative power saving technology 1) where it is feasible and 2) where the amount of savings would be reasonably sufficient to cover the costs of implementation. Such systems help to maximize usable electric current and eliminate wasted electricity, thereby lowering overall electricity use. This mitigation measure primarily targets large on-terminal electricity consumers such as on-terminal lighting and shore-side electric gantry cranes.

MM GHG-3: Recycling

Tenants shall ensure that all waste generated in all terminal buildings is recycled by a minimum of 1) 40 percent in 2014 and 2) 60 percent by 2016. Recycled materials shall include: 1) white and colored paper; 2) post-it notes; 3) magazines; 4) newspaper; 5) file folders; 6) all envelopes including those with plastic windows; 7) all cardboard boxes and cartons; 8) all metal and aluminum cans; 9) glass bottles and jars; and, 10) all plastic bottles.

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

MM GHG-4: Tree Planting

The applicant shall plant shade trees around the main terminal building, and the tenant shall maintain all trees through the life of the lease. Trees act as insulators from weather, thereby decreasing energy requirements. Onsite trees also provide carbon storage (Association of Environmental Professionals 2007).

MM GHG-5: Solar Panels

The LAHD shall require installation of solar panels on all future buildings constructed on LAHD property, where feasible. The LAHD, in consultation with Tenants, shall determine the feasibility of this measure as part of the review of the final tenant design plans.

MM GHG-6: Water Conservation

As part of any facility construction, a tenant shall install 1) a water recirculation system at potential wash racks, 2) low-flow devices in new buildings, and 3) low-irrigation landscaping. A tenant shall maintain these measures through the life of the lease.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures **MM AQ-2 through MM AQ-4, MM AQ-9, MM AQ-10, MM AQ-16, and MM GHG-1 through MM GHG-6**, which would reduce GHG emissions. Impacts would be reduced as a result of the mitigation measures, but would be significant and unavoidable for annual GHG emissions. Mitigation measures **MM AQ-2 through MM AQ-4, MM AQ-9, MM AQ-10, MM AQ-16, and MM GHG-1 through MM GHG-6** represent feasible means to reduce GHG emissions associated with the proposed Program. All mitigation measures determined feasible by LAHD have been identified in the Final PEIR.

4.2.2 Biological Resources

As discussed in Draft PEIR Section 3.3, Biological Resources, there would be one significant and unavoidable impact on biological resources related to construction and operation of the proposed Program. The impact and mitigation measures are discussed below.

Impact BIO-4: The proposed Program would result in a substantial disruption of local biological communities.

Increased vessel calls could increase the risk of introducing non-native invasive species. Federal and state regulations substantially reduce the risk of invasive species introductions by requiring seagoing vessels entering the harbor from beyond the Exclusive Economic Zone (EEZ) or that take on and discharge ballast water in more than one port to comply with ballast water management, marine biofouling, and sediment management requirements. While more vessels will be required to comply with these requirements through 2016, treatment system technologies have yet to be

proven 100 percent effective. Consequently, it is not possible to ensure that no non-native species are introduced to the harbor environment, nor is it possible to ensure that introduced species are not invasive. Accordingly, it is not possible to fully avoid the potential for invasive species introductions to disrupt marine biological communities, and such impacts were they to occur could be significant.

Temporary effects associated with most in-water construction activities would not be expected to result in substantial disruption in marine biological communities and impacts would be less than significant.

Operations associated with the proposed Program would not result in degradation of water quality and effects of shading by overwater structures would be localized and relatively minor. Therefore, substantial disruption of marine biological communities would not be expected and impacts would be less than significant.

Potential spill events associated with future increases in vessel calls are considered unlikely and should they occur, containment and clean up would be rapid. Accordingly, impacts on marine biological communities would be less than significant.

Local biological communities in upland areas would not be substantially disrupted from backlands expansion because most plants and wildlife are non-native and/or adapted to disturbed or urbanized lands. Therefore, impacts would be less than significant.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Implementation of **MM BIO-2**, as applicable, would reduce impacts of pile driving on fish and marine mammals. Implementation of **MM BIO-4**, as applicable, would reduce potential impacts on nesting birds protected under the Migratory Bird Treaty Act (MBTA) and/or similar provisions of the California Fish and Game Code. However, no feasible mitigation is currently available to totally prevent introduction of invasive species due to lack of proven technologies. Therefore, impacts associated with the potential for invasive species introductions to disrupt marine biological communities would remain significant and unavoidable.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures **MM BIO-2 and MM BIO-4**, which reduce impacts on fish and marine mammals and nesting birds protected under the MBTA and/or similar provisions of the California Fish and Game Code. Mitigation measures **MM BIO-2 and MM BIO-4** represent feasible means to reduce substantial disruption of local biological communities. All mitigation measures determined feasible by LAHD have been identified in the Final PEIR.

4.2.3 Noise

As discussed in Draft PEIR Section 3.9, Noise, there would be one significant and unavoidable impact on noise related to construction of the proposed Program. The impact and mitigation measures are discussed below.

Impact NOI-1: Daytime construction activities lasting more than 10 days in a 3-month period would produce noise levels that exceed existing ambient exterior noise levels by 5 A-weighted dB(A) or more at a noise-sensitive use.

There is generally a buffer of industrial land uses between the proposed appealable/fill project sites and potential sensitive receptors, including intervening buildings and industrial facilities (tank farms, storage yards, and rail rights of way), that serve to attenuate noise from the industrial land uses. However, liveaboards in the East Basin Berth 200 area would be within 1,650 feet of possible pile driving activities associated with construction of the Berths 187-189 Liquid Bulk Relocation Project (at the face of Berths 191-194 or in the immediate upland vicinity for structure foundations) in Planning Area 2, and would likely experience noise levels greater than the 5 dB(A) threshold. Consequently, construction-related noise impacts would be potentially significant. Also, liveaboards presently reside within 1,650 feet of possible pile driving activities associated with construction of proposed appealable/fill projects and land use changes in Planning Areas 3 and 4. However, these liveaboards may be relocated as a result of the proposed Al Larson Marina Project. Therefore, the potential for significant noise impacts at these locations would depend on the relative timing of the individual projects. Other proposed appealable/fill projects and development associated with proposed land use changes in Planning Areas 2, 3, and 4 would be greater than 1,650 feet from sensitive receptors and would not cause ambient noise levels to be exceeded by more than 5 dB(A).

General construction could occur within 400 feet of sensitive receptors and would potentially result in sensitive receptors being exposed to noise at equivalent levels (L_{eq}) greater than 5 A-weighted sound level (dB(A)) above ambient.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measures **MM NOI-1 through MM NOI-11** would reduce noise impacts from construction activities associated with the proposed Program and would be implemented, as applicable, for the proposed appealable/fill projects and land use changes. However, impacts from construction activities at distances from sensitive receptors of less than 1,650 feet for pile driving and 400 feet for general construction would be significant and unavoidable. While noise attenuation measures such as the use of noise barriers and construction procedures may be applicable and are likely to reduce sound levels from construction, functional constraints and uncertainties related to the effectiveness of available measures or the availability of equipment with lower noise emissions may limit the effectiveness of mitigation. In addition, even with noise attenuation

1 devices, noise from pile driving would be audible and may be perceived as intrusive
2 or annoying by some individuals. Specific economic, legal, social, technological, or
3 other considerations make any additional mitigation measures infeasible.

4 **MM NOI-1: Construction Hours.** Construction shall be limited to the hours of
5 7:00 A.M. to 6:00 P.M. on weekdays, between 8:00 A.M. and 6:00 P.M. on
6 Saturdays, and construction equipment noise shall be prohibited anytime on Sundays
7 and holidays.

8 **MM NOI-2: Construction Days.** Noise-generating construction activities shall not
9 be conducted on weekends or holidays.

10 **MM NOI-3: Construction Equipment.** All construction equipment powered by
11 internal combustion engines shall be properly muffled and maintained.

12 **MM NOI-4: Idling Prohibitions.** Unnecessary idling of internal combustion engines
13 near noise-sensitive areas shall be prohibited.

14 **MM NOI-5: Equipment Location.** All stationary noise-generating construction
15 equipment, such as air compressors and portable power generators, shall be located
16 as far as practical from existing noise-sensitive land uses.

17 **MM NOI-6: Notification.** Residents adjacent to the proposed Program sites shall be
18 notified, in writing, of the construction schedule.

19 **MM NOI-7: Use Quiet Equipment.** Contractors shall utilize the quietest equipment
20 available, and all internal combustion powered equipment shall be equipped with
21 properly operating mufflers and kept in tune to avoid backfires. In addition, if
22 exposed, engines shall be fitted with protective shrouds to reduce motor noise.

23 **MM NOI-8: Use Electrical Power when feasible.** If ample local grid power is
24 available, electricity shall be obtained from the local power grid to avoid the use of
25 portable generators.

26 **MM NOI-9: Disturbance Coordinator.** A disturbance coordinator shall be
27 designated for responding to noise complaints, with his/her name and telephone
28 number to be clearly posted at the construction site.

29 **MM NOI-10: Restricted Pile Driving Hours.** In order to reduce the potential
30 impact during construction, pile driving activities shall be limited to between the
31 hours of 9:00 A.M. and 5:00 P.M. on Monday-Friday and 10:00 A.M. to 4:00 P.M.
32 Saturday.

33 **MM NOI-11: Temporary Noise Barriers.** Erect temporary noise attenuation
34 barriers adjacent to stationary construction equipment directly between the equipment
35 and sensitive receptors, where necessary and feasible. Construction equipment that is
36 to be stationary for extended periods (e.g., compressors, generators, etc.) shall be
37 shielded, if appropriate, by erecting temporary noise attenuation barriers. The need
38 for and feasibility of noise attenuation barriers shall be evaluated on a case-by-case
39 basis considering the distance to noise-sensitive receptors, the available space at the
40 construction location, and taking account of safety and operational considerations.

