Chapter 2
Project Description

2.1 Introduction

This chapter describes the Proposed Project's physical and operational setting, its construction, and its physical and operational elements.

The April 2014 Special Public Notice of the NOI/NOP of the Draft EIS/EIR and Public Scoping Meeting for the Berths 121-131 [previously Yang Ming] Container Terminal Redevelopment Project identified a Proposed Project and two alternatives to be evaluated under NEPA: the Reduced Project Alternative and the No Federal Action Alternative (it also identified a CEQA-only No Project Alternative). The Proposed Project presented in the 2014 NOI/NOP consisted of the replacement of both wharves (Berths 121-125 and Berths 126-129), the redevelopment of the terminal's backlands to accommodate electrified cargo-handling operations, and the expansion of the intermodal railyard (constructed in two phases). The Reduced Project Alternative consisted of the replacement of only one wharf (Berths 126-129), minimal backlands improvements, and expansion of the intermodal railyard (constructed in one phase). Since publication of the 2014 NOI/NOP, the Port has reconsidered the economics of the original Proposed Project and concluded that it would be infeasible because the revenue could not offset the capital costs. Accordingly, the Port has renamed the Reduced Project Alternative from the 2014 NOI/NOP as the current Proposed Project to be considered and evaluated in this Draft EIS and the Draft EIR (see Appendix 1). As described in Chapter 3 of this Draft EIS, no other alternative requiring a federal action (USACE permit) has been identified that would have less environmental impact while meeting the overall project purpose and project objectives.

2.2 Project Location and Setting (Existing Conditions)

The Proposed Project's regional and local setting is described in more detail in Chapter 2 of Appendix 1, Draft EIR. The following material summarizes that information.

2.2.1 Regional and Local Setting

The Project site is located within the Port Complex, which is located approximately 20 miles south of downtown Los Angeles (Figure 1-1). The Port Complex serves as one of the nation's primary gateways for international trade, particularly with Pacific Rim countries, since it includes the nation's largest and second largest container ports.

International trade is a key economic engine for the southern California region, directly supporting jobs in cargo terminal operations, warehousing, freight management, trucking, and railroading, and supplying goods that support retail and manufacturing jobs throughout the region. Approximately half of the cargo coming through the Port Complex is moved by trucks to the regional market; the remainder is moved by rail and trucks to markets outside the Los Angeles metropolitan region.

The Port of Los Angeles occupies the western portion of the Port Complex, and consists of 43 miles of waterfront, approximately 300 commercial berths, and approximately 7,500 acres of land and water. Marine terminals are situated along the shoreline of the Port, enabling them to accommodate cargo vessels, trucks, and trains. Access to the ocean from the waterfront is via the Angel's Gate, an opening in the federal breakwater that protects the Port Complex. Transportation infrastructure located on the uplands (e.g., roads, rail lines, and freight-handling operations) supports the movement of cargo to and from the terminals. The Port is bordered by the communities of San Pedro and Wilmington.

The Proposed Project site (Figure 1-2) encompasses 186 acres at Berths 121-131 and associated backlands in the West Basin of the Port. The marine container terminal at the site was formerly operated by the West Basin Container Terminal Company under contract to Yang Ming Marine Transport Corporation, which held the site under LAHD Permit No. 787, but since October 11, 2021, has been operated by the Everglades Company Terminal, Inc. under LAHD Permit No. 953.

