

## **U.S. Environmental Protection Agency, August 20, 2008**

**USEPA-1.** Thank you for your review of and comments on the Draft SEIS. Responses to your specific concerns about air quality, environmental justice, and aquatic and biological resources are provided in response to comments USEPA-2 through USEPA-5 and USEPA-7 through USEPA-25 below.

**USEPA-2.** The comment is noted. While the Corps Final SEIS discloses and discusses various construction and operational impacts and mitigation measures for the proposed Project and alternatives, the ROD would recognize that most of the mitigation measures identified in the SEIS/SEIR, particularly those focused on upland operations, would be implemented, maintained, and monitored by the Port of Los Angeles, as the local agency with continuing program control and responsibility, through its tenant leases. The Port believes that the CAAP is a lasting emission reduction plan for reduction of criteria pollutants. The mitigation measures contained in the Draft SEIS/SEIR would be in effect over a 30-year period and would minimize emissions from construction and operation. The CAAP, the construction mitigation, and the proposed Project level mitigation included in the Draft SEIS/SEIR, combined with federal, state and regional regulations, would result in a significant reduction of emissions at the Port and in the South Coast Air Basin.

Regarding conformity, please see the response to comment USEPA-13. Regarding the additional mitigation measures proposed in the comment letter, including those in excess of the CAAP, please see the response to comments USEPA-7 through USEPA-11.

**USEPA-3.** The comment is noted. The Port's primary means of reducing its air quality impacts on the community is by reducing the source of the impact (i.e., by reducing air emissions) through a variety of Port-wide clean air initiatives as well as through mitigation measures imposed on the construction and operation of specific leaseholders. Related to the commenter's suggestion to develop a Health Impact Assessment, please see the response to comment USEPA-16. Related to the commenter's concern about construction noise impacts, see the response to comment USEPA-25.

**USEPA-4.** USEPA's general concerns and additional mitigation recommendations are noted. Additional description regarding the definition of fill with respect to pilings and justification that additional mitigation is not warranted for conversion of soft bottom to hard substrate habitat is provided in response to comment USEPA-18. Additional response with respect to additional water quality protection measures at proposed tank farms and over-water pipeline crossings are addressed in response to comments USEPA-19 and USEPA-20, respectively. Additional response with respect to additional mitigation to address additional oil spill water quality cleanup is addressed in response to comment USEPA-21, and additional aquatic habitat cleanup and restoration is addressed in response to comment USEPA-24.

**USEPA-5.** USEPA's general concerns and additional mitigation recommendations are noted. Additional response with respect to marine mammal vessel strikes and additional mitigations beyond the vessel strike reduction program is addressed in response to comment USEPA-22. Additional response with respect to relocation of the proposed tank farm and expansion of the least tern preserve is given in response to comment USEPA-23.

---

**USEPA-6.** Thank you for your review of the Draft SEIS. Copies of the Final SEIS will be sent to the referenced address and others at USEPA.

**USEPA-7.** The comment is noted. While the Corps Final SEIS discloses and discusses various construction and operational impacts and mitigation measures for the proposed Project and alternatives, the ROD would recognize that most of the mitigation measures identified in the SEIS/SEIR, particularly those focused on upland operations, would be implemented, maintained, and monitored by the Port of Los Angeles, as the local agency with continuing program control and responsibility, through its tenant leases. The Port believes that the CAAP is a lasting emission reduction plan for reduction of criteria pollutants. The mitigation measures contained in the Draft SEIS/SEIR would be in effect over a 30-year period and would minimize emissions from construction and operation of all existing and future Port projects. The CAAP, along with the construction and operation mitigation for the proposed Project included in the Draft SEIS/SEIR, combined with federal, state and regional regulations, would result in a significant reduction of emissions at the Port and in the South Coast Air Basin.

As the comment notes, enforcement of lease measures, including mitigation measures that are incorporated as lease measures, shall be through reporting, conformance actions if deadlines are missed, and, where noncompliance cannot be remediated, revocation of the lease by the Port.

**USEPA-8.** While the Corps Final SEIS discloses and discusses various construction and operational impacts and mitigation measures for the proposed Project and alternatives, the ROD would recognize that most of the mitigation measures identified in the SEIS/SEIR, particularly those focused on upland operations, would be implemented, maintained, and monitored by the Port of Los Angeles, as the local agency with continuing program control and responsibility, through its tenant leases.

As shown in Table 3.2-22, the air quality mitigation measures identified in the Draft SEIS/SEIR met or, where feasible, exceeded CAAP measures. In addition, a number of the mitigation measures have been amended to further reduce emissions, namely MM AQ-14 and MM AQ-15 as shown below:

#### **MM AQ-14 Low Sulfur Fuel**

All ships (100%) calling at Berth 408 shall use 0.2% low sulfur fuel within 40 nm of Point Fermin on their outbound leg and while hoteling at the Project, beginning on day one of operation. Vessels calling at Berth 408 shall also use 0.2% low sulfur fuel within 40 nm of Point Fermin on their inbound leg, except where circumstances (such as ships with a mono-tank system or ships originating from a Port where low sulfur fuel is not available) make such use infeasible on the inbound leg. Regardless, the applicant shall adhere to the following annual phase-in schedule which identifies the minimum allowable annual percentage of vessels in the fleet calling at Berth 408 which shall use 0.2% low sulfur fuel within 40 nm of Point Fermin on their inbound leg: Ships calling at Berth 408 shall use low sulfur fuel in main engines, auxiliary engines, and boilers within 40 nm of Point Fermin (including hoteling for non-AMP ships) in the annual percentages in fuel requirements as specified below:

**PLAMT Fuel Switch for Main Engines, Auxiliary Engines, and Boilers**

Year	Main Engines/Auxiliary Engines/Boilers					
	Inbound			Hoteling and Outbound		
	HFO	0.50%	0.20%	HFO	0.50%	0.20%
1	0	100	0	0	0	100
2	0	100	0	0	0	100
3	0	100	0	0	0	100
4	0	80	20	0	0	100
5	0	50	50	0	0	100
6	0	50	50	0	0	100
7-30	0	10	90	0	0	100

In addition, all callers carrying 0.2% low sulfur shall use 0.2% low sulfur fuel within 40 nm of Point Fermin both on the inbound and outbound leg. Six months prior to operation of Berth 408 the applicant shall lead the effort, with Port support, in notifying all fuel suppliers/shippers of the low sulfur fuel requirements. This notification shall be achieved through publication of a notice in Bunker World (or other similar fuel supply trade publication) and by notification to all Berth 408 customers.

**MM AQ-15 AMP**

By end of year 2 of operation, all ships capable of utilizing AMP and all frequent callers (2 or more a year), shall use AMP at the facility. At minimum, ships calling at the Berth 408 facility shall use AMP. Ships calling at Berth 408 facility shall use AMP while hoteling at the Port in the following at minimum percentages while hoteling at the Port in the following at minimum percentages:

- By end of year 2 of operation – 6 (4%) vessel calls
- By end of year 3 of operation – 10% of annual vessel calls
- By end of year 5 of operation – 15% of annual vessel calls
- By end of year 10 of operation – ~~40~~ 50% of annual vessel calls
- By end of year 16 of operation – ~~70~~ 80% of annual vessel calls

As discussed in Chapter 3.2, use of AMP would enable ships to turn off their auxiliary engines during hoteling, leaving the boiler as the only source of direct emissions. An increase in regional power plant emissions associated with AMP electricity generation is also assumed. Including the emission from ship boilers, a ship hoteling with AMP reduces its criteria pollutant emissions 88 to 98 percent, depending on the pollutant, when compared to a ship hoteling without AMP and burning residual fuel in the boilers.

AMP on container vessels and cruise ships is directed at reducing emissions from the relatively large hoteling loads present on these vessels. Tankers have smaller hoteling loads but also must support cargo offloading operations by producing steam power. The steam production capability cannot be replaced without complete vessel reconstruction. However, as mentioned earlier, the Project design includes a feature to minimize steam generation requirements via the use of shore-side electric pumps.

The Port will design and incorporate into Berth 408 all the necessary components to make full AMP available for those vessels capable of utilizing such facilities. The following addition has been included in the AMP discussion in the Final SEIS/SEIR.

---

In the alternative, the Port may, upon application by the tenant, and subject to all applicable laws and regulations, permit the tenant to install and employ and Alternative Maritime Emission Control System (AMECS) system, either in combination with or in place of AMP as designated in the Port's permit, to meet or exceed the requirements of this mitigation measure; provided that the Port first finds, based on environmental review prepared pursuant to CEQA, all of the following:

- (1) that AMECS is a feasible mitigation measure;
- (2) that the Port and CARB have verified that use of AMECS, as permitted by the Port, would achieve emissions reductions equivalent to or better than those identified in this SEIS/SEIR as occurring under this mitigation measure through the use of AMP alone; and
- (3) that either
  - a. the use of AMECS, as permitted by the Port to achieve the purposes of this mitigation measure, would result in no new or substantially more severe significant adverse impact to the environment, or
  - b. any new or substantially more severe adverse impact to the environment resulting from the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure would be mitigated to a less than significant level, or
  - c. overriding considerations, as defined under CEQA, make appropriate the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure.

Mitigation measures proposed in the SEIS/SEIR would become part of the Port lease with the tenant and would no longer be tied to implementation of the CAAP, so any changes to the schedule for CAAP implementation would not affect their implementation on the proposed Project construction or operation.

The Draft SEIS/SEIR also included Lease Measure MM AQ-20, Periodic Review of New Technology:

*The Port shall require the tenant to review, in terms of feasibility, any Port-identified or other new emissions-reduction technology, and report to the Port. Such technology feasibility reviews shall take place at the time of the Port's consideration of any lease amendment or facility modification. If the technology is determined by the Port to be feasible in terms of cost, technical and operational feasibility, the tenant shall work with the Port to implement such technology at sole cost to the tenant. Potential technologies that may further reduce emission and/or result in cost-savings benefits for the tenant may be identified through future work on the CAAP. Over the course of the lease, the tenant and the Port shall work together to identify potential new technology. Such technology shall be studied for feasibility, in terms of cost, technical and operational feasibility. The effectiveness of this measure depends on the advancement of new technologies and the outcome of future feasibility or pilot studies. If the tenant requests future Project changes that would*

---

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

*As partial consideration for the Port's agreement to issue the permit to the tenant, tenant shall implement not less frequently than once every 7 years following the effective date of the permit, new air quality technological advancements, subject to the parties' mutual agreement on operational feasibility and cost sharing which shall not be unreasonably withheld*

The above measure would set up a process for adding additional feasible environmental measures, identified through future revisions of the CAAP or other methods, over the life of the lease.

**USEPA-9.** As noted in Draft SEIS/SEIR Section 3.2, Section 3.2.4.3.2 Operations, full replacement of the vessel's pumps with shore-side pumps is not feasible due to the need for a hydraulic lift that would be required to pull the crude oil from the holds of the vessels. This initial lift over the side of the vessel must still be provided by ship pumps.

The comments suggest that shoreside pumps with enough power could pull crude oil from the ship without using shipboard pumps and the boilers that power these pumps. This concept is infeasible due to the construction of crude carriers, the physics of fluid flow, crude oil vapor pressure and the concept of "suction lift" (Flowserve, 2002, Cameron Hydraulic Data Book: Section 1, "Hydraulic Principals".)

At its most basic form, a crude carrier is a box of multiple compartments that floats in the water. When a crude carrier is full, the box sits very low with most of the box below water level and only a small part (freeboard) visible above the water. As the crude oil is removed from the crude carrier, the box rises with respect to the water because the crude carrier is lighter as there is less crude oil inside. Therefore, the position of the ship relative to the dock changes with the amount of crude oil in the crude carrier and with the tidal change in water level.

The depth of the crude carrier is in the range of 50 to 100 feet. If the crude were pulled from the compartments of the tank, some component of the crude oil would vaporize as it is lifted from the bottom of the ship to the deck of the ship (this effect is referred to as suction lift). Suction lift exists when the liquid supply level or suction source is below the pump centerline or impeller eye. Total suction lift is equal to the static lift (the depth of the ship's hull) plus all frictional losses in the suction line including entrance loss (the end of the pipe where the crude oil enters the pipe).

The maximum theoretical height that 68°F water can be lifted is 33 feet. Water has a vapor pressure of 0.339 pounds per square inch absolute (psia) at 68°F. Crude oil will have a vapor pressure of 4-8 psia. The maximum theoretical lift that can be achieved for crude oil is about 15-16 feet. This number does not include frictional losses within the piping. The crude oil cannot get to the deck (50 to 100 feet above the bottom of the ship.) In addition to needing to raise the crude oil to the upper levels of the ship, the crude oil is generally offloaded from the ship via a series of offloading marine transfer arms referred to as "loading arms". Typically these loading arms, due the fact they are designed to accommodate a wide variety of ships (size, length, and width) along with the various tidal and wave actions that can be encountered, extend a considerable distance above the ships (at least another 30 to 40 feet), in effect increasing the amount of elevation that the crude

---

oil would actually need to be lifted by an on-shore suction action. This situation is another major reason that the pumps on board the vessel are critical to the crude oil cargo offloading of the ship.

Crude carriers have pumps located at the bottom of the ship to avoid the suction lift effect. The pumps are connected to the various compartments in the ship that contain the crude oil. These pumps are virtually always driven by steam turbines that are supplied with steam generated by on-board boilers. The proposed design has the ship's pumps pumping the crude oil out of the ship's hull through the ship's piping system, through loading arm structures and onto the shore. This will require relatively low power when compared to other marine terminals where the ship might pump 5 or 6 miles to the tank farm. The current design requires the ship's pumps to pump through a 42-inch diameter pipeline approximately ½ mile to the electrically driven shoreside pumps which will add the pressure required to pump the oil the remaining distance to the tank farm.

**USEPA-10.** While the Corps Final SEIS discloses and discusses various construction and operational impacts and mitigation measures for the proposed Project and alternatives, the ROD would recognize that most of the mitigation measures identified in the SEIS/SEIR, particularly those focused on upland operations, would be implemented, maintained, and monitored by the Port of Los Angeles, as the local agency with continuing program control and responsibility, through its tenant leases.

Per the LAHD Sustainable Construction Guidelines for Reducing Air Emissions, all off-road diesel-powered construction equipment greater than 50 hp, except derrick barges and marine vessels, shall meet Tier 2 emission off-road standards prior to December 31, 2011. Beginning January 1, 2012 to December 31, 2014, all off-road diesel-powered construction equipment greater than 50 hp, except ships and barges and marine vessels, shall meet Tier 3 emission off-road standards. Based on the current estimated construction schedule, under which construction would be completed prior to December 31, 2011, the air quality modeling analysis assumes off-road diesel-powered construction equipment would meet Tier 2 emission off-road standards. However, if construction is delayed for any reason and part or all of the construction occurs on or after January 1, 2012, the construction equipment would meet Tier 3 emission off-road standards, consistent with Port policy.

**USEPA-11.** Please see response to comment USEPA-8. MM AQ-15 has been modified to increase AMP participation rates and Alternative Maritime Emission Control System (AMECS) requirements as shown below to further reduce boiler emissions:

**MM AQ-15 AMP**

By end of year 2 of operation, all ships capable of utilizing AMP and all frequent callers (2 or more a year), shall use AMP at the facility. At minimum, ships calling at the Berth 408 facility shall use AMP ~~Ships calling at Berth 408 facility shall use AMP while hoteling at the Port in the following at minimum percentages while hoteling at the Port in the following at minimum percentages:~~

- By end of year 2 of operation – 6 (4%) vessel calls
- By end of year 3 of operation – 10% of annual vessel calls
- By end of year 5 of operation – 15% of annual vessel calls
- By end of year 10 of operation – ~~40~~ 50% of annual vessel calls

- 
- By end of year 16 of operation – ~~70~~ 80% of annual vessel calls

As discussed in Chapter 3.2, use of AMP would enable ships to turn off their auxiliary engines during hoteling, leaving the boiler as the only source of direct emissions. An increase in regional power plant emissions associated with AMP electricity generation is also assumed. Including the emission from ship boilers, a ship hoteling with AMP reduces its criteria pollutant emissions 88 to 98 percent, depending on the pollutant, when compared to a ship hoteling without AMP and burning residual fuel in the boilers.

AMP on container vessels and cruise ships is directed at reducing emissions from the relatively large hoteling loads present on these vessels. Tankers have smaller hoteling loads but also must support cargo offloading operations by producing steam power. The steam production capability cannot be replaced without complete vessel reconstruction. However, as mentioned earlier, the Project design includes a feature to minimize steam generation requirements via the use of shore-side electric pumps.

The Port will design and incorporate into Berth 408 all the necessary components to make full AMP available for those vessels capable of utilizing such facilities. The following addition has been included the AMP discussion in the Final SEIS/SEIR.

In the alternative, the Port may, upon application by the tenant, and subject to all applicable laws and regulations, permit the tenant to install and employ and Alternative Maritime Emission Control System (AMECS) system, either in combination with or in place of AMP as designated in the Port's permit, to meet or exceed the requirements of this mitigation measure; provided that the Port first finds, based on environmental review prepared pursuant to CEQA, all of the following:

- (1) that AMECS is a feasible mitigation measure;
- (2) that the Port and CARB have verified that use of AMECS, as permitted by the Port, would achieve emissions reductions equivalent to or better than those identified in this SEIS/SEIR as occurring under this mitigation measure through the use of AMP alone; and
- (3) that either
  - a. the use of AMECS, as permitted by the Port to achieve the purposes of this mitigation measure, would result in no new or substantially more severe significant adverse impact to the environment, or
  - b. any new or substantially more severe adverse impact to the environment resulting from the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure would be mitigated to a less than significant level, or
  - c. overriding considerations, as defined under CEQA, make appropriate the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure.

---

The Final SEIS/SEIR clarifies the position of the Port with respect to the potential use of AMECS as a mitigation measure (see Section 3.2 of the Final SEIS/SEIR and specifically the discussion of MM AQ-15). The Final SEIS/SEIR clarifies that if AMECS becomes technologically feasible, then the Port will evaluate its effectiveness and its equivalence with respect to AMP consistent with MM AQ-19 and MM AQ-20. If it is found to be feasible, effective, and equivalent in terms of reductions of pollutants of significance, then the Port will require the tenant to install AMECS. Once AMECS is installed, all vessels calling at Berth 408 that are not capable of utilizing AMP, as well as frequent callers (i.e., vessels that call more than two times per year), must use AMECS. If AMECS is not available within the lifetime of the proposed Project or if it is not found to be feasible or equivalent to AMP, then ships calling at Berth 408 shall use AMP while hoteling at the Port in the minimum percentages specified in MM AQ-15.

Finally, it should be noted that ships are federal sources for at least some distance from shore and promulgation of regulations by U.S. EPA, which is federal authority for controlling such emissions, would assist in the ability of Ports throughout the nation to reduce emissions from these sources.

**USEPA-12.** We assume the comment intended to refer to a comparison of Table 3.2-11 and 3.2-13, rather than a comparison of Table 3.2-11 and 3.2-50. Table 3.2-11 shows peak daily emissions for proposed Project construction activities without mitigation and Table 3.2-13 shows the same with mitigation, whereas Table 3.2-50 shows average daily emissions for the Reduced Project Alternative operation without mitigation. The relationship identified in the comment, that mitigated construction emissions of CO (as shown in Table 3.2-13) exceed unmitigated emissions (as shown in Table 3.2-11), is accurate. This counterintuitive result is a direct result of some of the specific practices used to control NO<sub>x</sub> emissions, specifically the increase in fuel-to-air ratio for diesel engines. Increasing the fuel-to-air ratio decreases NO<sub>x</sub> emissions but increases CO emissions due to less complete combustion of fuel. No revision to the document is needed.

Note that due to an error in transcribing the summary table from a detailed table, the values for certain emissions have changed in Tables 3.2-11 and 3.2-13.). The peak daily Phase I unmitigated construction emissions in summary Table H.1.PP.Un.Const-1 in Appendix H.1 is correct. Peak daily Phase I unmitigated construction emissions in Table 3.2-11 in Section 3.2 are incorrect and have been corrected. The CEQA and NEPA significance findings do not change as result of these edits in Section 3.2. An additional footnote has been included in Table 3.2-11 to clarify what emission sources contribute to the peak daily construction emissions. The peak daily phase mitigated construction emissions in summary Table H.1.PP.Mit.Const-1 in Appendix H.1 is correct. Peak daily Phase I mitigated construction emissions in Table 3.2-13 in Chapter 3 are incorrect and have been corrected. The CEQA and NEPA significance findings do not change as result of these edits in Section 3.2. An additional footnote has been included in Table 3.2-13 to clarify what emission sources contribute to the peak daily construction emissions.

Phase 2 unmitigated construction and Phase 2 mitigated construction emissions are correct as presented in the Draft SEIS/SEIR. Stone delivery does not occur during Phase 2 construction. The only emissions are from Tank Farm Site 2 construction and POV emissions. However, the counterintuitive relationship between the unmitigated and mitigated emissions still holds (i.e., CO emissions are higher in the mitigated case).



---

**USEPA-13.** On November 30, 1993, EPA promulgated final general conformity regulations at 40 CFR 93 Subpart B for all federal activities except those covered under transportation conformity. On September 14, 1994, SCAQMD adopted these regulations by reference as part of Rule 1901. The general conformity regulations apply to a proposed federal action in a nonattainment or maintenance area if the total of direct and indirect emissions of the relevant criteria pollutants and precursor pollutants caused by the proposed action equal or exceed certain de minimis amounts, thus requiring the federal agency to make a determination of general conformity. Regardless of the proposed action's exceedance of de minimis amounts, if this total represents ten percent or more of the area's total emissions of that pollutant, the action is considered regionally significant and the federal agency must make a determination of general conformity. By requiring an analysis of direct and indirect emissions, EPA intended the regulating federal agency to make sure that only those emissions that are reasonably foreseeable and that the federal agency can practicably control subject to that agency's continuing program responsibility will be addressed. The general conformity regulations incorporate a stepwise process, beginning with an applicability analysis.

According to EPA guidance (EPA 1994), before any approval is given for a proposed action to go forward, the regulating federal agency must apply the applicability requirements found at 40 CFR 93.153(b) to the proposed action and/or determine the regional significance of the proposed action to evaluate whether, on a pollutant-by-pollutant basis, a determination of general conformity is required. The guidance states that the applicability analysis can be (but is not required to be) completed concurrently with any analysis required under the National Environmental Policy Act (NEPA). If the regulating federal agency determines that the general conformity regulations do not apply to the proposed action, no further analysis or documentation is required. If the general conformity regulations do apply to the proposed action, the regulating federal agency must next conduct a conformity evaluation in accord with the criteria and procedures in the implementing regulations, publish a draft determination of general conformity for public review, and then publish the final determination of general conformity.

A conceptual plan for the proposed Project was included in the Port's 2020 Plan which was incorporated into the 1997 SIP. However, based on changes to the proposed Project, a general conformity determination may still be necessary for the proposed federal action. If necessary, the Draft Conformity Determination will be prepared and circulated for public review prior to Federal action associated with the proposed Project, consistent with Federal guidance..

**USEPA-14.** Thank you for acknowledging the efforts of the Port and Corps to address environmental justice issues.

**USEPA-15.** The Corps and Port are committed to mitigating disproportionate effects to the extent feasible. The Port's primary means of mitigating the disproportionate effects of air quality impacts is to address the source of the impact through a variety of Port-wide clean air initiatives, including the CAAP, the Sustainable Construction Guidelines, and the proposed CAAP San Pedro Bay [Health] Standards. As part of the San Pedro Bay Standards, the Port will complete a Port-wide Health Risk Assessment (HRA) covering both the Port of Los Angeles and the Port of Long Beach that will include a quantitative estimate of health risk impacts from Diesel Particulate Matter (DPM) emissions of the Ports' overall existing and planned operations. Current and future proposed projects' approval will be dependent on meeting the San Pedro Bay Standards.

---

The primary purpose of the proposed San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall health risk effects of future projects and on-going port operations' emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a standard of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed in order to ensure that the proposed project is fully contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP and on projected future Ports' operations through the specified CAAP implementation mechanisms and also assumed implementation of existing regulations. As long as the project is consistent with growth projection assumptions used to develop the San Pedro Bay Standards, and the CAAP mitigations for the project are consistent with the mitigation assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay Standards as it is consistent with projections of the Ports' future operations used in formulating the San Pedro Bay Standards, and as it exceeds compliance with applicable CAAP measures as shown in Table 3.2-22 of the Draft SEIS/SEIR.

The Port is also developing a comprehensive Climate Change Action Plan to address GHG emissions from Port operations. GHG emissions at the Port are largely a function of diesel combustion and thereby addressing these emissions will not only help address potential climate change effects but also local health issues from diesel sources.

In addition, through a Memorandum of Understanding, the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the overall off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. This fund includes, for example, approximately \$6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute \$0.15 per ton of crude oil received at the terminal up to an amount of approximately \$5 million. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the Project, and therefore is not an environmental justice mitigation per se, it would have particular benefits for harbor area communities where disproportionate effects could occur.

Temporary, project-related construction noise and the associated disproportionate effects would be mitigated to the extent feasible, through measures such as selection of the contractor for pile driving with consideration of noise, restricted hours for pile driving, use of temporary noise attenuation barriers, and other measures (see Section 3.10). Disproportionate effects associated with risk of upset (i.e., a terrorist attack) would be mitigated to the extent feasible through port-wide security measures (see Section 3.12). Disproportionate effects from recreation impacts due to noise and spills would be

---

addressed through noise mitigations such as those listed above and additional measures such as double-hulled vessels and quick release couplings.

**USEPA-16.** Please see response to USEPA-15. As part of the San Pedro Bay Standards, the Port will complete a Port-wide Health Risk Assessment (HRA) covering both the Ports of Los Angeles and Long Beach that will include a quantitative estimate of overall health risk impacts from the Ports' existing and planned operations. Current and future projects' approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall effects of future projects and on-going port operations emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a standard of impact significance. . When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed in order to ensure that the proposed project is contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP through the specified implementation mechanisms and implementation of existing regulations. As long as the mitigations for the project are consistent with the assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay Standards as it is consistent with the growth projections assumed in developing the San Pedro Bay Standards and exceeds compliance with applicable CAAP measures as shown in Table 3.2-22 of the Draft SEIS/SEIR. The San Pedro Bay Standards were developed in close coordination with the South Coast AQMD and CARB.

The comment suggests conducting a port-wide Health Impact Assessment (HIA). According to the World Health Organization (WHO), a Health Impact Assessment (HIA) is "*A combination of procedures, methods and tools by which a policy, program or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population*". Recommendations are produced for decision makers and stakeholders, with the aim of maximizing the proposal's positive health effects and minimizing the negative health effects. Because the Draft EIS/EIR discloses the environmental impacts, including health risk impacts, of the proposed Project, the Draft SEIS/SEIR is not required to additionally include a separate, full-blown HIA. Nevertheless the Draft SEIR/SEIR included a number of health assessment tools to accomplish many of the goals of an HIA. These tools include a full project-specific Health Risk Assessment (HRA), criteria pollutant modeling, morbidity/mortality analysis, an Environmental Justice analysis, and a Socioeconomic analysis. These analyses are presented in the Draft SEIS/SEIR for the proposed Project and all project alternatives (including the No Federal Action/No Project Alternative), allowing the reader, and subsequently the Board (the decision makers) to compare and contrast the benefits and costs among all proposals

The HRA, as presented in Section 3.2 and Appendix H, examined the cancer risks and the acute and chronic noncancer health risks associated with the proposed Project and all project alternatives on the local communities. Health risks are analyzed for five different receptor types: residential, sensitive (elderly and immuno-compromised), student,

---

recreational, and occupational. Health risks are reported over geographical areas (for example, the HRA includes cancer risk isopleths to illustrate risk patterns in the communities). The HRA is based on procedures developed by public health agencies, most notably the California Office of Environmental Health Hazards Assessment (OEHHA). Section 3.2 and Appendix H also include a discussion of some recent studies that link pollution, specifically Diesel Particulate Matter (DPM), to various health impacts including cancer, asthma and cardiovascular disease.

The Draft SEIS/SEIR also includes a particulate matter mortality analysis that assesses the incidence (as opposed to risk) of premature death as a result of the proposed Project. As discussed in Section 3.2, epidemiological studies substantiate the correlation between the inhalation of ambient Particulate Matter (PM) and increased mortality and morbidity (CARB 2002a and CARB 2007). The analysis is based on guidance from CARB and relies on numerous studies and research efforts that focused on PM and ozone as they represent a large portion of known risk associated with exposure to outdoor air pollution. CARB's analysis of various studies allowed large-scale quantification of the health effects associated with emission sources.

The Environmental Justice Section (Chapter 5) of the Draft SEIS/SEIR evaluates whether the proposed Project and its alternatives would result in disproportionately high and adverse human health or environmental impacts on minority populations and low-income populations. The Environmental Justice analysis looks at the Project and cumulative impacts as assessed in Chapter 3 and 4 of the Draft SEIS/SEIR on minority and low-income individuals in the local communities surrounding the Port. The Socioeconomic Section (Chapter 7) encompasses a number of topical areas including employment and income, population, and housing. Within each of these areas, subtopics include an examination of conditions at different geographical scales that are relevant to the potential impacts associated with implementation of the proposed Project.

In addition, please see response to USEPA-15 regarding the Port Community Mitigation Trust Fund geared towards addressing the overall off-port impacts created by Port operations.

- USEPA-17.** Please see response to USEPA-15. The Corps and Port are committed to mitigating disproportionate effects to the extent feasible. The Port's primary means of mitigating the disproportionate effects of air quality impacts is to address the source of the impact through a variety of Port-wide clean air initiatives, including the CAAP, the Sustainable Construction Guidelines, and the CAAP San Pedro Bay [Health] Standards. As part of the San Pedro Bay Standards, the Port will complete a Port-wide Health Risk Assessment (HRA) covering both the Ports of Los Angeles and Long Beach that will include a quantitative estimate of overall health risk impacts from the Ports' existing and planned operations. Current and future projects approval will be dependent on meeting the SPB Standard. Through a Memorandum of Understanding, the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing, outside the process of CEQA/NEPA review of individual proposed Port projects, the overall off-port impacts created by existing Port operations. This fund includes, for example, approximately \$6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute

---

\$0.15 per ton of crude oil received at the terminal up to an amount of approximately \$5 million. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the Project, and therefore is not an environmental justice mitigation per se, it would have particular benefits for harbor area communities where disproportionate effects could occur.

The remainder of this response addresses the individual mitigations suggested in the comment. Regarding the suggestion to engage in proactive efforts to hire local workers and the suggestion to provide public education programs, the Port has an on-going set of mechanisms to promote inclusion of small, minority, woman-owned and similar business enterprises, many of which are located in the local area, in its contracting. In addition, job training targeted to Harbor Area communities is provided by economic development organizations, the City of Los Angeles, and other entities. The Port provides outreach to the community in the form of meetings with the PCAC and other community groups and individuals and provides community education information on its website, in newsletters that are available in English and Spanish, through outreach at community events and festivals, and by other means.

Related to the suggestion of anti-idling requirements, for the proposed Project, imported crude oil would be transported via pipeline to refineries, not by truck; thus anti-idling requirements would not be relevant to the proposed marine terminal operation in the same manner as a container terminal operation.

In regards to construction truck idling, Mitigation Measure AQ-5 has been amended as shown below, to include construction trucks.

#### **MM AQ-5: Best Management Practices (BMPs)**

The following types of measures are required on construction equipment (including on-road trucks):

1. Use of diesel oxidation catalysts and catalyzed diesel particulate traps
2. Maintain equipment according to manufacturers' specifications
3. Restrict idling of construction equipment and on-road heavy-duty trucks to a maximum of 5 minutes when not in use
4. Install high-pressure fuel injectors on construction equipment vehicles
5. Maintain a minimum buffer zone of 300 meters between truck traffic and sensitive receptors
6. Improve traffic flow by signal synchronization
7. Enforce truck parking restrictions
8. Provide on-site services to minimize truck traffic in or near residential areas, including, but not limited to, the following services: meal or cafeteria services, automated teller machines, etc.

- 
9. Re-route construction trucks away from congested streets or sensitive receptor areas
  10. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.

Related to the suggestion of establishing Environmental Management Systems, the Port has developed and is implementing an award-winning Environmental Management System (briefly summarized in Section 1.6 of the Draft SEIS/SEIR) that improves efficiency and reduces environmental impacts from operations.

Related to the suggestion to improve access to healthy food by establishing markets on Port lands, most of the land administered by LAHD is zoned to allow for coastal dependent cargo transport activities and related facilities. Also, the Port is operated and managed under a State Tidelands Trust that grants local municipalities jurisdiction over ports and stipulates that activities must be related to commerce, navigation and fisheries. Thus, although some of the land administered by LAHD is zoned in such a way that it could accommodate a retail or commercial use, establishing a retail outlet or farmer's market would not be consistent with LAHD's central purpose.

Finally, related to the suggestion to continue expansion and improvements to the local community's parks and recreation system: As described above, the Port Community Mitigation Trust Fund will fund a study of off-port impacts, including recreation and other topics. In addition, the Port's proposed San Pedro Waterfront project, if approved, would provide open space, recreation and pedestrian amenities.

**USEPA-18.** The document has been revised to include further description of the pile-supported structures and clarification of the reasons that pilings do not constitute fill material pursuant to Section 404 of the Clean Water Act, consistent with 33 CFR Section 323.3(c) and Regulatory Guidance Letter 90-08. Specifically, "placement of pilings do not ordinarily constitute fill material", particularly where "pilings [are] generally used for traditional pile-supported structures such as docks and bridges where the effect, purpose, and function of the pilings [are] not to replace an aquatic area with dry land or to change the bottom elevation of a water body." Piers, walkways, and wharves are also included in the list of structures traditionally placed on piles that are not regulated under Section 404 of the Clean Water Act. However, the Corps regulates pilings as fill if the "pilings [are] being used as a substitute for fill material," or have this effect by facilitating sedimentation, placement so close together that they displace a substantial percentage of the water in the project area, or the structure on top of the pilings is placed in such a manner as to constitute the functional equivalent of fill. For this project, most pilings would not have the effect of a discharge of fill because they are not close enough to each other to impair the flow or circulation of waters of the United States or increase sedimentation rates.

In contrast, the placement of protective rock around 42 of the larger pilings in deepwater is identified as a fill consistent with 33 CFR 323.2(e, f) and would be subject to regulation pursuant to Section 404 of the Clean Water Act. Because the pilings would be centered within rock patches, the total area of conversion of protected deepwater soft bottom to hard substrate habitat would be approximately 0.1 acre (0.09 acre rock, 0.02 acre pilings). The functional effect would be negligible because the area of fill would occur in relatively small, discrete patches and there would only be a minor change in

---

water depth from rock placement in deep water (-65 to 70 feet MLLW). Mitigation is not warranted because the localized patches of fill would not result in adverse alteration or elimination of aquatic functions. Pilings and submerged rock provide forage and shelter for invertebrates and fish in the harbor (MEC and Associates 2002). In addition, the pile-supported structures are relatively narrow linear features that would not result in adverse shading effects. The small conversion of deep outer harbor soft bottom habitat (less than 0.01 percent) would not be cumulatively adverse. Protected deepwater soft bottom and artificial rocky substrate have equivalent resource agency weighting values for Los Angeles Harbor (USACE and LAHD 1992).

**USEPA-19.** EPA has requested that the feasibility of increasing the tank area dike capacities to “more adequately contain an oil spill in the event of a catastrophic event” be considered and discussed in the FEIS.

The dikes for the proposed project’s storage tanks exceed state and local requirements adopted for the purpose of adequately containing oil spills in the event of catastrophic events. There is no evidence that even larger dikes are more effective at mitigating significant impacts or are economically feasible. The Southern California area has undergone several major seismic events in the last 40 years and in no event has there been an example of multiple tank failures. In fact, the Port and Corps are unaware of any instance in the U.S. in the last 20 years in which there have been multiple tank failures. In addition, the project tanks will all be newly constructed and will be designed to comply with current design requirements and construction standards.

The California State Fire Code in Section 3404.2.10.1 requires “The volumetric capacity of the diked area shall not be less than the greatest amount of liquid that can be released from the largest tank within the diked area. The capacity of the diked area enclosing more than one tank shall be calculated by deducting the volume of the tanks other than the largest tank below the height of the dike”. These requirements apply to all tank farms, some of which may be decades old. If the regulations are considered sufficiently protective for such storage facilities, they would appear to be more than adequate for entirely new tanks.

The City of Los Angeles Municipal Code requires the same, in section 57.13.12(A), “The net volumetric capacity available to a tank or group of tanks within a common diked area shall be not less than 100 percent of the largest tank enclosed by the diked area.” Thus, two separate agencies have determined that 100 percent capacity of the largest tank in a diked area is all that needs to be required.

The proposed dike containment for the project is designed to not only hold the contents of the largest tank as required by city, state and federal law, but an additional volume that can accommodate 24 hours of rainfall at the 25 year storm frequency rate as published by NOAA. Thus, capacity to contain potential leaks has already been provided at a level that is significantly greater than regulatory requirements since the chances that a catastrophic leak would occur at the same time as a 25 year storm are almost non-existent. The allowance for rainwater increases the dike capacity by 10 percent. The current containment provisions exceed the applicable regulations noted above and there is no evidence that additional capacity is necessary.

---

**USEPA-20.** DOT 195.260(e) states that valves are required “On each side of a water crossing that is more than 100 feet (30 meters) wide from high-water mark to high-water mark unless the Administrator finds in a particular case that valves are not justified.”

The project considered valves around the bridge crossings. In this case, it was decided by the design team that the additional valves were not justified because they would not reduce the spill volumes should a leak occur on the bridge. The reasoning was as follows:

The pipeline route elevation is relatively flat. The pipeline is buried a minimum of 4 feet below ground elevation. All the project bridge crossings will be the high points in their respective pipelines route segments. The maximum spill volume at the bridge crossings will be the volume of the pipe on the bridge. The spill volume would be unaffected by additional blocks valves around the bridge crossings.

In addition, the system is designed with leak detection capability. When a leak is detected the shipping pumps are shut down and the pipeline facility block valves are closed, so no additional crude oil is introduced in to the system.

**USEPA-21.** The draft document identifies all feasible mitigation measures to reduce or avoid the significant impacts to water quality that would result from oil spills attributable to the proposed Project. The proposed measure to fine parties responsible for oil spills would not effectively reduce or avoid those impacts to the environment, and is therefore not appropriate for implementation on the proposed Project pursuant to environmental review under CEQA or NEPA. Nevertheless, outside the context of CEQA/NEPA review of the proposed Project, the Port of Los Angeles is currently developing a Water Resources Action Plan (WRAP) in conjunction with the Port of Long Beach and involving stakeholder participation from a number of regulatory agencies and environmental groups. The WRAP would establish a comprehensive port-wide program to reduce impacts to water quality from a variety of sources including storm drain runoff, urban runoff, boat spills and dumping, and invasive species.

**USEPA-22.** The document has been revised to clarify that the reported whale strikes discussed in the SEIS/SEIR are for the entire coast of California and not just in the vicinity of the Los Angeles-Long Beach Harbor. Although the actual number of vessel strikes off California is likely to be greater than the number reported, the overall potential number associated with cargo vessels traveling to or from Los Angeles harbor remains a very low number. Because most vessel strike injuries are associated with fast moving vessels, the Port’s expanded vessel speed reduction program would substantially lower the risk of vessel strike injury to whales in the vicinity of the harbor. Therefore, the probability of a Project-related vessel injuring whales is very low. For this reason, the impact was determined to be less than significant under CEQA and NEPA, and less than cumulatively considerable under NEPA (there would be no contribution under NEPA because there would be fewer vessels under the proposed Project compared to the NEPA Baseline).

An acoustic detection program was initiated off Cape Cod Bay, Massachusetts, to reduce the potential for vessel collisions with North Atlantic right whales. This species was hunted to near extinction, and the current population is now at an estimated 350 to 400 individuals. The Cape Cod Bay system consists of 13 acoustic buoys that can detect right whales within a 5-mile radius. The buoys are moored within Cape Cod Bay and offshore



---

in the shipping lanes. If right whales are detected, certain ships are required to slow to 10 knots and post lookouts to assist in sighting whales. That program was instituted because the shipping lanes cross prime feeding grounds of that endangered species. In contrast, the nearshore area off Los Angeles harbor is used by migratory and transient whales, but is not an area where endangered marine mammals concentrate for feeding and/or reproduction. In addition, there are behavioral differences between the right whales and the whales most commonly seen in Southern California and physical differences between the Eastern and Western seaboard; therefore, the measures introduced in Cape Cod may not be as effective in Southern California.

Several differences exist between Cape Cod Bay and the waters off Los Angeles-Long Beach Harbors. The shipping lanes where the buoys are moored off Cape Cod are in waters ranging up to 400 feet (122 meters) deep. The shipping lanes off the harbors of Los Angeles and Long Beach are considerably deeper, exceeding 400 fathoms (2,400 feet or 732 meters) north of the harbors. Also unknown is the whale species that the buoy system would apply to along the California coast. Grey whales are not as vocal as some other whale species, and they are likely to be the most abundant whales in the area during specific times of year. The Port also looked at a paper regarding forward-looking sonar on ships. The ship-mounted sonar gave a warning within a radius of up to 276 feet (84 meters), which is less than the length of most oceangoing vessels. Such a system would not provide adequate warning time or distance for an oceangoing vessel to take evasive action.

The Port however, remains committed to its vessel speed reduction (VSR) program to reduce both air emissions and reduce potential whale strikes. The Port's VSR program includes slowing of vessel speed to 12 knots over a geographically large area between 40 nm of Point Fermin and the Precautionary Area from Year 1 of operation.

**USEPA-23.** The comment suggested relocating Tank Farm 1 to expand the California least tern preserve. There is not enough open area at Tank Farm 2 to accommodate the tanks proposed for Tank Farm. It should also be noted, that the sizing of the least tern nesting site to 15 acres was done with intent of providing adequate space/buffering taking into account the surrounding land uses. Specifically, the intent of the interagency MOA is "not to encumber more than fifteen (15) acres". Additional buffering measures associated with the project-specific assessment have been incorporated in consultation with the USFWS.

CEQA and NEPA authorize implementation of mitigation measures only for the purpose of reducing or avoiding significant impacts attributable to a proposed Project. Since the observed decreases in nesting at the site as a proportion of statewide tern nesting is due to factors entirely extraneous to any proposed construction or operations activity under the proposed Project, neither CEQA nor NEPA authorizes a relocation of Project tanks from Tank Farm 1 to Tank Farm 2 as mitigation for Project impacts.

The California least tern has been known to nest in the Los Angeles Harbor area since the late 1800's although nesting data were not regularly recorded until 1973. In 1979, the Los Angeles Harbor Department (LAHD), in consultation with the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG), began providing nesting habitat for the California least tern. In 1984, LAHD entered into a Memorandum of Agreement (MOA) with USFWS, U.S. Army Corps of Engineers (ACOE) and CDFG. The MOA, renewed every three to five years, requires the LAHD to

---

provide 15 acres of suitable, protected nesting habitat and specifies responsibilities of the various parties to the MOA with respect to management of the “Terminal Island” least tern nesting site. This nesting site location has changed over the years. From 1970 through 1985, least terns nested primarily at Reeves Field, located (at that time) south of Seaside Avenue and west of the former Long Beach Naval Station. From 1981 through 1989, least terns nested on dredge fill created for Pier 300 and protected by the LAHD at the southern end of Ferry Street. From 1989 through 1997, least terns used a securely fenced nesting site provided by LAHD on the eastern edge of Pier 300. In 1997, a new Nesting Site was prepared on Pier 400 (current location).

Nesting began to increase in 1993 as a result of active management, site preparation and more consistent and effective predator management. In 1993 there were 10 nesting pairs; that number steadily increased to 1,254 pairs in 2005. Since 2005 nesting has decreased slightly to 669 pairs in 2007 and to less than 500 pairs in 2008. The reasons for the decline are numerous and include:

- 1) The creation in 2005 and 2006 of additional nesting sites for the least tern as part of the Bolsa Chica Lowlands Restoration Project in Huntington Beach (approximately 12 miles south of the Port of Los Angeles, where numbers of least tern nesting pairs have increased from approximately 130 in 2005 to 200 in 2007 (Marschalek 2005, 2006, 2007, 2008); some of these birds may have relocated from their usual nesting site at the Los Angeles Harbor due to factors discussed in bullets 4 and 5 below. [Massey and Atwood (1981), as well as subsequent observations of color-banded adult least terns, indicate that when a nesting colony is disturbed, least terns may abandon the site to nest (or renest) at a nearby nesting site.]
- 2) The increase in the number of least tern nesting pairs at Venice Beach, approximately 20 miles north of the Port of Los Angeles. Least tern nesting at Venice Beach, the only other least tern nesting site in Los Angeles County, had been unsuccessful due to recurrent predation by American crows (*Corvus brachyrhynchos*). More effective management of the American Crow population preying on least tern eggs and chicks beginning in 2006 resulted in an increase in least tern nesting pairs from 17 in 2004 and 90 in 2005 to 302 in 2006 and 450 in 2007. During years when American crow predation was high at Venice, it is assumed that many least tern pairs that typically use the Venice site for nesting failed to nest there and instead used the Los Angeles Harbor nesting site. [This cannot be reliably concluded without an intensive study involving observations from a bird blind of individually-color-banded least tern at both the Venice and Los Angeles Harbor nesting sites. However, such a study is not possible because few individually-color-banded least terns remain in the population following an intensive color-banding study in the late 1980’s. Instead, increases in the number of nests at the Los Angeles Harbor least tern nesting site (for example, 250 least tern nests were found in one day, May 16, in 2005, compared with less than 200 nests found during previous and subsequent days) suggest a recent influx of least tern, possibly some that are arriving from other sites.] Note that prior to heavy predation by American crows at Venice, this nesting site had typically supported over 300 nesting pairs (Marschalek 2005, 2006, 2007, 2008).

- 
- 3) Fluctuations in the abundance and availability of least tern prey. Least terns preferred prey is northern anchovy (*Engraulis mordax*) and other small bait fish, which although populations can be highly variable, are the most common pelagic fish species in the Port (MEC and Associates 2002). Because information on local occurrence of bait fish populations may not be available, anecdotal evidence (e.g., high observed chick mortality), increases in water temperatures during the chick-fledgling period (anchovies prefer cooler waters), and a decrease in observations of least tern parents bringing fish into the nesting site are all factors used by least tern biologists to infer at least a localized insufficiency in least tern prey (KBC 2003 and 2005). [On the subject of chick mortality, observed chick mortality includes the number of chicks observed dead from unknown causes or from depredation (evidence includes dismantled chick carcasses). For example, at the Los Angeles Harbor nesting site, chick mortality (898 dead chicks) represented 41% of all hatched eggs in 2005, and 44% in 2007 (KBC 2005 and 2007a).]
- 4) In addition to high observed chick mortality (see item 3 above), the Los Angeles Harbor nesting site has experienced a high number of potential avian predators, particularly peregrine falcon (*Falco peregrinus*) and burrowing owl (*Athene cunicularia*) during recent years. Frequent visits to a nesting site by peregrine falcons, which prey on young as well as adult least tern, results in temporary nest abandonment, or sometimes in abandonment of the nesting site (K Keane, pers. comm.). The increase in peregrine falcons in the Los Angeles Harbor area is a result of higher reproductive success in recent years (for example 9 fledglings in 2007 [Jeff Sipple, pers. comm.]); the fledglings disperse and are often observed at the Los Angeles Harbor nesting site, sometimes preying on least tern but always causing adults to leave nests. These more frequent disturbances have likely provoked some least terns that previously nested at the Los Angeles Harbor nesting site to nest elsewhere (as noted in bullet 1 above, Massey and Atwood (1981), as well as subsequent observations of color-banded adult least terns, indicate that when a nesting colony is disturbed, least terns may abandon the site to nest (or reneest) at a nearby nesting site).

Burrowing owls, which were observed only occasionally at the Los Angeles Harbor nesting site until 2005, preyed on a minimum of 86 chicks in 2006, as evidenced by chick remains (KBC 2005), and 23 chicks in 2007. However, the actual number of least tern chicks depredated by burrowing owls in 2007 is believed to be far higher, since burrowing owl observations were recorded at the Los Angeles Harbor nesting site from May through July 2006, and five separate individual burrowing owls were live-trapped and removed from the site (KBC 2007a). As discussed for peregrine falcons, the frequent presence of burrowing owls may encourage pre-nesting least tern to find another nesting site, resulting in lower least tern numbers at the Los Angeles Harbor nesting site. The recent increase in peregrine falcons and burrowing owls at the Los Angeles Harbor nesting site is likely not related to the proximity of the site to industrial uses, since both species are predators at nesting sites surrounded by open space as well as developed areas, and the APL container terminal adjacent to the nesting site provides no nesting and few foraging opportunities that would attract either species to the area (K. Keane, personal communication 2008).

- 
- 5) Following an initial increase in the number of least tern nesting pairs statewide from 4,615 to 7,103 in 2005, the statewide least tern population has also declined from 2005 numbers, to 6,826 in 2007. This included a 4.7% decline in the number of nesting pairs in the San Diego region as well as a 46% decline at the Los Angeles Harbor nesting site. However, other factors discussed above are believed to be related to the decline in the number of least tern nesting pairs at the LA Harbor, rather than factors affecting the overall statewide population (however, the least tern statewide population has leveled off after 2000, following an increase from 1990 to 1999 of over 100%, from 1,708 to 3,582, suggesting that such factors discussed in bullets 3 and 4 above may be affecting least tern nesting sites in other parts of the state).

The factors discussed above are unrelated to the location of the Los Angeles Harbor nesting site adjacent to industrial uses because (1) least terns have used the Los Angeles Harbor nesting site since 1997, (2) numbers of least tern nesting pairs increased (except for a decrease in 2002, when statewide numbers declined rapidly) from 80 in 1997 to 1,254 in 2005, and (3) the APM Container Terminal adjacent to the nesting site has been in operation since 2002. Nesting increased at the Pier 400 nesting site as a result of active management, site preparation, and more consistent and effective predator management. However, nesting decreases have occurred due to several factors discussed in the bullets above, which are unrelated to the presence of industrial uses. In fact, several least tern nesting sites statewide thrive adjacent to industrial uses and high levels of human disturbance, including the Lindbergh Field nesting site at the San Diego airport, and the Huntington Beach nesting site adjacent to Pacific Coast Highway.

**USEPA-24.** The comment is noted. MM RISK-2.1c has been added as shown below:

**MM RISK-2.1c: Oil Spill and Eelgrass Habitat**

If there is an oil spill event in the marine environment, an assessment of eelgrass habitat will be conducted by a qualified biologist and appropriate coordination will be undertaken with NMFS to ensure appropriate mitigation consistent with the Southern California Eelgrass Mitigation Policy.

**USEPA-25.** The comment is generally in agreement with the noise impact analysis in the Draft SEIS/SEIR. The primary recommendation is for additional mitigation through the restriction of the hours of operation of louder equipment. Mitigation Measure MM NOISE-2 states: "In order to reduce the potential impact during construction, pile driving activities at Pier 400 would be limited to between the hours of 9:00 A.M and 5:00 P.M. on Monday-Friday and 10:00 A.M. to 4:00 P.M. Saturday." The measure is restricted to pile driving because the significant noise impacts that exceed the threshold of 5 dB above ambient levels at sensitive receptors occur because of the high noise associated with pile driving. Implementation of MM NOISE-2 would achieve the desired limitation of the use of louder equipment after 6:00 P.M. on weekdays and 4:00 P.M. on Saturdays. No change is required to the document to clarify this issue. However, in reviewing this issue LAHD identified that the document contains a typographical error when describing the noise regulations of the City of Los Angeles Municipal Code, and has corrected that error (page 3.10-13 of the Draft SEIS/SEIR at line 5) as described above.

