

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

BERTHS 212–224 (YTI) CONTAINER TERMINAL IMPROVEMENTS PROJECT

ENVIRONMENTAL IMPACT REPORT (EIR)

APP # 130204-020 / SCH # 2013041017

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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 Berths 212–224 (YTI) Container Terminal Improvements Project (proposed Project). Section 21081 of the PRC and Section 15091 of the State 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. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding.
2. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
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.

Additionally, the Lead Agency must not approve a project that will have a significant effect on the environment unless it finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the unavoidable adverse environmental effects (PRC 21081(b); 14 California Code of Regulations [CCR] 15093). The Board of Harbor Commissioners (Board) adopts the Statement of Overriding Considerations set forth below, which identifies the specific overriding economic, legal, social, technological, or other benefits of the proposed Project that outweigh the significant environmental impacts identified in the Final EIR.

1 The proposed Project includes project elements that will require a federal permit from the
2 U.S. Army Corps of Engineers (USACE). As such, an Environmental Impact Statement
3 (EIS) was also prepared for the proposed Project pursuant to the National Environmental
4 Policy Act (NEPA). The USACE and LAHD prepared a joint EIS/EIR (EIS/EIR) in the
5 interest of efficiency and to avoid duplication of effort. The USACE, as the federal lead
6 agency, will consider approval of the EIS separate from the Board of Harbor
7 Commissioner's consideration of the Final EIR. However, because these Findings of
8 Fact are based on information contained in the joint EIS/EIR, references to both the Draft
9 and Final EIS/EIR are made throughout this document.

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2.1 Introduction

This section describes the proposed Project analyzed in the Berths 212–224 (YTI) Container Terminal Improvements Project Environmental Impact Statement/Environmental Impact Report (EIS/EIR). The EIS/EIR analyzes the construction and operation of the proposed Project.

2.2 Project Purpose

LAHD operates the Port under the legal mandates of the Port of Los Angeles Tidelands Trust (Los Angeles City Charter, Article VI, Section 601) and the California Coastal Act (PRC Division 20 Section 700 et seq.), which identify the Port and its facilities as a primary economic and coastal resource of the State of California and an essential element of the national maritime industry for the promotion of commerce, navigation, fisheries, and Harbor operations. Activities should be water dependent and LAHD must give highest priority to navigation, shipping, and necessary support and access facilities to accommodate the demands of foreign and domestic waterborne commerce. LAHD is chartered to develop and operate the Port to benefit maritime uses, and it functions as a landlord by leasing Port properties to more than 300 tenants.

The purpose of the proposed Project is to improve maritime shipping and commerce by upgrading container terminal infrastructure in, over, and under water and on terminal backlands to accommodate the projected fleet mix of larger container ships (up to 13,000 twenty-foot equivalent units [TEUs]) that are anticipated to call at the YTI Terminal through 2026. The proposed Project would optimize the terminal’s efficiency and would improve maritime shipping and commerce. This would be accomplished through dredging to deepen two berths at the terminal, including the addition of subsurface king piles and sheet piles to stabilize the existing wharf structure, replacing and/or extending gantry cranes, extending the 100-foot gauge crane rail along the wharf deck to Berths 217–220, adding a new operational rail track within the existing Terminal Island Container Transfer Facility (TICTF) on-dock rail yard, and repairing and strengthening the backlands.

The proposed Project is needed for several reasons, primarily related to projected increases in the size of vessels in the fleet mix throughout the life of the proposed Project. Forecasts show that vessel fleets calling at the YTI Terminal will include larger vessels (up to 13,000 TEUs). The existing berths that would be upgraded as part of the proposed

1 Project are currently dredged to -45 feet Mean Lower Low Water (MLLW) and are not
2 deep enough to accommodate the projected fleet mix through 2026. The deepest existing
3 berth can only accommodate 8,500 TEU vessels. In addition to depth restrictions, the
4 majority of the existing cranes and crane infrastructure cannot efficiently service the
5 larger vessels. The existing 50-foot gauge crane rail at Berths 217–220 is not of
6 sufficient size or gauge to accommodate the type and size of cranes capable of efficiently
7 loading and unloading the existing fleet mix calling at the terminal or the larger container
8 ships expected to call through 2026. Currently, all operating cranes have a 100-foot
9 width between the rails. A temporary 100-foot gauge crane rail extends partially onto
10 Berths 217–220 to allow cranes to be moved out of the way for storage, but the
11 temporary crane rail lacks the structural integrity to support operating cranes. Only four
12 of the existing 14 cranes at the terminal are tall enough and have an outreach long enough
13 to load and off-load the largest vessels anticipated to call at the terminal. Also, the
14 TICTF on-dock rail yard does not have the capacity to efficiently accommodate an
15 increase in peak container volumes associated with larger container ships calling at the
16 terminal. Consequently, an additional operational rail track is needed. Finally, the YTI
17 Terminal container yard backlands are deteriorating and in need of repair and
18 strengthening to prevent further damage to equipment and pavement throughout the life
19 of the proposed Project.

20 **2.3 CEQA Objectives**

21 The State CEQA Guidelines (Section 15124(b)) require that the project description
22 contain a statement of objectives, including the underlying purpose of the proposed
23 Project. The overall proposed project objective is to optimize the container-handling
24 efficiency and capacity of the Port to accommodate the projected fleet mix of larger
25 container vessels (up to 13,000 TEUs) that are anticipated to call at the YTI Terminal
26 through 2026. To meet the proposed project objective, the following more detailed
27 objectives need to be met:

- 28 ▪ optimize the use of existing land at the YTI Terminal and associated waterways
29 in a manner that is consistent with LAHD’s tidelands trust obligations;
- 30 ▪ provide sufficient water depth to ensure the terminal’s ability to accommodate
31 larger container ships of up to 13,000 TEUs that are anticipated to call at the
32 terminal through 2026;
- 33 ▪ improve the container terminal berthing facilities at the YTI Terminal to
34 accommodate the berthing and loading/unloading of the larger ships up to 13,000
35 TEUs that are anticipated to call at the terminal through 2026;
- 36 ▪ increase on-dock rail facilities to accommodate projected daily peak increases in
37 container movement into and out of the YTI Terminal resulting from the
38 handling of larger ships; and
- 39 ▪ improve the container terminal backlands to minimize ongoing needs for
40 pavement repair and maintenance.

2.4 Project Description

The proposed project site is at 701 New Dock Street on Terminal Island, within an industrial area in the vicinity of the East Basin and Turning Basin in Los Angeles Harbor (Figure 2-2 in the Draft EIS/EIR). The site is generally bounded on the north by confluence of the Cerritos and East Basin Channels, on the east by SA Recycling at Berths 210–211, on the south by Seaside Avenue and State Route (SR) 47, and on the west by the East Basin Channel. The site is within the Port of Los Angeles Community Plan area of the City of Los Angeles, which is adjacent to the communities of San Pedro and Wilmington. The proposed project site encompasses a total of approximately 185 acres, including the YTI Terminal and a portion of the TICTF (Figure 2-3 in the Draft EIS/EIR). The berths and container yard occupy approximately 157 acres, YTI's portion of the TICTF on-dock rail is approximately 24 acres, and an additional 4 acres are unused. The existing terminal consists of two operating berths, Berths 212–213 and Berths 214–216, and one non-operating berth, Berths 217–220.

YTI plans to exercise an option to extend its lease through 2026. The proposed project horizon year is 2026, the final year of the extended lease.

Physical improvements proposed at the existing YTI Terminal include dredging and installing sheet piles and king piles at Berths 214–216 and Berths 217–220, adding and replacing/extending wharf gantry cranes, extending the 100-foot gauge crane rail along the wharf deck to Berths 217–220, improving/repairing backlands across the entire site, and adding a new operational rail track within the existing TICTF on-dock rail yard. All improvements would occur within the existing boundaries of the YTI Terminal. The proposed Project does not include physical improvements at Berths 221–224 except for resurfacing of backland areas. Improvements at Berths 212–213 would be limited to raising the height and extending the booms of cranes, and resurfacing backland areas.

All dredged material would be disposed of at an approved site, such as the LA-2 Ocean Dredge Material Disposal Site (ODMDS) (LA-2), the Berths 243–245 confined disposal facility (CDF), or another approved location. The Final Sediment Characterization Report for Berths 212–224 YTI Container Terminal Improvements Project, Los Angeles Harbor (Appendix F of the Final EIS/EIR, AMEC 2014) concluded that the vast majority of the sediment is suitable for ocean disposal. Only the top two feet of Composite A at Berths 214–216 (approximately 5,200 cubic yards) was determined not to be suitable for ocean disposal, but could be placed in the Berths 243–245 CDF. The Composite Area A bottom material (approximately 15,800 cubic yards), as well as all of Composite Area B (approximately 21,800 cubic yards), were deemed suitable for ocean disposal.

After construction, the terminal would have three operating berths. These improvements would enable the terminal to accommodate the projected fleet mix of larger container ships (up to 13,000 TEUs) that are anticipated to call at the terminal through 2026, and would increase the capacity of the terminal from 1,692,000 TEUs to 1,913,000 TEUs annually.

The proposed Project would be constructed in two phases over an approximately 22-month schedule, expected to begin in mid-2015. Phase I is expected to last approximately 12 months and would consist of deepening Berths 217–220 (including installation of sheet piles), extending the 100-foot gauge crane rail, expanding the TICTF, relocating two Port-owned cranes, relocating and realigning two YTI cranes, delivering

1 and installing up to four new cranes, raising and extending up to six YTI cranes, and
2 conducting backland surface improvements. During Phase I, two berths (Berths 212-213
3 and 214-216) would be in operation.

4 Phase II is expected to take approximately 10 months and would involve deepening
5 Berths 214–216 (including installation of king piles and sheet piles) and conducting
6 backland surface improvements. No physical changes would occur at Berths 221–224
7 except for surface improvements in the backland area. During Phase II, two berths
8 (Berths 212-213 and the newly improved Berths 217-220) would be in operation.

9 Below is a summary of the improvements that would occur at the terminal, with more
10 detailed descriptions following.

- 11 ▪ extending the height and outreach of up to six existing cranes;
- 12 ▪ replacing up to four existing non-operating cranes;
- 13 ▪ dredging and installing sheet piles and king piles at Berths 214–216 and
14 217–220;
- 15 ▪ extending the existing 100-foot gauge landside crane rail to Berths 217–220;
- 16 ▪ performing ground repairs and maintenance activities in the backlands area; and
- 17 ▪ expanding the TICTF on-dock rail by adding a single operational rail track.

18 **2.4.1 Terminal Improvements**

19 **2.4.1.1 Dredging and Pilings**

20 The proposed improvements to Berths 214–216 include: (1) dredging to increase the
21 depth from -45 to -53 feet MLLW (with an additional 2 feet of overdredge depth, for a
22 total depth of -55 feet MLLW); and (2) installing sheet piles and king piles to
23 accommodate the dredging activities and help to support and stabilize the existing wharf
24 structure. Dredging would remove approximately 21,000 cubic yards (cy) of sediment
25 from the berth. The king piles would be installed approximately 35 feet below the
26 mudline and the sheet piles would be installed 15 feet below the mudline, across
27 approximately 1,400 linear feet along the berth (Figure 2-8 in the Draft EIS/EIR).

28 The proposed improvements at Berths 217–220 would include dredging to increase the
29 depth from -45 to -47 feet MLLW (with an additional two feet of overdredge depth, for a
30 total depth of -49 feet MLLW). Dredging would require the removal of approximately
31 6,000 cy of sediment. Sheet piles would be installed approximately 15 feet below the
32 mudline and across approximately 1,200 linear feet along the berth (Figure 2-9 in the
33 Draft EIS/EIR).

34 All of the dredged material, approximately 27,000 cubic yards, would be disposed of at
35 an approved site, which may include the LA-2 ocean disposal site, the Berths 243–245
36 CDF, or another approved location. A sediment characterization study was performed at
37 Berths 212–224 in 2013 to determine the suitability of sediments from the proposed
38 dredge footprint for unconfined aquatic disposal (AMEC 2013). Testing indicated that
39 the majority of sediments within the Berths 212–224 footprint complied with the
40 chemistry, toxicity, and bioaccumulation suitability requirements for ocean disposal

1 (Title 40 Code of Federal Regulations [CFR] Parts 220–228), with some higher levels
2 associated with unconsolidated surface (top-layer) sediments at Berths 214–216.
3 Therefore, the majority of dredged material (21,800 cubic yards) would be suitable for
4 placement at LA-2.

5 **2.4.1.2 Crane Extension/Replacement**

6 Currently, there are 10 operating cranes (14 cranes total) at the terminal. Under the
7 proposed Project, there would be up to 14 operating cranes and two non-operating cranes.
8 The proposed Project includes raising and increasing the outreach of some of the existing
9 wharf cranes and replacing some existing cranes with super post-Panamax cranes¹. The
10 four existing largest super post-Panamax cranes (cranes 5–8) would remain and would
11 not be modified. Up to six existing cranes (cranes 1–4 and 9–10) would be raised, and
12 the booms would be extended to match the size of the four largest cranes (197 feet) to
13 accommodate loading and unloading of 22-container-wide cargo vessels. A maximum of
14 four new super post-Panamax cranes would be added to replace smaller cranes at the YTI
15 Terminal. The existing non-operating cranes (cranes 11–12) would be moved to the far
16 end of Berths 217–220 and stored for non-use. Additionally, the existing non-operating
17 cranes owned by the Port (cranes P18–P19) would be relocated off site. Table 1
18 summarizes the proposed modifications to the cranes at the terminal. The crane locations
19 identified in Table 1 are reasonably likely locations that have been assumed for the
20 purposes of performing a visual analysis; however, the cranes are designed to move along
21 the wharves and would be located where needed to efficiently load and unload vessels.

¹ Super post-Panamax refers to the largest modern container cranes that are used for vessels of approximately 22 or more containers wide (too large/wide to pass through the Panama Canal), and can weigh 1600–2000 metric tons. Currently, the Panama Canal can only handle vessels up to about 5,000 TEUs, and after the expansion (to be operational in 2015) it will be able to handle vessels of cargo capacity up to 13,000 TEUs.

Table 1: YTI Terminal Proposed Crane Modifications and Replacements

Crane Number	Existing		Proposed	
	Maximum Outreach	Containers Wide	Maximum Outreach	Containers Wide
1	153'	17	197'	22
2	153'	17	197'	22
3	180'	20	197'	22
4	180'	20	197'	22
5	197'	22	197'	22
6	197'	22	197'	22
7	197'	22	197'	22
8	197'	22	197'	22
9	145'	16	197'	22
10	145'	16	197'	22
11*	145'	16	145'*	16
12*	145'	16	145'*	16
P18*	110' 3"	13	N/A	N/A
P19*	110' 3"	13	N/A	N/A
New	N/A	N/A	197'	22
New	N/A	N/A	197'	22
New	N/A	N/A	197'	22
New	N/A	N/A	197'	22

Note:

* Non-operating crane

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2 **2.4.1.3 Extension of Wharf Crane Rail**

3 The existing 100-foot gauge landside crane rail at Berths 212–216 would be extended by
 4 approximately 1,500 feet to accommodate 100-foot gauge cranes at Berths 217–220.
 5 Approximately 1,500 linear feet of existing 1,000 amp crane bus bar² would be replaced
 6 with a new 1,500 amp system to provide power to the 100-foot gauge cranes.

7 **2.4.1.4 Backland Improvements**

8 Backland improvements would occur on approximately 160 acres of the 185-acre
 9 terminal and would consist of ground repairs and maintenance activities involving slurry
 10 sealing, deep cold planning, asphalt concrete overlay, construction of approximately
 11 5,600 linear feet of concrete runways for rubber tire gantry cranes, restriping, and
 12 possible removal/relocation/modification of underground conduits and pipes, as needed
 13 to accommodate the repairs.

² A bus bar is a strip or bar of copper, brass, or aluminum that conducts electricity. At the YTI Terminal, a bus bar extends along the water-side edge of the wharf to conduct electricity for the gantry cranes that move up and down the wharf, and is protected from accidental contact by a metal enclosure.

1 2.4.1.5 TICTF Improvements

2 Expansion of the TICTF on-dock railyard would include the addition of a single 3,200-
3 linear-foot operational rail loading track, including two turnouts, and reconstruction of a
4 portion of the container terminal backlands to accommodate the rail expansion. These
5 improvements would involve grading, paving, lighting, drainage, utility
6 relocation/modifications, striping, relocation of an existing fence, and third-party utility
7 modifications, relocations, or removals, as needed. The relocation of the fence would
8 move approximately 5 acres from the YTI Terminal backlands to the TICTF.

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The Findings of Fact are based on information contained in the Draft EIS/EIR and the Final EIS/EIR for the proposed Project, along with information contained within the administrative record. The administrative record includes, but is not limited to, the proposed Project application, project staff reports, project public hearing records, public notices, written comments on the proposed Project and responses to those comments, proposed decisions and findings on the proposed Project, and other documents relating to the agency decision on the proposed Project. When making CEQA findings required by PRC Section 21081(a), a public agency must specify the location and custodian of the documents or other materials that constitute the record of proceedings upon which its decision is based. These records are in the care of the Director of Environmental Management, Los Angeles Harbor Department, 222 W. 6th Street, San Pedro, California 90731.

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

3.1 Environmental Impacts of the Proposed Project

3.1.1 Environmental Impacts Found to Be Significant and Unavoidable

The Draft EIS/EIR concludes that some, but not all, impacts of the proposed Project in the following environmental resource areas would remain significant and unavoidable despite imposition of all feasible mitigation:

- 1 ▪ Air Quality and Meteorology
- 2 ▪ Greenhouse Gas Emissions
- 3 ▪ Biological Resources

4 The Board hereby finds that the following environmental impacts of the proposed Project
5 are significant and unavoidable, as summarized in Table 2, which also lists the mitigation
6 measures (MM) and lease measures (LM) applied and the impacts after mitigation.

Table 2. Significant and Unavoidable Adverse Environmental Impacts for the Proposed Project

Environmental Impact	Impact Determination	Mitigation Measures	Impacts after Mitigation
AIR QUALITY AND METEOROLOGY			
AQ-1: The proposed Project would result in construction-related emissions that exceed a SCAQMD threshold of significance.	Significant	MM AQ-1. Crane Delivery Ships Used during Construction. MM AQ-2. Harbor Craft Used during Construction. MM AQ-3. Fleet Modernization for On-Road Trucks Used during Construction. MM AQ-4. Fleet Modernization for Construction Equipment. MM AQ-5. Dredging Equipment MM AQ-6. Construction Best Management Practices. MM AQ-7. Additional Fugitive Dust Controls. MM AQ-8. General Mitigation Measure.	Significant and unavoidable
AQ-2: The proposed Project construction would result in off-site ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.	Significant	MM AQ-1 through MM AQ-8	Significant and unavoidable
AQ-3: The proposed Project would result in operational emissions that exceed 10 tons per year of VOCs or a SCAQMD threshold of significance.	Significant	MM AQ-9. Vessel Speed Reduction Program (VSRP). MM AQ-10. Alternative Maritime Power (AMP). LM AQ-1. Periodic Review of New Technology and Regulations. LM AQ-2. Substitution of New Technology by Tenant. LM AQ-3. Container Ship Engine Emissions Reduction Technology Improvements	Significant and unavoidable

Table 2. Significant and Unavoidable Adverse Environmental Impacts for the Proposed Project

Environmental Impact	Impact Determination	Mitigation Measures	Impacts after Mitigation
AQ-4: The proposed Project operations would result in off-site ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.	Significant	MM AQ-9 and MM AQ-10; LM AQ-1 through LM AQ-3	Significant and unavoidable
AQ-7: The proposed Project would expose receptors to significant levels of toxic air contaminants (TACs).	Significant	MM AQ-1 through MM AQ-10; LM AQ-1 through LM AQ-3	Significant and unavoidable
BIOLOGICAL RESOURCES			
BIO-4: The proposed Project has the potential to introduce nonnative species into the Harbor that could substantially disrupt local biological communities.	Significant	MM BIO-1. Avoid Marine Mammals.	Significant and unavoidable
GREENHOUSE GAS EMISSIONS			
GHG-1: The proposed Project would generate GHG emissions, either directly or indirectly that would exceed the SCAQMD 10,000 metric tons per year (mt) carbon dioxide equivalent (CO ₂ e) threshold.	Significant	MM AQ-1. Crane Delivery Ships Used during Construction. MM AQ-5. Dredging Equipment. MM AQ-9. Vessel Speed Reduction Program. MM AQ-10. Alternative Maritime Power MM GHG-1. Energy Audit. MM GHG-2. LED Lighting. MM GHG-3. Recycling. MM GHG-4: Carbon Offsets for Certain GHG Emissions. LM AQ-1. Periodic Review of New Technology and Regulations. LM AQ-2. Substitution of New Technology by Tenant. LM AQ-3: Container Ship Engine Emissions Reduction Technology Improvements.	Significant and unavoidable

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2 **3.1.2 Environmental Impacts Found to Be Less than**
3 **Significant after Mitigation**

4 The Draft EIS/EIR concludes that significant impacts of the proposed Project in the
5 following environmental resource areas would be less than significant after mitigation:

- 6 ▪ Groundwater and Soils
- 7 ▪ Noise

- 1 ▪ Biological Resources
- 2 In addition, the Draft EIS/EIR concludes that some, but not all, impacts of the proposed
- 3 Project in the following resource areas were found to be less than significant prior to
- 4 mitigation. However, mitigation measures and/or standard conditions (SC) of approval
- 5 were still identified for the less-than-significant impacts in the following areas, to further
- 6 ensure that impacts remain minimal.
- 7 ▪ Biological Resources
- 8 ▪ Cultural Resources
- 9 ▪ Utilities and Service Systems
- 10 The Board hereby finds that the following environmental impacts of the proposed Project
- 11 are less than significant after implementation of mitigation measures, as summarized in
- 12 Table 3, which also lists the mitigation measures applied and the impacts after mitigation.
- 13 Mitigation measures and standard conditions of approval are also identified where
- 14 impacts would be less than significant prior to mitigation but are applied to ensure that
- 15 impacts would be minimal.