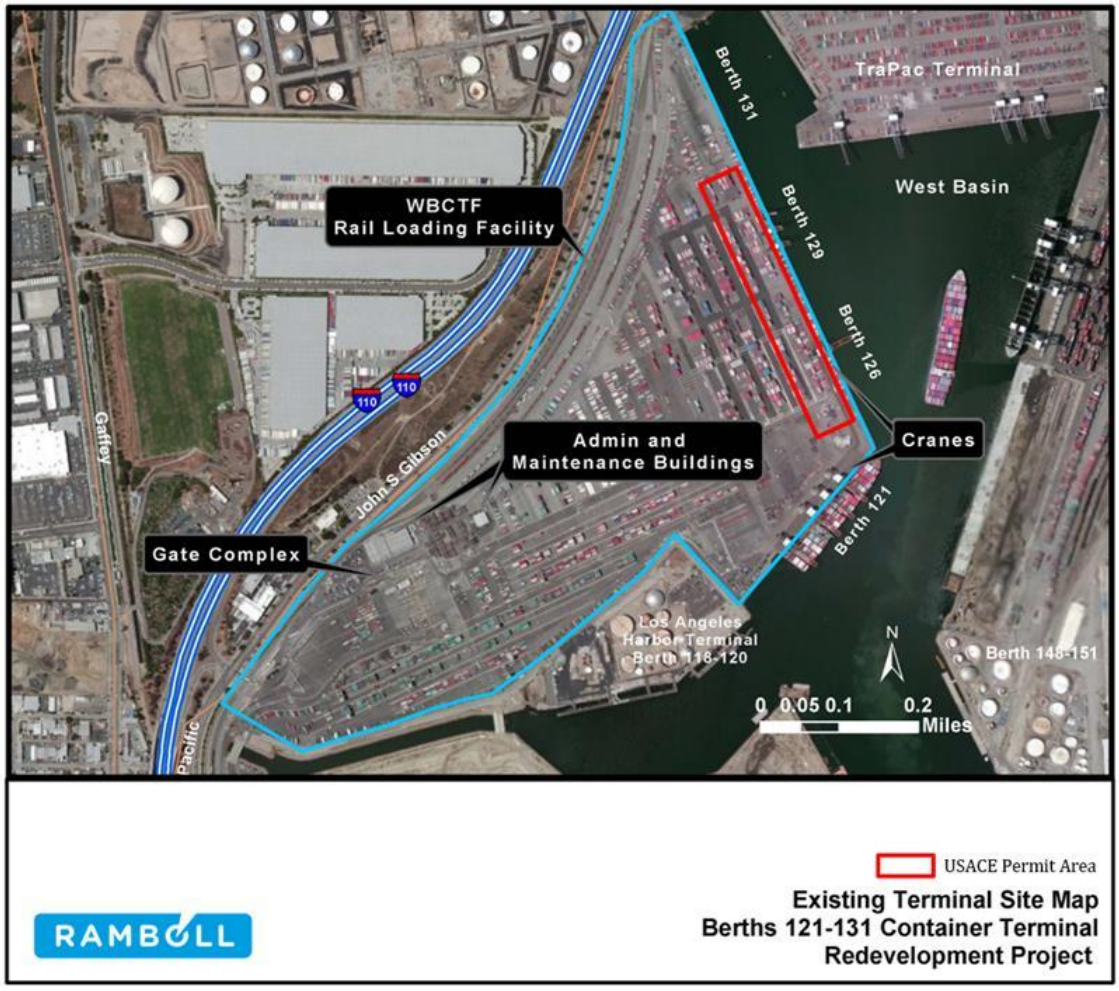
The site is generally bounded on the north by the TraPac container terminal, the I-110 freeway, the Conoco-Phillips refinery, and the community of Wilmington; on the east by the West Basin, the TraPac container terminal, and the Conoco-Phillips marine terminal; on the south by the China Shipping container terminal, Pacific Avenues, Front Street, and the San Pedro community; and on the west by the I-110 Freeway, the Port Los Angeles Distribution Center, and the community of San Pedro. Land uses in the vicinity of the Proposed Project site support a variety of cargo-handling operations, including container, liquid bulk, and dry bulk; commercial fishing and seafood processing; a power plant (Harbor Generating Station); Port administration and maintenance facilities; maritime support uses; and recreational, light commercial, and residential uses. These surrounding uses are described in more detail in Section 3.7, Land Use, of Appendix 1 (Draft EIR).

2.2.2 Existing Terminal Facilities and Operations in 2019

Terminal Facilities

The Proposed Project site (Figure 2-1), described in more detail in Chapter 2 of Appendix 1 (Draft EIR), consists of two berths for loading and unloading cargo ships, a large chassis parking/container storage yard, container and equipment maintenance and repair facilities, an entry/exit gate complex for trucks, a marine operations building, and an administration building. The terminal occupies a total of 186 acres. The terminal is currently berth constrained, which means its wharves cannot handle as much cargo as its backlands could accommodate.

Figure 2-1: Existing B121-131 Container Terminal and Federal Permit Area for the Proposed Project



The two vessel berths at the terminal are designated Berths 121-125 and Berths 126-129, and currently support five rail-mounted gantry cranes. The cranes are 50-foot gauge and are 209 feet high at the apex with an outreach of 145 feet. The water depth at both berths is approximately -45 ft. MLLW.

Terminal Operations

In 2019, the Berths 121-131 Terminal handled 353,924 TEUs, using vessels, trucks, trains, and cargo-handling equipment (Table 1-2). The Terminal typically operated 16 hours per day, 6 to 7 days per week, approximately 305 days of the year, and employed an average of 182 workers. Cargo containers entered and left the terminal by train through the WBICTF railyard and by trucks.

In 2019 the terminal received 153 vessel calls. Most of those vessels were 2,000-TEU- and 4,000-TEU-capacity vessels; none exceeded 8,000-TEU capacity. Vessel berthing requires the use of one or two tugboats for each vessel transit, or a maximum of four per

vessel call. It is possible for two vessels to berth at once, but usually only one vessel is at berth at any given time. The terminal is equipped with Alternative Maritime Power (AMP) infrastructure to allow AMP-capable vessels to use shoreside electrical power while at berth, but due to the nature of the vessels that called at the terminal, only 4 vessels connected to AMP in 2019.

The terminal's 2019 throughput required a total of approximately 319,000 one-way truck trips, with 1,214 peak daily truck trips. Of the 292,000 TEUs transported by trucks, approximately 53,000 TEUs were intermodal cargo trucked to near- and off-dock railyards.