---

**National Marine Fisheries Service, July 15, 2008**

- NMFS-1.** Thank you for your review of and comments on the Draft SEIS.
- NMFS-2.** The comment regarding consideration of estuarine habitat in the Outer Harbor as a habitat area of particular concern (HAPC) is noted.
- NMFS-3.** The comments are acknowledged as correct statements of potential effects of the action.
- NMFS-4.** The recommended conservation measures to maximize the use of vibratory hammers and to monitor underwater sound levels are acknowledged. Regarding the first conservation recommendation, vibratory hammers are best suited for sandy soils and are least suited for stiff (i.e., strong) clays. The substrate where piles would be driven for Berth 408 consists of stiff to hard clays and occasional thin layers (about 2 to 4 feet) of rock. Vibratory hammers are expected to meet refusal well ahead of the desired pile depths for the pile size used and anticipated loads. Regarding the second conservation recommendation, monitoring underwater noise is complex and costly. The Port and USACE understand that NMFS is pursuing a comprehensive study to evaluate noise levels and their effects on fish and marine mammals, which could include addressing this issue at a Port-wide level; the Port of Los Angeles is interested in working with NMFS and other interested agencies on such a study. Therefore, MM NOISE-1 has been amended as follows:

**MM NOISE-1: Selection of Contractor For Pile Driving With Consideration of Noise Reduction. Noise Reduction during Pile Driving**

The selection of the contractor for pile driving would include consideration of the pile drivers to be employed, sound abatement techniques to be used, and the predicted resulting sound pressure levels produced for the different types and sizes of piles to be placed. The contractor shall be required to use sound abatement techniques to reduce both noise and vibrations from pile driving activities. Sound abatement techniques shall include, but are not limited to, vibration or hydraulic insertion techniques, drilled or augured holes for cast-in-place piles, bubble curtain technology, and sound aprons where feasible. At the initiation of each pile driving event, the pile driving shall also employ a “soft-start” in which the hammer is operated at less than full capacity (i.e., approximately 40–60% energy levels) with no less than a 1-minute interval between each strike for a 5-minute period.

In addition, a qualified biologist shall be required to monitor the area in the vicinity of pile driving activities for any fish kills during pile driving. If there are any reported fish kills, pile driving shall be halted and the USACE and NMFS shall be notified via the Port’s Environmental Management Division. The biological monitor shall also note (surface scan only) whether marine mammals are present within 100 feet of the pile driving, and if any are observed, temporarily halt pile driving until the observed mammals move beyond this distance.

Note that the operation of the hammer at 40-60% energy level during the “soft start” of pile driving is expected to result in similar levels of noise reduction (40–60%)

---

underwater. Marine mammals are expected to voluntarily move away from the area upon commencement of the “soft start” of pile driving.

The above measure has also been added as a Biological Mitigation Measure, MM BIO-1.1k.

**MM BIO-1.1k: Noise Reduction during Pile Driving**

The contractor shall be required to use sound abatement techniques to reduce both noise and vibrations from pile driving activities. Sound abatement techniques shall include, but are not limited to, vibration or hydraulic insertion techniques, drilled or augured holes for cast-in-place piles, bubble curtain technology, and sound aprons where feasible. At the initiation of each pile driving event, the pile driving shall also employ a “soft-start” in which the hammer is operated at less than full capacity (i.e., approximately 40–60% energy levels) with no less than a 1-minute interval between each strike for a 5-minute period.

In addition, a qualified biologist shall be required to monitor the area in the vicinity of pile driving activities for any fish kills during pile driving. If there are any reported fish kills, pile driving shall be halted and the USACE and NMFS shall be notified via the Port’s Environmental Management Division. The biological monitor shall also note (surface scan only) whether marine mammals are present within 100 feet of the pile driving, and if any are observed, temporarily halt pile driving until the observed mammals move beyond this distance.

**NMFS-5.** The comment is noted regarding the statutory response requirement to respond in writing to NMFS regarding description of mitigation measures and/or justifications for inconsistencies with recommended conservation measures. The Corps is the Agency that responds to NMFS with regard to their Conservation Recommendations. A response regarding the Conservation Recommendations will be sent to the NMFS prior to authorization of the ROD

**NMFS-6.** The comment is noted. The project has not changed substantially in a manner that may adversely affect EFH, and no new information is available that would affect the basis of the NMFS comment letter.

**NMFS-7.** The document has been revised to include additional detailed information on potential impacts to marine mammals from underwater sound. Additional information has been added regarding underwater sound pressure levels during construction activities, and timing and duration of pile driving activities. NOAA’s interim noise guidelines with respect to injury and disturbance have been added to the document. In addition, the estimated effect of project operations on the underwater noise environment is evaluated.

Also, please see response to NMFS-4. MM NOISE-1 has been amended to include use of a soft start method for pile driving, which would be expected to reduce impacts on marine mammals because marine mammals are expected to voluntarily move away from the area upon commencement of the “soft start” of pile driving.

**NMFS-8.** Thank you again for your review of the Draft SEIS.



---

**Federal Emergency Management Agency, August, 11, 2008**

- FEMA-1.** Thank you for your review of and comments on the Draft SEIS/SEIR.
- FEMA-2.** Facilities constructed for the proposed project would comply with all floodplain building requirements. The following has been added as a requirement to Chapter 2 and Appendix E: National Flood Insurance Program (NFIP) floodplain building requirements (40 CFR Sections 59 through 65).
- FEMA-3.** Comment noted. Please see response to comment FEMA-2.
- FEMA-4.** Comment noted. Please see response to comment FEMA-2.
- FEMA-5.** Thank you again for your review of the Draft SEIS/SEIR.



---

**California State Lands Commission, July 29, 2008**

- CSLC-1.** Thank you for your review of and comments on the Draft SEIS/SEIR.
- CSLC-2.** The comment is acknowledged and appreciated.
- CSLC-3.** The comment is acknowledged and appreciated.
- CSLC-4.** The document has been revised to include relevant citations and additional data to support the impact assessment, as appropriate. It has been clarified when specific data are lacking and the analysis was based on consideration of other relevant information and best professional judgment.
- CSLC-5.** The comment is noted relative to mitigation measure MM 4D-7. More detailed description of the monitoring is provided in MM BIO-1.1a. In addition, the description of MM BIO-1.1a has been expanded to include the frequency of monitoring as follows:

**MM BIO-1.1a: Monitor the California least tern and Other Bird Nesting.**

A qualified least tern biologist hired by the Port shall monitor least tern and other special status bird nesting during construction activities on Pier 400, including installation of Pipeline Segment 1 to Tank Farm Site 2 and use of staging area 412. Monitoring shall occur from 2 weeks prior to the nesting season start (April) to the end of the nesting season (September or when the last bird has vacated the site and no birds return for at least two weeks). Monitoring shall occur at a minimum of three days a week during the nesting season, which generally extends from mid-May through the beginning of August. ~~that would occur from April through August.~~

In the event of an imminent threat to nesting special status species and the Construction Manager is not immediately available, the monitor shall have the authority to redirect construction activities. If construction activities need to be redirected to prevent impacts to special status birds, the monitor shall immediately contact the LAHD Environmental Management Division, Port Inspector, and Construction Manager. The Construction Manager has the authority to halt construction if determined to be necessary.

As discussed above, the frequency of monitoring would depend on time of year relevant to seasonal use of the site by least terns and type of construction activity. Monitoring would not be necessary outside the nesting season when least terns are not present (September to April). The Port is currently required, through a Memorandum of Agreement (MOA) with the National Marine Fisheries Service, U.S. Army Corps of Engineers, and the California Department of Fish and Game, to hire a qualified least tern Biologist to monitor and manage the least tern nesting site. Least terns already are monitored three to six (half the nesting site) days a week during the nesting season as part of routine monitoring conducted at the port. That frequency of monitoring should be sufficient during general construction activities because noise levels would not be substantially higher than existing conditions. Monitoring may be conducted daily during pile driving depending on the nature and duration of that activity; the monitoring schedule during pile driving will be coordinated between the LAHD Environmental Management Division and the monitor. Any observations of adverse impacts to least terns during construction (general, pile driving) would result in further protective actions, coordination with the USFWS, and possibly modification of the monitoring frequency.

---

**CSLC-6.** The comment recommending that the Port find/create adequate alternate habitat for California least terns if monitoring observes that least terns do not return to their nests after or during construction is noted. As stated on Page 3.3-4 of the Draft SEIS/SEIR, MM 4D-10 (from the Deep Draft FEIS/FEIR) is not applicable because there would be no need to relocate the tern nesting area as a result of the proposed Project. Noise from construction activities at the Marine Terminal, including driving the steel piles, would not result in peak noise levels that exceed those to which the California least terns are currently exposed. The California least tern is tolerant of a variety of noises while nesting that include airfield operations, highway traffic, military operations (with helicopters), and construction activities (K. Keane, personal communication 2008). Construction of container terminal facilities on both Pier 300 and Pier 400 has occurred adjacent to the nesting site while the California least terns were nesting with no observed adverse affects related to noise. In addition, piles were driven for the berths along the south side of Pier 300 at a distance of approximately 1,200 to 2,300 ft (depending on the pile locations) from the nesting site (located on Pier 300 at that time). For construction activities at Tank Farm Site 1, feasible mitigation measures would reduce any significant impacts to the least terns to less than significant levels, including MM 4D-7 (establish appropriate buffer if nests observed outside the designated nesting area), MM 4D-9 (200-foot buffer between nesting site and staging areas), and MM BIO 1.1a-k (monitoring, buffers, predator perch control, site preparation, avoidance of night lighting, environmental window, noise). After construction, least terns would not be expected to be affected by the project based on distance and noise considerations. The Port has a long history of working with USFWS to minimize impacts and appropriately manage nest sites for least terns in the harbor, including use of the Pier 400 nesting site (per the 2006 Memorandum of Agreement [MOA] signed by the City of Los Angeles, California Department of Fish and Game, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers). As noted in the document, the Port as a long-term objective may construct a permanent California least tern nesting site for relocation of the colony in Los Angeles Harbor or to Los Cerritos Wetlands in accordance with the existing least tern MOA. Potential sites have includes a “bird-island” in the Outer Harbor and in the Sea Plane Lagoon. However, no acceptable sites have been identified to date.

Also see the response to comments CSLC-16 and CSLC-17.

**CSLC-7.** The comment regarding the incorrect reference of Appendix I.2 is appreciated and the document has been corrected.

**CSLC-8.** The question regarding vegetation clearing and request to include the square footage/acreage of land used as the nesting site are noted. The document has been revised to include the clarification that vegetation clearing was not part of any mitigation. LAHD clears weedy vegetation from the least tern nesting site each spring to prepare it for the terns and also cleared the adjacent area to provide additional nesting space in 2003 and 2004. Other tern species opportunistically use the additional cleared area along with least terns.

The California least tern nesting site is 15.7 acres (683,892 sf) as set forth in the Los Angeles Harbor Department (LAHD) Memorandum of Agreement (MOA) with the USFWS, the USACE, and CDFG for management of a least tern nesting site; this was described on page 3.3-16 of the Draft SEIS/SEIR. The 12-acre area (522,720 sf) immediately west of the designated least tern nesting site on Pier 400 (proposed Tank

---

Farm Site 1) is a barren, sandy area built as part of Pier 400 for Port uses. It is not part of the designated nesting area.

- CSLC-9.** The document has been revised to clarify that the 2000 Baseline Biological study had quarterly benthic infaunal sampling. This information was not included in the Executive Summary as this specific topic and level of treatment was too detailed for the Executive Summary, but is appropriate as added to Section 3.3.
- CSLC-10.** The document has been revised to clarify that the “low pollutant” determination was based on evaluation of infaunal species assemblages during the most recent Port Baseline Biological study (MEC and Associates 2002), which noted that Outer Harbor stations had the highest habitat quality, as demonstrated by a diverse fauna and low percentage of pollution tolerant or enrichment species. Furthermore, that study stated that low pollutant concentrations were suggested because Outer Harbor infaunal assemblages included species associated with relatively uncontaminated coastal areas, areas of low enrichment, and had few species associated with moderately enriched/contaminated areas. Although sediment chemistry samples and analyses were not done during the 2000 Biological Baseline study, “typical” pollutants in contaminated areas could include metals, organotins, organic pesticides and PCBs, polycyclic aromatic hydrocarbons (PAH), and semi-volatile organics.
- CSLC-11.** The document has been revised to clarify that limited new data are available on target zooplankton (commercially important adults) in the harbor. This additional information has been added to the document.
- CSLC-12.** The document was revised to clarify that Caspian terns have not been observed nesting or attempting to nest on the Tank Farm 1 site in 2006 or 2007.
- CSLC-13.** Additional information has been added to document clarifying *Undaria* was observed in 2000 near the Cabrillo Beach Launch Ramp, near the U.S. Coast Guard Base along the Main Channel, in Long Beach Harbor, and may occur in other locations in the harbors and along the coast. In 2008, macroalgae surveys were conducted, but results from this study are not yet available.
- CSLC-14.** The comment regarding the error in the Appendix number is appreciated. The document has been corrected with the appropriate Appendix number.
- CSLC-15.** The comment regarding updating the ballast water management section, including references to recent citations, is appreciated. The document has been revised to include updated information on this topic. LAHD and USACE assume that existing and proposed regulations/requirements would apply to vessels in State Waters and would therefore apply to this proposed Project.
- CSLC-16.** The document has been revised to include clarification that standard noise analysis methodology was used to calculate estimated noise levels at the California least tern nesting site, which is located more than 2,400 feet from proposed Marine Terminal construction. Based on standard noise attenuation assumptions over flat terrain, peak noise from on-land construction (i.e., excluding pile driving, which is discussed below) would be less than 65 A-weighted decibels [dB(A)] at the nesting site based on a standard noise attenuation analysis. The attenuation analysis is based on the typical noise level of a complement of construction equipment of 91 dB(A) at 50 feet (City of Los Angeles

---

2006), with noise attenuating by 6 dB per doubling of distance (which is the standard assumption for noise attenuation from a point source over flat terrain). This is within the range of existing noise at the nesting site: ambient existing noise (in year 2005) measured at the western edge of the nesting site averaged 50 dB(A) over 24 hours (based on measurements taken once every hour for 7 days), with the highest recording during the measurement period being 88 dB(A) (Navcon Engineering 2005b – see Appendix L.2 of the Draft SEIS/SEIR).

Peak noise levels from Project pile driving would range from 95 to 107 dB(A) at a distance of 50 ft (15 m) (City of Los Angeles 2006). Using the maximum value for the proposed Project pile driving (largest steel piles), the maximum pile driving noise level at the western edge of the California least tern nesting site would be at most approximately 74 dB, which is based on a value of 95 to 107 dB at 50 ft and attenuation of 6 dB per doubling of distance, due to attenuation of the sound by more than 33 decibels (dB) over the 2,400-ft (732-m) distance between the pile driving locations and the western edge of the nesting site. Peak noise levels (ambient noise plus that from proposed Project construction) of up to 76 dB(A) would occur at the least tern nesting site during driving of large, steel pilings, depending on ambient noise levels. The increase in noise at the nesting site would be less during driving of smaller, concrete piles. Therefore, maximum (peak) noise levels during construction would be within the range of values measured at the site under existing conditions.

The average noise level at the California least tern nesting site would likely be increased during pile driving, compared to the current ambient noise. (As noted above, measurements at the western edge of the nesting site taken once every hour for 7 days in 2005 averaged 50 dB(A) over 24 hours, with the highest recording during the measurement period being 88 dB(A).) (Navcon Engineering 2005b – see Appendix L.2.) However, pile driving would not be a continuous operation, and noise levels would vary depending on type of piling (steel, concrete), piling size, [daily schedule of construction activities](#), [duration of pile driving](#), and pile driving method. During days in which pile driving would occur, the average daytime noise level at the nesting site is estimated to be approximately 66 dB(A), but the nighttime level would not be changed compared to existing conditions (because no pile driving, nor any other construction, would occur during nighttime). Although no thresholds exist for average noise level effects on the California least tern, the potential to disturb California least terns during pile driving activities would be low because this species is tolerant of a variety of very high average-noise-level environments while nesting, including airfield operations, highway traffic, military operations (with helicopters), and construction activities (K. Keane, personal communication 2008b).

Construction of container terminal facilities on both Pier 300 and Pier 400 has occurred adjacent to the nesting site while the California least terns were nesting with no observed adverse affects related to noise (K. Keane, personal communication 2008b). In addition, piles were driven for the berths along the south side of Pier 300 at a distance of less than 1,200 to 2,300 ft (701 m) from the nesting site (located on Pier 300 at that time). No disturbance of nesting of the California least terns was observed during these events.

- CSLC-17.** The document has been revised to clarify the distinction between the maximum (momentary peak) noise level at the least tern nesting site during pile driving, the average daytime noise level at the least tern nesting site during days on which pile driving occurs, and the average daytime noise level at the site during days on which pile driving does not

---

occur (i.e., due to the operation of on-land construction equipment at the marine terminal). The maximum noise level at the least tern nesting site during pile driving could be as high as 76 dB(A) depending on ambient noise levels (this is a total noise level, including the contribution of the pile driving activity as well as ambient existing noise). The average daytime noise level at the least tern nesting site during days on which pile driving occurs is estimated to be 66 dB(A). The average noise level during daytime construction activities other than pile driving would be less than 65 dB(A) at the nesting site. All of these estimates are based on standard noise levels reported in the *L.A. CEQA Thresholds Guide* (City of Los Angeles 2006), standard noise attenuation procedures, and data on ambient existing noise at the least tern nesting site baseline data from measurements taken in 2005 (Navcon Engineering 2005b – see Appendix L.2 of the Draft SEIS/SEIR).

Although momentary peak noise levels may be up to 26 dB(A) higher than the existing average noise level, the peak noise level would not exceed maximum levels recorded at the site under existing conditions (reported in Appendix L.2 of the Draft SEIS/SEIR). The average daytime noise level during construction is estimated to increase to at most 66 dB(A), or less on days when pile driving does not occur. There would be no change in the nighttime noise level compared to existing conditions, because no construction would occur during nighttime. In addition, pile driving is not a continuous operation and peak noise levels would vary depending on type and size of pilings, daily schedule of construction activities, and pile driving methods. Additional clarification is provided in response to comment CSLC-16.

It should also be noted that a tern nesting site has been monitored in the harbor for nearly twenty years and none of the monitoring reports have ever indicated that pile driving in the harbor has had any effect on the least tern. This included the construction of the Pier 300 wharf when the nesting site was located adjacent to that activity.

**CSLC-18.** The document was revised to include additional information on distances from the Vagle (2003) study and additional references on effects of sound on fish (e.g., Hastings and Popper 2005). Results from a study site in Canada indicated that driving closed-end steel piles 36 inches (91 cm) in diameter with a peak sound pressure approaching 150 kPa resulted in mortality of several species of fish “around the pile” (Vagle 2003). Hastings and Popper (2005) reported no statistically significant mortality (i.e., no difference from control groups) for sound exposure levels (SELs) as high as 181 dB (re 1  $\mu\text{Pa}^2\text{-s}$ ) for surfperch and SELs as high as 182 dB (re 1  $\mu\text{Pa}^2\text{-s}$ ) for steelhead. The comment is correct in stating that the document indicates potential adverse effects to fish and fish-eating birds from pile driving. The document notes that such effects would be temporary and limited to the period of construction. It should also be noted that the area of influence of this fish behavior modification represents a very small proportion of the total area of the Harbor.

**CSLC-19.** The document was revised to include additional information to support conclusions that no significant impacts to foraging species utilized by least terns would occur. Least terns forage extensively at the Pier 300 Shallow Water Habitat that is over 1.5 mi (2.4 km) away (via water) from Berth 408. Pier 400 lies between Berth 408 and that foraging area. Due to this distance and the intervening landfill, impacts to forage fish used by least terns at the Pier 300 Shallow Water Habitat would not be expected. It should also be noted that Biological Opinions by and coordination with the U.S. Fish and Wildlife Service prohibit

---

pile driving within shallow water habitats (Cabrillo Shallow Water Habitat, and Pier 300 Shallow Water Habitat) and that this is protective of the least tern foraging

- CSLC-20.** The document has been revised to include citations for the statements on page 3.3-33 of the Draft SEIS/SEIR. The citations are: MBC Applied Environmental Sciences (MBC). 1984. *Outer Long Beach Harbor-Queensway Bay Biological Baseline Survey*. Prepared for Port of Long Beach; MEC Analytical Systems, Inc (MEC). 1988. *Biological Baseline and Ecological Evaluation of Existing Habitats in Los Angeles Harbor and Adjacent Waters*. Final Report. Prepared for Port of Los Angeles; and, MEC and Associates. 2002. *Final Ports of Long Beach and Los Angeles Year 2000 Biological Baseline Study of San Pedro Bay*. Prepared for Port of Long Beach and Port of Los Angeles.
- CSLC-21.** Additional information (and scientific citations) was added to the document regarding relatively greater tolerance of western snowy plover to human disturbance compared to least terns. In addition, an approximately 200-ft buffer zone is used for mechanized beach grooming when western snowy plovers are present on Santa Barbara City beaches. Based on that information, measures to protect the California least tern on Pier 400 would also protect western snowy plover individuals that might stop there during migration. Cabrillo Beach is located more than 1.5 mi from any construction activities associated with the proposed Project; therefore, western snowy plovers on that beach would not be affected by Project-related construction. As noted, snowy plovers do not nest on Pier 400 and are not common to the area. In addition, Cabrillo Beach, where they also do not nest, is located over a mile from the project site.
- CSLC-22.** The document has been revised to remove implication that impacts to burrowing owls would represent a benefit to another special status species.
- CSLC-23.** The document has been revised to address the low potential for volatile chemicals associated with an accidental oil spill to adversely impact least terns at the nesting site. The only chemicals that would be stored (at least temporarily) at Tank Farm Site 1 would be crude oil and Marine Gas Oil (MGO). Crude oil contains some volatile components with the amount varying by source of the crude oil. MGO contains more volatile components than does most crude oil. MGO would be stored in a 15,000-bbl tank at the far western side of Tank Farm Site 1 at a distance of 920 ft from the western edge of the California least tern nesting site. The tank would be surrounded by a containment dike. The crude oil would be held in two 250,000-bbl tanks that are also surrounded by containment dikes. The probability of an MGO or crude oil spill from the tanks is very low and, if such a spill were to occur, it would be contained with the dike around the tank and cleaned up immediately. The probability for vapors from such a spill to adversely affect California least terns at the nesting site would be low based on mitigation measures to contain accidental spills and factors that would lower risk such as variable wind conditions and seasonal occurrence of least terns.
- CSLC-24.** No specific studies or data are available to support the 200-ft buffer distance. However, as stated in the draft document the 200-ft distance has been recommended by the U.S. Fish and Wildlife Service for other relevant projects in southern California (USACE and LAHD 1992). During construction of Pier 300 where terns were found nesting outside the nesting site, the 200 feet provided adequate buffering for the completion of nesting.

---

The document has been revised to include additional information regarding estimated average noise levels during construction, excluding pile driving, at distances  $\geq 200$  feet from the source compared to existing noise levels at the site. Pile driving would occur at distances substantially farther away. Also see responses to comments CSLC-16 and CSLC-17.

**CSLC-25.** Please see response to CSLC-5. The frequency of monitoring would depend on time of year relevant to seasonal use of the site by least terns and type of construction activity. Monitoring would not be necessary outside the nesting season when least terns are not present (September to April). Least terns already are monitored three to six days (half the nesting site each day) a week during the nesting season as part of routine monitoring conducted at the port. That frequency of monitoring should be sufficient during general construction activities because noise levels would not be substantially higher than existing conditions. Monitoring may be conducted daily during pile driving depending on the nature and duration of that activity; the monitoring schedule during pile driving will be coordinated between the LAHD Environmental Management Division and the monitor. Any observations of adverse impacts to least terns during construction (general, pile driving) would result in further protective actions, coordination with the USACE and USFWS, and possibly modification of the monitoring frequency.

**CSLC-26.** Please see response to comment CSLC-25.

**CSLC-27.** No systematically-collected data are available to establish a setback, since the response of nesting least tern to disturbances varies with respect to the type of disturbance. For example, least tern nesting at Pier 300 when the container terminal there was under construction remained on nests when large dirt-hauling trucks were passing less than 100 feet away (however, there was an elevation difference—the nesting site was approximately 20 feet higher than the construction area). The Tank Farm 1 site is also separated by elevation from the western portion of the Los Angeles Harbor least tern nesting by a minimum of 10 feet, which provides some visual screening for least terns on nests, which are on the ground (K. Keane, pers. comm.).

In addition, least terns at the Los Angeles Harbor nesting site are somewhat acclimated to human disturbance as a result of monitoring for several years. This is evidenced by the fact that in the past, and at other nesting sites, least terns protect their nests by defecating on the potential mammalian predator such as a least tern biologist. However, over the past three years, least terns still dive at biologists when they are close to least tern nests, but least terns rarely defecate (Kathy Keane, pers. comm.). Nesting least terns are more easily disturbed by humans on foot than those in a vehicle; in fact, a vehicle has been used as a bird blind on many occasions, approaching slowly to within 10 feet of the bird at the nest (K. Keane, personal Communication 2008).

Least tern response to disturbance also varies from nesting site to nesting site, varies throughout the nesting season (it is typically highest during and following chick hatching to fledging), and varies with the frequency and intensity of predation, as well as with the type of species (avian predators in the nesting site always result in least tern departure from nests). Least tern nesting sites experiencing high levels of predation are on the alert for predators and thus, it has been noted anecdotally, least terns that may remain on nests when biologists are 100 feet away may instead flush when the disturbance is 200 feet or more distant when the site has experienced a recent visit by an avian predator (K. Keane, personal Communication 2008).

---

However, one year when earth movement of the Pier 400 substrate (created from harbor dredging) was occurring near least tern nesting, one least tern nested outside the protected least tern nesting site in the area proposed for earth movement. Keane Biological Consulting (KBC) fenced off the nest with a circumferential buffer of 100 feet from the nest. The nest successfully hatched despite the nearly-daily occurrence of construction vehicles immediately outside the buffer area (K. Keane, personal Communication 2008).

Thus, the biological monitor would work with the LAHD Environmental Management Division (EMD) and their least tern consultant, Port Inspector, and Construction Manager to ensure protection of the least terns while nesting. As appropriate, the USACE and U.S. Fish and Wildlife Service would be consulted regarding a safe distance.

- CSLC-28.** Please see response to comment CSLC-24. The USACE and LAHD are in the process of consulting with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act for the proposed Project. A Biological Assessment has been prepared and submitted for their review. The terms and conditions of the Biological Opinion, anticipated to be received from the by November 22, 2008, from that consultation process will be implemented by LAHD. Again, the 200 feet was based on the experience and best professional judgment of the USFWS and has been shown to be effective in situations where nesting occurred outside of the designated nesting site.
- CSLC-29.** Please see response to comment CSLC-27 above. The document has been revised to clarify that the 100-foot setback is for areas of the site where no adjacent construction would occur. No construction would occur along the east side and northeast corner of the California least tern nesting site. A paved area is located adjacent to the northeast part of the nesting site and is separated from the nesting site by a chain link fence. The east side of the nesting site has a dirt track used for access to prepare the site for least tern nesting prior to their arrival. The 100-foot restriction is to keep workers that may be associated with use of the paved area for staging from disturbing the least terns.
- CSLC-30.** Document has been revised to add the scientific name (*Macrocystis pyrifera*) for giant kelp.
- CSLC-31.** The Year 2000 Baseline Survey (MEC and Associates 2002) did not measure the abundance and density of algal species but mapped the occurrence of kelp in the harbor and provided data on the presence of common algal species at representative sites. The map of algal distribution in that report indicated no kelp along Pier 400 face "C". The document was revised to clarify that water depths of 81 feet below MLLW preclude establishment of kelp beds in the area where the crude oil unloading platform, mooring and breasting dolphins, and dock would be installed. Kelp could occur as a narrow fringe along the rip rap. Macroalgae would be expected to colonize the proposed pile supported structures because the relatively narrow structures would provide minimal shade cover.
- CSLC-32.** No studies have been conducted specifically to record fish mortality or the lack thereof from pile driving in the Harbor. However, despite the driving of thousands of piles in the Harbor the Environmental Division has never received any reports from any party, including the Port Police, in regard to such an occurrence.
- CSLC-33.** As described on page 3.3-47, lines 11-13, of the Draft SEIS/SEIR, the "small amount" of soft bottom invertebrate habitat lost in the footprint of the piles would be approximately 0.04 acre. This habitat would be replaced with hard substrate pile habitat that would be



---

colonized by invertebrates corresponding to different species than those on soft bottom. In addition, approximately 0.09 acre of soft bottom would be covered with rock around the base of some of the large piles. The 0.11 acre of habitat conversion associated with the fill (0.09 acre from rock, 0.02 acre from pilings centered within rock) represents substantially less than 0.01% of Outer Harbor soft bottom habitat. Also see response to comment USEPA-18.

- CSLC-34.** The comment is noted. See also the response to comment CSLC-51.
- CSLC-35.** The document has been revised to clarify how much noise will be reduced by using the sound barrier. In the revisions to the document, cross reference will be given for Appendix L, which provides the noise calculations with and without the noise barrier.
- CSLC-36.** No specific measurements for expected night light levels are available for the site. As stated in the document, night light levels at the project site would be consistent with local City of Los Angeles and LAHD requirements. Most of the new lighting would be associated with the unloading platform, which would have a variety of lights, including an 80-foot tower with four to eight 400-watt fixtures. Low-level lighting systems would be used on over-water structures and at the Tank Farm facility. Light levels are relatively high due to the presence of security lights required by the Occupational Safety and Health Administration (OSHA) at the APL Container Terminal, which is adjacent to the proposed site under existing conditions. Monitoring indicates that least terns have adapted to artificial lighting at Pier 400 without adverse effects on nesting success. KBC monitored the behavior of least tern at night the beginning of the nesting season during the first year when the security lights were present. At first, least tern groups night-roosting were congregating at night at the southern end of the nesting site, furthest from the security lighting, and the first nests were observed here. KBC expected to request the Port to work with APL about decreasing the number of lights near the nesting site (by turning of some of those lights at night during the least tern nesting season). However, within a week, least terns were observed throughout the nesting site including within 10 feet of the nesting site fence closest to the security lights, and each year subsequently, least tern nesting has occurred throughout the nesting site with no notable difference in nest density with respect to proximity of security lighting (K. Keane, personal Communication 2008).

Proposed Project lighting along the eastern side of Tank Farm Site 1 would not result in a substantial increase in nighttime light levels at the least tern nesting site. A small increase in light levels could extend a short distance into the least tern nesting site, primarily at the southwestern corner. As stated in the document, light will be shielded and directed downward and/or away from the nesting site to minimize the potential for increase of ambient light levels at night. With these measures, proposed lighting would be comparable or less than surrounding uses.

- CSLC-37.** The document has been corrected to say “since all of proposed Project vessels are double hulled.” The title of Table 3.12-7 has also been corrected accordingly (Table 3.12-7 is based on the assumption of 100% double-hulled vessels, not “majority double hulled”). Also, note that Mitigation Measure RISK-2.1a specifies that only double hulled vessels may call at the terminal. Regarding the commenter’s suggestion to express probabilities of spills using alternative metrics, the Port and USACE respectfully disagree, and believe instead that expressing probabilities as “1 event every X years” provides a more intuitive measurement of probability for the average reader.

---

**CSLC-38.** The paragraph referenced in the comment is about the western snowy plover, and it is assumed that the comment is meant to be for that species and not the California least tern. The document has been revised to include additional information regarding relatively greater tolerance of western snowy plovers to noise and activity disturbance than least terns. Western snowy plovers appear to be tolerant of human presence and noise and typically do not flush from resting spots on the beach when a person approaches much closer than 200 feet (personal observations by SAIC biologists during surveys for this species on beaches of Santa Barbara). However, a 200-foot buffer zone is generally used for mechanized beach grooming when western snowy plovers are present on Santa Barbara City beaches. Based on that information, measures to protect the California least tern on Pier 400 would also protect western snowy plover that sometimes stop there during migration. Cabrillo Beach is more than 1.5 mi (2.4 km) from any construction activities associated with the proposed Project and, due to the distance, western snowy plovers on that beach would not be affected by Project-related construction noise. Also see response to comment CSLC-21.

Western snowy plovers forage on invertebrates on the beach up to the water's edge. Individuals temporarily visiting the least tern nesting site during migration would not have access to the water's edge since the least tern nesting site, or Pier 400, has no beach, only rock riprap (large boulders) on the water sides of the site. Thus, the individual snowy plovers at the nesting site would not be exposed to oil spilled into the water. A few western snowy plovers have been reported to use the Inner Cabrillo Beach during the winter (Draft SEIS/SEIR page 3.3-17); therefore, a few individuals could potentially be exposed to spilled oil at that location (approximately 1.5 miles from Pier 400) in the unlikely event of a project-related spill. Because no nesting occurs in the Harbor, any effects of a project-related oil spill on individual snowy plovers would not result in adverse population-level effects.

**CSLC-39.** Lighting effects associated with proposed operations are discussed for least terns on page 3.3-50 of the Draft SEIS/SEIR. The document has been revised to also include the impacts of night lighting under the CEQA Impact Determination subsection, as appropriate. Project lighting would have minimal effects on light levels in the least tern nesting site, due to shielding, height (less than 30 feet), and size of the lights, thereby resulting in less than significant impacts.

The mitigation measure is provided to ensure that the light standards along the east side of Tank Farm Site 1 are no higher than 30 feet and that the lights are shielded to direct light away from the least tern nesting site. These lights would be much smaller than the existing high mast lights (120 feet tall) at the APL container terminal just north of the nesting site.

**CSLC-40.** Please see response to comment CSLC-39 regarding discussion of lighting impacts to California least terns in the CEQA Impact Determination subsection. Specific observations of California least tern responses to nighttime lighting while nesting are not available, but monitoring of the least terns at the Pier 400 nesting site has not shown any apparent adverse effects on nesting (or nest distribution) relative to existing light levels at Pier 400.

**CSLC-41.** All probabilities for oil spills were taken from Section 3.12, Risk of Upset/Hazardous Materials in the Draft SEIS/SEIR. Please see response to comment CSLC-37.

- 
- CSLC-42.** The document has been revised to clarify that sanddabs live and feed on the bottom, do not rely on food from the upper water column, and would not be affected by an oil spill at the surface.
- CSLC-43.** Please see response to comment CSLC-37.
- CSLC-44.** The document has been revised to clarify that no recent information is available on the quality of sandy beach habitat for invertebrates in the harbor. Man-made rip rap shoreline supports over 50 species of invertebrates across upper and lower intertidal zones in the outer harbor based on results of the 2000 Baseline Biology Study (MEC and Associates 2002), which showed similar results as prior studies (e.g., MBC 1984, MEC 1988).
- CSLC-45.** Potential risk of oil spill impact on birds is not the same as fish because birds encounter oil at surface from resting, feeding, or diving and penetrating the water surface. In contrast, with the exception of floating fish eggs and larvae (ichthyoplankton), most fishes, including rockfishes (*Sebastes*) and scorpion fish (*Scorpaena guttata*) move and feed below the surface and near the bottom and would not be substantially affected by a surface oil spill. In some cases, surface-oriented (pelagic) fishes could be affected by small oil spills, but are expected to be able to move away from any affected areas because they are highly mobile and usually transient throughout the harbor environments. Moreover, the probability of an oil spill is extremely low (see response to comment CSLC-41).
- CSLC-46.** The comment is acknowledged and noted that although tankers are subject to ballast water management, the primary source of nonindigenous species (NIS) in the harbors is likely to have been from discharges of ballast water from cargo vessels using the San Pedro Bay Ports. Please see Section 3.3.4.3.1.2 (Operational Impacts Bio-4.2 Invasive Species) of the Draft SEIS/SEIR which discusses that, although of low probability, operation of the proposed Project facilities has the potential to result in the introduction of NIS via vessel hulls or ballast water. The document has been revised to include that this risk remains despite vector management regulations. Also see response to comment CSLC-51.
- CSLC-47.** The document has been revised to use consistent terminology with respect to non indigenous species (NIS). The document has also been revised to include appropriate geographical range of the Pacific Coast Region (PCR) relevant to management of ballast water. The PCR consists of the Cooks Inlet, Alaska to about three-fourths of the way down the Baja Peninsula. The document has been modified to include additional examples of species of concern with the potential to be introduced via ballast water and fouling.
- CSLC-48.** The document discusses the very low risk for spills from pipelines on page 3.3-52 of the Draft SEIS/SEIR. The document was revised to include the rationale for the low probability in the discussion under the CEQA Impact Determination. The only substances containing volatile chemicals that would be stored (at least temporarily) at Tank Farm Site 1 would be crude oil and Marine Gas Oil (MGO). MGO would be stored in a 15,000-bbl tank at the far western side of Tank Farm Site 1 at a distance of 920 ft (280 m) from the western edge of the California least tern nesting site, and the tank would be surrounded by a containment dike. Crude oil would be held in two 250,000-bbl tanks that are also surrounded by containment dikes. The probability of an MGO or crude oil

---

spill from the tanks is very low and, if such a spill were to occur, it would be contained with the dike around the tank and cleaned up immediately. The probability for vapor emissions from such a spill to adversely affect California least terns at the nesting site would be low. This conclusion is based on mitigation measures to contain accidental spills and environmental factors that would lower risk, such as rapid dispersion of emissions due to typical wind conditions at the exposed site, as well as the seasonal occurrence of least terns. Response to oil spills are summarized in Impact BIO-1.2 and detailed in Section 3.12 of the Draft SEIS/SEIR.

- CSLC-49.** As discussed in the Draft SEIS/SEIR, the proposed Project is expected to increase the number of vessels entering Los Angeles Harbor by nearly 7 percent compared to the number of vessels that entered the Harbor during the CEQA Baseline year, which would result in a small increase in the potential for non-native invasive species (NIS) to enter the Port via ballast water or attached to ship hulls. The Port does not believe it is feasible to conduct surveys over the harbor area that would allow for early detection of NIS organisms. In addition, with the exception of *Caulerpa*, we are unaware of any NIS that has been successfully eradicated once it has arrived in an ecosystem.
- CSLC-50.** The statements on page 3.3-84 of the Draft SEIS/SEIR, lines 8 and 14, have been changed to say that the number of vessel calls to Los Angeles-Long Beach Harbor would increase. See response to comment CSLC-47 regarding revision of the definition of the Pacific Coast Region definition. The document has been revised to clarify that qualifying voyages (QV) are those for vessels of greater than 300 gross registered tons (Falkner et al. 2007).
- CSLC-51.** Project-related vessels would all be large, would come primarily from outside the U.S. Exclusive Economic Zone (EEZ), and would be subject to regulations to minimize the introduction of non-native species in ballast water. Increasing the number of vessel calls to the Los Angeles Harbor by nearly 7 percent of the total number of vessel calls to the Harbor that occurred in the CEQA Baseline year would result in a small increase under CEQA in the potential for discharge of ballast water containing non-native invasive species (NIS). This is because the vessels would generally be unloading cargo and consequently taking on ballast water to compensate when leaving the Harbor. The number of project-related vessel calls would be less than under the NEPA baseline condition, and, thus, would reduce the potential for introduction of NIS. LAHD will also continue to monitor and conform with regulatory requirements related to NIS
- CSLC-52.** The oil spill analysis focused on an evaluation of oil spill detection and response. The analysis also evaluated oil spills from ships, pipelines and crude oil storage tanks. While in port and offloading, a boom system will be deployed around the ship, thus making the response time a moot point. Before the start of cargo discharge operations, the vessel would be completely encircled by a spill containment boom. Spills from ships will be immediately contained. Unloading activities will be monitored using an automated Supervisory Control and Data Acquisition (SCADA) system which will monitor process parameters (e.g., oil flow, pipeline pressure, line balance, etc.) and shut down the pipeline if unexpected deviations in pipeline operating conditions are encountered. Thus, the system is effective in detecting oil spills regardless of the time of day. In addition, the marine terminal will be well lit and all activities monitored by facility operators, which can also aid in oil spill detection. If oil should be observed on the water within the vessel containment boom, all operations would be stopped and the facility's Oil Spill Response Plan (OSRP), which would have already been approved by the USCG, California

---

Department of Fish and Game, and Office of Spill Prevention and Response (OSPR), as well as other federal and state agencies, would be activated.

The commenter's reference to a modeling scenario of only 42,000 barrels refers to the maximum onshore pipeline spill volume that was evaluated. For offshore spills, spill volumes that were assumed ranged up to the entire contents of the largest crude oil carrier that would visit the terminal, or 2,500,000 bbl. Potential impacts associated this spill volume were considered significant, even will the implementation of all feasible mitigation.

Away from the marine terminal, all pipelines and storage tanks will be connected to the SCADA system and monitored continuously for process deviations, and will be automatically isolated in the event of a process deviation. Based on pipeline SCADA system modeling, the maximum onshore pipeline spill would be on the order of 21,000 barrels (Pipeline Segment 3 as shown in SEIS/SEIR Table 3.12-10), which is approximately half of the maximum spill volume that was modeled. Since the SCADA system is not dependent on visual observation, the assumed spill detection time of five minutes would remain the same, regardless of time of day or visibility conditions.

Spills from the storage tanks would be contained by the secondary storage dikes and pose a minimal threat to the environment. A majority of the pipeline route is located a sufficient distance from water bodies and/or protected by intervening structures to prevent the flow of oil into the water.

As noted in Chapter 2 of the Draft SEIS/SEIR, the Berth 408 Terminal will include an Oil Spill Containment System, which will include a spill boom launch boat, spill boom reels, remote spill recovery boom storage and launch facilities, and concrete-curbed platforms and equipment foundations. The facility is currently designed to accommodate 4,000 feet (1,219 m) of spill boom storage at the Berth 408 Terminal.

The Berth 408 Terminal would also be part of the Marine Spill Response Corporation (MSRC) cooperative which has large oil spill response assets distributed throughout San Pedro Bay, as shown in Table 3.12-3 of the Draft SEIS/SEIR. Currently, MSRC maintains 94,452 feet (28,789 m) of oil spill containment booms in San Pedro Bay. MSRC also maintains a wide array of response vessels and skimmers.

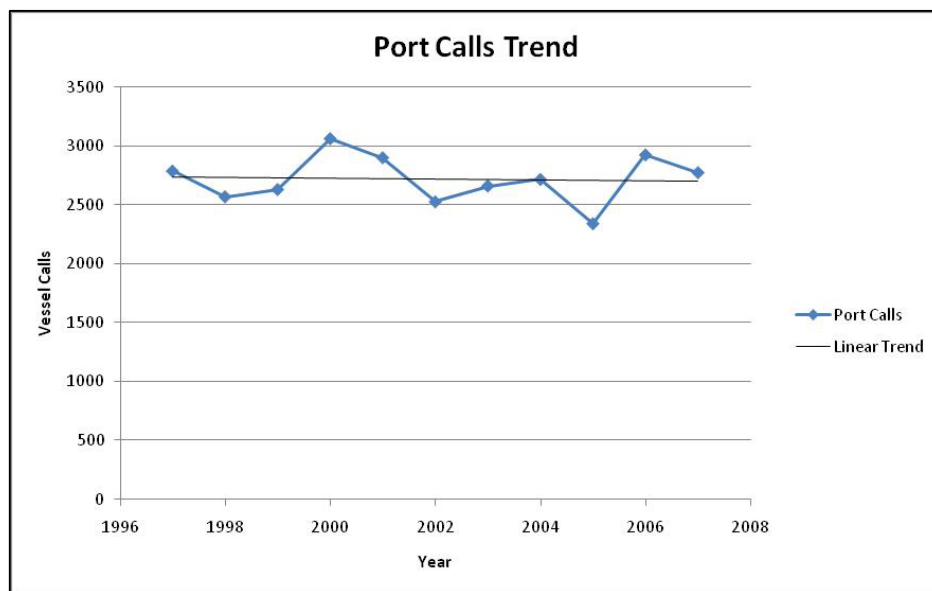
In the event that an oil spill were to occur and elude detection and initial spill response capabilities, the most sensitive marine habitat, the Cabrillo Shallow Water Habitat, is located approximately 1,900 feet (580 m) from the Berth 408 Terminal. Onshore, the Pier 400 least tern Habitat is located approximately 2,400 feet (730 m) from the terminal. As noted in the SEIS/SEIR, oil spill impacts to these habitat areas would be considered significant.

- CSLC-53.** Mitigation measure 4E-3 specifically addressed vessels and barges that were involved in channel deepening during the Deep Draft Program and was intended to mitigate the impacts of channel deepening, not of barges per se. All work involving channel deepening, especially those activities near the Port entrance, have been completed and the proposed Project would not require any additional dredging or channel deepening. Therefore, mitigation measure 4E-3 is not applicable to the proposed Project.

**CSLC-54.** The CEQA baseline for the proposed Project is 2004. More recent statistics related to vessel movement were included in Table 3.9-1 on Page 3.9-4 of the Draft SEIS/SEIR.

**CSLC-55.** All statements in this paragraph are from the reference that was noted twice in the paragraph (LAHD 2004b). This information is updated annually by the Port, thus the most current reference would be (LAHD 2008) which was available at [http://www.portoflosangeles.org/factsfigures\\_Portataglace.htm](http://www.portoflosangeles.org/factsfigures_Portataglace.htm) at the time the SEIS/SEIR was published. This information is currently available in several locations on the Port's website at <http://www.portoflosangeles.org/>.

**CSLC-56.** While there is quite a bit of inter-annual variability in vessel calls to the Port, a long-term trend analysis shows that overall port calls are decreasing. A simple linear regression of port calls from 1997 through 2007 clearly identifies a slight decreasing trend in the number of port calls per year as shown below.



Regarding the issue of increasing cargo volume and increases in the number of TEUs per ship, the Port has evaluated current and future trends in cargo movement for San Pedro Bay (Mercer Transportation Group 2005). In this study, the historical and future trends clearly show an increase in TEU volume, with an accompanying decrease in cargo ship port calls.

A 2007 study conducted by the Port found that: “The average number of TEUs (twenty-foot equivalent units) per ship increased from 3,272 in 2001 to 5,260 in 2005, which reflects the 44-percent increase in container volume (a 61-percent increase in TEU densification per ship call), while overall containership calls fell from 1,584 in 2001 to 1,423 in 2005.” The text on Page 3.9-4, line 41 should have stated 1,423 container ships instead of 2,341 for 2005. This value will be corrected to avoid any future confusion.

*Sources:*

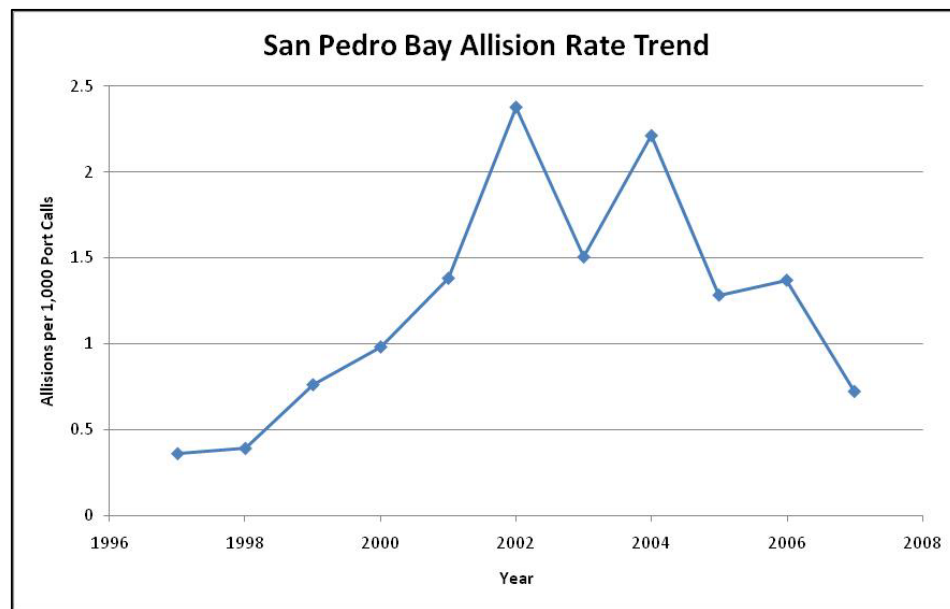
Mercer Transportation Group, 2005. “Forecast of Container Vessel Specifications and Port Calls within San Pedro Bay” (prepared for the Ports of Los Angeles and Long

Beach). Available at: [http://www.portoflosangeles.org/DOC/REPORT\\_SPB\\_Vessel\\_Forecast.pdf](http://www.portoflosangeles.org/DOC/REPORT_SPB_Vessel_Forecast.pdf).

Port of Los Angeles, 2007. Port of Los Angeles Inventory of Air Emissions 2005. Prepared by Starcrest Consulting Group, LLC. Available at: [http://www.portoflosangeles.org/DOC/2005\\_Air\\_Emissions\\_Inventory\\_Full\\_Doc.pdf](http://www.portoflosangeles.org/DOC/2005_Air_Emissions_Inventory_Full_Doc.pdf).

**CSLC-57.** Correct. Additional information on vessel accidents was added during the course of SEIS/SEIR preparation as it became available. The text has been corrected.

**CSLC-58.** The Marine Exchange of Southern California monitors vessel traffic within the San Pedro Bay ports. Vessel Traffic Service (VTS) Los Angeles-Long Beach (LA/LB) is jointly operated by the Coast Guard and Marine Exchange of Southern California. The primary purpose of the VTS is to provide a clear, concise, real-time picture of vessel traffic movements. The VTS provides real time ship locations from within a 25 mile radius area of responsibility right to berth. The VTS was augmented with an Automatic Identification System (AIS) in January 2004, which is a vessel- and shore-based “transponder” system originally invented to aid ocean going vessels in collision avoidance. A vessel outfitted with AIS will automatically and continuously transmit and receive critical static and dynamic data such as: vessel name, call sign, position, course, and speed via two internationally designated VHF frequencies. This vessel-specific data is processed both onboard and onshore to give a navigator, VTS operator, or coastal authority, real time information on surrounding vessel movements and to raise an alarm when a collision or allision is predicted or a security parameter is breached. Since the AIS upgrade to the VTS, the allision rate has decreased substantially as shown below.



Recent allisions in the Port would not have been prevented by an Allision Avoidance System (AAS). All allisions involving commercial vessels resulted from either equipment failure, an allision during docking or an allision with an overhead structure in the back channel area of the Port. In no cases did an allision result during normal vessel transit in the absence of mechanical failure or in an area where minor allisions would be expected to occur during docking. In addition, all crude oil tankers would already be equipped with

---

Automatic Position and Collision Avoidance Systems. Because AAS would be ineffective at avoiding Project-related impacts that would not already be prevented by the AIS upgrade to the VTS and existing onboard Collision Avoidance Systems, there is no basis under CEQA to require an AAS for the proposed Project.

**CSLC-59.** “This” refers to the percent increase in vessel port calls for the Project worst-case increase in port calls (201 per year) for the period 2025 through 2040. Clarifying text has been added to the SEIS/SEIR.

**CSLC-60.** Table 4E-1 in the Deep Draft Improvements FEIS/FEIR indicates that there were 3,332 vessel calls at the Port of Los Angeles in 1990 (the data were published in 1991). This is far in excess of the 2,715 vessel calls during the SEIS/SEIR CEQA baseline year.