Table 3. Impacts that are Less Than Significant After Mitigation for the Proposed Project

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
BIOLOGICAL RESOURCES			
BIO-1: The proposed Project would not cause a loss of individuals or 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 AQ-9. Vessel Speed Reduction Program (VSRP)	Less than significant
BIO-3: The proposed Project would not interfere with wildlife movement/migration corridors.	Less than significant	MM BIO-1. Avoid marine mammals	Less than significant
CULTURAL RESOURCES			
CR-2: The proposed Project would not cause a substantial adverse change in the significance of an archaeological or ethnographic resource.	Less than significant	SC CR-1. Stop work in the area if prehistoric and/or archaeological resources are encountered	Less than significant
GROUNDWATER AND SOILS			
GW-1: Construction of the proposed Project would not encounter toxic substances or other contaminants associated with historical uses of the Port, resulting in short-term exposure to construction/operations personnel and/or long-term exposure to future site occupants.	Significant	MM GW-1. Soil Sampling, Testing, and Treatment MM GW-2. Contamination Contingency Plan	Less than significant

Table 3. Impacts that are Less Than Significant After Mitigation for the Proposed Project

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
NOISE			
NOI-1: Construction of the proposed Project would result in daytime construction activities lasting more than 10 days in a 3-month period that would exceed existing ambient exterior noise levels by 5 dBA or more at noise-sensitive receptors.	Significant	MM NOI-1. Noise Reduction during Pile Driving MM NOI-2. Erect Temporary Noise Attenuation Barriers Adjacent to Pile-Driving Equipment or Employee Temporary Shields to the Pile Driving Equipment, Where Necessary and Feasible	Less than significant
UTILITIES AND SERVICE SYSTEMS			
UT-4: Implementation of the proposed Project 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	MM UT-1. Recycling Construction Materials MM UT-2. Using materials with recycling content MM GHG-3. Recycling would further reduce any potential impact.	Less than significant
UT-5: Implementation of the proposed Project would not require new, off-site energy supply and distribution infrastructure or capacity-enhancing alterations to existing facilities that are not anticipated by adopted plans or programs.	Less than significant	MM GHG-1. Energy Audit MM GHG-2. LED Lighting would further reduce any potential impact.	Less than significant

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2 **3.1.3 Environmental Impacts Found to Be Less than**
3 **Significant**

4 The Draft EIS/EIR concludes that all impacts of the proposed Project in the following
5 environmental resource areas would be less than significant.

- 6 ▪ Aesthetics and Visual Resources
- 7 ▪ Geology
- 8 ▪ Ground Transportation
- 9 ▪ Hazards and Hazardous Materials
- 10 ▪ Land Use

- 1 ▪ Marine Transportation
- 2 ▪ Public Services
- 3 ▪ Water Quality, Sediments, and Oceanography

4 In addition, the Draft EIS/EIR concludes that some, but not all, impacts of the proposed
5 Project in the following environmental resource areas would be less than significant.

- 6 ▪ Air Quality and Meteorology
- 7 ▪ Biological Resources
- 8 ▪ Cultural Resources
- 9 ▪ Greenhouse Gas Emissions
- 10 ▪ Groundwater and Soils
- 11 ▪ Noise
- 12 ▪ Utilities and Service Systems

13 The Board finds that the following environmental impacts of the proposed Project are
14 less than significant and hereby makes the same determination based on the conclusions
15 in the Final EIS/EIR, as summarized in Table 4. No mitigation measures are required for
16 impacts that are less than significant (14 CCR 15126.4(3)(a)).

Table 4. Less-than-Significant Impacts of the Proposed Project

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
AESTHETICS			
AES-1: Construction and operation of the proposed Project would not result in a substantial adverse effect on a scenic vista.	Less than significant	No mitigation is required	Less than significant
AES-2: Construction and operation of the proposed Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a state scenic highway.	Less than significant	No mitigation is required	Less than significant
AES-3: Construction and operation of the proposed Project would not substantially degrade the existing visual character or quality of the site and its surroundings.	Less than significant	No mitigation is required	Less than significant
AES-4: Construction and operation of the proposed Project would not create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area.	Less than significant	No mitigation is required	Less than significant
AES-5: Construction and operation of the proposed Project would not result in substantial negative changes to the overall visual character and quality of a landscape that has a significant effect on viewer response.	Less than significant	No mitigation is required	Less than significant
AIR QUALITY AND METEOROLOGY			
AQ-5: The proposed Project would not generate on-road traffic that would contribute to an exceedance of the 1-hour or 8-hour CO standards.	Less than significant	No mitigation is required	Less than significant
AQ-6: The proposed Project would not create an objectionable odor at the nearest sensitive receptor.	Less than significant	No mitigation is required	Less than significant

Table 4. Less-than-Significant Impacts of the Proposed Project

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
AQ-8: The proposed Project 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
BIOLOGICAL RESOURCES			
BIO-2: The proposed Project 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-5: The proposed Project would not result in a permanent loss of marine habitat.	Less than significant	No mitigation is required	Less than significant
CULTURAL RESOURCES			
CR-1: The proposed Project would not have a significant impact on built environment historical resources.	No impact	No mitigation is required	No impact
CR-3: The proposed Project would not result in the permanent loss of, or loss of access to, a significant paleontological resource.	Less than significant	No mitigation is required	Less than significant
GEOLOGY			
GEO-1: Construction and operation of the proposed Project would not result in significant impacts from fault rupture, seismic ground shaking, liquefaction, or other seismically induced ground failure.	Less than significant	No mitigation is required	Less than significant
GEO-2: Construction and operation of the proposed Project within the Port area would not expose people and structures to substantial risk involving tsunamis or seiches.	Less than significant	No mitigation is required	Less than significant
GEO-3: Construction and operation of the proposed Project would not result in substantial damage to structures or infrastructure or expose people to substantial risk of injury from land subsidence/settlement.	Less than significant	No mitigation is required	Less than significant
GEO-4: Construction and operation of the proposed Project 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: Construction and operation of the proposed Project would not result in or expose people or property to a substantial risk of landslides or mudflows.	No Impact	No mitigation is required	No Impact
GEO-6: Construction and operation of the proposed Project would not result in or expose people or property to a substantial risk of unstable soil conditions from excavation, grading, or fill.	Less than significant	No mitigation is required	Less than significant
GEO-7: Construction or operation of the proposed Project within the Port area would not result in substantial soil erosion or the loss of topsoil.	Less than significant	No mitigation is required	Less than significant
GEO-8: Construction or operation of the proposed Project would not result in the destruction, permanent covering, or material and adverse modification of one or more distinct and prominent geologic or topographic features.	No Impact	No mitigation is required	No Impact

Table 4. Less-than-Significant Impacts of the Proposed Project

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
GEO-9: Construction or operation of the proposed Project 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
GREENHOUSE GAS EMISSIONS			
GHG-2: The proposed Project would not conflict with state or local plans and policies adopted for the purpose of reducing GHG emissions.	Less than significant	No mitigation is required	Less than significant
GROUNDWATER AND SOILS			
GW-2: Construction and operation of the proposed Project would not result in expansion of the area affected by contaminants.	Less than significant	No mitigation is required	Less than significant
GW-3: Construction and operation of the proposed Project would not result in a change to potable water levels.	No Impact	No mitigation is required	No Impact
GW-4: Construction and operation of the proposed Project would not result in a demonstrable and sustained reduction in groundwater recharge capacity (for potable water storage).	No impact	No mitigation is required	No impact
GW-5: Construction and operation of the proposed Project would not result in violation of regulatory water quality standards at an existing production well.	No impact	No mitigation is required	No impact
HAZARDS AND HAZARDOUS MATERIALS			
RISK-1: The proposed Project would not substantially increase the probable frequency and severity of consequences to people or property as a result of accidental release or explosion of a hazardous substance.	Less than significant	No mitigation is required	Less than significant
RISK-2: The proposed Project would not substantially increase the probable frequency and severity of consequences to people from exposure to health hazards.	Less than significant	No mitigation is required	Less than significant
RISK-3: The proposed Project would not substantially interfere with an existing emergency response or evacuation plan or increase the risk of injury or death.	Less than significant	No mitigation is required	Less than significant
RISK-4: The proposed Project would comply with applicable regulations and policies guiding development within the Port.	Less than significant	No mitigation is required	Less than significant
RISK-5: Tsunami-induced flooding and seismic events could result in fuel releases from construction equipment or hazardous substances releases from containers under the proposed Project, which in turn could result in risks to persons and/or the environment.	Less than significant	No mitigation is required	Less than significant
RISK-6: Proposed Project-related terminal modifications would not result in a measurable increase in the probability of a terrorist attack and would not result in adverse consequences to the proposed project site and nearby areas.	Less than significant	No mitigation is required	Less than significant

Table 4. Less-than-Significant Impacts of the Proposed Project

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
LAND USE AND PLANNING			
LU-1: The proposed Project would be consistent with the adopted land use/density designation in the Community Plan, redevelopment plan, or specific plan for the site.	Less than significant	No mitigation is required	Less than significant
LU-2: The proposed Project would be consistent with the General Plan or adopted environmental goals or policies contained in other applicable plans.	Less than significant	No mitigation is required	Less than significant
LU-3: The proposed Project would not substantially affect the types and/or extent of existing land uses in the project area.	Less than significant	No mitigation is required	Less than significant
LU-4: The proposed Project would not cause a secondary impact on surrounding land uses.	Less than significant	No mitigation is required	Less than significant
NOISE			
NOI-2: Construction of the proposed Project would not result in noise levels that would exceed the ambient noise level by 5 A-weighted decibels (dBA) at noise-sensitive receptors between the hours of 9 p.m. and 7 a.m. Monday through Friday, before 8 a.m. or after 6 p.m. on Saturday, or at any time on Sunday.	Less than significant	No mitigation is required	Less than significant
NOI-3: Operation of the proposed Project would not generate noise levels that would exceed existing ambient noise levels at noise-sensitive receptors by 5 dBA or greater in community equivalent noise level (CNEL).	Less than significant	No mitigation is required	Less than significant
NOI-4: Construction or operation of proposed Project would not expose persons to or generate excessive groundborne vibration or groundborne noise levels.	Less than significant	No mitigation is required	Less than significant
PUBLIC SERVICES			
PS-1: The proposed Project would not increase the demand for additional law enforcement officers and/or facilities such that U.S. Coast Guard (USCG), Los Angeles Police Department (LAPD), or Port Police would be unable to maintain adequate levels of service without additional facilities, the construction of which could cause significant environmental effects.	Less than significant	No mitigation is required	Less than significant
PS-2: The proposed Project 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
TRANSPORTATION AND CIRCULATION—GROUND AND MARINE			
Ground Transportation			
TRANS-1: Proposed project construction 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: Long-term vehicular traffic associated with the proposed Project would not significantly impact volume/capacity ratios or level of service.	Less than significant	No mitigation is required	Less than significant

Table 4. Less-than-Significant Impacts of the Proposed Project

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
TRANS-3: An increase in on-site employees due to proposed project operations would not significantly increase public transit use.	Less than significant	No mitigation is required	Less than significant
TRANS-4: Proposed project operations would not significantly increase freeway congestion.	Less than significant	No mitigation is required	Less than significant
TRANS-5: Proposed project operations would not cause a significant impact in vehicular delay at at-grade railroad crossings within the proposed project vicinity or in the region.	Less than significant	No mitigation is required	Less than significant
TRANS-6: The proposed Project would not result in inadequate emergency access.	No Impact	No mitigation is required	No Impact
Marine Transportation			
VT-1a: Proposed project construction-related marine traffic would not substantially interfere with operation of designated vessel traffic lanes and/or impair the level of safety for vessels navigating the Main Channel, harbor, or Precautionary Area.	Less than significant	No mitigation is required	Less than significant
VT-1b: Proposed project operation-related marine traffic would not substantially interfere with operation of designated vessel traffic lanes and/or impair the level of safety for vessels navigating the Main Channel, harbor, or Precautionary Area.	Less than significant	No mitigation is required	Less than significant
UTILITIES AND SERVICE SYSTEMS			
UT-1: The proposed Project would not result in a substantial increase in wastewater flows that would exceed the wastewater treatment requirements of the 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 Project would not result in a substantial increase in water demand that would exceed the water supplies available from existing entitlements and resources, and would not require new or expanded facilities or entitlements.	Less than significant	No mitigation is required	Less than significant
UT-3: The proposed Project 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
WATER QUALITY, SEDIMENTS, AND OCEANOGRAPHY			
WQ-1: The proposed Project would not create pollution, contamination, or a nuisance as defined in Section 13050 of the California Water Code (CWC) or cause regulatory standards to be violated in Harbor waters.	Less than significant	No mitigation is required	Less than significant
WQ-2: The proposed Project would not result in increased flooding that would have the potential to harm people or damage property or sensitive biological resources.	Less than significant	No mitigation is required	Less than significant
WQ-3: The proposed Project would not result in a permanent adverse change in movement of surface water in the Harbor.	No impact	No mitigation is required	No impact

Table 4. Less-than-Significant Impacts of the Proposed Project

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
WQ-4: The proposed Project would not accelerate natural processes of wind and water erosion and sedimentation, resulting in sediment runoff or deposition that would not be contained or controlled on site.	Less than significant	No mitigation is required	Less than significant

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3.2 Findings Regarding Environmental Impacts Found to Be Significant and Unavoidable

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The Final EIS/EIR concludes that unavoidable significant impacts on the following environmental resources would occur if the proposed Project was implemented.

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- Air Quality and Meteorology

8

- Biological Resources

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- Greenhouse Gas Emissions

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All available feasible mitigation measures have been incorporated into the proposed Project to reduce significant impacts. However, even with the incorporation of all feasible mitigation measures, impacts on these environmental resources would remain significant and unavoidable. The Board has determined that no additional feasible mitigation measures or alternatives would reduce significant 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 (see Chapter 1 of this document for additional details). The impacts, mitigation measures, findings, and rationale for the findings are presented for all significant and unavoidable impacts identified in the Final EIS/EIR below.

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3.2.1 Air Quality and Meteorology

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As discussed in Section 3.2 of the Draft EIS/EIR, there would be five unavoidable significant impacts on air quality and meteorology related to construction and operation of the proposed Project. However, mitigation measures and lease measures were identified for all or some of the significant and unavoidable impacts to comply with LAHD air quality planning requirements. The impacts, mitigation measures, and lease measures are discussed below.

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3.2.1.1 Impact AQ-1: The proposed Project would result in construction-related emissions that exceed an SCAQMD threshold of significance.

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As shown in Table 3.2-18, the unmitigated peak daily construction emissions would exceed the South Coast Air Quality Management District (SCAQMD) daily emission thresholds for volatile organic compounds (VOC), carbon monoxide (CO), nitrous oxides

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(NO_x), and particulate matter less than 2.5 micrograms in diameter (PM_{2.5}) in 2015 and 2016 and for particulate matter less than 10 micrograms in diameter (PM₁₀) in 2015 prior to mitigation. Overlapping construction and operations emissions as shown in Table 3.2-19 would be significant for VOC, CO, NO_x, PM₁₀ and PM_{2.5} prior to mitigation in 2015, the peak construction year.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. Implementation of the following mitigation measures would substantially lessen emissions from criteria pollutants associated with construction of the proposed Project, as well as overlap of construction and operation. However, as shown in Table 3.2-20, emissions of NO_x would remain significant during construction in both 2015 and 2016, and emissions of VOC, CO, and PM_{2.5} in 2015 would remain significant. Additionally, as shown in Table 3.2-21, overlapping construction and operations emissions would remain significant for VOC, CO, and NO_x in 2015, the peak construction year. Specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible. The following mitigation measures have been included to reduce impacts:

MM AQ-1: Crane Delivery Ships Used during Construction. All ships and barges must comply with the expanded Vessel Speed Reduction Program (VSRP) of 12 knots between 20 nautical miles (nm) and 40 nm from Point Fermin.

MM AQ-2: Harbor Craft Used during Construction. Harbor craft must use Tier 3 or cleaner engines.

MM AQ-3: Fleet Modernization for On-Road Trucks Used during Construction. Trucks with a gross vehicle weight rating of 19,500 or greater, including import haulers and earth movers, must comply with U.S. Environmental Protection Agency (EPA) 2010 on-road emission standards.

MM AQ-4: Fleet Modernization for Construction Equipment (except vessels, harbor craft, on-road trucks, and dredging equipment). All diesel-powered construction equipment greater than 50 horsepower must meet EPA Tier 4 off-road emission standards.

MM AQ-5: Dredging Equipment. All dredging equipment must be electric.

MM AQ-6: Construction Best Management Practices (BMPs). LAHD will implement BMPs, per LAHD Sustainable Construction Guidelines, to reduce air emissions from all LAHD-sponsored construction projects. The following measures are required for construction equipment, including on-road trucks used during construction:

- Use diesel oxidation catalysts and catalyzed diesel particulate traps.
- Maintain equipment according to manufacturers' specifications.
- Restrict idling of construction equipment to a maximum of 5 minutes when not in use.
- Install high-pressure fuel injectors on construction equipment vehicles.

LAHD will implement a process by which to select additional BMPs to further reduce air emissions during construction. LAHD will determine the BMPs once the contractor

1 *identifies and secures a final equipment list. Because the effectiveness of this measure*
 2 *has not been established and includes some emission reduction technology that may*
 3 *already be incorporated into equipment as part of the Tier level requirement in MM AQ-*
 4 *3 and MM AQ-4, it is not quantified in this study.*

5 ***MM AQ-7: Additional Fugitive Dust Controls.*** *Contractor must adhere to the*
 6 *following control measures, at a minimum:*

- 7 ▪ *Active grading sites shall be watered at intervals of 2 hours.*
- 8 ▪ *Traffic speeds on all unpaved roads must be limited to 15 mph or less.*
- 9 ▪ *Contractors shall apply approved non-toxic chemical soil stabilizers to all*
 10 *inactive construction areas or replace groundcover in disturbed areas.*
- 11 ▪ *Contractors shall provide temporary wind fencing around sites being graded or*
 12 *cleared.*
- 13 ▪ *Trucks hauling dirt, sand, or gravel shall be covered or shall maintain at least 2*
 14 *feet of freeboard in accordance with Section 23114 of the California Vehicle*
 15 *Code (“Spilling Loads on Highways”).*
- 16 ▪ *Construction contractors shall install wheel washers where vehicles enter and*
 17 *exit unpaved roads onto paved roads, or wash off tires of vehicles and any*
 18 *equipment leaving the construction site.*
- 19 ▪ *The grading contractor shall suspend all soil disturbance activities when winds*
 20 *exceed 25 mph or when visible dust plumes emanate from a site, and disturbed*
 21 *areas shall be stabilized if construction is delayed.*
- 22 ▪ *Open storage piles (greater than 3 feet tall and a total surface area of 150*
 23 *square feet) shall be covered with a plastic tarp or chemical dust suppressant.*
- 24 ▪ *Materials shall be stabilized while loading, unloading, and transporting to*
 25 *reduce fugitive dust emissions.*
- 26 ▪ *Belly-dump truck seals shall be checked regularly to remove trapped rocks to*
 27 *prevent possible spillage.*
- 28 ▪ *Track-out regulations shall be followed and water shall be provided while*
 29 *loading and unloading to reduce visible dust plumes.*
- 30 ▪ *Waste materials shall be hauled off site immediately.*

31 ***MM AQ-8. General Mitigation Measure.*** *For any of the above mitigation measures*
 32 *(MM AQ-2 through MM AQ-7), if a California Air Resources Board (CARB)-certified*
 33 *technology becomes available and is shown to be as good as, or better than, the existing*
 34 *measure in terms of emissions performance, the technology could replace the existing*
 35 *measure pending approval by LAHD. Measures will be set at the time a specific*
 36 *construction contract is advertised for bid.*

37 **Rationale for Finding**

38 Changes or alternations have been incorporated into the proposed Project in the form of
 39 mitigation measures **MM AQ-1** through **MM AQ-8**, which would reduce criteria
 40 pollutant emissions associated with proposed project construction. While mitigation
 41 measures presented in the Final EIS/EIR reduce emissions, emissions would still exceed
 42 SCAQMD significance criteria for PM_{2.5}, NO_x, CO, and VOC in 2015 and for NO_x in

1 2016 during construction. In addition, although emissions from overlapping construction
2 and operation would be reduced with mitigation, they would remain significant and
3 unavoidable for NO_x, CO, and VOC during the 2015 peak construction year.

4 Emissions will largely come from off-road construction equipment (including dredging
5 equipment) and marine sources (including ships used to deliver cranes and tugboats used
6 to assist dredging barges), as well as haul trucked used for pile deliveries and disposal of
7 dredged material. As part of the Draft EIS/EIR, mitigation was developed aimed at
8 reducing these emission through construction equipment fleet modernization, fugitive
9 dust controls, and BMPs. Mitigation measures **MM AQ-1** through **MM AQ-8** represent
10 feasible means to reduce air pollution impacts from proposed construction sources.
11 Mitigation measure **MM AQ-3** was modified in the FEIR based on comments during the
12 public review period for the Draft EIS/EIR, and requires all trucks used in construction to
13 meet model year 2010 on-road heavy-duty truck emission standards compared to 2007
14 standards in the Draft EIS/EIR. In addition, mitigation measure **MM AQ-7** was modified
15 in the Final EIS/EIR based on public comments, and requires the construction contractor
16 to comply with additional BMPs from the LAHD Sustainable Construction Guidelines
17 targeted at controlling fugitive dust. All mitigation measures determined feasible by
18 LAHD have been identified in the Final EIS/EIR.

19 **3.2.1.2 Impact AQ-2: Proposed project construction would result** 20 **in offsite ambient air pollutant concentrations that exceed** 21 **a SCAQMD threshold of significance.**

22 As shown in Tables 3.2-22 and 3.2-23, respectively, the maximum offsite NO₂ (federal 1-
23 hour, state 1-hour and state annual average) and incremental PM₁₀ (24-hour and annual
24 average) and PM_{2.5} (24-hour average) concentrations from construction activities would
25 exceed SCAQMD thresholds. Therefore, without mitigation, maximum offsite ambient
26 pollutant concentrations associated with the construction of the proposed Project would
27 be significant for NO₂ (federal 1-hour, state 1-hour, and state annual average), PM₁₀ (24-
28 hour and annual average), and PM_{2.5} (24-hour average).