In 2019 the WBICTF handled nearly 61,600 TEUs, or approximately 20 percent, of the Terminal's cargo. That cargo was hauled by 141 intermodal trains, or an average of nearly four trains per week. Outbound unit trains are assembled within the WBICTF either by switching locomotives operated by Pacific Harbor Line or by the large diesel locomotives of the Class I railroads. A loaded double-stack train is typically pulled by three or four locomotives. Inbound trains hauled by BNSF are all delivered to the WBICTF as full unit trains, whereas most trains hauled by UP are delivered to the WBICTF in segments from a nearby classification yard.

The Berths 121-131 Terminal operates using "traditional," as opposed to automated, methods to handle containerized cargo, meaning that workers operate all of the cargo-handling equipment (CHE), much of which is diesel-powered. The terminal's CHE is shared with the adjacent China Shipping Terminal, and approximately 22 percent of the total equipment inventory is typically used on the Berths 121-131 Terminal.

2.3 Proposed Project

The Proposed Project (Table 2-1, Figure 2-2) involves the construction and operation of improvements within the Berths 121-131 Terminal. Construction would consist of:

- Dredging up to approximately 310,000 cubic yards of sediments to deepen Berths 126-129 to -53 ft MLLW with a two-foot overdredge allowance for a total depth of -55 ft MLLW;
- Disposing of dredged sediments at approved upland sites (approximately 260,000 cy) and the approved LA-2 ocean disposal site (approximately 50,000 cy), with the latter including transport of dredged material to and vessel return from LA-2;
- Demolishing the existing wharf at Berths 126-129, including removing piles and reconstructing the existing rock dike, installing new concrete piles, and constructing a new concrete, pile-supported wharf at Berth 126-129;
- Relocating the five existing cranes to Berths 121-125 and installing up to ten new 100-ft gauge electrically powered wharf cranes on the new wharf at Berths 126-129;
- Expanding the WBICTF on-dock rail yard by adding three or four loading tracks and installing up to seven electrically powered RMG cranes.

In addition, a new 30-year permit, to 2055, would be granted to a selected future tenant. In support of the CAAP, the long-term permit would require the selected tenant to transition to zero emissions equipment beginning in 2035. Therefore, this document also

contains an evaluation of potential future construction of infrastructure to support zero-emission cargo-handling equipment.

Table 2-1: Baseline and Projected Throughput and Activity of the Proposed Project

Activity	CEQA Baseline	NEPA Baseline	Proposed Project			
	2019	2062	2026/2027*	2028	2036	2050/2062**
Throughput (millions of TEUs)	0.354	1.332	0.278	0.900	1.221	1.871
Annual Ship Calls	153	208	63	104	126	156
Peak Day Ship Calls	2	3	2	3	3	3
Annual One-Way Truck Trips (millions)	0.319	1.127	0.245	0.812	1.056	1.602
Annual Train Trips	142	939	88	277	1059	1059
Terminal Work Force	182	462	175	451	742	742
Wharf Cranes	5	5	5	15	15	15

Notes:

* Terminal operation would continue at reduced levels during construction, with vessels calling only at Berths 121-125.

** Throughput and activity levels in the period 2050 to 2062 are expected to remain constant because the terminal would reach capacity in 2050 under the Proposed Project.