**CSLC-61.** The values in the SEIS/SEIR are correct. In 2010 it is projected that there would be a Project-related increase in vessel traffic of 129 port calls per year, or 11 per month. In 2025-2040 it is projected that there would be a Project-related increase in vessel traffic of 201 port calls per year, or 17 per month. All monthly vessel port calls were rounded to the nearest whole number.

As noted in the response to comment CSLC-56, the Port is experiencing a downward trend in vessel calls, with the downward trend expected to accelerate when the next generation of larger cargo ships begin calling on the port. The current trend has been characterized as follows: “The average number of TEUs (twenty-foot equivalent units) per ship increased from 3,272 in 2001 to 5,260 in 2005, which reflects the 44-percent increase in container volume (a 61-percent increase in TEU densification per ship call), while overall containership calls fell from 1,584 in 2001 to 1,423 in 2005.” This translates to a 10% reduction in containership calls and nearly a 61% increase in the number of TEUs moved per ship call. Since container ships represent the largest fraction of port calls, and newer container ships in the 10,000 to 18,000 TEU range and beginning service, it is highly probable that the decreasing trend in port calls will continue in the future.

**CSLC-62.** There are other data available on marine vessel accident statistics, but are generally of little to no use for the evaluation of the proposed Project. For example, the Marine Accident Investigation Branch (MAIB) in Hong Kong keeps detailed statistics on vessel accidents in their jurisdiction; however, this would be too site-specific for use in evaluating accident frequencies for the proposed Project. Similar to the analysis done for San Pedro Bay, all major commercial ports in the U.S. keep detailed information that can be used to estimate vessel accident frequency; however, this information would not be directly applicable to conditions in San Pedro Bay and would not contribute to a meaningful evaluation of the proposed Project.

The studies that are presented in SEIS/SEIR Table 3.9-3 provide a broad overview of marine accident statistics in the U.S. However, given the large variance in conditions that can lead to a marine vessel accident, the use of site-specific accident rates for San Pedro Bay clearly yields the most meaningful methodology for evaluating potential impacts associated with the proposed Project.

**CSLC-63.** Regarding the commenter’s assertion about the lack of data to support conclusions, the document has been revised to expand the discussion of impacts to water quality from vessel operations and to address impacts from invasive species and copper leaching from



hull paints, as well as other vessel discharges covered by the Vessel General Permit. Regarding the mitigation measure, MM 4B-1 came from the Deep Draft Final EIS/EIR and therefore is required for this Supplemental EIS/Subsequent EIR (all MMs from the Deep Draft are required unless no longer applicable). The Port and USACE identified all feasible mitigation measures to reduce significant impacts on water quality, including 4B-1 as well as MM WQ-1.2 (see Draft SEIS/SEIR Section 3.14). Also, note that the Port did not quantify the benefit of petitioning the state according to MM 4B-1, and the significant water quality impact identified in the Draft SEIS/SEIR is also identified as unavoidable (i.e., significant after application of all feasible mitigation measures). The statement “No mitigation measures to reduce or avoid impacts were identified” in line 7 of Draft SEIS/SEIR page 3.14-77 has been deleted.

**CSLC-64.** The document has been revised per the comment.

**CSLC-65.** The following table summarizes results from statistical analyses of selected water quality data at a location near the proposed Project site (Monitoring Station LA-03) from 2000 to 2004. (The Port collects water quality data from multiple sampling locations; the data presented below are from the sampling location closest to the proposed Project site.) As the table illustrates, there are no consistent trends during the period from 2000 to 2004.

<b>Water Quality Parameter</b>	<b>Depth Strata</b>	<b>Coefficient of Determination (R<sup>2</sup>)</b>	<b>Probability (p)</b>	<b>Slope of Regression Fit</b>	<b>Numbers of Samples (n)</b>
Temperature	Surface	0.002	0.66	-1.6 x 10 <sup>-9</sup>	81
	Bottom	0.008	0.44	-2.8 x 10 <sup>-9</sup>	81
Dissolved Oxygen	Surface	0.003	0.63	6.9 x 10 <sup>-9</sup>	82
	Bottom	0.05	0.037*	2.8 x 10 <sup>-9</sup>	82
Transparency	Surface	0.03	0.11	6.9 x 10 <sup>-9</sup>	82
* statistically significant at p < 0.05. Source: Port of Los Angeles Monthly Water Quality Monitoring Database.					

**CSLC-66.** The document has been revised to include invasive species as a potential contaminant; however, this is discussed in greater detail in the biological resources section (see responses to comments CSLC-15 and CSLC-46).

**CSLC-67.** The document has been revised to include a table showing results from the Enhanced Water Quality Monitoring Program, along with a figure showing sampling locations.

**CSLC-68.** The document has been revised to include a discussion of the AFS Convention.

**CSLC-69.** The document has been revised to include a discussion of the Vessel General Permit. Please see response to comment CSLC-63.

**CSLC-70.** Comment is unclear; the referenced lines address measures expected to be contained in a construction SWPPP. Standard Port procedures and BMPs for cleaning up chemical

---

spills are listed in Section 3.14.4.3 of the Draft SEIS/SEIR (lines 34-41). No change required.

- CSLC-71.** As discussed in Draft SEIS/SEIR Sections 3.14.4.3.1.1 and 3.14.4.3.1.2, stormwater runoff during construction and operational phases of the proposed project would be regulated by stormwater discharge permits that control releases of contaminants to the harbor, thereby reducing any potential impacts to harbor species.. The permits would also require routine monitoring to confirm that the discharges meet specific water quality limits and do not impact biological resources. No change required.
- CSLC-72.** Please see response to comment CSLC-69.
- CSLC-73.** As discussed in Section 3.14.4.3 of the Draft SEIS/SEIR, data to evaluate the effects of illegal vessel discharges on water quality do not exist. The statement that “There is no evidence that illegal discharges from ships presently are causing widespread [water quality] problems in the Harbor” is inferred from visual observations and interpretations of findings from port-wide monitoring programs. No change to the document is required.
- CSLC-74.** The document has been revised to include information from the National Mussel Watch Program (O’Connor, T.P. and G.G. Lauenstein, 2006. Trends in chemical concentrations in mussels and oysters along the US coast: Update to 2003. Marine Environmental Research 62:261-285) to address this comment. Based on results from the National Mussel Watch Program (O’Connor and Lauenstein 2006), contaminant levels in the Harbor have generally improved, as indicated by trends of decreasing concentrations of several metals (cadmium, selenium, mercury, and zinc) and TBT in sentinel mussels over the period from 1986 to 2003. These improvements occurred despite an overall increase in ship traffic. Thus, while it is reasonable to assume that increases in the frequency of illegal discharges would be proportional to the change in numbers of ship visits, there is no evidence to support this relationship.
- CSLC-75.** The document has been revised to include discussions of the Vessel General Permit and implications for ballast water discharges. Please see response to comment CSLC-63.
- CSLC-76.** As discussed in Draft SEIS/SEIR, Section 3.14.4.3, stormwater runoff during operational phases of the proposed project would be regulated by stormwater discharge permits that control releases of contaminants to the harbor. The permit would also require routine monitoring to confirm that the discharges meet specific water quality limits and do not impact biological resources. No change required.
- CSLC-77.** Empirical data demonstrating that vessel traffic at Berth 408 would not increase copper concentrations to levels above the criterion do not exist. The conclusions are based on best professional judgment. The document has been revised to indicate that hull leachate will be covered under the Vessel General Permit, and compliance with permit conditions is expected to “...result in discharges that are controlled as necessary to meet applicable water quality standards” (USEPA 2008. U.S. Environmental Protection Agency 2008 Proposed Issuance of National Pollutant Discharge Elimination System [NPDES] for Discharges Incidental to the Normal Operation of Commercial and Large Recreational Vessels Fact Sheet).
- CSLC-78.** Please see response to comment CSLC-63.

- 
- CSLC-79.** The document (Section 3.14.3.1) has been revised to include a discussion of the Vessel General Permit that addresses 28 categories of vessel discharge types including hull leachate and underwater husbandry.
- CSLC-80.** Please see response to comment CSLC-73. No change required.
- CSLC-81.** The document (Section 3.14.3.1) has been revised to include a discussion of the Vessel General Permit (VGP) that addresses 28 categories of vessel discharge types including hull leachate and underwater husbandry. The section referenced in the comment has been updated to include a discussion of the VGP and implications for project-related impacts to water quality.
- CSLC-82.** Please see response to comment CSLC-69.
- CSLC-83.** Please see response to comment CSLC-63.
- CSLC-84.** The document has been revised to include additional information in the cumulative impacts section on potential effects of underwater noise on fish species. Please see response to comment CSLC-18.
- CSLC-85.** The document has been revised to include additional information relative to risk of NIS introductions. Relevant reports such as the 2000 Baseline Study (MEC and Associates 2002) provide substantial information on biological communities and species assemblages, including relative occurrence of exotic species. The document has been revised to include a broader discussion of NIS based on the best available biological data within the Ports.
- CSLC-86.** Baseline water quality in the proposed Project area (Outer Harbor) has not been determined to be impaired by chemicals from vessel hull paints, but other areas in the Harbor are affected (see Section 3.14 of the Draft SEIS/SEIR). As described on page 4-132 of the Draft SEIS/SEIR, contaminant leaching from hull paints would not cause water quality standards to be exceeded at Berth 408, but dispersion by currents of contaminants from Berth 408 could exacerbate water quality conditions in other portions of the Harbor as a part of cumulative impacts. This is a very conservative estimate of cumulative impacts, and in the most likely case chemicals leached from vessel hulls at Berth 408 (e.g., copper) would not increase the concentration in the water at the impaired water locations. Additional water quality data have been added to this section showing the concentration of toxic chemicals that could come from vessel hull paints did not exceed the Criteria Maximum Concentration (CMC) level at any of the 27 locations sampled within the Los Angeles Harbor from May 2005 through March 2006, but copper (one location on one date) and tributyltin (four locations on three dates but only one or two locations per date) equaled or exceeded the Criteria Continuous Concentration (CCC).
- CSLC-87.** The document has been revised to acknowledge that increases in vessel traffic could contribute to increases in incidental vessel discharges and cumulative impacts to water quality. Incidental vessel discharges will be covered under the Vessel General Permit, and compliance with permit conditions is expected to "...result in discharges that are controlled as necessary to meet applicable water quality standards" (USEPA 2008. U.S. Environmental Protection Agency 2008 Proposed Issuance of National Pollutant Discharge Elimination System [NPDES] for Discharges Incidental to the Normal

---

Operation of Commercial and Large Recreational Vessels Fact Sheet). Regardless, because some portions of the Harbor are considered impaired, vessel-related discharges could contribute to significant cumulative impacts.

**CSLC-88.** Please see response to comment CSLC-87.

**CSLC-89.** Please see response to comment CSLC-87.

**CSLC-90.** Thank you again for your review of the Draft SEIS/SEIR.

---

**California Energy Commission, August 14, 2008**

- CEC-1.** Thank you for your review of and comments on the Draft SEIS/SEIR. Responses to your specific comments about crude oil supply and demand, related forecasts, the outlook for crude oil imports, and the viability of using certain “spare” crude oil import capacity at existing marine oil terminals are provided in response to comments CEC-2 through CEC-5 and CEC-7 through CEC-13 below.
- CEC-2.** The Port and USACE appreciate the clarification. The text has been revised as suggested (note that the corrected text appears in Section 1.2.1.3 of the Final SEIS/SEIR).
- CEC-3.** The Port and USACE appreciate the clarification. The text has been revised as suggested to state, “The California Department of Finance (DOF) predicts that California’s population and real per capita income will grow by a little over 1 percent per year. More than 37 million people live in California; the population is expected to grow to more than 44 million by 2020 and the population may increase to about 60 million residents by 2050 (CEC 2007a, CEC 2007b, CEC 2007c” (note that the corrected text appears in Section 1.2.1.3 of the Final SEIS/SEIR).
- CEC-4.** The Port and USACE appreciate the clarification. The text has been revised as suggested; all references have been changes to CEC 2007a (note that the corrected text appears in Section 1.2.1.3 of the Final SEIS/SEIR).
- CEC-5.** The reference to Chapter 7 is correct in the Draft SEIS/SEIR; it refers to Draft SEIS/SEIR Chapter 7 (not Chapter 7 of an outside report). Regarding the reference to the CEC report, the Port and Corps appreciate the clarification and the text has been revised as suggested. (Note that the corrected citations appear in Section 1.2.1.3 of the Final SEIS/SEIR.)
- CEC-6.** The comment is acknowledged and appreciated.
- CEC-7.** The comment is acknowledged and appreciated.
- CEC-8.** The discussion of the 21,000 barrel per day (bpd) capacity increase for which plans have already been announced is intended to provide supporting information for the estimated 50,000 bpd increase in capacity assumed by Baker & O’Brien; the 21,000 bpd increase suggests that a 50,000 bpd capacity increase by 2012 is plausible. The text has been revised on this point. The commenter also questions how the 50,000 bpd increase differs from refinery capacity creep. The first sentence in the paragraph as written makes it clear that Baker & O’Brien (2007) expect the 50,000 bpd increase over and above the steady increase in refinery capacity known as refinery capacity creep.
- CEC-9.** The Port and USACE appreciate the clarification. The text, table, and figure have been revised as suggested.
- CEC-10.** The comment is noted. The Port and USACE included the information about hybrid vehicle registrations to provide background information for readers who may be curious about how the rapid increase in hybrid vehicles has affected demand for gasoline. No revision is needed.

- 
- CEC-11.** The comment is noted. Since these updated projections amount to a minor tightening of the range bounded by the CEC forecasts (a higher low bound, and a lower high bound), and since the environmental analysis of the proposed Project is based on a “reasonably foreseeable worst case” scenario that is in turn based on the Baker & O’Brien forecast rather than the CEC forecast, no revision to the document is needed.
- CEC-12.** The comment is noted. The point of the discussion is not to dismiss or discredit CEC’s approach to predicting future refinery capacity creep rates, but rather to show that the rate of refinery capacity creep can vary widely from year to year and therefore the Baker & O’Brien projection, while higher than either the 3-year or 5-year running average, is plausible.
- CEC-13.** The comment is noted. Note that the throughput and vessel call projections used to analyze the environmental impacts of the No Project Alternative account for other constraints that would reduce throughput below the theoretical maximum level, as noted on pages D1-17 and D1-18 of the Draft SEIS/SEIR.

---

**Native American Heritage Commission, June 10, 2008**

- NAHC-1.** Thank you for your review of and comments on the Draft SEIS/SEIR. Responses to your specific comments are provided in NAHC-2 through NAHC-8 below.
- NAHC-2.** As described in Section 3.4.2.5.1 of the Draft SEIS/SEIR, a records search was conducted at the South Central Coast Information Center (SCCIC), California Historical Resources Information System (CHRIS), California State University Fullerton. Based on historic research, previous survey projects, and the lack of recorded archaeological sites, it was determined that the probability for cultural resources located in the area of potential effects is low. Therefore, no revisions to the Final SEIS/SEIR are required.
- NAHC-3.** No additional archaeological investigations were required to assess the presence/absence of unknown archaeological resources because: the Project site was subject to a records search at the CHRIS, no recorded archaeological sites are recorded in the area, and the archaeological sensitivity or likelihood of encountering intact, potentially significant cultural resources is very low. Therefore, no revisions to the Final SEIS/SEIR are required.
- NAHC-4.** As described in Section 3.4.2 of the Draft SEIS/SEIR, the Native American Heritage Commission (NAHC) was contacted by letter on October 1, 2004, to request information about traditional cultural properties such as cemeteries and sacred places in the Project area. The NAHC record search of the Sacred Lands File failed to indicate the presence of Native American cultural resources in the immediate Project area. A letter dated November 3, 2004, was received from the NAHC containing a list of Native American tribes and individuals interested in consulting on development projects. An attempt was made to contact each of these individuals/groups by phone in April 2008. Of the contacts provided by NAHC in 2004, phone numbers were available for all but one group. LAHD/USACE spoke with two and left messages for an additional four (messages were not returned); the remaining phone numbers were disconnected or wrong numbers. Of those contacted, none provided information about traditional cultural properties in the proposed Project area. As part of the process of preparing the Final SEIS/SEIR, LAHD and USACE also mailed letters to all of the Native American tribes and individuals for which NAHC provided contact information in its comment letter on the Draft SEIS/SEIR, and followed up with phone calls. LAHD/USACE will continue to coordinate with the tribal contacts to ensure there is no conflict with traditional cultural properties as part of the proposed Project.
- NAHC-5.** Consistent with this comment as described in Section 3.4.4.3 of the Draft SEIS/SEIR, mitigation measure MM CR-1a provides for a process for temporarily suspending construction in the event that a previously unknown archaeological resource is encountered. Therefore, no revisions to the Final SEIS/SEIR are required.
- NAHC-6.** As described in Section 3.4.4.3 of the Draft SEIS/SEIR, mitigation measure MM CR-1a states that “a treatment plan shall be developed in conjunction with the Native American Groups to establish the proper way of extracting and handling all artifacts in the event of an archaeological discovery”. This mitigation measure was revised to say “handling all artifacts and/or human remains. . .” to clarify the intent of the statement.

---

**NAHC-7.** Mitigation measure MM CR-1a was revised to outline the procedures specified in PRC Section 5097.98 in the unlikely event human remains are encountered during construction as shown below

**MM CR-1a. Stop work in area if prehistoric and/or historical archaeological resources are encountered.** In the unlikely event that any artifact, or an unusual amount of bone, shell, or non-native stone is encountered during construction, work shall be immediately stopped and relocated to another area. The contractor shall stop construction within 10 meters (30 feet) of the exposure of these finds until a qualified archaeologist can be retained by the Port to evaluate the find (see 36 CFR 800.11.1 and California Code of Regulations, Title 14, Section 15064.5(f)). Examples of such cultural materials might include concentrations of ground stone tools such as mortars, bowls, pestles, and manos; chipped stone tools such as projectile points or choppers; flakes of stone not consistent with the immediate geology such as obsidian or fused shale; historic trash pits containing bottles and/or ceramics; or structural remains. If the resources are found to be significant, they shall be avoided or shall be mitigated consistent with SHPO Guidelines. All construction equipment operators shall attend a preconstruction meeting presented by a professional archaeologist retained by the Port that shall review types of cultural resources and artifacts that would be considered potentially significant, to ensure operator recognition of these materials during construction.

If human remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Los Angeles County Coroner shall be contacted to determine the age and cause of death of the deceased. If the remains are not of Native American heritage, construction in the area may recommence. If the remains are of Native American origin, the most likely descendants of the deceased shall be identified by the NAHC. The Port and USACE shall consult with the Native American most likely descendant(s) to identify a mutually acceptable strategy for treating and disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. If the NAHC is unable to identify a most likely descendant, the descendant fails to make a recommendation within 24 hours of being notified by the NAHC, the Port, or the USACE and the descendant are not capable of reaching a mutually acceptable strategy through mediation by the NAHC, the Native American human remains and associated grave goods shall be reburied with appropriate dignity on the proposed Project site in a location not subject to further subsurface disturbance.

Prior to beginning construction, the Port shall meet with applicable Native American Groups, including the Gabrieliño/Tongva Tribal Council, to identify areas of concern. A trained archaeologist shall monitor construction at identified areas. In addition to monitoring, a treatment plan shall be developed in conjunction with the Native American Groups to establish the proper way of extracting and handling all artifacts and/or human remains in the event of an archaeological discovery.



---

**NAHC-8.** Please see response to comment NAHC-1. There is little potential for encountering potentially significant archaeological resources during Project construction. Therefore, there is no nexus for redesigning the proposed Project design. Draft SEIS/SEIR Mitigation Measure CR-1a would reduce any unlikely impacts on potentially significant archaeological resources encountered during construction to less than significant.

**NAHC-9.** Thank you again for your review of the Draft SEIS/SEIR.

---

**Department of Toxic Substances Control, July 11, 2008**

- DTSC-1.** The comment is noted.
- DTSC-2.** Sections 3.7.2.3 and 3.7.4.3.1.1 of the Draft SEIS/SEIR summarize prior site uses, the known and potentially contaminated sites as a result of those prior site uses, as well as the results of site assessments and remediation activities on the Project sites. Industrial Preliminary Remediation Goals have been included for most of the proposed Project sites to demonstrate the potential threat to human health or the environment.
- DTSC-3.** With respect to the findings of prior investigations, please see response to comment DTSC-2. With respect to all work being conducted under a work plan, Mitigation Measure (MM) GW-1: Site Remediation, indicates that unless otherwise authorized by the lead regulatory agency for any given site, the LAHD shall remediate all contaminated soils or contamination within the excavation zones on the Project site boundaries prior to or during subsurface construction activities. Remediation shall occur in compliance with local, state, and federal regulations, as described in Section 3.7.3, and as directed by the Los Angeles Fire Department, DTSC, and/or LARWQCB. Accordingly, a work plan would be required, as directed by the lead regulatory agency for the site.
- DTSC-4.** Please see response to comment DTSC-3.
- DTSC-5.** Mitigation Measure GW-1 has been revised consistent with this comment as shown below:

**Mitigation Measure (MM) GW-1: Site Remediation.**

Unless otherwise authorized by the lead regulatory agency for any given site, the LAHD shall remediate all contaminated soils or contamination within the excavation zones on the Project site boundaries prior to or during subsurface construction activities. Remediation shall also include suspected or known contamination within boundaries of the proposed Project that occurred as a result of leaks or spills on adjacent properties. Remediation shall occur in compliance with local, state, and federal regulations, as described in Section 3.7.3, and as directed by the Los Angeles Fire Department, DTSC, and/or LARWQCB.

Soil remediation shall be completed such that contamination levels in subsurface excavations are below health screening levels established by OEHHA and/or applicable action levels established by the lead regulatory agency with jurisdiction over the site. Only clean soil would be used as backfill. Soil contamination waivers may be acceptable as a result of encapsulation (i.e., paving) in backland areas and/or risk-based soil assessments but would be subject to the discretion of the lead regulatory agency.

Existing groundwater contamination throughout the proposed Project boundary shall continue to be monitored and remediated as encountered, simultaneous and/or subsequent to site development, and/or in accordance with direction provided by the LARWQCB.

---

Unless otherwise authorized by the lead regulatory agency for any given site, areas of excavation with soil contamination that shall be remediated prior to, or in conjunction with, Project construction.

- DTSC-6.** No buildings, structures or asphalt or paved surfaces would be demolished as part of the proposed Project.
- DTSC-7.** Mitigation measure MM GW-2(a) includes a provision that excavated contaminated soil either be treated on-site or trucked off-site for disposal at a licensed facility approved for disposal of such waste. MM GW-2(f) includes a provision that excavations shall be filled with structurally suitable fill material which contains contaminant concentrations (if any) that are within permissible limits, as directed by the Los Angeles Fire Department, DTSC, and/or LARWQCB.
- DTSC-8.** Please see response to comment DTSC-2 regarding Preliminary Remediation Goals.
- DTSC-9.** As noted on Page 3.12-28 and 3.12-29 of the Draft SEIS/SEIR, the proposed Project would be required to comply with California Health and Safety Code, Division 20, Chapter 6.5. The text has been modified to note that compliance with California Code of Regulations Title 22, Division 4.5 would be required as part of compliance with the California Hazardous Waste Control Law. It is anticipated that very few hazardous materials would be used on-site. Potentially hazardous materials and wastes would be limited to those which are typically used for maintenance activities only, such as cleaners, paints, coatings and various lubricants. These materials would not be stored on site, but would be brought to the site on an as-needed basis by company maintenance personnel and removed after the maintenance work is completed. The petroleum in the tanks is not considered hazardous material/waste, as defined on Page 3.7-12 of the Draft SEIS/SEIR.
- DTSC-10.** The proposed Project is not anticipated to generate hazardous waste, nor store such waste onsite for more than 90 days, nor dispose of hazardous waste onsite. The proposed Project would handle large volumes of petroleum products, but these products would not be considered a hazardous waste.
- DTSC-11.** Please see the response to Comment DTSC-10.
- DTSC-12.** Please see the response to Comment DTSC-10.
- DTSC-13.** Mitigation measure MM GW-3(a), Contamination Contingency Plan, includes a provision that states that in the event that contaminated soil and/or groundwater is suspected, the LAHD's Chief Harbor Engineer, Director of Environmental Management, and Risk Management's Industrial Hygienist shall be notified and continued work shall require the approval of the Chief Harbor Engineer.
- DTSC-14.** Mitigation measures MM GW-1, -2, and -3 include provisions that remediation shall occur in compliance with local, state, and federal regulations, as described in Section 3.7.3, and as directed by the Los Angeles Fire Department, DTSC, and/or LARWQCB.
- DTSC-15.** Thank you for the comment. The contact person, title, and e-mail address is in the cover letter sent with the Draft SEIS/SEIR, and is also on the Port's website for the Draft

---

SEIS/SEIR. Also, note that the contact person, title, and postal mailing address are included in the text of the Draft SEIS/SEIR at the end of Chapter 1.

**DTSC-16.** Thank you for your review of and comments on the Draft SEIS/SEIR.

---

**South Coast Air Quality Management District, August 22, 2008**

- SCAQMD-1.** Thank you for your review of and comments on the Draft SEIS/SEIR.
- SCAQMD-2.** The comment is acknowledged and appreciated.
- SCAQMD-3.** The additional rules and regulations have been added to the document.
- SCAQMD-4.** The references on Page 3.2-7 have been revised in the Final SEIS/SEIR to reflect the Basin's current CO attainment status. The USEPA redesignated the SCAB as in attainment of the NAAQS for CO in June 2007.
- SCAQMD-5.** Table 3.2-10 on Page 3.2-35 of the Draft SEIS/SEIR has been modified under the tank column to include the vapor destruction unit.
- SCAQMD-6.** The contractor will achieve a control efficiency of 75 percent by applying Best Available Control Measures (BACMs). Examples of the BACMs that may be applied includes: 1) pre-watering material prior to truck loading, 2) limiting vehicular travel to established unpaved roads and unpaved parking lots, 3) directing construction traffic over established haul routes, and 4) stabilizing surface soil where support equipment and vehicles will operate. Some of the above examples may be applied in conjunction with other approved SCAQMD Rule 403 BACMs.
- SCAQMD-7.** Construction worker Personally Owned Vehicle (POV) emissions were calculated using URBEMIS. Emission estimates for construction worker POV emissions were calculated from the workers' originating location to the actual construction site. In order to verify that this was the worst case scenario a separate calculation was done comparing emissions based on worker transport buses and based on POV emissions from a staging area to the construction site. This analysis showed that the difference between these two calculations was negligible. As a result, rather than using worker transport buses, for air quality modeling purposes the emissions from construction worker transit to the construction site were estimated as if POVs were used rather than transport buses. The POV estimates are included in Table H.1.PP.Un.Const-2 and Table H.1.PP.Un.Const-3 (unmitigated case) and Table H.1.PP.Mit.Const-2 and Table H.1.PP.Mit.Const-3 (mitigated case).
- SCAQMD-8.** Construction worker POV emissions were calculated using URBEMIS, which accepts only one variable, the square footage of buildings to be constructed. The POV emissions were calculated in two parts: 1) Construction of the Administration Building, and 2) Construction of all other aspects of the Project, including pipeline construction, tank farm construction, and wharf construction. Construction of the Administration Building was calculated in URBEMIS in the category of General Office Building and the construction of all other aspects of the Project was calculated in URBEMIS in the category of General Heavy Industry. URBEMIS uses default values for worker commuter trip rates, trip primary percentages, trip diverted percentages, and trip pass-by percentages, to calculate POV emissions. The values used for the General Office Building category analysis are: 57,300 square feet for the building being constructed, 11.01 trips per day per 1,000 square feet of general office building, 35% worker commuter trip, 75% trip primary, 20% trip diverted, 5% trip pass-by. The values used for the General Heavy Industry category analysis are: 75.0 acres for the total construction, 6.75 trips per day per acre of general

---

heavy industry, 90% worker commuter trip, 90% trip primary, 5% trip diverted, 5% trip pass-by.

**SCAQMD-9.** As explained in Section 2.4.3 of the Draft SEIS/SEIR , construction materials would be delivered by a combination of trucks, rail, OGV, and barges, but in some cases the specific method has not yet been identified with complete certainty. For the purposes of the air quality analysis, it was observed that materials that could be delivered via rail would, if not be delivered by rail, be delivered via Heavy Duty Diesel Trucks (HDDT). The air quality modeling team performed an analysis that determined that the emissions per ton of materials delivered would be higher using HDDT in comparison to rail. For this reason, to provide for a conservative analysis of emissions, it was assumed that all land-based delivery of construction materials would occur via HDDT.

**SCAQMD-10.** The peak daily Phase I unmitigated construction emissions in summary Table H.1.PP.Un.Const-1 in Appendix H.1 is correct. Peak daily Phase I unmitigated construction emissions in Table 3.2-11 in Section 3.2 are incorrect and have been corrected. The CEQA and NEPA significance findings do not change as result of these edits in Section 3.2. An additional footnote has been included in Table 3.2-11 to clarify what emission sources contribute to the peak daily construction emissions.

**SCAQMD-11.** The peak daily phase mitigated construction emissions in summary Table H.1.PP.Mit.Const-1 in Appendix H.1 is correct. Peak daily Phase I mitigated construction emissions in Table 3.2-13 in Chapter 3 are incorrect and have been corrected. The CEQA and NEPA significance findings do not change as result of these edits in Section 3.2. An additional footnote has been included in Table 3.2-13 to clarify what emission sources contribute to the peak daily construction emissions.

Phase 2 unmitigated construction and Phase 2 mitigated construction emissions are correct as presented in the Draft SEIS/SEIR. Stone delivery does not occur during Phase 2 construction. The only emissions are from Tank Farm Site 2 construction and POV emissions.

**SCAQMD-12.** The mitigated construction emission results for peak daily Phase I and Phase 2 construction emissions were calculated after incorporating emissions reductions from MM AQ-3 and MM AQ-5 through AQ-10, which are described in Section 3.2.4.6.1 of the Draft SEIS/SEIR. Appendix H1 provides emission factors for specific pollution sources for the unmitigated and mitigated case, from which an interested party could derive specific emissions reduction efficiencies.

As requested by the commenter, the following tables provide control efficiencies associated with the construction mitigation measures.

### Phase I Construction

Mitigation Measure	Construction Activity	Reduction Efficiency (%)					
		VOC	CO <sup>4</sup>	NO <sub>x</sub>	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
MM AQ-3	Pier 400 Marine Terminal and Wharf Construction <sup>1</sup>	44	-43	28	0	17	18
MM AQ-6	Pipeline Construction <sup>2</sup>	---	---	---	---	60	60
MM AQ-3	Pipeline Construction	0	-26	23	0	40	40
MM AQ-3	Tank Farm Site #1 <sup>2</sup>	0	-33	19	0	34	34
MM AQ-6	Tank Farm Site #1	---	---	---	---	60	60
MM AQ-3	Tank Farm Site #2 <sup>2</sup>	0	-32	21	0	9	31
MM AQ-6	Tank Farm Site #2	---	---	---	---	60	60
MM AQ-7	Stone Delivery <sup>3</sup>	19	19	18	16	19	18

<sup>1</sup> MM AQ-1, MM AQ-2, and MM AQ-4 through MM AQ-12 do not have control efficiencies computed.  
<sup>2</sup> MM AQ-1, MM AQ-2, MM AQ-4, MM AQ-5, and MM AQ-7 through MM AQ-12 do not have control efficiencies computed.  
<sup>3</sup> MM AQ-1 through MM AQ-6 and MM AQ-8 through MM AQ-12 do not have control efficiencies computed.  
<sup>4</sup> Negative reduction efficiency represents where emissions would increase as a result of the mitigation measure.

### Phase II Construction

Mitigation Measure	Construction Activity	Reduction Efficiency (%)					
		VOC	CO <sup>1</sup>	NO <sub>x</sub>	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
MM AQ-1	Tank Farm Site #2	---	---	---	---	---	---
MM AQ-2	Tank Farm Site #2	---	---	---	---	---	---
<b>MM AQ-3</b>	<b>Tank Farm Site #2</b>	<b>6</b>	<b>-32</b>	<b>22</b>	<b>0</b>	<b>41</b>	<b>41</b>
MM AQ-4	Tank Farm Site #2	---	---	---	---	---	---
MM AQ-5	Tank Farm Site #2	---	---	---	---	---	---
<b>MM AQ-6</b>	<b>Tank Farm Site #2</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>---</b>	<b>60</b>	<b>60</b>
MM AQ-7	Tank Farm Site #2	---	---	---	---	---	---
MM AQ-8	Tank Farm Site #2	---	---	---	---	---	---
MM AQ-9	Tank Farm Site #2	---	---	---	---	---	---
MM AQ-10	Tank Farm Site #2	---	---	---	---	---	---
MM AQ-11	Tank Farm Site #2	---	---	---	---	---	---
MM AQ-12	Tank Farm Site #2	---	---	---	---	---	---

<sup>1</sup> Negative reduction efficiency represents where emissions would increase as a result of the mitigation measure.

---

**SCAQMD-13.** Mitigation Measure AQ-3 has been modified as follows:

**Prior to December 31, 2011:**All on-site mobile diesel-powered construction equipment greater than 50 hp, except derrick barges and marine vessels shall meet the Tier 2 emission standards as defined in the USEPA Non-Road Diesel Engine Rule (USEPA 1998) prior to December 31, 2011. In addition, all construction equipment greater than 50 hp shall be retrofitted with a CARB-certified Level 3 diesel emissions control device.

**From January 1, 2012 to December 31, 2014:** All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier-3 emission off-road emission standards, at a minimum and shall be retrofitted with a CARB certified Level 3 diesel emissions control device.

**From January 1, 2015 on:** All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier-4 emission off-road emission standards, at a minimum and shall be retrofitted with a CARB certified Level 3 diesel emissions control device.

This mitigation measure shall be met, unless one of the following circumstances exists and the contractor is able to provide proof that any of these circumstances exists:

- A piece of specialized equipment is unavailable in a controlled form, or within the required Tier level, within the state of California, including through a leasing agreement.
- A contractor has applied for necessary incentive funds to put controls on a piece of uncontrolled equipment planned for use on the project, but the application process is not yet approved, or the application has been approved, but funds are not yet available.
- A contractor has ordered a control device for a piece of equipment planned for use on the project, or the contractor has ordered a new piece of controlled equipment to replace the uncontrolled equipment, but that order has not been completed by the manufacturer or dealer. In addition, for this exemption to apply, the contractor must attempt to lease controlled equipment to avoid using uncontrolled equipment, but no dealer within 200 miles of the project has the controlled equipment available for lease.

**SCAQMD-14.** MM AQ-5 has been modified as shown below to incorporate the recommendation to enforce truck parking restrictions.. The other mitigations suggested in the comment have been incorporated into MM AQ-5 to reduce exposure to diesel particulate matter from on-road heavy duty trucks.

**MM AQ-5: Best Management Practices (BMPs)**

The following types of measures are required on construction equipment (including on-road trucks):



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

**SCAQMD-15.** Regarding the issue of documenting the control efficiency, please see the response to comment SCAQMD-6. In addition, the Port will apply additional mitigation measures per MM AQ-6. This mitigation measures are expected to control fugitive dust emissions an additional 60% in addition to the 75% in the unmitigated case, thus resulting in a total of 90% control from uncontrolled levels. Regarding the issue of proposed modifications to MM AQ-6, the measure has been modified according to the comment as shown below:

**MM AQ-6: Additional Fugitive Dust Controls**

The construction contractor shall reduce fugitive dust emissions by 90 percent from uncontrolled levels. The Project construction contractor shall specify dust-control methods that will achieve this control level in a SCAQMD Rule 403 dust control plan. Their duties shall include holiday and weekend periods when work may not be in progress.

Measures to reduce fugitive dust include, but are not limited to, the following

- Active grading sites shall be watered one additional time per day beyond that required by Rule 403.
- Contractors shall apply approved non-toxic chemical soil stabilizers according to manufacturer's specifications to all inactive construction areas or replace groundcover in disturbed areas (previously graded areas) inactive for ten days or more.

- 
- Construction contractors shall provide temporary wind fencing around sites being graded or cleared.
  - Trucks hauling dirt, sand, or gravel shall be covered ~~or shall maintain at least 2 feet of freeboard~~ in accordance with Section 23114 of the California Vehicle Code.
  - Construction contractors shall install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site.
  - Pave road and road shoulders.
  - Require the use of clean-fueled sweepers pursuant to SCAQMD Rule 1186 and Rule 1186.1 certified street sweepers. Sweep streets at the end of each day if visible soil is carried onto paved roads on-site or roads adjacent to the site to reduce fugitive dust emissions.
  - Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM<sub>10</sub> generation.
  - Traffic speeds on all unpaved roads shall be reduced to 15 mph or less.
  - Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
  - Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the extent practicable.

**SCAQMD-16.** The fourth bullet point of MM AQ-6 has been modified according to the comment as shown in Response to Comment SCAQMD-15.

**SCAQMD-17.** The additional bullet points have been incorporated into MM AQ-6 according to the comment as shown in Response to Comment SCAQMD-15.

**SCAQMD-18.** Per the LAHD Sustainable Construction Guidelines for Reducing Air Emissions, all on-road heavy-duty diesel trucks with a GVWR of 19,500 pounds or greater shall comply with USEPA 2004 on-road emission standards for PM<sub>10</sub> and NO<sub>x</sub> prior to December 31, 2011. Beginning January 1, 2012 on, all on-road heavy-duty diesel trucks with a GVWR of 19,500 pounds or greater shall comply with USEPA 2007 on-road emission standards for PM<sub>10</sub> and NO<sub>x</sub>. According to the project construction schedule, construction will be completed prior to December 31, 2011. As a result, USEPA 2004 on-road emission standards have been utilized consistent with the Port's Sustainable Construction Guidelines. The Guidelines were developed based on equipment availability. The Port conducted a survey in early 2008 of construction contractors and equipment providers, including information on future equipment orders. As a result of this survey, it was found that 2007 compliant trucks would not be available in large quantities before 2012. However, as described above, the Port will encourage use of USEPA 2007 compliant trucks through the Environmental Compliance Plan required of all contractors.

---

Each contractor will be required to submit an Environmental Compliance Plan for work completed as part of the proposed Project. The Environmental Compliance Plan will be developed by the contractor and must:

- Identify the overall construction area
- Identify work hours and days
- Describe the overall construction scope of work
- Identify all construction equipment to be used to complete the project
- Identify all applicable mitigation measures depending on scope of work and construction equipment list
- Develop a plan to adhere to all applicable mitigation measures
- Develop a record-keeping system to track mitigation and any pertinent permits and/or verification documents such as equipment specifications, equipment logs, and receipts
- Develop a tracking system to ensure mitigation is completed within the specified plan
- Identify one lead person, plus one back-up person to be responsible for environmental compliance
- Identify additional measures, practices or project elements to further reduce environmental impacts.

The Environmental Compliance Plan must be submitted to the Port of Los Angeles for review prior to commencing construction. The Port of Los Angeles reserves the right to modify the Plan, in conjunction with the contractor, to identify additional measures, practices or project elements to further reduce environmental impacts.

**SCAQMD-19.** The referenced statement on Page 2-9 describes the Port's intention regarding the Terminal Island site; however, as indicated in Draft SEIS/SEIR Chapter 2 (Project Description) and throughout the document, the proposed Project does not include any use of the existing rail tracks or include any rail operations (other than potentially to deliver construction materials; on this issue, see the response to comment SCAQMD-9).

**SCAQMD-20.** Mitigation Measure AQ-14 has been amended as shown below:

#### **MM AQ-14 Low Sulfur Fuel**

All ships (100%) calling at Berth 408 shall use 0.2% low sulfur fuel within 40 nm of Point Fermin on their outbound leg and while hoteling at the Project, beginning on day one of operation. Vessels calling at Berth 408 shall also use 0.2% low sulfur fuel within 40 nm of Point Fermin on their inbound leg, except where circumstances (such as ships with a mono-tank system or ships originating from a Port where low sulfur fuel is not available) make such use infeasible on the inbound leg. Regardless, the applicant shall adhere to the following annual phase-in schedule which identifies the minimum allowable annual percentage of vessels in the fleet calling at Berth 408 which shall use 0.2% low sulfur fuel within 40 nm of Point Fermin on their inbound leg: ~~Ships calling at Berth 408 shall use low sulfur fuel in main engines, auxiliary engines, and boilers within 40 nm of Point Fermin (including hoteling for non-AMP ships) in the annual percentages in fuel requirements as specified below:~~

#### **PLAMT Fuel Switch for Main Engines, Auxiliary Engines, and Boilers**

Year	Main Engines/Auxiliary Engines/Boilers					
	Inbound			Hoteling and Outbound		
	HFO	0.50%	0.20%	HFO	0.50%	0.20%
1	0	100	0	0	0	100
2	0	100	0	0	0	100
3	0	100	0	0	0	100
4	0	80	20	0	0	100
5	0	50	50	0	0	100
6	0	50	50	0	0	100
7-30	0	10	90	0	0	100

In addition, all callers carrying 0.2% low sulfur shall use 0.2% low sulfur fuel within 40 nm of Point Fermin both on the inbound and outbound leg. Six months prior to operation of Berth 408 the applicant shall lead the effort, with Port support, in notifying all fuel suppliers/shippers of the low sulfur fuel requirements. This notification shall be achieved through publication of a notice in Bunker World (or other similar fuel supply trade publication) and by notification to all Berth 408 customers.

The comment also calls for the phase-in of fuel with a maximum sulfur content of 0.1 percent. To allow for some margin of error and product contamination in the distribution system, when a shipping line orders 0.2 percent sulfur fuel, the shipping line is actually receiving a fuel with a lower sulfur content of between 0.13 and 0.16 percent. Therefore, if the mitigation measure required 0.1 percent fuel, the supplier would have to provide fuel at a content of lower than 0.1 percent, which might not be possible in current refineries. Additionally, 0.2 percent is consistent with the CAAP. In developing and approving the CAAP, the Ports of Los Angeles and Long Beach met and collaborated with agencies (including CARB, AQMD, and USEPA), environmental and community groups, and the shipping industry. As a result of this collaborative process, 0.2% sulfur fuel was found to be feasible from port-wide perspective and use of this fuel represents consensus.

**SCAQMD-21.** Please see response to USEPA-8. Mitigation Measure AQ-15 has been amended as shown below:

*MM AQ-15 AMP*

By end of year 2 of operation, all ships capable of utilizing AMP and all frequent callers (2 or more a year), shall use AMP at the facility. At minimum, ships calling at the Berth 408 facility shall use AMP. Ships calling at Berth 408 facility shall use AMP while hoteling at the Port in the following at minimum percentages while hoteling at the Port in the following at minimum percentages:

- By end of year 2 of operation – 6 (4%) vessel calls
- By end of year 3 of operation – 10% of annual vessel calls
- By end of year 5 of operation – 15% of annual vessel calls
- By end of year 10 of operation – ~~40~~ 50% of annual vessel calls
- By end of year 16 of operation – ~~70~~ 80% of annual vessel calls

As discussed in Chapter 3.2, use of AMP would enable ships to turn off their auxiliary engines during hoteling, leaving the boiler as the only source of direct emissions. An increase in regional power plant emissions associated with AMP electricity generation is

---

also assumed. Including the emission from ship boilers, a ship hoteling with AMP reduces its criteria pollutant emissions 88 to 98 percent, depending on the pollutant, when compared to a ship hoteling without AMP and burning residual fuel in the boilers.

AMP on container vessels and cruise ships is directed at reducing emissions from the relatively large hoteling loads present on these vessels. Tankers have smaller hoteling loads but also must support cargo offloading operations by producing steam power. The steam production capability cannot be replaced without complete vessel reconstruction. However, as mentioned earlier, the Project design includes a feature to minimize steam generation requirements via the use of shore-side electric pumps.

The Port will design and incorporate into Berth 408 all the necessary components to make full AMP available for those vessels capable of utilizing such facilities. The following addition has been included the AMP discussion in the Final SEIS/SEIR.

In the alternative, the Port may, upon application by the tenant, and subject to all applicable laws and regulations, permit the tenant to install and employ and Alternative Maritime Emission Control System (AMECS) system, either in combination with or in place of AMP as designated in the Port's permit, to meet or exceed the requirements of this mitigation measure; provided that the Port first finds, based on environmental review prepared pursuant to CEQA, all of the following:

- (1) that AMECS is a feasible mitigation measure;
- (2) that the Port and CARB have verified that use of AMECS, as permitted by the Port, would achieve emissions reductions equivalent to or better than those identified in this SEIS/SEIR as occurring under this mitigation measure through the use of AMP alone; and
- (3) that either
  - a. the use of AMECS, as permitted by the Port to achieve the purposes of this mitigation measure, would result in no new or substantially more severe significant adverse impact to the environment, or
  - b. any new or substantially more severe adverse impact to the environment resulting from the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure would be mitigated to a less than significant level, or
  - c. overriding considerations, as defined under CEQA, make appropriate the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure.

Regarding the suggestion for 100 percent compliance with AMP, the percentages required in MM AQ-15 represent aggressive phase-in requirements for a marine oil tanker. Both CARB and POLA have considered the applicability of cold ironing to tankers and concluded that they are not good candidates. The CARB adopted a cold ironing rule in 2007 that did not include tankers. It is currently considering other measures applicable to tankers but no regulation has been proposed. Likewise, the Clean Air Action Plan (CAAP) concluded that shore power is generally best suited for vessels

---

that make multiple calls per year, require significant demand while at berth, and vessels that will continue to call at the same terminal for multiple years. In general, crude oil tankers do not fit within these categories. For tankers, the CAAP concluded that only crude tankers that have diesel-electric powered pumps were considered to be good candidates. The CAAP suggested alternative hotelling emissions reduction technologies for vessels that do not fit the shore power model. Such technologies include shore-powered dockside electrical pumps for tankers to reduce on-board pumping loads. Berth 408 has proposed shore-powered pumps to be used on all vessel calls. This is in conformance with the feasibility findings of the CAAP.

Currently, only two tankers in the world crude oil tanker fleet are equipped for cold ironing and they are both diesel-electric vessels. (The world crude oil tanker fleet consists of approximately 1,200 vessels that could be expected to call at Berth 408 (Aframax or larger), and it is believed that there are only 9 crude oil tankers that are diesel-electric.) The two AMP-equipped tankers are owned by British Petroleum and have been modified for use at BP's Berth 121 at the Port of Long Beach but have yet to make a single call using AMP due to a series of technical issues. The BP tankers are not configured to be able to utilize the proposed AMP facility at Berth 408. Thus, to date, the successful application of cold ironing technology to crude oil tankers has not been demonstrated despite several years of effort by BP and funding by the Port of Long Beach. This is an extremely aggressive schedule considering that no crude oil tanker likely to call at Berth 408 is equipped for cold ironing. Plains expects the shore power requirement in early years will be met by retrofitting a small number of vessels traveling between POLA and South America, which would make sense because they are most likely to be frequent callers.

**SCAQMD-22.** Please see response to SCAQMD-21. In addition to AMP retrofits, slide valves are not industry standards on marine-oil tankers. The proposed mitigation measure assumes that the slide valves are used to the greatest extent feasible and does not mandate 100% use on day one. The Port acknowledges that slide valves are not marine-oil tanker industry standards and may be difficult or infeasible to implement. The document did not assume any emissions reductions from this measure because of the difficulties with implementation. The Port will work with Plains and its customers to install slide valves

**SCAQMD-23.** Please see the response to comment SCAQMD-19. The referenced statement on Page 2-9 describes the Port's intention regarding the Terminal Island site; however, as indicated in Draft SEIS/SEIR Chapter 2 (Project Description) and throughout the document, the proposed Project does not include any use of the existing rail tracks or include any rail operations. Therefore, the analysis did not include rail emissions since the Project has no, and will not change, rail emissions, and therefore there is no purpose in comparing existing rail emissions to rail emissions under the Project

---

**City of Rancho Palos Verdes, July 23, 2008**

**RPV-1.** As noted in Section 2.5.3 of the Draft SEIS/SEIR, the Port and USACE considered a wide range of alternatives to the proposed Project, including offshore mooring. The offshore mooring alternative is addressed specifically in Section 2.5.3.5. Although offshore mooring would have some advantages from an environmental perspective compared to the proposed Project, the Port and USACE found that this alternative would also have a number of significant disadvantages, including the potential for weather-induced interruptions of supply; the potential for accidents to result in releases of oil on rough ocean waters, where cleanup would be far more difficult than inside the harbor; the environmental impacts to the marine community associated with the construction of a pipeline several miles long; and the very high cost of construction. In addition, Appendix F of the Draft SEIS/SEIR contains a report by an engineering consulting firm (Moffatt & Nichol) that considers potential sites for an offshore mooring and concludes that “an offshore single point mooring location does not appear to be feasible, primarily for cost reasons and secondarily because of environmental and technical challenges.” Challenges include 1) accidents resulting in releases of oil on rough ocean waters, where cleanup would be far more difficult than inside the harbor; 2) the environmental impacts to the marine community associated with the construction of a pipeline several miles long; and 3) the very high cost of construction.

The Draft SEIR/SEIS proposes adequate alternatives under CEQA/NEPA. Under NEPA/CEQA, an EIS/EIR is required to evaluate a reasonable range of feasible alternatives to reduce or avoid a project’s significant impacts. The range of alternatives examined need not exceed a reasonable range which allows a reasoned choice among the alternatives and the proposed Project, and an EIS/EIR need not focus on alternatives that are not feasible or would not avoid or reduce Project impacts. Many alternatives discussed in the Draft SEIS/SEIR were eliminated from further detailed analysis for reasons of infeasibility and/or ineffectiveness at avoiding or reducing Project impacts. However, one alternative involving limited crude oil throughput in certain years was carried forward (in addition to the No Federal Action/No Project Alternative and the proposed Project) for co-equal analysis in the document.

**RPV-2.** The SEIS/SEIR provided a detailed analysis of the potential risk posed by the proposed Project on public safety. The proposed marine terminal is located on Pier 400, which was specifically constructed to site hazardous bulk liquid terminals as far from the public as possible. Most of the pipelines that would be utilized by the proposed Project already exist and are currently in operation. The new tank farm site is located in a heavily industrialized area and also well removed from the public. As noted in the risk analysis for the proposed Project, potential impacts to public safety are considered less than significant. Sections 2.5.2 and 2.5.3 of the Draft SEIS/SEIR present the alternatives considered for the proposed Project. As shown in Section 2.5.3 of the Draft SEIS/SEIR, most alternative sites that could theoretically be available for the proposed Project would be located closer to densely populated areas and would pose a greater risk to the public than the proposed Project, and although some sites (e.g., Face E of Pier 400) are located farther from populated areas, these are not feasible for other reasons (on Face E, see Section 2.5.3.2.10 of the Draft SEIS/SEIR, and also the response to comment PCAC-EIR-7). Its disadvantages include the additional cost and environmental impact associated with the required dredging and sediment disposal. In addition, due to the angle between Pier 400 and the Federal Breakwater, it would be difficult for a VLCC to access Face E without a number of turns. These turns would slow the vessel’s approach, thereby

---

potentially limiting recreational access of the area (due to the number of vessel turns in a rather small area) and increase emissions from the increased number of vessel moves

**RPV-3.** The proposed Project will not interfere with the proposed location for staging operations at LAXT. The proposed staging site identified by the Los Angeles County Sanitation District is located southwest of the proposed location of Tank Farm 2.