Noise attenuation barriers suitable for pile driving equipment shall be considered using the same criteria. If used, the barriers shall be installed directly between the equipment and the nearest noise-sensitive use to the construction site.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures **MM NOI-1 through MM NOI-11**, which reduce noise impacts during construction activities. Impacts would be reduced as a result of the mitigation measures, but noise impacts from construction activities at distances from sensitive receptors of less than 1,650 feet for pile driving and 400 feet for general construction would be significant and unavoidable. Mitigation measures **MM NOI-1 through MM NOI-11** represent feasible means to reduce construction noise impacts associated with the proposed Program. All mitigation measures determined feasible by LAHD have been identified in the Final PEIR.

4.2.4 Transportation and Circulation

As discussed in Draft PEIR Section 3.12, Transportation and Circulation, there would be one significant and unavoidable impact on transportation related to operation of the proposed Program. The impact and mitigation measures are discussed below.

Impact TRANS-4: The proposed Program would result in operations that would cause increases considered significant for freeway congestion.

Operations associated with the proposed appealable/fill projects and land use changes under the proposed Program would result in additional truck trips on the surrounding freeway system. The traffic impact analysis conducted for the proposed Program shows that operations would cause an increase of 0.02 or more of the demand-to-capacity (D/C) ratio at three freeway link locations operating at Level of Service (LOS) F or worse, and exceed the threshold of significance of the Congestion Management Program (CMP). Significant freeway impacts would occur at the following locations:

- I-710 north of Pacific Coast Highway (PCH) – northbound A.M. Peak Hour; southbound A.M. Peak Hour; northbound P.M. Peak Hour;
- I-710 north of I-405, south of Del Amo Boulevard – southbound A.M. Peak Hour; and,
- I-710 north of I-105, north of Firestone Boulevard – northbound A.M. Peak Hour; southbound A.M. Peak Hour; northbound P.M. Peak Hour.

It should be noted that the LAHD is voluntarily collaborating with the state in addressing future traffic conditions on the I-710, as a partner with Caltrans and Metro. The LAHD contributed \$5 million for the Project Approval/Environmental Documentation (PA/ED) phase, and participates directly and extensively by providing technical guidance/input for the preliminary engineering; the Administrative, Draft, and Final EIR/EIS; and the Caltrans Project Report. This input is provided on all technical studies as well, that includes (but is not limited to): air

quality; transportation; goods movement; rail/intermodal; and, alternative technology. For these studies, the LAHD provided all Port and Port of Long Beach traffic volumes for direct incorporation into the I-710 Corridor Project EIR/EIS model (which is a focus model of the SCAG RTP model). These projections are consistent with the PMPU Draft PEIR analyses. Additionally, the Port and Port of Long Beach jointly conducted several alternative technology (zero emission container movement systems [ZECMS]) studies which guided the I-710 Corridor Project EIR/EIS studies, and ultimately led to the recommendation of a separate truckway with zero emission technology.

The recently released I-710 Recirculated Draft EIR/EIS (Caltrans and LACMTA 2012) identifies improvements to the corridor to accommodate all future year (2035) regional traffic. The Draft EIR/EIS analyses were based on a projected Port/Port of Long Beach container cargo forecast of 43.2 million TEUs (Caltrans and LACMTA 2012). The projected future year 2035 combined ports (Port and the Port of Long Beach) container forecast analyzed in this Draft PEIR is 42.8 million twenty-foot equivalent unit (TEU), including the increment associated with the proposed Program. Therefore, the proposed Program is consistent with the I-710 Draft EIR/EIS since the proposed I-710 Corridor improvements will have accounted for the incremental traffic associated with the proposed Program.

The I-710 Corridor Project Recirculated Draft EIR/EIS (Caltrans and LACMTA 2012) is currently being prepared, and will identify improvements to the corridor to accommodate all future year (2035) regional traffic, including Year 2035 Port and Port of Long Beach traffic. As such, the I-710 Corridor Project EIS/EIR would address traffic impacts of the overall Port area and regional growth on the I-710 corridor, which encompasses the significant impact determined as part of this analysis for the proposed Program. Until the I-710 Corridor Project is implemented, however, the proposed Program would cause significant impacts to three freeway study locations along the I-710, as noted above.

As described previously, the LAHD is voluntarily collaborating with the state in addressing future traffic conditions on the I-710, as a partner with Caltrans and Metro. Because the I-710 Corridor Project has not yet been approved, and because there is currently no funding mechanism allowing projects to contribute pro-rata mitigation funding for needed infrastructure improvements to that freeway, it is not currently feasible to mitigate impacts to the I-710 by contributing mitigation funding for that purpose. Nevertheless, if the entire I-710 Corridor Project, or components thereof, is approved for construction, and if a mechanism for the contribution of mitigation funding for the I-710 Corridor Project comes into existence, the LAHD will consider the need for and feasibility of contribution toward funding that project in the future, in connection with subsequent project-specific environmental review for the proposed appealable/fill projects and land use changes under the PMPU. Any such funding would be in addition to revenue from tolls on the truck facility and funds from other public sources such as Metro (e.g., Measure R, CMAQ, RTSP, etc.), the federal, and/or the state government. The LAHD is also providing input to Metro's private-public partnership study, which includes tolls as a fund source.

Finding

The PEIR determined that development of the proposed appealable/fill projects and land use changes under the PMPU, in aggregate, would have a potential significant impact at three locations that are undergoing detailed design-level analysis as part of the I-710 Corridor Project Recirculated Draft EIR/EIS. Given that the I-710 Corridor Project EIR/EIS is still in development, along with the associated specific freeway and arterial street improvement projects, it would be inappropriate and infeasible at present to identify alternative Program-level specific mitigation measures. This is because such measures could be in conflict with the needs of the agency partners while those agencies are collaborating on detailed planning and design of the I-710 Corridor Project. Furthermore, it is possible that the degradation of operating conditions on the I-710 attributable to the PMPU could be ameliorated by implementation of the I-710 Corridor Project.

Furthermore, the proposed appealable/fill projects under the PMPU are in preliminary planning stages; therefore, it is not possible at present to accurately describe or predict particular alternative infrastructure improvements which would be both feasible and effective at avoiding or reducing any significant freeway traffic impacts of any particular development projects or land use changes under the proposed Program. This is because the type of development, timing of development, and conditions at the time in which development would occur are not currently known. Therefore, as future planning efforts occur for the proposed appealable/fill projects and development resulting from land use changes under the PMPU, separate environmental documentation with detailed traffic analyses would be prepared, if required under CEQA, to determine specific impacts associated with proposed development, and mitigation would be applied as necessary and as feasible.

Accordingly, although implementation of the I-710 Corridor Project is beyond the LAHD's authority, although project-specific mitigation funding for the I-710 Corridor Project is not currently feasible, and although it is premature to identify alternative infrastructure improvements which could feasibly mitigate significant traffic impacts of development under the PMPU, the following measure would be implemented, as required under CEQA, for the proposed appealable/fill projects and land use changes under the proposed Program which are determined to cause a significant freeway impact to the I-710.

MM TRANS-1: I-710 Corridor Improvements. Project-specific environmental documentation would be completed for projects occurring under the PMPU to determine project-specific impacts to the I-710. For significantly impacted locations determined in subsequent project-specific environmental documents, LAHD would collaborate with Caltrans and other agencies to identify how potential regional infrastructure improvements are funded. If the I-710 Corridor Project is not yet approved or has been abandoned at the time of consideration of future project-specific approvals under the PMPU, subsequent environmental documents for such development will evaluate whether alternative infrastructure improvements would be both feasible and necessary to mitigate any potential significant impacts of such projects.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measure **MM TRANS-1**, which reduce traffic impacts during operations. Impacts would be reduced as a result of the mitigation measure, but traffic impacts on the surrounding freeway system would be significant and unavoidable. Mitigation measure **MM TRANS-1** represents feasible means to reduce impacts on the surrounding freeway system. All mitigation measures determined feasible by LAHD have been identified in the Final PEIR.

4.3 Findings Regarding Significant Environmental Impacts Found to be Less than Significant after Mitigation

The following Findings pertain to the significant environmental impacts of the proposed Program for which mitigation measures have been identified in the Final PEIR which will avoid or substantially lessen the significant environmental effects to below a level of significance.

4.3.1 Biological Resources

As discussed in Draft PEIR Section 3.3, Biological Resources, there would be three significant impacts to biological resources that would be mitigated to less than significant levels as a result of mitigation measures incorporated into the proposed Program. The impacts and mitigation measures are discussed below.

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

Impacts on endangered California least terns and species of concern could occur, if present, during temporary construction activities near the designated nesting site on Pier 400. No adverse effects on least terns or other special status bird species would be expected under the proposed Program due to distance from the Pier 400 nest site and controls used to minimize impacts to their foraging habitat. There would be no loss or reduction in existing habitat of federally or state-listed, rare, protected, candidate species, or Species of Special Concern.

Impacts on marine mammals would depend on the activity and location of the animals. In-water pile driving using an impact hammer could result in acoustic injury (Level A harassment) of sea lions or seals when under the water, if in close proximity to pile driving (depending on the size and type of cast-in-steel shell or steel piles) or steel sheetpile driving, and such impacts if they were to occur would be significant. However, injury from acoustic effects would not occur to seals or sea lions while hauled out on land, or with lower noise levels associated with driving concrete or timber piles, vibratory pile driving or removal, or general construction activities.