2.3.1 Construction

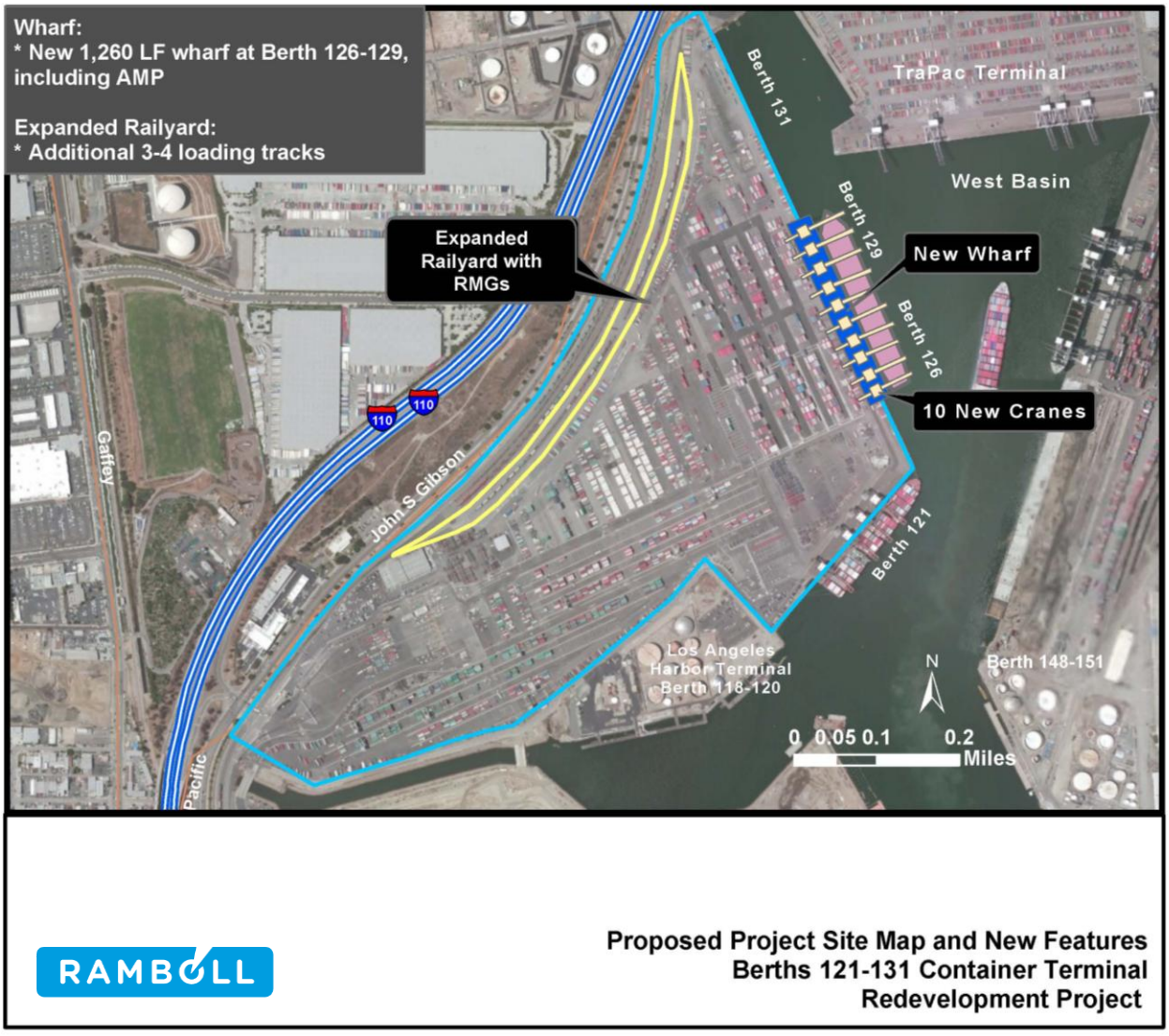
Details of construction are presented in Chapter 2, Section 2.5 of the attached Draft EIR (Appendix 1). This summary emphasizes the construction elements especially relevant to the NEPA analyses and impact determinations.

Dredging and Sediment Disposal

The proposed improvements to Berths 126-129 include dredging to increase the depth from -45 to -53 feet MLLW (Figure 2-3), with an additional two feet of allowable overdredge depth, for a total depth of -55 feet MLLW. Up to approximately 310,000 cubic yards (cy) of sediments would be dredged. Initial testing of sediment, performed in 2016, indicates the material is not uniform in chemical and physical characteristics throughout the entirety of the dredge footprint and therefore may be suitable for a number of disposal options, including upland disposal at an approved inland disposal facility, on-/near-site placement, beach replenishment, disposal in an approved confined disposal facility (CDF) in the Port, and disposal at a USEPA-approved ocean disposal site. Additional testing would be required before a final determination could be made by the permitting agencies on the suitability of disposal locations. The conservative assumptions (i.e., resulting in high-end estimates of impacts) used in this document include no availability of an in-Port CDF, no suitability for beach replenishment or on-/near-site placement, and very limited volume suitable for ocean disposal. Specifically, this analysis assumes approximately 260,000 cy of dredged material would be disposed of at an approved inland disposal facility and, if determined suitable, the remaining approximately 50,000 cy would be transported to and disposed of at the USEPA-approved LA-2 ocean disposal site.

Dredging would be conducted by water-based equipment, typically a single, barge-mounted derrick dredge supported by one or two tugboats and one or two small work boats. For inland disposal, the dredge material would be placed on land adjacent to the dredge site, managed for de-watering in accordance with applicable water quality permits, and then loaded onto trucks for transport to the disposal site(s). Material taken to LA-2 would be loaded onto dump scows and hauled by tugboats to the ocean disposal site.

Figure 2-2. Proposed Project Elements.



Wharf Construction and Crane Installation

The existing 1,260-foot wharf at Berth 126-129 would be demolished, and the 990 existing concrete piles supporting it would be removed by a combination of cutting and pulling. Deepening the berth would necessitate reconstruction of the rock dike in the

footprint of the new wharf (Figure 2-3). This analysis assumes, to be conservative, that the existing armor rock would be removed and stockpiled onsite until dredging is completed, then replaced (with additional quarry rock if necessary) to protect the new dike. Construction would involve both land-based and water-based equipment. The new shoreline would likely be somewhat landward of the existing shoreline, so that there would be no loss of existing water area (see Figure 2-3).

A new, 1,260-feet-long by 100-feet-wide, pile-supported wharf capable of supporting 100-foot-gauge, super-post-Panamax cranes would be constructed at Berths 126-129. The new wharf would be constructed of reinforced concrete and supported by approximately 650 new, 24-inch-diameter, concrete piles that would be driven through the reconstructed shoreline dike and its armor rock by a combination of jetting and impact hammer methods. Pile placement would be accomplished by a land-side crane and/or a water-based derrick crane barge supported by a tugboat, supply barge, work boat, and pile delivery trucks. AMP structures would be placed on the new wharf near its landside edge. The new wharf would be located in the same footprint as the demolished wharf and would not result in an increase in shading. The new wharf would be supported by approximately 250 fewer concrete piles than the existing wharf.