29 Additionally, as shown in Tables 3.2-24 and 3.2-25, respectively, the maximum offsite
30 NO₂ (federal 1-hour, state 1-hour, and state annual average) and incremental PM₁₀ (24-
31 hour and annual average) and PM_{2.5} (24-hour average) concentrations from overlapping
32 construction and operational activities would exceed SCAQMD thresholds. Therefore,
33 without mitigation, maximum offsite ambient pollutant concentrations associated with the
34 combined construction and operation of the proposed Project would be significant for
35 NO₂ (federal 1-hour, state 1-hour, and state annual average), PM₁₀ (24-hour and annual
36 average), and PM_{2.5} (24-hour average).

37 **Finding**

38 The Board hereby finds that changes or alterations have been required in, or incorporated
39 into the proposed Project that avoid or substantially lessen the significant environmental
40 effect identified in the Final EIS/EIR. Implementation of mitigation measures
41 **MM AQ-1** through **MM AQ-8**, as presented above under Impact AQ-1, would
42 substantially lessen offsite ambient pollutant concentrations associated with the
43 construction of the proposed Project, as well as overlap of construction and operation.

1 Implementation of mitigation measures **MM AQ-1** through **MM AQ-8** would
2 substantially lessen offsite ambient air pollutant concentrations associated with
3 construction of the proposed Project and reduce the impact relative to the unmitigated
4 proposed project levels. Table 3.2-26 of the Draft EIS/EIR shows that the maximum
5 offsite state annual NO₂ concentration from construction activities would be reduced to a
6 less-than-significant level with mitigation. The federal and state 1-hour NO₂
7 concentrations would be reduced with mitigation but would remain significant.
8 Table 3.2-27 of the Draft EIS/EIR shows that the maximum offsite incremental annual
9 PM₁₀ and 24-hour PM_{2.5} concentrations from construction activities would be reduced to
10 less-than-significant levels with mitigation. The 24-hour PM₁₀ concentration would be
11 reduced with mitigation but would remain significant. Therefore, with mitigation,
12 maximum offsite ambient pollutant concentrations associated with the construction of the
13 proposed Project would be significant for NO₂ (federal 1-hour and state 1-hour average)
14 and PM₁₀ (24-hour average).

15 Additionally, Table 3.2-28 of the Draft EIS/EIR shows that the maximum offsite state
16 annual NO₂ concentration from overlapping construction and operational activities would
17 be reduced to a less-than-significant level with mitigation. The federal and state 1-hour
18 NO₂ concentrations would be reduced with mitigation but would remain significant.
19 Table 3.2-29 of the Draft EIS/EIR shows that the maximum offsite incremental annual
20 PM₁₀ and 24-hour PM_{2.5} concentrations from overlapping construction and operational
21 activities would be reduced to less-than-significant levels with mitigation. The 24-hour
22 PM₁₀ concentration would be reduced with mitigation but would remain significant.
23 Therefore, following mitigation, maximum offsite ambient pollutant concentrations
24 associated with the combined construction and operation of the proposed Project would
25 be significant for NO₂ (federal 1-hour and state 1-hour average) and PM₁₀ (24-hour
26 average).

27 Emissions of NO₂ (federal 1-hour and state 1-hour average) and PM₁₀ (24-hour average)
28 during construction and associated with the combined construction and operation of the
29 proposed Project would remain significant. Specific economic, legal, social,
30 technological, or other considerations make any additional mitigation measures
31 infeasible.

32 Rationale for Finding

33 Changes or alternations have been incorporated into the proposed Project in the form of
34 mitigation measures **MM AQ-1** through **MM AQ-8**, which would reduce the ambient
35 impact relative to proposed project levels. Emissions will largely come from off-road
36 construction equipment (including dredging equipment) and marine sources (including
37 ships used to deliver cranes and tugboats used to assist dredging barges), as well as haul
38 trucked used for pile deliveries and disposal of dredged material. As part of the Draft
39 EIS/EIR, mitigation was developed aimed at reducing these emissions through
40 construction equipment fleet modernization, fugitive dust controls, and BMPs.
41 Construction equipment emissions would be reduced as a result of the mitigation
42 measures, but would remain significant and unavoidable for NO₂ (federal 1-hour and
43 state 1-hour average) and PM₁₀ (24-hour average). Mitigation measures **MM AQ-1**
44 through **MM AQ-8** represent feasible means to reduce air pollution impacts from
45 proposed construction sources. Both mitigation measures **MM AQ-3** and **MM AQ-7**
46 were modified in response to comments (See Rationale for Finding under Impact AQ-1

1 above). All mitigation measures determined feasible by LAHD have been identified in
2 the Final EIS/EIR.

3 **3.2.1.3 Impact AQ-3: The proposed Project would result in** 4 **operational emissions that exceed a SCAQMD threshold of** 5 **significance.**

6 As shown in Table 3.2-30, emissions from the proposed Project's peak daily operations
7 would exceed SCAQMD significance thresholds for NO_x, CO, and VOC in all analysis
8 years prior to mitigation. The largest contributors to peak daily operational emissions in
9 all analysis years would be emissions from container ship transit. Trucks, container ship
10 hoteling, and locomotives would be key secondary contributors. Emissions for all
11 analyzed pollutants would increase between years 2017 and 2020 due to terminal
12 throughput increase. Emissions would decline for NO_x and VOC from year 2020 to 2026
13 as regulatory requirements for trucks, locomotives, and cargo handling equipment offset
14 emissions due to terminal throughput increase. Therefore, air quality impacts associated
15 with proposed project daily peak operations would be significant for NO_x, CO, and VOC
16 prior to mitigation.

17 **Finding**

18 The Board hereby finds that changes or alterations have been required in, or incorporated
19 into, the proposed Project that avoid or substantially lessen the significant environmental
20 effect identified in the Final EIS/EIR. The implementation of mitigation measures
21 **MM AQ-9** and **MM AQ-10** would reduce operational emissions.

22 ***MM AQ-9. Vessel Speed Reduction Program (VSRP).*** Starting January 1, 2017 and
23 thereafter, 95% of ships calling at the YTI Terminal will be required to comply with the
24 expanded VSRP at 12 knots between 40 nm from Point Fermin and the Precautionary
25 Area.

26 ***MM AQ-10. Alternative Maritime Power (AMP).*** By 2026, NYK Line-operated ships
27 calling at the YTI Terminal will use AMP for 95% of total hoteling hours while hoteling
28 at the Port.

29 Additionally, implementation of the following lease measures would further reduce
30 operational emissions.

31 ***LM AQ-1. Periodic Review of New Technology and Regulations.*** LAHD will require
32 the tenant to review any LAHD-identified or other new emissions-reduction technology,
33 determine whether the technology is feasible, and report to LAHD. Such technology
34 feasibility reviews will take place at the time of LAHD's consideration of any lease
35 amendment or facility modification for the proposed project site. If the technology is
36 determined by LAHD to be feasible in terms of cost and technical and operational
37 feasibility, the tenant will work with LAHD to implement such technology.

38 *Potential technologies that may further reduce emissions and/or result in cost-savings*
39 *benefits for the tenant may be identified through future work on the Clean Air Action*
40 *Plan (CAAP). Over the course of the lease, the tenant and LAHD will work together to*
41 *identify potential new technology. Such technology will be studied for feasibility, in*
42 *terms of cost, technical and operational feasibility, and emissions reduction benefits. As*

1 *partial consideration for the lease amendment, the tenant will implement not less*
2 *frequently than once every five years following the effective date of the permit new air*
3 *quality technological advancements, subject to mutual agreement on operational*
4 *feasibility and cost sharing, which will not be unreasonably withheld. The effectiveness*
5 *of this measure depends on the advancement of new technologies and the outcome of*
6 *future feasibility or pilot studies.*

7 ***LM AQ-2. Substitution of New Technology by Tenant.*** *If any kind of technology*
8 *becomes available and is shown to be as good as or better than the existing measure in*
9 *terms of emissions reduction performance, the technology could replace the requirements*
10 *of MM AQ-9 and MM AQ-10, pending approval by LAHD.*

11 ***LM AQ-3: Container Ship Engine Emissions Reduction Technology Improvements.***
12 *The tenant will encourage NYK Line to determine the feasibility of incorporating all*
13 *emissions reduction technology and/or design options for vessels calling at the YTI*
14 *Terminal.*

15 Following the implementation of the mitigation and lease measures, the proposed
16 Project's peak daily operational emissions for NO_x, CO, and VOC would be reduced but
17 would remain above the level of significance for all analysis years.

18 Therefore, the Board finds that specific economic, legal, social, technological, or other
19 considerations make infeasible additional mitigation measures or proposed project
20 alternatives identified in the Final EIS/EIR. In this case all mitigation measures
21 determined feasible by LAHD as identified in the Final EIS/EIR have been incorporated
22 into the proposed Project. Nevertheless, even with the incorporation of feasible
23 mitigation measures, impacts would remain significant and unavoidable.

24 **Rationale for Finding**

25 Table 3.2-31 of the Draft EIS/EIR shows that for years 2017 and 2020, total emissions
26 for all pollutants would decline from unmitigated levels due to higher VSRP compliance.
27 For a peak day, VSRP compliance in the 20 nm to 40 nm zone would increase from
28 2 container ships to 3 container ships starting in year 2017. For year 2026, total
29 emissions for all pollutants would decline from unmitigated levels due to higher AMP
30 compliance. For a peak day, AMP compliance would increase from 2 to 3 container
31 ships using AMP in year 2026. Emissions from operation of the proposed Project would
32 be reduced with mitigation but would remain significant and unavoidable for NO_x, CO,
33 and VOC in all analysis years.

34 Operational emissions would vary over the life of the proposed Project due to several
35 factors, such as regulatory requirements, activity levels, source (container ships, tugboats,
36 trucks, locomotives, CHE, and worker vehicles) characteristics, and emission factors.
37 The combination of these factors can result in emissions that do not always decrease or
38 increase consistently over time. As part of the Draft EIS/EIR, mitigation was developed
39 aimed at reducing these emissions through compliance with the VSRP, implementation of
40 AMP while hoteling at the Port, and period review and substitution of new technology
41 and regulations. Mitigation measures **MM AQ-9** and **MM AQ-10** and lease measures
42 **LM AQ-1** through **LM AQ-3** have been incorporated into the project, which
43 substantially lessen significant daily peak operational emissions and represent feasible
44 means to reduce air pollution impacts from project operational sources. Peak day

emissions of NO_x, CO, and VOC from operations associated with the proposed Project would be reduced as a result of the mitigation measures, but would remain significant and unavoidable. Lease measure **LM AQ-3** was added to the FEIR based on comments during the public review period for the Draft EIS/EIR related to consistency with all applicable CAAP measures for ocean going vessels. **LM AQ-3** encourages NYK Line to determine the feasibility of incorporating all emissions reduction technology and/or design options for vessels calling at the YTI Terminal. All mitigation measures determined feasible by LAHD have been identified in the Final EIS/EIR.

3.2.1.4 Impact AQ-4: The proposed project operations would result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance.

As shown in Tables 3.2-33 and 3.2-34, respectively, the maximum offsite NO₂ (federal 1-hour average) and incremental PM₁₀ (24-hour and annual average) concentrations from operational activities would exceed SCAQMD thresholds. Therefore, maximum offsite ambient pollutant concentrations associated with operation of the proposed Project would be significant for NO₂ (federal 1-hour average) and PM₁₀ (24-hour and annual average) prior to mitigation.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. Implementation of mitigation measures **MM AQ-9** and **MM AQ-10** and lease measures **LM AQ-1** through **LM AQ-3**, as presented above under Impact AQ-3, would substantially lessen offsite ambient air pollutant concentrations associated with the operation of the proposed Project. However, ambient pollutant levels would remain significant and unavoidable for the national 1-hour NO₂ standard and 24-hour and annual PM₁₀ SCAQMD thresholds. Specific economic, legal, social, technological, or other considerations make any additional mitigation measures infeasible.

Rationale for Finding

Similar to Impact AQ-3, operational emissions would vary over the life of the proposed Project due to several factors, such as regulatory requirements, activity levels, source characteristics (container ships, tugboats, trucks, locomotives, cargo handling equipment, and worker vehicles), and emission factors. The combination of these factors can result in emissions that do not always decrease or increase consistently over time. As part of the Draft EIS/EIR, mitigation was developed aiming at reducing these emissions through compliance with the VSRP, implementation of AMP while hoteling at the Port, and periodic review and substitution of new technology and regulations.

Changes or alternations have been incorporated into the proposed Project in the form of mitigation measures **MM AQ-9** and **MM AQ-10** and lease measures **LM AQ-1** through **LM AQ-3**, which would reduce the ambient impact relative to proposed project levels and represent feasible means to reduce air pollution impacts from proposed operation sources. As discussed under Impact AQ-3 above, lease measure **LM AQ-3** was added to the FEIR based on comments during the public review period for the Draft EIS/EIR. Ambient pollutant levels during operations would be reduced as a result of the mitigation measures, but would remain significant and unavoidable for the national 1-hour NO₂

1 standard and 24-hour and annual PM₁₀ SCAQMD thresholds. All mitigation measures
2 determined feasible by LAHD have been identified in the Final EIS/EIR.

3 **3.2.1.5 Impact AQ-7: The proposed Project would expose** 4 **receptors to significant levels of TACs.**

5 The Health Risk Assessment indicates that approximately 99% of the cancer risk at all
6 receptors would be caused by exposure to diesel particulate matter. In relation to the
7 Future CEQA baseline, the maximum incremental cancer risk is predicted to be less than
8 the significance threshold at all receptor types except at marina-based residential and
9 occupational receptor. As shown in Table 3.2-38, cancer risk at marina-based liveaboard
10 and occupational receptor would exceed the significance threshold of 10 in 1 million.
11 Therefore, the proposed Project would result in a less-than-significant cancer risk at land-
12 based residential, non-residential sensitive, student, and recreational receptors, but would
13 result in a significant cancer risk at marina-based residential and occupational receptors.

14 The maximum impacted occupational receptor would be located about 1,000 feet
15 northeast of the YTI Terminal truck out-gate, on industrial Port property, just north of the
16 entry/exit road and TICTF storage tracks. Sources driving impacts at this receptor would
17 be container trucks travelling in and out of the terminal.

18 The maximum impacted residential receptor would be at the marina liveaboards
19 (locations where people live on boats) in the Cerritos Channel, near Anchorage Street,
20 just west of the Henry Ford and Schuyler Heim bridges. Cancer risk at this receptor
21 would be driven by locomotives traveling across and beyond the Henry Ford Bridge
22 (65%) and drayage trucks driving across and beyond the Schuyler Heim Bridge (23%).

23 **Finding**

24 The Board hereby finds that changes or alterations have been required in, or incorporated
25 into the proposed Project that avoid or substantially lessen the significant environmental
26 effect identified in the Final EIS/EIR. Implementation of mitigation measures
27 **MM AQ-1** through **MM AQ-10** and lease measures **LM AQ-1** through **LM AQ-3**, as
28 presented above under Impacts AQ-1 and AQ-3, would substantially lessen significant
29 levels of proposed TACs associated with the operation of the proposed Project.
30 However, impacts would be significant and unavoidable for cancer risks for marina-based
31 residential and occupational receptors. Specific economic, legal, social, technological, or
32 other considerations make any additional mitigation measures infeasible.

33 **Rationale for Finding**

34 The largest contributor to cancer risk at all receptors would be diesel particulate matter.
35 The health risk assessment shows that health impacts would be less than significant for
36 residential communities on land. However, under the proposed Project, maximum
37 incremental cancer risk would remain significant and unavoidable for marina-based
38 residential receptors. One specific receptor location—the maximum marina-based
39 residential receptor for the Future CEQA increment, would have a cancer risk increment
40 of 11 in 1 million. This receptor has a relatively high contribution from locomotives
41 because it is adjacent to the Henry Ford (railroad) Bridge. It should be noted that the
42 significant and unavoidable cancer risk only extends over approximately 25% of a single
43 marina directly adjacent to the Henry Ford and Schuyler Heim bridges. Receptors farther
44 from the bridge would have a lower relative contribution from locomotives and a higher

1 relative contribution from other emission source categories. As part of the Draft EIS/EIR,
2 mitigation and lease measures were developed aimed at reducing these emissions through
3 construction equipment fleet modernization; fugitive dust controls; BMPs; compliance
4 with the VSRP; implementation of AMP while hoteling at the Port; and periodic review
5 and substitution of new technology and regulations.

6 Changes or alternations have been incorporated into the proposed Project in the form of
7 mitigation measures **MM AQ-1** through **MM AQ-10** and lease measures **LM AQ-1**
8 through **LM AQ-3**, which would reduce significant levels of proposed TACs and
9 represent feasible means to reduce exposure to toxic air contaminants. As discussed
10 under Impact AQ-3 above, lease measure **LM AQ-3** was added to the FEIR based on
11 comments during the public review period for the Draft EIS/EIR. In addition, mitigation
12 measures **MM AQ-3** and **MM AQ-7** were modified in the Final EIS/EIR based on public
13 comments, as discussed under Impact AQ-1 above. Impacts would be reduced as a result
14 of the mitigation measures, but they would remain significant and unavoidable for cancer
15 risks for marina-based residential and occupational receptors. All mitigation measures
16 determined feasible by LAHD have been identified in the Final EIS/EIR.

17 **3.2.2 Biological Resources**

18 As discussed in Section 3.3 of the Draft EIS/EIR, there would be one unavoidable
19 significant impact on biological resources related to operation of the proposed Project.
20 The impact and mitigation measure are discussed below.

21 **3.2.2.1 Impact BIO-4: The proposed Project has the potential to** 22 **introduce nonnative species into the Harbor that could** 23 **substantially disrupt local biological communities.**

24 Construction activities at the proposed project site, particularly dredging and pile driving,
25 could cause short-term impacts on individuals (e.g., marine mammals and fishes,
26 including those with designated Essential Fish Habitat) in the immediate vicinity of
27 construction activities that could indirectly facilitate the disruption of biological
28 communities if an invasive species were to be introduced. However, with
29 implementation of mitigation measure **MM BIO-1**, the pile driving would initiate with a
30 soft start and a 300-meter-radius safety zone will be established and monitored for
31 pinnipeds and cetaceans by a qualified marine mammal observer, which would minimize
32 impacts on fish and marine mammals near construction activities because they would
33 likely leave the area.

34 The proposed Project would increase the annual ship calls relative to the baseline. As
35 such, operation of the proposed Project has the potential to result in the introduction of
36 nonnative species into the Harbor via ballast water or vessel hulls which could
37 substantially disrupt local biological communities. Impacts, therefore, would be
38 significant without mitigation.

39 **Finding**

40 The Board hereby finds that changes or alterations have been required in, or incorporated
41 into the proposed Project that avoid or substantially lessen the significant environmental
42 effect identified in the Final EIS/EIR. Implementation of mitigation measure

1 **MM BIO-1**, as a condition of approval, would reduce impacts of pile driving on fish and
2 marine mammals.

3 **MM BIO-1: Avoid marine mammals.** *Although it is expected that marine mammals will*
4 *voluntarily move away from the area at the commencement of the vibratory or “soft*
5 *start” of pile-driving activities, as a precautionary measure, pile-driving activities*
6 *occurring as part of the sheet pile and king pile installation will include establishment of*
7 *a safety zone, and the area surrounding the operations will be monitored for pinnipeds*
8 *and cetaceans by a qualified marine mammal observer. A 300-meter-radius safety zone*
9 *will be established around the pile-driving site and monitored for marine mammals. The*
10 *pile-driving site will move with each new pile, therefore the 300-meter safety zone will*
11 *move accordingly.*

12 *Prior to commencement of pile driving, observers on shore or by boat will survey the*
13 *safety zone to ensure that no marine mammals are seen within the zone before pile*
14 *driving of a pile segment begins. If a marine mammal is observed within 10 meters of*
15 *pile-driving operations, pile driving will be delayed until the marine mammal moves out*
16 *of the 10-meter zone. If a marine mammal in the 300-meter safety zone is observed, but*
17 *more than 10 meters away, the contractor will wait at least 15 minutes to commence pile*
18 *driving. If the marine mammal has not left the 300-meter safety zone after 15 minutes,*
19 *pile driving can commence with a “soft start.” This 15-minute criterion is based on a*
20 *study indicating that pinnipeds dive for a mean time of 0.50 to 3.33 minutes; the 15-*
21 *minute delay will allow a more than sufficient period of observation to be reasonably*
22 *sure the animal has left the proposed project vicinity.*

23 *If marine mammals enter the safety zone after pile driving of a segment has begun, pile*
24 *driving will continue. The qualified observer will monitor and record the species and*
25 *number of individuals observed, and make note of their behavior patterns. If the animal*
26 *appears distressed, and if it is operationally safe to do so, pile driving will cease until the*
27 *animal leaves the area. Prior to the initiation of each new pile-driving episode, the area*
28 *will again be thoroughly surveyed by the qualified observer.*

29 No feasible mitigation is currently available to totally prevent introduction of invasive
30 species via vessel due to lack of proven technologies. Therefore, impacts associated with
31 the potential for invasive species introductions to disrupt marine biological communities
32 would remain significant and unavoidable.

33 **Rationale for Finding**

34 The annual ship calls and amount of ballast water discharged into the Main Channel area
35 would increase relative to the baseline conditions as a result of the proposed Project. As
36 part of the Draft EIS/EIR, mitigation was developed to reduce impacts related to
37 disruption of biological communities; however, no feasible mitigation is available to
38 prevent or minimize the introduction of non-native species via vessels. Changes or
39 alternations have been incorporated into the proposed Project in the form of mitigation
40 measure **MM BIO-1**, which would reduce impacts on fish and marine mammals and
41 represents a feasible means to reduce substantial disruption of local biological
42 communities during construction. Impacts would be reduced as a result of the mitigation
43 measure, but would remain significant and unavoidable for introduction of invasive
44 exotic species due to more and larger container ships using the Port as a result of the

1 proposed Project. All mitigation measures determined feasible by LAHD have been
2 identified in the Final EIS/EIR.