Level B harassment (disturbance), which may result in temporary alteration of behavior, could occur depending on the type of equipment used and distance of marine mammals from construction or demolition activities, but would be less than significant. No impacts would occur to endangered marine mammal species because none occur within the port complex. No long-term effects on non-listed marine mammal populations would occur and disturbance impacts would be negligible due to the localized and temporary nature of construction activities as well as lack of rookeries and major haulouts within the port complex.

Construction activities on vacant land or demolition and construction activities associated with changes in land use could adversely affect nesting sites of non-sensitive species of birds covered under the MBTA and Fish and Game Code (3503, 3503.5). Impacts would be significant if construction resulted in abandonment of nests, loss of eggs, or loss of young.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measures (**MM BIO-1 through MM-BIO-3**) would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program.

MM BIO-1: Avoid Marine Mammals. As applicable, depending on the number, size, and type (concrete, cast-in-steel shell (CISS), steel, timber) of pilings and equipment used (impact or vibratory hammer), pile driving activities related to the proposed Program shall include establishment of a safety zone and monitoring of the area surrounding the operations for seals and sea lions (pinnipeds) by a qualified marine biologist. The monitor shall have the authority to halt operations unless the LAHD Engineer determines halting operations would be unsafe. The safety zone would extend out to 1,640 feet from the site of the pile driving, wherever that activity is taking place. Before pile driving is scheduled to commence, observers on shore or in boats shall survey the safety zone to ensure that no marine mammals are present. If marine mammals are observed within the safety zone, pile driving shall be delayed until they move out of the area. If a marine mammal is seen above water and then dives below, the contractor shall wait at least 15 minutes, and if no marine mammals are seen, it may be assumed that the animal has moved beyond the safety zone. This 15-minute criterion is based on a study indicating that pinnipeds dive for a mean time of up to about 4 minutes; the 15-minute delay will allow a more than sufficient period of observation to be reasonably sure the animal has left the vicinity. If pinnipeds enter the safety zone after pile driving has begun, pile driving can continue. The monitor shall record the species and number of individuals observed and make note of their behavior patterns. However, if an animal appears distressed, and if it is operationally safe to do so, the monitor shall inform the Engineer that pile driving shall cease until the animal leaves the area. In certain circumstances pile driving cannot be terminated safely and without severe operational difficulties. Therefore, if it is deemed operationally unsafe by the Engineer to discontinue pile driving activities, and a pinniped is observed in the safety zone, pile driving activities shall continue only until the Engineer deems it safe to discontinue.

MM BIO-2: Minimize In-water Pile Driving Noise. The construction contractor shall be required to use sound abatement techniques to reduce both noise and vibrations from pile driving activities. In addition to the “soft-start” technique, which shall be required at the initiation of each pile driving event or after breaks of more than 15 minutes, sound abatement techniques may include, but not be limited to, vibration or hydraulic insertion techniques, bubble curtains, isolation cage technology, sound aprons, and use of a cushion block on top of the pile being driven. Use of these techniques would reduce both the intensity of the underwater sound pressure levels radiating from the pile driving location and the distance in which levels would exceed the Level A and B harassment levels for marine mammals, or disturbance of nesting by special status bird species.

MM BIO-3: Avoid and Minimize Disturbance of California Least Tern. If construction activities would occur during the nesting season (April 15 to September 15) within 500 feet of the designated nest site (presently on Pier 400), one or more of the following measures shall be implemented, as applicable and approved by the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG).

3a. Schedule Construction. All construction activities that would occur within 200 feet of the designated nest site (presently on Pier 400) shall be scheduled outside the nesting season (September 16 and April 14), unless otherwise approved by the USFWS and CDFG.

3b. Monitor California Least Tern. A qualified biologist shall monitor California least tern and other special status bird species at the designated nest site (presently at Pier 400) during the least tern nesting season (April 15 through September 15). The monitoring frequency and reporting requirements will be confirmed with USFWS and CDFG prior to implementation. The focus of the monitoring is to determine if there are impacts to breeding, nesting, chick feeding activities, or vulnerability of eggs or chicks to predators. If construction activities need to be redirected to prevent impacts to special status birds, the monitor shall immediately contact LAHD and the Construction Manager.

MM BIO-4: Conduct Nest Site Surveys. Between February 15 and September 1 and prior to ground-disturbing activities, a qualified biologist shall conduct surveys for the presence of nesting birds protected under the MBTA and/or similar provisions of the California Fish and Game Code within areas of the proposed project study area that contain potential nesting bird habitat. Surveys shall be conducted 24 hours prior to the clearing, removal, or grubbing of any vegetation or ground disturbance. If active nests are located, then a barrier installed at a 50-foot radius from the nest(s) will be established and the tree/location containing the nest will be marked and will remain in place and undisturbed until a qualified biologist performs a survey to determine that the young have fledged or the nest is no longer active.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures. Implementation of **MM BIO-1 through MM BIO-3** would reduce impacts associated with the loss of individuals, or the reduction of existing habitat, of a state- or federally-listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern to less than significant.

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

Most construction activities from the proposed appealable/fill projects would result in only temporary impacts to Essential Fish Habitat (EFH) and would not result in substantial reduction in habitat quality. Therefore, impacts from construction activities would be less than significant. However, loss of aquatic habitat due to fills would have significant impacts on EFH.

No impacts to eelgrass beds, kelp beds, mudflats, wetlands, other plant communities, or Significant Ecological Areas would occur from the proposed appealable/fill projects or land use changes.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Implementation of **MM BIO-5**, as applicable, would reduce impacts associated with the loss of marine habitat to less than significant.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures. Implementation of **MM BIO-5** would reduce impacts associated with the reduction or alteration of a state-, federally-, or locally-designated natural habitat, special aquatic site, or plant community to less than significant.

Impact BIO-5: Construction of the proposed Program would not result in a permanent loss of marine habitat.

Three of the proposed appealable/fill projects (Yang Ming Terminal Redevelopment, China Shipping Fill, and Berth 300 Development) under the proposed Program would result in a net reduction of 37 acres of marine habitat, which supports benthic invertebrate prey species and fish species covered under the Pacific Coast Groundfish and Pelagic Fishery Management Plans. The loss of marine habitat would be a significant impact.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Implementation of **MM BIO-5**, as applicable, would reduce impacts associated with the loss of marine habitat to less than significant.

MM BIO-5: Apply Credits from Existing Port Mitigation Banks. The LAHD shall apply 18.5 credits available in a mitigation bank that is compliant with the 2008 Compensatory Mitigation Rule to compensate for loss of marine habitat as a result of fill.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures. Implementation of **MM BIO-5** would reduce impacts associated with the loss of marine habitat to less than significant.

4.3.2 Cultural Resources

Impact CR-1: Construction of the proposed Program would not disturb, damage, or degrade archaeological or ethnographic resources, and thus cause a substantial adverse change in the significance of such resources as defined in §15064.5.

The PMPU area has recorded archaeological sites and the potential to contain unknown buried or otherwise obscured archaeological or ethnographic resources. Therefore, any construction activities that entail ground disturbance could disturb, damage, or degrade intact archaeological or ethnographic resources. This could result in significant impacts to resources that may be eligible for the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR).

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measures (**MM CR-1 and MM-CR-2**) would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program.

MM CR-1: Cultural Resource Assessment. Once a proposed project site is identified, the LAHD shall make a determination on whether a Cultural Resource Assessment is necessary based on considerations such as the extent of proposed ground disturbance and the potential for impacting intact soil deposits. If necessary, the potential for the presence of a unique archaeological or ethnographic resource shall be identified through a phased investigation using qualified professional consultants and a consistent methodology. When a Phase I investigation identifies the presence of or the potential for an archaeological or ethnographic resource on a proposed project site, the LAHD shall determine whether it is possible to avoid the resource through project redesign. If avoidance is not possible, the LAHD shall determine the need to implement measures that might include, but are not limited to; one or more of the following to further avoid, minimize, or substantially reduce the identified impacts:

- Conduct a Phase II investigation to determine site significance. When a Phase II investigation identifies a unique archaeological or ethnographic resource on a proposed project site, LAHD shall determine whether to avoid the resource through project redesign or to proceed with a Phase III investigation to mitigate impacts;
- Conduct archaeological monitoring of ground disturbing activities within potentially intact soil deposits by a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards;

- Consult with the Native American Heritage Commission (NAHC) and applicable Native American groups (e.g., the Gabrielino Tongva Tribal Council) regarding proposed ground-disturbing activities and offer an opportunity to monitor the construction along with the project archeologist; and/or,
- Conduct a pre-construction information and safety meeting to make construction personnel aware of archaeological monitoring procedures, if any, and the types of archaeological resources that might be encountered.

MM CR-2: Unanticipated Discovery Procedures. In the event potentially significant cultural resources are encountered during earthmoving activities, the construction contractor shall cease activity in the affected area until the discovery can be evaluated by a qualified archaeologist in accordance with the provisions of CEQA Section 15064.5. The archaeologist shall complete any requirements for the mitigation of impacts on any resources and implement appropriate treatment measures, including the use of 1) subsurface testing after demolition of existing buildings, 2) data recovery of archaeological or ethnographic deposits, and/or 3) post-construction documentation.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures. Implementation of **MM CR-1 and MM CR-2** would reduce impacts on archaeological or ethnographic resources to less than significant.

Impact CR-2: Construction of the proposed Program would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.

