

Appendix D

**Screening Analysis of Additional Resource
Areas for Consideration in the CS SEIR due to
Assumed Incremental Increase in Terminal
Throughput under the Revised Project**

Appendix D1
Screening Analysis

1.0 Introduction

As discussed in Section 1.6 of the Berths 97-109 (China Shipping) Recirculated Draft Supplemental EIR (SEIR), the Recirculated SEIR supplements and makes adequate the information provided in the 2008 EIS/EIR for the purposes of the LAHD's consideration of the proposed modifications to mitigation measures which constitute the Revised Project. The purpose of this Recirculated SEIR is to examine the potentially new significant environmental impacts or substantially more severe impacts of the Revised Project compared to the impacts of the Approved Project identified in the 2008 EIS/EIR.

The scope of the SEIR was established based on the Initial Study prepared pursuant to CEQA and comments received during the Notice of Preparation (NOP) review process. The CEQA NOP was posted on September 18, 2015 (see Appendix A). Although the Notice of Preparation (NOP) circulated in September 2015 identified 11 mitigation measures and one lease measure as constituting the Revised Project, the LAHD subsequently elected to continue implementing one of those 11 mitigation measures, Mitigation Measure "NOI-2 Noise Walls." Consequently, the Port determined that no new or substantially more severe significant impacts could result from modifications to MM NOI-2, and removed analysis of such impacts from the SEIR.

However, during preparation of the 2017 Draft SEIR, it was determined that the capacity of the CS Container Terminal had increased incrementally compared to the capacity identified in the 2008 EIS/EIR, due to the factors and information discussed in section 1.4.2. A decision was made that the SEIR, in analyzing the impacts of the proposed modifications to mitigation measures which constitute the Revised Project, would assume that the CS Container Terminal's throughput under the Revised Project would gradually increase to that higher level.

In light of this assumption of incrementally increased throughput under the Revised Project, the Port conducted a "screening analysis" to identify any impact areas analyzed in the 2008 EIS/EIR but not already being analyzed in the Draft SEIR (i.e., all except Air Quality, Greenhouse Gases, and Ground Transportation), in which there would be a potential for a new or substantially more severe significant impact, compared to the impacts disclosed in the 2008 EIS/EIR.

As explained in greater detail below, this screening analysis concludes that no impact areas that are not already being analyzed in the Draft SEIR would have potential for a new or substantially more severe significant impact, compared to the impacts disclosed in the 2008 EIS/EIR. Accordingly, the Port has determined that the assumption of incrementally increased throughput under the Revised Project does not require that the scope of impact areas to be analyzed in this SEIR be expanded beyond those already being evaluated (i.e., Air Quality, Greenhouse Gases, and Ground Transportation). The analyses of impact areas that are evaluated in the SEIR fully consider any potential impacts in those areas that may be attributable to increased throughput under the Revised Project, due either to the increased throughput itself or to a combination of increased throughput and the proposed modifications to mitigation measures that constitute the Revised Project.

2.0 Aesthetics

The 2008 EIS/EIR concluded that the Approved Project would have no significant impacts related to light and glare or scenic resources. The Revised Project would not change that finding because there would be no added physical elements and the assumed incremental increase in throughput under the Revised Project would not affect lighting or scenic resources. The 2008 EIS/EIR imposed four mitigation measures related to visual impacts on scenic vistas and visual quality. Many of the elements of those measures have been completed, including landscaping along Front Street (MM AES-1), painting the cranes (MM AES-2), and all but one element of the Plaza Park improvements (MM AES-4; the remaining element, a visitor kiosk, is underway). MM AES-3 requires a variety of beautification improvements along a portion of John S. Gibson Boulevard and Pacific Avenue. Several of the specific elements have been determined to be infeasible and have not been implemented, but because the mitigation measure specifies that elements are to be implemented “if feasible,” the requirements of the measure have been fulfilled and impacts are less than significant. The Revised Project’s modified mitigation measures, which involve air quality and ground transportation, and increased throughput would have no effect on aesthetics resources. Accordingly, this issue need not be considered in the SEIR.