Up to ten new, 100-foot-gauge, single- or dual-hoist, super-post-Panamax cranes, with their supporting crane rails and electrical infrastructure, would be installed at the terminal. The crane rails would run parallel to the wharf face; the waterside rail would be supported by the outer row of pilings and the landside rail by reinforcement at the top of the rock dike (Figure 2-2). The new cranes would be approximately 270 feet high at the apex and would have an approximately 240-foot outreach in order to accommodate loading and unloading of the largest cargo vessels. For analysis purposes, it is assumed that the fully assembled new cranes would be delivered to the wharf by three specialized cargo ships. The new cranes would operate much like the existing cranes but would be more energy efficient and capable of reaching across the largest cargo vessels.

The five existing 50-foot-gauge cranes currently in use would remain on the terminal for use at Berths 121-125. At full buildout, therefore, the Berths 121-131 Terminal would have up to 15 wharf cranes: the five existing 50-ft-gauge cranes that would operate at Berths 121-125 and up to ten new 100-ft-gauge cranes that would operate at Berths 126-129.

Other Improvements

Expansion of the WBICTF on-dock rail would include the addition of three or four new tracks and the reconstruction of a portion of the backlands to accommodate the rail expansion. In addition, rails and electrical infrastructure to support RMGs would be installed, and four to seven RMGs would be delivered, likely by oceangoing vessels, and installed at the railyard.

Backlands improvements would also include repaving, re-striping, and relocation of lighting to accommodate future zero-emissions operation. Relocation or reconstruction of minor support buildings and other structures could also occur, depending on final design.

This document assumes that construction of electrical charging infrastructure is needed to support the future conversion of CHE to zero-emission technology (this assumption is conservative because technologies other than electric would require less infrastructure). Infrastructure constructed as part of the Proposed Project would be a minor element of

the overall construction, consisting of equipment charging stations and pads, upgraded on-site electrical substations, and trenching for electrical supply feeds (see Section 2.3.2 for more detail).

Construction Schedule

For the purposes of the analyses in this Draft EIS, construction of the Proposed Project is assumed to begin in 2026 and last for approximately 24 months. This assumption is conservative because construction starting later would employ less polluting equipment and thus produce lesser impacts. Construction is assumed to take place six days per week (Monday through Saturday) except national holidays. In general, construction would occur between 6 a.m. and 6 p.m., although some night construction, particularly for dredging operations, could be necessary. The Berths 121-131 Terminal would continue to operate, receiving and loading cargo, throughout the entire construction period, receiving vessels at Berths 121-125.

The actual length of time needed to construct the Proposed Project, including the environmental review process, project design, and associated permitting, cannot be determined with certainty at this time; therefore, the various dates and durations in this document are for planning purposes and to evaluate the potential for environmental impacts. The start of construction in 2026 is a conservative assumption, as a later start date would involve less polluting construction equipment.

2.3.2 Proposed Project Operations

Operation of the Proposed Project is described in more detail in Section 2.5.2 of the Draft EIR (see Chapter 2 of Appendix 1, Draft EIR).

Terminal Operations

As part of the Proposed Project, the LAHD would enter into a 30-year lease with the terminal's tenant (which may not be the current lessee), which would terminate in 2055. Although the timing of the new lease is not certain, this document assumes, for purposes of the impact analyses, that the Proposed Project would begin operation in early 2028.

The Proposed Project would result in a backland-constrained terminal (i.e., capacity limited by the backland area's container-handling capability). Implementation of the Proposed Project would improve the ability of the Berths 121-131 Terminal to accommodate the projected fleet mix that would include vessels up to 14,000 TEU capacity. The Proposed Project would increase the capacity of the terminal from its current maximum of 1,332,000 TEUs per year to an estimated maximum of 1,871,405 TEU in the horizon year (2055); because the terminal is actually expected to reach maximum capacity in approximately 2050 (Table 2-1), the horizon year is generally presented as "2050/2062" in this document. The analysis includes several interim years, as shown in Table 1-3. These include the construction period (2026-2027), 2028 (opening day of the improvements), and 2036 (the first year of fully zero-emissions cargo-handling equipment), in addition to the horizon year of 2050/2062.