Historical resources exist within the PMPU areas that are listed or eligible for listing in a federal, state, or local register. Therefore, construction associated with the proposed appealable/fill projects and land use changes could disturb, damage, or demolish these historical resources. Impacts might include, but are not limited to, demolition or material alteration of known historic structures; structural reuse requiring rehabilitation, restoration, reconstruction, and/or additions; or new construction or in-fill that has the potential to change the local landscape, by modifying the setting of nearby resources. Potential development impacts might also be associated with changes made to previously unevaluated historical resources or resources that will achieve significance within the next 30 years. These types of impacts might result in a substantial adverse change in the significance of a historical resource.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measure **MM CR-3** would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program.

MM CR-3: Historical Resource Assessment. Once a proposed project site is identified, the LAHD shall make a determination on whether a Historical Resource Assessment is necessary to determine the presence of a historical resource, as defined under CEQA. If such an assessment determines that a historic resource is present, the LAHD shall determine the need to implement measures that might include, but are not limited to, one or more of the following to further avoid, minimize, or substantially reduce the identified impacts:

- A preservation architect meeting the Secretary of the Interior's Professional Qualifications Standards in historic architecture shall participate in preconstruction and construction monitoring activities to ensure continuing conformance with Secretary's Standards and/or avoidance of a material impairment of the historical resources;
- Complete photographic documentation of the historic resource prior to implementing the project. Such documentation shall adhere to standards and guidelines for Historical American Buildings Survey (HABS), Historic American Engineering Record (HAER), and Historic American Landscapes Survey (HALS) documentation, as outlined in the November 2011 HABS/HAER/HALS Guidelines set by the Heritage Documentation Programs instituted by the National Park Service (<http://www.cr.nps.gov/hdp/standards/halsguidelines.htm>). At a minimum, the level of photographic documentation shall be at the HABS/HAER Level II;
- For certain projects it may be necessary to establish an environmentally sensitive area and put up barriers to ensure the protection of specific built environment features, such as buildings, structures, and landscape and hardscape elements. The environmentally sensitive area shall be outlined on project plans and the construction crew must be made aware of restrictions and requirements for protecting historical resources for the duration of the project. A qualified professional meeting the Secretary of the Interior's Professional Qualifications Standards may be required to monitor the project to ensure adherence to restrictions; and/or,
- Additional protective measures (e.g., in-situ preservation, adaptive reuse, and relocation) shall be implemented as necessary.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures. Implementation of **MM CR-3** would reduce impacts on historical resources to less than significant.

Impact CR-3: Construction of the proposed Program would not disturb, destroy, or eliminate access to unknown unique paleontological resources.

Proposed Program construction activities would have a potential for permanent loss of or loss of access to a paleontological resource of regional or statewide significance. Construction activities that disturbed, destroyed, or eliminated access to a unique paleontological resource would result in a significant impact.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measures **MM CR-4 and MM CR-5** would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program.

MM CR-4: Paleontological Assessment. Once a proposed project site is identified, the LAHD shall make a determination on whether a Paleontological Assessment is necessary based on such considerations as the extent of proposed ground disturbance and the potential for impacting intact soil deposits. If needed, the assessment shall identify the potential for the presence of a unique paleontological resource within the PMPU area. If the assessment determines there is potential for the presence of a unique paleontological resource, the LAHD shall determine whether it is possible to avoid the resource through project redesign. If avoidance is not possible, the LAHD shall determine the need to implement measures that might include, but are not limited to, one or more of the following to further avoid, minimize, or substantially reduce the identified impacts:

- Conduct paleontological monitoring of ground disturbing activities within potentially intact soil deposits by a qualified paleontologist; or,
- Conduct a preconstruction information and safety meeting to make construction personnel aware of paleontological monitoring procedures, if any, and the types of paleontological resources that might be encountered.

MM CR-5: Unanticipated Discovery Procedures. In the event that a paleontological resource is encountered during construction, the contractor shall stop construction within 30 feet of the exposure and a qualified paleontologist shall evaluate the significance of the resource. Additional monitoring recommendations may be made at that time. If the resource is found to be significant, the paleontologist shall systematically remove and stabilize the specimen(s) in anticipation of preservation. Curation of the specimen shall be in a qualified research facility, such as the Los Angeles County Natural History Museum.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures. Implementation of **MM CR-4 and M CR-5** would reduce impacts on paleontological resources to less than significant.

4.3.3 Geology

Impact GEO-2: The proposed Program would not expose people and structures to substantial risk involving tsunamis or seiches.

Construction of the proposed appealable/fill projects and other land use change within portions of Planning Areas 3 and 4 would be at lower elevations than predicted tsunami wave heights. As a result, there is a risk of inundation due to tsunamis. Projects in construction phases are especially susceptible to damage due to

temporary conditions, such as unfinished structures, which are typically not in a condition to withstand coastal flooding. Designing new facilities based on existing building codes and incorporation of emergency planning in accordance with current state and city regulations would minimize damage to structures and injury to personnel from tsunami inundation. Impacts due to tsunamis and seiches would not be increased by construction of projects within the PMPU area. However, there is a potential for flooding due to tsunamis within Planning Areas 3 and 4. As a result, impacts have the potential to be significant for any future projects located in these planning areas.

Due to the potential for tsunami-related flooding within Planning Areas 3 and 4, impacts have the potential to be significant for operations of any future projects located in these planning areas.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measure **MM GEO-1** would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program.

MM GEO-1: Emergency Response Planning. Individual project operators shall work with LAHD engineers and Los Angeles Port Police (Port Police) to develop tsunami response training and procedures to assure that construction and operations personnel would be prepared to act in the event of a large seismic event. Such procedures shall include immediate evacuation requirements in the event that a large seismic event is felt at the project site, as part of overall emergency response planning for individual projects.

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

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures. Implementation of **MM GEO-1** would reduce impacts associated with tsunami-related flooding to less than significant.

4.3.4 Hazards and Hazardous Materials

Impact HAZ-2: The proposed Program would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Adherence to the City of Los Angeles Methane Seepage Regulations (Section 3.7.3.4.2, Los Angeles Municipal Code Methane Seepage Regulations Chapter IX, Article 1), the potential risk to the public from methane seepage would be less than significant.

The Port's Risk Management Plan prohibits the siting of hazardous liquid bulk facilities near vulnerable resources that could be impacted. Therefore, onshore accidents or upsets that result in releases would not represent a substantial risk to the public or other resources. Compliance with existing regulations and requirements would limit the risk to the public from an upset or accident involving hazardous materials associated with onshore operation of the proposed appealable/fill projects and land use changes.

In-water operations have a small potential for hazardous material releases into harbor waters from accidents or upsets. For example, human error and adverse weather situations can result in the accidental release of petroleum products, fuel, or lubricants. Commercial fishing, recreational boating, and visitor-serving commercial land uses within the Port would be adversely affected in the event of a hazardous materials spill released to harbor waters. Vessel loading and unloading operations would also be adversely affected if they occurred in the vicinity of a release. The foreseeable risks of upset resulting in hazardous material releases to the environment are very small. In addition, risks of hazardous material releases would be evaluated in project-specific environmental documents when sufficient project details (e.g., tank volumes, throughput, construction specifications, and operating parameters) become available. In the event of an upset or release, impacts would be significant if containment systems (e.g., floating booms, berms, and other designed containment structures) were ineffective and clean-up procedures were not sufficient to prevent dispersion of spilled materials to areas supporting sensitive resources.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measures **MM HAZ-1 and MM HAZ-2** would provide further safeguards against hazardous materials releases and would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program.

MM HAZ-1: General Mitigation Measure. For projects involving hazardous liquid bulk facilities with in-water operations, the LAHD shall require project proponents to review, in terms of feasibility and benefits, any LAHD-identified or other new spill prevention or response technology. If the technology is determined by the LAHD to be feasible in terms of cost and technical and operational feasibility, the project proponent shall work with the LAHD to implement such technology as soon as practicable.

The effectiveness of this measure cannot be quantified in this PEIR because it depends on the advancement of new technologies and the outcome of future feasibility or pilot studies.

MM HAZ-2: Hazards and Operability Studies. For projects involving hazardous liquid bulk facilities with in-water operations, the project proponent shall provide the LAHD with all Hazards and Operability Studies performed for the facility to enable the LAHD to independently assess the potential hazards posed by facility operations. The project proponent shall cooperate with the LAHD to resolve any identified risks or deficiencies identified.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures. Implementation of **MM HAZ-1 and MM HAZ-2** would reduce impacts associated with hazardous materials releases to less than significant.

4.3.5 Public Services

Impact PS-1: Construction of the proposed Program would not burden existing USCG, Los Angeles Police Department (LAPD), or Port Police staff levels and facilities, such that the USCG, LAPD, or Port Police would not be able to maintain an adequate level of service without constructing additional facilities that could cause significant environmental effects.

Construction activities associated with the proposed Program would result in temporary demands on police personnel for traffic control services if roadway operations are impacted by installation or upgrades to utility infrastructure within the public right-of-way. Therefore, impacts to law enforcement services during construction would be potentially significant.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measure **MM PS-1** would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program.

MM PS-1: Prepare a Manual in Compliance with the Work Area Traffic Control Handbook (WATCH). LAHD shall prepare a manual in compliance with the WATCH to coordinate with the City of Los Angeles Fire Department (LAFD), LAPD, and Port Police prior to commencement of construction activities for the proposed appealable/fill projects and land use changes. The manual shall identify alternative emergency response routes to ensure continuous adequate emergency vehicular access.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures. Implementation of **MM PS-1** would reduce impacts to law enforcement services during construction to less than significant.