3.0 Air Quality

The 2008 EIS/EIR identified significant impacts on air quality – both priority pollutant mass emissions and offsite pollutant concentrations -- associated with construction of the Approved Project and imposed eight mitigation measures. Construction is completed, and the Revised Project does not include construction; accordingly, the SEIR need not consider impacts of construction.

The 2008 EIS/EIR identified significant impacts on air quality – both criteria pollutant mass emissions and offsite pollutant concentrations -- associated with operation of the Approved Project and imposed fifteen mitigation measures and one lease measure to address those impacts. A number of those measures (specifically, measures AQ-9 [AMP], AQ-10 [VSRP], AQ-15 [Yard Tractors], AQ-16 [Railyard CHE], AQ-17 [Cargo Handling Equipment], AQ-20 [LNG Trucks], and AQ-23 [Throughput Tracking]) have either not been implemented or have been only partially implemented. These measures have been modified in light of new information on feasibility and effectiveness, and the modified measures constitute the Revised Project. Accordingly, the SEIR should evaluate the effects of the Revised Project with respect to the revised mitigation measures and the increased throughput associated with the Revised Project.

The 2008 EIS/EIR evaluated CO hotspots and concluded that the Approved Project would not have a significant impact. Furthermore, information presented by SCAQMD in the 2003 AQMP indicates that CO hotspot analysis is unnecessary because hotspots are unlikely to occur: a study of the four most congested intersections in the Los Angeles region found no exceedances of ambient air quality standards for CO. Since the study intersections for the Revised Project would experience lower traffic volumes than SCAQMD’s study intersections, even with increased throughput, a hotspot analysis is not required in the SEIR.

The 2008 EIS/EIR concluded that the Approved Project would not create objectionable odors at sensitive receptors. The Revised Project would not change that determination because the revised mitigation measures would not alter the generation of odors and the increase of 10% in the throughput would not represent a substantial change that could cause a new impact. Accordingly, this issue need not be considered in the SEIR.

The 2008 EIS/EIR concluded that the Approved Project would cause significant impacts related to emissions of toxic air contaminants and their predicted effects on human health. The same fifteen mitigation measures imposed in response to priority pollutant emissions were imposed to reduce toxic air contaminants. These measures have been modified in light of new information on feasibility and effectiveness, and the modified measures constitute the Revised Project. Accordingly, the SEIR should evaluate the effects of the Revised Project with respect to the revised mitigation measures and the increased throughput associated with the Revised Project.

The 2008 EIS/EIR concluded that the Approved Project would not conflict with or obstruct implementation of an applicable AQMP. The SEIR should evaluate consistency with AQMP to check whether the revised mitigation measures are consistent with the provisions of applicable plans and policies, including the Clean Air Action Plan and the most recent AQMP.

The 2008 EIS/EIR considered greenhouse gases (GHG) in its air quality section and concluded that construction and operation of the Approved Project would result in GHG emissions that would exceed baseline emissions, and thus represent a significant impact. The Revised Project would continue operation of the terminal, with associated GHG emissions. Furthermore, the increased throughput compared to the Approved Project could result in additional GHG emissions. Accordingly, the SEIR should evaluate the effects of the Revised Project with respect to the modified mitigation measures and the increased throughput associated with the Revised Project.

4.0 Biological Resources

The 2008 EIS/EIR concluded that the Approved Project would have potentially significant impacts on biological resources related to Essential Fish Habitat and general marine habitat, marine mammals, and invasive species. MM BIO-1, requiring application of mitigation credits, fully mitigated impacts to EFH and marine habitat, and MM BIO-2, requiring vessels to comply with the Vessel Speed Reduction Program (VSRP), mitigated impacts to marine mammals. No feasible mitigation is available to mitigate significant impacts related to invasive species.