3 **3.2.3 Greenhouse Gas Emissions**

4 As discussed in Section 3.6 of the Draft EIS/EIR, there would be one unavoidable
5 significant impact on GHG emissions related to construction and operation of the
6 proposed Project. The impact and mitigation measures are discussed below.

7 **3.2.3.1 Impact GHG-1: The proposed Project would generate GHG 8 emissions, either directly or indirectly, that would exceed 9 the SCAQMD 10,000 mty CO_{2e} threshold.**

10 The proposed Project's GHG emissions would exceed the GHG threshold of 10,000 mty
11 in all operational analysis years. Emissions for all source categories, except container
12 ship hoteling emissions, would increase over the life of the proposed Project because of
13 terminal throughput increase. Proposed project GHG emissions would be significant
14 prior to mitigation.

15 **Finding**

16 The Board hereby finds that changes or alterations have been required in, or incorporated
17 into, the proposed Project that avoid or substantially lessen the significant environmental
18 effect identified in the Final EIS/EIR. The implementation of mitigation measures
19 **MM AQ-1, MM AQ-5, MM AQ-9, and MM AQ-10** and LAHD's standard lease
20 measures **LM AQ-1 through LM AQ-3**, as described above under Section 3.2.1, Air
21 Quality and Meteorology, would reduce GHG emissions. In addition, **MM GHG-1**
22 through **MM GHG-4** as follows would further reduce future GHG emissions. However,
23 annual GHG emissions would remain significant and unavoidable. Specific economic,
24 legal, social, technological, or other considerations make any additional mitigation
25 measures infeasible.

26 **MM GHG-1: Energy Audit.** *The tenant will conduct an energy audit by a third party of*
27 *its choice every 5 years and install innovative power-saving technology (1) where it is*
28 *feasible and (2) where the amount of savings would be reasonably sufficient to cover the*
29 *costs of implementation.*

30 **MM GHG-2: LED Lighting.** *When existing light bulbs require replacement, all bulbs*
31 *within the interior of buildings on the premises will be replaced exclusively with LED*
32 *light bulbs or a technology with similar energy-saving capabilities for ambient lighting*
33 *within all terminal buildings. The tenant will also maintain and replace any Port-*
34 *supplied LED light bulbs.*

35 **MM GHG-3: Recycling.** *The tenant will ensure that a minimum of 60% of all waste*
36 *generated in all terminal buildings is recycled by 2017.*

37 **MM GHG-4: Carbon Offsets for Certain GHG Emissions.** *YTI shall purchase carbon*
38 *offsets from sources listed on the American Carbon Registry and/or the Climate Action*
39 *Reserve (or any other such registry approved by CARB) for a total of 16,380 metric tons*
40 *of GHG emissions associated with electricity usage for certain terminal operations by the*
41 *year 2026.*

1 **Rationale for Finding**

2 Overall emissions would increase because of terminal throughput increase over the life of
3 the proposed Project. As part of the Draft EIS/EIR, mitigation and lease measures were
4 developed aimed at reducing fossil fuel use; installing power-saving technology;
5 increasing recycling of waste generated in all terminal buildings; and period review and
6 substitution of new technology and regulations. Changes or alternations have been
7 incorporated into the proposed Project in the form of mitigation measures **MM AQ-1**,
8 **MM AQ-5**, **MM AQ-9**, **MM AQ-10**, and **GHG-1** through **GHG-4**, and lease measures
9 **LM AQ-1** through **LM AQ-3**, which represents feasible means to reduce GHG
10 emissions. Mitigation measure **MM GHG-4** was added in the FEIR based on comments
11 during the public review period for the Draft EIS/EIR, and requires YTI to offset certain
12 GHG emissions through the purchase of carbon offsets from sources listed on the
13 American Carbon Registry and/or the Climate Action Reserve (or any other such registry
14 approved by CARB) for a total of 16,380 metric tons of GHG emissions associated with
15 electricity usage for certain terminal operations by the year 2026. In addition, lease
16 measure **LM AQ-3** was added to the FEIR, as discussed under Impact AQ-3 above.
17 Impacts would be reduced as a result of these measures, but they would be significant and
18 unavoidable for annual GHG emissions. All mitigation measures determined feasible by
19 LAHD have been identified in the Final EIS/EIR.

20 **3.3 Findings Regarding Environmental** 21 **Impacts Found to Be Less Than** 22 **Significant after Mitigation**

23 The Final EIS/EIR concludes that less-than-significant impacts would occur after
24 mitigation on the following environmental resources if the proposed Project was
25 implemented.

- 26 ▪ Biological Resources
- 27 ▪ Groundwater and Soils
- 28 ▪ Noise

29 In addition, the Final EIS/EIR concludes that some, but not all, impacts of the proposed
30 Project in the following resource areas were found to be less than significant prior to
31 mitigation. However, mitigation measures and/or standard conditions of approval were
32 still identified for the less-than-significant impacts in the following areas, to further
33 ensure that impacts remain minimal.

- 34 ▪ Biological Resources
- 35 ▪ Cultural Resources
- 36 ▪ Utilities and Service Systems

37 The following Findings pertain to environmental impacts of the proposed Project for
38 which mitigation measures have been identified in the Final EIS/EIR that will avoid or
39 substantially lessen the significant environmental effects to a less-than-significant level.

3.3.1 Biological Resources

As discussed in Draft EIS/EIR Section 3.3, Biological Resources, there would be one significant impact on biological resources that would be mitigated to less-than-significant levels as a result of mitigation measures incorporated into the proposed Project. There would also be one less-than-significant impact on biological resources for which additional conditions or measures are applied. The impacts and mitigation measures are discussed below.

3.3.1.1 Impact BIO-1: The proposed Project would not cause a loss of individuals or 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.

Construction of the proposed Project is not likely to result in the loss of individuals or the reduction of existing critical habitat of a state or federally listed endangered, threatened, rare, protected, candidate, or sensitive species or a Species of Special Concern. In-water construction would cause localized activity, noise, and turbidity that could affect birds and marine mammals. However, these impacts would be temporary and limited to the waters in the vicinity of construction activities. Implementation of required water quality monitoring during dredging according to the requirements of the RWQCB, and implementation of standard dredging BMPs via adaptive management of the dredging, would keep these impacts to a less-than-significant level.

Sediments would be disposed of at the LA-2 Ocean Dredged Material Disposal Site, placed at the Berths 243–245 CDF, or disposed of at another approved upland location. However, any temporary water quality impacts would be minimized by pre-dredge screening, water quality monitoring, adaptive management, and use of BMPs.

King and sheet pile driving during construction is anticipated to result in disturbance (Level B harassment) to marine mammals (particularly harbor seals and sea lions) in the vicinity of pile driving operation; impacts would be significant before mitigation.

An estimated 44 additional vessel calls per year above the baseline ship calls of 162 would result from operation of the proposed Project by the year 2026. Terminal activity under the proposed Project would be greater than the baseline; however, operational activities would result in no loss of habitat for rare, threatened, endangered, protected, or candidate species, or species of special concern. No impacts on critical habitat would occur because no critical habitat is present in the vicinity of the YTI Terminal. Increased vessel activity from the proposed Project would result in increased noise levels. However, impacts are not considered significant because this would not lead to the loss of individuals or habitat of sensitive species. The increase in vessel traffic would also increase the likelihood of a vessel collision with a marine mammal or sea turtle, which could result in injury or mortality. This impact is considered less than significant because of the low probability of vessel strikes; however, any increase in vessel traffic caused by the proposed Project may incrementally increase the potential for vessel strikes.

1 Finding

2 The Board hereby finds that changes or alterations have been required in, or
3 incorporated into, the proposed Project that avoid or substantially lessen the
4 environmental effect identified in the Final EIS/EIR. The implementation of mitigation
5 measure **MM BIO-1**, as described above, would reduce impacts on marine mammals as
6 a result of pile driving during construction to a less than significant level. While
7 impacts to marine mammals and sea turtles from vessel strikes during proposed Project
8 operation are less than significant without mitigation, **MM AQ-9**, described under
9 Impact AQ-3 will further reduce impacts.

10 Rationale for Finding

11 Changes or alternations have been incorporated into the proposed Project in the form of
12 mitigation measures **MM AQ-9** and **MM BIO-1**. Mitigation measure **MM AQ-9** would
13 be implemented not to mitigate a significant environmental impact, but rather to further
14 decrease to the already low likelihood of a vessel collision with a marine mammal or sea
15 turtle through requiring 95% of ships calling at the YTI Terminal to comply with the
16 expanded Vessel Speed Reduction Program at 12 knots between 40 nm from Point Fermin
17 and the Precautionary Area. Mitigation measure **MM BIO-1** would reduce potentially
18 significant impacts on marine mammals resulting from noise associated with king and sheet
19 pile driving by requiring initiation of pile driving with a soft start and establishment of a
20 300-meter-radius safety zone, as well as monitoring for pinnipeds and cetaceans by a
21 qualified marine mammal observer. Implementation of mitigation measures **MM AQ-9**
22 and **MM BIO-1** would reduce impacts associated with the loss of individuals, or the
23 reduction of existing habitat, of a state- or federally listed endangered, threatened, rare,
24 protected, or candidate species, or a Species of Special Concern to a less-than-significant
25 level.

26 3.3.1.2 Impact BIO-3: The proposed Project would not interfere 27 with wildlife movement/migration corridors.

28 Construction of the proposed Project would result in upland, in-water, and over-water
29 construction activities. No known terrestrial wildlife migration corridors are present at
30 the proposed project site. Several migratory bird species (California least tern, Caspian
31 tern, and elegant tern) nest at Pier 400; however, construction activities within the
32 proposed project site would not block or interfere with migration or movement of any of
33 these species covered under the Migratory Bird Treaty Act.

34 Marine mammals and fish species near the proposed project site would be subject to
35 temporary impacts during dredging and pile installation. Although these impacts would
36 be less than significant, impacts on marine mammals resulting from noise associated with
37 pile driving would be further reduced with implementation of mitigation measure **MM**
38 **BIO-1**. This would require a “soft start” of pile-driving activities and would establish a
39 300-meter-radius safety zone, along with monitoring for pinnipeds and cetaceans by a
40 qualified marine mammal observer to minimize impacts on marine mammals during
41 construction.

42 There would be no physical barriers to movement, and the baseline condition for fish and
43 wildlife access would be essentially unchanged. Proposed project-related construction
44 vessel traffic to and from the Harbor (i.e., tugboats carrying dredged sediments) would not
45 interfere with whale migrations along the coast. In addition, impacts from disposal at the

1 LA-2 disposal site were evaluated during the site designation process and subsequently
2 evaluated in consideration of higher maximum annual disposal volume. Biological impacts
3 due to construction and fill of the CDF, as well as expansion and fill of the Cabrillo shallow
4 Water Habitat, were also previously evaluated. Overall, proposed project construction
5 impacts on wildlife movement or migration corridors would be less than significant.

6 No barriers to wildlife passage would result from operation of the proposed Project. The type
7 of operational activity that would occur within the Harbor (vessel traffic) would increase to an
8 additional 44 calls per year by 2015 but would not interfere with wildlife movement or
9 migration within the Harbor. Therefore, there would be no operational impacts.

10 Finding

11 The Board hereby finds that although the proposed Project would result in a less-than-
12 significant impact on wildlife movement and migration corridors, changes or alterations
13 have been required in, or incorporated into, the proposed Project to further reduce the
14 effect of noise associated with pile-driving, through mitigation measure **MM BIO-1**, as
15 described above.

16 Rationale for Finding

17 Changes or alternations have been incorporated into the proposed Project in the form of
18 one mitigation measure **MM BIO-1**, which would further reduce less than significant
19 impacts on marine mammals resulting from noise associated with pile driving activities to a
20 less-than-significant level. This would require a “soft start” of pile-driving activities and
21 would establish a 300-meter-radius safety zone, along with monitoring for pinnipeds and
22 cetaceans by a qualified marine mammal observer to minimize impacts on marine
23 mammals during construction. Implementation of mitigation measure **MM BIO-1** would
24 ensure that impacts associated with wildlife movement and migration corridors remain
25 less than significant.

26 3.3.2 Cultural Resources

27 As discussed in Draft EIS/EIR Section 3.4, Cultural Resources, there would be one less-
28 than-significant impact on cultural resources for which additional conditions or measures
29 are applied. The impact and standard condition of approval are discussed below.

30 3.3.2.1 Impact CR-2: The proposed Project would not cause a 31 substantial adverse change in the significance of an 32 archaeological or ethnographic resource.

33 No archaeological or ethnographic resources are known to exist in the proposed project
34 area. There is an extremely low potential for buried historic-period cultural resources to
35 be found during construction of the proposed Project because most of the proposed
36 project area is underlain with imported and modern fill material dredged from the Harbor.
37 The proposed project area is on land that has been highly disturbed by recent modern
38 filling and construction in the 1980s and 1990s. In addition, the potential to encounter
39 cultural resources during dredging is also extremely low, since the channels have been
40 dredged in the past to form Terminal Island. Therefore, the proposed Project would have
41 less-than-significant impacts on archaeological or ethnographic resources; however, as it

1 is impossible to completely rule out encountering previously unknown archaeological or
2 ethnographic resources during construction.

3 **Finding**

4 The Board hereby finds that although the proposed Project would result in a less-than-
5 significant impact on archaeological or ethnographic resources, changes or alterations
6 have been required in, or incorporated into, the proposed Project to ensure the appropriate
7 actions are carried out should any prehistoric and/or archaeological resources be
8 encountered, through standard condition **SC CR-1**, as described below.

9 ***SC CR-1. Stop Work in the Area if Prehistoric and/or Archaeological Resources are***
10 ***Encountered. In the unlikely event that any prehistoric artifact of historic period***
11 ***materials or bone, shell, or nonnative stone is encountered during construction, work***
12 ***shall be immediately stopped, the area secured, and work relocated to another area until***
13 ***the found materials can be assessed by a qualified archaeologist. Examples of such***
14 ***cultural materials might include historical trash pits containing bottles and/or ceramics;***
15 ***or structural remains or concentrations of grinding stone tools such as mortars, bowls,***
16 ***pestles, and manos; chipped stone tools such as projectile points or choppers; and flakes***
17 ***of stone not consistent with the immediate geology such as obsidian or fused shale. The***
18 ***contractor shall stop construction within 30 feet of the exposure of these finds until a***
19 ***qualified archaeologist can be retained by LAHD to evaluate the find (see 36 CFR***
20 ***800.11.1 and 14 CCR 15064.5(f)). If the resources are found to be significant, they shall***
21 ***be avoided or shall be mitigated consistent with Section 106 or State Historic***
22 ***Preservation Officer Guidelines.***

23 **Rationale for Finding**

24 The proposed Project would not disturb, damage, or degrade an archaeological or
25 ethnographic resources or its setting that is found to be important. However, as it is
26 impossible to completely rule out encountering previously unknown archaeological or
27 ethnographic resources during construction, changes or alternations have been
28 incorporated into the proposed Project in the form of standard condition **SC CR-1** which
29 requires construction activities to cease in the area if prehistoric and/or archaeological
30 resources are encountered until a qualified archaeologist can be retained to evaluate the
31 find. Standard condition **SC CR-1** would be implemented not to mitigate a potentially
32 significant environmental impact, but rather to further reduce any potential impacts to
33 any previously unknown archaeological or ethnographic resource during construction.
34 Therefore, implementation of **SC CR-1** would ensure that impacts associated with
35 archaeological or ethnographic resources remain less than significant.

36 **3.3.3 Groundwater and Soils**

37 As discussed in Draft EIS/EIR Section 3.8, Groundwater and Soils, there would be one
38 significant impact on groundwater and soils that would be mitigated to a less-than-
39 significant level as a result of mitigation measures incorporated into the proposed Project.
40 The impact and mitigation measures are discussed below.

1 **3.3.3.1 Impact GW-1: Construction of the proposed Project would**
2 **not encounter toxic substances or other contaminants**
3 **associated with historical uses of the Port, resulting in**
4 **short-term exposure to construction/operations personnel**
5 **and/or long-term exposure to future site occupants.**

6 Excavations associated with backland, crane rail, and TICTF improvements could
7 encounter soil and/or groundwater contamination. Such discoveries could result in
8 adverse impacts on construction and operations personnel. Therefore, impacts related to
9 encountering and exposing personnel to short- and/or long-term exposure of
10 contaminated materials would be potentially significant without mitigation.

11 **Finding**

12 The Board hereby finds that changes or alterations have been required in, or incorporated
13 into, the proposed Project that avoid or substantially lessen the significant environmental
14 effect identified in the Final EIS/EIR. The implementation of mitigation measures
15 **MM GW-1** and **MM GW-2**, as follows, would ensure that should contaminated material
16 be encountered on site, personnel on site would not have short-term and/or long-term
17 exposure to toxic substances or other contaminants as a result of construction of the
18 proposed Project.

19 ***MM GW-1: Soil Sampling, Testing, and Treatment.*** *The following actions must be*
20 *implemented by LAHD or its contractors.*

- 21 a) *Prior to conducting excavations or disturbing the site cap in the former National*
22 *Metals and Steel site, the former Al Larson's Boat site, and the former Hugo Neu*
23 *Proler lease site, EPA must receive a "Notification of Activity" according to*
24 *Federal protocol under the Toxic Substances Control Act (TSCA) for former*
25 *polychlorinated biphenyl (PCB) remediation sites. In place (in-situ) soil*
26 *sampling for PCBs must be completed prior to excavation and the analytical*
27 *results provided to the EPA for review, prior to excavation. The sampling,*
28 *analytical method, extraction, and soil disposal methods must comply with EPA*
29 *TSCA regulations for PCB remediation sites where the original source of the*
30 *PCBs was greater than 50 milligrams per kilogram (mg/kg). Sampling frequency*
31 *and depth must be consistent with established EPA sampling procedures or*
32 *guidance such as 40 CFR 761, Subpart N (40 CFR 761.260 et al.), or*
33 *Comprehensive Environmental Response, Compensation, and Liability Act*
34 *(CERCLA) site characterization guidance. PCB-containing waste soils must be*
35 *disposed of and labeled as TSCA waste. EPA written concurrence with the*
36 *notification is needed before excavation may proceed in former PCB remediation*
37 *areas. In addition, as lead agency for PCBs, EPA may attach conditions to their*
38 *concurrence, which must be followed. If excavation occurs in these soils, a site-*
39 *specific health and safety plan (SSHSP) would be required to address worker*
40 *safety.*
- 41 b) *In the former National Metals Steel and Al Larson Boat sites, soils must also be*
42 *tested in advance for total petroleum hydrocarbons (TPH) and, Title 22 metals,*
43 *and organochlorine pesticides (OCPs) as a condition of remediation site closure*
44 *by the Los Angeles County Fire Department, Health and Hazardous Materials*

1 *Section, and LAHD past practice to provide adequate information for*
2 *construction waste characterization and/or worker safety hazard evaluations,*
3 *prior to excavation. Based on past sampling, organochlorine pesticides (OCPs)*
4 *should also be tested at the National Metals Steel and Al Larson Boat site, and*
5 *Title 22 metals and TPH should be tested at the Hugo Neu Proler lease site. If*
6 *direct truck loading or immediate soil reuse is desired at the National Metals*
7 *Steel, Al Larson Boat, and former Hugo Neu Proler lease sites, testing of any*
8 *other constituents necessary for proper disposal or soil reuse should also be*
9 *performed prior to excavation.*

10 *c) Soils in the former Golden West leasehold must be tested for TPH, benzene,*
11 *toluene, ethyl benzene and xylenes, and polyaromatic hydrocarbons prior to*
12 *excavation disposal. This is due to elevated petroleum waste left in backfill soils*
13 *at this site. In addition, any other constituent analyses needed by the disposal*
14 *site or for soil reuse should be analyzed at the same time and for the reason*
15 *described in (b) above. If excavation occurs in these soils, an SSHSP would be*
16 *required to address worker safety.*

17 *d) Soils in the former Dow Chemical site must be tested for volatile organic*
18 *compounds prior to excavation disposal. This is because past sampling indicates*
19 *carbon tetrachloride is present at concentrations above industrial limits and at a*
20 *level not protective of construction workers. Other lower-level volatile organic*
21 *compounds (VOCs) were also found and should also be tested. In addition, any*
22 *other constituent analyses needed by the disposal site or for immediate reuse*
23 *should be analyzed for at the same time. If excavation occurs in these soils, an*
24 *SSHSP would be required to address worker safety.*

25 *e) In Waste Discharge Order 90-045, the Los Angeles Regional Water Quality*
26 *Control Board requires maintenance of the structural integrity of the site cap for*
27 *the former Golden West site and the National Metals Steel/Al Larson Boat Shop*
28 *site. The site cap is to be a minimum of a 21-inch layer of clean material,*
29 *compacted according to civil engineering standards, and the top 7 inches of this*
30 *layer are to be asphalt concrete pavement. Groundwater monitoring*
31 *requirements were rescinded for this site due to the presence of this cap and 6*
32 *years of monitoring indicating that the cap was protecting the groundwater from*
33 *remnant contaminants in site soils. EPA may also be concerned with the*
34 *integrity of this cap over former PCB remediation areas. Therefore, if the cap is*
35 *disturbed over these sites, including the Hugo Neu Proler lease site, stormwater*
36 *should not be allowed to infiltrate the cap, and during normal operations, the*
37 *integrity of the cap should be inspected and maintained. Any other EPA*
38 *requirements should also be followed.*

39 **MM GW-2: Contamination Contingency Plan.** *The following contingency plan will be*
40 *implemented to address contamination discovered during demolition, grading, and*
41 *construction.*

42 *a) All trench excavation and filling operations will be observed for the presence of*
43 *free petroleum products, chemicals, or contaminated soil. Soil suspected of*
44 *contamination will be segregated from other soil. In the event soil suspected of*
45 *contamination is encountered during construction, the contractor will notify*
46 *LAHD's environmental representative. LAHD will confirm the presence of the*