4.4 Cumulative Impacts

CEQA Guidelines Section 15130 requires an EIR to discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable. Cumulative impacts include "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts" (CEQA Guidelines Section 15355). When the combined cumulative impact associated with the project's incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR. If the cumulative impact is significant, the EIR shall determine whether the contribution of the project to that cumulative impact is cumulatively considerable. If it is, reasonable feasible mitigation shall be required to reduce or avoid the project's contribution to the significant cumulative impact (CEQA Guidelines Section 15130(b)(5)).

As required by CEQA Guidelines Section 15130(b)(1)(A), the cumulative analysis for the proposed Program considered past, present and reasonably foreseeable future projects located within the general vicinity of the PMPU area that could contribute to cumulative impacts. The discussion below identifies significant cumulative impacts to which the proposed Program's contribution is cumulatively considerable, that can either be mitigated to a less than significant level, or that cannot be mitigated to a less than significant level and therefore represent significant unavoidable impacts. As required by CEQA Guidelines Section 15130(b), the PEIR's discussion of cumulative impacts reflects the severity of the impacts and their likelihood of occurrence, but not at the level of detail provided for the effects attributable to the proposed Program alone.

All feasible mitigation measures to reduce or avoid the cumulatively considerable contribution of the proposed Program to significant cumulative impacts have been required or incorporated into the proposed Program.

The Board has determined that no additional feasible mitigation measures or alternatives would reduce significant cumulative impacts to less than significant levels, and in light of specific economic, legal, social, technological, and other considerations, the Board intends to adopt a Statement of Overriding Considerations (refer to Section 8.0, Statement of Overriding Considerations, of this document for additional details). The impacts, mitigation measures, findings, and rationale for the findings are presented for all significant and unavoidable cumulative impacts identified in the PEIR.

4.4.1 Air Quality and Greenhouse Gases

Cumulative Impact AQ-1: Construction activities associated with the proposed Program would produce emissions that exceed a SCAQMD Daily Emission Threshold – Cumulatively Considerable and Unavoidable

Cumulative Impact AQ-1 addresses the potential for construction activities associated with the proposed Program along with other cumulative projects to produce a cumulatively significant increase in criteria pollutant emissions for which the

proposed Program region is in nonattainment under a national or state ambient air quality standard or for which the SCAQMD has set daily emission thresholds.

Construction activities associated with the proposed Program would generate emissions of VOCs, CO, NO_x, SO_x, PM₁₀, and PM_{2.5}. It is expected that the emission increases from future construction activities would exceed daily emission significance thresholds set by the SCAQMD. These emission increases would combine with emissions from other construction projects, which would already be cumulatively considerable. As a result, emissions from construction of the proposed appealable/fill projects would make cumulatively considerable contributions to significant cumulative impacts for VOCs, CO, NO_x, PM₁₀, and PM_{2.5} emissions.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measures **MM AQ-1 through MM AQ-8** would reduce cumulatively considerable construction emissions and would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program.

Although **MM AQ-1 through MM AQ-8** would reduce the cumulative effect of construction emissions, the mitigation would not sufficiently reduce the proposed Program's cumulatively considerable contribution to a less than significant level. Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible. All mitigation measures determined feasible by LAHD as identified in the Final PEIR have been incorporated into the proposed Program. However, even with the incorporation of feasible mitigation measures, impacts would remain cumulatively considerable.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures **MM AQ-1 through MM AQ-8**, which would reduce construction emissions. However, the proposed Program's contribution to the significant cumulative impact would remain cumulatively considerable.

Cumulative Impact AQ-2: Construction activities associated with the PMPU would result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance – Cumulatively Considerable and Unavoidable

Cumulative Impact AQ-2 addresses the potential for construction activities associated with the proposed Program and other cumulative projects to produce ambient pollutant concentrations that exceed an ambient air quality standard or substantially contribute to an existing or projected air quality standard violation.

The SCAQMD has established ambient pollutant thresholds that define significant increases in criteria pollutant concentrations. Based on a review of recent analyses for a representative Port container terminal project (Berths 302-306 [American President Lines (APL)] Container Terminal Project [Berths 302-306 Project]), emissions from

proposed appealable/fill project construction activities would be expected to produce impacts that would exceed the SCAQMD ambient thresholds for 1) state 1-hour NO₂, 2) state annual NO₂, 3) 24-hour PM₁₀, and 4) annual PM₁₀. Any concurrent emissions-generating activity that occurs near the PMPU area would add additional air emission burdens to these significant levels. As a result, emissions from the proposed appealable/fill project construction activities would be expected to result in cumulatively considerable contributions to significant cumulative impacts related to ambient NO₂ and PM₁₀ levels.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measures **MM AQ-1 through MM AQ-8** would reduce cumulatively considerable construction emissions and would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program.

Although **MM AQ-1 through MM AQ-8** would reduce the cumulative effect of construction emissions, the mitigation would not sufficiently reduce the proposed Program's cumulatively considerable contribution to a less than significant level. Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible. All mitigation measures determined feasible by LAHD as identified in the Final PEIR have been incorporated into the proposed Program. However, even with the incorporation of feasible mitigation measures, construction emissions would remain cumulatively considerable for 1-hour NO₂ and annual PM₁₀ concentrations.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures **MM AQ-1 through MM AQ-8**, which would reduce construction emissions. However, the proposed Program's contribution to the significant cumulative impact would remain cumulatively considerable.

Cumulative Impact AQ-3: Operations associated with the proposed Program would result in emissions that exceed a SCAQMD daily emission threshold – Cumulatively Considerable and Unavoidable

Cumulative Impact AQ-3 addresses the potential for operation of the proposed Program along with other cumulative projects to produce a cumulatively considerable increase in criteria pollutant emissions for which the project region is in nonattainment under a national or state ambient air quality standard or for which the SCAQMD has set a daily emission threshold.

Emissions from operation of the proposed appealable/fill projects and land use changes during a peak day would exceed all SCAQMD daily emission significance thresholds. As a result, emissions from operations under the proposed Program would make cumulatively considerable contributions to significant cumulative impacts for VOCs, CO, NO_x, SO_x, PM₁₀, and PM_{2.5}.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measures **MM AQ-9 through MM AQ-18** would reduce cumulatively considerable emissions from operations and would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program.

Although **MM AQ-9 through MM AQ-18** would reduce the cumulative effect of operational emissions, the mitigation would not sufficiently reduce the proposed Program's cumulatively considerable contribution to a less than significant level. Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible. All mitigation measures determined feasible by LAHD as identified in the Final PEIR have been incorporated into the proposed Program. However, even with the incorporation of feasible mitigation measures, operational emissions would remain cumulatively considerable for all criteria pollutants (VOCs, CO, NO_x, SO_x, PM₁₀, and PM_{2.5}).

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures **MM AQ-9 through MM AQ-18**, which would reduce emissions from operations. However, the proposed Program's contribution to the significant cumulative impact would remain cumulatively considerable.

Cumulative Impact AQ-4: Operations associated with the proposed Program would result in ambient air pollutant concentrations that exceed a SCAQMD threshold of significance – Cumulatively Considerable and Unavoidable

The SCAQMD has set ambient pollutant thresholds that define significant increases in concentrations of criteria pollutants. Cumulative Impact AQ-4 addresses the potential for operations of the proposed Program along with other cumulative projects to produce ambient concentrations that exceed an ambient air quality standard or substantially contribute to an existing or projected air quality standard violation.

Based on a review of recent analyses for a similar Port project (the Berths 302-306 Project), operational emissions associated with the proposed appealable/fill projects and land use changes would be expected to produce impacts that would exceed the SCAQMD ambient thresholds for the 1) state and national 1-hour NO₂, 2) state annual NO₂, 3) 24-hour PM₁₀, 4) annual PM₁₀, and 5) 24-hour PM_{2.5}. Any concurrent emissions-generating activity that occurs near the proposed appealable/fill project sites would add additional air emission burdens to these significant levels. As a result, emissions from operations associated with the proposed appealable/fill projects and land use changes would result in cumulatively considerable contributions to significant cumulative impacts relative to ambient NO₂, PM₁₀, and PM_{2.5} levels.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measures **MM AQ-9 through MM AQ-18** would reduce cumulatively considerable emissions from operations and would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program.

Although **MM AQ-9 through MM AQ-18** would reduce the cumulative effect of operational emissions, the mitigation would not sufficiently reduce the proposed Program's cumulatively considerable contribution to a less than significant level. Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible. All mitigation measures determined feasible by LAHD as identified in the Final PEIR have been incorporated into the proposed Program. However, even with the incorporation of feasible mitigation measures, operational emissions would remain cumulatively considerable for ambient NO₂, PM₁₀, and PM_{2.5} levels.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures **MM AQ-9 through MM AQ-18**, which would reduce emissions from operations. However, the proposed Program's contribution to the significant cumulative impact would remain cumulatively considerable.

Cumulative Impact AQ-7: The proposed Program would expose receptors to significant levels of TACs – Cumulatively Considerable and Unavoidable

Cumulative Impact AQ-7 addresses the potential for the proposed Program along with other cumulative projects to produce TACs that would exceed an acceptable public health risk criterion.

Based on the review of recent health risk analyses for similar Port projects (i.e., Berths 136-147 Marine Terminal [TraPac], Berths 302-306 APL Container Terminal Project, and Berths 97-109 China Shipping Development Project), unmitigated construction and operational emissions of TACs from the proposed appealable/fill projects and land use changes would be expected to produce cancer risks to all receptor types that would exceed the significance threshold of 10 in 1 million (10×10^{-6}). In addition, unmitigated construction and operational TAC emissions from the proposed Program also would produce acute non-cancer effects to all receptor types that would exceed the health hazard index threshold of 1.0. Any concurrent emissions-generating activity that occurs near proposed appealable/fill project and land use change sites would add additional airborne health burdens to these significant levels. As a result, construction and operational emissions of TACs from the proposed Program would be expected to result in cumulatively considerable contributions to significant impacts relative to airborne cancer and acute non-cancer effects within the PMPU area.