**RPV-4.** Thank you for your review of the Draft SEIS/SEIR.



---

## Communities for a Better Environment, August 13, 2008

- CBE-1.** The comment is noted.
- CBE-2.** Thank you for your comments on the Draft SEIS/SEIR. Responses to your specific comments are provided in response to comments CBE-3 through CBE-8 below.
- CBE-3.** The Draft SEIS/SEIR provides an adequate analysis of air quality impacts under CEQA and NEPA. The Draft SEIS/SEIR concludes that the proposed Project would produce significant air quality impacts. MM AQ-1 through AQ-21, as modified in the Final SEIS/SEIR, represent all feasible means to reduce air pollution impacts from proposed construction and operational emission sources. Additionally, as described in Section 3.2.3.4 of the Draft SEIS/SEIR, the Port has a number of environmental programs, including the CAAP, to “reduce the potential environmental impacts associated with both today’s Port activities and expansions.”
- CBE-4.** This comment mischaracterizes the risk analysis that was conducted for the proposed Project. The environmental analysis includes 110 pages of analysis of the risk associated with baseline conditions, the proposed Project and alternatives. Section 3.12-4 evaluates the risk associated with an oil spill from a “pipe malfunction or an oil tanker accident.” The SEIS/SEIR specifically identified impacts associated with oil tanker spills in Impact RISK-2.1, which concluded that potential impacts would be significant. Impact RISK-2.2 specifically addresses the environmental risk of pipeline oil spills to the environment, while Impact RISK-3.1 evaluated the potential risk to the public and environment associated with crude oil spills and fires.
- The statement that “[t]he Draft EIR/EIS [sic] overlooks the possibility of a massive oil spill by a pipe malfunction or an oil tanker accident” is not supported by the SEIS/SEIR finding that the risk of a large oil spill is considered a significant impact.
- CBE-5.** The Draft SEIS/SEIR includes an extensive analysis of existing conditions, impacts and mitigations for water quality (Draft SEIS/SEIR Section 3.14), in addition to Section 4.2.14 on cumulative water quality impacts. The water quality analysis identifies significant impacts and feasible mitigation measures. Also, note that the document has been revised to include a discussion of the Vessel General Permit and implications for project-specific and cumulative impacts to water quality from vessel discharges (please see response to comment CSLC-63).
- CBE-6.** Under NEPA/CEQA, the proposed Project cannot be required to mitigate “existent traffic problems,” only to mitigate the significant impacts resulting from the proposed Project (including the cumulatively considerable contribution of the proposed Project to any cumulatively significant impacts). The analysis considered growth in LAHD and regional traffic when determining the effect of traffic from the proposed Project. As described in Section 3.6 of the SEIS/SEIR, the proposed Project would have significant impacts on traffic in the construction phase, but those impacts would be mitigated by implementation of MM TRANS-1 and other measures. In the operation phase, transport of the crude oil is by pipeline; additional truck traffic from the proposed Project is minimal and does not result in impacts that can be considered individually significant. Furthermore, as documented in the cumulative transportation analysis (SEIS/SEIR Section 4.2.6), the cumulative impact of related past, present, and reasonably foreseeable future projects is not cumulatively significant for the intersections that would be affected by either

---

construction or operation of the proposed Project, and the impacts of the proposed Project would be less than cumulatively considerable.

- CBE-7.** As noted in Section 2.5.3 of the Draft SEIS/SEIR, the Port and USACE discussed a wide range of alternatives to the proposed Project, including alternatives suggested by commenters during the scoping period. The Draft SEIR/SEIS proposes adequate alternatives under CEQA/NEPA. Under NEPA/CEQA, an EIS/EIR is required to evaluate a reasonable range of feasible alternatives to reduce or avoid a project's significant impacts. The range of alternatives examined need not exceed a reasonable range which allows a reasoned choice among the alternatives and the proposed Project, and an EIS/EIR need not focus on alternatives that are not feasible or would not avoid or reduce Project impacts. Many alternatives discussed in the Draft SEIS/SEIR were eliminated from further detailed analysis for reasons of infeasibility and/or ineffectiveness at avoiding or reducing Project impacts. However, one alternative involving limited crude oil throughput in certain years was carried forward (in addition to the No Federal Action/No Project Alternative and the proposed Project) for co-equal analysis in the document.
- CBE-8.** The Draft SEIS/SEIR includes an analysis of the proposed Project's cumulative impacts (Chapter 4). The SEIS/SEIR fully evaluates the proposed Project's incremental contribution to the cumulative impacts of past, present, and future projects, consistent with the provisions of Council on Environmental Quality (CEQ) Regulations and CEQA Guidelines.
- CBE-9.** Thank you again for your comments on the Draft SEIS/SEIR. All legal requirements have been met and all practicable/feasible air quality mitigation measures that could be included have been added.

---

**Coalition for a Safe Environment, August 13, 2008**

- CSE-1.** The comment is noted and will be forwarded to the Board of Harbor Commissioners.
- CSE-2.** The Draft SEIS/SEIR complies with NEPA and CEQA by disclosing and evaluating significant impacts and identifying feasible alternatives and mitigation measures to reduce or avoid those impacts. In addition, the document discloses and evaluates disproportional impacts on the environmental justice community. Despite the application of all feasible mitigation measures, significant unavoidable adverse project-level and cumulative impacts would remain. These impacts have been identified in the Draft SEIS/SEIR, and the decision-makers will have to consider them as part of their deliberations to approve or disapprove the project or not.

The Corps and Port are committed to mitigating disproportionate effects to the extent feasible. The Port's primary means of mitigating the disproportionate effects of air quality impacts is to address the source of the impact through a variety of Port-wide clean air initiatives, including the CAAP, the Sustainable Construction Guidelines, and the proposed CAAP San Pedro Bay [Health] Standards. As part of the San Pedro Bay Standards, the Port will complete a Port-wide Health Risk Assessment (HRA) covering both the Port of Los Angeles and the Port of Long Beach that will include a quantitative estimate of health risk impacts from Diesel Particulate Matter (DPM) emissions of the Ports' overall existing and planned operations. Current and future proposed projects' approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the proposed San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall health risk effects of future projects and on-going port operations' emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a standard of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed in order to ensure that the proposed project is fully contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP and on projected future Ports' operations through the specified CAAP implementation mechanisms and also assumed implementation of existing regulations. As long as the project is consistent with growth projection assumptions used to develop the San Pedro Bay Standards, and the CAAP mitigations for the project are consistent with the mitigation assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay Standards as it is consistent with projections of the Ports' future operations used in formulating the San Pedro Bay Standards, and as it exceeds compliance with applicable CAAP measures as shown in Table 3.2-22 of the Draft SEIS/SEIR.

The Port is also developing a comprehensive Climate Change Action Plan to address GHG emissions from Port operations. GHG emissions at the Port are largely a function of diesel combustion and thereby addressing these emissions will not only help address potential climate change effects but also local health issues from diesel sources.

---

In addition, through a Memorandum of Understanding, the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the overall off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. This fund includes, for example, approximately \$6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute \$0.15 per ton of crude oil received at the terminal up to an amount of approximately \$5 million. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the Project, and therefore is not an environmental justice mitigation per se, it would have particular benefits for harbor area communities where disproportionate effects could occur.

Temporary, project-related construction noise and the associated disproportionate effects would be mitigated to the extent feasible, through measures such as selection of the contractor for pile driving with consideration of noise, restricted hours for pile driving, use of temporary noise attenuation barriers, and other measures (see Section 3.10). Disproportionate effects associated with risk of upset (i.e., a terrorist attack) would be mitigated to the extent feasible through port-wide security measures (see Section 3.12). Disproportionate effects from recreation impacts due to noise and spills would be addressed through noise mitigations such as those listed above and additional measures such as double-hulled vessels and quick release couplings

**CSE-3.** The comment is noted. With the implementation of MM TRANS-1, Outbound Construction Worker Routing, traffic impacts would not be individually significant (see Section 3.6.4.3 of the Draft SEIS/SEIR) nor cumulatively considerable (see Section 4.2.6.2 of the Draft SEIS/SEIR). Thus, spacing construction over more time is not a necessary mitigation measure as it relates to reducing ground transportation impacts.

Unlike ground transportation, significant and unavoidable air quality impacts are identified in the construction phase (as documented in Section 3.2.4.6.1 of the Draft and Final SEIS/SEIR). Spacing proposed Project construction over more time could conceivably reduce both peak daily emissions and ambient concentrations attributable to the proposed Project during the construction period. However, total emissions may increase as equipment must be turned on and off more frequently and certain activities may no longer be coordinated.

In addition, a longer construction period would delay the project start date. Once the Berth 408 terminal is operating, overall air emissions attributable to the import of crude oil to the San Pedro Bay Ports, and the share of those emissions reaching residential areas, will decrease. This is because the Berth 408 terminal will accommodate larger vessels, thus reducing emissions per barrel of crude received, and also will be located farther from residential areas than existing terminals. This idea is supported by the analysis of the No Federal Action/No Project Alternative (Section 3.2.4.6.2 of the Draft and Final SEIS/SEIR) and the Reduced Project Alternative (Section 3.2.4.6.3), which show greater air quality and health risk impacts than the proposed Project in the operation phase. Therefore, spacing construction over more time would actually serve to increase

---

impacts on air quality and health risk. The proposed mitigation measure is therefore not included.

**CSE-4.** Please see the response to comment CSE-2. Through a Memorandum of Understanding, the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the cumulative off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. This fund includes, for example, approximately \$6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute \$0.15 per ton of crude oil received at the terminal up to an amount of approximately \$5 million. The off-Port community benefits of the MOU are designed to offset cumulative effects of Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the Project, and therefore is not an environmental justice mitigation per se, it would have particular benefits for harbor area communities where disproportionate effects could occur.

**CSE-5.** Please see the response to comment CSE-2. The comment suggests conducting a port-wide Health Impact Assessment (HIA). According to the World Health Organization (WHO), a Health Impact Assessment (HIA) is “*A combination of procedures, methods and tools by which a policy, program or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population*”. Recommendations are produced for decision makers and stakeholders, with the aim of maximizing the proposal’s positive health effects and minimizing the negative health effects. The Draft SEIS/SEIR included a number of health assessment tools to accomplish the goals of an HIA and therefore, a separate HIA is not warranted. These tools include a full project-specific Health Risk Assessment (HRA), criteria pollutant modeling, morbidity/mortality analysis, an Environmental Justice analysis, and a Socioeconomic analysis. These analyses are presented in the Draft SEIS/SEIR for the proposed Project and all project Alternatives (including the No Federal Action/No Project Alternative), allowing the reader, and subsequently the Board (the decision makers) to compare and contrast the benefits and costs among all proposals.

The HRA, as presented in Section 3.2 and Appendix H, examined the cancer risks and the acute and chronic noncancer health risks associated with the proposed Project and all project alternatives on the local communities. Health risks are analyzed for five different receptor types: residential, sensitive (elderly and immuno-compromised), student, recreational, and occupational. Health risks are reported over geographical areas (for example, the HRA includes cancer risk isopleths to illustrate risk patterns in the communities). The HRA is based on procedures developed by public health agencies, most notably the California Office of Environmental Health Hazards Assessment (OEHHA). Section 3.2 and Appendix H also include a discussion of some recent studies that link pollution, specifically Diesel Particulate Matter (DPM), to various health impacts including cancer, asthma and cardiovascular disease.

The Draft SEIS/SEIR also includes a particulate matter mortality analysis that assesses the incidence (as opposed to risk) of premature death as a result of the proposed Project.

---

As discussed in Section 3.2, epidemiological studies substantiate the correlation between the inhalation of ambient Particulate Matter (PM) and increased mortality and morbidity (CARB 2002a and CARB 2007). The analysis is based on guidance from CARB and relies on numerous studies and research efforts that focused on PM and ozone as they represent a large portion of known risk associated with exposure to outdoor air pollution. CARB's analysis of various studies allowed large-scale quantification of the health effects associated with emission sources.

The Environmental Justice Section (Chapter 5) of the Draft SEIS/SEIR evaluates whether the proposed Project and its alternatives would result in disproportionately high and adverse human health or environmental impacts on minority populations and low-income populations. The Environmental Justice analysis looks at the Project and cumulative impacts as assessed in Chapter 3 and 4 of the Draft SEIS/SEIR on minority and low-income individuals in the local communities surrounding the Port. The Socioeconomic Section (Chapter 7) encompasses a number of topical areas including employment and income, population, and housing. Within each of these areas, subtopics include an examination of conditions at different geographical scales that are relevant to the potential impacts associated with implementation of the proposed Project.

In addition, please see response to CSE-2 regarding the Port Community Mitigation Trust Fund geared towards addressing the overall off-port impacts created by Port operations.

**CSE-6.** Please see the response to comment CSE-5, which relates to the suggestion of comprehensive public health surveys. In addition, the complexity of individual health outcomes and the fact that they are based on numerous factors involving personal choices as well as environmental factors make public health surveys inaccurate and infeasible for the purpose of identifying the effect of air quality mitigation measures on public health.

The Port, however, will track all mitigation measures through the Mitigation Monitoring Reporting Program (MMRP). Tracking will include an annual report to the Board of Harbor Commissioners at a public Board meeting.

**CSE-7.** Please see the response to comment CSE-4.

**CSE-8.** Please see the response to comment CSE-4.

**CSE-9.** The analysis of impacts on biological resources identifies no significant impacts, nor cumulatively considerable impacts on wetlands (see the analysis of Impact BIO-2.1 and BIO-2.2 in Section 3.3.4.3.1 of the Draft and Final SEIS/SEIR). Therefore, the proposed mitigation measure would not serve to reduce a significant or cumulatively considerable impact of the proposed Project.

Outside the scope of environmental review of this proposed Project, the Port continues in its commitment to improve the quality of habitats within its jurisdiction using a variety of methods such as best management practice discharge controls, contaminated sediment clean up, and creation and/or enhancement of productive wetlands and shallow water habitats such as at Cabrillo and Pier 300 areas of the harbor. In addition, the Port constructed an artificial reef in San Pedro Bay as part of a comprehensive mitigation strategy to offset impacts associated with construction of Pier 400.

---

The project proponent will be required to provide emission reduction credits (ERC) and/or RECLAIM trading credits (RTC) in accordance with SCAQMD Rules and Regulations. The Port has no control or influence over the source or quantity of ERC/RTC required under the SCAQMD air permitting process. The Port's analysis of the proposed Project in this SEIR/SEIS does not treat any benefits from such ERC/RTCs as mitigation for the Project's impacts.

The project does not include impacts to wetlands; therefore, wetlands mitigation is not a regulatory requirement for this project. However, the Port understands the broader context of the comment with respect to public interest in remediating locally degraded wetlands as a first priority rather than mitigation conducted outside the local community. The Port works closely with resource and regulatory agencies to identify the appropriate types, scales and locations of mitigation so that harbor development does not result in locally or regionally adverse impacts to biological resources. Sometimes out-of-kind mitigation is necessary to fulfill regulatory requirements based on the nature and/or scale of the project. The Port continues in its commitment to improve the quality of habitats within its jurisdiction using a variety of methods such as best management practice discharge controls, contaminated sediment clean up, and creation and/or enhancement of productive wetlands and shallow water habitats such as at Cabrillo and Pier 300 areas of the harbor. In addition, the Port constructed an artificial reef in San Pedro Bay as part of a comprehensive mitigation strategy to offset impacts associated with construction of Pier 400.

**CSE-10.** Please see response to CSE-2 regarding the Port Community Mitigation Trust Fund.

**CSE-11.** Existing codes require the preparation of Project-specific plans. Specifically, Los Angeles Municipal Code (Fire Protection – Chapter 5, Section 57, Divisions 4 and 5) will require the preparation of Project-specific emergency response and evacuation plans. The Port's Risk Management Plan (RMP) provides regional emergency response and evacuation plans for the port and surrounding community. Emergency notification is an element of the Port's RMP. The risk to the public related to fire and explosion hazards associated with the proposed Project were considered to be less than significant. Therefore, the implementation of a Long Term Care Program would not be considered necessary to reduce potential impacts to the public.

The Port has an approved Risk Management Plan (RMP) that also includes emergency response and evacuation plans. The Port RMP was written to incorporate issues associated with bulk liquid terminals on Pier 400. The proposed Project is consistent with the Port's RMP as noted in SEIS/SEIR Impact RISK-4. Also, note that Los Angeles Municipal Code (Fire Protection – Chapter 5, Section 57, Divisions 4 and 5) will require the preparation of Project-specific emergency response and evacuation plans.

Evacuation planning for all hazards, man-caused or naturally occurring (such as earthquakes), is a continuing planning effort. Federal, State and local agencies meet and develop planning contingencies, develop communication and logistic protocols and exercise them. As the events may change and conditions become dynamic, the planning teams stage resources, plan exercises and optimize response strategies. Evacuation planning continues between the Port Police, the Los Angeles Fire and Police Departments (LAPD and LAFD), and the California Highway Patrol. LAPD and LAFD have the primary responsibility for evacuation of community areas that are outside the borders of

---

the port complex. Even in these instances, the Port Police may fulfill a support role to ensure coordination and assist with planning, evacuations, and perimeter control.

Because of the port's proximity to the community, the port police may be called upon to function as first responders to any incident in or near the complex until a unified command is established to control the scenario. In all occurrences a primary goal of the managing entities is the incident command and control under a "Unified Command"<sup>1</sup> approach. Whereas it is appropriate to communicate general emergency preparedness and evacuation planning information to the community in advance, it is not prudent to share detailed tactical plans that are scenario and/or location-based, or contain sensitive security information. However, the City of Los Angeles is committed to protecting its citizens first and foremost in the event of an emergency..

**CSE-12.** As described in Section 1.6.2.3 of the Draft SEIS/SEIR, the Port has already agreed to construct a 10 megawatt photovoltaic solar system on its property under an environmental program that is separate from approval of the proposed Project. The proposed Project includes all reasonable and feasible mitigation measures to reduce its own energy consumption, including certification of the administration building, terminal control building, and security building according to the Leadership in Energy and Environmental Design (LEED) standards established by the U.S. Green Building Council. The Port and USACE also considered an alternative to the proposed Project of constructing a solar or wind power facility on all or portions of the site (see Draft SEIS/SEIR Section 2.5.3.13.).

The SEIS/SEIR specifically considers the possibility of rejecting the applicant's proposal and instead constructing either a terminal to accommodate carbon-based alternative fuels such as biofuels or ethanol (Section 2.5.3.12) or a renewable energy generation facility on all or portions of the site (Section 2.5.3.13). As described in Section 2.5.3.12, constructing a facility to accommodate delivery of refined carbon-based fuels would not meet project objectives because, in practice, such an alternative would not permit Berth 408 to accommodate VLCCs (since refined products are not carried on VLCCs, nor in Suezmax vessels). Such an alternative would therefore not maximize the use of deep-water facilities created for the purpose of accommodating VLCCs by the Deep-Draft Navigation Improvements Project, nor would it optimize the Port's overall utilization of available shoreline. In addition, as described in Section 2.5.3.12, this alternative would not eliminate any of the environmental impacts associated with the proposed Project and would, in fact, have greater impacts in certain areas due to the use of more small vessels carrying more volatile fuels.

As described in Section 2.5.3.13, constructing a renewable energy generation facility such as a wind or wave power facility would be inconsistent with land use policies and would not accomplish the objectives of the project to provide the facilities needed to accommodate a portion of the future demand for crude oil imports to southern California. This alternative would also preclude uses that would realize the benefits of the deep-draft

---

<sup>1</sup> A Unified Command structure involves establishing a management and command hierarchy that acts upon incident information to develop actionable plans and carries authority needed to delegate responders.



---

channel created by the Port and USACE to accommodate deep-draft tanker vessels. Accordingly, this alternative was eliminated from consideration.

The Port and USACE considered the possibility of an offshore mooring site with tank farm facilities located on Terminal Island (Section 2.5.3.5). Although offshore mooring would have some advantages from an environmental perspective compared to the proposed Project, the Port and USACE found that this alternative would also have a number of significant disadvantages, including the potential for weather-induced interruptions of supply; the potential for accidents to result in releases of oil on rough ocean waters, where cleanup would be far more difficult than inside the harbor; the environmental impacts to the marine community associated with the construction of a pipeline several miles long; and the very high cost of construction. In addition, Appendix F of the Draft SEIS/SEIR contains a report by an engineering consulting firm (Moffatt & Nichol) that considers potential sites for an offshore mooring and concludes that “an offshore single point mooring location does not appear to be feasible, primarily for cost reasons and secondarily because of environmental and technical challenges.”

- CSE-13.** The Environmental Justice analysis is not limited, as the comment suggests, to a one mile area of influence, but considers a number of more distant geographic areas in the vicinity of the Port that could be affected by the project. Data on minority populations and low-income populations that could potentially be affected by the proposed Project is presented in Table 5-1 and Table 5-2, and is mapped in Figure 5-1 and Figure 5-2 in the Draft SEIS/SEIR. With regard to oil refineries and fuel brokers, please see response to SPPHCO-7; the project would not increase oil refinery output, fuel broker activity or retail sales.
- CSE-14.** The Environmental Justice section of the Draft SEIS/SEIR adequately evaluates the potential for the Project to have disproportionate and adverse environmental impacts on minority and low-income populations. Please see the response to CSE-2, CSE-13 and USEPA-15.
- CSE-15.** The purpose of the Draft SEIS/SEIR is to disclose potential impacts and identify feasible measures to mitigate those impacts. Despite the application of all feasible mitigation measures, significant unavoidable adverse Project-level and cumulative impacts would remain. These impacts have been identified in the Draft SEIS/SEIR, and the decision-makers will have to consider these potential impacts as part of their deliberations to approve or disapprove the proposed Project or alternative. The document identifies all feasible mitigation measures to avoid, reduce and minimize environmental and public health impacts. Note that the impacts of the proposed Project on health risk, as well as some other environmental impacts, are substantially lower than the impacts of the No Federal Action/No Project Alternative.
- CSE-16.** The Environmental Justice chapter of the Draft SEIS/SEIR (Chapter 5) complies with applicable statutes and regulations and adequately evaluates the potential for the proposed Project to have disproportionate and adverse environmental impacts on minority and low-income populations.
- CSE-17.** The cumulative impact assessment included all potentially affected persons and areas in the region of analysis identified for each individual impact criterion, including low income and sensitive receptor populations. The Health Risk Assessment (HRA) and cumulative health risk analysis considered potential impacts to different types of sensitive

---

receptors, including residences, schools, and hospitals. The analysis considered a large geographic area of approximately 80 square miles, which encompassed the San Pedro Bay ports and the adjacent communities. This included San Pedro, Palos Verdes, Wilmington, Carson, and Long Beach, among others. The geographic domain of the health risk assessment is shown in Appendix H4 of the Draft SEIS/SEIR in Figures H.4-2, H.4-3, H.4-4, H.4-5, and H.4-6. The HRA was based on the Port's risk assessment methodology, which is consistent with applicable guidance from the USEPA, CARB, OEHHA, and the SCAQMD.

Contrary to the commenter's implication, the operation of the proposed Project would not increase operations at oil refineries, brokers, distributors, or retailers of petroleum products, as documented in Chapter 8 of the Draft SEIS/SEIR. See the response to comment SPPHCO-7 for additional information. The cumulative analysis in the Draft SEIS/SEIR includes the environmental effects of current operations at oil refineries, brokers, distributors, and retailers (as well as the consumption of refined petroleum products by consumers and businesses); they are factored into the cumulative analysis by way of regional programmatic air quality studies such as the MATES II and MATES III analyses, which are incorporated into the Draft SEIS/SEIR in Section 3.2 (see Page 3.2-10, lines 24-29) and Chapter 4 (see Section 4.2.2.7).

As discussed earlier, data from the Portwide HRA inform the analysis of cumulative health risk impacts in this document. However, the Portwide HRA does not provide sufficient basis for a quantitative analysis of cumulative health risk impacts in this document, primarily because the Portwide HRA includes only DPM emissions, and includes only emissions from on-ports operations and ports-related activity along transportation corridors. Therefore, the Portwide HRA cannot supply certain other information that must be included when evaluating cumulative health-risk impacts under CEQA and NEPA, such as TAC emissions from cumulative non-ports sources, or TAC emissions from cumulative non-diesel sources. No methodology exists for fully quantifying all the cumulative health risks that must be evaluated in this document; therefore, the SEIS/SEIR's evaluation of significance of cumulative health risks is largely qualitative rather than quantitative in nature.

**CSE-18.** The cumulative project list included in Section 4 of the Draft SEIS/SEIS was developed in conjunction with the Port of Long Beach, City of LA Planning Department, the City of Long Beach, Los Angeles Department of Transportation, and other various planning agencies. The list represents at the time of the Draft SEIS/SEIR, all known current and proposed area projects. Including the projects listed in the comment would not change the findings in the Cumulative Section as, while individual projects are taken into consideration, the Cumulative Section also includes regional studies to determine impacts. For example, the cumulative impacts analysis for air quality (including health risk) considers the cumulative effects of a larger region than the immediate Port area, and also references risks as determined by the MATES-II and MATES-III studies. Because the cumulative risks are described in Section 4.2.2.7 of the Draft SEIS/SEIR are based on the larger area and consider numerous sources such as those that were factored into the MATES III study, the cumulative health risk impact determination is considered reasonable.

Similarly, as documented in Section 4.1.1 and 4.2.6 of the Draft SEIS/SEIR, the cumulative impact analysis for ground transportation uses annual regional growth and development rates from the Southern California Association of Governments (SCAG)

---

Regional Travel Demand Forecasting Model to incorporate the effects of past, present, and reasonably foreseeable future projects on ground transportation. As noted in Section 4.2.6, “Cumulative traffic conditions without the project were estimated by adding traffic due to proposed local development projects, regional traffic growth, and traffic increases resulting from Port terminal throughput growth. This growth was derived by adjusting the year 2004 CEQA volumes by 4 percent per year to the year 2010 for a total increase of 24 percent.” Thus, the ground transportation analysis is also considered reasonable.

Regarding the suggestion for a regional community resident and organization task force to make recommendations, this is part of the function of the Port Community Advisory Committee (PCAC), which was established in 2001 as a standing committee of the Board of Harbor Commissioners. Appendix C of the Draft SEIS/SEIR documents the PCAC’s involvement in the preparation of the SEIS/SEIR.

**CSE-19.** Contrary to the commenter’s assertion that the Draft SEIS/SEIR “fails to assess the alternatives of supporting and investing in ... Organic Bio-fuels [or] increasing our Renewable Solar and Wind Energy Portfolios”, the SEIS/SEIR specifically considers the possibility of rejecting the applicant’s proposal and instead constructing either a terminal to accommodate carbon-based alternative fuels such as biofuels or ethanol (Section 2.5.3.12) or a renewable energy generation facility on all or portions of the site (Section 2.5.3.13). As described in Section 2.5.3.12, constructing a facility to accommodate delivery of refined carbon-based fuels would not meet project objectives because, in practice, such an alternative would not permit Berth 408 to accommodate VLCCs (since refined products are not carried on VLCCs, nor in Suezmax vessels). Such an alternative would therefore not maximize the use of deep-water facilities created for the purpose of accommodating VLCCs by the Deep-Draft Navigation Improvements Project, nor would it optimize the Port’s overall utilization of available shoreline. In addition, as described in Section 2.5.3.12, this alternative would not eliminate any of the environmental impacts associated with the proposed Project and would, in fact, have greater impacts in certain areas due to the use of more small vessels carrying more volatile fuels.

As described in Section 2.5.3.13, constructing a renewable energy generation facility such as a wind or wave power facility would be inconsistent with land use policies and would not accomplish the objectives of the project to provide the facilities needed to accommodate a portion of the future demand for crude oil imports to southern California. This alternative would also preclude uses that would realize the benefits of the deep-draft channel created by the Port and USACE to accommodate deep-draft tanker vessels. Accordingly, this alternative was eliminated from consideration.

The commenter also suggests assessing the alternatives of supporting and investing in electric and maglev train transportation systems, electric trucks, and electric cars. The Port has invested in a number of initiatives to reduce energy consumption and mobile source air pollution, as documented in Draft SEIS/SEIR Section 1.6, including the use of electric and alternative fuel vehicles and electrified terminal operating equipment.

As described in Section 1.1.3 and Section 2.3 of the SEIS/SEIR, with supplemental information in Appendix D1, the Port and USACE believe that the demand for crude oil will continue even as alternative fuels and technologies provide a growing share of the demand for transportation fuels. This idea is supported by the California Energy Commission, which stated in its 2007 Integrated Energy Policy Report (IEPR) that “conventional petroleum fuels will be the main source of transportation energy for the

---

foreseeable future”, even with full implementation of the State Alternative Fuels Plan (CEC 2007a). The proposed Project would accommodate continued demand for crude oil as domestic production from California declines; thus, it represents a replacement of supply from existing sources that are projected to decline.

The Port expects that its existing tenants will modernize their facilities if they choose to continue to operate at the Port, either when the MOTEMS come into effect, when existing tenants renew their leases, or for other reasons (e.g., if tenants wish to expand their operations). As documented in Section 2.5.3.2, the Port and USACE considered all feasible alternative sites for the proposed Project, including all sites that are currently operating as liquid bulk terminals at the Port. In every case, the Port and USACE identified greater environmental impacts, higher costs, or larger institutional challenges than the Berth 408 site, which was designed and dredged specifically for the purpose of accommodating VLCCs. The Port and USACE did carry forward for co-equal analysis the alternative of not building the proposed Project; the analysis of this alternative, the No Federal Action/No Project Alternative, showed greater environmental impacts in a number of resources, including greater impacts on air quality and health risk, compared to the proposed Project.

**CSE-20.** Please see response to PCAC-EIR-16. Regarding who benefits from the project, Section 1.1.3.1 of the Draft SEIS/SEIR identifies southern California and state-wide demand for crude oil marine imports, a portion of which would be met by the proposed Project. Construction and operations jobs produced by the proposed Project would primarily benefit the Los Angeles Basin and are identified in Draft SEIS/SEIR Section 7.2.2.1. Table 5-3 of the environmental justice analysis summarizes project impacts and benefits relative to low-income and minority populations.

**CSE-21.** Table 3.2-32 in the Draft SEIS/SEIR regarding the Annual 2005 Statewide PM and Ozone Health Effects Associated with Ports and Goods Movement in California presents data dealing with specific health outcomes on a cases per year basis. Following public release of the Draft SEIS/SEIR, CARB developed a long-term mortality methodology for particulate matter of less than 2.5 micrometers in aerodynamic diameter (PM<sub>2.5</sub>) that would be appropriate for individual projects (CARB 2008). The methodology is similar to that used in the Draft SEIR/SEIS, but it is based on a more conservative estimate of the relative risk of premature death.

Based on the new CARB methodology, the long-term impacts associated with the proposed Project after mitigation would be an increase in the mortality incidence rate from the CEQA baseline. The incremental increase would be 0.0062 premature deaths (per year) based on the ambient concentration in the peak year, including construction and operation.

Ambient PM<sub>2.5</sub> concentrations were not modeled on an annual basis for this project. Instead, predicted increases in ambient PM<sub>10</sub> concentrations were used as a conservative, worst-case measure of the project’s impact on particulate concentrations. The maximum predicted increase in annual PM<sub>10</sub> concentration for the proposed Project with mitigation was 0.17 µg/m<sup>3</sup> during the maximum impact year, as predicted by the AERMOD dispersion model. This means that the increase in annual PM<sub>2.5</sub> concentrations associated with the mitigated Project would be less than that value during all project analysis years. The impact to the neighboring community would not see a measurable increase in annual PM<sub>2.5</sub> concentrations associated with the mitigated Project relative to baseline conditions.

- 
- CSE-22.** The SEIS/SEIR is not required to analyze or document events that are not related to the foreseeable impacts on the environment of the proposed Project or alternatives to the proposed Project. As required under CEQA and NEPA, the Draft SEIS/SEIR documents the impacts of the proposed Project and its alternatives and identifies all feasible mitigation measures to avoid, reduce, and minimize those impacts.
- CSE-23.** See response to comment CSE-21. The May 22, 2008, CARB study presents data associated with premature deaths on long-term exposure to PM and Ozone. This study does not make any mention of public health data, nor public health illnesses and causes of death, associated with Ports and Goods Movement and the Petroleum Industry.
- CSE-24.** See response to comment CSE-2 and CSE-5.
- CSE-25.** See responses to comments CSE-2 and CSE-5.
- CSE-26.** Regarding the recommendation to provide a health-care clinic as mitigation, mitigation measures at the Project level have been identified to minimize the health risks associated with the Project and its alternatives. The request is noted. As discussed in the Draft SEIS/SEIR, health risk impacts were found to be below significance following implementation of mitigation measures.

As discussed in CSE-2, through a Memorandum of Understanding, the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the cumulative off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. This fund includes, for example, approximately \$6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute \$0.15 per ton of crude oil received at the terminal up to an amount of approximately \$5 million. The off-Port community benefits of the MOU are designed to offset cumulative effects of Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the Project, and therefore is not an environmental justice mitigation per se, it would have particular benefits for harbor area communities where disproportionate effects could occur.

In regards to premature deaths, the Draft SEIS/SEIR includes a PM Morbidity & Mortality (disease and death) analysis. As discussed in the Draft SEIS/SEIR, the increase in incidence of long-term mortality corresponding to this change in PM<sub>10</sub> concentration was calculated to be: 0.0073 cases per year prior to mitigation.

- CSE-27.** The Draft SEIR/SEIS includes a health risk assessment which considered potential impacts to different types of sensitive receptors, including residences, schools, and hospitals. The analysis considered a large geographic area of approximately 80 square miles, which encompassed the San Pedro Bay ports and the adjacent communities. This included San Pedro, Palos Verdes, Wilmington, Carson, and Long Beach, among others. The geographic domain of the analysis is shown in Appendix H4 of the Draft SEIS/SEIR in Figures H.4-2, H.4-3, H.4-4, H.4-5, and H.4-6. The health risk assessment was based on the Port's risk assessment methodology, which is consistent with the applicable

---

guidance from the USEPA, CARB, OEHHA, and the SCAQMD. The analysis included the use of real-world meteorological data from the Port's meteorological stations at Berth 47, the Terminal Island treatment plant, and the St. Peter and Paul School in the community of Wilmington.

**CSE-28.** The HRA included in the Draft SEIS/SEIR included the use of real-world meteorological data from the Port's meteorological stations at Berth 47, the Terminal Island treatment plant, and the St. Peter and Paul School in the community of Wilmington. The analysis considered a large geographic area of approximately 80 square miles, which encompassed the San Pedro Bay ports and the adjacent communities, including San Pedro, Palos Verdes, Wilmington, Carson, and Long Beach, among others. The analysis was based on the Port's risk assessment methodology, which is consistent with the applicable risk assessment guidance from the USEPA, CARB, OEHHA, and the SCAQMD.

The California Air Resources Board (CARB) has been conducting and sponsored a number of ambient monitoring studies during the last several years under the Harbor Communities Monitoring Study program. This included the Wilmington Tracer Studies conducted by researchers from the University of California at Riverside. These studies are intended to help improve CARB and the public's understanding of ambient air pollutant conditions and transport in the sub-region using non-traditional methods. For example, the Tracer Study attempted to provide real world measurement of how air pollutants from ground-level sources (i.e., mobile sources) disperse in the harbor sub-region. While the information collected from this and the other studies helps improve the understanding of existing meteorological and ambient air pollution conditions, these data and the analyses conducted therewith are not intended or suitable as a substitute for the air dispersion modeling or health risk assessment techniques used for the SEIS/SEIR analysis. As noted above, the techniques and tools using for the SEIS/SEIR health risk assessment are in accordance with current and applicable guidance from the USEPA, CARB, OEHHA, and the SCAQMD.

**CSE-29.** The Port has been conducting an air quality monitoring program within its operational region of influence (ROI) since 2005. The air quality monitoring stations measure ambient air pollution levels in the vicinity of the Port. The program includes a number of real-time air quality measurements: ozone, sulfur dioxide, nitrogen dioxide, carbon monoxide, two sizes of particulate matter (PM<sub>10</sub> or coarse particles, and PM<sub>2.5</sub> or fine particles), polycyclic aromatic hydrocarbons (PAHs), and ultrafine particles. In addition, twenty-four hour integrated samples of particulates are collected on filters every third day for detailed chemical analyses, which can not be done with real-time monitors. As part of the program, meteorological monitoring stations operate adjacent to each air monitoring station, to help interpret the air quality data and for use in other Port programs. Each meteorological monitoring station collects wind speed, wind direction, and temperature data; in addition, one station also collects solar radiation, relative humidity, and barometric pressure data.

The monitoring stations are strategically located within the Port's ROI at: (1) the Outer Harbor area at Berth 47 near the south end of the Port, (2) the Terminal Island Treatment Plant (TITP) in the center of Port operations, (3) within the San Pedro community near the intersection of South Harbor Boulevard and 3rd Street, and (4) within the Wilmington community at the Sts. Peter & Paul Elementary School. Selection of the locations for the two community stations was dependent on a special "validation study" to ensure that the monitoring sites were representative of ambient conditions within the community.

---

In addition to the Port-owned sites, the Port of Long Beach and the South Coast Air Quality Monitoring District (SCAQMD) are also operating fixed ambient air quality and meteorological monitoring stations within and around the San Pedro Bay Ports complex. The Port of Long Beach operates two stations within the Long Beach Harbor District and the SCAQMD is operating numerous stations in Long Beach, North Long Beach, and Wilmington.

All of the real-time data from the Port's monitoring stations are available for public review on the San Pedro Bay Ports Clean Air Action Plan (CAAP) web site (see <http://www.cleanairstionplan.org/>). The CAAP web site also displays the data collected at the Port of Long Beach stations.

**CSE-30.** The Draft SEIS/SEIR contains a comprehensive and accurate HRA, which is documented in Section 3.2 and Appendix H (especially Appendices H3 and H4). The HRA includes a review of debilitating health effects from acute and chronic exposure to criteria pollutants and toxic air contaminants (TACs) that would be associated with the proposed Project and its alternatives as well as other past, present, and reasonably foreseeable future projects in the vicinity. The HRA also identifies the increased risk of cancer that would be attributable to the construction and operation of the proposed Project, and the relative increase in non-cancer ailments from chronic and acute exposure to air pollutants. The health risk assessment was based on the Port's risk assessment methodology, which is consistent with the applicable guidance from the USEPA, CARB, OEHHA, and the SCAQMD.

Contrary to the commenter's implication, the operation of the proposed Project would not increase operations at oil refineries or distributors of petroleum products as documented thoroughly in Section 1.1.3, Section 2.3, and Appendix D1 of the SEIS/SEIR. The proposed Project would provide facilities for the receipt of crude oil via marine tanker vessels given the decline in California domestic production; thus, it represents the ability to accommodate replacement of crude oil from one source (that does not require marine transport) to another source (that does require marine transport). As documented in Section 1.1.3, Section 2.3, Chapter 8, and Appendix D1, the capacity of area refineries to distill petroleum products from crude oil is increasing over time (a process called "refinery capacity creep"). The projected increase in refineries' crude oil demand is based on increased consumer demand for transportation fuels as well as refinery capacity creep. As stated in the document (Section 8.2.2), "Both of these factors are projected to increase independent of the proposed Project. Consumer demand is projected to increase due to population and income growth (CEC 2007a; CEC 2007b; CEC 2007c; also see Section 1.1.3). Refinery capacity is expected to increase because refineries in southern California, facing increased consumer demand and a consumer demand that exceeds their current distillation capacity (CEC 2007b; also see Section 1.1.3), are continually seeking process improvements that would allow them to increase production. (It is worth noting that refineries plan their capacity and production in order to have the capacity to meet peaks of consumer demand, rather than average demand, over a long-term forecast.)"

Regarding the commenter's suggestion to conduct a comprehensive door-to-door Public Health Survey, please see the responses to comment CSE-5. Regarding the suggestion to conduct an accurate Sensitive Receptor Impact Zone Study and a Wind Pattern Aerosol Dispersion Meteorological Study, see responses to comments CSE-27 and CSE-28.

- 
- CSE-31.** Disclosure of detailed and sensitive information regarding security and surveillance measures and manpower levels is not appropriate or required in a publicly available environmental review document. Section 3.12.2.5 of the DEIS/DEIR provides an overview of site and Port security measures. The Project applicant will be required to prepare a site security plan and submit the plan to the Port Department of Homeland Security for approval.
- CSE-32.** Off-Port security needs will not change as a result of the proposed Project. The Port's RMP provides regional emergency response and evacuation plans for the Port and surrounding community. Also, existing codes require the preparation of Project-specific plans. Specifically, Los Angeles Municipal Code (Fire Protection – Chapter 5, Section 57, Divisions 4 and 5) will require the preparation of Project-specific emergency response and evacuation plans. All existing plans (Port RMP and project-specific) address how to respond to potential terrorist attacks and natural disasters.
- CSE-33.** Unlike many Port facilities, such as container terminals, there will be very restricted access to proposed Project facilities. The volume of traffic associated with proposed Project-related facilities will be quite small compared to typical Port terminals, and the remote location of Berth 408 will make unauthorized access unlikely. During vessel transit, Port Police and U.S. Coast Guard (USCG) vessels will restrict access around the crude oil tanker and prevent small craft from approaching the crude oil tanker. Port Police routinely provide moving security perimeters around sensitive vessels, such as crude oil tankers and cruise ships, to prevent potential terrorist attacks.
- CSE-34.** Section 1.1.3.4 of the Draft SEIS/SEIR (and also Section 1.2.1.3.4 of the Final SEIS/SEIR) document how the CEC has identified the need for additional crude oil storage capacity. Storage capacity is an essential element of the proposed Project for the reasons outlined in that section: additional tanks serve to reduce supply disruptions; are necessary to offload larger cargo volumes; and are necessary to provide crude oil supplies for multiple refineries and multiple crude types. The use of the land on Piers 300 and 400 that are proposed for tank farm sites for the proposed Project is compatible with all applicable land use guidelines.
- CSE-35.** The storage tanks will be required to comply with all applicable rules and regulations including but not limited to Best Available Control Technologies as discussed in Section 3.2 of the Draft and Final SEIS/SEIR. The control of fugitive emissions will be required to the maximum extent possible and these tanks will be permitted and operated under SCAQMD Permits to Operate.
- CSE-36.** The proposed Project and alternatives will include the construction and operation of vapor destruction units, which will be subject to Best Available Control Technologies for controlling VOCs. In addition, the Vapor Destruction Units will be subject to SCAQMD Permits to Operate.
- CSE-37.** The storage tanks will be required to comply with all applicable rules and regulations including but not limited to Best Available Control Technologies. The control of fugitive emissions will be required to the maximum extent possible and these tanks will be permitted and operated under SCAQMD Permits to Operate. The project will include the construction and operation of vapor destruction units, which will be subject to Best Available Control Technologies for controlling VOCs. In addition, the Vapor Destruction Units will be subject to SCAQMD Permits to Operate.



- 
- CSE-38.** Valves, flanges, piping, and pumps will be required to comply with all applicable SCAQMD rules and regulations. SCAQMD Rule 466 addresses pumps, Rule 466.1 addresses Valves and Flanges, and Rule 463 addresses tanks and associated piping. These rules have requirements for preventative maintenance and requirements for inspections that must be followed. These requirements will also be detailed in the SCAQMD Permits to Operate. These requirements will be regulated by the SCAQMD, which has primary responsibility for air pollution in the Air Basin.
- CSE-39.** The proposed MM AQ-13, Vessel Speed Reduction, is reflective of the CAAP and with Port Policy as discussed in Table 3.2-22 in the Draft SEIS/SEIR.
- CSE-40.** The request is noted. As discussed in Draft SEIS/SEIR Section 3.3.2.5, the National Marine Fisheries Service (NMFS) recommends that speed restrictions in the range of 10 to 13 knots be used, where appropriate, feasible, and effective, in areas where reduced speed is likely to reduce the risk of ship strikes and facilitate whale avoidance. **MM BIO-1.2f**, which would require 100 percent of ships calling at Berth 408 to comply with the expanded VSR Program of 12 knots between 40 nm from Point Fermin and the Precautionary Area from Year 1 of operation, would reduce the likelihood of collisions consistent with the NMFS recommendation.

Regarding the suggestion to extend the VSR zone to 100 nm out from the Precautionary Zone, this would not likely result in a significant decrease in the incidence of whale strikes, for the following reasons. First, while whales of several species may transit the area, most species mainly occur in offshore waters in low abundance and/or as seasonal migrants. The main exception is California gray whales, which although a seasonal migrant, transit the Southern California Bight (SCB) by way of three pathways (nearshore, inshore, offshore). Although gray whales may be seen up to 100 nm offshore, over 50% of all sightings have been reported within 8 nm (Bonnell and Daily 1993), which is well within the area covered by **MM BIO-1.2f**. Humpback whales also seasonally migrate through the SCB in relatively nearshore waters (but offshore Santa Catalina Island); however, sightings generally are sparse and widespread. Another factor to consider is the ability of whales and other sea mammals to avoid collisions with vessels. Whales and other sea mammals have been observed to change course and avoid vessels at distances ranging from a few hundred feet up to a half mile away. All these factors contribute to a relatively low risk for whale strikes. **MM BIO-1.2f** is designed to reduce the potential for vessel strikes and injury to below a significant level.

- CSE-41.** The Draft SEIS/SEIR includes a comprehensive analysis of cumulative impacts, including the impacts on migrating whales and sea mammals; see Chapter 4, Section 4.2.3.2. Regarding the suggestion to prohibit ships from traveling within 50 nm of the coast unless necessary, and the suggestion to reduce ship speed to 10 knots within 100 nm of the coast and space the number of ships to allow passage of migrating whales and sea mammals, please see response to comment CSE-40. Note that there are expected to be fewer ships under the proposed Project than under the NEPA baseline (equivalent to No Federal Action/No Project Alternative), so from a NEPA perspective, the proposed Project would not contribute to a potentially significant cumulative impact.
- CSE-42.** The comment calls for the phase-in of fuel with a maximum sulfur content of 0.1 percent. To allow for some margin of error and product contamination in the distribution system, when a shipping line orders 0.2 percent sulfur fuel, the shipping line is actually receiving a fuel with a lower sulfur content of between 0.13 and 0.16 percent. Therefore, if the

---

mitigation measure required 0.1 percent fuel, the supplier would have to provide fuel at a content of lower than 0.1 percent, which might not be possible in current refineries. Additionally, 0.2 percent is consistent with the CAAP. In developing and approving the CAAP, the Ports of Los Angeles and Long Beach met and collaborated with agencies (including CARB, AQMD, and USEPA), environmental and community groups, and the shipping industry. As a result of this collaborative process, 0.2% sulfur fuel was found to be feasible from port-wide perspective and use of this fuel represents consensus.

- CSE-43.** Section 3.14.2.2.7 of the SEIS/SEIR discusses atmospheric deposition as a source for contaminant loading to Port waters. As mentioned, regional as well as in-Port sources contribute to atmospheric deposition, although the relative contributions from individual sources are unknown. The Port's Enhanced Water Quality Sampling program (AMEC 2007) did not detect polycyclic aromatic hydrocarbons (PAHs), which are a typical component of atmospheric deposition, in waters of the Port. These results do not indicate that atmospheric deposition is causing significant impacts to existing water quality conditions within the Harbor. Regardless, as discussed in Section 3.2.2.2, "[t]hrough its CAAP, the Port will reduce air pollutants from its future operations, which will work towards the goal of reducing atmospheric deposition for purposes of water quality protection." There is no indication that water purification is needed as additional mitigation for the proposed Project.
- CSE-44.** The project proponent will be required to provide emission reduction credits (ERC) and/or RECLAIM trading credits (RTC) in accordance with SCAQMD Rules and Regulations. The Port has no control or influence over the source or quantity of ERC/RTC required under the SCAQMD air permitting process. The Port's analysis of the proposed Project in this SEIR/SEIS does not treat any benefits from such ERC/RTCs as mitigation for the Project's impacts.
- CSE-45.** Regarding the suggestion for a regional community resident and organization task force to make recommendations, this is part of the function of the Port Community Advisory Committee (PCAC), which was established in 2001 as a standing committee of the Board of Harbor Commissioners. Appendix C of the Draft SEIS/SEIR documents the PCAC's involvement in the preparation of the SEIS/SEIR.
- CSE-46.** As discussed in Section 3.3 of the Draft SEIS/SEIR, no impacts to wetlands were found as a result of the proposed Project or alternatives. In addition, as discussed previously, the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the cumulative off-port impacts created by Port operations. This fund includes, for example, approximately \$6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities.
- CSE-47.** The comments and request are noted. As discussed in Section 3.3 of the Draft SEIS/SEIR, impacts to fisheries would be less than significant as a result of the proposed Project. There would be a small conversion (approximately 0.1 acre) of soft-bottom habitat to rock and piles, but such hard substrates provide comparable aquatic habitat functions and values. Therefore, it is unclear what Project impact this recommended measure would mitigate for since this Project would not result in any significant impact to fish populations.

---

**CSE-48.** See response to comment CSE-47. A fish hatchery would not be necessary to offset impacts associated with this project on fish, which are expected to be minimal. There would be a small conversion (approximately 0.1 acre) of soft-bottom habitat (that was dredged not that long ago) to rock and piles, but hard substrates provide comparable aquatic habitat functions and values. In addition, as discussed in Section 3.3, the trends from the periodic Port-wide monitoring suggest biological resources, including fish populations, are recovering.

**CSE-49.** Section 3.1 of the Draft SEIS/SEIR evaluates the aesthetic impacts of the proposed Project and its applicable elements. The land uses that are the subject of this comment are not a part of the proposed Project or Project alternatives. Contrary to the comment, Section 3.1 of the Draft SEIS/SEIR does evaluate the impacts of the proposed Project at off-port locations.

Regarding the visual impacts of customer oil company and fuel broker locations, please see response to CSE-30; the proposed Project would not increase oil refinery output, fuel broker activity or retail sales. The proposed Project also would not result in any significant or cumulatively considerable off-port impacts on transportation corridors (with implementation of **MM TRANS-1**), and would result in no impacts whatsoever related to rail facilities.

**CSE-50.** Regarding the suggestion for a regional community resident and organization task force to make recommendations, this is part of the function of the Port Community Advisory Committee (PCAC), which was established in 2001 as a standing committee of the Board of Harbor Commissioners. Appendix C of the Draft SEIS/SEIR documents the PCAC's involvement in the preparation of the SEIS/SEIR.

**CSE-51.** Please see the response to Comments CSE-11, CSE-31 and CSE-32. Also note that the Draft SEIS/SEIR analysis concluded that the relatively remote location of Berth 408 minimizes potential impacts to the public in the event of a catastrophic terrorist attack or natural disaster. Potential impacts to the public are considered less than significant, and the Port's existing RMP, along with Project-specific emergency response plans, would provide a substantial layer of protection to the public.

**CSE-52.** With respect to the portion of the comment indicating that the document concludes that there is nothing to be concerned about with respect to earthquakes, page 3.5-18 of the Draft SEIS/SEIR concludes that the proposed Project would expose people or property to substantial risk of fault rupture, seismic ground shaking, liquefaction, or other seismically induced ground failure. Text on this page also indicates that portions of the pipeline route would be subject to potential surface fault rupture in the event of a large earthquake on the Palos Verdes Fault. Page 3.5-21 of the Draft SEIS/SEIR indicates that as discovered during the 1971 San Fernando earthquake and the 1994 Northridge earthquake, existing building codes are sometimes inadequate to completely protect engineered structures from seismic impacts and other seismically induced hazards. As a result, exposure of people and property to substantial risk of injury from an earthquake during proposed Project operations cannot be precluded, even with incorporation of modern construction engineering and safety standards. Therefore, potential impacts due to seismicity would be significant and unavoidable.