- 1 *suspect material and direct the contractor to remove, stockpile or contain, and*
2 *characterize the suspect material. Continued work at a contaminated site will*
3 *require the approval of the LAHD Project Engineer.*
- 4 b) *Excavation of VOC-impacted soil, or soil suspected of being impacted by VOCs*
5 *based on historical site use, will require obtaining and complying with a South*
6 *Coast Air Quality Management District Rule 1166 permit. For soil suspected to*
7 *have carbon tetrachloride, a Photo Ionization Detector (PID) with an 11.7 eV*
8 *lamp will be necessary to detect significant levels.*
- 9 c) *The remedial option(s) selected will be dependent on a suite of criteria (including*
10 *but not limited to types of chemical constituents, concentration of the chemicals,*
11 *health and safety issues, time constraints, and cost) and will be determined on a*
12 *site-specific basis. Both offsite and onsite remedial options may be evaluated.*
- 13 d) *The extent of removal actions will be determined on a site-specific basis. At a*
14 *minimum, the impacted area(s) within the boundaries of the construction area*
15 *will be remediated to the satisfaction of LAHD and the lead regulatory agency*
16 *for the site or action. The LAHD Project Manager overseeing removal actions*
17 *will inform the contractor when the removal action is complete.*
- 18 e) *Copies of hazardous waste manifests or other documents indicating the amount,*
19 *nature, and disposition of such materials will be submitted to the LAHD Project*
20 *Manager within 60 days of project completion.*
- 21 f) *In the event that contaminated soil is encountered either prior to or during*
22 *construction, all onsite personnel handling or working in the vicinity of the*
23 *contaminated material must be trained in accordance with EPA and*
24 *Occupational Safety and Health and Administration (OSHA) regulations for*
25 *hazardous waste operations or demonstrate they have completed the appropriate*
26 *training. Training must provide protective measures and practices to reduce or*
27 *eliminate hazardous materials/waste hazards at the workplace.*
- 28 g) *When impacted soil must be excavated, air monitoring will be conducted as*
29 *appropriate for related emissions adjacent to the excavation.*
- 30 h) *All excavations will be backfilled with structurally suitable fill material that is*
31 *free from contamination per LAHD standards.*
- 32 i) *Standard engineering controls and BMPs will be implemented while excavating*
33 *impacted soils to minimize human exposure to potential contaminants.*
34 *Engineering controls and construction BMPs will include but not be limited to*
35 *the following:*
- 36 *▪ Contractor will water/mist soil as its being excavated and loaded onto*
37 *transportation trucks.*
- 38 *▪ Contractor will place any stockpiled soil in areas shielded from prevailing*
39 *winds.*
- 40 *▪ Contractor will cover the bottom of excavated areas with sheeting when work*
41 *is not being performed.*

1 Rationale for Finding

2 The proposed Project would include grading, excavation, and other construction-related
3 activities that could disturb or expose contaminated soils, especially during backland
4 improvement, crane rail extension, and TICTF improvements. As part of the Draft
5 EIS/EIR, changes or alternations have been incorporated into the proposed Project in the
6 form of mitigation measures **MM GW-1** and **MM GW-2**. Mitigation measure **MM GW-**
7 **1** would require soil sampling, testing, and treatment in areas where former industrial site
8 were located prior to ground-disturbing construction activities, and mitigation measure
9 **MM GW-2** would require the implementation of a contamination contingency plan to
10 address contamination discovered during demolition, grading, and construction. Both
11 **MM GW-1** and **MM GW-2** would ensure that should contaminated material be
12 encountered on site, personnel on site would not have short-term and/or long-term
13 exposure to toxic substances or other contaminants associated with historical uses of the
14 Port. Therefore, implementation of mitigation measures **MM GW-1** and **MM GW-2**
15 would reduce impacts associated with encountering and exposing personnel to short-
16 and/or long-term exposure of contaminated material to a less-than-significant level.

17 3.3.4 Noise

18 As discussed in Draft EIS/EIR Section 3.12, Noise, there would be one significant impact
19 on noise that would be mitigated to less-than-significant levels as a result of mitigation
20 measures incorporated into the proposed Project. The impact and mitigation measures
21 are discussed below.

22 3.3.4.1 Impact NOI-1: Construction of the proposed Project would 23 result in daytime construction activities lasting more than 24 10 days in a 3-month period that would exceed existing 25 ambient exterior noise levels by 5 dBA or more at noise- 26 sensitive receptors.

27 Construction noise from dredging, crane improvements, TICTF improvements, and
28 backland improvements would not increase existing ambient noise levels at any identified
29 noise-sensitive receptor in the proposed project vicinity by 5 dBA or more; however,
30 noise produced by pile driving during sheet and king pile installation would be 6 dB
31 above the ambient noise level at the nearby liveaboard boat area and would result in a
32 combined noise level of 63 dBA (7 dB increase over exiting ambient noise level). These
33 impacts would be temporary but significant without mitigation.

34 Finding

35 The Board hereby finds that changes or alterations have been required in, or incorporated
36 into, the proposed Project that avoid or substantially lessen the significant environmental
37 effect identified in the Final EIS/EIR. The implementation of mitigation measures
38 **MM NOI-1** and **MM NOI-2**, as follows, would reduce impacts on the ambient noise
39 level at the nearby liveaboard boat area as a result of construction of the proposed
40 Project.

41 **MM NOI-1: Noise Reduction during Pile Driving.** *The contractor will be required to*
42 *use a pile-driving system such as a Bruce hammer (with silencing kit); an IHC*
43 *Hydrohammer, SC series (with a sound insulation system); or an equivalent silenced*

1 *hammer that is capable of limiting maximum noise levels at 50 feet from the pile driver to*
2 *104 dBA, or less, during installation of king piles and sheet piles.*

3 ***MM NOI-2: Erect Temporary Noise Attenuation Barriers Adjacent to Pile-Driving***
4 ***Equipment or Employ Temporary Shields to the Pile-Driving Equipment, Where***
5 ***Necessary and Feasible. The need for and feasibility of noise attenuation***
6 ***barriers/curtains or pile driver shielding will be evaluated on a case-by-case basis by***
7 ***considering the distance to noise-sensitive receptors, the available space at the***
8 ***construction location, safety, and proposed project operations. The noise***
9 ***barriers/curtains will be installed directly around the pile-driving equipment to shield the***
10 ***line of sight from the nearest noise-sensitive receptor, where feasible. Because the***
11 ***equipment would be mostly on the water and pile drivers are high above the water***
12 ***surface, noise barriers may not be feasible or effective to provide sufficient noise***
13 ***reduction, depending on the construction sites and pile-driving activity and equipment***
14 ***specified for each site. Another alternative is to employ shields that are physically***
15 ***attached to the pile drivers. The pile driver shielding is more effective where***
16 ***considerable noise reduction is required.***

17 **Rationale for Finding**

18 Ambient exterior noise levels would increase by approximately 6 dB as a result of pile
19 driving during sheet and king pile installation at nearby liveaboard receptors. As part of
20 the Draft EIS/EIR, changes or alternations have been incorporated into the proposed
21 Project in the form of mitigation measures **MM NOI-1 and MM NOI-2**. Mitigation
22 measure **MM NOI-1** would require the contractor to use silenced hammer equipment
23 capable of limiting maximum noise levels at 50 feet from the pile driver to 104 dBA, or
24 less, during installation of king piles and sheet piles. Mitigation measure **MM NOI-2**
25 would require the contractor to erect temporary noise attenuation barrier adjacent to pile-
26 driving equipment or employ temporary shields to the pile-driving equipment, where
27 necessary and feasible. Therefore, implementation of mitigation measures **MM NOI-1**
28 and **MM NOI-2** would reduce impacts on the ambient noise level at the nearby
29 liveaboard receptors to a less-than-significant level.

30 **3.3.5 Utilities and Service Systems**

31 As discussed in Draft EIS/EIR Section 3.14, Utilities and Service Systems, there would
32 be two less-than-significant impacts on utilities and service systems for which additional
33 mitigation measures are applied to further reduce the impacts. The impacts and
34 mitigation measures are discussed below.

35 **3.3.5.1 Impacts UT-4: Implementation of the proposed Project** 36 **would not result in an increase in solid waste generation** 37 **due to project operations that would exceed the capacity of** 38 **existing solid waste handling and disposal facilities.**

39 Container terminal operations would consist primarily of container loading and storage
40 activities that would not generate substantial amounts of solid waste requiring disposal in
41 a landfill. By 2026, the proposed Project would generate 135 pounds of solid waste per
42 day (0.0675 ton per day) over the 2012 baseline level. This would represent an increase
43 in the contribution to the permitted daily throughput at Chiquita Canyon from baseline
44 conditions of 0.0019% to the proposed Project's peak year operations of 0.0030% in

1 2026. If solid waste is instead brought to Sunshine Canyon, the contribution to the
2 permitted daily throughput at Sunshine Canyon would increase from 0.00094% to
3 0.0015%. The landfills would be able to accommodate the negligible increase in solid
4 waste generated by project operations through their respective closure dates, estimated to
5 be approximately 2019 for Chiquita Canyon and 2037 for Sunshine Canyon.

6 A substantial amount of debris is not anticipated to be generated during construction
7 because the Port recycles up to 99% of construction and demolition debris and most of
8 the construction debris generated by the proposed Project would be old paving and
9 asphalt. Although hazardous materials could be encountered and require disposal during
10 construction activities, several contaminated soil treatment and disposal options and
11 Class I landfills are available for off-site disposal. Because of this, impacts related to
12 exceeding the capacity of a Class I landfill would be less than significant. Although
13 significant impacts on landfill capacity would not occur, mitigation measures **MM UT-1**
14 and **MM UT-2** have been added to further reduce the amount of solid waste generated
15 during construction of the proposed Project. Additionally, GHG mitigation measure **MM**
16 **GHG-3** requires that a minimum of 60% of all waste generated in all terminal buildings
17 is recycled by 2017. This mitigation measure would further reduce solid waste
18 generation during operation of the proposed Project.

19 Finding

20 The Board hereby finds that although the proposed Project would result in a less-than-
21 significant impact on solid waste handling and disposal facilities, changes or alterations
22 have been required in, or incorporated into, the proposed Project to further reduce the
23 amount of solid waste generated, through mitigation measures **MM UT-1** and **UT-2**, as
24 described below, and **MM GHG-3**, as described above.

25 ***MM UT-1: Recycling of Construction Materials.*** *Demolition and/or excess*
26 *construction materials will be separated on site for reuse/recycling or proper disposal.*
27 *During grading and construction, separate bins for recycling of construction materials*
28 *will be provided on site.*

29 ***MM UT-2: Materials with Recycled Content.*** *Materials with recycled content will be*
30 *used in project construction where feasible.*

31 Rationale for Finding

32 Although no potentially significant impacts are expected to occur to existing solid waste
33 handling and disposal facilities, the Draft EIS/EIR includes changes to the proposed
34 Project in the form of mitigation measures **MM UT-1**, **MM UT-2**, and **MM GHG-3**.
35 Mitigation measures **MM UT-1** and **MM UT-2** would require that demolition and/or
36 excess construction materials as well as materials with recycled content be separated on
37 site for reuse in project construction where feasible or recycling or proper disposal. In
38 addition, mitigation measure **MM GHG-3** would require that minimum of 60% of all
39 waste generated in all terminal buildings is recycled by 2017. These mitigation measures
40 would be implemented not to mitigate a potentially significant environmental impact, but
41 rather to further reduce the amount of solid waste generated during construction and
42 operation of the proposed Project. Therefore, implementation of mitigation measures
43 **MM UT-1**, **MM UT-2**, and **MM GHG-3** would ensure that impacts associated solid
44 waste handling and disposal facilities remain less than significant.

1 **3.3.5.2 Impact UT-5: Implementation of the proposed Project**
2 **would not require new, off-site energy supply and**
3 **distribution infrastructure or capacity-enhancing**
4 **alterations to existing facilities that are not anticipated by**
5 **adopted plans or programs.**

6 Construction of the proposed Project would not result in substantial waste or inefficient
7 use of energy because construction would be competitively bid, which would facilitate
8 efficiency in all construction stages. Current LAHD bid specifications include provisions
9 to reduce energy consumption, such as staging work during nonpeak hours when
10 appropriate.

11 Current electrical demand is 15,754,440 kilowatt-hours (kWh). Based on this usage and
12 the proposed additional electrical draw, primarily from new cranes, electrical demand in
13 2026 is estimated to be 23,092,182 kWh based on a throughput of 1,913,000 TEUs.
14 Based on the Los Angeles Department of Water and Power (LADWP) Power Integrated
15 Resource Plan, electricity resources and reserves at LADWP will adequately provide
16 electricity for all of its customers, including the proposed Project, through the current
17 Power Integrated Resource Plan planning horizon of 2040. Impacts on electrical service
18 would be less than significant.

19 Project-related natural gas demands (space and water heating) would be similar to those
20 for the baseline because no new buildings or building expansions are proposed. No
21 additional gas line infrastructure would be required. Impacts on gas service would be
22 less than significant. Although significant impacts on energy supply and distribution
23 infrastructure would not occur, mitigation measures **MM GHG-1** and **MM GHG-2** have
24 been added to further reduce energy demand associated with the proposed Project.

25 **Finding**

26 The Board hereby finds that although the proposed Project would result in a less-than-
27 significant impact on energy supply and distribution infrastructure, changes or alterations
28 have been required in, or incorporated into, the proposed Project to further reduce the
29 amount of energy demand generated, through mitigation measures **MM GHG-1** and
30 **MM GHG-2**, as described above.

31 **Rationale for Finding**

32 Although no potentially significant impacts are expected to occur on existing energy
33 supply and distribution facilities, the Draft EIS/EIR includes changes or alternations to
34 the proposed Project in the form of mitigation measures **MM GHG-1** and **MM GHG-2**.
35 **MM GHG-1** and **MM GHG-2** would require the tenant to perform regular energy audits
36 and use of LED lighting. These mitigation measures would be implemented not to
37 mitigate a potentially significant environmental impact, but rather to further reduce
38 energy demand associated with the proposed Project. These mitigation measures,
39 however, do help to mitigate a significant impact under Impact GHG-1, as discussed
40 above. Therefore, implementation of mitigation measures **MM GHG-1** and **MM GHG-2**
41 would ensure that impacts associated with energy supply and distribution infrastructure
42 would remain less than significant.

3.4 Cumulatively Considerable Impacts

The State CEQA Guidelines (Section 15130) require an analysis of a project’s contribution to significant and unavoidable cumulative impacts. Cumulative impacts include “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts” (State CEQA Guidelines, Section 15355). A total of 94 present or reasonably foreseeable future projects (approved or proposed) were identified within the general vicinity of the proposed Project that could contribute to cumulative impacts. The 94 projects include projects in the Ports of Los Angeles and Long Beach and the communities of San Pedro, Wilmington, and Carson.

The discussion below identifies cumulatively significant impacts that cannot be mitigated to less-than-significant levels and, therefore, represent significant unavoidable impacts. All feasible mitigation measures to reduce or avoid the cumulatively considerable contribution of the proposed Project to these impacts have been required in, or incorporated into, the proposed Project. However, even with the incorporation of all feasible mitigation measures, cumulative impacts on these environmental resources would remain significant and unavoidable. 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 (see Chapter 1 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 Final EIS/EIR below.

According to State CEQA Guidelines Section 15130(b): “The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness...” The information presented in the Draft EIS/EIR in Chapter 4, Cumulative Analysis, meets this criterion.

3.4.1 Aesthetics and Visual Resources

3.4.1.1 Cumulative Impact AES- 4: The proposed Project would make a cumulatively considerable contribution to a significant cumulative impact due to creating a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area—Cumulatively Considerable and Unavoidable

The incremental change in ambient lighting conditions associated with the proposed Project as a result of up to two additional cranes and four additional operating cranes at the proposed project site would not create a substantial change in existing levels of ambient light in sensitive areas in the proposed project vicinity. Additionally, the lighting has been designed in a way to minimize off-project light spill, and, because of the distance of the planned light fixtures from areas of potential sensitivity, the proposed project lighting would not adversely affect nearby light-sensitive areas.

1 Since much of the area near the proposed project site consists of lands used for Port
2 activities that are intensively illuminated, in most areas near the proposed Project and on
3 the streets that serve them, the level of sensitivity to changes in nighttime lighting
4 conditions brought about by the proposed Project is low. Further, lighting design
5 measures would minimize and keep the project-level lighting impacts of the proposed
6 Project below significance; however, as the past, present, and reasonably foreseeable
7 future related projects would result in a significant impact related to light and glare, the
8 new crane lighting from the proposed Project would make a cumulatively considerable
9 contribution to a significant cumulative impact.

10 Finding

11 The Board hereby finds that changes or alterations have been required in, or incorporated
12 into the proposed Project that avoid or substantially lessen the significant environmental
13 effect identified in the Final EIS/EIR. The design of the lighting proposed for the
14 proposed project site incorporates a range of measures to minimize off-site lighting
15 impacts. Given that the lighting plan already makes maximum use of measures to
16 attenuate the proposed Project's lighting impacts, no additional mitigation measures are
17 available to reduce the proposed Project's contribution to the cumulative lighting impact.
18 Therefore, the Board hereby finds that specific economic, legal, social, technological, or
19 other considerations make any additional mitigation measures infeasible. All mitigation
20 measures determined feasible by LAHD as identified in the Final EIS/EIR have been
21 incorporated into the proposed Project. However, even with the incorporation of feasible
22 lighting design measures, impacts would remain cumulatively considerable.

23 Rationale for Finding

24 Changes or alternations have been incorporated into the proposed Project in the form of
25 lighting design measures that would reduce light and glare. However, the proposed
26 Project would make a cumulatively considerable contribution to a significant cumulative
27 impact.

28 3.4.2 Air Quality and Meteorology

29 3.4.2.1 Cumulative Impact AQ-1: The proposed Project would 30 result in a cumulatively considerable increase of a criteria 31 pollutant for which the project region is in nonattainment 32 under a national or state ambient air quality standard— 33 Cumulatively Considerable and Unavoidable

34 Proposed project construction emissions would exceed SCAQMD significance thresholds
35 for PM₁₀, PM_{2.5}, NO_x, CO, and VOC in 2015 and for PM_{2.5}, NO_x, CO, and VOC in 2016.
36 In addition, proposed project overlapping construction and terminal operational emissions
37 during the construction period would exceed SCAQMD significance thresholds for PM₁₀,
38 PM_{2.5}, NO_x, CO, and VOC. These impacts would combine with cumulatively significant
39 impacts from concurrent related construction projects. As a result, without mitigation,
40 proposed project construction emissions would make a cumulatively considerable
41 contribution to an existing significant cumulative impact for PM₁₀, PM_{2.5}, NO_x, CO, and
42 VOC emissions.

1 Finding

2 The Board hereby finds that changes or alterations have been required in, or incorporated
3 into, the proposed Project that avoid or substantially lessen the significant environmental
4 effect identified in the Final EIS/EIR. The implementation of mitigation measures
5 **MM AQ-1** through **MM AQ-8** would help reduce cumulatively considerable
6 construction emissions.

7 Although mitigation measures **MM AQ-1** through **MM AQ-8** would reduce the
8 cumulative effect of construction emissions, the mitigation would not sufficiently reduce
9 the proposed Project's cumulatively considerable contribution to a less-than-significant
10 level. Therefore, the Board hereby finds that specific economic, legal, social,
11 technological, or other considerations make infeasible additional mitigation measures or
12 proposed project alternatives identified in the Final EIS/EIR. In this case all mitigation
13 measures determined feasible by LAHD as identified in the Final EIS/EIR have been
14 incorporated into the proposed Project. Nevertheless, even with the incorporation of
15 feasible mitigation measures, the proposed Project would make a cumulatively
16 considerable contribution to a significant cumulative impact for PM_{2.5}, NO_x, CO, and
17 VOC emissions. After mitigation, overlapping construction and operational emissions
18 would remain significant for NO_x, CO, and VOC. As such, after mitigation, overlapping
19 construction and operations of the proposed Project would make a cumulatively
20 considerable and unavoidable contribution to an existing significant cumulative impact
21 for NO_x, CO, and VOC emissions.

22 Rationale for Finding

23 The past, present, and reasonably foreseeable future projects for Cumulative Impact
24 AQ-1 would result in significant cumulative impacts if their combined increase of a
25 criteria pollutant would exceed SCAQMD significance thresholds during construction.
26 Mitigation measures **MM AQ-1** through **MM AQ-8** would help reduce construction
27 emissions; however, they would not reduce impacts to a less-than-significant level.
28 Cumulative air quality impacts from proposed project construction would exceed PM_{2.5},
29 NO_x, CO, and VOC thresholds. Construction emissions would make a cumulatively
30 considerable contribution to a significant cumulative impact.

31 3.4.2.2 Cumulative Impact AQ-2: The construction of the 32 proposed Project would produce emissions that exceed an 33 ambient air quality standard or substantially contribute to 34 an existing or projected air quality standard violation— 35 Cumulatively Considerable and Unavoidable

36 Construction of the proposed Project would exceed the federal 1-hour, state 1-hour and
37 state annual NO₂, the 24-hour and annual PM₁₀, and the 24-hour PM_{2.5} ambient air
38 thresholds. In addition, overlapping construction and operation of the proposed Project
39 would exceed the federal 1-hour, state 1-hour, and state annual NO₂, the 24-hour and
40 annual PM₁₀, and the 24-hour PM_{2.5} ambient air thresholds. These impacts would
41 combine with impacts from concurrent related construction projects, which would
42 already be cumulatively significant. As a result, without mitigation, impacts from
43 proposed project construction would make a cumulatively considerable contribution to an
44 existing significant cumulative impact related to ambient NO₂, PM₁₀, and PM_{2.5} levels.

1 Finding

2 The Board hereby finds that changes or alterations have been required in, or incorporated
3 into, the proposed Project that avoid or substantially lessen the significant environmental
4 effect identified in the Final EIS/EIR. The implementation of mitigation measures
5 **MM AQ-1** through **MM AQ-8** would help reduce cumulatively considerable
6 construction emissions.