Emissions of TACs from construction and operation of the proposed appealable/fill projects and land use changes would increase chronic non-cancer health effects to all receptor types within the PMPU area. The incremental contribution of these health effects is less than significant. However, this increase in health effects in the region would result in a cumulatively considerable contribution to chronic non-cancer effects in the PMPU area.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measures **MM AQ-9 through MM AQ-18** would reduce cumulatively considerable levels of proposed TACs from activities associated with the proposed Program and would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program.

Although **MM AQ-9 through MM AQ-18** would reduce the cumulative effect of TAC emissions, the mitigation would not sufficiently reduce the proposed Program's cumulatively considerable contribution to a less than significant level. Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible. All mitigation measures determined feasible by LAHD as identified in the Final PEIR have been incorporated into the proposed Program. However, even with the incorporation of feasible mitigation measures, emissions of TACs from the proposed Program would produce cumulatively considerable contributions to significant cumulative impacts relative to cancer risks and chronic and acute non-cancer effects within the PMPU area.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures **MM AQ-9 through MM AQ-18**, which would reduce TAC emissions associated with the proposed Program. However, the proposed Program's contribution to the significant cumulative impact would remain cumulatively considerable.

Cumulative Impact GHG-1: The proposed Program would produce GHG emissions that would exceed a CEQA threshold – Cumulatively Considerable and Unavoidable

Cumulative Impact GHG-1 addresses the potential for the proposed Program along with other cumulative projects to contribute to global climate change.

Past, present, and reasonably foreseeable projects have generated, and will continue to generate, GHGs from the combustion of fossil fuels and the use of other industrial products (e.g., coatings, solvents, and refrigerants). The proposed Program would produce GHG emissions that would exceed the threshold of 10,000 metric tons per year of CO₂e that the LAHD uses to determine the significance of proposed GHGs for CEQA purposes. Any concurrent emissions-generating activity that occurs global-wide would contribute additional GHG emission burdens to these significant

levels, which could further exacerbate environmental effects. Therefore, emissions of GHGs from construction and operation of the proposed appealable/fill projects and land use changes would result in a cumulatively considerable contribution to a significant cumulative impact relative to global climate change.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measures **MM AQ-2 through MM AQ-4, MM AQ-9, MM AQ-10, MM AQ-16, and MM GHG-1 through MM GHG-6** would reduce cumulatively considerable levels of GHG emissions from activities associated with the proposed Program and would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program.

Although **MM AQ-2 through MM AQ-4, MM AQ-9, MM AQ-10, MM AQ-16, and MM GHG-1 through MM GHG-6** would reduce the cumulative effect of GHG emissions, the mitigation would not sufficiently reduce the proposed Program's cumulatively considerable contribution to a less than significant level. Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible. All mitigation measures determined feasible by LAHD as identified in the Final PEIR have been incorporated into the proposed Program. However, even with the incorporation of feasible mitigation measures, emissions of GHGs from the proposed Program would make a cumulatively considerable and unavoidable contribution to a significant impact on global climate change.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures **MM AQ-2 through MM AQ-4, MM AQ-9, MM AQ-10, MM AQ-16, and MM GHG-1 through MM GHG-6**, which would reduce GHG emissions associated with the proposed Program. However, the proposed Program's contribution to the significant cumulative impact would remain cumulatively considerable.

4.4.2 Biological Resources

Cumulative Impact BIO-4: The proposed Program would result in a substantial disruption of local biological communities – Cumulatively Considerable and Unavoidable

Cumulative Impact BIO-4 addresses the potential for the proposed Program when combined with past, present, and future projects, to cause a cumulatively substantial disruption of local biological communities (e.g., from the introduction of noise, light, or invasive species).

Construction and operation of most proposed appealable/fill projects and land use changes would have limited effect on the overall marine communities of the Port as a result of installation or renovation of wharves and piers or waterfront improvements.

Increased vessel calls could increase the risk of introducing non-native invasive species. However, federal and state regulations substantially reduce the risk of invasive species introductions by requiring seagoing vessels entering the harbor from beyond the EEZ or that take on and discharge ballast water in more than one port to comply with ballast water management, marine biofouling, and sediment management requirements. While more vessels will be required to comply with these requirements through 2016, treatment system technologies have yet to be proven 100 percent effective. Consequently, it is not possible to ensure that no non-native species are introduced to the harbor environment, nor is it possible to ensure that introduced species are not invasive. Since it is not possible to fully avoid the potential for invasive species introductions to disrupt marine biological communities, the proposed Program would contribute to a cumulatively significant impact related to introduction of non-native and potentially invasive species.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measures **MM BIO-2 and MM BIO-4** would reduce cumulatively considerable impacts on fish and marine mammals and nesting birds protected under the MBTA and/or similar provisions of the California Fish and Game Code. These mitigation measures would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program. However, no feasible mitigation is currently available to fully prevent the introduction of invasive species due to lack of proven technologies.

Although **MM BIO-2 and MM BIO-4** would reduce the cumulative impacts on fish and marine mammals and protected nesting birds, no feasible mitigation is currently available to totally prevent introduction of invasive species due to lack of proven technologies. Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible. All mitigation measures determined feasible by LAHD as identified in the Final PEIR have been incorporated into the proposed Program. However, the proposed Program would contribute to a cumulatively significant impact related to introduction of non-native and potentially invasive species.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures **MM BIO-2 and MM BIO-4**, which would reduce impacts on fish and marine mammals and protected nesting birds associated with the proposed Program. However, the proposed Program's contribution to the significant cumulative impact would remain cumulatively considerable.

4.4.3 Noise

Cumulative Impact NOI-1: Daytime construction activities lasting more than 10 days in a 3-month period would produce noise levels that exceed existing ambient exterior noise levels by 5 dB(A) or more at a noise-sensitive use – Cumulatively Considerable and Unavoidable

Cumulative Impact NOI-1 addresses the potential for the proposed Program when combined with past, present, and reasonably foreseeable future projects to cause a substantial increase in ambient noise levels at sensitive receptors within the cumulative geographic scope.

The proposed appealable/fill projects under the proposed Program would be constructed within the Port boundaries. This would to some extent insulate them from surrounding sensitive noise receptors by greater distance than some cumulative projects are from areas of sensitivity. Nevertheless, certain construction activities for the proposed appealable/fill projects, including pile driving, would potentially exceed the 5 dB(A) threshold at distances up to 1,650 feet from the source. Under these conditions, liveaboards in portions of the Port (e.g., East Basin marinas) could be exposed to short term increases in noise levels that exceeded thresholds. General construction not mentioned herein could occur within 400 feet of sensitive receptors and would potentially result in sensitive receptors being exposed to noise at L_{eq} levels greater than 5 dB(A) above ambient. Therefore, construction activities associated with the proposed appealable/fill projects would make a cumulatively significant contribution to cumulative construction noise impacts.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Program that avoid or substantially lessen the significant environmental effect identified in the Final PEIR. Mitigation measures **MM NOI-1 through MM NOI-11** would reduce cumulatively considerable noise levels from construction activities associated with the proposed Program and would be implemented, as applicable, for the proposed appealable/fill projects and land use changes under the proposed Program.

Although **MM NOI-1 through MM NOI-11** would reduce the cumulative effect of construction noise levels, the mitigation would not sufficiently reduce the proposed Program's cumulatively considerable contribution to a less than significant level. Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible. All mitigation measures determined feasible by LAHD as identified in the Final PEIR have been incorporated into the proposed Program. However, even with the incorporation of feasible mitigation measures, the proposed Program's contribution to ambient exterior noise levels would be cumulatively considerable.

Rationale for Finding

Changes or alternations have been incorporated into the proposed Program in the form of mitigation measures **MM NOI-1 through MM NOI-11**, which would reduce noise impacts from construction activities associated with the proposed Program. However, the proposed Program's contribution would remain cumulatively considerable.

4.5 Finding Regarding Responses to Comments on the Draft Program EIR

The Board finds that all information added to the Final PEIR after public notice of the availability of the Draft PEIR for public review, but before certification, merely clarifies or makes insignificant modifications to the PEIR and does not require recirculation.

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5.0

ENVIRONMENTAL JUSTICE

1 Although not required under CEQA, the Draft PEIR includes an environmental
2 justice analysis. This approach is consistent with LAHD's goals to consider
3 environmental justice in its policies and projects. The environmental justice analysis
4 complies with Executive Order 12898, *Federal Actions to Address Environmental*
5 *Justice in Minority Populations and Low-Income Populations*, which requires federal
6 agencies to assess the potential for their actions to have disproportionately high and
7 adverse environmental and health impacts on minority and low-income populations,
8 and with the Council on Environmental Quality (CEQ) *Guidance for Environmental*
9 *Justice Under NEPA* (CEQ 1997). This assessment is also consistent with California
10 state law regarding environmental justice.

11 CEQA does not require an analysis of environmental justice issues, but does require
12 that an EIR analyze physical impacts on the environment. A "significant effect on the
13 environment" means a substantial, or potentially substantial, adverse change in any of
14 the physical conditions within the area affected by the project, including land, air,
15 water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic
16 significance. An economic or social change by itself shall not be considered a
17 significant effect on the environment. A social or economic change related to a
18 physical change may be considered in determining whether the physical change is
19 significant" (CEQA Guidelines Section 15382).

20 After implementation of mitigation measures, the proposed Program would result in
21 disproportionate effects on minority and low-income populations as a result of
22 significant unavoidable proposed Program and cumulative impacts related to air
23 quality.