The Revised Project, including the increased throughput, would not change those determinations. None of the revised mitigation measures affects biological resources. Vessels calling at the CS Container Terminal would continue to be subject to the VSRP, and because vessel traffic would decrease compared to the Approved Project (from 234 to 156 per year), impacts would be further reduced, even though the compliance rate is assumed to be slightly lower (95% versus 100%). No actions are proposed that would result in losses of marine habitat or EFH. Impacts related to invasive species would continue to be significant and unavoidable, but, because vessel traffic would decrease compared to the Approved Project, those impacts would be less severe. Accordingly, this issue need not be considered in the SEIR.

5.0 Cultural Resources

The 2008 EIS/EIR determined that construction and operation of the Approved Project would have less-than-significant impacts on archeological, paleontological, ethnographic, and historic resources. The Revised Project would not change that determination because all physical elements of the 2008 EIS/EIS have already been constructed, and neither the revised mitigation measures nor the increased throughput would affect cultural resources. Accordingly, this issue need not be considered in the SEIR.

6.0 Geology

The 2008 EIS/EIR concluded that even with compliance with applicable engineering standards and building codes, exposure of people and property to seismic hazards during a major or great earthquake cannot be precluded, and the impact would be significant. The 2008 EIS/EIR further concluded that no mitigation measures are available that would reduce the impact to less than significant. That conclusion is still applicable to operation of the CS Container Terminal under the Revised Project. However, because neither the proposed changes to the mitigation measures nor the increased throughput would result in new or increased impacts, the issue need not be considered in the SEIR.

The 2008 EIS/EIR concluded that impacts associated with unstable or expansive soils, landslides, or soil erosion would be less than significant because the Project site is flat and is not near an unstable slope. The Revised Project involves no construction or other new physical elements. Changes to the mitigation measures and increased throughput would have no effect on the conclusions of the 2008 EIS/EIR; accordingly, this issue need not be considered in the SEIR.

7.0 Ground Transportation

The 2008 EIS/EIR concluded that construction of the Approved Project would not have significant impacts on local or regional intersections or freeways. Because the Revised Project does not include construction, this issue does not need to be considered in the SEIR.

The 2008 EIS/EIR concluded that operation of the Approved Project would have significant impacts on several intersections and imposed measures to mitigate those impacts. Because some of those measures have not yet been implemented, and in light of substantial changes in the regional and local transportation network, changes in traffic conditions, changes in analytical techniques, and changes in forecasted terminal throughput that have occurred since the 2008 EIS/EIR, the SEIR should consider whether those mitigation measures are still required and whether additional mitigation is necessary.

The 2008 EIS/EIR concluded that the Approved Project's impacts related to local transit services would be less than significant. The Revised Project contains no elements that would change that determination. None of the revised mitigation measures relates to public transit, and the small increase in throughput (less than 10%) compared to the Approved Project would not result in increased employment to the extent that a

substantially greater demand would be placed on public transit facilities. Accordingly, this issue need not be considered in the SEIR.

The 2008 EIS/EIR concluded that the Approved Project's impacts on the two freeway segments that were analyzed would be less than significant. Since that analysis, however, an agreement between the City of Los Angeles and Caltrans has increased the number of freeway segments that require analysis. Accordingly, the SEIR's transportation analysis should consider the Revised Project's impacts on freeway segments under both the Congestion Management Plan and the City-Caltrans agreement.

The 2008 EIS/EIR concluded that the Approved Project's impacts related to traffic delay at rail crossings were significant for two crossings in the vicinity of the CS Terminal: the Avalon Boulevard crossing and the Henry Ford Avenue crossing. No feasible mitigation was available for either crossing. The Avalon Boulevard crossing has since been eliminated by a flyover project, but the Henry Ford Avenue crossing remains; accordingly, the SEIR should consider the Revised Project's impacts on that crossing.

In addition, the 2008 EIS/EIR did not consider the potential effects of the Approved Project's rail traffic on grade crossings east of the downtown yards, i.e., in the Inland Empire. A court decision arising from the legal challenge to the 2008 EIS/EIR ruled that impacts on this system are not required to be evaluated in a CEQA document. In the legal decision, the court held: "We conclude neither the City nor the County of Riverside is in the 'vicinity' of the project. The Port did not abuse its discretion by failing to include in the recirculated Draft EIR an analysis of rail-related impacts on the City and County of Riverside." However, the issue remains important to a number of stakeholders; accordingly, the SEIR should include, for informational purposes only, an analysis of the impacts in the Inland Empire of rail transport of the marine containers resulting from the additional forecasted throughput for the Revised Project compared to the Approved Project.