7 Although mitigation measures **MM AQ-1** through **MM AQ-8** would reduce the
8 cumulative effect of construction emissions, the mitigation would not sufficiently reduce
9 the proposed Project's cumulatively considerable contribution of the impact to a less-
10 than-significant level for NO₂ or PM₁₀. Therefore, the Board hereby finds that specific
11 economic, legal, social, technological, or other considerations make infeasible additional
12 mitigation measures or proposed project alternatives identified in the Final EIS/EIR. In
13 this case all mitigation measures determined feasible by LAHD as identified in the Final
14 EIS/EIR have been incorporated into the proposed Project. Nevertheless, even with the
15 incorporation of feasible mitigation measures, the proposed Project would make a
16 cumulatively considerable and unavoidable contribution to an existing significant
17 cumulative impact related to ambient NO₂ and PM₁₀ levels.

18 Rationale for Finding

19 The past, present, and reasonably foreseeable future projects would result in significant
20 cumulative impacts for Cumulative Impact AQ-2 if their combined ambient pollutant
21 concentrations, during construction, would exceed the SCAQMD ambient concentration
22 thresholds for pollutants from construction. Mitigation measures **MM AQ-1** through
23 **MM AQ-8** would help reduce construction emissions; however, they would not reduce
24 all impacts to a less-than-significant level. Construction emissions could still make a
25 cumulatively considerable contribution to a significant cumulative impact relative to
26 ambient NO₂ and PM₁₀ levels from concurrent related project construction.

27 **3.4.2.3 Cumulative Impact AQ-3: The operation of the proposed** 28 **Project would produce a cumulatively considerable** 29 **increase of a criteria pollutant for which the project region** 30 **is in nonattainment under a national or state ambient air** 31 **quality standard—Cumulatively Considerable and** 32 **Unavoidable**

33 Operation of the proposed Project would exceed SCAQMD significance thresholds for
34 NO_x, CO, and VOC in 2017, 2020, and 2026. These impacts would combine with
35 impacts from concurrent related projects, which would already be cumulatively
36 significant. As a result, without mitigation, proposed project operational emissions
37 would make a cumulatively considerable contribution to an existing significant
38 cumulative impact for NO_x, CO, and VOC.

39 Finding

40 The Board hereby finds that changes or alterations have been required in, or incorporated
41 into, the proposed Project that avoid or substantially lessen the significant environmental
42 effect identified in the Final EIS/EIR. The implementation of mitigation measures

1 **MM AQ-9** and **MM AQ-10** would help reduce cumulatively considerable operational
2 emissions.

3 Although mitigation measures **MM AQ-9** and **MM AQ-10** would reduce the cumulative
4 effect of operational emissions, the mitigation would not sufficiently reduce the proposed
5 Project's cumulatively considerable contribution of the impact to a less-than-significant
6 level. Therefore, the Board hereby finds that specific economic, legal, social,
7 technological, or other considerations make infeasible additional mitigation measures or
8 proposed project alternatives identified in the Final EIS/EIR. In this case all mitigation
9 measures determined feasible by LAHD as identified in the Final EIS/EIR have been
10 incorporated into the proposed Project. Nevertheless, even with the incorporation of
11 feasible mitigation measures, the proposed Project would make a cumulatively
12 considerable and unavoidable contribution to an existing significant cumulative impact
13 related to NO_x, CO, and VOC.

14 **Rationale for Finding**

15 The emissions from cumulative projects would be cumulatively significant if their
16 combined operational emissions would exceed the SCAQMD daily emission thresholds
17 for operations. This almost certainly would be the case for all analyzed criteria
18 pollutants; therefore, the past, present, and future related projects would result in a
19 significant cumulative air quality criteria pollutant impact. Mitigation measures **MM**
20 **AQ-9** and **MM AQ-10** would help reduce operational emissions; however, they would
21 not reduce the proposed Project's contribution below a cumulatively considerable level.
22 Consequently, emissions from operation of the proposed Project would produce
23 cumulatively considerable and unavoidable contributions to a significant cumulative
24 impact for NO_x, CO, and VOC.

25 **3.4.2.4 Cumulative Impact AQ-4: The operation of the proposed** 26 **Project would produce emissions that cumulatively exceed** 27 **an ambient air quality standard or substantially contribute** 28 **to an existing or projected air quality standard violation—** 29 **Cumulatively Considerable and Unavoidable**

30 Operation of the proposed Project would exceed the federal 1-hour NO₂ and the 24-hour
31 and annual PM₁₀ ambient air thresholds. These impacts would combine with impacts
32 from concurrent related projects, which would already be cumulatively significant. As a
33 result, without mitigation, impacts from proposed project operations would make a
34 cumulatively considerable contribution to an existing significant cumulative impact
35 related to ambient NO₂ and PM₁₀ levels.

36 **Finding**

37 The Board hereby finds that changes or alterations have been required in, or incorporated
38 into, the proposed Project that avoid or substantially lessen the significant environmental
39 effect identified in the Final EIS/EIR. The implementation of mitigation measures
40 **MM AQ-9** and **MM AQ-10** would help reduce cumulatively considerable operational
41 emissions.

42 Although mitigation measures **MM AQ-9** and **MM AQ-10** would reduce the cumulative
43 effect of operational emissions, the mitigation would not sufficiently reduce the proposed

1 Project's cumulatively considerable contribution of the impact to a less-than-significant
2 level. Therefore, the Board hereby finds that specific economic, legal, social,
3 technological, or other considerations make infeasible additional mitigation measures or
4 proposed project alternatives identified in the Final EIS/EIR. In this case all mitigation
5 measures determined feasible by LAHD as identified in the Final EIS/EIR have been
6 incorporated into the proposed Project. Nevertheless, even with the incorporation of
7 feasible mitigation measures, the proposed Project would make a cumulatively
8 considerable contribution to an existing significant cumulative impact related to ambient
9 NO₂ and PM₁₀ levels.

10 Rationale for Finding

11 The emissions from cumulative projects would be cumulatively significant if their
12 combined operational emissions would exceed the SCAQMD daily emission thresholds
13 for operations. This almost certainly would be the case for all analyzed criteria
14 pollutants; therefore, the past, present, and future related projects would result in a
15 significant cumulative ambient air emissions impact. Mitigation measures **MM AQ-9**
16 and **MM AQ-10** would help reduce operational emissions; however, they would not
17 reduce the proposed Project's contribution below a cumulatively considerable level.
18 Consequently, emissions from operation of the proposed Project would produce
19 cumulatively considerable and unavoidable contributions to a significant cumulative
20 impact for NO₂ and PM₁₀.

21 3.4.2.5 Cumulative Impact AQ-7: The proposed Project would 22 expose receptors to significant levels of toxic air 23 contaminants—Cumulatively Considerable and 24 Unavoidable

25 Proposed project construction and operation emissions of TACs would increase cancer
26 risks above the significance threshold for occupational receptors in comparison to the
27 baseline and for marina-residential and occupational receptors in comparison to the
28 cumulative 2026 baseline. The proposed Project would not increase residential
29 incremental cancer risk in excess of the significance threshold at any land-based
30 residential areas. However, although proposed project cancer risk would be below
31 SCAQMD's project-level significance thresholds, the impacts would be greater than the
32 existing baseline and would combine with impacts from concurrent related projects,
33 which would already be cumulatively significant. As a result, without mitigation, the
34 proposed Project would make a cumulatively considerable contribution to an existing
35 significant cumulative impact for cancer risk.

36 Finding

37 The Board hereby finds that changes or alterations have been required in, or incorporated
38 into, the proposed Project that avoid or substantially lessen the significant environmental
39 effect identified in the Final EIS/EIR. The implementation of mitigation measures
40 **MM AQ-1** through **MM AQ-10** would help reduce cumulatively considerable exposure
41 to significant TACs.

42 Although mitigation measures **MM AQ-1** through **MM AQ-10** would reduce the
43 cumulative effect of exposure to TACs, the mitigation would not sufficiently reduce the
44 proposed Project's cumulatively considerable contribution of the impact to a less-than-

1 significant level. Therefore, the Board hereby finds that specific economic, legal, social,
2 technological, or other considerations make infeasible additional mitigation measures or
3 proposed project alternatives identified in the Final EIS/EIR. In this case all mitigation
4 measures determined feasible by LAHD as identified in the Final EIS/EIR have been
5 incorporated into the proposed Project. Nevertheless, even with the incorporation of
6 feasible mitigation measures, the proposed Project would make a cumulatively
7 considerable contribution to an existing significant cumulative impact for cancer risk.

8 Rationale for Finding

9 The *Multiple Air Toxics Exposure Study* (MATES-II) conducted by the SCAQMD in
10 2000 estimated the existing cancer risk from toxic air contaminants in the South Coast
11 Air Basin to be 1,400 in a million (SCAQMD 2000). In MATES III, completed by
12 SCAQMD, the cancer from toxic air contaminants was estimated at 1,000 to 2,000 in a
13 million in the San Pedro and Wilmington areas. In their *Diesel Particulate Matter*
14 *Exposure Assessment Study for the Ports of Los Angeles and Long Beach*, CARB
15 estimates that elevated levels of cancer risks due to operational emissions from the Ports
16 of Los Angeles and Long Beach occur within and in proximity to the two ports (CARB
17 2006). Based on this information, cancer risk from TAC emissions within the project
18 region, and non-cancer impacts associated with past, present, and reasonably foreseeable
19 projects in the proposed project area, are therefore cumulatively significant.

20 Implementation of proposed project mitigation measures that reduce diesel combustion
21 and other TAC emissions, specifically mitigation measures **MM AQ-1** through
22 **MM AQ-10**, would reduce TAC emissions from the proposed Project. After
23 implementation of these mitigation measures, although the overall emissions would be
24 reduced, the proposed Project would add to the TAC burden in the vicinity and result in a
25 cumulatively considerable contribution to an existing cumulatively significant impact for
26 cancer risk for marina-residential and occupational receptors.

27 LAHD has approved Port-wide air pollution control measures through its CAAP (LAHD
28 et al. 2006). In 2010 the ports released a CAAP update, with emission reduction goals
29 for 2014 and 2023. Through 2012, the Port had achieved actual reductions of 79% for
30 diesel particulate matter, 56% for NO_x, and 88% for SO_x, relative to uncontrolled levels
31 as described in the 2012 Port Emissions Inventory (LAHD 2012a). For the first time
32 ever, the ports established uniform air quality standards at the program level, project-
33 specific level, and the source-specific level.

34 Implementation of these measures would reduce the health risk impacts from the
35 proposed Project and future projects at the Port. Currently adopted regulations and future
36 rules proposed by CARB and EPA also would further reduce air emissions and associated
37 cumulative health impacts from Port operations. However, because future proposed
38 measures (other than CAAP measures) and rules have not been adopted, they have not
39 been accounted for in the emission calculations or health risk assessment for the proposed
40 Project. Therefore, it is unknown at this time how these future measures would reduce
41 cumulative health risk impacts within the Port project area, and, therefore, airborne
42 cancer and noncancer impacts within the proposed project region would still be
43 cumulatively significant. Mitigation measures **MM AQ-1** through **MM AQ-10** would
44 help reduce TACs; however, the proposed Project would make a cumulatively
45 considerable contribution to an existing significant cumulative impact for cancer risk.

3.4.3 Biological Resources

3.4.3.1 Cumulative Impact BIO-1: The proposed Project would contribute to a cumulative loss of individuals or 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 and Unavoidable

Past, present, and future related projects have increased and will continue to increase vessel traffic; therefore, the related projects could potentially increase whale mortalities from vessel strikes, which is considered to be a cumulatively considerable and unavoidable significant cumulative impact. The proposed Project would slightly increase vessel traffic within and outside the harbor (an increase of up to 44 vessels annually), which would also increase the likelihood of a vessel collision with a marine mammal or sea turtle, which could result in injury or mortality. Mitigation measure **MM AQ-9** would reduce the potential for vessel collision with marine mammals and sea turtles; however, the increase in vessel traffic caused by the proposed Project would contribute to overall increases in vessel traffic along the Southern California coast, which have contributed to marine mammal mortalities. Therefore, operation of the proposed Project could make a cumulatively considerable contribution to a significant cumulative impact on marine mammals (the potential contribution to whale mortality) from vessel strikes.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. Although the implementation of mitigation measure **MM AQ-9** would reduce the potential for vessel collision with marine mammals and sea turtles, the mitigation would not sufficiently reduce the proposed Project's cumulatively considerable contribution of the impact to a less-than-significant level. Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the Final EIS/EIR. In this case all mitigation measures determined feasible by LAHD as identified in the Final EIS/EIR have been incorporated into the proposed Project. Nevertheless, even with the incorporation of feasible mitigation measures, the proposed Project would make a cumulatively considerable contribution to an existing significant cumulative impact related to vessel collisions.

Rationale for Finding

Past, present, and future related projects have increased and will continue to increase vessel traffic; therefore, the related projects could potentially increase whale mortalities from vessel strikes, which is considered to be a cumulatively considerable and unavoidable significant cumulative impact. The proposed Project would contribute to this overall increase in vessel traffic. Although **MM AQ-9** would reduce the potential for vessel collision with marine mammals and sea turtles, it would not eliminate potential cumulative effects and the increase in vessel traffic caused by the proposed Project. No other mitigation is available to reduce cumulative impacts related to vessel strikes to a less-than-significant level.

3.4.3.2 Cumulative Impact BIO-4: The proposed Project would contribute to a cumulatively considerable disruption of local biological communities—Cumulatively Considerable and Unavoidable

Past, present, and future related projects have increased and will continue to increase vessel traffic; therefore, the related projects could potentially increase the chances for the introduction of invasive species via vessel hulls or ballast water which is considered to be a cumulatively considerable and unavoidable significant cumulative impact. The proposed Project would contribute to this overall increase in vessel traffic. Cumulative effects related to the introduction of non-native species have the potential to be cumulatively significant, and the proposed Project could make a cumulatively considerable contribution to a significant cumulative impact related to the introduction of non-native species.

Finding

Due to the lack of a proven technology, no feasible mitigation beyond legal requirements is currently available to entirely prevent introduction of invasive exotic species via vessel hulls or ballast water. Therefore, the proposed Project would have a cumulatively considerable contribution to the significant cumulative impacts on biological resources related to the potential introduction of invasive exotic species. Under Alternatives 1, 2, and 3, cumulative impacts related to the introduction of non-native species would be cumulatively significant and unavoidable, and a cumulatively considerable contribution to a significant cumulative impact related to the introduction of non-native species would remain.

Rationale for Finding

Cumulative biological resource impacts related to the introduction of invasive exotic species to Harbor waters would be significant and unavoidable from past, present, and reasonably foreseeable future projects, and the proposed Project would make a cumulatively considerable contribution to a significant cumulative impact related to the introduction of non-native species. Due to the lack of a proven technology, no feasible mitigation beyond legal requirements is currently available to entirely prevent introduction of invasive exotic species via vessel hulls or ballast water. Therefore, there is no way to prevent the proposed Project's cumulatively considerable contribution to the significant cumulative impacts on biological resources related to the potential introduction of invasive exotic species. New technologies are being explored and, if methods become available in the future, they would be implemented as required at that time. Consequently, the proposed Project would make a cumulatively considerable and unavoidable contribution to a significant cumulative impact on biological resources.

3.4.4 Greenhouse Gas Emissions

3.4.4.1 Cumulative Impact GHG-1: The proposed Project would generate GHGs that would exceed the SCAQMD threshold—Cumulatively Considerable and Unavoidable

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. According to the Intergovernmental Panel on Climate Change (IPCC), the atmospheric concentration of CO₂ in 2005 was 379 parts per million (ppm) compared to pre-industrial levels of 280 ppm (IPCC 2007). Based on this information, past, current, and future global GHG emissions—including emissions from projects in the Ports of Los Angeles and Long Beach, and elsewhere in California—are cumulatively significant.

Considering Cumulative Impact GHG-1, which states that any GHG increase over the SCAQMD threshold is significant without mitigation, impacts from proposed project construction and operation would make a cumulatively considerable contribution to an existing significant cumulative impact related to GHG and global climate change.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIS/EIR. The implementation of mitigation measures **MM AQ-1, MM AQ-5, MM AQ-9, MM AQ-10, MM GHG-1, MM GHG-2, MM GHG-3, and MM GHG-4** would help reduce cumulatively considerable GHG emissions. Furthermore, LAHD's standard lease measures **LM AQ-1 through LM AQ-3** would be included in the tenant lease; these measures would further reduce future GHG emissions and serve to comply with Port air quality planning requirements. Lease measure **LM AQ-3** was added to the FEIR based on comments during the public review period for the Draft EIS/EIR, and encourages NYK Line to determine the feasibility of incorporating all emissions reduction technology and/or design options for vessels calling at the YTI Terminal. Mitigation measure **MM GHG-4** was added to the FEIR based on comments during the public review period for the Draft EIS/EIR, and requires that YTI purchase carbon offset credits.

Although mitigation measures **MM AQ-1, MM AQ-5, MM AQ-9, MM AQ-10, MM GHG-1, MM GHG-2, MM GHG-3, and MM GHG-4** and lease measures **LM AQ-1 through LM AQ-3** would reduce the cumulative GHG emissions, the mitigation would not sufficiently reduce the proposed Project's cumulatively considerable contribution of the impact to a less-than-significant level. Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the Final EIS/EIR. In this case all mitigation measures determined feasible by LAHD as identified in the Final EIS/EIR have been incorporated into the proposed Project. Nevertheless, even with the incorporation of feasible mitigation measures, the proposed Project would make a cumulatively considerable contribution to a significant cumulative impact.

1 Rationale for Finding

2 Scientific evidence indicates a trend of warming global surface temperatures over the past
3 century due at least partly to the generation of GHG emissions from human activities.
4 Some observed changes include shrinking glaciers, thawing permafrost, and shifts in
5 plant and animal ranges. Credible predictions of long-term impacts from increasing
6 GHG levels in the atmosphere include sea level rise, changes to weather patterns,
7 changes to local and regional ecosystems including the potential loss of species, and
8 significant reductions in winter snow packs. These and other effects would have
9 environmental, economic, and social consequences on a global scale. Emissions of
10 GHGs contributing to global climate change are attributable in large part to human
11 activities associated with the industrial/manufacturing, utility, transportation, residential,
12 and agricultural sectors (California Energy Commission [CEC] 2006a). Therefore, the
13 cumulative global emissions of GHGs contributing to global climate change can be
14 attributed to every nation, region, and city, and virtually every individual on Earth. In
15 California alone, CO₂ emissions totaled approximately 477.77 million metric tons in year
16 2003 (CEC 2006), which was an estimated 6.4% of global CO₂ emissions from fossil
17 fuels.

18 The challenge in assessing the significance of an individual project's contribution to
19 global GHG emissions and associated global climate change impacts is determining
20 whether a project's GHG emissions, which are at a micro-scale relative to global
21 emissions, result in a cumulatively considerable incremental contribution to a significant
22 cumulative macro-scale impact. The proposed Project would produce GHG emissions
23 that would exceed SCAQMD significance thresholds for GHG and would therefore result
24 in significant GHG impacts. Proposed project impacts would combine with impacts from
25 related projects and add additional burden to existing cumulatively significant GHG
26 impacts, thereby resulting in cumulatively considerable contributions to significant
27 cumulative GHG impacts. Mitigation measures **MM AQ-1, MM AQ-5, MM AQ-9,**
28 **MM AQ-10, MM GHG-1, MM GHG-2, MM GHG-3, and MM GHG-4** and LAHD's
29 standard lease measures **LM AQ-1 through LM AQ-3** would help reduce GHG
30 emissions; however, they would not reduce impacts to a less-than-significant level and
31 the proposed Project would make a cumulatively considerable contribution to a
32 significant cumulative impact.

33 **3.4.4.2 Cumulative Impact NOI-1: Construction lasts more than** 34 **1 day and exceeds existing ambient exterior noise levels** 35 **by 10 dBA or more at a noise-sensitive use; construction** 36 **activities lasting more than 10 days in a 3-month period** 37 **exceed existing ambient exterior noise levels by 5 dBA or** 38 **more at a noise-sensitive use—Cumulatively Considerable** 39 **and Unavoidable**

40 Pile driving has been identified as having a significant impact at nearby liveaboard
41 receptors in East Basin. Therefore, during pile driving, the proposed Project would have a
42 cumulatively considerable noise impact when combined with any other project that
43 would affect the same receptor locations and occur concurrently with the proposed
44 Project.

1 **Finding**

2 The Board hereby finds that changes or alterations have been required in, or incorporated
3 into, the proposed Project that avoid or substantially lessen the significant environmental
4 effect identified in the Final EIS/EIR. The implementation of mitigation measures
5 **MM NOI-1** and **MM NOI-2** would help reduce cumulatively considerable impacts from
6 construction noise.

7 Although mitigation measures **MM NOI-1** and **MM NOI-2** would reduce the maximum
8 noise levels during proposed project construction to a less-than-significant level, the
9 proposed Project could still contribute considerably to a cumulatively significant impact
10 related to noise from pile driving. Therefore, the Board hereby finds that specific
11 economic, legal, social, technological, or other considerations make infeasible additional
12 mitigation measures or proposed project alternatives identified in the Final EIS/EIR. In
13 this case all mitigation measures determined feasible by LAHD as identified in the Final
14 EIS/EIR have been incorporated into the proposed Project. Nevertheless, even with the
15 incorporation of feasible mitigation measures and the reduction of significant project-level
16 noise impacts to a less-than-significant level, the proposed Project would make a
17 cumulatively considerable contribution to a significant cumulative impact if other
18 construction projects occur concurrently.

19 **Rationale for Finding**

20 Construction of the proposed Project independent of any other project would cause a
21 significant noise impact on sensitive receptors within adjacent marinas, as documented in
22 Draft EIS/EIR Section 3.12, Noise. Noise produced by pile driving during sheet and king
23 pile installation during construction of the proposed Project would result in up to a 6-dB
24 increase over the ambient worst-case construction scenario at the nearby liveaboard
25 receptors. The required pile driving systems, controls, and temporary noise barriers
26 identified in mitigation measures **MM NOI-1** and **MM NOI-2** would reduce project-
27 related noise impacts to a less-than-significant level. However, noise from the other
28 construction projects in the proposed project vicinity could increase noise levels in the
29 area. Taking into consideration the location and scope of other projects, noise from
30 construction would exceed the 5-dBA significance threshold. Therefore, the proposed
31 Project would make a cumulatively considerable contribution to a significant cumulative
32 impact when combined with past, present, and reasonably foreseeable future projects.