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6.0

ALTERNATIVES TO THE PROPOSED PROGRAM

LAHD conducted a screening process per CEQA Guidelines to determine which alternatives would be evaluated in detail in the Draft PEIR and which would be eliminated from further consideration. LAHD considered various alternatives in regards to how well each could feasibly meet the basic objectives of the proposed Program and avoid or substantially lessen any of the significant effects of the proposed Program. Three alternatives were eliminated from detailed consideration either because they could not feasibly meet the basic objectives of the proposed Program and/or because they would not avoid or substantially lessen any of the significant effects of the proposed Program, as discussed in Draft PEIR Section 5.1.3, Alternatives Considered But Eliminated From Further Consideration. Two alternatives were carried forward for further analysis to determine whether they could feasibly meet most of the proposed Program objectives but avoid or substantially lessen any of the significant effects of the proposed Program. Chapter 5.0, Program Alternatives, of the Draft EIR compares the proposed Program and these two alternatives and identifies the environmentally superior alternative. The two alternatives that were compared to the proposed Program are:

- Alternative 1 – No-Program Alternative; and,
- Alternative 2 – No-Fill Alternative.

6.1 Reasonable Range of Alternatives

Under CEQA, lead agencies are required to evaluate a “reasonable range” of alternatives but are not required to evaluate every possible alternative. According to CEQA, “an EIR need not consider every conceivable alternative to a project.” (CEQA Guidelines Section 15126.6(a)). The “range of alternatives required in an EIR is governed by a “rule of reason” that requires an EIR to set forth only those alternatives necessary to permit a reasoned choice” (CEQA Guidelines Section 15126.6(f)). The Draft PEIR contained two alternatives (not including the proposed Program), as discussed in Draft PEIR Chapter 5.0, Program Alternatives. The two alternatives plus the proposed Program constitute a reasonable range of alternatives, which permits the decision makers to make a reasoned choice regarding proposed Program approval (or approval of one of the alternatives), approval with modifications, or disapproval. Furthermore, CEQA does not require an EIR to consider multiple variations on the alternatives analyzed in an EIR. “What is required

is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned” (*Village Laguna of Laguna Beach, Inc. v. Board of Supervisors of Orange County* (1982) 134 Cal.App.3d 1022).

6.2 Alternatives Eliminated from Further Consideration

Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, need not be considered (CEQA Guidelines Section 15126(f)(2)). Alternatives may be eliminated from detailed consideration in an EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid any significant environmental effects (CEQA Guidelines Section 15126.6(c)). The following alternatives were determined to be infeasible and were eliminated from further consideration in the PEIR (additional details regarding reasons for rejection are included in Chapter 5.0, Program Alternatives, of the Draft PEIR):

- Port Community Advisory Committee (PCAC) PMP;
- Terminal Island Land Use Plan; and,
- Cargo Specialization.

6.3 Alternatives Analyzed in the Program EIR

Chapter 5.0, Program Alternatives, of the Draft PEIR contains a detailed comparative analysis of the alternatives that were found to achieve the proposed Program objectives, are considered ostensibly feasible, and may reduce environmental impacts associated with the proposed Program.

A summary of the impact analysis for the proposed Program and the alternatives is shown in Table 10 below, which identifies the resource areas where the proposed Program or alternative would result in an unavoidable significant impact, as discussed in resource analyzes in Chapter 3.0, Environmental Analysis, of the Draft PEIR. The table also presents the resource areas that would have significant impacts mitigated to less than significant, and less than significant impacts that would be further reduced through incorporation of lease measures or standard conditions of approval. Detailed discussions of the resources with unavoidable significant impacts, significant impacts that can be mitigated to less than significant, and less than significant impacts that can be further reduced through incorporation of lease measures or standard conditions of approval are provided in Chapter 5.0, Program Alternatives, of the Draft PEIR.

Table 10. Summary of Impacts by Alternative

<i>Environmental Resource Area</i>	<i>Proposed Program</i>	<i>No-Program Alternative 1</i>	<i>No-Fill Alternative 2</i>
Aesthetics/Visual Resources	N	N	N
Air Quality and Greenhouse Gases	S	S	S
Biological Resources	S	S	S
Cultural Resources	M	M	M
Geology	M	M	M
Groundwater and Soils	L	L	L
Hazards and Hazardous Materials	M	M	M
Land Use	L	N	L
Noise	S	S	S
Public Services	M	M	M
Recreation	L	L	L
Transportation and Circulation – Ground and Marine	S	S	S
Utilities	L	L	L
Water Quality, Sediments, and Oceanography	L	L	L
Notes: L = Less than Significant N = No Impact M = Significant but Mitigable S = Significant Unavoidable			

As shown in Table 10, the proposed Program would have a similar number of significant unavoidable impacts compared to the No Fill and No-Program Alternatives; although overall the impacts from these other alternatives would be somewhat less than described for the proposed Program.

Table 11 ranks the alternatives based on a comparison of their environmental impacts with those of the proposed Program. The ranking is based on the significance determinations for the resource areas contained in Table 10, as discussed in Chapter 3.0, Environmental Analysis, of the Draft PEIR, and reflects differences in the levels of impact among alternatives. This ranking also takes into consideration the relative number of significant impacts that are mitigated to a level below significance, and the number of impacts that remain significant after mitigation.

Table 11. Comparison of Alternatives to the Proposed Program (with Mitigation)

<i>Environmental Resource Area</i>	<i>Alternative 1/ No-Program</i>	<i>Alternative 2/ No Fill</i>
Air Quality and Greenhouse Gases	-1	-1
Biological Resources	-1	-1
Cultural Resources	0	0
Geology	0	0
Hazards and Hazardous Materials	0	0
Noise	-1	-1
Public Services	0	0
Transportation and Circulation—Ground and Marine	0	0
Total	-3	-3
Notes: Only environmental resources with unavoidable significant impacts or significant but mitigable impacts are included in this table and the analysis used to rank alternatives; the analysis includes project-level impacts, not cumulative effects. -2 = Impact considered to be substantially less when compared with the proposed Program -1 = Impact considered to be somewhat less when compared with the proposed Program 0 = Impacts to be equal to the proposed Program 1 = Impact to be somewhat greater when compared with the proposed Program 2 = Impact to be substantially greater when compared with the proposed Program Where significant unavoidable impacts would occur across different alternatives, but there are impact intensity differences between alternatives, numeric differences are used to differentiate (i.e., in some cases, there are differences at the individual impact level, such as differences in the number of impacts or relative intensity).		

6.4 Environmentally Superior Alternative

As shown in Table 11, the No-Program Alternative and No-Fill Alternative would have similar impacts, and both would have fewer impacts than the proposed Program. However, CEQA Guidelines Section 15126.6(e)(2) requires that in cases where the No-Program Alternative is determined to be the environmentally superior alternative, another alternative must be identified as environmentally superior. Consequently, the No-Fill Alternative would be the environmentally superior alternative because it would have less activity than the proposed Program.

6.5 CEQA Findings for Alternatives Analyzed

6.5.1 Alternative 1 – No-Program Alternative

Alternative 1 (No-Program Alternative) considers what would reasonably be expected to occur in the foreseeable future if the proposed Program were not approved based on current plans and consistent with available infrastructure and community services. The No-Program Alternative would not update the PMP, and land uses would remain as specified in the existing (1980) PMP and certified amendments. The only differences between the proposed Program and the No-Program Alternative are the proposed projects with a cut/fill component and the associated land use changes that are included in the proposed Program.

Finding

The Board hereby finds that the No-Program Alternative would not feasibly meet the proposed Program objectives, and on that basis rejects the No-Program Alternative. The No-Program Alternative would not promote the orderly, long-term development and growth of the Port by establishing functional areas for Port facilities and operations (Objective 3). Finally, the No-Program Alternative would also not allow the Port to adapt to changing technology, cargo trends, regulations, and competition from other U.S. and foreign ports (Objective 4).

Facts in Support of Finding

The No-Program Alternative would result in reduced environmental impacts in the resource areas related to Air Quality, Biological Resources, and Noise as compared to the proposed Program because this alternative would not include construction and operation of the cut/fill projects and associated land use changes (container storage) associated with the fill projects under the PMPU. Although the No-Program Alternative would result in reduced environmental impacts, it would not result in fewer significant and unavoidable adverse impacts than the proposed Program. The No-Program Alternative would not consolidate areas according to predominant land use patterns or allocate a single allowable land use to most sites and therefore would not fully meet the proposed Program's objectives of promoting the orderly, long-term development and growth of the Port. Furthermore, it would not increase berthing capacity and backlands necessary to accommodate long term cargo forecasts and would not allow the Port to fully meet the objective of adapting to changing technology, cargo trends, regulations, and competition. Accordingly, the Board finds that the No-Program Alternative is not a feasible alternative to the proposed Program because it would not fully accomplish fundamental Program goals and objectives.

6.5.2 Alternative 2 – No-Fill Alternative

Alternative 2 (No-Fill Alternative) would eliminate the cut/fill projects and associated land use changes (container storage) associated with the fill projects under PMPU. All other appealable projects (i.e., Berths 187-189 Liquid Bulk Relocation, Tri Marine Expansion, 338 Cannery Street Adaptive Reuse, and Al Larson Marina) and land use changes in the proposed Program would be included in the No-Fill Alternative.

Finding

The Board hereby finds that although the No-Fill Alternative would result in reduced environmental impacts compared to the proposed Program, this alternative would not fully meet the proposed Program objective of allowing the Port to adapt to changing technology, cargo trends, regulations, and competition from other U.S. and foreign ports. As a result, the Board finds that the No-Fill Alternative is not a feasible alternative to the proposed Program, in that it would not accomplish the fundamental goals and objectives of the proposed Program.