With respect to the portion of the comment that states that "major researchers who are for example predicting a major earthquake above the Draft SEIS/SEIR study parameters", the

---

comment is non-specific and unclear. However, as indicated on page 3.5-4 of the Draft SEIS/SEIR, the probability of a magnitude 7.0 or greater earthquake occurring in southern California before the year 2024 is estimated at 85 percent.

With respect to the USC study regarding a large offshore earthquake, the comment is not specific. However, the following three studies were cited on page 3.5-10 of the Draft SEIS/SEIR.

- Borrero, J., Eskijian, M., Moore, J.E., and Synolakis, C. 2005. The Cost of Tsunamis in US Ports. Pacific Maritime, April.
- Legg, M. R., Borrero, J.C., and Synolakis, C.E. 2004. Tsunami Hazards Associated with the Catalina Fault in Southern California. Earthquake Spectra Volume 20, No. 3, Pages 1-34, August.
- Legg, M. R. 2003. Tsunami Generation from the Santa Catalina Island Restraining Bend Offshore of Los Angeles, California. Geophysical Research Abstracts, Vol. 5, 08028.

J. Borrero is a geology professor at USC and has published several articles, along with M. Legg, which evaluate the potential for a major tsunami in the Ports of Los Angeles and Long Beach as a result of a 7.6 earthquake on the offshore Catalina Fault.

As indicated on pages 3.5-10, 3.5-23, and 3.5-24 of the Draft SEIS/SEIR, a recently developed Port Complex model predicts tsunami wave heights from a magnitude 7.6 earthquake on the Santa Catalina Fault, a maximum likely seismic scenario for generation of a tsunami or seiche in the San Pedro Bay Ports. The model predicts tsunami wave heights of up to 23 feet above MSL in the Project area. Incorporating the Port MSL of +2.82 feet, the model predicts tsunami wave heights up to 25.8 feet above MLLW at the Project site. Because the Project site elevation ranges from 15 to 30 feet above MLLW, tsunami-induced flooding would occur during construction and operations at the Marine Terminal and Tank Farm Site 1. This magnitude 7.6 earthquake is considered a “big one”, as referenced in the comment.

In addition, pages 3.5-25 and 3.5-26 of the Draft SEIS/SEIR indicate that the LAHD engineers have indicated that currents moving over 5 meters per second (m/s) could potentially render a ship out of control (personal communication, D. Hagner, 2006). Modeling indicates that tsunami related currents created as a result of a large earthquake on the Santa Catalina Fault or submarine landslide off the coast of the nearby Palos Verdes Peninsula would not create currents in the Port in excess of 5 m/s. Highest anticipated current speeds of 2 m/s would occur in the vicinity of Pier 400 and the entrance to the main channel (Moffatt and Nichol 2007). This text also explains in detail potential tsunami impacts associated with ships in port.

**CSE-53.** Please see response to comment SCAQMD-21.

**CSE-54.** This comment suggests that the proposed Project would require electric power that would be provided by public utilities. The Los Angeles Department of Water and Power (LADWP) provides electrical services within the Port and the proposed Project area. As discussed in the Draft SEIS/SEIR Section 3.14.4.3.1 under Impact PS-5, the proposed

---

Project would generate minor increases in energy demands that would be provided by the LADWP. Based on the LADWP Integrated Resources Plan (IRP), electricity resources and reserves at LADWP would sufficiently accommodate electrical demands associated with the Project. In addition, LADWP has communicated that it would be able to provide power to the proposed Project site because LADWP has more than enough electrical power to supply the proposed Project.

- CSE-55.** Please see response to comment CSE-12. As described in Section 1.6 of the Draft SEIS/SEIR, the Port has already agreed to construct a 10 megawatt photovoltaic solar system on its property.
- CSE-56.** Please see response to comment CSE-2. The Port is developing a comprehensive Climate Change Action Plan to address GHG emissions from Port operations. The Port will look at such options on a Port-wide basis through this Plan.
- CSE-57.** The comment is acknowledged. Please see the responses to comments CSE-1 through CSE-56.

---

**Lomita Chamber of Commerce, June 17, 2008**

**LCOC-1.** Your comment is appreciated. However, please note that the Port and USACE estimate a lower number of jobs would be associated with the proposed Project than your comment indicates. As discussed in Chapter 2 of the Draft SEIS/SEIR, construction of the proposed Project facilities would require direct construction labor equivalent to approximately 732 full-time equivalent employees for construction itself. This figure does not include “upstream” employment impacts (i.e., workers in industries that supply materials and equipment maintenance for the construction activities) or “downstream” impacts (i.e., workers in jobs supported by retail and other spending from wages). These “upstream” and “downstream” jobs may be located anywhere within the metropolitan Los Angeles region. LAHD’s own estimate of total construction employment impacts (i.e., including upstream and downstream employment) is 1,767 full-time job equivalents, based on the Port Economic Impact Model (see Draft SEIS/SEIR Chapter 7).

The Port and USACE believe the estimate of 6,300 full-time jobs cited in your letter is derived from a separate analysis performed by the Los Angeles Economic Development Corporation (LAEDC), which LAHD and USACE did not have any role in preparing (i.e., LAHD and USACE did not conduct, direct the preparation of, or review the methodology of the LAEDC analysis). LAHD and USACE cannot confirm the accuracy of the LAEDC analysis, but do note that the 6,300 full-time jobs cited in the LAEDC analysis represent one-year equivalent jobs, and includes not only the engineers and construction workers who will actually build the pier and terminal but also the “upstream” and “downstream” employment impacts, which could be located anywhere within the metropolitan Los Angeles region. Likewise, LAHD and USACE did not prepare or review the estimates of wages and tax revenues reported in the commenter’s letter.

---

**International Brotherhood of Electrical Workers, Local 11-3, July 22, 2008**

**Local-11-3-1.** Your comment is appreciated. However, please note that the Port and USACE estimate a lower number of jobs would be associated with the proposed Project than your comment indicates. As discussed in Chapter 2 of the Draft SEIS/SEIR, construction of the proposed Project facilities would require direct construction labor equivalent to approximately 732 full-time equivalent employees for construction itself. This figure does not include “upstream” employment impacts (i.e., workers in industries that supply materials and equipment maintenance for the construction activities) or “downstream” impacts (i.e., workers in jobs supported by retail and other spending from wages). These “upstream” and “downstream” jobs may be located anywhere within the metropolitan Los Angeles region. LAHD’s own estimate of total construction employment impacts (i.e., including upstream and downstream employment) is 1,767 full-time job equivalents, based on the Port Economic Impact Model (see Draft SEIS/SEIR Chapter 7). In the operation phase, LAHD and USACE estimated there would be 54 full-time permanent jobs associated with the direct operation and maintenance of the terminal (in years 2025-2040), and an additional 158 full-time-equivalent permanent jobs related to indirect (i.e., upstream and downstream) economic activity.

LAHD and USACE are not certain of the origin of the estimated job figures in the comment (4,800 construction jobs and 170 permanent jobs). LAHD and USACE are aware that the Los Angeles Economic Development Corporation (LAEDC) conducted an economic impact study that estimated a larger number of construction and permanent jobs than those predicted by LAHD and USACE (6,300 jobs during construction and 230 jobs during operation). The LAEDC estimate of jobs, as well as the estimates of wages and tax revenues reported in the commenter’s letter, stems from an analysis that LAHD and USACE did not have any role in preparing (did not conduct, direct the preparation of, or review the methodology for).

---

**International Brotherhood of Electrical Workers, Local 11, July 23, 2008**

**Local-11-1.** Thank you for your comment. Regarding the “over 150” full-time permanent jobs cited in the letter, please note that this estimate (presumably referring to the analysis in Chapter 7 of the Draft SEIS/SEIR) includes the indirect jobs in related sectors as well as the 54 full-time permanent direct jobs that would result directly. The indirect jobs may be located anywhere within the metropolitan Los Angeles region (see Draft SEIS/SEIR Chapter 2 and Chapter 7).



---

**Central City Association of Los Angeles, July 22, 2008**

**CCA-1.** Thank you for your comment. Regarding the “6,300 full-time construction jobs” cited in the letter, please see the response to comment LCOC-1. Regarding the “230 full-time ongoing jobs” cited in the letter, please note that the LAHD and USACE estimated only 54 full-time permanent jobs associated with the direct operation and maintenance of the terminal, and an additional 158 full-time-equivalent permanent jobs related to indirect economic activity (where “indirect” refers to industries that supply materials and equipment maintenance for the construction activities, and jobs supported by retail and other spending from wages). It is important to note that these upstream and downstream jobs may be located anywhere within the metropolitan Los Angeles region. See Draft SEIS/SEIR Chapter 2 and Chapter 7.

LAHD and USACE are aware that the project applicant commissioned a separate economic impact study that estimated a larger number of permanent jobs (68 direct and 162 indirect full-time jobs). This estimate of jobs, as well as the estimates of wages and tax revenues reported in the commenter’s letter, stems from an analysis that LAHD and USACE did not have any role in preparing (did not conduct, direct the preparation of, or review the methodology for).

---

**Los Angeles Business Council, July 23, 2008**

**LABC-1.** Thank you for your comment. Your comment is appreciated. However, please note that the Port and USACE estimate a lower number of jobs would be associated with the proposed Project than your comment indicates. As discussed in Chapter 2 of the Draft SEIS/SEIR, construction of the proposed Project facilities would require direct construction labor equivalent to approximately 732 full-time equivalent employees for construction itself. This figure does not include “upstream” employment impacts (i.e., workers in industries that supply materials and equipment maintenance for the construction activities) or “downstream” impacts (i.e., workers in jobs supported by retail and other spending from wages). These “upstream” and “downstream” jobs may be located anywhere within the metropolitan Los Angeles region. LAHD’s own estimate of total construction employment impacts (i.e., including upstream and downstream employment) is 1,767 full-time job equivalents, based on the Port Economic Impact Model (see Draft SEIS/SEIR Chapter 7).

The Port and USACE believe the estimate of 6,300 full-time jobs cited in your letter is derived from a separate analysis performed by the Los Angeles Economic Development Corporation (LAEDC), which LAHD and USACE did not have any role in preparing (i.e., LAHD and USACE did not conduct, direct the preparation of, or review the methodology of the LAEDC analysis). LAHD and USACE cannot confirm the accuracy of the LAEDC analysis, but do note that the 6,300 full-time jobs cited in the LAEDC analysis represent one-year equivalent jobs, and includes not only the engineers and construction workers who will actually build the pier and terminal but also the “upstream” and “downstream” employment impacts, which could be located anywhere within the metropolitan Los Angeles region. Likewise, LAHD and USACE did not prepare or review the estimates of wages and tax revenues reported in the commenter’s letter.

---

**Los Angeles County Coalition of Labor, August 6, 2008**

**LAAFL-CIO-1.** Thank you for your comment. Your comment is appreciated. However, please note that the Port and USACE estimate a lower number of jobs would be associated with the proposed Project than your comment indicates. As discussed in Chapter 2 of the Draft SEIS/SEIR, construction of the proposed Project facilities would require direct construction labor equivalent to approximately 732 full-time equivalent employees for construction itself. This figure does not include “upstream” employment impacts (i.e., workers in industries that supply materials and equipment maintenance for the construction activities) or “downstream” impacts (i.e., workers in jobs supported by retail and other spending from wages). These “upstream” and “downstream” jobs may be located anywhere within the metropolitan Los Angeles region. LAHD’s own estimate of total construction employment impacts (i.e., including upstream and downstream employment) is 1,767 full-time job equivalents, based on the Port Economic Impact Model (see Draft SEIS/SEIR Chapter 7).

The Port and USACE believe the estimate of 6,300 full-time jobs cited in your letter is derived from a separate analysis performed by the Los Angeles Economic Development Corporation (LAEDC), which LAHD and USACE did not have any role in preparing (i.e., LAHD and USACE did not conduct, direct the preparation of, or review the methodology of the LAEDC analysis). LAHD and USACE cannot confirm the accuracy of the LAEDC analysis, but do note that the 6,300 full-time jobs cited in the LAEDC analysis represent one-year equivalent jobs, and includes not only the engineers and construction workers who will actually build the pier and terminal but also the “upstream” and “downstream” employment impacts, which could be located anywhere within the metropolitan Los Angeles region. Likewise, LAHD and USACE did not prepare or review the estimates of wages and tax revenues reported in the commenter’s letter

---

**Los Angeles Chamber of Commerce, August 12, 2008**

**LACOC-1.** Thank you for your comment. Your comment is appreciated. However, please note that the Port and USACE estimate a lower number of jobs would be associated with the proposed Project than your comment indicates. As discussed in Chapter 2 of the Draft SEIS/SEIR, construction of the proposed Project facilities would require direct construction labor equivalent to approximately 732 full-time equivalent employees for construction itself. This figure does not include “upstream” employment impacts (i.e., workers in industries that supply materials and equipment maintenance for the construction activities) or “downstream” impacts (i.e., workers in jobs supported by retail and other spending from wages). These “upstream” and “downstream” jobs may be located anywhere within the metropolitan Los Angeles region. LAHD’s own estimate of total construction employment impacts (i.e., including upstream and downstream employment) is 1,767 full-time job equivalents, based on the Port Economic Impact Model (see Draft SEIS/SEIR Chapter 7).

The Port and USACE believe the estimate of 6,300 full-time jobs cited in your letter is derived from a separate analysis performed by the Los Angeles Economic Development Corporation (LAEDC), which LAHD and USACE did not have any role in preparing (i.e., LAHD and USACE did not conduct, direct the preparation of, or review the methodology of the LAEDC analysis). LAHD and USACE cannot confirm the accuracy of the LAEDC analysis, but do note that the 6,300 full-time jobs cited in the LAEDC analysis represent one-year equivalent jobs, and includes not only the engineers and construction workers who will actually build the pier and terminal but also the “upstream” and “downstream” employment impacts, which could be located anywhere within the metropolitan Los Angeles region. Likewise, LAHD and USACE did not prepare or review the estimates of wages and tax revenues reported in the commenter’s letter. Also, please note that the proposed Project would be capable of handling more than 350,000 bpd, as noted throughout Chapter 2 of the Draft SEIS/SEIR.

---

**Future Ports, August 13, 2008**

**FP-1.** Thank you for your comment. Your comment is appreciated. However, please note that the Port and USACE estimate a lower number of jobs would be associated with the proposed Project than your comment indicates. As discussed in Chapter 2 of the Draft SEIS/SEIR, construction of the proposed Project facilities would require direct construction labor equivalent to approximately 732 full-time equivalent employees for construction itself. This figure does not include “upstream” employment impacts (i.e., workers in industries that supply materials and equipment maintenance for the construction activities) or “downstream” impacts (i.e., workers in jobs supported by retail and other spending from wages). These “upstream” and “downstream” jobs may be located anywhere within the metropolitan Los Angeles region. LAHD’s own estimate of total construction employment impacts (i.e., including upstream and downstream employment) is 1,767 full-time job equivalents, based on the Port Economic Impact Model (see Draft SEIS/SEIR Chapter 7).

The Port and USACE believe the estimate of 6,300 full-time jobs cited in your letter is derived from a separate analysis performed by the Los Angeles Economic Development Corporation (LAEDC), which LAHD and USACE did not have any role in preparing (i.e., LAHD and USACE did not conduct, direct the preparation of, or review the methodology of the LAEDC analysis). LAHD and USACE cannot confirm the accuracy of the LAEDC analysis, but do note that the 6,300 full-time jobs cited in the LAEDC analysis represent one-year equivalent jobs, and includes not only the engineers and construction workers who will actually build the pier and terminal but also the “upstream” and “downstream” employment impacts, which could be located anywhere within the metropolitan Los Angeles region. Likewise, LAHD and USACE did not prepare or review the estimates of wages and tax revenues reported in the commenter’s letter.

---

**Los Angeles County Economic Development Corporation, August 12, 2008**

**LAEDC-1.** Thank you for your comment. Your comment is appreciated. However, please note that the Port and USACE estimate a lower number of jobs would be associated with the proposed Project than your comment indicates. As discussed in Chapter 2 of the Draft SEIS/SEIR, construction of the proposed Project facilities would require direct construction labor equivalent to approximately 732 full-time equivalent employees for construction itself. This figure does not include “upstream” employment impacts (i.e., workers in industries that supply materials and equipment maintenance for the construction activities) or “downstream” impacts (i.e., workers in jobs supported by retail and other spending from wages). These “upstream” and “downstream” jobs may be located anywhere within the metropolitan Los Angeles region. LAHD’s own estimate of total construction employment impacts (i.e., including upstream and downstream employment) is 1,767 full-time job equivalents, based on the Port Economic Impact Model (see Draft SEIS/SEIR Chapter 7).

The Port and USACE believe the estimate of 6,300 full-time jobs cited in your letter is derived from a separate analysis performed by the Los Angeles Economic Development Corporation (LAEDC), which LAHD and USACE did not have any role in preparing (i.e., LAHD and USACE did not conduct, direct the preparation of, or review the methodology of the LAEDC analysis). LAHD and USACE cannot confirm the accuracy of the LAEDC analysis, but do note that the 6,300 full-time jobs cited in the LAEDC analysis represent one-year equivalent jobs, and includes not only the engineers and construction workers who will actually build the pier and terminal but also the “upstream” and “downstream” employment impacts, which could be located anywhere within the metropolitan Los Angeles region. Likewise, LAHD and USACE did not prepare or review the estimates of wages and tax revenues reported in the commenter’s letter.

---

**Iron Workers Local 433, August 12, 2008**

**Local-433-1.** Thank you for your comment. Your comment is appreciated. However, please note that the Port and USACE estimate a lower number of jobs would be associated with the proposed Project than your comment indicates. As discussed in Chapter 2 of the Draft SEIS/SEIR, construction of the proposed Project facilities would require direct construction labor equivalent to approximately 732 full-time equivalent employees for construction itself. This figure does not include “upstream” employment impacts (i.e., workers in industries that supply materials and equipment maintenance for the construction activities) or “downstream” impacts (i.e., workers in jobs supported by retail and other spending from wages). These “upstream” and “downstream” jobs may be located anywhere within the metropolitan Los Angeles region. LAHD’s own estimate of total construction employment impacts (i.e., including upstream and downstream employment) is 1,767 full-time job equivalents, based on the Port Economic Impact Model (see Draft SEIS/SEIR Chapter 7).

The Port and USACE believe the estimate of 6,300 full-time jobs cited in your letter is derived from a separate analysis performed by the Los Angeles Economic Development Corporation (LAEDC), which LAHD and USACE did not have any role in preparing (i.e., LAHD and USACE did not conduct, direct the preparation of, or review the methodology of the LAEDC analysis). LAHD and USACE cannot confirm the accuracy of the LAEDC analysis, but do note that the 6,300 full-time jobs cited in the LAEDC analysis represent one-year equivalent jobs, and includes not only the engineers and construction workers who will actually build the pier and terminal but also the “upstream” and “downstream” employment impacts, which could be located anywhere within the metropolitan Los Angeles region. Likewise, LAHD and USACE did not prepare or review the estimates of wages and tax revenues reported in the commenter’s letter.

---

**Regional Hispanic Chamber of Commerce, August 4, 2008**

**RHCOC-1.** Thank you for your comment. Your comment is appreciated. However, please note that the Port and USACE estimate a lower number of jobs would be associated with the proposed Project than your comment indicates. As discussed in Chapter 2 of the Draft SEIS/SEIR, construction of the proposed Project facilities would require direct construction labor equivalent to approximately 732 full-time equivalent employees for construction itself. This figure does not include “upstream” employment impacts (i.e., workers in industries that supply materials and equipment maintenance for the construction activities) or “downstream” impacts (i.e., workers in jobs supported by retail and other spending from wages). These “upstream” and “downstream” jobs may be located anywhere within the metropolitan Los Angeles region. LAHD’s own estimate of total construction employment impacts (i.e., including upstream and downstream employment) is 1,767 full-time job equivalents, based on the Port Economic Impact Model (see Draft SEIS/SEIR Chapter 7).

The Port and USACE believe the estimate of 6,300 full-time jobs cited in your letter is derived from a separate analysis performed by the Los Angeles Economic Development Corporation (LAEDC), which LAHD and USACE did not have any role in preparing (i.e., LAHD and USACE did not conduct, direct the preparation of, or review the methodology of the LAEDC analysis). LAHD and USACE cannot confirm the accuracy of the LAEDC analysis, but do note that the 6,300 full-time jobs cited in the LAEDC analysis represent one-year equivalent jobs, and includes not only the engineers and construction workers who will actually build the pier and terminal but also the “upstream” and “downstream” employment impacts, which could be located anywhere within the metropolitan Los Angeles region. Likewise, LAHD and USACE did not prepare or review the estimates of wages and tax revenues reported in the commenter’s letter-1.



---

**Los Angeles and Orange Counties Building and Construction Trades Council, August 8, 2008**

**LAOCBCTC-1.** Thank you for your comment. Your comment is appreciated. However, please note that the Port and USACE estimate a lower number of jobs would be associated with the proposed Project than your comment indicates. As discussed in Chapter 2 of the Draft SEIS/SEIR, construction of the proposed Project facilities would require direct construction labor equivalent to approximately 732 full-time equivalent employees for construction itself. This figure does not include “upstream” employment impacts (i.e., workers in industries that supply materials and equipment maintenance for the construction activities) or “downstream” impacts (i.e., workers in jobs supported by retail and other spending from wages). These “upstream” and “downstream” jobs may be located anywhere within the metropolitan Los Angeles region. LAHD’s own estimate of total construction employment impacts (i.e., including upstream and downstream employment) is 1,767 full-time job equivalents, based on the Port Economic Impact Model (see Draft SEIS/SEIR Chapter 7).

The Port and USACE believe the estimate of 6,300 full-time jobs cited in your letter is derived from a separate analysis performed by the Los Angeles Economic Development Corporation (LAEDC), which LAHD and USACE did not have any role in preparing (i.e., LAHD and USACE did not conduct, direct the preparation of, or review the methodology of the LAEDC analysis). LAHD and USACE cannot confirm the accuracy of the LAEDC analysis, but do note that the 6,300 full-time jobs cited in the LAEDC analysis represent one-year equivalent jobs, and includes not only the engineers and construction workers who will actually build the pier and terminal but also the “upstream” and “downstream” employment impacts, which could be located anywhere within the metropolitan Los Angeles region. Likewise, LAHD and USACE did not prepare or review the estimates of wages and tax revenues reported in the commenter’s letter.

---

**Past EIR Subcommittee, PCAC, August 13, 2008**

- PCAC-EIR-1.** Comment noted. The Draft SEIS/SEIR is consistent with the template established by the LAHD and the PCAC. The LAHD and USACE have imposed all feasible mitigation measures to minimize the significant air quality and other environmental impacts of the proposed Project. Mitigation measures MM AQ-19 through MM AQ-21 provide a process to consider, in the future, new emission control technologies to mitigate emissions. As noted in Section 3.2 of the Draft SEIS/SEIR (especially see Table 3.2-22), the proposed Project would comply with all applicable CAAP measures.
- PCAC-EIR-2.** As discussed in Sections 1.1.1.1 and 2.5.1 of the Draft SEIS/SEIR, development of the proposed Project on Pier 400 is consistent with a history of Port planning efforts. The extensive planning history and resulting projects constructed in the Outer Los Angeles Harbor have a significant bearing on the proposed plans to construct a crude oil marine terminal at Berth 408.

Anticipating the importance of containerized and liquid bulk shipping, the LAHD, Port of Long Beach, and the USACE conducted a study between 1981 and 1985 to evaluate the capacity of the San Pedro Bay Ports complex to accommodate cargo forecasts through the year 2020. This study, called “The 2020 Plan,” determined that accommodating the projected increase in throughput would require maximizing the use of all existing port lands and terminals, and construction and operation of approximately 2,400 acres (972 ha) of new land for new marine terminals. The USACE and LAHD continued the planning process, supported by additional economic forecasting (WEFA 1987, 1989, and 1991), and in 1992, prepared the *Deep Draft Navigation Improvements, Los Angeles and Long Beach Harbors, San Pedro Bay, California Final EIS/EIR* (Deep Draft FEIS/FEIR, USACE and LAHD 1992). That document analyzed, among other issues, the impacts of the creation of Pier 400 from dredge material and the subsequent construction and operation of a new liquid bulk terminal on the new Pier 400 land based on the forecasted demand.

The Deep Draft FEIS/FEIR envisioned three uses for Pier 400: 1) an area to relocate existing hazardous bulk facilities away from high density populations and sensitive use areas in accordance with the approved Port Risk Management Plan (LAHD 1983); 2) a site for a 150-acre (61-hectare [ha]) container terminal; and 3) a site for a new deep-draft liquid bulk marine terminal. The Deep Draft FEIS/FEIR recognized that expansion and additional improvements were needed to improve efficiencies in handling, storing, and transporting existing and forecasted cargoes, and to provide an area for relocation of hazardous cargo facilities away from high density populations and critical Port facilities.. It also recognized that national economic benefits and transportation cost savings would result from the use of larger vessels, reductions in transit time, and lower cargo handling costs. The proposed Project is consistent with the uses identified in the Deep Draft FEIS/FEIR.

The proposed Project facilities on Pier 400 would be located in Planning Areas 7 (Terminal Island/Main Channel), and 9 (Terminal Island/Seaward Extension). Planning Area 7 is located in the northern and western portions of Terminal Island. Planning Area 9 encompasses Piers 300 and 400 and includes the Marine Oil Terminal and both Tank Farms. Current land use designations for these areas include Liquid and Dry Bulk Cargo, General Cargo, Commercial Fishing, and Commercial, Institutional and Industrial uses.

---

As part of development of Pier 400, three existing liquid bulk facilities at the Port were included as candidates for relocation to Pier 400. Under the Port's Risk Management Plan, the risk exposure to high density populations or critical Port facilities created by liquid bulk facilities can be eliminated by implementing mitigations at either the liquid bulk facility or the high density population site or by relocating either the liquid bulk facility or the high density population site. After application of the risk management methodology, three existing facilities (UNOCAL's 22<sup>nd</sup> Street Tank Farm, the former GATX terminal at Berths 118-121 and the ExxonMobil facilities on Terminal Island) were identified for relocation to Pier 400. All other facilities were found to be consistent with the Risk Management Plan. During the relocation planning efforts, one liquid bulk facility (UNOCAL) ceased operations and Todd Shipyards, adjacent to the former GATX facility ceased operations. The closure of Todd Shipyard eliminated any risk exposure resulting from the operations at the former GATX facility. The third facility identified for relocation, ExxonMobil, reconsidered the application of mitigation measures at their site and agreed to modifications which brought their facility into compliance with the Risk Management Plan. Therefore, all existing liquid bulk facilities were found to be consistent with the Risk Management Plan. However, Pier 400 is an appropriate site for location of a new crude oil receiving facility which is the subject of this environmental review, and as indicated above, this use is consistent with the planning designations for Pier 400 and is consistent with past channel improvements which will allow large crude carriers to berth at the westerly side of Pier 400.

**PCAC-EIR-3.** The Draft SEIR/SEIS includes a health risk assessment that considered potential impacts to different types of receptors, including potential cancer and non-cancer impacts at school sites. In Appendix H4 ("Health Risk Assessment Documentation"), Table 4 ("Sensitive Receptors Evaluated in the HRA") lists the specific schools, as well as day care centers, hospitals, convalescent homes, and other sensitive receptors, considered in the analysis. The lifetime cancer and non-cancer impacts were evaluated at each of these locations, and then the maximum impacts within each category were reported in Section 3.2 (and also in Appendix H4). The "sensitive receptor" category includes all of the locations shown in Table 4 of Appendix H4, while the "student" category includes all of the schools shown in the table. Thus, for instance, the maximum cancer risk for the "student" category as shown in Table 3.2-29, 2.4 in a million, represents the maximum increase over the CEQA Baseline for cancer risk at any of the 79 schools analyzed. Similarly, the non-cancer chronic hazard index, which is also reported separately for the student category, measures the increased risk of chronic, non-cancer ailments such as asthma.

**PCAC-EIR-4.** The HRA for the proposed Project considered potential cancer and noncancer impacts. This included the potential chronic non-cancer impacts. Section 3.2 includes a discussion of morbidity and mortality impacts. Table 3.2-32 in the Draft SEIS/SEIR regarding the Annual 2005 Statewide PM and Ozone Health Effects Associated with Ports and Goods Movement in California presents data dealing with specific health outcomes on a cases per year basis.

Following public release of the Draft SEIS/SEIR, CARB developed a long-term mortality methodology for particulate matter of less than 2.5 micrometers in aerodynamic diameter (PM<sub>2.5</sub>) that would be appropriate for individual projects (CARB 2008). The methodology is similar to that used in the Draft SEIR/SEIS, but it is based on a more conservative estimate of the relative risk of premature death.

---

Based on the new CARB methodology, the long-term impacts associated with the proposed Project after mitigation would be an increase in the mortality incidence rate from the CEQA baseline. The incremental increase would be 0.0062 premature deaths (per year) based on the ambient concentration in the peak year, including construction and operation.

Ambient PM<sub>2.5</sub> concentrations were not modeled on an annual basis for this project. Instead, predicted increases in ambient PM<sub>10</sub> concentrations were used as a conservative, worst-case measure of the project's impact on particulate concentrations. The maximum predicted increase in annual PM<sub>10</sub> concentration for the proposed Project with mitigation was 0.17 µg/m<sup>3</sup> during the maximum impact year, as predicted by the AERMOD dispersion model. This means that the increase in annual PM<sub>2.5</sub> concentrations associated with the mitigated Project would be less than that value during all project analysis years. The impact to the neighboring community would not see a measurable increase in annual PM<sub>2.5</sub> concentrations associated with the mitigated Project relative to baseline conditions.

**PCAC-EIR-5.** The project proponent will be required to provide emission reduction credits (ERC) and/or RECLAIM trading credits (RTC) in accordance with SCAQMD Rules and Regulations. The Port has no control or influence over the source or quantity of ERC/RTC required under the SCAQMD air permitting process. The Port's analysis of the proposed Project in this SEIR/SEIS does not treat any benefits from such ERC/RTCs as mitigation for the Project's impacts.

The project does not include impacts to wetlands; therefore, wetlands mitigation is not a regulatory requirement for this project. However, the Port understands the broader context of the comment with respect to public interest in remediating locally degraded wetlands as a first priority rather than mitigation conducted outside the local community. The Port works closely with resource and regulatory agencies to identify the appropriate types, scales and locations of mitigation so that harbor development does not result in locally or regionally adverse impacts to biological resources. Sometimes out-of-kind mitigation is necessary to fulfill regulatory requirements based on the nature and/or scale of the project. The Port continues in its commitment to improve the quality of habitats within its jurisdiction using a variety of methods such as best management practice discharge controls, contaminated sediment clean up, and creation and/or enhancement of productive wetlands and shallow water habitats such as at Cabrillo and Pier 300 areas of the harbor. In addition, the Port constructed an artificial reef in San Pedro Bay as part of a comprehensive mitigation strategy to offset impacts associated with construction of Pier 400.

**PCAC-EIR-6.** Thank you for your comment. As this comment is duplicative of comments PCAC-AQ-3 through PCAC-AQ-9, please see the responses to these comments below

**PCAC-AQ-3.** As shown in Table 3.2-22, the air quality mitigation measures identified in the Draft SEIS/SEIR met or in some cases exceeded CAAP measures. In addition, a number of the mitigation measures have been amended to further reduce emissions, namely MM AQ-14 as shown below:

**MM AQ-14 Low Sulfur Fuel**

All ships (100%) calling at Berth 408 shall use 0.2% low sulfur fuel within 40 nm of Point Fermin both on the inbound and outbound leg beginning on day one of operation

where feasible. At minimum, to address feasibility issues such as ships with a mono-tank system or ships originating from a Port where low sulfur fuel is not available, the following annual phase in schedule shall be adhered to: ~~Ships calling at Berth 408 shall use low sulfur fuel in main engines, auxiliary engines, and boilers within 40 nm of Point Fermin (including hoteling for non AMP ships) in the annual percentages in fuel requirements as specified below:~~

**PLAMT Fuel Switch for Main Engines, Auxiliary Engines, and Boilers**

Year	Main Engines/Auxiliary Engines/Boilers					
	Inbound			Hoteling and Outbound		
	HFO	0.50%	0.20%	HFO	0.50%	0.20%
1	0	100	0	0	0	100
2	0	100	0	0	0	100
3	0	100	0	0	0	100
4	0	80	20	0	0	100
5	0	50	50	0	0	100
6	0	50	50	0	0	100
7-30	0	10	90	0	0	100

~~In addition, all callers carrying 0.2% low sulfur shall use 0.2% low sulfur fuel within 40 nm of Point Fermin both on the inbound and outbound leg. Six months prior to operation of Berth 408 the applicant shall lead the effort, with Port support, in notifying all fuel suppliers/shippers of the low sulfur fuel requirements. This notification shall be achieved through publication of a notice in Bunker World (or other similar fuel supply trade publication) and by notification to all Berth 408 customers.~~

MM AQ-14 fully complies with OGV-3 and OGV-4. The CAAP assumes full compliance of OGV-3 and OGV-4 pending technical feasibility and fuel availability. The phase-in schedule for MM AQ-14 allows time for technical equipment upgrades, including installing new tanks and piping on ships.

**PCAC-AQ-4** Regarding the suggestion for 100 percent compliance with AMP, the percentages required in MM AQ-15 represent aggressive phase-in requirements for a marine oil tanker. Both CARB and POLA have considered the applicability of cold ironing to tankers and concluded that they are not good candidates. The CARB adopted a cold ironing rule in 2007 that did not include tankers. It is currently considering other measures applicable to tankers but no regulation has been proposed. Likewise, the Clean Air Action Plan (CAAP) concluded that shore power is generally best suited for vessels that make multiple calls per year, require significant demand while at berth, and vessels that will continue to call at the same terminal for multiple years. In general, crude oil tankers do not fit within these categories. For tankers, the CAAP concluded that only crude tankers that have diesel-electric powered pumps were considered to be good candidates. The CAAP suggested alternative hotelling emissions reduction technologies for vessels that do not fit the shore power model. Such technologies include shore-powered dockside electrical pumps for tankers to reduce on-board pumping loads. Berth 408 has proposed shore-powered pumps to be used on all vessel calls. This is in conformance with the feasibility findings of the CAAP.

Currently, only two tankers in the world crude oil tanker fleet are equipped for cold ironing and they are both diesel-electric vessels. (The world crude oil tanker fleet

---

consists of approximately 1,200 vessels that could be expected to call at Berth 408 (Aframax or larger), and it is believed that there are only 9 crude oil tankers that are diesel-electric.) The two AMP-equipped tankers are owned by British Petroleum and have been modified for use at BP's Berth 121 at the Port of Long Beach but have yet to make a single call using AMP due to a series of technical issues. The BP tankers are not configured to be able to utilize the proposed AMP facility at Berth 408. Thus, to date, the successful application of cold ironing technology to crude oil tankers has not been demonstrated despite several years of effort by BP and funding by the Port of Long Beach. This is an extremely aggressive schedule considering that no crude oil tanker likely to call at Berth 408 is equipped for cold ironing. Plains expects the shore power requirement in early years will be met by retrofitting a small number of vessels traveling between POLA and South America, which would make sense because they are most likely to be frequent callers.

Regarding the suggestion to revise MM AQ-15 to allow use of alternative dockside emissions control technologies that may become feasible in the future, MM AQ-15 has been modified to increase AMP participation rates and Alternative Maritime Emission Control System (AMECS) requirements as shown below to further reduce boiler emissions:

#### MM AQ-15 AMP

By end of year 2 of operation, all ships capable of utilizing AMP and all frequent callers (2 or more a year), shall use AMP at the facility. At minimum, ships calling at the Berth 408 facility shall use AMP ~~Ships calling at Berth 408 facility shall use AMP while hoteling at the Port in the following at minimum percentages while hoteling at the Port in the following at minimum percentages:~~

- By end of year 2 of operation – 6 (4%) vessel calls
- By end of year 3 of operation – 10% of annual vessel calls
- By end of year 5 of operation – 15% of annual vessel calls
- By end of year 10 of operation – ~~40~~ 50% of annual vessel calls
- By end of year 16 of operation – ~~70~~ 80% of annual vessel calls

As discussed in Chapter 3.2, use of AMP would enable ships to turn off their auxiliary engines during hoteling, leaving the boiler as the only source of direct emissions. An increase in regional power plant emissions associated with AMP electricity generation is also assumed. Including the emission from ship boilers, a ship hoteling with AMP reduces its criteria pollutant emissions 88 to 98 percent, depending on the pollutant, when compared to a ship hoteling without AMP and burning residual fuel in the boilers.

AMP on container vessels and cruise ships is directed at reducing emissions from the relatively large hoteling loads present on these vessels. Tankers have smaller hoteling loads but also must support cargo offloading operations by producing steam power. The steam production capability cannot be replaced without complete vessel reconstruction. However, as mentioned earlier, the Project design includes a feature to minimize steam generation requirements via the use of shore-side electric pumps.

The Port will design and incorporate into Berth 408 all the necessary components to make full AMP available for those vessels capable of utilizing such facilities. The following addition has been included the AMP discussion in the Final SEIS/SEIR.

---

In the alternative, the Port may, upon application by the tenant, and subject to all applicable laws and regulations, permit the tenant to install and employ and Alternative Maritime Emission Control System (AMECS) system, either in combination with or in place of AMP as designated in the Port's permit, to satisfy the requirements of this mitigation measure; provided that the Port first finds, based on environmental review prepared pursuant to CEQA, all of the following:

- (4) that AMECS is a feasible mitigation measure;
- (5) that the Port and CARB have verified that use of AMECS, as permitted by the Port, would achieve emissions reductions equivalent to or better than those identified in this SEIS/SEIR as occurring under this mitigation measure through the use of AMP alone; and
- (6) that either
  - d. the use of AMECS, as permitted by the Port to achieve the purposes of this mitigation measure, would result in no new or substantially more severe significant adverse impact to the environment, or
  - e. any new or substantially more severe adverse impact to the environment resulting from the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure would be mitigated to a less than significant level, or
  - f. overriding considerations, as defined under CEQA, make appropriate the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure.

The Final SEIS/SEIR clarifies the position of the Port with respect to the potential use of AMECS as a mitigation measure (see Section 3.2 of the Final SEIS/SEIR and specifically the discussion of MM AQ-15). The Final SEIS/SEIR clarifies that if AMECS becomes technologically feasible, then the Port will evaluate its effectiveness and its equivalence with respect to AMP consistent with MM AQ-19 and MM AQ-20. If it is found to be feasible, effective, and equivalent in terms of reductions of pollutants of significance, then the Port will require the tenant to install AMECS. Once AMECS is installed, all vessels calling at Berth 408 that are not capable of utilizing AMP, as well as frequent callers (i.e., vessels that call more than two times per year), must use AMECS. If AMECS is not available within the lifetime of the proposed Project or if it is not found to be feasible or equivalent to AMP, then ships calling at Berth 408 shall use AMP while hoteling at the Port in the minimum percentages specified in MM AQ-15

**PCAC-AQ-5.** Use of 0.2% low sulfur fuel for some marine tankers is infeasible in the short term due to availability. Virtually all marine tankers carry distillate (at approximately 0.5% sulfur) for purposes of cleaning main engines of the Heavy Fuel Oil (HFO) when a vessel must be taken out of service for its five year survey and for the emergency generators. However, 0.2% sulfur fuel may not be available at all ports of origin in the short term and therefore the use of 0.2% low sulfur fuel is being phased-in over time. The majority of tankers calling at Berth 408 in the short term are expected to originate in the oil producing regions of the Middle East, West Africa, or South America. Recent low-sulfur fuel availability studies completed by the California Air Resources

---

Board (CARB) and the Port do not support a finding that 0.2% sulfur fuel is available worldwide and in particular at the ports where some project trips are expected to originate.

Under MM AQ-14, vessels originating from ports with no 0.2% low sulfur fuel will come in on distillate and then load on 0.2% fuel into the distillate tank.

**PCAC-AQ-6.** Please see response to comment SCAQMD-22. The proposed mitigation measure assumes that the slide valves are used to the greatest extent feasible and does not mandate 100% use on day one. The Port acknowledges that slide valves are not marine-oil tanker industry standards and may be difficult or infeasible to implement. The document did not assume any emissions reductions from this measure because of the difficulties with implementation. The Port will work with Plains and its customers to install slide valves

**PCAC-AQ-7.** This measure will be incorporated into the lease. Throughput shall be monitored by the Wharfingers Office and the Port's Environmental Management Division. The Environmental Management Division will report on throughput in 2015, 2025 and 2040 and numbers will be made available to the Board of Harbor Commissioners at a regularly scheduled public Board Meeting. If it is determined that throughput numbers exceed assumptions in the SEIS/SEIR, Port staff would evaluate project emissions based on actual throughput for comparison to emissions estimated in the SEIS/SEIR and if the criteria pollutant emissions exceed those in the SEIS/SEIR, then new/additional mitigations would be applied through lease provisions described in MM AQ-20.

**PCAC-AQ-8.** As detailed in the description of MM AQ-20 within Section 3.2 of the Draft SEIS/SEIR, "As partial consideration for the Port's agreement to issue the permit to the tenant, tenant shall implement not less frequently than once every 7 years following the effective date of the permit, new air quality technological advancements, subject to the parties' mutual agreement on operational feasibility and cost sharing which shall not be unreasonably withheld." This provides a "re-opener clause" to allow for evaluation at 7-year intervals, which is more protective of the environment than the ten-year interval proposed in the comment.

**PCAC-AQ-9.** The MOU between the Port and the TraPac Project Appellants does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid significant impacts of the Project. Rather, through the MOU, the Port has agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the existing cumulative off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. Therefore, no revisions to the draft document are required by the MOU.

**PCAC-EIR-7.** The Draft SEIS/SEIR considered the Pier 400, Face E, alternative and determined that the relatively minor advantages over the proposed Project are outweighed by the greater environmental impacts. This alternative would result in greater environmental impacts due to the additional impacts and costs associated with: required dredging (the channel alongside Face E is dredged to only 69 feet); the increased number of turns a VLCC would need to take to access Face E (thus increasing air emissions and potentially limiting recreational access); potential adverse effects on California least tern foraging due to tanker and tugboat activity in the waters adjacent to the California least tern



---

nesting site; and greater impacts on the California least terns in the event of a tanker upset or spill because a berth at Face E would be immediately adjacent to the least tern nesting site. See Draft SEIS/SEIR Section 2.5.3.2.10.

The Draft SEIR/SEIS proposes adequate alternatives under CEQA/NEPA. Under NEPA/CEQA, an EIS/EIR is required to evaluate a reasonable range of feasible alternatives to reduce or avoid a project's significant impacts. The range of alternatives examined need not exceed a reasonable range which allows a reasoned choice among the alternatives and the proposed Project, and an EIS/EIR need not focus on alternatives that are not feasible or would not avoid or reduce Project impacts. Many alternatives discussed in the Draft SEIS/SEIR were eliminated from further detailed analysis for reasons of infeasibility and/or ineffectiveness at avoiding or reducing Project impacts. However, one alternative involving limited crude oil throughput in certain years was carried forward (in addition to the No Project Alternative and the proposed Project) for co-equal analysis in the document.

Regarding the suggestion to shorten the breakwater, the breakwater is designed to reduce both wave action and strong currents within the harbor to ensure safe vessel maneuvering and berthing. Removing sections of the breakwater would increase wave action and currents. Regarding the suggestion to dredge a channel from Queens Gate in the Port of Long Beach to Face E (a distance of about 4 miles), this dredging and associated sediment disposal would have substantial impacts on air quality (e.g., due to emissions from dredging equipment), water quality (e.g., due to increased turbidity), biological resources (e.g., due to increased turbidity and disruption of biological communities), and marine transportation (e.g., due to the presence of dredging and support vessels). In addition, LAHD has no authority to construct or expand facilities outside its jurisdictional boundaries, which would be necessary in order to dredge the channel from Queens Gate.

**PCAC-EIR-8.** The Draft SEIS/SEIR adequately discusses and analyzes impacts on aesthetics, light, noise, land use, and public services in the context of the adjoining communities (direct, indirect, and cumulative), including their residential neighborhoods, schools, hospitals, and local businesses.

For aesthetics and light, critical public views were identified based on variables of exposure to the project and visual sensitivity. Representative critical public views were identified at points within the surrounding communities. These include views from Wilmington, San Pedro and Rancho Palos Verdes, and the character of the setting for those views was described in Section 3.1.2.2.3 (Existing Visual Conditions within Critical Public Views). The analysis also explained that the existing visual setting at the relevant residential neighborhoods is currently dominated by features that are not congruent with their residential character. The significance of Project impacts is necessarily determined in comparison to the baseline existing settings.

For noise, noise-sensitive receptors were identified based on variables of exposure to the noise-generating features of the proposed Project construction and operation and sensitivity to noise. The noise analysis describes how the proposed Project would impact ambient noise levels at noise-sensitive land uses in proximity to the proposed Project, including several receptors in Wilmington and San Pedro. Similarly, the analysis of impacts of the construction and operation of the proposed Project on land use and public services fully accounts for impacts on Wilmington and San Pedro, including direct,

---

indirect, and cumulative impacts, and appropriately incorporates relevant information about existing conditions.

- PCAC-EIR-9.** Container storage facilities and scrap metal yards would not be affected by this project. Off-port impacts are addressed in air quality, recreation, noise, and other resources, as appropriate. In Section 3.8, Impacts LU-3 and LU-4 summarize the project's less than significant impacts on neighborhoods and communities with regard to compatibility. Residences and other sensitive uses in San Pedro and Wilmington would be located at least 0.5 mile from the nearest pipeline construction site and over 1 mile from a tank farm site and the Marine Terminal. In addition, because transport of crude oil would occur by pipeline only, no tanker truck trips are required to travel through community streets in Wilmington or San Pedro. No changes to the document are required.
- PCAC-EIR-10.** The proposed Project would be consistent with the Community Plan and Port Master Plan (see Section 3.8, Impacts LU-1 and LU-2). As described in Comment PCAC-EIR-9, proposed industrial facilities (e.g., tank farms and the Marine Terminal) would be at least a mile away from residential areas, not adjacent to residential areas. A schematic Landscape Plan has been prepared for the Marine Terminal, with buffer plantings to occur along the northern half of Face C and for Face D starting at the Administration Building and extending 460 feet toward Tank Farm Site 1. Also, Terminal lighting would be designed to minimize spillage of light from the property. No changes to the document are required.
- PCAC-EIR-11.** Regarding the comment that "a berth supporting 5 or so visits per year does not have the same aesthetic impact as a berth supporting 5 visits or so per week": Under existing conditions, there is no Marine Terminal at the Project's terminal site, so no ship calls presently occur there. Regarding the expected number of tanker calls under the proposed Project, 129 to 201 would occur annually (with the estimated number increasing over time, as described in the SEIS/SEIR). The Draft SEIS/SEIR appropriately compares the Project's aesthetic impacts, including impacts of anticipated vessel calls, to baseline conditions under which no vessels are currently calling at the Project site. The Draft SEIS/SEIR includes a comprehensive analysis of existing visual conditions and the Project's potential aesthetic impact on those conditions. The document explains the San Pedro Bay Ports are a landscape that is highly engineered and is visually dominated by large-scale man-made features. The tankers calling at the Marine Terminal will be viewed in this Port context and will not appear incongruous with that setting. Figures 3.1-16 and 3.1-18 are photo-simulations showing a tanker at berth, as seen from the Cabrillo Beach Fishing Pier and from Lookout Point Park. The specific views shown are segments of broad panoramas available from these points, and in their context a tanker at Berth 408 could not dominate those panoramic views,

Regarding the comment that "the impacts are downplayed due to the currently degraded nature of views" and "the Project would contribute to cumulative impacts from other past and present projects": The Draft SEIS/SEIR includes a comprehensive analysis of existing visual conditions and the Project's potential aesthetic impact on those conditions. With respect to the cumulative impact analysis, the document explains that operations within the San Pedro Bay Ports have completely transformed the original natural setting to create a landscape that is highly engineered and is visually dominated by large-scale man-made features (Section 4.2.1.1). The aesthetic result of existing development of Port facilities is recognized as cumulatively significant. However, the proposed Project would cause no adverse impact (Section 4.2.1.2) and, therefore, it would not make a

---

cumulatively considerable contribution to the significant cumulative impact of related projects.

Regarding the comment that “the standard for determining impacts is restrictive and will set a precedent for evaluating the impacts of other, future projects that will contribute to cumulative impacts”: The analytical approach to assessing Aesthetic & Visual Resources Impacts complies with the requirements of NEPA and CEQA, and addresses the *L.A. CEQA Thresholds Guide* (City of Los Angeles 2006) for determining impact significance (Section 3.1.1). Please refer to Appendix G for a full discussion of the methodology, its precedents, and the 20-year history of its application to numerous NEPA- and CEQA-compliant visual impact assessments. Please note that the methodology was applied most recently to the visual impact assessment for the LAHD Berths 136-147 Terminal EIS/EIR, which was certified by the Board of Harbor Commissioners in December 2007.

Regarding the comment that “declaring impacts to be less than significant reduces the possibility that any such impacts will ever be mitigated”: CEQA and NEPA require significant impacts to be mitigated to the fullest extent feasible; those laws do not authorize mitigation of impacts determined to be less than significant. The Draft SEIS/SEIR included a comprehensive and objective analysis of existing visual conditions and the Project’s potential aesthetic impact on those conditions. Under this analysis, it was concluded that the proposed Project and its alternatives would not cause adverse visual impacts in the context of the existing visual conditions characterizing the critical public views analyzed. Therefore, the impacts would be less than significant and not require mitigation.

**PCAC-EIR-12.** The document was made available in a number of different formats, including CDs, hard copies, and posting on the Port’s website to accommodate various requests and to reduce paper usage. Hard copies were available at all local libraries as well as at the Port. Hard copies were also distributed free of charge to the PCAC and local Neighborhood Councils.

**PCAC-EIR-13.** The Port and USACE provided considerably more review time than is required under CEQA (30 days) and NEPA (45 days) and took additional steps not required by CEQA and NEPA to make the document publicly accessible and invite public comment. Consistent with CEQA Guidelines 15105(a) that states, “the public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances,” the extended 75 day comment period provided additional time for public review, taking into account overlapping public review timeframes for other projects, to help ensure adequate time for public participation of all affected communities, as well as agency reviewers, and other interested parties.

**PCAC-EIR-14.** The environmental justice analysis evaluated cumulative effects of the proposed Project in Chapter 5. Cumulative effects are summarized in Table 5-3, Summary of Environmental Justice Effects. No changes to the document are required.

**PCAC-EIR-15.** Section 5.3 of the Draft SEIS/SEIR identifies applicable regulations. These regulations share in common that they require decision-makers and reviewers from various agencies and levels of government to consider environmental justice impacts (i.e., disproportionate effects on minority and/or low-income populations) when evaluating proposed projects and to identify ways to reduce such effects. The SEIS/SEIR evaluates environmental

---

justice effects and considers mitigations for significant impacts. No changes to the document are required.

**PCAC-EIR-16.** The environmental justice section of the Draft SEIS/SEIR adequately evaluates the potential for the Project to have disproportionate and adverse environmental impacts on minority and low-income populations and in addition, addresses project benefits. Chapter 5 identifies minority and low-income populations in Wilmington and San Pedro and other potentially affected areas in Table 5-1, Table 5-2, Figure 5-1 and Figure 5-2. For individual resource impacts, affected populations are identified based on locations, to the extent feasible. Regarding who benefits from the project, Section 1.1.3.1 of the Draft SEIS/SEIR identifies southern California and state-wide demand for crude oil marine imports, a portion of which would be met by the proposed Project. Construction and operations jobs produced by the proposed Project would primarily benefit the Los Angeles Basin and are identified in Draft SEIS/SEIR Section 7.2.2.1. Table 5-3 of the environmental justice analysis summarizes project impacts and benefits. No changes to the document are required.