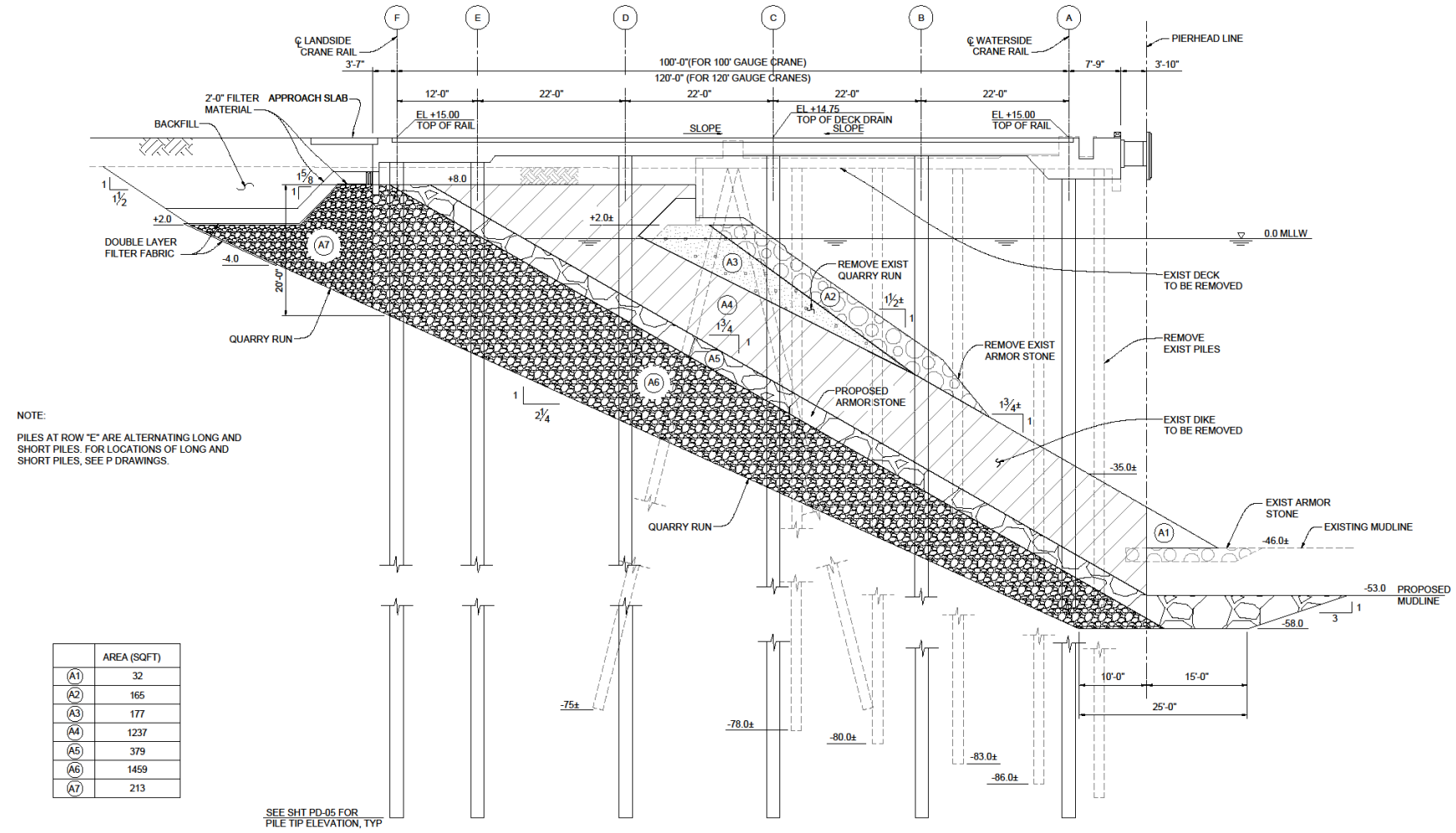
The terminal could accommodate one large vessel (up to 14,000 TEU capacity) and one small vessel at the same time (the large one at Berths 126-129, the small one at Berths 121-125). This analysis assumes that four ships (three small and one large) or three ships

(two large and one small) could call at the terminal in any given week, because each berth could handle up to two ships per week, depending on the size. With the projected mix of vessel sizes, the terminal is anticipated to receive up to 156 ship calls per year by 2050/2062.

The 2050/2062 throughput of 1,871,405 TEUs would generate a total of approximately 6,000 peak daily and 1,602,000 annual one-way truck trips to haul the approximately 1,200,000 TEUs that would not be handled by the on-dock WBICTF. The volume of the Berth 121-131 Terminal's cargo passing through portion of the WBICTF on-dock railyard is expected to increase from 61,574 TEUs in 2019 to a maximum of approximately 400,500 TEUs by 2050/2062. The additional rail tracks would provide sufficient capacity to handle that increase. Railcars would be loaded and unloaded by electrically powered RMGs instead of the diesel-powered, rubber-tired top-handlers currently used. The terminal would generate an estimated 1,067 train trips per year from the expanded WBICTF.

This analysis assumes that at the start of operation in 2028 the terminal would primarily operate diesel-powered cargo-handling yard equipment (CHE). Equipment turnover prior to 2035 would replace aging units with the cleanest available CHE units. However, the Proposed Project would include the operation of the electric-powered RMGs in the intermodal railyard and new electrically powered wharf cranes. Operation of the Proposed Project's cargo-handling equipment would be similar to existing operations (Section 2.2.2) in that containers would be handled by CHE operated by longshore labor. The terminal would continue to operate with a mixture of wheeled and grounded modes.