Facts in Support of Finding

The No-Fill Alternative would result in reduced environmental impacts in the resource areas related to Air Quality, Biological Resources, and Noise as compared to the proposed Program because this alternative would not include construction and operation of the cut/fill projects and associated land use changes (container storage) associated with the fill projects under PMPU. Although the No-Fill Alternative would result in reduced environmental impacts, it would not result in fewer significant and unavoidable adverse impacts than the proposed Program. Furthermore, it would not fully meet the proposed Program's objectives of allowing the Port to adapt to changing technology, cargo trends, regulations, and competition. The No-Fill Alternative would not increase berthing capacity and backlands necessary to accommodate long term cargo forecasts. Accordingly, the Board finds that the No-Fill Alternative is not a feasible alternative to the proposed Program because it would not fully accomplish fundamental Program goals and objectives.

6.5.3 Summary

Based on the alternatives discussion provided in the Final PEIR and the information presented above, the Board determines the proposed Program is the feasible alternative that, when taking into account environmental and economic factors, best meets proposed Program objectives to allow the Port to develop in manner that is consistent with federal, state, county, and city laws; integrate various considerations into the Port development process for measuring impacts on the environment; promote the orderly, long-term development of the Port; and allow the Port to adapt to changing technology, cargo trends, regulations, and competition from other ports.

6.5.3.1 Findings Regarding Other CEQA Considerations

6.5.3.1.1 Significant Irreversible Environmental Changes

Irreversible and irretrievable environmental changes caused by a Project include the loss of aquatic habitat and nonrenewable resources.

6.5.3.1.2 Finding and Rationale

The proposed appealable/fill projects and land use changes under the proposed Program would develop the PMPU area for increased Port-related activities. Construction of the proposed appealable/fill projects likely would require the use of nonrenewable resources including fossil fuels (e.g., oil, gasoline, and diesel fuel for construction equipment) and nonrenewable construction materials. Additionally, construction materials for buildings and structures could consist of lumber, steel, aggregate sand and gravel materials for cement, and other natural resources.

Construction and operation of facilities associated with the proposed appealable/fill projects and land use changes also would result in an irreversible commitment of nonrenewable energy resources, including fossil fuels and natural gas. These energy resources would be irretrievable and irreversible. However, use of these types of resources is common for construction activities on similar scale projects throughout southern California, and the proposed appealable/fill projects likely would not require

1 any resources that would substantially deplete existing supplies. Thus, the proposed
2 Program would indirectly result in irreversible changes due to the use of energy
3 resources and fossil fuels during construction and operations of the proposed
4 appealable/fill projects and land use changes. However, the use of energy and fossil
5 fuels would not be uncommon in comparison to other types of institutional or
6 commercial uses, and would, therefore, not result in significant irreversible impacts
7 on the environment. Furthermore, the irreversible changes discussed above are
8 justified by the increased efficiency in cargo handling at the Port that the proposed
9 Program would provide.

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7.0

STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Guidelines Section 15093, the Board must balance the benefits of the proposed Program against unavoidable environmental risks in determining whether to approve the proposed Program. As detailed in the Findings, the proposed Program would result in significant unavoidable impacts on Air Quality and Greenhouse Gases, Biological Resources, Noise, and Transportation. The proposed Program would also result in a cumulatively considerable contribution to significant cumulative impacts on Air Quality and Greenhouse Gases, Biological Resources, and Noise.

7.1 Air Quality and Greenhouse Gases

The proposed Program would result in significant unavoidable impacts to air quality and GHGs during construction and operation even with the adoption and implementation of mitigation measures. Specifically, VOCs, NO_x, CO, PM₁₀, and PM_{2.5} emissions related construction would exceed SCAQMD thresholds (Impact AQ-1). Project construction would also result in emissions that exceed SCAQMD thresholds for 1-hour NO₂ and annual PM₁₀ (Impact AQ-2).

Proposed peak day operations would result in air pollutant concentrations that exceed SCAQMD daily emission thresholds for VOC, CO, NO_x, SO_x, PM₁₀, and PM_{2.5} (Impact AQ-3). Operational activities would result in ambient pollutant levels that would exceed the national and state 1-hour NO₂ standard, state annual NO₂ standard, 24-hour PM₁₀ and PM_{2.5} SCAQMD thresholds, and annual PM₁₀ SCAQMD threshold (Impact AQ-4). Under the proposed Program, impacts would be significant and unavoidable for cancer risks and acute non-cancer effects to all receptor types (Impact AQ-7).

Future construction and operation of proposed appealable/fill projects and land use changes under the proposed Program would produce annual carbon dioxide equivalent (CO₂e) emissions that would exceed the CEQA threshold of 10,000 metric tons per year of CO₂e. Therefore, annual GHG emissions from the proposed Program would result in a significant and unavoidable impact (Impact GHG-1).

The proposed Program would also result in cumulative construction and operational impacts (Cumulative Impacts AQ-1, AQ-2, AQ-3, AQ-4, and AQ-7) that would remain significant and unavoidable. Additionally, construction and operation of the proposed Program would make a cumulatively considerable contribution to global climate change (Cumulative Impact GHG-1).

7.2 Biological Resources

The proposed Program would result in significant unavoidable impacts to biological resources during construction and operation even with the adoption and implementation of mitigation measures. Increased vessel calls associated with construction and operation activities could increase the risk of introducing non-native invasive species. No feasible mitigation is currently available to totally prevent introduction of invasive species due to lack of proven technologies. Therefore, impacts associated with the potential for invasive species introductions to disrupt marine biological communities would remain significant and unavoidable (Impact BIO-4).

The proposed Program would also result in a cumulative biological resources impact (Cumulative Impact BIO-4) that would remain significant and unavoidable.

7.3 Noise

The proposed Program would result in significant unavoidable impacts to noise during construction even with the adoption and implementation of mitigation measures. Significant and unavoidable noise impacts from construction activities would occur at distances from sensitive receptors of less than 1,650 feet for pile driving and 400 feet for general construction (Impact NOI-1).

The proposed Program would also result in a cumulative noise impact (Cumulative Impact NOI-1) that would remain significant and unavoidable.

7.4 Transportation and Circulation

The proposed Program would result in significant unavoidable impacts to transportation during operations even with the adoption and implementation of mitigation measures. Additional truck trips generated by proposed operations would result in significant and unavoidable impacts on the surrounding freeway system (Impact TRANS-4).

7.5 Program Benefits

The proposed Program offers several benefits that outweigh the unavoidable adverse environmental effects of the PMPU. The Board adopts the following Statement of Overriding Considerations. The Board recognizes that significant and unavoidable impacts will result from implementation of the proposed Program, as discussed above. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible any alternatives which would avoid or reduce the significant impacts of the proposed

Program, as discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the proposed Program against the PMPU's significant and unavoidable impacts, the Board hereby finds that the benefits outweigh and override the significant unavoidable impacts for the reasons stated below.

The following statements summarize the benefits, goals, and objectives of the proposed Program and provide the rationale for the benefits of the PMPU. These overriding considerations justify adoption of the proposed Program and certification of the completed Final PEIR. These benefits include the following:

- **Fulfills Port's legal mandates and objectives.** The proposed Program would fulfill LAHD's legal mandate under the Port of Los Angeles Tidelands Trust (Los Angeles City Charter, Article VI, Sec. 601; California Tidelands Trust Act of 1911) and the CCA (PRC Division 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.
- **Optimizes land uses.** The proposed Program would optimize land uses by preserving and consolidating cargo shipping operations, increasing commercial activities, and enhancing visitor-serving and recreational facilities. Furthermore, the proposed Program would maximize the utilization of Port lands by designating vacant land for container cargo uses to accommodate the demands of foreign and domestic waterborne commerce.
- **Minimizes land use conflicts.** The proposed Program would minimize land use conflicts by consolidating general areas with predominant land use patterns within the Port and physically separating incompatible land uses.
- **Enhances public access.** The proposed Program would improve public access and recreational uses of the San Pedro Waterfront and portions of the Wilmington Waterfront.
- **Fosters LAHD's environmental stewardship.** The proposed Program would enhance the LAHD's ability to fulfill its environmental and other stewardship obligations by more clearly designating environmental and cultural resources in the Port's coastal zone and providing protections for those resources.
- **Streamlines CEQA/CDP process.** The proposed Program would simplify and improve the LAHD's CEQA and CDP process resulting in a more streamlined system.
- **Fosters economic growth.** The proposed Program would augment local employment and business opportunities. The proposed Program will be beneficial to local businesses that support or rely on Port operations.
- **Increases tax revenue.** The proposed appealable/fill projects and land use changes (e.g., increasing productivity of cargo shipping operations, expanding visitor services, and converting vacant lands to productive, revenue generating uses) would lead to increased tax revenues for the Port and the City of Los Angeles by expanding the tax base of the area. While it is difficult to quantify the economic benefit that the new facilities would bring until final lease negotiations or construction plans are in place, there would be an overall beneficial impact on local business revenue.

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8.0

LOCATION AND CUSTODIAN OF RECORDS

1 When making CEQA findings required by PRC Section 21081(a), a public agency
2 must specify the location and custodian of the documents or other material, which
3 constitute the record of proceedings upon which its decision is based. The documents
4 and other materials that constitute the administrative record for the LAHD's actions
5 related to the proposed Program are located at the office of the Director of
6 Environmental Management, Los Angeles Harbor Department, 222 W. 6th Street,
7 10th floor, San Pedro, California 90731.

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