**PCAC-EIR-17.** Environmental justice statutes and regulations require that the analysis identify disproportionate effects. In addition, the analysis may consider, as a factor in determining disproportionate effects, whether there are offsetting benefits from the project. Decision-makers are not compelled to provide an amount of project benefits, equal to impacts, to affected populations, but must ensure that feasible mitigations and alternatives that are available to reduce disproportionate effects have been considered. No changes to the document are required.

**PCAC-EIR-18.** Crude oil imported at the proposed terminal would meet the demand for transportation fuels across southern California as well as other regions (e.g., Arizona and Nevada) that are largely dependent on southern California for petroleum product imports. It is worth noting that southern California gains employment, wage and tax benefits from the operation of area refineries that would receive crude oil from the proposed terminal, even though a portion of the refined products would be transported to and consumed in regions outside of southern California. Figure 1-7 illustrates that incremental demand (over 2004) for crude oil marine imports to Southern California would reach 500,000 bpd within approximately 10 years and exceed 650,000 bpd by approximately 2025, in part determined by refinery capacity and consumer demand in southern California. Although the proposed Project would not determine the location of the ultimate consumers of crude oil products, demand for petroleum production in southern California is projected to grow as a result of population and economic growth, much of it driven by growth in transportation demand. Appendix D1 addresses demand in greater detail. Based on current pipeline and refinery infrastructure and flows, virtually all of the crude imported by the proposed Project would supply end users in southern California, Arizona, and Nevada. As noted in the document, California receives no crude oil imports from non-California ports (e.g., via pipeline from the Gulf Coast).

Where the SEIS/SEIR finds significant impacts, all feasible mitigation measures have been identified and applied to construction and operation of the proposed Project. In addition, and independently of the SEIS/SEIR process, the Port has previously agreed to establish a Port Community Mitigation Trust Fund that would benefit the communities of San Pedro and Wilmington. Under CEQA and NEPA, decision-makers are not compelled to provide affected populations with an amount of project benefits equal to impacts, but must ensure that feasible mitigations and alternatives that are available to reduce

---

significant impacts are identified and evaluated; LAHD and USACE are in compliance with this requirement.

No changes to the document are required.

**PCAC-EIR-19.** Please see responses to PCAC EIR-2. As discussed in Section 2.7 and Chapter 3.4 of the Draft SEIS/SEIR, the CCA requires preparation of a Port Master Plan (PMP) and certification of the PMP by the California Coastal Commission. The PMP identifies existing conditions, short-term plans, long-range preferred uses, and anticipated projects for each of the nine Planning Areas that comprises the planning core of the Port. Each Planning Area is designated with one or more major land use category (General Cargo, Liquid Bulk Cargo, Other Liquid Bulk, Dry Bulk, Commercial Fishing, Recreational, Industrial, Institutional, Commercial, and Other). The PMP was first drafted in 1979 and was recently revised in 2006 (LAHD 2006). The proposed Project facilities would be located in Planning Areas 5 (Wilmington District), 7 (Terminal Island/Main Channel), and 9 (Terminal Island/Seaward Extension). (Refer to Figure 3.8-1 with Planning Areas and Table 3.8-1 with designated uses for Planning Areas.) Planning Area 7 is located in the northern and western portions of Terminal Island. Planning Area 9 encompasses Piers 300 and 400 and includes the Marine Oil Terminal and both Tank Farms. The pipelines would traverse Planning Areas 9, 7, and 5. In April 1993, the California Coastal Commission certified Port Master Plan Amendment No. 12 which provided for the creation of the first phase of Pier 400 and related navigational channels and provided for liquid bulk as a permitted land use on the fill. This amendment, as well as all amendments processed subsequent to the original certification of the Port Master Plan by the Coastal Commission have been prepared, reviewed and adopted consistent with the policies contained in Article 3, Chapter 8 of the California Coastal Act. As such, the proposed Project is consistent with both the PMP and the Port Element of the City's General Plan.

**PCAC-EIR-20.** The extensive cumulative analysis in the Draft SEIS/SEIR includes the continuing effects of past projects, as required under CEQA and NEPA, and acknowledges the possibility, as raised in the comment, that even in instances where the individual effect of the proposed Project (or alternative) may be less than significant it may represent a cumulatively considerable contribution to a cumulatively significant impact. The SEIS/SEIR describes existing conditions in 2004 in accordance with CEQA requirements. The existing conditions capture the effects of past projects to the extent that they were still active in 2004 or resulted in long-term changes to the environment, regardless of the level of environmental review those past projects received. In addition, the results of monitoring activities, for example air quality or traffic monitoring conducted by the Port, incorporate the effects of ongoing operations regardless of whether or not they originally required CEQA documentation, were approved as an Application for Discretionary Project (ADP), or otherwise. In addition, each resource specialist reviewed changes that might have occurred subsequent to the 2004 CEQA baseline date and, if relevant to the analysis, identified the change in the SEIS/SEIR. The analysis of the proposed Project, by utilizing the 2004 CEQA baseline year, produces a result that represents a larger increment of change attributable to the proposed Project than would be the case if a later baseline year had been analyzed. In effect, it is a more conservative analysis in the sense that it attributes the potential impacts to the proposed Project, making them potentially subject to Project-related mitigations as opposed to "embedding" these impacts in the baseline and making them part of the cumulative analysis. In addition to including the continuing effects of past projects, the cumulative

---

analysis also considers the effects of present and reasonably foreseeable future projects, as required under CEQA and NEPA.

- PCAC-EIR-21.** The Berth 408 on Pier 400 is very close to Angels Gate, so vessels visiting the proposed Berth 408 Marine Terminal will travel a very short distance within the Port, be piloted by a Port Pilot and have several tugs boats assisting in ship during transit and berthing. There is not an increased potential for collisions due to ship size since the shipping channels are substantially larger than the vessels, and larger vessel size will not result in a decrease in ship separation distance.
- PCAC-EIR-22.** The SEIS/SEIR identifies the risk of terrorism as a significant impact that cannot be fully mitigated, which does not support the commenter’s assertion that “the EIS/EIR [sic] seems to indicate that security would not be a problem.” While security in the Port is substantial, there are limits to achieving a situation where one could declare that a facility is completely secure. The SEIS/SEIR terrorism risk analysis considered a wide variety of potential attack modes, and evaluated the effectiveness of known security measures. However, it would be inappropriate to include a detailed evaluation of Port security in a publicly available document. Since the Port is owned and operated by the City of Los Angeles, and the City is responsible for certain aspects of Port security, public funds are also required to provide adequate security.
- PCAC-EIR-23.** The Port has an approved Risk Management Plan (RMP) that also includes emergency response and evacuation plans. The Port RMP was written to incorporate issues associated with bulk liquid terminals on Pier 400. The proposed Project is consistent with the Port’s RMP as noted in SEIS/SEIR Impact RISK-4. Also, note that Los Angeles Municipal Code (Fire Protection – Chapter 5, Section 57, Divisions 4 and 5) will require the preparation of Project-specific emergency response and evacuation plans.

Evacuation planning for all hazards, man-caused or naturally occurring (such as earthquakes), is a continuing planning effort. Federal, State and local agencies meet and develop planning contingencies, develop communication and logistic protocols and exercise them. As the events may change and conditions become dynamic, the planning teams stage resources, plan exercises and optimize response strategies. Evacuation planning continues between the Port Police, the Los Angeles Fire and Police Departments (LAPD and LAFD), and the California Highway Patrol. LAPD and LAFD have the primary responsibility for evacuation of community areas that are outside the borders of the port complex. Even in these instances, the Port Police may fulfill a support role to ensure coordination and assist with planning, evacuations, and perimeter control.

Because of the port’s proximity to the community, the port police may be called upon to function as first responders to any incident in or near the complex until a unified command is established to control the scenario. In all occurrences a primary goal of the managing entities is the incident command and control under a “Unified Command”<sup>2</sup> approach. Whereas it is appropriate to communicate general emergency preparedness and evacuation planning information to the community in advance, it is not prudent to share

---

<sup>2</sup> A Unified Command structure involves establishing a management and command hierarchy that acts upon incident information to develop actionable plans and carries authority needed to delegate responders.

---

detailed tactical plans that are scenario and/or location-based, or contain sensitive security information. However, the City of Los Angeles is committed to protecting its citizens first and foremost in the event of an emergency.

**PCAC-EIR-24.** The recent study by City Controller Laura Chick does note numerous deficiencies in Citywide disaster preparedness. However, a review of this study indicates that the vast majority of the identified deficiencies are associated with events that do not affect the Port, or are large-scale disasters, e.g., a worst-case tsunami, that are on a much larger scale than any accident that could occur as a result of the proposed Project. It is clear from reviewing this report, as well as the potential hazards associated with the proposed Project, that the Port's Risk Management Plan and the Harbor/Port Evacuation Plan are more than adequate to address potential Project-related accidents.

**PCAC-EIR-25.** This comment suggests that interruptions in the power supply could result in the inability to provide adequate power for AMP and lighting. The Los Angeles Department of Water and Power (LADWP) provides electrical services within the Port and the proposed Project area. Based on the LADWP Integrated Resources Plan (IRP), electricity resources and reserves at LADWP would sufficiently accommodate electrical demands associated with the proposed Project. In addition, as discussed in Draft SEIS/SEIR Section 3.13 under Impact PS-5, LADWP has communicated that it would be able to provide power to the proposed Project site because LADWP has more than enough electrical power to supply the proposed Project. Peak demands and interruptions in power supply were taken into account by the LADWP when evaluating demands resulting from the proposed Project, including provisions for AMP and lighting.

**PCAC-EIR-26.** As required under NEPA and agreed to by the Port, the SEIS/SEIR addresses socioeconomic effects (i.e., employment, population, and housing), in Chapter 7 Socioeconomic Analysis; hazards, in Section 3.12 Risk of Upset/Hazardous Materials; and health risks, in Section 3.2 Air Quality (with detailed supplemental information in Appendix H4). Regarding the commenter's suggestion to analyze the benefits and costs of the project, CEQA and NEPA do not require an analysis of economic costs and benefits; however, the SEIS/SEIR provides a comprehensive analysis of environmental impacts of the construction and operation of the proposed Project as well as its alternatives, including not building the proposed Project (i.e., the No Federal Action/No Project Alternative). No changes to the document are required.

**PCAC-EIR-27.** The data provided in the Median Home Sales Prices table appended to the comment indicate that in general, lower priced homes in Los Angeles County, including those communities in proximity to the Ports of Los Angeles and Long Beach, generally increased in value by greater percentages than higher priced homes over the period from 2003 to 2007. While it is true that these homes are generally priced lower to begin with, this also represents greater affordability and the potential for more households to be able to purchase a home, including Port workers who live in the area. No changes to the document are required.

**PCAC-EIR-28.** Demand for homes, whether in the vicinity of the Ports of Los Angeles and Long Beach or elsewhere, depends on a variety of factors, including interest rates and other market factors that extend beyond the region, local and regional population and job growth, price/affordability, and other locational factors and amenities. Future demand for housing in the project area would also be affected by a variety of factors as well as any mitigations that would be implemented. Thank you for the reference. It will become part

---

of the public record through inclusion of the comment and response in the Final SEIS/SEIR. In addition, note that the SEIS/SEIR already incorporates the MATES-III report in Section 3.2 (see Page 3.2-10, lines 24-29) and Chapter 4 (see Section 4.2.2.7). No changes to the document are required.

**PCAC-EIR-29.** See the response to PCAC-EIR-9, which also addresses the issue of off-port effects. Thank you for the reference to the Committee's document titled "Review of Previous Environmental Documents." It will become part of the administrative record in this matter through inclusion of the comment and response in the Final SEIS/SEIR. No changes to the document are required.

**PCAC-EIR-30.** See the response to PCAC-EIR-26, which addresses cost-benefit analysis. Consistent with NEPA and CEQA, the document focuses on evaluating and identifying feasible project alternatives and mitigation measures to avoid or reduce the proposed Project's potentially significant impacts to the physical environment. The document includes a comprehensive, quantitative analysis of environmental and public health risk impacts of the proposed Project and the alternatives carried forward, including impacts on air quality and cancer and noncancer health risk from air pollution. No changes to the document are required.

**PCAC-EIR-31.** The Port and USACE are preparing the SEIS/SEIR in compliance with CEQA and NEPA requirements and other environmental statutes and regulations applicable to preparation and decision-making for the SEIS/SEIR. LAHD prepared, sponsored, and reviewed the SEIR in compliance with CEQA, and the authority of the BOHC and Los Angeles City Council to review and approve the SEIR is also consistent with the requirements of CEQA. All local, state, and federal agencies, as well as every member of the public, is entitled to comment on the SEIR, and under CEQA a response to each and every comment is required. No changes to the document are required.

**PCAC-EIR-32.** The Port made every effort to provide PCAC members and other stakeholders adequate time to review and comment on the document while maintaining its charge to manage and develop its resources and operations in an environmentally and fiscally responsible manner. The Port met with the PCAC prior to public release of the document and throughout the process of developing the EIR. The Port and USACE provided adequate review time under CEQA and NEPA and took additional steps not required by CEQA and NEPA to make the document publicly accessible and invite public comment. Consistent with CEQA Guidelines 15105(a) that states, "the public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances," the extended 75 day comment period allowed for more participation by stakeholders, including members of the PCAC and its EIR Subcommittee and also took into account overlapping public review timeframes for other projects.

**PCAC-EIR-33.** Review copies of the SEIS/SEIR were made available to the public through a variety of means including hard copy, electronic, CD, and on-site review at several locations. Also, the Executive Summary was translated into Spanish to broaden public review opportunities. The cost of a hard copy is based on the actual cost to produce the copies. No changes to the document are required.

**PCAC-EIR-34.** Thank you for your review of and comments on the Draft SEIS/SEIR.



**Richard Havenick, Air Quality Subcommittee, PCAC, July 10, 2008**

**PCAC-AQ-1.** Thank you for your review of and comments on the Draft SEIS/SEIR.

**PCAC-AQ-2.** NEPA and CEQA authorize mitigation to reduce or avoid significant environmental impacts that are attributable to the proposed project. Mitigation Measures AQ-1 through AQ-21, as modified in the Final SEIS/SEIR, represent all feasible means to reduce air pollution impacts from proposed construction and operational emission sources. The Project would comply with all applicable CAAP measures. Mitigation Measures AQ-12, AQ-19, and AQ-20 provide a process to consider new emission control technologies to mitigate proposed Project emissions in the future. Implementation of the CAAP would assist in the control of emissions from existing sources in proximity to the project.

**PCAC-AQ-3.** As shown in Table 3.2-22, the air quality mitigation measures identified in the Draft SEIS/SEIR met or in some cases exceeded CAAP measures. In addition, a number of the mitigation measures have been amended to further reduce emissions, namely MM AQ-14 as shown below:

**MM AQ-14 Low Sulfur Fuel**

All ships (100%) calling at Berth 408 shall use 0.2% low sulfur fuel within 40 nm of Point Fermin on their outbound leg and while hoteling at the Project, beginning on day one of operation. Vessels calling at Berth 408 shall also use 0.2% low sulfur fuel within 40 nm of Point Fermin on their inbound leg, except where circumstances (such as ships with a mono-tank system or ships originating from a Port where low sulfur fuel is not available) make such use infeasible on the inbound leg. Regardless, the applicant shall adhere to the following annual phase-in schedule which identifies the minimum allowable annual percentage of vessels in the fleet calling at Berth 408 which shall use 0.2% low sulfur fuel within 40 nm of Point Fermin on their inbound leg: Ships calling at Berth 408 shall use low sulfur fuel in main engines, auxiliary engines, and boilers within 40 nm of Point Fermin (including hoteling for non-AMP ships) in the annual percentages in fuel requirements as specified below:

**PLAMT Fuel Switch for Main Engines, Auxiliary Engines, and Boilers**

Year	Main Engines/Auxiliary Engines/Boilers					
	Inbound			Hoteling and Outbound		
	HFO	0.50%	0.20%	HFO	0.50%	0.20%
1	0	100	0	0	0	100
2	0	100	0	0	0	100
3	0	100	0	0	0	100
4	0	80	20	0	0	100
5	0	50	50	0	0	100
6	0	50	50	0	0	100
7-30	0	10	90	0	0	100

~~In addition, all callers carrying 0.2% low sulfur shall use 0.2% low sulfur fuel within 40 nm of Point Fermin both on the inbound and outbound leg. Six months prior to operation of Berth 408 the applicant shall lead the effort, with Port support, in notifying all fuel suppliers/shippers of the low sulfur fuel requirements. This notification shall be~~

---

achieved through publication of a notice in Bunker World (or other similar fuel supply trade publication) and by notification to all Berth 408 customers.

MM AQ-14 fully complies with OGV-3 and OGV-4. The CAAP assumes full compliance of OGV-3 and OGV-4 pending technical feasibility and fuel availability. The phase-in schedule for MM AQ-14 allows time for technical equipment upgrades, including installing new tanks and piping on ships.

**PCAC-AQ-4** Regarding the suggestion for 100 percent compliance with AMP, the percentages required in MM AQ-15 represent aggressive phase-in requirements for a marine oil tanker. Both CARB and POLA have considered the applicability of cold ironing to tankers and concluded that they are not good candidates. The CARB adopted a cold ironing rule in 2007 that did not include tankers. It is currently considering other measures applicable to tankers but no regulation has been proposed. Likewise, the Clean Air Action Plan (CAAP) concluded that shore power is generally best suited for vessels that make multiple calls per year, require significant demand while at berth, and vessels that will continue to call at the same terminal for multiple years. In general, crude oil tankers do not fit within these categories. For tankers, the CAAP concluded that only crude tankers that have diesel-electric powered pumps were considered to be good candidates. The CAAP suggested alternative hotelling emissions reduction technologies for vessels that do not fit the shore power model. Such technologies include shore-powered dockside electrical pumps for tankers to reduce on-board pumping loads. Berth 408 has proposed shore-powered pumps to be used on all vessel calls. This is in conformance with the feasibility findings of the CAAP.

Currently, only two tankers in the world crude oil tanker fleet are equipped for cold ironing and they are both diesel-electric vessels. (The world crude oil tanker fleet consists of approximately 1,200 vessels that could be expected to call at Berth 408 (Aframax or larger), and it is believed that there are only 9 crude oil tankers that are diesel-electric.) The two AMP-equipped tankers are owned by British Petroleum and have been modified for use at BP's Berth 121 at the Port of Long Beach but have yet to make a single call using AMP due to a series of technical issues. The BP tankers are not configured to be able to utilize the proposed AMP facility at Berth 408. Thus, to date, the successful application of cold ironing technology to crude oil tankers has not been demonstrated despite several years of effort by BP and funding by the Port of Long Beach. This is an extremely aggressive schedule considering that no crude oil tanker likely to call at Berth 408 is equipped for cold ironing. Plains expects the shore power requirement in early years will be met by retrofitting a small number of vessels traveling between POLA and South America, which would make sense because they are most likely to be frequent callers.

Regarding the suggestion to revise MM AQ-15 to allow use of alternative dockside emissions control technologies that may become feasible in the future, MM AQ-15 has been modified to increase AMP participation rates and Alternative Maritime Emission Control System (AMECS) requirements as shown below to further reduce boiler emissions:

MM AQ-15 AMP

By end of year 2 of operation, all ships capable of utilizing AMP and all frequent callers (2 or more a year), shall use AMP at the facility. At minimum, ships calling

---

~~at the Berth 408 facility shall use AMP~~ ~~Ships calling at Berth 408 facility shall use AMP while hoteling at the Port in the following at minimum percentages~~ while hoteling at the Port in the following at minimum percentages:

- By end of year 2 of operation – 6 (4%) vessel calls
- By end of year 3 of operation – 10% of annual vessel calls
- By end of year 5 of operation – 15% of annual vessel calls
- By end of year 10 of operation – ~~40~~ 50% of annual vessel calls
- By end of year 16 of operation – ~~70~~ 80% of annual vessel calls

As discussed in Chapter 3.2, use of AMP would enable ships to turn off their auxiliary engines during hoteling, leaving the boiler as the only source of direct emissions. An increase in regional power plant emissions associated with AMP electricity generation is also assumed. Including the emission from ship boilers, a ship hoteling with AMP reduces its criteria pollutant emissions 88 to 98 percent, depending on the pollutant, when compared to a ship hoteling without AMP and burning residual fuel in the boilers.

AMP on container vessels and cruise ships is directed at reducing emissions from the relatively large hoteling loads present on these vessels. Tankers have smaller hoteling loads but also must support cargo offloading operations by producing steam power. The steam production capability cannot be replaced without complete vessel reconstruction. However, as mentioned earlier, the Project design includes a feature to minimize steam generation requirements via the use of shore-side electric pumps.

The Port will design and incorporate into Berth 408 all the necessary components to make full AMP available for those vessels capable of utilizing such facilities. The following addition has been included the AMP discussion in the Final SEIS/SEIR.

In the alternative, the Port may, upon application by the tenant, and subject to all applicable laws and regulations, permit the tenant to install and employ and Alternative Maritime Emission Control System (AMECS) system, either in combination with or in place of AMP as designated in the Port's permit, to satisfy the requirements of this mitigation measure; provided that the Port first finds, based on environmental review prepared pursuant to CEQA, all of the following:

- (7) that AMECS is a feasible mitigation measure;
- (8) that the Port and CARB have verified that use of AMECS, as permitted by the Port, would achieve emissions reductions equivalent to or better than those identified in this SEIS/SEIR as occurring under this mitigation measure through the use of AMP alone; and
- (9) that either
  - g. the use of AMECS, as permitted by the Port to achieve the purposes of this mitigation measure, would result in no new or substantially more severe significant adverse impact to the environment, or
  - h. any new or substantially more severe adverse impact to the environment resulting from the use of AMECS as permitted by the Port to achieve the

---

purposes of this mitigation measure would be mitigated to a less than significant level, or

- i. overriding considerations, as defined under CEQA, make appropriate the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure.

The Final SEIS/SEIR clarifies the position of the Port with respect to the potential use of AMECS as a mitigation measure (see Section 3.2 of the Final SEIS/SEIR and specifically the discussion of MM AQ-15). The Final SEIS/SEIR clarifies that if AMECS becomes technologically feasible, then the Port will evaluate its effectiveness and its equivalence with respect to AMP consistent with MM AQ-19 and MM AQ-20. If it is found to be feasible, effective, and equivalent in terms of reductions of pollutants of significance, then the Port will require the tenant to install AMECS. Once AMECS is installed, all vessels calling at Berth 408 that are not capable of utilizing AMP, as well as frequent callers (i.e., vessels that call more than two times per year), must use AMECS. If AMECS is not available within the lifetime of the proposed Project or if it is not found to be feasible or equivalent to AMP, then ships calling at Berth 408 shall use AMP while hoteling at the Port in the minimum percentages specified in MM AQ-15.

**PCAC-AQ-5.** . **PCAC-AQ-5.** Use of 0.2% low sulfur fuel for some marine tankers is infeasible in the short term due to availability. Virtually all marine tankers carry distillate (at approximately 0.5% sulfur) for purposes of cleaning main engines of the Heavy Fuel Oil (HFO) when a vessel must be taken out of service for its five year survey and for the emergency generators. However, 0.2% sulfur fuel may not be available at all ports of origin in the short term and therefore the use of 0.2% low sulfur fuel is being phased-in over time. The majority of tankers calling at Berth 408 in the short term are expected to originate in the oil producing regions of the Middle East, West Africa, or South America. Recent low-sulfur fuel availability studies completed by the California Air Resources Board (CARB) and the Port do not support a finding that 0.2% sulfur fuel is available worldwide and in particular at the ports where some project trips are expected to originate.

Under MM AQ-14, vessels originating from ports with no 0.2% low sulfur fuel will come in on distillate and then load on 0.2% fuel into the distillate tank.

**PCAC-AQ-6.** Please see response to comment SCAQMD-22. The proposed mitigation measure assumes that the slide valves are used to the greatest extent feasible and does not mandate 100% use on day one. The Port acknowledges that slide valves are not marine-oil tanker industry standards and may be difficult or infeasible to implement. The document did not assume any emissions reductions from this measure because of the difficulties with implementation. The Port will work with Plains and its customers to install slide valves

**PCAC-AQ-7.** This measure will be incorporated into the lease. Throughput shall be monitored by the Wharfingers Office and the Port's Environmental Management Division. The Environmental Management Division will report on throughput in 2015, 2025 and 2040 and numbers will be made available to the Board of Harbor Commissioners at a regularly scheduled public Board Meeting. If it is determined that throughput numbers exceed assumptions in the SEIS/SEIR, Port staff would evaluate project emissions based on actual throughput for comparison to emissions estimated in the SEIS/SEIR and if the

---

criteria pollutant emissions exceed those in the SEIS/SEIR, then new/additional mitigations would be applied through lease provisions described in MM AQ-20.

- PCAC-AQ-8.** As detailed in the description of MM AQ-20 within Section 3.2 of the Draft SEIS/SEIR, “As partial consideration for the Port’s agreement to issue the permit to the tenant, tenant shall implement not less frequently than once every 7 years following the effective date of the permit, new air quality technological advancements, subject to the parties’ mutual agreement on operational feasibility and cost sharing which shall not be unreasonably withheld.” This provides a “re-opener clause” to allow for evaluation at 7-year intervals, which is more protective of the environment than the ten-year interval proposed in the comment.
- PCAC-AQ-9.** The MOU between the Port and the TraPac Project Appellants does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid significant impacts of the Project. Rather, through the MOU, the Port has agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the existing cumulative off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. Therefore, no revisions to the draft document are required by the MOU.
- PCAC-AQ-10.** Thank you again for your review of and comment on the Draft SEIS/SEIR.

---

## Coastal San Pedro Neighborhood Council, not dated

**CSPNC-1.** Thank you for your comments on the Draft SEIS/SEIR.

**CSPNC-2.** Crude oil imported at the proposed terminal would meet the demand for transportation fuels across southern California as well as other regions (e.g., Arizona and Nevada) that are largely dependent on southern California for petroleum product imports. It is worth noting that southern California gains employment, wage and tax benefits from the operation of area refineries that would receive crude oil from the proposed terminal, even though a portion of the refined products would be transported to and consumed in regions outside of southern California. Figure 1-7 illustrates that incremental demand (over 2004) for crude oil marine imports to Southern California would reach 500,000 bpd within approximately 10 years and exceed 650,000 bpd by approximately 2025, in part determined by refinery capacity and consumer demand in southern California. Although the proposed Project would not determine the location of the ultimate consumers of crude oil products, demand for petroleum production in southern California is projected to grow as a result of population and economic growth, much of it driven by growth in transportation demand. Appendix D1 addresses demand in greater detail. Based on current pipeline and refinery infrastructure and flows, virtually all of the crude imported by the proposed Project would supply end users in southern California, Arizona, and Nevada. As noted in the document, California receives no crude oil imports from non-California ports (e.g., via pipeline from the Gulf Coast).

Where the SEIS/SEIR finds significant impacts, all feasible mitigation measures have been identified and applied to construction and operation of the proposed Project. In addition, and independently of the SEIS/SEIR process, the Port has previously agreed to establish a Port Community Mitigation Trust Fund that would benefit the communities of San Pedro and Wilmington. Under CEQA and NEPA, decision-makers are not compelled to provide affected populations with an amount of project benefits equal to impacts, but must ensure that feasible mitigations and alternatives that are available to reduce significant impacts are identified and evaluated; LAHD and USACE are in compliance with this requirement.

**CSPNC-3.** Mitigation Measures AQ-1 through AQ-21, as modified in the Final SEIS/SEIR, represent all feasible means to reduce air pollution impacts from proposed construction and operational emission sources. In addition, MM AQ-12 and MM AQ-19 through AQ-21 provide a process to consider new emission control technologies to mitigate proposed Project emissions in the future. Furthermore, the Final SEIS/SEIR clarifies the potential role of AMECS emission control technology with respect to the proposed Project; see the response to comment USEPA-11. Also, please see response to comment USEPA-15. Through a Memorandum of Understanding, the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the cumulative off-port impacts created by Port operations. outside of the context of project-specific NEPA and/or CEQA documents. The off-Port community benefits of the MOU are designed to offset cumulative effects of Port operations, although the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the Project. This fund includes, for example, approximately \$6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of

---

vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute \$0.15 per ton of crude oil received at the terminal up to an amount of approximately \$5 million. The off-Port community benefits of the MOU are designed to offset cumulative effects of Port operations.

**CSPNC-4.** The Draft SEIS/SEIR considered the Pier 400, Face E, alternative and determined that the relatively minor advantages over the proposed Project are outweighed by the greater environmental impacts. This alternative would result in greater environmental impacts due to the additional impacts and costs associated with: required dredging (the channel alongside Face E is dredged to only 69 feet); the increased number of turns a VLCC would need to take to access Face E (thus increasing air emissions and potentially limiting recreational access); potential adverse effects on California least tern foraging due to tanker and tugboat activity in the waters adjacent to the California least tern nesting site; and greater impacts on the California least terns in the event of a tanker upset or spill because a berth at Face E would be immediately adjacent to the least tern nesting site. See Draft SEIS/SEIR Section 2.5.3.2.10.

The Draft SEIR/SEIS proposes adequate alternatives under CEQA/NEPA. Under NEPA/CEQA, an EIS/EIR is required to evaluate a reasonable range of feasible alternatives to reduce or avoid a project's significant impacts. The range of alternatives examined need not exceed a reasonable range which allows a reasoned choice among the alternatives and the proposed Project, and an EIS/EIR need not focus on alternatives that are not feasible or would not avoid or reduce Project impacts. Many alternatives discussed in the Draft SEIS/SEIR were eliminated from further detailed analysis for reasons of infeasibility and/or ineffectiveness at avoiding or reducing Project impacts. However, one alternative involving limited crude oil throughput in certain years was carried forward (in addition to the No Project Alternative and the proposed Project) for co-equal analysis in the document.

Regarding the suggestion to shorten the breakwater, the breakwater is designed to reduce both wave action and strong currents within the harbor to ensure safe vessel maneuvering and berthing. Removing sections of the breakwater would increase wave action and currents. Regarding the suggestion to dredge a channel from Queens Gate in the Port of Long Beach to Face E (a distance of about 4 miles), this dredging and associated sediment disposal would have substantial impacts on air quality (e.g., due to emissions from dredging equipment), water quality (e.g., due to increased turbidity), biological resources (e.g., due to increased turbidity and disruption of biological communities), and marine transportation (e.g., due to the presence of dredging and support vessels). In addition, LAHD has no authority to construct or expand facilities outside its jurisdictional boundaries, which would be necessary in order to dredge the channel from Queens Gate.

Regarding the evacuation plan, the Port has an approved Risk Management Plan (RMP) that also includes emergency response and evacuation plans. The Port RMP was written to incorporate issues associated with bulk liquid terminals on Pier 400. The proposed Project is consistent with the Port's RMP as noted in SEIS/SEIR Impact RISK-4. Also, note that Los Angeles Municipal Code (Fire Protection – Chapter 5, Section 57, Divisions 4 and 5) will require the preparation of Project-specific emergency response and evacuation plans.

---

Evacuation planning for all hazards, man-caused or naturally occurring (such as earthquakes), is a continuing planning effort. Federal, State and local agencies meet and develop planning contingencies, develop communication and logistic protocols and exercise them. As the events may change and conditions become dynamic, the planning teams stage resources, plan exercises and optimize response strategies. Evacuation planning continues between the Port Police, the Los Angeles Fire and Police Departments (LAPD and LAFD), and the California Highway Patrol. LAPD and LAFD have the primary responsibility for evacuation of community areas that are outside the borders of the port complex. Even in these instances, the Port Police may fulfill a support role to ensure coordination and assist with planning, evacuations, and perimeter control.

Because of the port's proximity to the community, the port police may be called upon to function as first responders to any incident in or near the complex until a unified command is established to control the scenario. In all occurrences a primary goal of the managing entities is the incident command and control under a "Unified Command"<sup>3</sup> approach. Whereas it is appropriate to communicate general emergency preparedness and evacuation planning information to the community in advance, it is not prudent to share detailed tactical plans that are scenario and/or location-based, or contain sensitive security information. However, the City of Los Angeles is committed to protecting its citizens first and foremost in the event of an emergency.

Regarding the mitigation plan to limit light pollution, the neighborhood air quality monitoring station, and the community health care fund, please see response to comment CSPNC-3.

- CSPNC-5.** Your comment is noted and will be forwarded to the Board of Harbor Commissioners. The document identifies all feasible mitigation measures to avoid, reduce and minimize environmental and public health risk impacts of the proposed Project. Note that the impacts of the proposed Project on health risk, as well as some other environmental impacts, are substantially lower than the impacts of the No Project Alternative.
- CSPNC-6.** The comment is noted. The document identifies all feasible mitigation measures to avoid, reduce and minimize environmental and public health risk impacts of the proposed Project. Note that the impacts of the proposed Project on air quality in the operation phase, as well as health risk and certain other environmental impacts, are substantially lower than the impacts of the No Project Alternative.
- CSPNC-7.** MM AQ-1 through AQ-21, as modified in the Final SEIS/SEIR, represent all feasible means to reduce air pollution impacts from proposed construction and operational emission sources. The proposed Project would comply with all applicable CAAP measures. MM AQ-12 and MM AQ-19 through AQ-21 provide a process to consider new emission control technologies that may become available in the future, and the Port has revised the description of MM AQ-15 to clarify how AMECS, specifically, may eventually be incorporated into the Project as described below in CSPNC-8.

---

<sup>3</sup> A Unified Command structure involves establishing a management and command hierarchy that acts upon incident information to develop actionable plans and carries authority needed to delegate responders.



---

**CSPNC-8.** Regarding the suggestion for 100 percent compliance with AMP, the percentages required in MM AQ-15 represent aggressive phase-in requirements for a marine oil tanker. Both CARB and POLA have considered the applicability of cold ironing to tankers and concluded that they are not good candidates. The CARB adopted a cold ironing rule in 2007 that did not include tankers. It is currently considering other measures applicable to tankers but no regulation has been proposed. Likewise, the Clean Air Action Plan (CAAP) concluded that shore power is generally best suited for vessels that make multiple calls per year, require significant demand while at berth, and vessels that will continue to call at the same terminal for multiple years. In general, crude oil tankers do not fit within these categories. For tankers, the CAAP concluded that only crude tankers that have diesel-electric powered pumps were considered to be good candidates. The CAAP suggested alternative hotelling emissions reduction technologies for vessels that do not fit the shore power model. Such technologies include shore-powered dockside electrical pumps for tankers to reduce on-board pumping loads. Berth 408 has proposed shore-powered pumps to be used on all vessel calls. This is in conformance with the feasibility findings of the CAAP.

Currently, only two tankers in the world crude oil tanker fleet are equipped for cold ironing and they are both diesel-electric vessels. (The world crude oil tanker fleet consists of approximately 1,200 vessels that could be expected to call at Berth 408 (Aframax or larger), and it is believed that there are only 9 crude oil tankers that are diesel-electric.) The two AMP-equipped tankers are owned by British Petroleum and have been modified for use at BP's Berth 121 at the Port of Long Beach but have yet to make a single call using AMP due to a series of technical issues. The BP tankers are not configured to be able to utilize the proposed AMP facility at Berth 408. Thus, to date, the successful application of cold ironing technology to crude oil tankers has not been demonstrated despite several years of effort by BP and funding by the Port of Long Beach. This is an extremely aggressive schedule considering that no crude oil tanker likely to call at Berth 408 is equipped for cold ironing. Plains expects the shore power requirement in early years will be met by retrofitting a small number of vessels traveling between POLA and South America, which would make sense because they are most likely to be frequent callers.

Regarding the suggestion to revise MM AQ-15 to allow use of alternative dockside emissions control technologies that may become feasible in the future, MM AQ-15 has been modified to increase AMP participation rates and Alternative Maritime Emission Control System (AMECS) requirements as shown below to further reduce boiler emissions:

#### MM AQ-15 AMP

By end of year 2 of operation, all ships capable of utilizing AMP and all frequent callers (2 or more a year), shall use AMP at the facility. At minimum, ships calling at the Berth 408 facility shall use AMP ~~Ships calling at Berth 408 facility shall use AMP while hoteling at the Port in the following at minimum percentages while hoteling at the Port in the following at minimum percentages:~~

- By end of year 2 of operation – 6 (4%) vessel calls
- By end of year 3 of operation – 10% of annual vessel calls
- By end of year 5 of operation – 15% of annual vessel calls
- By end of year 10 of operation – ~~40~~ 50% of annual vessel calls

- 
- By end of year 16 of operation – ~~70~~ 80% of annual vessel calls

As discussed in Chapter 3.2, use of AMP would enable ships to turn off their auxiliary engines during hoteling, leaving the boiler as the only source of direct emissions. An increase in regional power plant emissions associated with AMP electricity generation is also assumed. Including the emission from ship boilers, a ship hoteling with AMP reduces its criteria pollutant emissions 88 to 98 percent, depending on the pollutant, when compared to a ship hoteling without AMP and burning residual fuel in the boilers.

AMP on container vessels and cruise ships is directed at reducing emissions from the relatively large hoteling loads present on these vessels. Tankers have smaller hoteling loads but also must support cargo offloading operations by producing steam power. The steam production capability cannot be replaced without complete vessel reconstruction. However, as mentioned earlier, the Project design includes a feature to minimize steam generation requirements via the use of shore-side electric pumps.

The Port will design and incorporate into Berth 408 all the necessary components to make full AMP available for those vessels capable of utilizing such facilities. The following addition has been included the AMP discussion in the Final SEIS/SEIR.

In the alternative, the Port may, upon application by the tenant, and subject to all applicable laws and regulations, permit the tenant to install and employ and Alternative Maritime Emission Control System (AMECS) system, either in combination with or in place of AMP as designated in the Port's permit, to satisfy the requirements of this mitigation measure; provided that the Port first finds, based on environmental review prepared pursuant to CEQA, all of the following:

- (10) that AMECS is a feasible mitigation measure;
- (11) that the Port and CARB have verified that use of AMECS, as permitted by the Port, would achieve emissions reductions equivalent to or better than those identified in this SEIS/SEIR as occurring under this mitigation measure through the use of AMP alone; and
- (12) that either
  - j. the use of AMECS, as permitted by the Port to achieve the purposes of this mitigation measure, would result in no new or substantially more severe significant adverse impact to the environment, or
  - k. any new or substantially more severe adverse impact to the environment resulting from the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure would be mitigated to a less than significant level, or
  - l. overriding considerations, as defined under CEQA, make appropriate the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure.

---

The Final SEIS/SEIR clarifies the position of the Port with respect to the potential use of AMECS as a mitigation measure (see Section 3.2 of the Final SEIS/SEIR and specifically the discussion of MM AQ-15). The Final SEIS/SEIR clarifies that if AMECS becomes technologically feasible, then the Port will evaluate its effectiveness and its equivalence with respect to AMP consistent with MM AQ-19 and MM AQ-20. If it is found to be feasible, effective, and equivalent in terms of reductions of pollutants of significance, then the Port will require the tenant to install AMECS. Once AMECS is installed, all vessels calling at Berth 408 that are not capable of utilizing AMP, as well as frequent callers (i.e., vessels that call more than two times per year), must use AMECS. If AMECS is not available within the lifetime of the proposed Project or if it is not found to be feasible or equivalent to AMP, then ships calling at Berth 408 shall use AMP while hoteling at the Port in the minimum percentages specified in MM AQ-15.

**CSPNC-9.** . **PCAC-AQ-5.** Use of 0.2% low sulfur fuel for some marine tankers is infeasible in the short term due to availability. Virtually all marine tankers carry distillate (at approximately 0.5% sulfur) for purposes of cleaning main engines of the Heavy Fuel Oil (HFO) when a vessel must be taken out of service for its five year survey and for the emergency generators. However, 0.2% sulfur fuel may not be available at all ports of origin in the short term and therefore the use of 0.2% low sulfur fuel is being phased-in over time. The majority of tankers calling at Berth 408 in the short term are expected to originate in the oil producing regions of the Middle East, West Africa, or South America. Recent low-sulfur fuel availability studies completed by the California Air Resources Board (CARB) and the Port do not support a finding that 0.2% sulfur fuel is available worldwide and in particular at the ports where some project trips are expected to originate.

Under MM AQ-14, vessels originating from ports with no 0.2% low sulfur fuel will come in on distillate and then load on 0.2% fuel into the distillate tank.

**CSPNC-10.** Please see response to comment SCAQMD-22. The proposed mitigation measure assumes that the slide valves are used to the greatest extent feasible and does not mandate 100% use on day one. The Port acknowledges that slide valves are not marine-oil tanker industry standards and may be difficult or infeasible to implement. The document did not assume any emissions reductions from this measure because of the difficulties with implementation. The Port will work with Plains and its customers to install slide valves

**CSPNC-11** This measure will be incorporated into the lease. Throughput shall be monitored by the Wharfingers Office and the Port's Environmental Management Division. The Environmental Management Division will report on throughput in 2015, 2025 and 2040 and numbers will be made available to the Board of Harbor Commissioners at a regularly scheduled public Board Meeting. If it is determined that throughput numbers exceed assumptions in the SEIS/SEIR, Port staff would evaluate project emissions based on actual throughput for comparison to emissions estimated in the SEIS/SEIR and if the criteria pollutant emissions exceed those in the SEIS/SEIR, then new/additional mitigations would be applied through lease provisions described in MM AQ-20.

**CSPNC-12.** As detailed in the description of MM AQ-20 within Section 3.2 of the Draft SEIS/SEIR, "As partial consideration for the Port's agreement to issue the permit to the tenant, tenant shall implement not less frequently than once every 7 years following the effective date of the permit, new air quality technological advancements, subject to the parties' mutual agreement on operational feasibility and cost sharing which shall not be unreasonably

---

withheld.” This provides a “re-opener clause” to allow for evaluation at 7-year intervals, which is more protective of the environment than the ten-year interval proposed in the comment.

- CSPNC-13.** The MOU between the Port and the TraPac Project Appellants does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid significant impacts of the Project. Rather, through the MOU, the Port has agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the existing cumulative off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. Therefore, no revisions to the draft document are required by the MOU.
- CSPNC-15.** See responses to comments CSLC-34, -46, -49, and -51 for invasive species, and the responses to comments CSLC-41, -43, -45, -48, and -52 for oil spills.
- CSPNC-16.** The comment maintains that the Draft SEIS/SEIR “omits an adequate assessment of noise impacts during operations.” This assertion is incorrect. Draft SEIS/SEIR Section 3.10.4.3.1.2 analyzes operational noise impacts. The analysis assesses the effects of noise associated with key noise-generating equipment from peak hour operations as shown in Table 3.10-9. Both a daytime and nighttime scenario were analyzed and included a 5 dB penalty (arbitrarily added noise increment) for the hours of 7:00 pm to 10:00 pm and a 10 dB penalty for the hours of 10:00 pm to 7:00 am to arrive at a Community Noise Equivalent Level (CNEL) comparison. In both scenarios, predicted noise at the nearest sensitive receptors, including adding the evening and nighttime penalties, would be at or below 1 dB, which is barely audible to an attentive listener, and below the 3 dB threshold. The impacts were therefore considered less than significant.
- CSPNC-17.** The comment maintains that the Draft SEIS/SEIR “requires revision to fully assess cumulative noise impacts to residents and recreational areas that would occur during construction.” This assertion is incorrect. The cumulative noise analysis in Draft SEIS/SEIR Section 4.2.10.2 concludes that noise from construction would be cumulatively considerable and unavoidable and that the proposed Project would contribute significantly to that cumulative impact. While noise associated with construction would be audible at recreational locations, residential criteria generally do not apply to recreational sites where higher noise levels, such as enthusiastic crowds, motorized recreational equipment, and the like are considered acceptable ambient noise. Nevertheless, Draft SEIS/SEIR Section 3.11.4.3.1.1 addresses the noise impacts of the project construction on recreation and concludes that the impacts of pile driving would be significant and unavoidable. No change is required to the document. The document identifies all feasible mitigation measures to avoid, reduce and minimize environmental and public health risk impacts of the proposed Project, including impacts on noise.
- CSPNC-18.** The comment maintains that the document “requires revision to fully assess unmitigated impacts to recreation.” See response to comment CSNPC-17, above and refer to Draft SEIS/SEIR Section 3.11.4.3.1.1. The document adequately analyzes impacts on recreation, and identifies all feasible mitigation measures to avoid, reduce and minimize the impacts on recreational resources of the proposed Project and its alternatives.
- CSPNC-19.** The Draft SEIS/SEIR includes an extensive, 78-page analysis of existing conditions, impacts and mitigations for water quality (Draft SEIS/SEIR Section 3.14), in addition to a Section (4.2.14) on cumulative water quality impacts. The water quality analysis

---

identifies significant impacts and feasible mitigation measures. Also, note that the document has been revised to include a discussion of the Vessel General Permit (see response to comment CSLC-63) and implications for project-specific and cumulative impacts to water quality from vessel discharges, including ballast and bilge water and underwater husbandry.

**CSPNC-20.** The general assessment in the Deep Draft FEIS/FEIR (the “Pier 400 EIR”) could not fully assess visual impacts associated with specific future projects. In the absence of project-specific information, important factors influencing the visual impact of those future projects could not be identified or assessed. The purpose of the Draft SEIS/SEIR is to address the specific information now available for the proposed Project and its alternatives, which facilitates the identification of critical public views potentially affected by the Project, viewing distances, and other parameters influencing the visual effect of the Project.

Regarding the mitigation of the loss of open water with visual amenities such as landscaping, the commenter is referring to Mitigation Measure MM 4M-1 from the 1992 Deep Draft FEIS/FEIR. This Mitigation Measure, requiring developers of facilities on the landfill to provide a specified level of visual amenities such as vegetation and the painting of facilities in appropriate colors, has been included as an element of the proposed Project, as discussed in Section 3.1.1.1 of the Draft SEIS/SEIR. Therefore, the concern expressed in the comment, that Mitigation Measure MM 4M-1 “has not been done” would be satisfied under the proposed Project, which would include implementation of all substantive requirements of that mitigation measure.

**CSPNC-21.** Regarding the issue of light spillage and nighttime sky views, the Project’s terminal lighting is described in Section 3.1.4.3.1.2. To meet the LAHD’s Lighting Guidelines, the primary terminal lighting would be directional, facing east away from sensitive public viewing positions to the west, while lower deck level lights would be directed downward to equipment and piping, where needed. To demonstrate that no increase in off-site light emissions would occur as a result of the proposed Project when it is in operation, LAHD engineering would measure the light level at strategic off-site points prior to the installation of new lighting and also would measure the light levels at the same points after the installation (Section 3.1.3.1.1: LAHD’s Terminal Lighting Design Guidelines).

Regarding the issue of the baseline used for the analysis, Section 15125 of the CEQA Guidelines requires EIRs to include a factual description of the physical environmental conditions in the vicinity of a project that exist at the time of the NOP. For purposes of the Draft SEIS/SEIR, the CEQA Baseline for determining the significance of potential impacts under CEQA is June 2004. CEQA Baseline conditions as they pertain to the Aesthetics & Visual Resources Assessment are described in Section 3.1.2.2.3, and those conditions include the high-mast lighting at Pier 400, which was present prior to June, 2004.

**CSPNC-22.** The Draft SEIS/SEIR considered the Pier 400, Face E, alternative and determined that the relatively minor advantages over the proposed Project are outweighed by the greater environmental impacts. This alternative would result in greater environmental impacts due to the additional impacts and costs associated with: required dredging (the channel alongside Face E is dredged to only 69 feet); the increased number of turns a VLCC would need to take to access Face E (thus increasing air emissions and potentially limiting recreational access); potential adverse effects on California least tern foraging

---

due to tanker and tugboat activity in the waters adjacent to the California least tern nesting site; and greater impacts on the least terns in the event of a tanker upset or spill because a berth at Face E would be immediately adjacent to the least tern nesting site. See Draft SEIS/SEIR Section 2.5.3.2.10.

The Draft SEIS/SEIR proposes adequate alternatives under CEQA and NEPA. The range Under NEPA/CEQA, an EIS/EIR is required to evaluate a reasonable range of feasible alternatives to reduce or avoid a project's significant impacts. The range of alternatives examined need not exceed a reasonable range which allows a reasoned choice among the alternatives and the proposed Project, and an EIS/EIR need not focus on alternatives that are not feasible or would not avoid or reduce Project impacts. Many alternatives discussed in the Draft SEIS/SEIR were eliminated from further detailed analysis for reasons of infeasibility and/or ineffectiveness at avoiding or reducing Project impacts. However, one alternative involving limited crude oil throughput in certain years was carried forward (in addition to the No Project Alternative and the proposed Project) for co-equal analysis in the document.

Also, please see the response to comment CSPNC-23.

**CSPNC-23.** This comment is duplicative of CSPNC-22 except that the commenter suggests two ideas to reduce the navigational difficulties associated with VLCC access to Face E. Regarding the suggestion to shorten the breakwater, the breakwater is designed to reduce both wave action and strong currents within the harbor to ensure safe vessel maneuvering and berthing. Removing sections of the breakwater would increase wave action and currents. Regarding the suggestion to dredge a channel from Queens Gate in the Port of Long Beach to Face E (a distance of about 4 miles), this dredging and associated sediment disposal would have substantial impacts on air quality (e.g., due to emissions from dredging equipment), water quality (e.g., due to increased turbidity), biological resources (e.g., due to increased turbidity and disruption of biological communities), and marine transportation (e.g., due to the presence of dredging and support vessels). In addition, LAHD has no authority to construct or expand facilities outside its jurisdictional boundaries, which would be necessary in order to dredge the channel from Queens Gate.

**CSPNC-24.** The Port and USACE disagree with the commenter's interpretation of the AMP requirements. MM AQ-15 requires ships calling at the facility to use AMP while hoteling at the Port subject to the implementation schedule laid out in the document. Please see response to Comment SCAQMD-20. Currently, only two tankers in the world crude oil tanker fleet are equipped for cold ironing and they are both diesel-electric vessels. (The world crude oil tanker fleet consists of approximately 1,200 vessels that could be expected to call at Berth 408 (Aframax or larger), and it is believed that there are only 9 crude oil tankers that are diesel-electric.) The two AMP-equipped tankers are owned by British Petroleum and have been modified for use at BP's Berth 121 at the Port of Long Beach but have yet to make a single call using AMP due to a series of technical issues. The BP tankers are not configured to be able to utilize the proposed AMP facility at Berth 408. Thus, to date, the successful application of cold ironing technology to crude oil tankers has not been demonstrated despite several years of effort by BP and funding by the Port of Long Beach. This is an extremely aggressive schedule considering that no crude oil tanker likely to call at Berth 408 is equipped for cold ironing. Plains expects the shoreside power requirement in early years will be met by retrofitting a small number of vessels traveling between the Port and South America, which would make sense because they are most likely to be frequent callers.

---

**CSPNC-25.** The Port and USACE make every attempt to check scheduled public hearing and public meeting dates of other agencies when scheduling their own public hearings. When the June 26, 2008, date was set for the public hearing for the Plains All American project, the date had not been set for the other project hearing referenced in the comment. Neither the Port nor USACE received any request to change the date of the June 26 hearing until the last several days prior to the meeting.