8.0 Groundwater and Soils

The 2008 EIS/EIR identified significant impacts on ground water and soils related to construction of the Approved Project but did not identify impacts related to operation. The Revised Project's elements, including revised mitigation measures and increased throughput, would not change those conclusions. None of the mitigation measures affects ground water or soils, and the Revised Project does not include construction. The increased throughput, amounting to less than 10% of total throughput, would not affect ground water or soils. Accordingly, this issue need not be considered in the SEIR.

9.0 Hazards and Hazardous Materials

The 2008 EIS/EIR concluded that impacts of the Approved Project related to accidental releases or explosions, exposure to health hazards, interference with emergency response plans, regulatory policies, tsunami-induced flooding, and terrorist attack would be less than significant. The Revised Project's elements, including revised mitigation measures and increased throughput, would not change those conclusions. None of the mitigation measures affects risk. The increased throughput, amounting to less than 10% of total

throughput, would not substantially increase risks and therefore impacts. Accordingly, this issue need not be considered in the SEIR.

10.0 Land Use

The 2008 EIS/EIR concluded that the Approved Project would be consistent with applicable land use and conservation plans and policies and would not physically divide a community, and that impacts on land use would be less than significant. The Revised Projects elements, including increased throughput, would have no effect on land use or conservation plans and policies, nor would they result in physical division of a community because no new physical elements would be constructed. Accordingly, this issue need not be considered in the SEIR.

11.0 Marine Transportation

The 2008 EIS/EIR concluded that the Approved Project's impacts related to vessel transportation would be less than significant. The Revised Project would not alter that determination. None of the changed mitigation measures in the Revised Project would affect vessel safety: only one, MM AQ-9, requiring adherence to the VSRP, relates to vessel traffic, and the change in the Revised Project merely alters the implementation schedule and requires a compliance rate of 95% instead of 100%; neither change affects the ability of Los Angeles Harbor to accommodate vessel traffic. The increased throughput associated with the Revised Project would not increase vessel traffic; in fact, vessel traffic would decrease under the Revised Project as a result of changes in the world fleet since the 2008 EIS/EIR. Accordingly, this issue need not be considered in the SEIR.

12.0 Noise

The 2008 EIS/EIR concluded that operation of the Approved Project would have significant noise impacts at two locations near the CS Terminal: Knoll Hill and a neighborhood near Pacific Avenue and Front Street. Mitigation Measure NOI-2 was imposed to reduce operational noise, but has not yet been implemented. The measure states that: "Mitigation measures to reduce operational impacts would include installation of noise walls at the project site or residential property lines, if feasible, and/or soundproofing of impacted noise-sensitive structures for receivers on the east side of Knoll Hill, west of Front Street and south of the Vincent Thomas Bridge," and was to be implemented after construction was completed (i.e., December, 2013).

Because NOI-2 had not yet been implemented by 2015, it was included in the NOP for the Revised Project, although with the caveat that the need for the measure was uncertain. Subsequently, the Port determined not to include MM NOI-2 as an element of the Revised Project. The LAHD is investigating feasible ways to implement MM NOI-2 as originally imposed in order to mitigate the significant noise impacts in the Knoll Hill and Pacific Avenue/Front Street Neighborhoods. Therefore, analysis of the potential impacts of modification or elimination of MM NOI-2 need not be considered in the SEIR.

Nevertheless, when the Port determined, during the course of preparing the Draft SEIR, that capacity of the CS Container Terminal had increased incrementally compared to the capacity identified for the Terminal in the 2008 EIS/EIR, the LAHD commissioned a quantitative screening analysis to determine whether the assumed incremental increase in Terminal throughput that is being assumed to occur under the Revised Project has potential to result in new or substantially more severe significant noise impacts, relative to those disclosed for the Approved Project in the 2008 EIS/EIR. That screening analysis is presented in Appendix D2 of the Draft SEIR.