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Chapter 4 Environmental Justice

Although not required under CEQA, the Draft EIS/EIR includes an environmental justice analysis. This approach is consistent with LAHD’s goals to consider environmental justice in its policies and projects. The environmental justice analysis complies with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which requires federal agencies to assess the potential for their actions to have disproportionately high and adverse environmental and health impacts on minority and low-income populations. It also complies with the CEQ *Guidance for Environmental Justice under NEPA* (CEQ 1997) and California state law regarding environmental justice.

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

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

Additionally, it should be noted the cumulative noise impacts from pile driving that were previously determined to result in a disproportionately high and adverse effect on minority and low-income populations (Draft EIS/EIR Chapter 5, Environmental Justice, Page 5-18), was made in error. The marina-based liveaboard receptors, which were the only sensitive receptors determined to be impacted by pile driving noise, were previously thought to be located in a low-income and minority-dominated census tract. However, it has since been determined that these liveaboard receptors are located in the marinas that fall within census tract 9800.14, which, according to Table 5-2 in the Draft EIS/EIR, is 23.4% minority and 16.7% low-income. Thus, the liveaboard receptors do not constitute a minority or low-income community as defined by Executive Order 12898 and the Council of Environmental Quality’s Environmental Justice Guidance under the National Environmental Policy Act. Therefore, the proposed Project would not result in disproportionately high noise impacts on minority or low-income populations representing and environmental justice issue. This error has been corrected in Chapter 3 of the Final EIS/EIR, Modifications to the Draft EIS/EIR.

Alternatives to the Proposed Project

Six alternatives were considered and evaluated in regards to how well each could feasibly meet the basic objectives of the proposed Project and avoid or substantially lessen any of the significant effects of the proposed Project. Three of these alternatives were eliminated from detailed consideration either because they could not feasibly meet the basic objectives of the proposed Project and/or because they would not avoid or substantially lessen any of the significant effects of the proposed Project, as discussed in Section 2.9 of the Draft EIS/EIR. The other three alternatives (the No Project Alternative, No Federal Action Alternative, and the Reduced Project: Improve Berths 217–220 Only Alternative) were carried forward for further analysis to determine whether they could feasibly meet most of the proposed project objectives but avoid or substantially lessen any of the significant effects of the proposed Project. Chapter 6 of the Draft EIS/EIR compares the proposed Project and these three alternatives and identifies the environmentally superior alternative. The three alternatives that were compared to the proposed Project are:

- Alternative 1 – No Project
- Alternative 2 – No Federal Action
- Alternative 3 – Reduced Project: Improve Berths 217–220 Only

5.1.1 Reasonable Range of Alternatives

Lead agencies are required to evaluate a “reasonable range” of alternatives but are not required to evaluate every possible alternative: “an EIR need not consider every conceivable alternative to a project” (State 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” (State CEQA Guidelines Section 15126.6(f)). The Draft EIS/EIR contained three alternatives (not including the proposed Project), discussed in Chapter 6 of the Draft EIS/EIR and shown in Table 5 below. This table compares the major features of the proposed Project to those for the alternatives. The three alternatives plus the proposed Project constitute a reasonable range of alternatives, which permits the decision makers to make a reasoned choice regarding proposed project approval (or approval of one of its alternatives), approval with modifications, or disapproval. Furthermore, CEQA does not require an EIR to consider multiple variations on the alternatives analyzed in the Draft 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).

Table 5. Summary of Proposed Project and Alternatives at Full Build-out (2026)

	Proposed Project	Alt. 1: CEQA No Project	Alt. 2: No Federal Action	Alt. 3: Reduced Project
Annual TEUs	1,913,000	1,692,000	1,692,000	1,913,000
Annual Ship Calls	206	206	206	232
24-hour Peak Day Ship Calls	4	4	4	5
Operating Cranes ^a	14	10	10	14
Total Dredging (cy)	27,000	0	0	6,000
Maximum Vessel Size				
Berths 212–213	6,500	6,500	6,500	6,500
Berths 214–216	13,000	8,500	8,500	8,500
Berths 217–220	11,000	N/A	N/A	11,000

^a Represents operating cranes.

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2 **5.1.2 Alternatives Eliminated from Further** 3 **Consideration**

4 Alternatives that are remote or speculative, or the effects of which cannot be reasonably
5 predicted, need not be considered (State CEQA Guidelines, Section 15126(f)(2)).
6 Alternatives may be eliminated from detailed consideration in an EIR if they fail to meet
7 most of the project objectives, are infeasible, or do not avoid any significant
8 environmental effects (State CEQA Guidelines, Section 15126.6(c)). The following
9 alternatives were determined to be infeasible and were eliminated from further
10 consideration in the Draft EIS/EIR (additional details regarding reasons for rejection are
11 included in Chapter 6 of the Draft EIS/EIR):

- 12 ▪ Reduced Project: Improve Berths 214–216 Only
- 13 ▪ Reduced Project: 12 Operational Cranes
- 14 ▪ Proposed Project with Expanded On-Dock Rail

15 **5.1.3 Alternatives Analyzed in the Draft EIS/EIR**

16 Chapter 6 of the Draft EIS/EIR contains a detailed comparative analysis of the
17 alternatives that were required per CEQA (No Project Alternative), required per NEPA
18 (No Federal Action Alternative), or were found to achieve most of the proposed project
19 objectives, are considered ostensibly feasible, and may reduce environmental impacts
20 associated with the proposed Project.

21 A summary of the impact analysis for the proposed Project and the alternatives is shown
22 in Table 6 below, which identifies the resource areas where the proposed Project or
23 alternative would result in an unavoidable significant impact, as discussed in resource
24 analyses in Chapter 3 of the Draft EIS/EIR. The table also presents the resource areas
25 that would have significant impacts mitigated to less-than-significant levels. Detailed
26 discussions of these resources are provided in Chapter 6 of the Draft EIS/EIR.

1 As shown in Table 6, the proposed Project and all alternatives would have significant
 2 unavoidable impacts in the areas of air quality and meteorology, biological resources, and
 3 GHG emissions. Table 7 compares the impacts of the alternatives with those of the
 4 proposed Project.

Table 6: Summary of Significance Analysis by Alternative

Environmental Resource Area	Proposed Project	Alternative		
		1	2	3
Air Quality and Meteorology	S	S	S	S
Biological Resources	S	S	S	S
Greenhouse Gas Emissions	S	S	S	S
Groundwater and Soils	M	N	M	M
Noise	M	L	L	L

Notes:

The analysis includes project-level impacts, not cumulative effects.

S = Unavoidable significant impacts

M = Significant but mitigable impact

L = Less-than-significant impact (not significant)

N = No impact

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Table 7: Comparison of Alternatives to the Proposed Project

Environmental Resource Area ^a	Alternative ^b		
	1	2	3
Air Quality and Meteorology	-2	-2	+1
Biological Resources	-1	-1	+1
Greenhouse Gas Emissions	-2	-2	+1
Groundwater and Soils	-2	0	0
Noise	-2	-2	-1
Total	-9	-7	+2

Notes:

^a Only environmental resources with unavoidable significant impacts or significant but mitigable impacts under the proposed Project are included in the table and the analysis used to rank alternatives; the analysis includes project-level impacts but not cumulative effects.

^b Alternatives eliminated from further consideration are not included.

The numbering system below indicates that the impacts, when compared with those of the proposed Project, are considered to be:

(-2) = Substantially less

(-1) = Somewhat less

(0) = Equal to

(+1) = Somewhat greater

(+2) = Substantially greater

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Based on the comparison of the alternatives in Table 7, above, Alternative 1 would have the fewest impacts relative to the proposed Project, followed by Alternative 2. Alternative 3 would have greater impacts relative to the proposed Project. The ranking is

1 based on the significance determinations for the resource areas contained in Table 6, as
2 discussed in Chapter 3, and reflects differences in the levels of impacts among
3 alternatives. This ranking also takes into consideration the relative number of significant
4 impacts that would be mitigated to a level below significance and the number of impacts
5 that would remain significant after mitigation.

6 **5.1.4 Environmentally Superior Alternative**

7 As shown in Table 7, the No Project Alternative is the Environmentally Superior
8 Alternative because it would create the fewest adverse impacts, including those that
9 would be significant and unavoidable. Under the No Project Alternative, impacts on air
10 quality, biological resources, GHG emissions, groundwater and soils, and noise would be
11 reduced in comparison to the proposed Project. However, none of the proposed project
12 objectives would be met (see Section 6.4 of the Draft EIS/EIR).

13 However, State CEQA Guidelines Section 15126.6(e)(2) requires that in cases where the
14 No Project Alternative is determined to be the environmentally superior alternative,
15 another alternative must also be identified as environmentally superior. Consequently,
16 Alternative 2 would be the environmentally superior alternative. Under Alternative 2,
17 dredging activities would not occur, construction would be minimal, and the throughput
18 capacity of the terminal would not increase. Although Alternative 2 would result in the
19 least impact on air quality and meteorology, GHG emissions, noise, and utilities and
20 service systems (other than the No Project Alternative), it would not meet the proposed
21 Project's stated purpose to improve maritime shipping and commerce. In addition,
22 Alternative 2 would not address the CEQA objectives stated in Section 2.4 of the Draft
23 EIS/EIR, which include optimizing the use of existing land at the YTI Terminal and
24 associated waterways consistent with LAHD's public trust obligations, providing
25 sufficient water depth and improving the terminal's ability to accommodate larger
26 container ships of up to 13,000 TEUs anticipated to call at the terminal through 2026, and
27 increasing on-dock rail facilities to accommodate projected daily peak increases in
28 container movement.

29 **5.1.5 CEQA Findings for Alternatives Analyzed**

30 **5.1.5.1 Alternative 1—No Project**

31 Alternative 1 considers what would reasonably be expected to occur on the site if the
32 proposed Project is not approved. The No Project Alternative would maintain the
33 existing conditions at the proposed project site, and none of the proposed project
34 objectives would be met.

35 **Finding**

36 The Board hereby finds that Alternative 1—No Project would not feasibly meet any of
37 the proposed project objectives and, on that basis, rejects the No Project Alternative. The
38 No Project Alternative would not optimize the use of existing land at the YTI Terminal
39 and associated waterways in a manner that is consistent with LAHD's tidelands trust
40 obligations, nor would it provide sufficient water depth to ensure the terminal's ability to
41 accommodate larger container ships of up to 13,000 TEUs that are anticipated to call at
42 the terminal through 2026. The No Project Alternative would not improve the container
43 terminal berthing facilities at the YTI Terminal to accommodate the berthing and

1 loading/unloading of the larger ships up to 13,000 TEUs that are anticipated to call at the
2 terminal through 2026. The No Project Alternative also would not increase on-dock rail
3 facilities to accommodate projected daily peak increases in container movement into and
4 out of the YTI Terminal resulting from the handling of larger ships, and it would not
5 improve the container terminal backlands to minimize ongoing needs for pavement repair
6 and maintenance.

7 **Facts in Support of Finding**

8 The No Project Alternative would result in reduced environmental impacts in the
9 resource areas related to air quality, biological resources, groundwater and soils, and
10 noise as compared to the proposed Project because this alternative would not implement
11 any terminal improvements. The No Project Alternative would not add any new cranes
12 to accommodate projected daily peak increases in container movement or include
13 dredging to provide sufficient water depth to ensure the terminal's ability to
14 accommodate larger container ships. Furthermore, it would not include the 100-foot
15 gauge crane rail extension, expansion of the TICTF on-dock rail yard, or backland
16 improvements. Accordingly, the Board finds that the No Project Alternative is not a
17 feasible alternative to the proposed Project because it would not accomplish fundamental
18 proposed project goals and objectives.

19 **5.1.5.2 Alternative 2—No Federal Action**

20 Under the No Federal Action Alternative, only activities that could occur absent a U.S.
21 Army Corps of Engineers (USACE) permit would be allowed. Therefore, absent a
22 USACE permit, no dredging, dredged material disposal, in-water pile installation, or
23 crane installation/extension would occur. Although the TICTF expansion could occur
24 absent a USACE permit, it would not occur absent such a permit because the need for the
25 additional rail track is related to the peak throughput increases that would result from the
26 ability of the terminal to handle larger ships under the proposed Project. The ability to
27 handle larger ships would be facilitated by activities that require a USACE permit
28 (dredging, in-water pile driving, and crane extension). Therefore, without the activities
29 that allow the terminal to service larger ships, there would be no need to expand the
30 TICTF. The No Federal Action alternative includes only backlands improvements
31 consisting of slurry sealing, deep cold planing, asphalt concrete overlay, restriping, and
32 removal, relocation, or modification of any underground conduits and pipes necessary to
33 complete the repairs. These activities would not change the capacity of the existing
34 terminal.

35 **Finding**

36 The Board hereby finds that although Alternative 2—No Federal Action would result in
37 reduced environmental impacts compared to the proposed Project, this alternative would
38 not meet the proposed project objectives of optimizing the use of existing land at the YTI
39 Terminal and associated waterways consistent with LAHD's public trust obligations,
40 providing sufficient water depth and improving the terminal's ability to accommodate
41 larger container ships of up to 13,000 TEUs anticipated to call at the terminal through
42 2026, and increasing on-dock rail facilities to accommodate projected daily peak
43 increases in container movement. As a result, the Board finds that Alternative 2—No
44 Federal Action is not a feasible alternative to the proposed Project because it would not
45 accomplish the fundamental goals and objectives of the proposed Project.

1 Facts in Support of the Finding

2 The No Federal Action Alternative would result in reduced environmental impacts in
3 the resource areas related to air quality, biological resources, GHG emissions, and noise
4 as compared to the proposed Project because this alternative would not include
5 dredging, in-water pile installation, crane installation/extension, or expansion of the
6 TICTF. Although the No Federal Action Alternative would result in reduced
7 environmental impacts, it would not meet the proposed project objectives of optimizing
8 the use of existing land at the YTI Terminal and associated waterways consistent with
9 LAHD's public trust obligations, providing sufficient water depth and improving the
10 terminal's ability to accommodate larger container ships of up to 13,000 TEUs
11 anticipated to call at the terminal through 2026, and increasing on-dock rail facilities to
12 accommodate projected daily peak increases in container movement. Accordingly, the
13 Board finds that Alternative 2—No Federal Action is not a feasible alternative to the
14 proposed Project because it would not fully accomplish fundamental proposed project
15 goals and objectives.

16 5.1.5.3 Alternative 3—Reduced Project: Improve Berths 217–220 17 Only

18 Under the Reduced Project Alternative does not include dredging and pile driving at
19 Berths 214–216. The following components of the proposed Project would remain
20 unchanged under the Reduced Project Alternative:

- 21 ▪ modifying up to six existing cranes;
- 22 ▪ replacing up to four existing non-operating cranes;
- 23 ▪ 6,000 cy of dredging from a depth of -45 to -47 feet MLLW (with an additional
24 two feet of overdredge depth, for a total depth of -49 feet MLLW), and installing
25 1,200 linear feet of sheet piles and king piles to support and stabilize the existing
26 wharf structure at Berths 217–220;
- 27 ▪ disposing of dredged material at LA-2, the Berths 243–245 CDF, or another
28 approved upland location;
- 29 ▪ extending the existing 100-foot gauge landside crane rail through Berths 217–
30 220;
- 31 ▪ performing ground repairs and maintenance activities in the backlands area; and
- 32 ▪ expanding the TICTF on-dock rail by adding a single loading track.

33 Under this alternative, there would be three operating berths after construction, similar to
34 the proposed Project, but Berths 214–216 would remain at their existing depth. This
35 alternative would require less dredging (by approximately 21,000 cy) and pile driving
36 and a shorter construction period than the proposed Project. Based on the throughput
37 projections, this alternative is expected to operate at its capacity of approximately
38 1,913,000 TEUs by 2026, similar to the proposed Project. However, while the terminal
39 could handle similar levels of cargo, the reduced project alternative would not achieve the
40 same level of efficient operations as achieved by the proposed Project. This alternative
41 would not accommodate the largest vessels (13,000 TEUs). The depth achieved at
42 Berths 217–220 would only be capable of handling vessels up to 11,000 TEUs, requiring
43 additional vessels to call on the terminal to meet future growth projections up to the
44 capacity of the terminal. Therefore, under this alternative, 232 vessels would call on the

1 terminal in 2020 and 2026, compared to 206 vessels for the proposed Project.
2 Additionally, because of the higher number of annual vessel calls, this alternative would
3 result in a maximum of five peak day ship calls (over a 24-hour period) compared to four
4 for the proposed Project.

5 **Finding**

6 The Board hereby finds that Alternative 3— Reduced Project: Improve Berths 217–220
7 Only would not maximize container-handling capacity and efficiency at the proposed
8 project site and would not make the best use of the proposed project site. Further,
9 Alternative 3—Reduced Project: Improve Berths 217–220 Only would partially fulfill
10 the objective of accommodating larger ships, as it would allow the terminal to service
11 ships up to 11,000 TEUs. However, it would not allow the servicing of ships up to
12 13,000 TEUs that are projected to call at the terminal. Additionally, Alternative 3 would
13 result in greater operational impacts to air quality, biological resources, and GHG
14 emissions than the proposed Project due to the increased number of vessel calls by
15 smaller vessels required to accommodate the same throughput. As a result, the Board
16 finds that Alternative 3—Reduced Project: Improve Berths 217–220 Only is not a
17 feasible alternative to the proposed Project because it would not accomplish the
18 fundamental goals and objectives of the proposed Project and would result in greater air
19 quality impacts.

20 **Facts in Support of the Finding**

21 Alternative 3 would result in reduced environmental impacts in the resource area related
22 to noise as compared to the proposed Project because this alternative would create less
23 construction noise at sensitive receptors. However, Alternative 3 would increase the
24 number of annual ship calls relative to the proposed Project, which would result in
25 increased operational air quality, GHG emissions, and biological resource impacts.
26 Therefore, the proposed Project would have lower operational impacts than Alternative 3
27 in the areas of air quality, GHG emissions, and biological resources and would better
28 accomplish the proposed project goals and objectives. Accordingly, the Board finds that
29 Alternative 3—Reduced Project: Improve Berths 217–220 Only is not a feasible
30 alternative to the proposed Project because it would not fully accomplish fundamental
31 proposed project goals and objectives and would increase impacts on air quality, GHG
32 emissions, and biological resources.

33 **5.1.6 Summary**

34 Based on the alternatives discussion provided in the Final EIS/EIR and the information
35 presented above, the Board determines that the proposed Project is the feasible alternative
36 that, when taking into account environmental and economic factors, best meets proposed
37 project objectives to

- 38 ■ optimize the use of existing land at the YTI Terminal and associated waterways
39 consistent with LAHD's public trust obligations,
- 40 ■ provide sufficient water depth and improve the terminal's ability to accommodate
41 larger container ships of up to 13,000 TEUs anticipated to call at the terminal
42 through 2026,

- 1 ▪ improve the container terminal berthing facilities at the YTI Terminal to
2 accommodate the berthing and loading/unloading of the larger ships up to 13,000
3 TEUs that are anticipated to call at the terminal through 2026; and
- 4 ▪ increase on-dock rail facilities to accommodate projected daily peak increases in
5 container movement into and out of the YTI Terminal resulting from the
6 handling of larger ships; and
- 7 ▪ improve the container terminal backlands to minimize ongoing needs for
8 pavement repair and maintenance.

Findings Regarding Other CEQA Considerations

6.1 Significant Irreversible Environmental Changes

Irreversible and irretrievable environmental changes caused by a Project include uses of nonrenewable resources during construction and operation, long-term or permanent access to previously inaccessible areas, and irreversible damages that may result from project-related accidents.

Finding and Rationale

The proposed Project would require the use of nonrenewable resources to develop the site for Port-related activities. Fossil fuels and energy would be consumed during both the construction and the operational phases. These energy resources would for the most part be irretrievable, and would cause irreversible changes in supplies of fossil fuel available for other uses. However, some electricity provided by SCE and the LADWP is provided from renewable sources and recently adopted legislation raises California's renewable portfolio requirements for retail electricity sales.

Non-recoverable material resources committed to the proposed Project other than fossil fuels would include: capital, labor, and construction materials such as rock, steel, concrete, and timber. Non-recoverable materials would be used during construction and operational activities, but the amounts needed would be accommodated by existing supplies. Although the increase in the amount of materials used would be limited, they would be unavailable for other uses. The irreversible changes discussed above are justified by the increased efficiency in cargo handling at the Port that the proposed Project would provide.

Changes to the Draft EIS/EIR

Several changes were made to the Draft EIS/EIR following the public review period. Actual changes to the text, organized by Draft EIS/EIR chapters and sections, can be found in Chapter 3, Modifications to the Draft EIS/EIR, of the Final EIS/EIR, and are identified by text strikeout and underline. Changes to the Draft EIS/EIR include:

- Addition of a lease measure to the Air Quality and Meteorology section and a mitigation measure to the Greenhouse Gas Emissions section
- Modifications to mitigation measures in the Air Quality and Meteorology and Groundwater and Soils sections
- Changes to the Environmental Justice finding related to construction-related noise impacts
- Minor editorial corrections to the Groundwater and Soils section, and the Environmental Justice and Socioeconomics chapters
- Minor addition of background information in Groundwater and Soils section and Socioeconomics chapter

Finding and Rationale

The changes and clarifications presented in Chapter 3 of the Final EIS/EIR were reviewed to determine whether or not they warranted recirculation of the Draft EIS/EIR prior to certification of the EIR according to CEQA guidelines and statutes. The changes would not result in any new significant environmental impacts or a substantial increase in the severity of an existing environmental effect. In response to public comments, changes and clarifications have been made throughout the Draft EIS/EIR. There would be no new or increased significant effects on the environment due to the proposed changes, and no new alternatives have been identified that would reduce significant effects of the proposed Project. Therefore, the Draft EIS/EIR does not need to be recirculated, and the EIR can be certified without additional public review, consistent with PRC Section 21092.1 and State CEQA Guidelines Section 15088.5.

The Board of Harbor Commissioners finds that all information added to the Final EIS/EIR after public notice of the availability of the Draft EIS/EIR for public review but before certification merely clarifies or amplifies or makes insignificant modifications to an adequate Draft EIS/EIR that does not require recirculation.