The Port and USACE provided adequate review time under CEQA and NEPA and took additional steps not required by CEQA and NEPA to make the document publicly accessible and invite public comment. Consistent with CEQA Guidelines 15105(a) that states, “the public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances,” the extended 75 day comment period allowed for more participation by stakeholders. Full copies of the Draft SEIS/SEIR were available for review at four local libraries, including those in Wilmington, San Pedro, and Long Beach, and at the Port offices in San Pedro. The Port provided a printed Executive Summary in English or Spanish and a CD containing the entire document, free of charge, to anyone who requested it, and the document was also available on the Internet.

Regarding the Port’s refusal to pay for consultants to assist the PCAC, this fact is a matter of Port policy and is not applicable to this specific proposed Project.

**CSPNC-26.** Thank you again for your comments on the Draft SEIS/SEIR.

---

## San Pedro and Peninsula Homeowners Coalition, August 12, 2008

**SPPHCO-1.** Thank you for your comments on the Draft SEIS/SEIR.

**SPPHCO-2.** As discussed in Sections 1.1.1.1 and 2.5.1 of the Draft SEIS/SEIR, development of the proposed Project on Pier 400 is consistent with a history of Port planning efforts. The extensive planning history and resulting projects constructed in the Outer Los Angeles Harbor have a significant bearing on the proposed plans to construct a crude oil marine terminal at Berth 408.

Anticipating the importance of containerized and liquid bulk shipping, the LAHD, Port of Long Beach, and the USACE conducted a study between 1981 and 1985 to evaluate the capacity of the San Pedro Bay Ports complex to accommodate cargo forecasts through the year 2020. This study, called “The 2020 Plan,” determined that accommodating the projected increase in throughput would require maximizing the use of all existing port lands and terminals, and construction and operation of approximately 2,400 acres (972 ha) of new land for new marine terminals. The USACE and LAHD continued the planning process, supported by additional economic forecasting (WEFA 1987, 1989, and 1991), and in 1992, prepared the *Deep Draft Navigation Improvements, Los Angeles and Long Beach Harbors, San Pedro Bay, California Final EIS/EIR* (Deep Draft FEIS/FEIR, USACE and LAHD 1992). That document analyzed, among other issues, the impacts of the creation of Pier 400 from dredge material and the subsequent construction and operation of a new liquid bulk terminal on the new Pier 400 land based on the forecasted demand.

The Deep Draft FEIS/FEIR envisioned three uses for Pier 400: 1) an area to relocate existing hazardous bulk facilities away from high density populations and sensitive use areas in accordance with the approved Port Risk Management Plan (LAHD 1983); 2) a site for a 150-acre (61-hectare [ha]) container terminal; and 3) a site for a new deep-draft liquid bulk marine terminal. The Deep Draft FEIS/FEIR recognized that expansion and additional improvements were needed to improve efficiencies in handling, storing, and transporting existing and forecasted cargoes, and to provide an area for relocation of hazardous cargo facilities away from high density populations and critical Port facilities.. It also recognized that national economic benefits and transportation cost savings would result from the use of larger vessels, reductions in transit time, and lower cargo handling costs. The proposed Project is consistent with the uses identified in the Deep Draft FEIS/FEIR.

The proposed Project facilities on Pier 400 would be located in Planning Areas 7 (Terminal Island/Main Channel), and 9 (Terminal Island/Seaward Extension). Planning Area 7 is located in the northern and western portions of Terminal Island. Planning Area 9 encompasses Piers 300 and 400 and includes the Marine Oil Terminal and both Tank Farms. Current land use designations for these areas include Liquid and Dry Bulk Cargo, General Cargo, Commercial Fishing, and Commercial, Institutional and Industrial uses.

As part of development of Pier 400, three existing liquid bulk facilities at the Port were included as candidates for relocation to Pier 400. Under the Port’s Risk Management Plan, the risk exposure to high density populations or critical Port facilities created by liquid bulk facilities can be eliminated by implementing mitigations at either the liquid bulk facility or the high density population site or by relocating either the liquid bulk facility or the high density population site. After application of the risk management methodology, three existing facilities (UNOCAL’s 22<sup>nd</sup> Street Tank Farm, the former GATX terminal at Berths



---

118-121 and the ExxonMobil facilities on Terminal Island) were identified for relocation to Pier 400. All other facilities were found to be consistent with the Risk Management Plan. During the relocation planning efforts, one liquid bulk facility (UNOCAL) ceased operations and Todd Shipyards, adjacent to the former GATX facility ceased operations. The closure of Todd Shipyard eliminated any risk exposure resulting from the operations at the former GATX facility. The third facility identified for relocation, ExxonMobil, reconsidered the application of mitigation measures at their site and agreed to modifications which brought their facility into compliance with the Risk Management Plan. Therefore, all existing liquid bulk facilities were found to be consistent with the Risk Management Plan. However, Pier 400 is an appropriate site for location of a new crude oil receiving facility which is the subject of this environmental review, and as indicated above, this use is consistent with the planning designations for Pier 400 and is consistent with past channel improvements which will allow large crude carriers to berth at the westerly side of Pier 400.

As discussed in Section 2.7 and Chapter 3.4 of the Draft SEIS/SEIR, the CCA requires preparation of a Port Master Plan (PMP) and certification of the PMP by the California Coastal Commission. The PMP identifies existing conditions, short-term plans, long-range preferred uses, and anticipated projects for each of the nine Planning Areas that comprises the planning core of the Port. Each Planning Area is designated with one or more major land use category (General Cargo, Liquid Bulk Cargo, Other Liquid Bulk, Dry Bulk, Commercial Fishing, Recreational, Industrial, Institutional, Commercial, and Other). The PMP was first drafted in 1979 and was recently revised in 2006 (LAHD 2006). The proposed Project facilities would be located in Planning Areas 5 (Wilmington District), 7 (Terminal Island/Main Channel), and 9 (Terminal Island/Seaward Extension). (Refer to Figure 3.8-1 with Planning Areas and Table 3.8-1 with designated uses for Planning Areas.) Planning Area 7 is located in the northern and western portions of Terminal Island. Planning Area 9 encompasses Piers 300 and 400 and includes the Marine Oil Terminal and both Tank Farms. The pipelines would traverse Planning Areas 9, 7, and 5. In April 1993, the California Coastal Commission certified Port Master Plan Amendment No. 12 which provided for the creation of the first phase of Pier 400 and related navigational channels and provided for liquid bulk as a permitted land use on the fill. This amendment, as well as all amendments processed subsequent to the original certification of the Port Master Plan by the Coastal Commission have been prepared, reviewed and adopted consistent with the policies contained in Article 3, Chapter 8 of the California Coastal Act. As such, the proposed Project is consistent with both the PMP and the Port Element of the City's General Plan.

- SPPHCO-3.** The referenced July 9, 2008 findings of the National Oceanic and Atmospheric Administration (NOAA) were presented in a study entitled "Light Absorbing Carbon Emissions from Commercial Shipping." The study concludes that large cargo ships emit more than twice as much soot as previously estimated. Soot is a general term that refers to the black, impure carbon particles resulting from the incomplete combustion of a hydrocarbon. It is more properly restricted to the product of the gas-phase combustion process; however, is commonly extended to include residual pyrolyzed fuel particles such as cenospheres (which are lightweight, inert, hollow sphere filled with inert air or gas, typically produced as a byproduct of coal combustion at thermal power plants), charred wood, petroleum coke, etc. that may become airborne during pyrolysis (i.e., the chemical decomposition of organic materials by heating in the absence of oxygen or any other reagents) and which are more properly identified as cokes or chars. Soot is a subset of particulate matter. The NOAA study does not address other criteria or toxic air

---

pollutants, and the findings in this study have not been adopted by any air pollution regulatory agency.

The Draft SEIS/SEIR quantifies criteria pollutants and toxic air pollutant including particulate matter. The emissions were quantified using emission factors approved by federal, state, and regional regulatory agencies. As a result, the emissions quantified in the Draft SEIS/SEIR for the project are considered appropriate.

- SPPHCO-4.** The Port and USACE make every attempt to check scheduled public hearing and public meeting dates of other agencies when scheduling their own public hearings. When the June 26, 2008, date was set for the public hearing for the Plains All American project, the date had not been set for the other project hearing referenced in the comment. Neither the Port nor USACE received any request to change the date of the June 26 hearing until the last several days prior to the meeting.

The Port and USACE provided adequate review time under CEQA and NEPA and took additional steps not required by CEQA and NEPA to make the document publicly accessible and invite public comment. Consistent with CEQA Guidelines 15105(a) that states, “the public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances,” the extended 75 day comment period allowed for more participation by stakeholders. Full copies of the Draft SEIS/SEIR were available for review at four local libraries, including those in Wilmington, San Pedro, and Long Beach, and at the Port offices in San Pedro. The Port provided a printed Executive Summary in English or Spanish and a CD containing the entire document, free of charge, to anyone who requested it, and the document was also available on the Internet. No changes to the document are required.

- SPPHCO-5.** As described in Section 1.1.3 and Section 2.3 of the SEIS/SEIR, with supplemental information in Appendix D1, the Port and USACE believe that demand for crude oil will continue even as alternative fuels and technologies provide a growing share of the demand for transportation fuels. This idea is supported by the California Energy Commission, which stated in its 2007 Integrated Energy Policy Report (IEPR) that “conventional petroleum fuels will be the main source of transportation energy for the foreseeable future”, even with full implementation of the State Alternative Fuels Plan (CEC 2007a). The proposed Project would accommodate continued demand for crude oil as domestic production from California declines; thus, it represents a replacement of supply from existing sources that are projected to decline.

Since the comment specifically mentions Alaskan crude oil, it is also worth noting that the proposed Project would receive crude oil from the Alaska North Slope (ANS). As the Draft SEIS/SEIR notes in Section 1.1.3.2, “Because no pipelines carry crude oil into California, by far the best method to deliver imported crude (including ANS crude) is by marine tanker vessels.”

- SPPHCO-6.** There is no requirement in CEQA or NEPA to describe what a project is not, only to describe what the project is. The proposed Project is clearly described as a terminal for crude oil tankers and not as an LNG terminal. A terminal that would accommodate tankers carrying LNG would require entirely different facilities, including different types of storage tanks, pumps, and pipeline interconnections. The Port and USACE agree with the commenter’s assertion that if the applicant or any other entity were to propose

---

conversion of the site to an LNG terminal then a new EIR (and possibly a new EIS, if federal action is required) would need to be prepared.

**SPPHCO-7.** As documented thoroughly in Section 1.1.3, Section 2.3, and Appendix D1 of the SEIS/SEIR, the proposed Project would provide facilities for the receipt of crude oil via marine tanker vessels given the decline in California domestic production; thus, it represents the ability to accommodate replacement of crude oil from one source (that does not require marine transport) to another source (that does require marine transport). Thus, the Port and USACE agree with the commenter's assertion that "Increasing supply to them [i.e., refineries] is... replacing an existing supplier." However, as documented in Section 1.1.3, Section 2.3, Chapter 8, and Appendix D1, the capacity of area refineries to distill petroleum products from crude oil is increasing over time (a process called "refinery capacity creep"). The projected increase in refineries' crude oil demand is based on increased consumer demand for transportation fuels as well as refinery capacity creep. As stated in the document (Section 8.2.2), "Both of these factors are projected to increase independent of the proposed Project. Consumer demand is projected to increase due to population and income growth (CEC 2007a; CEC 2007b; CEC 2007c; also see Section 1.1.3). Refinery capacity is expected to increase because refineries in southern California, facing increased consumer demand and a consumer demand that exceeds their current distillation capacity (CEC 2007b; also see Section 1.1.3), are continually seeking process improvements that would allow them to increase production. (It is worth noting that refineries plan their capacity and production in order to have the capacity to meet peaks of consumer demand, rather than average demand, over a long-term forecast.)"

Regarding the commenter's suggestion to analyze the benefits and costs of the project, as required under NEPA and agreed to by the Port, the SEIS/SEIR addresses socioeconomic effects (i.e., employment, population, and housing), in Chapter 7 Socioeconomic Analysis; hazards, in Section 3.12 Risk of Upset/Hazardous Materials; and health risks, in Section 3.2 Air Quality (with detailed supplemental information in Appendix H4). Regarding the commenter's suggestion to analyze the benefits and costs of the project, CEQA and NEPA do not require an analysis of economic costs and benefits; however, the SEIS/SEIR provides a comprehensive analysis of environmental impacts of the construction and operation of the proposed Project as well as its alternatives, including not building the proposed Project (i.e., the No Federal Action/No Project Alternative). No changes to the document are required.

Regarding the estimated 201 tankers that are projected to call at the terminal annually in 2025-2040, as noted in Section 1.1.3, in 2005 about 45 percent of foreign crude oil imports to southern California came from the Middle East, 46 percent came from Central and South America, 7 percent came from West Africa, and 2 percent came from Canada. The share of Middle Eastern imports has increased steadily in recent years, a trend that is expected to continue (Baker & O'Brien 2007).

**SPPHCO-8.** The proposed Project design includes tanks that will be designed to current seismic standards for the site, and will be designed to withstand a maximum design earthquake, specifically what are called the Operational Level Earthquake (OLE), which is the peak horizontal firm ground acceleration with a 50 percent probability of exceedance in 50 years, and the Contingency Level Earthquake (CLE), which is the peak ground acceleration with a 10 percent probability of exceedance in 50 years. However, it is possible that an earthquake of a higher magnitude could occur at the project site; thus, the SEIS/SEIR found potential seismic impacts to be significant.

---

As noted in the Geology section (Section 3.5) of the Draft SEIS/SEIR, “to determine the extent of potential impacts due to tsunami-induced flooding, the LAHD structural engineers have determined that the Port reinforced concrete or steel structures designed to meet California earthquake protocols incorporated into MOTEMS would be expected to withstand complete inundation in the event of a tsunami (personal communication, P. Yin, 2006). As discussed in Impact GEO-1, the MOTEMS were approved by the California Building Standards Commission on January 19, 2005 and are codified as part of California Code of Regulations, Title 24, Part 2, Marine Oil Terminals, Chapter 31F. These standards apply to all existing marine oil terminals in California and include criterion for inspection, structural analysis and design, mooring and berthing, geotechnical considerations, fire, piping, and mechanical and electrical systems. MOTEMS became effective on January 6, 2006 (CSLC 2006).” However, even though the Berth 408 Terminal will be designed to physically withstand a worst-case tsunami, the potential for oil spills from an offloading vessel would represent a significant environmental impact, as noted in the Draft SEIS/SEIR.

**SPPHCO-9.** The Draft SEIS/SEIR includes a comprehensive analysis of existing visual conditions and the Project’s potential aesthetic impact on those conditions. Figure 3.1-19 shows a photo-simulation of the Marine Terminal and a docked Max-VLCC Marine Tanker, among other Project features. The viewing position is at Lookout Point Park, but also represents views from residences in the area, as discussed in the analysis. The simulation demonstrates that the tanker intercedes only in views of Pier 400 and does not block views of the coastline. Residences in the San Pedro bluffs area are similarly elevated above the harbor, so the simulated view is representative of views from those residences.

**SPPHCO-10.** The comment cites the LA City Charter regarding water frontage reserved for public use and maintains that the proposed terminal “encroaches on the right of public recreation.” The terminal is not in an area specifically allocated for public recreation and would not encroach on recreational uses under the charter.

The commenter also asks where the document acknowledges the impacts of prior development activities and the proposed Project on public recreational opportunities. Section 3.11 of the Draft SEIS/SEIR contains a full analysis of existing public recreational opportunities in the vicinity and the impacts of the proposed Project on those recreational resources. Section 4.2.11 of the Draft SEIS/SEIR contains a comprehensive analysis of the cumulative effects of past, present, and reasonably foreseeable future projects as well as the proposed Project on recreational resources.

**SPPHCO-11.** Contrary to the commenter’s assertion that “the EIR does not consider one alternative energy project”, the SEIS/SEIR specifically considers the possibility of rejecting the applicant’s proposal and instead constructing either a terminal to accommodate carbon-based alternative fuels such as biofuels or ethanol (Section 2.5.3.12) or a renewable energy generation facility on all or portions of the site (Section 2.5.3.13). As described in Section 2.5.3.12, constructing a facility to accommodate delivery of refined carbon-based fuels would not meet project objectives because, in practice, such an alternative would not permit Berth 408 to accommodate VLCCs (since refined products are not carried on VLCCs, nor in Suezmax vessels). Such an alternative would therefore not maximize the use of deep-water facilities created for the purpose of accommodating VLCCs by the Deep-Draft Navigation Improvements Project, nor would it optimize the Port’s overall utilization of available shoreline. In addition, as described in Section 2.5.3.12, this alternative would not eliminate any of the environmental impacts associated with the

---

proposed Project and would, in fact, have greater impacts in certain areas due to the use of more small vessels carrying more volatile fuels.

As described in Section 2.5.3.13, constructing a renewable energy generation facility such as a wind or wave power facility would be inconsistent with land use policies and would not accomplish the objectives of the project to provide the facilities needed to accommodate a portion of the future demand for crude oil imports to southern California. This alternative would also preclude uses that would realize the benefits of the deep-draft channel created by the Port and USACE to accommodate deep-draft tanker vessels. Accordingly, this alternative was eliminated from consideration.

The Port and USACE considered the possibility of an offshore mooring site with tank farm facilities located on Terminal Island (Section 2.5.3.5). Although offshore mooring would have some advantages from an environmental perspective compared to the proposed Project, the Port and USACE found that this alternative would also have a number of significant disadvantages, including the potential for weather-induced interruptions of supply; the potential for accidents to result in releases of oil on rough ocean waters, where cleanup would be far more difficult than inside the harbor; the environmental impacts to the marine community associated with the construction of a pipeline several miles long; and the very high cost of construction. In addition, Appendix F of the Draft SEIS/SEIR contains a report by an engineering consulting firm (Moffatt & Nichol) that considers potential sites for an offshore mooring and concludes that “an offshore single point mooring location does not appear to be feasible, primarily for cost reasons and secondarily because of environmental and technical challenges.”

- SPPHCO-12.** Sections 3.12-5 and 3.12-6 provide an overview of terrorism and Port security that form the baseline for a terrorism assessment for the proposed Project and its alternatives. Impact RISK-5 provides a detailed assessment of terrorism-related risk for the proposed Project. As noted on Pages 3.12-70 and 3.12-71, potential terrorism-related risks are considered significant and cannot be fully mitigated.

Site security will be a shared responsibility of the Port Police, Department of Homeland Security and the U.S. Coast Guard. Additionally, in the event of a need to respond to an incident, the Los Angeles Fire Department, as well as other departments that would be available through mutual aid agreements, would be expected to provide emergency response.

- SPPHCO-13.** Please see the response to comment SCAQMD-1 through SCAQMD-23 for specific responses to SCAQMD comments contained in Chapter 2 of the Final EIR. Note that neither the Natural Resources Defense Council (NRDC) nor the Coalition for Clean Air submitted comments on the Draft SEIS/SEIR.

Thank you again for your comments on the Draft SEIS/SEIR.

---

**Northwest San Pedro Neighborhood Council, August 12, 2008**

- NWSPNC-1.** Thank you for your comments on the Draft SEIS/SEIR. Responses to your specific comments are provided in response to comments NWSPNC-2 through NWSPNC-14 below.
- NWSPNC-2.** The document identifies all feasible mitigation measures to avoid, reduce and minimize the significant environmental and public health risk impacts of the proposed Project. Note that the impacts of the proposed Project on operational air quality and health risk, as well as certain other environmental impacts, are substantially lower than the impacts of the No Project Alternative.
- NWSPNC-3.** CEQA requires significant impacts to be mitigated to the fullest extent feasible. However, the Draft SEIS/SEIR found that the proposed Project and its alternatives would not cause adverse visual impacts and, therefore, the impacts would be less than significant and would not require mitigation.
- NWSPNC-4.** MM AQ-1 through AQ-21 in the Draft SEIS/SEIR represent feasible means to reduce air pollution impacts from proposed construction and operational emission sources. The Project would comply with all applicable CAAP measures. The CAAP supersedes the requirements of the NNI process.
- NWSPNC-5.** MM AQ-1 through AQ-21 in the Draft SEIS/SEIR represent feasible means to reduce air pollution impacts from proposed construction and operational emission sources. The Project would comply with all applicable CAAP measures. The CAAP supersedes the requirements of the NNI process. Note that a Mitigation Monitoring and Reporting Program (MMRP) would be in place to evaluate the effectiveness of the mitigation measures identified and make any necessary changes. As detailed in the description of MM AQ-20 within Section 3.2 of the Draft SEIS/SEIR, “As partial consideration for the Port’s agreement to issue the permit to the tenant, tenant shall implement not less frequently than once every 7 years following the effective date of the permit, new air quality technological advancements, subject to the parties’ mutual agreement on operational feasibility and cost sharing which shall not be unreasonably withheld.” This provides a “re-opener clause” to allow for evaluation at 7-year intervals, which is more protective of the environment than the ten-year interval proposed in the comment.
- NWSPNC-6.** Please see the response to comment NWSPNC-5.
- NWSPNC-7.** Although tankers are subject to ballast water management, the primary source of nonindigenous species (NIS) in the harbors is likely to have been from discharges of ballast water from cargo vessels using the San Pedro Bay Ports. Please see Section 3.3.4.3.1.2 (Operational Impacts Bio-4.2 Invasive Species) of the Draft SEIS/SEIR which discusses that, although of low probability, operation of the proposed Project facilities has the potential to result in the introduction of NIS via vessel hulls or ballast water. The document has been revised to include that this risk remains despite vector management regulations. As discussed in the Draft SEIS/SEIR, the proposed Project is expected to increase the number of vessels entering Los Angeles Harbor by nearly 7 percent compared to the number of vessels that entered the Harbor during the CEQA Baseline year, which would result in a small increase in the potential for non-native invasive species (NIS) to enter the Port via ballast water or attached to ship hulls. The Port does not believe it is feasible to conduct surveys over the harbor area that would allow for

---

early detection of NIS organisms. In addition, with the exception of *Caulerpa*, we are unaware of any NIS that has been successfully eradicated once it has arrived in an ecosystem.

Project-related vessels would all be large, would come primarily from outside the U.S. Exclusive Economic Zone (EEZ), and would be subject to regulations to minimize the introduction of non-native species in ballast water. Increasing the number of vessel calls to the Los Angeles Harbor by nearly 7 percent of the total number of vessel calls to the Harbor that occurred in the CEQA Baseline year would result in a small increase under CEQA in the potential for discharge of ballast water containing non-native invasive species (NIS). This is because the vessels would generally be unloading cargo and consequently taking on ballast water to compensate when leaving the Harbor. The number of project-related vessel calls would be less than the NEPA baseline and, thus, would reduce the potential for introduction of NIS. LAHD will also continue to monitor and conform with regulatory requirements related to NIS.

**NWSPNC-8.** The Port's air quality policy is detailed in the CAAP. MM AQ-1 through AQ-21 conform with the emission control commitments of the CAAP and represent all feasible means to reduce air impacts.

**NWSPNC-9.** MM AQ-14, Low Sulfur Fuel Use in Main Engines, Auxiliary Engines and Boilers requires ships calling at Berth 408 to use low sulfur fuel in main engines, auxiliary engines and boilers within 40 nm of Point Fermin. In addition, MM AQ-15 requires ships calling at Berth 408 to use AMP while hoteling at the Port in certain percentages that increase over time, as specified in the mitigation measure.

**NWSPNC-10.** As noted in the comment, it is possible that the proposed Project could lead to a reduction of crude oil tanker calls at terminals in the inner harbor. However, the inner harbor terminals are owned and operated by different companies that have their own long-term leases with the Port. Therefore, it is beyond the scope of the SEIS/SEIR to require that inner harbor marine terminals be eliminated.

**NWSPNC-11.** The project proponent will be required to provide emission reduction credits (ERC) and/or RECLAIM trading credits (RTC) in accordance with SCAQMD Rules and Regulations. The Port has no control or influence over the source or quantity of ERC/RTC required under the SCAQMD air permitting process. The Port's analysis of the proposed Project in this SEIR/SEIS does not treat any benefits from such ERC/RTCs as mitigation for the Project's impacts.

The project does not include impacts to wetlands; therefore, wetlands mitigation is not a regulatory requirement for this project. However, the Port understands the broader context of the comment with respect to public interest in remediating locally degraded wetlands as a first priority rather than mitigation conducted outside the local community. The Port works closely with resource and regulatory agencies to identify the appropriate types, scales and locations of mitigation so that harbor development does not result in locally or regionally adverse impacts to biological resources. Sometimes out-of-kind mitigation is necessary to fulfill regulatory requirements based on the nature and/or scale of the project. The Port continues in its commitment to improve the quality of habitats within its jurisdiction using a variety of methods such as best management practice discharge controls, contaminated sediment clean up, and creation and/or enhancement of productive wetlands and shallow water habitats such as at Cabrillo and Pier 300 areas of

---

the harbor. In addition, the Port constructed an artificial reef in San Pedro Bay as part of a comprehensive mitigation strategy to offset impacts associated with construction of Pier 400.

**NWSPNC-12.** Additional air quality mitigations have been amended in the Final SEIS/SEIR; please see the responses to comments SCAQMD-14 and SCAQMD-17. MM AQ-5 and MM AQ-6 have been revised to include additional controls. These amended mitigation measures, plus MM AQ-1 through AQ-21 in the Final SEIS/SEIR, represent all feasible means to reduce air pollution impacts from the proposed Project. Also see the response to comment USEPA-10.

MM AQ-5 has been modified as shown below to incorporate the recommendation to enforce truck parking restrictions. The other mitigations suggested in the comment have been incorporated into MM AQ-5 to reduce exposure to diesel particulate matter from on-road heavy duty trucks.

**MM AQ-5: Best Management Practices (BMPs)**

The following types of measures are required on construction equipment (including on-road trucks):

11. Use of diesel oxidation catalysts and catalyzed diesel particulate traps
12. Maintain equipment according to manufacturers' specifications
13. Restrict idling of construction equipment and on-road heavy-duty trucks to a maximum of 5 minutes when not in use
14. Install high-pressure fuel injectors on construction equipment vehicles
15. Maintain a minimum buffer zone of 300 meters between truck traffic and sensitive receptors
16. Improve traffic flow by signal synchronization
17. Enforce truck parking restrictions
18. Provide on-site services to minimize truck traffic in or near residential areas, including, but not limited to, the following services: meal or cafeteria services, automated teller machines, etc.
19. Re-route construction trucks away from congested streets or sensitive receptor areas
20. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.

In addition, the Port will apply additional mitigation measures per MM AQ-6. This mitigation measures are expected to control fugitive dust emissions an additional 60% in addition to the 75% in the unmitigated case, thus resulting in a total of 90% control from uncontrolled levels. Regarding the issue of proposed modifications to MM AQ-6, the measure has been modified according to the comment as shown below:

**MM AQ-6: Additional Fugitive Dust Controls**



---

The construction contractor shall reduce fugitive dust emissions by 90 percent from uncontrolled levels. The Project construction contractor shall specify dust-control methods that will achieve this control level in a SCAQMD Rule 403 dust control plan. Their duties shall include holiday and weekend periods when work may not be in progress.

Measures to reduce fugitive dust include, but are not limited to, the following

- Active grading sites shall be watered one additional time per day beyond that required by Rule 403.
- Contractors shall apply approved non-toxic chemical soil stabilizers according to manufacturer's specifications to all inactive construction areas or replace groundcover in disturbed areas (previously graded areas) inactive for ten days or more.
- Construction contractors shall provide temporary wind fencing around sites being graded or cleared.
- Trucks hauling dirt, sand, or gravel shall be covered ~~or shall maintain at least 2 feet of freeboard~~ in accordance with Section 23114 of the California Vehicle Code.
- Construction contractors shall install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site.
- Pave road and road shoulders.
- Require the use of clean-fueled sweepers pursuant to SCAQMD Rule 1186 and Rule 1186.1 certified street sweepers. Sweep streets at the end of each day if visible soil is carried onto paved roads on-site or roads adjacent to the site to reduce fugitive dust emissions.
- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM<sub>10</sub> generation.
- Traffic speeds on all unpaved roads shall be reduced to 15 mph or less.
- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
- Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the extent practicable.

**NWSPNC-13.** The Draft SEIS/SEIR provides an adequate analysis of air quality impacts under CEQA and NEPA. The Draft SEIS/SEIR concludes that the proposed Project would produce significant air quality impacts. Mitigation Measures AQ-1 through AQ-21, as modified in the Final SEIS/SEIR, represent all feasible means to reduce air pollution impacts from proposed construction and operational emission sources. Additionally, as described in Section 3.2.3.4 of the Draft SEIS/SEIR, the Port has a number of environmental programs, including the CAAP, to “reduce the potential environmental impacts associated with both today’s Port activities and expansions.”

---

**NWSPNC-14.** Mitigation Measures AQ-12, AQ-19, AQ-20, and AQ-21 provide a process to consider new or alternative emission control technologies in the future. In the Final SEIS/SEIR, the role of AMECS specifically has been clarified; see response to comment USEPA-11. Acceptance of the Project is dependent upon an acceptable Mitigation Monitoring and Reporting Program (MMRP) that identifies all feasible measures to reduce Project air quality impacts. The Port and Project terminal operator will comply with the MMRP for the life of the lease, or 30 years.

**NWSPNC-15.** Thank you again for your comments on the Draft SEIS/SEIR.

---

**Wilmington Neighborhood Council, July 23, 2008**

- WNC-1.** Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners.
- WNC-2.** The referenced temporary or partial road closures would be related to the various construction activities associated with the project and as indicated are 'temporary'. If required, construction area traffic control plans would be provided to minimize construction impacts on area traffic circulation. It is unlikely that these construction activities would disrupt the redevelopment efforts in this area. The port will coordinate ongoing and potentially simultaneous construction activities to minimize impacts.
- WNC-3.** The comment is appreciated. However, there is no evidence that the installation of the referenced pipeline would disrupt the Wilmington waterfront redevelopment since it would occur prior to redevelopment and would not substantially interfere with that redevelopment.
- WNC-4.** The Port of Los Angeles is currently developing a Water Resources Action Plan (WRAP) in conjunction with the Port of Long Beach and involving stakeholder participation from a number of regulatory agencies and environmental groups. The document (Section 3.14.2.1) has been revised to include a description of the WRAP.
- WNC-5.** The proposed project is designed to meet existing standards and requirements, and includes BMPs to minimize impacts to water quality and other resources. As noted in the Draft SEIS/SEIR, operational impacts to water quality from the proposed Project, except those related to accidental spills, are less than significant. Therefore, additional mitigation measures are not needed.
- WNC-6.** The document has been revised to include relevant information in the Vessel General Permit that addresses ballast water discharges. Compliance with the limits in the Permit will ensure no significant impacts to water quality; therefore, no additional mitigation measures are needed.
- WNC-7.** The document has been revised to include a discussion of effluent limits for vessel husbandry in the Vessel General Permit. Compliance with the limits in the Permit will ensure no significant impacts to water quality; therefore, no additional mitigation measures are needed.
- WNC-8.** Thank you again for your comments on the Draft SEIS/SEIR.

---

**Wilmington Coordinating Council, July 18, 2008**

**WCC-1.** Thank you for your comment. However, please note that the Port and USACE estimate a lower number of jobs would be associated with the proposed Project than your comment indicates. As discussed in Chapter 2 of the Draft SEIS/SEIR, construction of the proposed Project facilities would require direct construction labor equivalent to approximately 732 full-time equivalent employees for construction itself. This figure does not include “upstream” employment impacts (i.e., workers in industries that supply materials and equipment maintenance for the construction activities) or “downstream” impacts (i.e., workers in jobs supported by retail and other spending from wages). These “upstream” and “downstream” jobs may be located anywhere within the metropolitan Los Angeles region. LAHD’s own estimate of total construction employment impacts (i.e., including upstream and downstream employment) is 1,767 full-time job equivalents, based on the Port Economic Impact Model (see Draft SEIS/SEIR Chapter 7).

The Port and USACE believe the estimate of 6,300 full-time jobs cited in your letter is derived from a separate analysis performed by the Los Angeles Economic Development Corporation (LAEDC), which LAHD and USACE did not have any role in preparing (i.e., LAHD and USACE did not conduct, direct the preparation of, or review the methodology of the LAEDC analysis). LAHD and USACE cannot confirm the accuracy of the LAEDC analysis, but do note that the 6,300 full-time jobs cited in the LAEDC analysis represent one-year equivalent jobs, and includes not only the engineers and construction workers who will actually build the pier and terminal but also the “upstream” and “downstream” employment impacts, which could be located anywhere within the metropolitan Los Angeles region. Likewise, LAHD and USACE did not prepare or review the estimates of wages and tax revenues reported in the commenter’s letter.

---

**Kathleen Woodfield and John Miller, August 13, 2008**

**KW/JM-1.** As discussed in Sections 1.1.1.1 and 2.5.1 of the Draft SEIS/SEIR, development of the proposed Project on Pier 400 is consistent with a history of Port planning efforts. The extensive planning history and resulting projects constructed in the Outer Los Angeles Harbor have a significant bearing on the proposed plans to construct a crude oil marine terminal at Berth 408.

Anticipating the importance of containerized and liquid bulk shipping, the LAHD, Port of Long Beach, and the USACE conducted a study between 1981 and 1985 to evaluate the capacity of the San Pedro Bay Ports complex to accommodate cargo forecasts through the year 2020. This study, called “The 2020 Plan,” determined that accommodating the projected increase in throughput would require maximizing the use of all existing port lands and terminals, and construction and operation of approximately 2,400 acres (972 ha) of new land for new marine terminals. The USACE and LAHD continued the planning process, supported by additional economic forecasting (WEFA 1987, 1989, and 1991), and in 1992, prepared the *Deep Draft Navigation Improvements, Los Angeles and Long Beach Harbors, San Pedro Bay, California Final EIS/EIR* (Deep Draft FEIS/FEIR, USACE and LAHD 1992). That document analyzed, among other issues, the impacts of the creation of Pier 400 from dredge material and the subsequent construction and operation of a new liquid bulk terminal on the new Pier 400 land based on the forecasted demand.

The Deep Draft FEIS/FEIR envisioned three uses for Pier 400: 1) an area to relocate existing hazardous bulk facilities away from high density populations and sensitive use areas in accordance with the approved Port Risk Management Plan (LAHD 1983); 2) a site for a 150-acre (61-hectare [ha]) container terminal; and 3) a site for a new deep-draft liquid bulk marine terminal. The Deep Draft FEIS/FEIR recognized that expansion and additional improvements were needed to improve efficiencies in handling, storing, and transporting existing and forecasted cargoes, and to provide an area for relocation of hazardous cargo facilities away from high density populations and critical Port facilities.. It also recognized that national economic benefits and transportation cost savings would result from the use of larger vessels, reductions in transit time, and lower cargo handling costs. The proposed Project is consistent with the uses identified in the Deep Draft FEIS/FEIR.

The proposed Project facilities on Pier 400 would be located in Planning Areas 7 (Terminal Island/Main Channel), and 9 (Terminal Island/Seaward Extension). Planning Area 7 is located in the northern and western portions of Terminal Island. Planning Area 9 encompasses Piers 300 and 400 and includes the Marine Oil Terminal and both Tank Farms. Current land use designations for these areas include Liquid and Dry Bulk Cargo, General Cargo, Commercial Fishing, and Commercial, Institutional and Industrial uses.

As part of development of Pier 400, three existing liquid bulk facilities at the Port were included as candidates for relocation to Pier 400. Under the Port’s Risk Management Plan, the risk exposure to high density populations or critical Port facilities created by liquid bulk facilities can be eliminated by implementing mitigations at either the liquid bulk facility or the high density population site or by relocating either the liquid bulk facility or the high density population site. After application of the risk management methodology, three existing facilities (UNOCAL’s 22<sup>nd</sup> Street Tank Farm, the former GATX terminal at Berths 118-121 and the ExxonMobil facilities on Terminal Island) were identified for relocation to Pier 400. All other facilities were found to be consistent with the Risk Management Plan.

---

During the relocation planning efforts, one liquid bulk facility (UNOCAL) ceased operations and Todd Shipyards, adjacent to the former GATX facility ceased operations. The closure of Todd Shipyard eliminated any risk exposure resulting from the operations at the former GATX facility. The third facility identified for relocation, ExxonMobil, reconsidered the application of mitigation measures at their site and agreed to modifications which brought their facility into compliance with the Risk Management Plan. Therefore, all existing liquid bulk facilities were found to be consistent with the Risk Management Plan. However, Pier 400 is an appropriate site for location of a new crude oil receiving facility which is the subject of this environmental review, and as indicated above, this use is consistent with the planning designations for Pier 400 and is consistent with past channel improvements which will allow large crude carriers to berth at the westerly side of Pier 400. Pier 400 was planned and developed to accommodate a variety of potential land uses, including liquid bulk, general cargo and dry bulk uses. Relative to liquid bulk uses, Pier 400 addressed the potential relocation of existing facilities as well as to accommodate a new liquid bulk facility to respond to the forecasted increase in crude oil receipts.

**KW/JM-2.** The Proposed project as well as the existing Maersk container terminal are land uses that are consistent with those approved for Pier 400. The locations of these facilities will not result in any incompatible land uses for Pier 400.

Regarding the issue of an evacuation plan, the Port has an approved Risk Management Plan (RMP) that also includes emergency response and evacuation plans. The Port RMP was written to incorporate issues associated with bulk liquid terminals on Pier 400. The proposed Project is consistent with the Port's RMP as noted in SEIS/SEIR Impact RISK-4. Also, note that Los Angeles Municipal Code (Fire Protection – Chapter 5, Section 57, Divisions 4 and 5) will require the preparation of Project-specific emergency response and evacuation plans.

Evacuation planning for all hazards, man-caused or naturally occurring (such as earthquakes), is a continuing planning effort. Federal, State and local agencies meet and develop planning contingencies, develop communication and logistic protocols and exercise them. As the events may change and conditions become dynamic, the planning teams stage resources, plan exercises and optimize response strategies. Evacuation planning continues between the Port Police, the Los Angeles Fire and Police Departments (LAPD and LAFD), and the California Highway Patrol. LAPD and LAFD have the primary responsibility for evacuation of community areas that are outside the borders of the port complex. Even in these instances, the Port Police may fulfill a support role to ensure coordination and assist with planning, evacuations, and perimeter control.

Because of the port's proximity to the community, the port police may be called upon to function as first responders to any incident in or near the complex until a unified command is established to control the scenario. In all occurrences a primary goal of the managing entities is the incident command and control under a "Unified Command"<sup>4</sup> approach. Whereas it is appropriate to communicate general emergency preparedness and

---

<sup>4</sup> A Unified Command structure involves establishing a management and command hierarchy that acts upon incident information to develop actionable plans and carries authority needed to delegate responders.

---

evacuation planning information to the community in advance, it is not prudent to share detailed tactical plans that are scenario and/or location-based, or contain sensitive security information. However, the City of Los Angeles is committed to protecting its citizens first and foremost in the event of an emergency.

- KW/JM-3.** The recent study by City Controller Laura Chick does note numerous deficiencies in Citywide disaster preparedness. However, a review of this study indicates that the vast majority of the identified deficiencies are associated with events that do not affect the Port, or are large-scale disasters, e.g., a worst-case tsunami, that are on a much larger scale than any accident that could occur as a result of the proposed Project. It is clear from reviewing this report, as well as the potential hazards associated with the proposed Project, that the Port's Risk Management Plan and the Harbor/Port Evacuation Plan are more than adequate to address potential Project-related accidents.
- KW/JM-4.** See response to comment KW/JM-2. Based on the results of the risk analysis that was prepared for the proposed Project, there are not any accident events that would necessitate large-scale evacuations that are not already covered by the Port's Risk Management Plan and Harbor/Port Evacuation Plan. The RMP and Harbor/Port Evacuation Plan would be sufficient to address the cumulative development in the vicinity of the Port, including the proposed Project as well as existing development and reasonably foreseeable future development. Therefore, no additional Project-specific evacuation modifications are necessary for these plans.
- KW/JM-5.** The Port and USACE disagree with the assertion that the pipeline route is "excessive and cumbersome". The applicant and LAHD designed the pipeline route so as to be as short as possible while minimizing environmental impacts. The route proposed by the commenter would require drilling under Pier 400 and Pier 300 as well as an underwater crossing of the Pier 300 Channel, which would incur significantly greater cost and would not reduce environmental impacts.
- KW/JM-6.** The Draft SEIS/SEIR considered the Pier 400, Face E, alternative and determined that the relatively minor advantages over the proposed Project are outweighed by the greater environmental impacts. This alternative would result in greater environmental impacts due to the additional impacts and costs associated with: required dredging (the channel alongside Face E is dredged to only 69 feet); the increased number of turns a VLCC would need to take to access Face E (thus increasing air emissions and potentially limiting recreational access); potential adverse effects on California least tern foraging due to tanker and tugboat activity in the waters adjacent to the California least tern nesting site; and greater impacts on the California least terns in the event of a tanker upset or spill because a berth at Face E would be immediately adjacent to the least tern nesting site. See Draft SEIS/SEIR Section 2.5.3.2.10.

The Draft SEIR/SEIS proposes adequate alternatives under CEQA/NEPA. Under NEPA/CEQA, an EIS/EIR is required to evaluate a reasonable range of feasible alternatives to reduce or avoid a project's significant impacts. The range of alternatives examined need not exceed a reasonable range which allows a reasoned choice among the alternatives and the proposed Project, and an EIS/EIR need not focus on alternatives that are not feasible or would not avoid or reduce Project impacts. Many alternatives discussed in the Draft SEIS/SEIR were eliminated from further detailed analysis for reasons of infeasibility and/or ineffectiveness at avoiding or reducing Project impacts. However, one alternative involving limited crude oil throughput in certain years was

---

carried forward (in addition to the No Project Alternative and the proposed Project) for co-equal analysis in the document.

Regarding the suggestion to shorten the breakwater, the breakwater is designed to reduce both wave action and strong currents within the harbor to ensure safe vessel maneuvering and berthing. Removing sections of the breakwater would increase wave action and currents. Regarding the suggestion to dredge a channel from Queens Gate in the Port of Long Beach to Face E (a distance of about 4 miles), this dredging and associated sediment disposal would have substantial impacts on air quality (e.g., due to emissions from dredging equipment), water quality (e.g., due to increased turbidity), biological resources (e.g., due to increased turbidity and disruption of biological communities), and marine transportation (e.g., due to the presence of dredging and support vessels). In addition, LAHD has no authority to construct or expand facilities outside its jurisdictional boundaries, which would be necessary in order to dredge the channel from Queens Gate.

**KW/JM-7.** The project proponent will be required to provide emission reduction credits (ERC) and/or RECLAIM trading credits (RTC) in accordance with SCAQMD Rules and Regulations. The Port has no control or influence over the source or quantity of ERC/RTC required under the SCAQMD air permitting process. The Port's analysis of the proposed Project in this SEIR/SEIS does not treat any benefits from such ERC/RTCs as mitigation for the Project's impacts.

The project does not include impacts to wetlands; therefore, wetlands mitigation is not a regulatory requirement for this project. However, the Port understands the broader context of the comment with respect to public interest in remediating locally degraded wetlands as a first priority rather than mitigation conducted outside the local community. The Port works closely with resource and regulatory agencies to identify the appropriate types, scales and locations of mitigation so that harbor development does not result in locally or regionally adverse impacts to biological resources. Sometimes out-of-kind mitigation is necessary to fulfill regulatory requirements based on the nature and/or scale of the project. The Port continues in its commitment to improve the quality of habitats within its jurisdiction using a variety of methods such as best management practice discharge controls, contaminated sediment clean up, and creation and/or enhancement of productive wetlands and shallow water habitats such as at Cabrillo and Pier 300 areas of the harbor. In addition, the Port constructed an artificial reef in San Pedro Bay as part of a comprehensive mitigation strategy to offset impacts associated with construction of Pier 400.

**KW/JM-8.** Chapter 4 of the Draft SEIS/SEIR (specifically, Section 4.2.14) addresses how the proposed project contributes to cumulative water quality impacts in other areas of the Harbor, including those that are currently stressed. No change to the document is required.

**KW/JM-9.** Mitigation Measures AQ-1 through AQ-21 represent all feasible means to reduce air pollution impacts from proposed construction and operational emission sources. The Project would comply with all applicable CAAP measures. MM AQ-12 and MM AQ-19 through MM AQ-21 provide a process to consider new emission control technologies to mitigate proposed emissions in the future. Implementation of the CAAP would assist in the control of emissions from existing sources in proximity to the project.



---

Also, the HRA for the proposed Project considered potential cancer and noncancer impacts. This included the potential chronic non-cancer impacts. Section 3.2 includes a discussion of morbidity and mortality impacts. Table 3.2-32 in the Draft SEIS/SEIR regarding the Annual 2005 Statewide PM and Ozone Health Effects Associated with Ports and Goods Movement in California presents data dealing with specific health outcomes on a cases per year basis.

Following public release of the Draft SEIS/SEIR, CARB developed a long-term mortality methodology for particulate matter of less than 2.5 micrometers in aerodynamic diameter (PM<sub>2.5</sub>) that would be appropriate for individual projects (CARB 2008). The methodology is similar to that used in the Draft SEIR/SEIS, but it is based on a more conservative estimate of the relative risk of premature death.

Based on the new CARB methodology, the long-term impacts associated with the proposed Project after mitigation would be an increase in the mortality incidence rate from the CEQA baseline. The incremental increase would be 0.0062 premature deaths (per year) based on the ambient concentration in the peak year, including construction and operation.

Ambient PM<sub>2.5</sub> concentrations were not modeled on an annual basis for this project. Instead, predicted increases in ambient PM<sub>10</sub> concentrations were used as a conservative, worst-case measure of the project's impact on particulate concentrations. The maximum predicted increase in annual PM<sub>10</sub> concentration for the proposed Project with mitigation was 0.17 µg/m<sup>3</sup> during the maximum impact year, as predicted by the AERMOD dispersion model. This means that the increase in annual PM<sub>2.5</sub> concentrations associated with the mitigated Project would be less than that value during all project analysis years. The impact to the neighboring community would not see a measurable increase in annual PM<sub>2.5</sub> concentrations associated with the mitigated Project relative to baseline conditions.

**KW/JM-10.** Mitigation Measure AQ-15 has been amended as shown below:

*MM AQ-15 AMP*

By end of year 2 of operation, all ships capable of utilizing AMP and all frequent callers (2 or more a year), shall use AMP at the facility. At minimum, ships calling at the Berth 408 facility shall use AMP ~~Ships calling at Berth 408 facility shall use AMP while hoteling at the Port in the following at minimum percentages while hoteling at the Port in the following at minimum percentages:~~

- By end of year 2 of operation – 6 (4%) vessel calls
- By end of year 3 of operation – 10% of annual vessel calls
- By end of year 5 of operation – 15% of annual vessel calls
- By end of year 10 of operation – ~~40~~ 50% of annual vessel calls
- By end of year 16 of operation – ~~70~~ 80% of annual vessel calls

As discussed in Chapter 3.2, use of AMP would enable ships to turn off their auxiliary engines during hoteling, leaving the boiler as the only source of direct emissions. An increase in regional power plant emissions associated with AMP electricity generation is also assumed. Including the emission from ship boilers, a ship hoteling with AMP reduces its criteria pollutant emissions 88 to 98 percent, depending on the pollutant, when compared to a ship hoteling without AMP and burning residual fuel in the boilers.

---

AMP on container vessels and cruise ships is directed at reducing emissions from the relatively large hoteling loads present on these vessels. Tankers have smaller hoteling loads but also must support cargo offloading operations by producing steam power. The steam production capability cannot be replaced without complete vessel reconstruction. However, as mentioned earlier, the Project design includes a feature to minimize steam generation requirements via the use of shore-side electric pumps.

The Port will design and incorporate into Berth 408 all the necessary components to make full AMP available for those vessels capable of utilizing such facilities. The following addition has been included the AMP discussion in the Final SEIS/SEIR.

In the alternative, the Port may, upon application by the tenant, and subject to all applicable laws and regulations, permit the tenant to install and employ and Alternative Maritime Emission Control System (AMECS) system, either in combination with or in place of AMP as designated in the Port's permit, to meet or exceed the requirements of this mitigation measure; provided that the Port first finds, based on environmental review prepared pursuant to CEQA, all of the following:

- (4) that AMECS is a feasible mitigation measure;
- (5) that the Port and CARB have verified that use of AMECS, as permitted by the Port, would achieve emissions reductions equivalent to or better than those identified in this SEIS/SEIR as occurring under this mitigation measure through the use of AMP alone; and
- (6) that either
  - d. the use of AMECS, as permitted by the Port to achieve the purposes of this mitigation measure, would result in no new or substantially more severe significant adverse impact to the environment, or
  - e. any new or substantially more severe adverse impact to the environment resulting from the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure would be mitigated to a less than significant level, or
  - f. overriding considerations, as defined under CEQA, make appropriate the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure.

Regarding the suggestion for 100 percent compliance with AMP, the percentages required in MM AQ-15 represent aggressive phase-in requirements for a marine oil tanker. Both CARB and POLA have considered the applicability of cold ironing to tankers and concluded that they are not good candidates. The CARB adopted a cold ironing rule in 2007 that did not include tankers. It is currently considering other measures applicable to tankers but no regulation has been proposed. Likewise, the Clean Air Action Plan (CAAP) concluded that shore power is generally best suited for vessels that make multiple calls per year, require significant demand while at berth, and vessels that will continue to call at the same terminal for multiple years. In general, crude oil tankers do not fit within these categories. For tankers, the CAAP concluded that only

---

crude tankers that have diesel-electric powered pumps were considered to be good candidates. The CAAP suggested alternative hotelling emissions reduction technologies for vessels that do not fit the shore power model. Such technologies include shore-powered dockside electrical pumps for tankers to reduce on-board pumping loads. Berth 408 has proposed shore-powered pumps to be used on all vessel calls. This is in conformance with the feasibility findings of the CAAP.

Currently, only two tankers in the world crude oil tanker fleet are equipped for cold ironing and they are both diesel-electric vessels. (The world crude oil tanker fleet consists of approximately 1,200 vessels that could be expected to call at Berth 408 (Aframax or larger), and it is believed that there are only 9 crude oil tankers that are diesel-electric.) The two AMP-equipped tankers are owned by British Petroleum and have been modified for use at BP's Berth 121 at the Port of Long Beach but have yet to make a single call using AMP due to a series of technical issues. The BP tankers are not configured to be able to utilize the proposed AMP facility at Berth 408. Thus, to date, the successful application of cold ironing technology to crude oil tankers has not been demonstrated despite several years of effort by BP and funding by the Port of Long Beach. This is an extremely aggressive schedule considering that no crude oil tanker likely to call at Berth 408 is equipped for cold ironing. Plains expects the shore power requirement in early years will be met by retrofitting a small number of vessels traveling between POLA and South America, which would make sense because they are most likely to be frequent callers.

**KW/JM-11.** Regarding the comment that “three visits per year by ships to the existing berth is aesthetically equal to a much larger ship visiting that same berth almost every day of the year,” please see the response to comment PCAC-EIR-11. Regarding the comment that “Pier 400 was created without any mitigation for aesthetics and a finding of no aesthetic impact”, the 1992 Deep Draft FEIS/FEIR concluded that there would be adverse aesthetic impacts due to the Pier 400 landfill project's causing a permanent loss of views of open water and the filled area's stark appearance. The impacts were deemed to be unavoidably significant. No feasible mitigation measures were identified that would eliminate these impacts or reduce them to a level that would be less than significant. The loss of open water would remain an impact with the subsequent build-out of terminal facilities, but the stark appearance, on the other hand, would disappear with such build-out. To address the enduring significant impact (loss of open water), an offsetting mitigation was recommended (MM 4M-1), as described in Section 3.1.1.1. That measure calls for visual amenities, such as landscaping, to be provided as part of future development of terminal facilities, and the proposed Project includes a landscape plan.