The screening analysis, which does not assume any reduction in noise impacts due to implementation of MM NOI-2, concludes that the assumed incremental increase in throughput under the Revised Project would not cause new or substantially more severe significant noise impacts compared to those disclosed for the Approved Project in the 2008 EIS/EIR. Accordingly, the potential for new or substantially more severe significant noise impacts due to the Revised Project need not be considered in the SEIR.

13.0 Recreation

The 2008 EIS/EIR concluded that the Approved Project's impacts related to recreational facilities would be less than significant. The Revised Project contains no elements that would change that determination. None of the revised mitigation measures relates to recreational facilities. The small increase in throughput (less than 10%) compared to the Approved Project would not result in increased employment to the extent that a substantially greater demand would be placed on recreational facilities. Accordingly, this issue need not be considered in the SEIR.

14.0 Utilities

The 2008 EIS/EIR determined that the Approved Project's impacts on wastewater facilities, storm drainage, water supplies, energy supplies, and solid waste regulations would be less than significant, but that its impacts related to landfill capacity would be significant, and imposed three mitigation measures to require recycling of construction and operational wastes and to comply with the City of Los Angeles solid waste management plan. These measures would reduce the impacts to less than significant.

The Revised Project would not alter those determinations. None of the revised mitigation measures in the Revised Project would affect utilities or solid waste management. The increased throughput could slightly increase terminal employment, which could slightly increase waste generation (both wastewater and solid waste) and energy use. However, any increase in waste generation would be small, given that throughput would increase by only 10%, and would not result in substantially increased impacts or new impacts. Increased energy use would be more than offset by LADWP's existing capacity: the 2008 EIS/EIR cited a LADWP statement that the utility has more than enough capacity to serve the CS Terminal. Accordingly, this issue need not be considered in the SEIR.

15.0 Water Quality, Sediments, and Oceanography

The 2008 EIS/EIR concluded that the Approved Project's impacts on water quality would be less than significant in every area except the possibility of spills, discharges, and contaminant leaching from vessels calling at the CS Container Terminal, which was determined to be significant. No mitigation for the significant impact was identified. The Revised Project's elements would not result in more severe impacts or new impacts. Although terminal throughput would increase under the Revised Project compared to the Approved Project, vessel traffic would decrease, as a result of the changing world fleet, which could reduce the potential for spills, leaching, and discharges, and would not increase impacts. Accordingly, this issue need not be considered in the SEIR.

16.0 Environmental Justice

Environmental justice is an issue that is required to be considered under NEPA, and was therefore included in the 2008 EIS/EIR. However, because CEQA does not require a consideration of environmental justice, the SEIR need not consider this issue.

17.0 Socioeconomics

The 2008 EIS/EIR concluded that construction of the Approved Project would employ up to 860 workers and generate some \$9 million in federal, state, and local taxes, but that the number of workers would be a small fraction of the total jobs in the project's five-county region of influence. Operation of the Approved Project would employ approximately 4,700 direct jobs and 3,750 indirect and induced jobs by 2045, and these jobs would represent an increase of approximately 6,000 jobs over the No Project condition. These jobs, in the context of the five-county region, would have negligible impacts on population, housing, and community services and infrastructure. In addition, the Approved Project would not contribute to urban blight.

The Revised Project would not alter those conclusions. The changed mitigation measures would not alter employment, housing, or other socioeconomic factors. The increased throughput could increase employment at the CS Container Terminal, which would have beneficial effects on the region's economy. However, any such effect would be small, given the minor increase in throughput (less than 10%) and the size of the region's economy. Accordingly, this issue need not be considered in the SEIR.

18.0 References

LADWP. 2016. Facts and Figures. https://www.ladwp.com/ladwp/faces/ladwp/aboutus/a-water/a-w-factandfigures?_adf.ctrl-state=crfmg4qlh_4&_afzLoop=272238191953585. Accessed 16 June 2016.