Findings on Mitigation Measures Suggested as Part of Public Comment on the DEIS/EIR

Numerous comment letters were received on the DEIS/EIR suggesting the Port adopt additional mitigation measures. The suggested mitigation measures and the reasons supporting why the recommended measure was accepted or rejected are summarized below; additional detail can be found in the comments and responses to comments in the FEIS/FEIR Chapter 2.

Zero Emission Technologies

LAHD has supported and continues to support the development of zero-emission technologies through funding and implementation of demonstration projects and through partnerships with other interested parties and agencies. However, development and testing of many of these technologies are still in the early stages, and a timeline for commercial viability is speculative at this time, making them technologically infeasible. Those technologies that are commercially available, including ERTGs and RMGs, are operationally and financially infeasible due to the short operational period and scope of the proposed Project. As such, it is infeasible to require YTI to use zero-emission truck and/or cargo handling equipment through mitigation. However, LAHD has included lease measures in this document that require technology reviews and allow for the deployment of new technologies when they become commercially viable (LM AQ-1 and LM AQ-2). These lease measures will ensure that YTI reconsiders the feasibility of zero emission technologies in the future as the technologies continue to develop.

Increased AMP Requirements

Commenters suggested that the proposed Project could increase the requirements for use of Alternative Marine Power (AMP) for vessels calling at the YTI Terminal. Mitigation measure AQ-10 requires AMP for 95% of hoteling hours for NYK Line-operated vessels. An increase of hoteling hours to 100% is not feasible due to a variety of operational constraints including customs, the time required to tie up and untie, and the time required to plug in to AMP infrastructure. Moreover, a requirement that 100% of vessel calls plug in does not necessarily achieve higher emissions reductions than a requirement of 95% hoteling hours. In fact, the 100% vessel plug-in requirement may result in even fewer emissions reductions.

Commenters have also requested that the 95% hoteling requirement be advanced from 2026 to 2017, when the proposed Project commences. Due to the projected penetration of AMP-capable ships into the fleet of vessels and the fact that NYK does not own all

1 vessels that it operates, the 2026 requirement of AQ-10 is feasible and appropriate and
2 consistent with NYK's assessment of an anticipated longer term market availability of
3 AMP-capable ships.

4 In addition to NYK Line-operated vessels, third-party invitee shipping lines call at the
5 YTI Terminal. YTI has no corporate relationship to these carriers. It has no control over
6 these carriers and cannot compel them to comply with AMP requirements that are above
7 and beyond what is mandated by CARB regulation. Therefore, a mitigation measure to
8 require these third-party carriers that are non-NYK Line operated ships to meet AMP
9 requirements in excess of CARB regulation is infeasible.

10 **Cleaner Vessel Engines**

11 Commenters suggest that Tier III engines should be required to further reduce NOx
12 emissions. The Port promotes the Environmental Ship Index (ESI) Program, which
13 provides financial incentives for ocean cargo fleets to bring newer and cleaner vessels to
14 the Port of Los Angeles, which include vessels with Tier II now and Tier III engines
15 beginning in 2016. NYK is a current participant in ESI and has been since the inception
16 of the program at the Port. Vessel Speed Reduction Program (VSRP) is a separate
17 incentive program that rewards ships slowing to 12 knots up to 40 nautical miles from the
18 Port of Los Angeles.

19 The following lease measure was added in response to comments, and is noted as
20 modifications to the Draft EIS/EIR in Chapter 3 of this Final EIS/EIR:

21 **LM AQ-3 Container Ship Engine Emissions Reduction Technology**
22 **Improvements.** The tenant will encourage NYK Line to determine the
23 feasibility of incorporating all emission reduction technology and/or
24 design options for vessels calling at the YTI Terminal.

25 **Slide Valves**

26 Commenters suggest that slide valves should be used to retrofit vessels to improve
27 combustion and reduce emissions of NOx and diesel particulate matter. Based on recent
28 information contained within the Man Slide Valve Low-Load Emissions Test Final
29 Report (Starcrest Consulting Group LLC et. al. 2013), LAHD is in the process of
30 reevaluating the effectiveness of slide valves for reducing NOx emissions based on new
31 engine tests, and is reluctant to require slide valves as mitigation until the new
32 effectiveness parameters have been established because there is evidence that they may
33 be less effective than previously thought when operating at low speeds. As such, LAHD
34 does not propose mitigation requiring slide valves at this time.

35 **Minimize Effects on Essential Fish Habitat**

36 The National Marine Fisheries is requesting conservation measures be implemented that
37 include an underwater survey for *Caulerpa* prior to construction, consistent with NMFS
38 requirements in the *Caulerpa* Control Protocol. If any *Caulerpa* is found, an eradication
39 plan would be developed and implemented in conjunction with NMFS and CDFW, and
40 construction would be delayed until subsequent surveys demonstrate full eradication has
41 been achieved. This species has not been detected in the Port Complex and was
42 eradicated from known areas of occurrence in Southern California. However, as

1 discussed in Section 3.3 and Appendix C3 of the Draft EIS/EIR, LAHD would conduct
2 the survey prior to construction.

3 **Increase and Expand On-Dock Rail**

4 Commenters suggest that the proposed Project increase the on-dock rail area and increase
5 the use of on-dock rail for transport of cargo imports at the YTI Terminal. The estimated
6 capacity of the TICTF on-dock railyard is predicated on 24-hour operations to enable the
7 maximum amount of time for unloading/loading and railcar switching, which cannot
8 occur concurrently due to labor safety rules/practices. As discussed in Section 2.9.2.3 of
9 the Draft EIS/EIR, it is operationally infeasible to increase on-dock rail beyond what is
10 already being considered because rail access improvements outside the terminal would be
11 necessary to substantially increase on-dock rail use beyond the usage estimated for the
12 proposed Project; the mode of transport of containers is based on the destination or origin
13 of the product being transported, which is dictated by market demands and is in no way
14 under the control of YTI; rail infrastructure does not reach most of the destinations where
15 intermodal goods are delivered; and, finally, maximizing on-dock rail is already a
16 commitment in the Port's rail policy, and the proposed project analyses assume that the
17 use of on-dock rail would be maximized.

18 Nothing in the proposed Project precludes future expansion of on-dock rail should a
19 market-driven need arise. However, the capacity of the improved TICTF on-dock
20 railyard is sufficient to handle the expected increase in on-dock rail demand throughout
21 the life of the proposed Project (through 2026). It should be noted that Section 1.2.3.3 of
22 the Draft EIS/EIR provides a discussion on the intermodal cargo demand and capacity
23 and states that a goal of the ports is to maximize on-dock rail operations within the ports.
24 To achieve this goal, the ports encourage the marine terminals to schedule round-the-
25 clock shifts and optimize labor rules, and the railroads have increased operational
26 efficiencies, and hence capacity, at on-dock facilities. Furthermore, both ports plan to
27 expand their rail infrastructure over the next ten years. The proposed changes are
28 expected to increase on-dock rail capacity by more than threefold. Table 1-2 in Chapter
29 1, Introduction, identifies the existing and planned on-dock railyards within the Port
30 Complex. If all of the proposed changes can be constructed on the assumed timetable,
31 projected on-dock railyard use will reach approximately 11,500,000 TEUs by 2035 (this
32 includes the proposed YTI on-dock railyard expansion).

33 **Mitigate for Cancer Risk**

34 Commenters suggest that additional mitigation measures should be included to reduce the
35 cancer risk. The LAHD acknowledges that the proposed Project exceeds the 10 in 1
36 million cancer risk threshold for occupational and marina-based residential receptors, but
37 does not exceed the threshold for land-based residential receptors. It should be noted that
38 the exceedance of the 10 in 1 million standard in the San Pedro Bay Standards for
39 residential receptors only extends over approximately 25% of a single marina directly
40 adjacent to the Henry Ford and Schuyler Heim bridges. All feasible mitigation has been
41 included in the Final EIS/EIR. The Board retains the discretion to consider and approve
42 projects that exceed San Pedro Bay Standards if the Board deems it necessary.

43 **Clean Construction Trucks**

44 Commenters request that construction should use trucks that emit the lowest levels of
45 NOx possible. LAHD acknowledges the comment and has modified mitigation measure

1 MM AQ-3 to be consistent with the recommendation contained in the comment, as
2 follows:

3 **MM AQ-3 Fleet Modernization for On-road Trucks Used during Construction.**
4 Trucks with a Gross Vehicle Weight Rating (GVWR) of 19,500 pounds
5 (lbs) or greater, including import haulers and earth movers, must comply
6 with EPA ~~2007~~2010 on-road emission standards.

7 **Fugitive Dust Control**

8 Commenters suggest that the best management practices required during construction be
9 more explicit in the requirements, and include more frequent watering intervals.
10 Additionally, reduction of speeds on unpaved roads to 15 mph has been requested. While
11 mitigation measure MM AQ-6 does not list specific fugitive dust construction BMPs, it
12 does reference a process that will be implemented by LAHD to select additional BMPs in
13 order to further reduce air emissions during construction. LAHD will determine the
14 BMPs once the contractor identifies and secures a final equipment list. At a minimum,
15 these measures will include those specified in the SCAQMD CEQA Air Quality Analysis
16 Handbook. To address the fugitive dust mitigation comment, additional BMPs from the
17 LAHD Sustainable Construction Guidelines have been added to mitigation measure MM
18 AQ-7. Additionally, a 2-hour watering interval has been added to include in the
19 mitigation as well as a stipulation to reduce traffic speeds on all unpaved roads to 15 mph
20 or less. Therefore, mitigation measure MM AQ-7 has been revised as follows, and is
21 included in Chapter 3, Modifications to the Draft EIS/EIR:

22 **MM AQ-7 Additional Fugitive Dust Controls.** Contractor must ~~apply water to~~
23 ~~disturbed surfaces at intervals of 2 hours. adhere to the following control~~
24 ~~measures, at a minimum:~~

- 25 • Active grading sites shall be watered at intervals of 2 hours.
- 26 • Traffic speeds on all unpaved roads must be limited to 15 mph or
27 less.
- 28 • Contractors shall apply approved non-toxic chemical soil stabilizers
29 to all inactive construction areas or replace groundcover in disturbed
30 areas.
- 31 • Contractors shall provide temporary wind fencing around sites being
32 graded or cleared.
- 33 • Trucks hauling dirt, sand, or gravel shall be covered or shall maintain
34 at least 2 feet of freeboard in accordance with Section 23114 of the
35 California Vehicle Code ("Spilling Loads on Highways").
- 36 • Construction contractors shall install wheel washers where vehicles
37 enter and exit unpaved roads onto paved roads, or wash off tires of
38 vehicles and any equipment leaving the construction site.
- 39 • The grading contractor shall suspend all soil disturbance activities
40 when winds exceed 25 mph or when visible dust plumes emanate
41 from a site, and disturbed areas shall be stabilized if construction is
42 delayed.

- 1 • Open storage piles (greater than 3 feet tall and a total surface area of
2 150 square feet) shall be covered with a plastic tarp or chemical dust
3 suppressant.
- 4 • Materials shall be stabilized while loading, unloading, and
5 transporting to reduce fugitive dust emissions.
- 6 • Belly-dump truck seals shall be checked regularly to remove trapped
7 rocks to prevent possible spillage.
- 8 • Track-out regulations shall be followed and water shall be provided
9 while loading and unloading to reduce visible dust plumes.
- 10 • Waste materials shall be hauled off site immediately.

11 **Rail Emissions Mitigation**

12 Commenters suggest additional mitigation is needed to reduce emissions from rail
13 operations. CAAP Measure RL-2 is identified in the Draft EIS/EIR as a measure that can
14 contribute to emissions reductions; however, RL2 applies to Class 1 railroads, and
15 nothing in the proposed Project allows for negotiations of terms with the Class 1
16 railroads. As such, imposing mitigation on those railroads is infeasible. CAAP measure
17 RL-3 does not apply to this project. Mitigation RL3 is applicable to near-dock railyards,
18 as indicated in the title of the measure—New and Redeveloped Near-Dock Rail Yards—
19 and throughout the discussion of the measure in the CAAP. The railyard being expanded
20 in the proposed Project is an on-dock railyard.

21 Further reductions in locomotive emissions beyond the existing regulations and
22 agreements discussed in the Draft EIS/EIR can only be effectively accomplished at the
23 San Pedro Bay Ports level rather than at the terminal level, as neither the Ports nor the
24 terminal have control over UP and BNSF operations.

25 Tier 4 locomotives will use a new, untested technology that does not currently exist at a
26 size adequate for line-haul locomotive engines. As a result, the rate at which
27 operationally proven Tier 4 locomotives can be manufactured and made commercially
28 available in the future is uncertain. Therefore, it is infeasible to commit in advance to
29 purchase and deploy Tier 4 locomotives in excess of the percentages assumed by the EPA
30 when those locomotives have not yet been designed, tested, or deployed. Moreover, it is
31 infeasible to require the Class I railroads to geographically redistribute their locomotives
32 to provide a higher percentage of Tier 4 locomotives at the proposed Project's on-dock
33 railyard. Therefore, mitigation that requires accelerated introduction of Tier 4 line haul
34 locomotives used at the YTI on-dock rail yard is infeasible.

35 **Construction Electricity from Power Poles**

36 Commenters recommend that construction equipment should require the use of electricity
37 from power poles rather than temporary diesel- or gasoline-powered generators as a
38 mitigation measure. The lighting circuits are not designed to handle loads that exceed the
39 existing light fixtures; the feeders and protection equipment, such as circuit breakers, are
40 not large enough. Therefore, it is infeasible for construction equipment to be connected
41 to the existing light poles, as such an activity would overload the circuits and trip the
42 circuit breakers and result in inoperable equipment.

1 **Use of Shore Power for Construction Harbor Craft**

2 Commenters suggest that harbor craft used during construction should be required to use
3 shore power. The shore power system operates at 6,600 volts 3-phase power. The
4 protection equipment and relays are set to protect large loads, such as ships, which draw
5 about 1.5 to 2.5 megawatts. Most, if not all, commercial and marine construction
6 equipment operates at much lower voltages, closer to 480 volts. In order to transform the
7 6,600-volt shore power available at the dock to match and operate the construction
8 equipment, it would be necessary to install high-voltage switchgear, a transformer, and a
9 low-voltage feeder breaker and protection system, and then connect to the desired load.
10 This arrangement would be extremely rare and impractical, as 6,600 volts is a very
11 uncommon voltage, which is especially and exclusively used for shore-to-ship power
12 applications. Appropriate transformers to connect to 6,600 volts are not readily available,
13 and would be special order items with long manufacturing lead times. Also, the Los
14 Angeles Department of Water and Power requires that the load connected to the shore
15 power system necessarily be ship-to-shore application and not any other commercial
16 load. The special AMP rate that has been applied the shore power service prohibits non
17 ship-to-shore load connections. As such, connecting harbor craft to electric shore power
18 is infeasible as a mitigation measure. Many of the harbor craft companies that service the
19 Port plug in their vessels when they are at their home berth for shore power rather than
20 running auxiliary engines.

21 **Reduction of Greenhouse Gas Emissions**

22 Commenters suggest additional mitigation measures be added to reduce greenhouse gas
23 emissions such as green building measures, solar power, energy efficient cranes, tree
24 plantings, carpooling, mitigation funding, and alternative fuel vehicles. Each suggestion
25 is addressed individually in Chapter 2 of the Final EIS/EIR. Some suggested measures
26 have already been or will be implemented by the tenant, some were determined not to be
27 applicable to the proposed Project and others were determined to be infeasible for the
28 proposed Project. Measures deemed to be feasible for the proposed Project have been
29 added as mitigation.

30 **MM GHG-4: Carbon Offsets for Certain GHG Emissions.** YTI shall
31 purchase carbon offsets from sources listed on the American
32 Carbon Registry and/or the Climate Action Reserve (or any
33 other such registry approved by CARB) for a total of 16,380
34 metric tons of GHG emissions associated with electricity
35 usage for certain terminal operations by the year 2026.

36 **Construction Traffic Mitigation Plan**

37 A commenter suggested that a traffic mitigation plan should be required. LAHD requires
38 traffic plans to be submitted by every construction contractor as a standard practice. As
39 discussed under Impact TRANS-1 on page 3.7-50 of the Draft EIS/EIR, LAHD requires
40 contractors to prepare a detailed traffic management plan for Port projects that includes
41 the following: detour plans, coordination with emergency services and transit providers,
42 coordination with adjacent property owners and tenants, advanced notification of
43 temporary bus stop loss and/or bus line relocation, identification of temporary alternative
44 bus routes, advanced notice of temporary parking loss, identification of temporary
45 parking replacement or alternative adjacent parking within a reasonable walking distance,
46 use of designated haul routes, use of truck staging areas, observance of hours of operation

1 restrictions, and appropriate signage for construction activities. The traffic management
2 plan would be submitted to LAHD for approval before construction begins.

3 **Reduction of Noise from Pile Driving**

4 A commenter suggests that additional mitigation is needed to reduce noise impacts from
5 pile driving to liveaboard receptors. While the Draft EIS/EIR acknowledged and
6 appropriately disclosed that a cumulative noise impact could occur to a limited number of
7 liveaboard receptors that reside in the nearby marinas during construction, the cumulative
8 noise impacts would occur within a short duration (only during pile driving activities),
9 and are not likely to cause adverse health impacts. The proposed Project creates a 6-dB
10 increase (an increase from 56 dBA up to 62 dBA) over the daytime ambient at the closest
11 sensitive receptor, ST-4, which is a liveaboard. This increase is only associated with pile
12 driving, and the contractors would be required to limit construction to daytime hours in
13 accordance with the City's Noise Ordinance. No other construction activity would cause
14 an increase over the ambient noise level. Mitigation measures MM NOI-1 and MM NOI-
15 2 would reduce impacts to the greatest extent feasible and to a level of less-than-
16 significant for Project-specific impacts. No additional feasible mitigation measures are
17 available to reduce the cumulative noise impact.

18 **Parkland and Open Space**

19 A commenter suggests requiring parkland and open space as mitigation for the proposed
20 Project for disparate impacts on minority and low-income populations. Environmental
21 justice issues were thoroughly discussed and considered in the Draft EIS/EIR. However,
22 the mitigation recommended by the commenter was not determined to be proportional in
23 nature and extent to the project's impacts. (See Pub. Resource Code § 21002; CEQA
24 Guidelines § 15370; see generally *Nollan v. California Coastal Commission*, 483 U.S.
25 825, 834-37 [1987] [condition requiring a dedication of property along a beach rather
26 than to the beach did not address the harm at issue and was therefore invalid]; *Dolan v.*
27 *City of Tigard*, 512 U.S. 374, 391 [1994] [mitigation must be related in "rough
28 proportion" both "in nature and extent" to the impact of the proposed development])

Statement of Overriding Considerations

Pursuant to Section 15093 of the State CEQA Guidelines, the Board must balance the benefits of the proposed Project against unavoidable environmental risks in determining whether to approve the proposed Project. As detailed in the Findings, the proposed Project would result in significant unavoidable impacts on air quality, biological resources, and GHG emissions. The proposed Project would also result in a cumulatively considerable contribution to significant cumulative impacts on aesthetics, air quality, biological resources, GHG emissions, and noise.

9.1 Project Benefits

The proposed Project offers several benefits that outweigh the unavoidable adverse environmental effects of the proposed Project. The Board of Harbor Commissioners adopts the following Statement of Overriding Considerations. The Board recognizes that significant and unavoidable impacts will result from implementation of the proposed Project, as discussed above. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible any alternatives that would avoid or reduce the significant impacts of the proposed Project, as discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the proposed Project against the proposed Project'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 below stated reasons summarize the benefits, goals, and objectives of the proposed Project and provide the rationale for the benefits of the proposed Project. These overriding considerations justify adoption of the proposed Project and certification of the completed Final EIR. Many of these overriding considerations individually would be sufficient to outweigh the adverse environmental impacts of the proposed Project. These benefits include the following:

- **Fulfills Harbor Department's legal mandates and objectives.** The proposed Project would fulfill the Harbor Department'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) to promote and develop commerce, navigation and fisheries, and other uses of statewide interest and benefit including industrial and transportation uses and the California Coastal Act (PRC Division 20, Section 30700, et seq.), which identifies the Port and its facilities as a primary economic/coastal resource of the state and an essential element of the national maritime industry and obligates the Harbor Department to modernize

1 and construct necessary facilities to accommodate deep-draft vessels and to
2 accommodate the demands of foreign and domestic waterborne commerce and
3 other traditional and water-dependent and related facilities in order to preclude
4 the necessity for developing new ports elsewhere in the state. Further, the
5 California Coastal Act provides that the Harbor Department should give highest
6 priority to the use of existing land space within harbors for port purposes,
7 including, but not limited to navigational facilities, shipping industries and
8 necessary support and access facilities. The proposed Project would also meet the
9 Harbor Department's strategic green growth objectives by maximizing the
10 efficiency and the capacity of facilities while applying mitigation measures that
11 adhere to and/or exceed the San Pedro Bay Clean Air Action Plan (CAAP)
12 requirements and raise environmental standards.

- 13 ■ **Implements the CAAP.** Project-specific standards and lease measures
14 implemented through CEQA are one of several mechanisms for meeting CAAP
15 requirements.
- 16 ■ **Optimizes land use.** The proposed Project would maximize the utilization of
17 Port lands by increasing the cargo handling efficiency of an existing container
18 terminal to accommodate the demands of foreign and domestic waterborne
19 commerce.
- 20 ■ **Accommodate projected changes to cargo ship fleet mix.** The proposed
21 Project would upgrade an existing facility to accommodate the servicing of larger
22 container ships which are projected to enter the fleet mix calling at the Port in the
23 future.
- 24 ■ **Fosters economic growth.** The proposed Project would augment local
25 employment and business opportunities by directly supporting numerous short-
26 term construction and long-term operational jobs and a variety of indirect jobs
27 related to both the construction and operational phases.

28 In summary, the proposed Project would allow the Harbor Department to meet its legal
29 mandates to accommodate growing international commerce, while maintaining
30 compliance with important environmental programs and policies. The Board hereby finds
31 that the benefits of the proposed Project described above outweigh the significant and
32 unavoidable environmental effects and are therefore considered acceptable.

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