Figure 2-3. Cross-section of the existing and proposed dike and wharf at Berths 126-129.



Future Zero Emissions Equipment and Infrastructure Planning

Consistent with the goals of the CAAP, the long-term permit issued by LAHD would require the selected tenant to develop and implement a plan to transition to zero emissions CHE. Equipment could be battery-electric, fuel cell, or another zero-emission technology, depending on the available technologies at the time. Since the number of units, equipment type, and fuel type to be selected by the tenant are unknown at this time, the analysis contained in this document assumes that future construction of electrical charging infrastructure is needed to support the conversion. This infrastructure would include equipment charging stations and pads, upgraded on-site electrical substations, and trenching for electrical supply feeds. Because the selection of other fueling infrastructure, such as hydrogen, would involve less intensive construction, the assumption of electrically powered CHE is conservative in that it results in the maximum potential construction impacts. This document also includes a conversion of CHE to zero-emissions technology by 2035 in its analysis of impacts. Additional details of the assumptions underlying the analyses are provided in Section 2.5.1.4 of Appendix 1, Draft EIR.

2.4 Analysis Baseline and Scope

To determine whether the proposed action would have significant and unavoidable impacts on the environment, impacts resulting from implementation of the Proposed Project and project alternatives are compared to a baseline condition. The difference or increment between the Proposed Project or project alternative and the baseline is then compared to a threshold to determine if the difference between the two is significant. As discussed in more detail Appendix 1, Section 1.1.6, and summarized below, the NEPA lead agency and CEQA lead agency are using different baselines against which to determine significance.

The NEPA baseline changes over time (it is dynamic) in response to increases or decreases in activity or other factors that would or could occur at the project site absent federal action, in this case the issuance of a USACE permit. The CEQA baseline represents a fixed point in time. Given that the baselines are different, review under NEPA and CEQA could reach different conclusions concerning impacts at a given point in time from the same proposed project activity.

2.4.1 NEPA Baseline and No Federal Action Alternative

The evaluation of significance under NEPA (in an EIS) is defined by comparing the proposed project or project alternative to the NEPA baseline scenario in future years. The NEPA baseline is not bound by statute to a “flat” or “no-growth” scenario; rather, it is the set of actions and conditions that would reasonably be expected to occur in the absence of federal action, in this case a USACE permit, including increases in operations or backland improvements over the life of a project. In addition, the NEPA baseline could also include improvements that require a CEQA action, such as on-land improvements that do not result in impacts to waters of the United States.

For this Draft EIS, the NEPA baseline, which is the same as the No Federal Action Alternative, would not include any wharf demolition, dredging, dredged material

disposal, wharf construction, or new cranes in, over, or under navigable waters of the United States (Table 2-2). However, under the NEPA baseline scenario the backlands improvements associated with expansion of the WBICTF on-dock railyard, container yard improvements, and installation of zero-emissions cargo-handling equipment would occur; a new lease would be put in place with a term through 2055; and existing operations—including projected growth in goods movement using existing wharf and berth infrastructure—would continue up to the terminal's maximum physical capacity.

Table 2-2: NEPA Baseline/No Federal Action Alternative

Activity	No Federal Action Alternative and NEPA Baseline		
	2028	2036	2062
Throughput (millions of TEUs)	478,000	909,000	1,332,000
Annual Ship Calls	104	156	208
Peak Day Ship Transits	3	3	3
Annual One-Way Truck Trips (millions)	0.457	0.803	1.182
Annual Train Trips	157	520	768
Operating Wharf Cranes	5	5	5

In this Draft EIS, the terms "NEPA baseline" and "No Federal Action Alternative" are used interchangeably throughout this document. In short, they serve as a basis of comparison in evaluating environmental impacts under NEPA and provide an understanding of what actions and conditions are expected to occur at/near the project site in the absence of federal action (i.e., no activities would affect waters of the U.S. that would require a DA permit from USACE).

2.4.2 Federal Scope of Analysis

In general, the scope of federal review for evaluating the potential impacts of a proposed project focuses on those aspects of the project that affect federal agency jurisdiction. The USACE has jurisdiction over activities affecting navigable waters and other waters of the United States, as well as over transport of dredged material for the purpose of ocean disposal (in this case, at LA-2, a USEPA-approved site). USACE has no authority or responsibility to regulate activities, such as backland operations, that are presently occurring or could occur absent a USACE permit.

Under federal law and in accordance with the USACE NEPA Implementing Regulations and Procedures (33 CFR Part 333, including conforming changes to Parts 320 and 325, promulgated July 3, 2025; see 90 *Federal Register* 29465), "the District Engineer should establish the scope of the Corps' NEPA review to address the impacts of the specific activity requiring the Department of the Army (DA) permit or 33 U.S.C. 408 permission and those portions of the entire project over which the District Engineer has sufficient control and responsibility to warrant Federal review. The District Engineer is considered to have control, responsibility, and legal authority for portions of the project beyond the limits of Corps jurisdiction where the Federal involvement is sufficient to turn an essentially private action into a Federal action, consistent with Congress's exclusions

from the definition of "major Federal action" at NEPA Section 111(10) and the Supreme Court's holding in *Seven County* that NEPA does not require an agency to analyze effects from actions beyond the action the agency itself is taking or authorizing" (33 CFR § 333.18(c)(1) and (2)).

USACE regulations, whether considering the previous NEPA Implementation Procedures for the Regulatory Program at 33 CFR Part 325 (Appendix B) or the current Corps NEPA Implementing Procedures for the Corps Regulatory and Section 408 programs promulgated by IFR on 3 July 2025, which added Part 333 and made conforming changes to Parts 320 and 325, identify four factors to be considered in determining "whether sufficient control, responsibility, and legal authority exist to turn an essentially private action occurring outside of Corps jurisdiction into a Federal action." These four factors in determining federal scope of analysis include:

1) whether or not the regulated activity represents merely a link in a corridor-type project (e.g., a transportation or utility transmission project);
2) whether there are aspects of the upland facility in the immediate vicinity of the regulated activity that affect the location and configuration of the regulated activity;
3) the extent to which the entire project would be within USACE jurisdiction; and
4) the extent of cumulative federal control, responsibility, and legal authority.

With respect to the first factor, the Proposed Project is a container terminal improvement/ redevelopment project, which consists of wharves and associated cranes, dredging, dredged material disposal, discharges of dredged or fill material, backlands development, and rail infrastructure expansion. Thus, it is not "merely a link" in a corridor-type project, such as a highway or a utility line crossing.

Considering the second factor, as the Proposed Project site is an existing container terminal in the Port, there is a physical link between the upland container yard/backlands and the adjacent wharves and associated cranes in and over waters of the United States that support the terminal's operations. While this consideration might suggest expanding the federal scope of analysis to include the upland container yard/backlands, the existing terminal is a fully functioning container terminal that has been operating at this location for over 30 years, and, as such, many of the upland/backland impacts that would or could occur at the site under the Proposed Project represent, from USACE's perspective, non-jurisdictional activities or operations, and the resultant impacts could occur regardless of whether activities regulated by the USACE, as proposed, are authorized.

In evaluating the third factor, the extent of waters of the United States that would be affected by the Proposed Project represents a relatively small portion of the approximately 186-acre proposed project area. With respect to navigable waters of the United States, the proposed in-water work at Berths 126–129 would affect approximately seven acres, or approximately four percent, of the total project area.

For the fourth factor, other than the requirement to obtain the USACE permit, there is no federal involvement on this site that would warrant broadening the federal scope of analysis, such as use, transfer, or sale of federal property; federal funding including cost sharing, guarantee, or financial assistance; or impact to federally listed historic properties, threatened or endangered species, designated critical habitat, or other federally recognized natural resources. There is also no other federal agency that controls the

environmental effects of land development on the upland portions of the proposed project area, and state and local regulations would control the design of the Proposed Project. Further, the federal and non-federal portions of the Proposed Project could take place independently of each other. In summary, the environmental consequences of the whole Proposed Project would not be essentially products of the federal action. Rather, they would be primarily the product of non-federal interests and designs.

In accordance with USACE regulations, including the four factors considered above, the appropriate scope of analysis for the federal action consists of permanent and temporary, direct and indirect impacts to waters of the United States associated with dredging, dredged material disposal (including ocean transport), installation of piles, slope modification including dike removal and placement of new armor/dike rock, wharf construction/reconstruction including crane rail, crane replacement, and construction-related activities in uplands that would take place within 100 feet of the water's edge that are required to complete discharges of dredged or fill material, and work and structures in/over/under jurisdictional waters of the United States, such as provision of AMP and crane power to the wharves (i.e., actions directly traceable to the proposed in/over/under water work and structures). Figure 2-1 shows the USACE permit area in the federal scope of analysis.

Based on the Initial Study Checklist and scoping comments received on the April 2014 Notice of Intent (Appendix 2), USACE identified potentially significant indirect and cumulative effects on aesthetics, air quality, biological resources, cultural resources, hazards and hazardous materials, water quality, noise, and transportation within the scope of federal control that could occur as a result of discharges of dredged or fill material into waters of the U.S., demolition, pile driving and wharf construction/reconstruction, dredging of the berths and dredged material disposal, and operation of the Proposed Project due to the replacement of the gantry cranes. Although operational impacts in the uplands are normally outside the jurisdiction of USACE, USACE has decided to disclose potentially significant indirect and cumulative impacts.

The significance of impacts of the Proposed Project or an alternative under NEPA is defined by comparing the impacts of the Proposed Project or alternative to the NEPA baseline. This comparison represents the incremental difference between implementation of the Proposed Project or alternative and the future conditions that are likely to occur without federal action, in this case, the issuance of the USACE permit. In this case, the USACE permit decision would focus on direct impacts to the aquatic environment. In the case of the Proposed Project analyzed herein, and as discussed, the NEPA baseline is equivalent to the No Federal Action Alternative (which is identified as Alternative 2 in the Draft EIR, Appendix 1).