**KW/JM-12.** Regarding the comment that “a berth supporting 5 or so visits per year does not have the same aesthetic impact as a berth supporting 5 visits or so per week”: Under existing conditions, there is no Marine Terminal at the Project's terminal site, so no ship calls presently occur there. Regarding the expected number of tanker calls under the proposed Project, 129 to 201 would occur annually (with the estimated number increasing over time, as described in the SEIS/SEIR). The Draft SEIS/SEIR appropriately compares the Project's aesthetic impacts, including impacts of anticipated vessel calls, to baseline conditions under which no vessels are currently calling at the Project site. The Draft SEIS/SEIR includes a comprehensive analysis of existing visual conditions and the Project's potential aesthetic impact on those conditions. The document explains the San Pedro Bay Ports are a landscape that is highly engineered and is visually dominated by large-scale man-made features. The tankers calling at the Marine Terminal will be viewed

---

in this Port context and will not appear incongruous with that setting. Figures 3.1-16 and 3.1-18 are photo-simulations showing a tanker at berth, as seen from the Cabrillo Beach Fishing Pier and from Lookout Point Park. The specific views shown are segments of broad panoramas available from these points, and in their context a tanker at Berth 408 could not dominate those panoramic views,

Regarding the comment that “the impacts are downplayed due to the currently degraded nature of views” and “the Project would contribute to cumulative impacts from other past and present projects”: The Draft SEIS/SEIR includes a comprehensive analysis of existing visual conditions and the Project’s potential aesthetic impact on those conditions. With respect to the cumulative impact analysis, the document explains that operations within the San Pedro Bay Ports have completely transformed the original natural setting to create a landscape that is highly engineered and is visually dominated by large-scale man-made features (Section 4.2.1.1). The aesthetic result of existing development of Port facilities is recognized as cumulatively significant. However, the proposed Project would cause no adverse impact (Section 4.2.1.2) and, therefore, it would not make a cumulatively considerable contribution to the significant cumulative impact of related projects.

Regarding the comment that “the standard for determining impacts is restrictive and will set a precedent for evaluating the impacts of other, future projects that will contribute to cumulative impacts”: The analytical approach to assessing Aesthetic & Visual Resources Impacts complies with the requirements of NEPA and CEQA, and addresses the *L.A. CEQA Thresholds Guide* (City of Los Angeles 2006) for determining impact significance (Section 3.1.1). Please refer to Appendix G for a full discussion of the methodology, its precedents, and the 20-year history of its application to numerous NEPA- and CEQA-compliant visual impact assessments. Please note that the methodology was applied most recently to the visual impact assessment for the LAHD Berths 136-147 Terminal EIS/EIR, which was certified by the Board of Harbor Commissioners in December 2007.

Regarding the comment that “declaring impacts to be less than significant reduces the possibility that any such impacts will ever be mitigated”: CEQA and NEPA require significant impacts to be mitigated to the fullest extent feasible; those laws do not authorize mitigation of impacts determined to be less than significant. The Draft SEIS/SEIR included a comprehensive and objective analysis of existing visual conditions and the Project’s potential aesthetic impact on those conditions. Under this analysis, it was concluded that the proposed Project and its alternatives would not cause adverse visual impacts in the context of the existing visual conditions characterizing the critical public views analyzed. Therefore, the impacts would be less than significant and not require mitigation.

- KW/JM-13.** The comment maintains that “the loss of recreational use due to the creation of Pier 400 was never mitigated.” Draft SEIS/SEIR Section 3.11.1.1 discusses mitigation measures from the 1992 Deep Draft Final EIR and indicates that the four measures proposed therein “have already been implemented or are not applicable to this proposed project.” Three of those measures have been implemented to mitigate the impact of the creation of Pier 400. Draft SEIS/SEIR Section 3.11.1.1 also notes that measure MM 4K-2, which would have prohibited commercial vessel anchoring between Pier 400 and the breakwater, was not implemented and “is considered impractical and inadvisable” by the US Coast Guard.

---

**KW/JM-14.** The data provided in the Median Home Sales Prices table appended to the comment indicate that in general, lower priced homes in Los Angeles County, including those communities in proximity to the Ports of Los Angeles and Long Beach, generally increased in value by greater percentages than higher priced homes over the period from 2003 to 2007. While it is true that these homes are generally priced lower to begin with, this also represents greater affordability and the potential for more households to be able to purchase a home, including Port workers who live in the area. No changes to the document are required. Demand for homes, whether in the vicinity of the Ports of Los Angeles and Long Beach or elsewhere, depends on a variety of factors, including interest rates and other market factors that extend beyond the region, local and regional population and job growth, price/affordability, and other locational factors and amenities. Future demand for housing in the project area would also be affected by a variety of factors as well as any mitigations that would be implemented. Thank you for the reference. It will become part of the public record through inclusion of the comment and response in the Final SEIS/SEIR. In addition, note that the SEIS/SEIR already incorporates the MATES-III report in Section 3.2 (see Page 3.2-10, lines 24-29) and Chapter 4 (see Section 4.2.2.7). No changes to the document are required.

Thank you for the references. They will become part of the public record through inclusion of the comment and response in the Final SEIS/SEIR. No changes to the document are required.

**KW/JM-15.** Container storage facilities and scrap metal yards would not be affected by this project. Off-port impacts are addressed in air quality, recreation, noise, and other resources, as appropriate. In Section 3.8, Impacts LU-3 and LU-4 summarize the project's less than significant impacts on neighborhoods and communities with regard to compatibility. Residences and other sensitive uses in San Pedro and Wilmington would be located at least 0.5 mile from the nearest pipeline construction site and over 1 mile from a tank farm site and the Marine Terminal. In addition, because transport of crude oil would occur by pipeline only, no tanker truck trips are required to travel through community streets in Wilmington or San Pedro. No changes to the document are required. Thank you for the reference. It will become part of the public record through inclusion of the comment and response in the Final SEIS/SEIR. No changes to the document are required.

**KW/JM-16.** As required under NEPA and agreed to by the Port, the SEIS/SEIR addresses socioeconomic effects (i.e., employment, population, and housing), in Chapter 7 Socioeconomic Analysis; hazards, in Section 3.12 Risk of Upset/Hazardous Materials; and health risks, in Section 3.2 Air Quality (with detailed supplemental information in Appendix H4). Regarding the commenter's suggestion to analyze the benefits and costs of the project, CEQA and NEPA do not require an analysis of economic costs and benefits; however, the SEIS/SEIR provides a comprehensive analysis of environmental impacts of the construction and operation of the proposed Project as well as its alternatives, including not building the proposed Project (i.e., the No Federal Action/No Project Alternative). No changes to the document are required. No changes to the document are required.

**KW/JM-17.** CEQA does not require that a cost-benefit analysis be done in order for the BOHC as decision-makers to utilize overriding considerations (nor is a cost-benefit analysis required by NEPA). Also, see the response to KW/JM-16. No changes to the document are required.

---

**KW/JM-18.** The Port and USACE are preparing the SEIS/SEIR in compliance with NEPA and CEQA requirements and other environmental statutes and regulations applicable to preparation and decision-making for the SEIS/SEIR. LAHD prepared, sponsored, and reviewed the SEIR in compliance with CEQA, and the authority of the BOHC and Los Angeles City Council to review and approve the SEIR is also consistent with the requirements of CEQA. All local, state, and federal agencies, as well as every member of the public, is entitled to comment on the SEIR, and under CEQA a response to each and every comment is required.

**KW/JM-19.** The MOU between the Port and the TraPac Project Appellants does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid significant impacts of the Project. Rather, through the MOU, the Port has agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the existing cumulative off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. Therefore, no revisions to the draft document are required by the MOU.

The Corps and Port are committed to mitigating disproportionate effects to the extent feasible. The Port's primary means of mitigating the disproportionate effects of air quality impacts is to address the source of the impact through a variety of Port-wide clean air initiatives, including the CAAP, the Sustainable Construction Guidelines, and the proposed CAAP San Pedro Bay [Health] Standards. As part of the San Pedro Bay Standards, the Port will complete a Port-wide Health Risk Assessment (HRA) covering both the Port of Los Angeles and the Port of Long Beach that will include a quantitative estimate of health risk impacts from Diesel Particulate Matter (DPM) emissions of the Ports' overall existing and planned operations. Current and future proposed projects' approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the proposed San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall health risk effects of future projects and on-going port operations' emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a standard of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed in order to ensure that the proposed project is fully contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP and on projected future Ports' operations through the specified CAAP implementation mechanisms and also assumed implementation of existing regulations. As long as the project is consistent with growth projection assumptions used to develop the San Pedro Bay Standards, and the CAAP mitigations for the project are consistent with the mitigation assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay Standards as it is consistent with projections of the Ports' future operations used in formulating the San Pedro Bay Standards, and as it exceeds compliance with applicable CAAP measures as shown in Table 3.2-22 of the Draft SEIS/SEIR.

---

The Port is also developing a comprehensive Climate Change Action Plan to address GHG emissions from Port operations. GHG emissions at the Port are largely a function of diesel combustion and thereby addressing these emissions will not only help address potential climate change effects but also local health issues from diesel sources.

In addition, through a Memorandum of Understanding, the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the overall off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. This fund includes, for example, approximately \$6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute \$0.15 per ton of crude oil received at the terminal up to an amount of approximately \$5 million. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the Project, and therefore is not an environmental justice mitigation per se, it would have particular benefits for harbor area communities where disproportionate effects could occur.

Temporary, project-related construction noise and the associated disproportionate effects would be mitigated to the extent feasible, through measures such as selection of the contractor for pile driving with consideration of noise, restricted hours for pile driving, use of temporary noise attenuation barriers, and other measures (see Section 3.10). Disproportionate effects associated with risk of upset (i.e., a terrorist attack) would be mitigated to the extent feasible through port-wide security measures (see Section 3.12). Disproportionate effects from recreation impacts due to noise and spills would be addressed through noise mitigations such as those listed above and additional measures such as double-hulled vessels and quick release couplings.

**KW/JM-20.** The comment is noted. The Port's primary means of reducing its air quality impacts on the community is by reducing the source of the impact (i.e., by reducing air emissions) through a variety of Port-wide clean air initiatives as well as through mitigation measures imposed on the construction and operation of specific leaseholders.

**KW/JM-21.** There is no requirement in CEQA or NEPA to describe what a project is not, only to describe what the project is. The proposed Project is clearly described as a terminal for crude oil tankers and not as an LNG terminal. A terminal that would accommodate tankers carrying LNG would require entirely different facilities, including different types of storage tanks, pumps, and pipeline interconnections. The Port and USACE agree with the commenter's assertion that if the applicant or any other entity were to propose conversion of the site to an LNG terminal then a new EIR (and possibly a new EIS, if federal action is required) would need to be prepared.

**KW/JM-22.** The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners.

---

**Daniel Nord, August 11, 2008**

- DN-1.** The proposed Project conforms to all of the requirements of the CAAP. The proposed CARB Regulation referenced in the comment, which would require ocean-going vessels (OGVs) including tankers to use lower-sulfur fuel to power their engines and boilers starting July 1, 2009, had not been approved prior to the release of this Draft SEIS/SEIR, and has not become effective as of the date of this Final SEIS/SEIR. The proposed CARB Regulation would require OGVs operating in Regulated California Waters and within 24 nautical miles (nm) of the California Baseline (i.e., the mean lower low water line along the California coast) to utilize either marine gas oil (MGO) with a maximum of 1.5 percent sulfur by weight or marine diesel oil (MDO) with a maximum of 0.5 percent sulfur by weight beginning July 1, 2009 in main engines, auxiliary engines, and boilers. Beginning July 1, 2012, OGVs would be required to utilize MGO with a maximum of 0.1% sulfur by weight or MDO with a maximum of 0.1% by weight. MM AQ-14 requires low sulfur fuel use in main engines, auxiliary engines and boilers. If and when the CARB rule is implemented, it would serve to accelerate the implementation of MM AQ-14 since all vessels calling at the terminal would have to comply with the requirements of the CARB rule.
- DN-2.** Your comment is noted. The document identifies all feasible mitigation measures to avoid, reduce and minimize environmental and health risk impacts. Note that the impacts of the proposed Project on health risk, as well as some other environmental impacts, are substantially lower than the impacts of the No Project Alternative. Also, please note that the analysis of EJ effects and feasible mitigation measures can be found in Chapter 5 of the Draft SEIS/SEIR.
- DN-3.** The Port and USACE comply with all legal requirements under CEQA and NEPA to provide accommodations for persons who speak and/or read a language other than English. The Port provided Spanish-language translation to all who requested it at the June 26 public hearing, and has a policy of accommodating all reasonable requests for translation and interpretation services at public meetings and hearings. The Port provided a printed Spanish-language Executive Summary free of charge to anyone who requested it, and this document was also available on the Port's website. The Port is committed to making all reasonable accommodations, but notes that the Draft SEIS/SEIR is thousands of pages long and translating all of it into another language, Spanish or otherwise, would require a substantial amount of time and money.
- DN-4.** The Draft SEIS/SEIR is organized according to the template developed by LAHD and PCAC and in a fashion characteristic of documents prepared under CEQA and NEPA. The organization of the document, and topics covered, are consistent with requirements of CEQA and NEPA. The Port provided individual PDF files on its website, and on the CD-ROM that was provided free of charge to anyone who asked, because the smaller files are easier to download and easier to handle. Given the descriptive names of chapters and sections of the Draft SEIS/SEIR, it should be relatively easy to identify which specific file is of interest to a particular topic of concern (e.g., noise, air quality, environmental justice, growth inducement) and then search for terms of interest within that file. The Port and USACE also provided a list in Chapter 1 (Section 1.4, "Scope and Content of the Draft SEIS/SEIR") of key concerns expressed by people attending the scoping meeting and where those concerns are addressed in the document.



---

**DN-5.** Sections 3.12-5 and 3.12-6 of the Draft SEIS/SEIR provide an overview of terrorism and Port security that form the baseline for a terrorism assessment for the proposed Project. Impact RISK-5 provides a detailed assessment of terrorism-related risk for the proposed Project. As noted on Pages 3.12-70 and 3.12-71, potential terrorism-related risks are considered significant and cannot be fully mitigated.

However, in the event of a successful terrorist attack on the Pacific Marine Terminal, the overall economic impact to the port and regional economy would be negligible. First, San Pedro Bay already contains several other bulk liquid marine terminals and these could likely sustain crude oil deliveries to the region on an interim basis. Second, while environmentally catastrophic, the economic impact of an attack on the Berth 408 Marine Terminal to Port operations would be very short in duration, most likely on the order of a few days.

**DN-6.** Based on the results of the risk analysis that was prepared for the proposed Project, there are not any accident events that would necessitate large-scale evacuations that are not already covered by the Port's Risk Management Plan and Harbor/Port Evacuation Plan. Therefore, no additional Project-specific evacuation plans are necessary.

As noted in Section 3.12.4.1 of the Draft SEIS/SEIR, equipment failure rates that could lead to a major fire or explosion explicitly included earthquakes as an initiating event. All failure rates considered a wide range of failure mechanisms, including "...earthquakes, corrosion, and third-party damage (Draft SEIS/SEIR Page 3.12-34). Similarly, the likelihood and consequences of a potential tsunami were evaluated in the SEIR/SEIR. For example, Pages 3.12-50 through 3.12-54 specifically evaluate potential impacts associated with a tsunami impacting Berth 408. Additional analyses can also be found in Chapter 3.5 (Geology) of the Draft SEIS/SEIR.

Regarding the issue of terrorism, site security and potential accidents, the Port will not be expecting the community to "fend for itself." Site security will be a shared responsibility of the Port Police, Port Department of Homeland Security and the US Coast Guard. Additionally, in the event of a need to respond to an incident, the Los Angeles Fire Department, as well as other departments that would be available through mutual aid agreements, would be expected to provide emergency response. Finally, Plains will be required to participate in an oil spill cooperative within the Port to provide for rapid oil spill response capability and regular training.

**DN-7.** Regarding the issue of views from Angel's Gate Park, these views are discussed in Draft SEIS/SEIR Section 3.1.2.1.2.2. The primary park views are directed toward the southeast, south and southwest, from 180 degrees to 90 degrees away from the Project site. Views to the northeast toward the Marine Terminal site are extremely peripheral and limited by landscaping and buildings (see Figures 3.1-9 and 3.1-10). Although all views from Angel's Gate Park are highly sensitive, the proposed Project's exposure in these views would be incidental and not representative of the visual experience there. The tankers and related Project infrastructure, therefore, would not dominate the breadth of available views from this park.

Regarding Point Fermin Park, the Project site cannot be seen from there. Although the easternmost part of the park stretches to the northeast toward the Project site (see Figure 3.1-2), public access to that part is prohibited. Major portions of the park in this area have collapsed where the cliffs have been eroded by wave action at their base, and safe access

---

is not possible. Due to the closure, the east end of the park now extends only to a point due south of South Carolina Street, and from there no part of the Project site may be seen.

Regarding the comment that “the SEIS/SEIR does not show clear and accurate elevations and pre-visualizations of the scale of this project from various vantage points”, Figures 3.1-16, 3.1-17, 3.1-18, and 3.1-19 present photo-simulations of Project features. These are accurately scaled and realistically rendered by computer to simulate the visual effect of the features, including their scale, color, and texture.

Regarding the issue of specific “outside” studies to determine the effects of the Project from a health and quality of life perspective, CEQA and NEPA do not require a lead agency to rely on a study prepared outside the agency to determine project effects, nor do they require the resolution of disagreements among experts (see Draft SEIS/SEIR Section 1.5.4). For additional information regarding the effects of the project on quality of life, see the responses to comments CSNPC-16 and CSNPC-17 (noise and recreation issues). For additional information regarding the impacts on nighttime lighting, see the response to comment CSPNC-21, and also see Section 3.1.4.3.1.6 (the discussion of Impact AES-4). Although this section is general and not specific to Cabrillo Beach, the LAHD has guaranteed that they will prove that no additional night lighting will occur anywhere off-site.

- DN-8.** Comment noted. The Port and USACE are not aware of financial relationships between commenting entities and the Project applicant, but even if there were such relationships the comments would not be excluded under CEQA or NEPA since any member of the public is invited to comment. However, note that the decision of the BOHC to certify the EIR, and the decision of the USACE to approve the ROD, are independent of the number of comments recommending approval or disapproval. The decisions of the BOHC and USACE are instead based on the CEQA Project Objectives and NEPA Purpose and Need, respectively; the environmental impacts of the proposed Project and alternatives in consideration of mitigation as documented in the SEIS/SEIR; the USACE’s Section 404(b)(1) alternatives analysis and public interest determination; and the sufficiency of the environmental documentation.
- DN-9.** Please see the response to comment DN-8.
- DN-10.** Please see the response to comment DN-8. Also, note that the Port and USACE prepared an independent analysis of crude oil supply and demand forecasts in southern California to evaluate the need for the proposed Project as well as the basis of the environmental analysis. The independent analysis prepared by the Port and USACE is based on a thorough review of reports and projections from the California Energy Commission (CEC) as well as other available projections and data. This analysis is summarized in Section 1.1.3 and Section 2.3 of the Draft SEIS/SEIR (and Section 1.2.1.3 of the Final SEIS/SEIR). Details of the analysis are provided in the Draft SEIS/SEIR as Appendix D1, with additional supplemental information (also produced by the Port and USACE independently) in Appendix D3. Appendix D2, “California’s Uncertain Oil Future,” was a report prepared by the Los Angeles Economic Development Council (LAEDC). LAEDC is an independent group and was not hired by the Port of Los Angeles to prepare the report. The report is a reference document to the Draft SEIS/SEIR.
- DN-11.** The document identifies all feasible mitigation measures to avoid, reduce and minimize environmental and public health risk impacts. Note that the impacts of the proposed

---

Project on health risk, as well as some other environmental impacts, are substantially lower than the impacts of the No Project Alternative. Mitigation Measure AQ-15 has been amended as shown below:

*MM AQ-15 AMP*

By end of year 2 of operation, all ships capable of utilizing AMP and all frequent callers (2 or more a year), shall use AMP at the facility. At minimum, ships calling at the Berth 408 facility shall use AMP ~~Ships calling at Berth 408 facility shall use AMP while hoteling at the Port in the following at minimum percentages while hoteling at the Port in the following at minimum percentages:~~

- By end of year 2 of operation – 6 (4%) vessel calls
- By end of year 3 of operation – 10% of annual vessel calls
- By end of year 5 of operation – 15% of annual vessel calls
- By end of year 10 of operation – ~~40~~ 50% of annual vessel calls
- By end of year 16 of operation – ~~70~~ 80% of annual vessel calls

As discussed in Chapter 3.2, use of AMP would enable ships to turn off their auxiliary engines during hoteling, leaving the boiler as the only source of direct emissions. An increase in regional power plant emissions associated with AMP electricity generation is also assumed. Including the emission from ship boilers, a ship hoteling with AMP reduces its criteria pollutant emissions 88 to 98 percent, depending on the pollutant, when compared to a ship hoteling without AMP and burning residual fuel in the boilers.

AMP on container vessels and cruise ships is directed at reducing emissions from the relatively large hoteling loads present on these vessels. Tankers have smaller hoteling loads but also must support cargo offloading operations by producing steam power. The steam production capability cannot be replaced without complete vessel reconstruction. However, as mentioned earlier, the Project design includes a feature to minimize steam generation requirements via the use of shore-side electric pumps.

The Port will design and incorporate into Berth 408 all the necessary components to make full AMP available for those vessels capable of utilizing such facilities. The following addition has been included the AMP discussion in the Final SEIS/SEIR.

In the alternative, the Port may, upon application by the tenant, and subject to all applicable laws and regulations, permit the tenant to install and employ and Alternative Maritime Emission Control System (AMECS) system, either in combination with or in place of AMP as designated in the Port's permit, to meet or exceed the requirements of this mitigation measure; provided that the Port first finds, based on environmental review prepared pursuant to CEQA, all of the following:

- (7) that AMECS is a feasible mitigation measure;
- (8) that the Port and CARB have verified that use of AMECS, as permitted by the Port, would achieve emissions reductions equivalent to or better than those identified in this SEIS/SEIR as occurring under this mitigation measure through the use of AMP alone; and
- (9) that either

- 
- g. the use of AMECS, as permitted by the Port to achieve the purposes of this mitigation measure, would result in no new or substantially more severe significant adverse impact to the environment, or
  - h. any new or substantially more severe adverse impact to the environment resulting from the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure would be mitigated to a less than significant level, or
  - i. overriding considerations, as defined under CEQA, make appropriate the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure.

Regarding the suggestion for 100 percent compliance with AMP, the percentages required in MM AQ-15 represent aggressive phase-in requirements for a marine oil tanker. Both CARB and POLA have considered the applicability of cold ironing to tankers and concluded that they are not good candidates. The CARB adopted a cold ironing rule in 2007 that did not include tankers. It is currently considering other measures applicable to tankers but no regulation has been proposed. Likewise, the Clean Air Action Plan (CAAP) concluded that shore power is generally best suited for vessels that make multiple calls per year, require significant demand while at berth, and vessels that will continue to call at the same terminal for multiple years. In general, crude oil tankers do not fit within these categories. For tankers, the CAAP concluded that only crude tankers that have diesel-electric powered pumps were considered to be good candidates. The CAAP suggested alternative hotelling emissions reduction technologies for vessels that do not fit the shore power model. Such technologies include shore-powered dockside electrical pumps for tankers to reduce on-board pumping loads. Berth 408 has proposed shore-powered pumps to be used on all vessel calls. This is in conformance with the feasibility findings of the CAAP.

Currently, only two tankers in the world crude oil tanker fleet are equipped for cold ironing and they are both diesel-electric vessels. (The world crude oil tanker fleet consists of approximately 1,200 vessels that could be expected to call at Berth 408 (Aframax or larger), and it is believed that there are only 9 crude oil tankers that are diesel-electric.) The two AMP-equipped tankers are owned by British Petroleum and have been modified for use at BP's Berth 121 at the Port of Long Beach but have yet to make a single call using AMP due to a series of technical issues. The BP tankers are not configured to be able to utilize the proposed AMP facility at Berth 408. Thus, to date, the successful application of cold ironing technology to crude oil tankers has not been demonstrated despite several years of effort by BP and funding by the Port of Long Beach. This is an extremely aggressive schedule considering that no crude oil tanker likely to call at Berth 408 is equipped for cold ironing. Plains expects the shore power requirement in early years will be met by retrofitting a small number of vessels traveling between POLA and South America, which would make sense because they are most likely to be frequent callers..

**DN-12.**

Please see response to comment PCAC-EIR-5. In regards to emissions credits, the proposed analysis does not include any emission reduction benefits from emissions credits, therefore, emission credits are not the defining difference between the proposed Project and the No Federal Action/No Project Alternative. The No Project Alternative includes emission increases to existing facilities in the San Pedro Bay Ports complex

---

which would not be mitigated to the extent of the proposed Project. This difference accounts for the emissions savings.

**DN-13.**

As documented thoroughly in Section 1.1.3, Section 2.3, and Appendix D1 of the SEIS/SEIR, the proposed Project would provide facilities for the receipt of crude oil via marine tanker vessels given the decline in California domestic production; thus, it represents the ability to accommodate replacement of crude oil from one source (that does not require marine transport) to another source (that does require marine transport). Thus, the Port and USACE agree with the commenter's assertion that "Increasing supply to them [i.e., refineries] is... replacing an existing supplier." However, as documented in Section 1.1.3, Section 2.3, Chapter 8, and Appendix D1, the capacity of area refineries to distill petroleum products from crude oil is increasing over time (a process called "refinery capacity creep"). The projected increase in refineries' crude oil demand is based on increased consumer demand for transportation fuels as well as refinery capacity creep. As stated in the document (Section 8.2.2), "Both of these factors are projected to increase independent of the proposed Project. Consumer demand is projected to increase due to population and income growth (CEC 2007a; CEC 2007b; CEC 2007c; also see Section 1.1.3). Refinery capacity is expected to increase because refineries in southern California, facing increased consumer demand and a consumer demand that exceeds their current distillation capacity (CEC 2007b; also see Section 1.1.3), are continually seeking process improvements that would allow them to increase production. (It is worth noting that refineries plan their capacity and production in order to have the capacity to meet peaks of consumer demand, rather than average demand, over a long-term forecast.)"

Regarding the commenter's suggestion to analyze the benefits and costs of the project, as required under NEPA and agreed to by the Port, the SEIS/SEIR addresses socioeconomic effects (i.e., employment, population, and housing), in Chapter 7 Socioeconomic Analysis; hazards, in Section 3.12 Risk of Upset/Hazardous Materials; and health risks, in Section 3.2 Air Quality (with detailed supplemental information in Appendix H4). Regarding the commenter's suggestion to analyze the benefits and costs of the project, CEQA and NEPA do not require an analysis of economic costs and benefits; however, the SEIS/SEIR provides a comprehensive analysis of environmental impacts of the construction and operation of the proposed Project as well as its alternatives, including not building the proposed Project (i.e., the No Federal Action/No Project Alternative). No changes to the document are required.

Regarding the estimated 201 tankers that are projected to call at the terminal annually in 2025-2040, as noted in Section 1.1.3, in 2005 about 45 percent of foreign crude oil imports to southern California came from the Middle East, 46 percent came from Central and South America, 7 percent came from West Africa, and 2 percent came from Canada. The share of Middle Eastern imports has increased steadily in recent years, a trend that is expected to continue (Baker & O'Brien 2007).

In addition, as discussed in Chapter 8 of the Draft SEIS/SEIR, the projected increase in crude oil demand is based on increased consumer demand for transportation fuels and increased refinery distillation capacity ("refinery capacity creep"). Both of these factors are projected to increase independent of the proposed Project. Consumer demand is projected to increase due to population and income growth (CEC 2007a; CEC 2007b; CEC 2007c; also see Section 1.1.3). Refinery capacity is expected to increase because refineries in southern California, facing increased consumer demand and a consumer demand that exceeds their current distillation capacity (CEC 2007b; also see Section

---

1.1.3), are continually seeking process improvements that would allow them to increase production. (It is worth noting that refineries plan their capacity and production in order to have the capacity to meet peaks of consumer demand, rather than average demand, over a long-term forecast.) Therefore, the proposed Project would not result directly or indirectly in increased employment, economic output, or earnings associated with the refining of crude oil or distribution or retailing of refined products.

**DN-14.** Section 3.2 of the Draft SEIS/SEIR provides a comprehensive air quality analysis, including for the construction phase of the proposed Project. This analysis includes impacts on ambient air quality as well as odors and health risk impacts (and other impacts, such as greenhouse gas generation). Wherever the analysis identified a significant impact, all feasible mitigation measures were incorporated to avoid, reduce, and minimize environmental and public health risk impacts.

In response to the concerns about construction noise and its potential impact on recreation, please see the response to comment CSPNC-17. In response to the comment about construction traffic, please see response to comment CBE-6 for proposed mitigation measures and response to comment SCAQMD-6 for Best Available Control Measures (BACMs). In response to the comment regarding home values, please see response to comment PCAC-EIR-27.

**DN-15.** Section 3.5.2.1 of the Draft SEIS/SEIR summarizes the environmental setting associated with earthquakes and tsunamis at the proposed Project site. As discussed in Section 3.5.4.3, the Port will design and construct wharf improvements in accordance with MOTEMS and the LAHD standards, to minimize impacts associated with seismically induced geohazards. Impacts GEO-1 and GEO-2 of the Draft SEIS/SEIR describe at length the Project-specific seismic and tsunami impacts at the Project site and conclude that even with incorporation of modern seismic engineering and construction, impacts would be significant and unavoidable. Also, please see Section 3.12, Risk of Upset/Hazardous Materials, and Chapter 5, Environmental Justice, of the Draft SEIS/SEIR with respect to impacts associated with a spill or explosion.

**DN-16.** The comment asks about the terminal's effect on recreational boating in the Outer Harbor and whether there will be security zones and restrictions. Draft SEIS/SEIR Section 3.11.4.3.1.1 discusses the effects of construction on recreational boating and concludes that "construction of the project would result in a substantial loss or diminished quality of recreational ... resources", primarily through the diminishment of the recreational experience during construction activities. Draft SEIS/SEIR Section 3.11.4.3.1.2 discusses operational impacts and again concludes that project operations "could result in a temporary substantial loss or diminished quality of recreational ... resources in the event of an oil spill." No security zones are currently proposed for the vicinity of Pier 400 within the outer harbor.

**DN-17.** During the initial stages of operations at Pier 400 - Berth 408, the proposed Project may displace some crude oil deliveries to other terminals in the Port. Crude oil demand is not a function of terminal capacity, but is based on consumer demand for gasoline and other petroleum products and refinery demand for feedstock to produce consumer products. In the future, assuming California production continues to decline and consumer demand continues to increase, there could be an increased volume of crude oil deliveries to the Port. The SEIS/SEIR clearly outlines the maximum potential for increased crude deliveries and all analyses contained in the SEIS/SEIR are based on a reasonable worst-

---

case increase in potential crude oil deliveries to the Port. Statements made by individuals not directly involved in the preparation of the SEIS/SEIR should not be confused with the basis for the SEIS/SEIR analysis of future crude oil deliveries to the region. The proposed Project will have no effect on the amount of crude oil that is delivered to southern California, which is based on regional demand for petroleum products and the forecasted decline in California domestic production. Since the proposed Project will be able to accommodate larger vessels, this will result in fewer vessel trips for the same volume of crude oil.

**DN-18.** The data provided in the Median Home Sales Prices table appended to the comment indicate that in general, lower priced homes in Los Angeles County, including those communities in proximity to the Ports of Los Angeles and Long Beach, generally increased in value by greater percentages than higher priced homes over the period from 2003 to 2007. While it is true that these homes are generally priced lower to begin with, this also represents greater affordability and the potential for more households to be able to purchase a home, including Port workers who live in the area. No changes to the document are required.

Demand for homes, whether in the vicinity of the Ports of Los Angeles and Long Beach or elsewhere, depends on a variety of factors, including interest rates and other market factors that extend beyond the region, local and regional population and job growth, price/affordability, and other locational factors and amenities. Future demand for housing in the project area would also be affected by a variety of factors as well as any mitigations that would be implemented. Thank you for the reference. It will become part of the public record through inclusion of the comment and response in the Final SEIS/SEIR. In addition, note that the SEIS/SEIR already incorporates the MATES-III report in Section 3.2 (see Page 3.2-10, lines 24-29) and Chapter 4 (see Section 4.2.2.7). No changes to the document are required

Cumulative impacts are addressed in Chapter 4 as well as in the individual resource sections. Studies utilized in the SEIS/SEIR are identified in Chapter 10, References. No changes to the document are required. Regarding the statement that the cumulative discussion did not include tunneling under Wilmington and San Pedro to dump sewage treatment offshore, the proposed Project does not include any sewage dumping or offshore disposal and therefore, would not contribute to such an impact.

**DN-19.** As discussed in Chapter 2 of the Draft SEIS/SEIR, construction of the proposed Project facilities would require direct construction labor equivalent to approximately 732 full-time equivalent employees for construction itself. This figure does not include “upstream” employment impacts (i.e., workers in industries that supply materials and equipment maintenance for the construction activities) or “downstream” impacts (i.e., workers in jobs supported by retail and other spending from wages). These “upstream” and “downstream” jobs may be located anywhere within the metropolitan Los Angeles region. LAHD’s own estimate of total construction employment impacts (i.e., including upstream and downstream employment) is 1,767 full-time job equivalents, based on the Port Economic Impact Model (see Draft SEIS/SEIR Chapter 7). In the operation phase, LAHD and USACE estimated there would be 54 full-time permanent jobs associated with the direct operation and maintenance of the terminal (in years 2025-2040), and an additional 158 full-time-equivalent permanent jobs related to indirect (i.e., upstream and downstream) economic activity. All of these estimates are documented in Chapter 7 of the Draft SEIS/SEIR.

- 
- DN-20.** The Draft SEIS/SEIR HRA considers the potential cancer and non-cancer health risk impacts from the proposed Project. The Project would include a number of mobile and stationary emission sources spread across a large geographic area. Section 3.2 includes a number of to-scale drawings depicting the location of the proposed Project sites as well as the predicted location of potential cancer and non-cancer health risk impacts which present the information requested. The HRA also was based on meteorological data from the Port's monitoring network stations so that the modeling assessment would be based on actual San Pedro Bay wind patterns.
- DN-21.** Regarding the demand for oil, note that the analytical basis for the proposed Project operations used a "reasonably foreseeable worst case" scenario; if demand to import oil through the proposed Project ultimately is lower than identified in the document, then the environmental impacts identified in the document would be anticipated to be proportionally less. Also, see the response to comment SPPHCO-5. Regarding the question about conversion to an LNG terminal, see the response to comment SPPHCO-6.
- DN-22.** There is no requirement in CEQA or NEPA to describe what a project is not, only to describe what the project is. The proposed Project is clearly described as a terminal for crude oil tankers and not as an LNG terminal. A terminal that would accommodate tankers carrying LNG would require entirely different facilities, including different types of storage tanks, pumps, and pipeline interconnections. The Port and USACE agree with the commenter's assertion that if the applicant or any other entity were to propose conversion of the site to an LNG terminal then a new EIR (and possibly a new EIS, if federal action is required) would need to be prepared.
- DN-23.** As discussed in Section 2.7 and Chapter 3.4 of the Draft SEIS/SEIR, the CCA requires preparation of a Port Master Plan (PMP) and certification of the PMP by the California Coastal Commission. The PMP identifies existing conditions, short-term plans, long-range preferred uses, and anticipated projects for each of the nine Planning Areas that comprises the planning core of the Port. Each Planning Area is designated with one or more major land use category (General Cargo, Liquid Bulk Cargo, Other Liquid Bulk, Dry Bulk, Commercial Fishing, Recreational, Industrial, Institutional, Commercial, and Other). The PMP was first drafted in 1979 and was recently revised in 2006 (LAHD 2006). The proposed Project facilities would be located in Planning Areas 5 (Wilmington District), 7 (Terminal Island/Main Channel), and 9 (Terminal Island/Seaward Extension). (Refer to Figure 3.8-1 with Planning Areas and Table 3.8-1 with designated uses for Planning Areas.) Planning Area 7 is located in the northern and western portions of Terminal Island. Planning Area 9 encompasses Piers 300 and 400 and includes the Marine Oil Terminal and both Tank Farms. The pipelines would traverse Planning Areas 9, 7, and 5. In April 1993, the California Coastal Commission certified Port Master Plan Amendment No. 12 which provided for the creation of the first phase of Pier 400 and related navigational channels and provided for liquid bulk as a permitted land use on the fill. This amendment, as well as all amendments processed subsequent to the original certification of the Port Master Plan by the Coastal Commission have been prepared, reviewed and adopted consistent with the policies contained in Article 3, Chapter 8 of the California Coastal Act. As such, the proposed Project is consistent with both the PMP and the Port Element of the City's General Plan.
- DN-24.** The comment is noted. The document identifies all feasible mitigation measures to avoid, reduce and minimize environmental public health risk impacts. Note that the impacts of the proposed Project on air quality in the operation phase, as well as health risk and



---

certain other environmental impacts, are substantially lower than the impacts of the No Project Alternative. Also, please see the responses to comments DN-1 through DN-23.

**DN-25.** Environmental justice is addressed in Chapter 5 of the SEIS/SEIR. The comment is noted. The Port's primary means of reducing its air quality impacts on the community is by reducing the source of the impact (i.e., by reducing air emissions) through a variety of Port-wide clean air initiatives as well as through mitigation measures imposed on the construction and operation of specific leaseholders. No changes to the document are required.

**DN-26.** The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners. As described in Section 1.1.3 and Section 2.3 of the SEIS/SEIR, with supplemental information in Appendix D1, the Port and USACE believe that demand for crude oil will continue even as alternative fuels and technologies provide a growing share of the demand for transportation fuels. This idea is supported by the California Energy Commission, which stated in its 2007 Integrated Energy Policy Report (IEPR) that "conventional petroleum fuels will be the main source of transportation energy for the foreseeable future", even with full implementation of the State Alternative Fuels Plan (CEC 2007a). The proposed Project would accommodate continued demand for crude oil as domestic production from California declines; thus, it represents a replacement of supply from existing sources that are projected to decline.

Since the comment specifically mentions Alaskan crude oil, it is also worth noting that the proposed Project would receive crude oil from the Alaska North Slope (ANS). As the Draft SEIS/SEIR notes in Section 1.1.3.2, "Because no pipelines carry crude oil into California, by far the best method to deliver imported crude (including ANS crude) is by marine tanker vessels."

**DN-27.** All comments contained within this comment letter were pasted into Mr. Nord's August 11, 2008 email which is noted above as comments DN-1 through DN-26. Please see the response to comments DN-1 through DN-26 above.

---

**Melanie Ellen Jones and Peter Warren, August 18, 2008**

**MJ/PW(A)-1.** The MOU between the Port and the TraPac Project Appellants does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid significant impacts of the Project. Rather, through the MOU, the Port has agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the existing cumulative off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. Therefore, no revisions to the draft document are required by the MOU.

**MJ/PW(A)-2.** The Port is not privy to knowledge about the revenues or profits of Plains All American with respect to this terminal or the company's wider scope of operations. However, the document identifies all feasible mitigation measures to avoid, reduce and minimize environmental and public health risk impacts. Financial cost of mitigation measures is just one element considered in the determination of feasible mitigation measures. In determining what MMs are feasible, cost, logistics, and the current state of technology are all important considerations.

Note that the impacts of the proposed Project on health risk, as well as some other environmental impacts, are substantially lower than the impacts of the No Project Alternative. Regarding the suggestion to accelerate the implementation of AMP, please see the response to comment SCAQMD-21.

**MJ/PW(A)-3.** Please see the response to comment MJ/PW(A)-2.

**MJ/PW(A)-4.** Please see the response to comment MJ/PW(A)-2.

**MJ/PW(A)-5.** In response to the concerns about off-site mitigation measures, the Corps and Port are committed to mitigating disproportionate effects to the extent feasible. The Port's primary means of mitigating the disproportionate effects of air quality impacts is to address the source of the impact through a variety of Port-wide clean air initiatives, including the CAAP, the Sustainable Construction Guidelines, and the proposed CAAP San Pedro Bay [Health] Standards. As part of the San Pedro Bay Standards, the Port will complete a Port-wide Health Risk Assessment (HRA) covering both the Ports of Los Angeles and Long Beach that will include a quantitative estimate of cumulative health risk impacts from Diesel Particulate Matter (DPM) emissions of the Ports' operations. Current and future projects' approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the proposed San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term cumulative effects of future projects and on-going port operations emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a standard of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed in order to ensure that the proposed project is fully contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP and on projected future Ports' operations through the specified CAAP implementation mechanisms and also assumed

---

implementation of existing regulations. As long as the project is consistent with growth projection assumptions used to develop the San Pedro Bay Standards, and the CAAP mitigations for the project are consistent with the mitigation assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay Standards as it is consistent with projections of the Ports' future operations used in formulating the San Pedro Bay Standards, and as it exceeds compliance with applicable CAAP measures as shown in Table 3.2-22 of the Draft SEIS/SEIR.

The Port is also developing a comprehensive Climate Change Action Plan to address GHG emissions from Port operations. GHG emissions at the Port are largely a function of diesel combustion and thereby addressing these emissions will not only help address potential climate change effects but also local health issues from diesel sources.

In addition, through a Memorandum of Understanding, the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the overall off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. This fund includes, for example, approximately \$6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute \$0.15 per ton of crude oil received at the terminal up to an amount of approximately \$5 million. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the Project, and therefore is not an environmental justice mitigation per se, it would have particular benefits for harbor area communities where disproportionate effects could occur.

Regarding the issue of the distribution of impacts and benefits, the environmental justice section of the Draft SEIS/SEIR adequately evaluates the potential for the Project to have disproportionate and adverse environmental impacts on minority and low-income populations and in addition, addresses project benefits. Chapter 5 identifies minority and low-income populations in Wilmington and San Pedro and other potentially affected areas in Table 5-1, Table 5-2, Figure 5-1 and Figure 5-2. For individual resource impacts, affected populations are identified based on locations, to the extent feasible. Regarding who benefits from the project, Section 1.1.3.1 of the Draft SEIS/SEIR identifies southern California and state-wide demand for crude oil marine imports, a portion of which would be met by the proposed Project. Construction and operations jobs produced by the proposed Project would primarily benefit the Los Angeles Basin and are identified in Draft SEIS/SEIR Section 7.2.2.1. Table 5-3 of the environmental justice analysis summarizes project impacts and benefits. No changes to the document are required.

Environmental justice statutes and regulations require that the analysis identify disproportionate effects. In addition, the analysis may consider, as a factor in determining disproportionate effects, whether there are offsetting benefits from the project. Decision-makers are not compelled to provide an amount of project benefits, equal to impacts, to affected populations, but must ensure that feasible mitigations and alternatives that are

---

available to reduce disproportionate effects have been considered. No changes to the document are required.

Crude oil imported at the proposed terminal would meet the demand for transportation fuels across southern California as well as other regions (e.g., Arizona and Nevada) that are largely dependent on southern California for petroleum product imports. It is worth noting that southern California gains employment, wage and tax benefits from the operation of area refineries that would receive crude oil from the proposed terminal, even though a portion of the refined products would be transported to and consumed in regions outside of southern California. Figure 1-7 illustrates that incremental demand (over 2004) for crude oil marine imports to Southern California would reach 500,000 bpd within approximately 10 years and exceed 650,000 bpd by approximately 2025, in part determined by refinery capacity and consumer demand in southern California. Although the proposed Project would not determine the location of the ultimate consumers of crude oil products, demand for petroleum production in southern California is projected to grow as a result of population and economic growth, much of it driven by growth in transportation demand. Appendix D1 addresses demand in greater detail. Based on current pipeline and refinery infrastructure and flows, virtually all of the crude imported by the proposed Project would supply end users in southern California, Arizona, and Nevada. As noted in the document, California receives no crude oil imports from non-California ports (e.g., via pipeline from the Gulf Coast).

Where the SEIS/SEIR finds significant impacts, all feasible mitigation measures have been identified and applied to construction and operation of the proposed Project. In addition, and independently of the SEIS/SEIR process, the Port has previously agreed to establish a Port Community Mitigation Trust Fund that would benefit the communities of San Pedro and Wilmington. Under CEQA and NEPA, decision-makers are not compelled to provide affected populations with an amount of project benefits equal to impacts, but must ensure that feasible mitigations and alternatives that are available to reduce significant impacts are identified and evaluated; LAHD and USACE are in compliance with this requirement. No changes to the document are required.

The Port is not privy to knowledge about the revenues or profits of Plains All American with respect to this terminal or the company's wider scope of operations. However, the document identifies all feasible mitigation measures to avoid, reduce and minimize environmental and public health risk impacts. Financial cost of mitigation measures is just one element considered in the determination of feasible mitigation measures. In determining what MMs are feasible, cost, logistics, and the current state of technology are all important considerations.

**MJ/PW(A)-6.** Please see the response to comment MJ/PW(A)-5.

**MJ/PW(A)-7.** The Port has an approved Risk Management Plan (RMP) that also includes emergency response and evacuation plans. The Port RMP was written to incorporate issues associated with bulk liquid terminals on Pier 400. The proposed Project is consistent with the Port's RMP as noted in SEIS/SEIR Impact RISK-4. Also, note that Los Angeles Municipal Code (Fire Protection – Chapter 5, Section 57, Divisions 4 and 5) will require the preparation of Project-specific emergency response and evacuation plans.

Evacuation planning for all hazards, man-caused or naturally occurring (such as earthquakes), is a continuing planning effort. Federal, State and local agencies meet and

---

develop planning contingencies, develop communication and logistic protocols and exercise them. As the events may change and conditions become dynamic, the planning teams stage resources, plan exercises and optimize response strategies. Evacuation planning continues between the Port Police, the Los Angeles Fire and Police Departments (LAPD and LAFD), and the California Highway Patrol. LAPD and LAFD have the primary responsibility for evacuation of community areas that are outside the borders of the port complex. Even in these instances, the Port Police may fulfill a support role to ensure coordination and assist with planning, evacuations, and perimeter control.

Because of the port's proximity to the community, the port police may be called upon to function as first responders to any incident in or near the complex until a unified command is established to control the scenario. In all occurrences a primary goal of the managing entities is the incident command and control under a "Unified Command"<sup>5</sup> approach. Whereas it is appropriate to communicate general emergency preparedness and evacuation planning information to the community in advance, it is not prudent to share detailed tactical plans that are scenario and/or location-based, or contain sensitive security information. However, the City of Los Angeles is committed to protecting its citizens first and foremost in the event of an emergency.

Based on the results of the risk analysis that was prepared for the proposed Project, there are no foreseeable accident events that would necessitate large-scale evacuations that are not already covered by the Port's Risk Management Plan and the Harbor/Port Evacuation Plan. Therefore, no additional Project-specific evacuation plans are necessary.

**MJ/PW(A)-8.** The Port has been conducting its own air quality monitoring program since February 2005. There are four station locations in the Port vicinity. The station locations are the Saints Peter and Paul School, Berth 47 in the Port Outer Harbor, the Liberty Plaza Building, and Terminal Island Treatment Plant. Regarding the proposal to establish a public air quality monitoring station in the commenter's neighborhood (i.e., San Pedro), see response to comment CSPNC-4.

Regarding a community mitigation fund, please see response to comment MJ/PW(A)-5.

**MJ/PW(A)-9.** Through a Memorandum of Understanding, the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the cumulative off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. This fund includes, for example, approximately \$6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute \$0.15 per ton of crude oil received at the terminal up to an amount of approximately \$5 million. The off-Port community benefits of the MOU are designed to offset cumulative effects of Port operations. While the MOU does not alter the legal obligations of the lead

---

<sup>5</sup> A Unified Command structure involves establishing a management and command hierarchy that acts upon incident information to develop actionable plans and carries authority needed to delegate responders.

---

agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the Project, and therefore is not an environmental justice mitigation per se, it would have particular benefits for harbor area communities where disproportionate effects could occur.

- MJ/PW(A)-10.** The Draft SEIS/SEIR considered the Pier 400, Face E, alternative and determined that the relatively minor advantages over the proposed Project are outweighed by the greater environmental impacts. This alternative would result in greater environmental impacts due to the additional impacts and costs associated with: required dredging (the channel alongside Face E is dredged to only 69 feet); the increased number of turns a VLCC would need to take to access Face E (thus increasing air emissions and potentially limiting recreational access); potential adverse effects on California least tern foraging due to tanker and tugboat activity in the waters adjacent to the California least tern nesting site; and greater impacts on the California least terns in the event of a tanker upset or spill because a berth at Face E would be immediately adjacent to the least tern nesting site. See Draft SEIS/SEIR Section 2.5.3.2.10.

The Draft SEIR/SEIS proposes adequate alternatives under CEQA/NEPA. Under NEPA/CEQA, an EIS/EIR is required to evaluate a reasonable range of feasible alternatives to reduce or avoid a project's significant impacts. The range of alternatives examined need not exceed a reasonable range which allows a reasoned choice among the alternatives and the proposed Project, and an EIS/EIR need not focus on alternatives that are not feasible or would not avoid or reduce Project impacts. Many alternatives discussed in the Draft SEIS/SEIR were eliminated from further detailed analysis for reasons of infeasibility and/or ineffectiveness at avoiding or reducing Project impacts. However, one alternative involving limited crude oil throughput in certain years was carried forward (in addition to the No Project Alternative and the proposed Project) for co-equal analysis in the document.

Regarding the suggestion to shorten the breakwater, the breakwater is designed to reduce both wave action and strong currents within the harbor to ensure safe vessel maneuvering and berthing. Removing sections of the breakwater would increase wave action and currents. Regarding the suggestion to dredge a channel from Queens Gate in the Port of Long Beach to Face E (a distance of about 4 miles), this dredging and associated sediment disposal would have substantial impacts on air quality (e.g., due to emissions from dredging equipment), water quality (e.g., due to increased turbidity), biological resources (e.g., due to increased turbidity and disruption of biological communities), and marine transportation (e.g., due to the presence of dredging and support vessels). In addition, LAHD has no authority to construct or expand facilities outside its jurisdictional boundaries, which would be necessary in order to dredge the channel from Queens Gate.

- MJ/PW(A)-11.** Please see the response to comment MJ/PW(A)-2.

- MJ/PW(A)-12.** The comment is noted. The purpose of the Draft SEIS/SEIR is to evaluate and report on the potential impacts of the proposed Project and its alternatives. The document will be used to make an informed decision on whether or not to pursue the project. As stated in CEQA Guidelines Section 15093, "*CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project.*" (Also see Public Resources Code Section 21081). If the decision makers elect to approve the proposed Project or Project alternatives (other than the No

Project) it would require a statement of overriding considerations associated with significant unavoidable impacts identified in the Final SEIS/SEIR.

**MJ/PW(A)-13.** NEPA and CEQA authorize mitigation to reduce or avoid significant environmental impacts that are attributable to the proposed project. Mitigation Measures AQ-1 through AQ-21, as modified in the Final SEIS/SEIR, represent all feasible means to reduce air pollution impacts from proposed construction and operational emission sources. The Project would comply with all applicable CAAP measures. Mitigation Measures AQ-12, AQ-19, and AQ-20 provide a process to consider new emission control technologies to mitigate proposed Project emissions in the future. Implementation of the CAAP would assist in the control of emissions from existing sources in proximity to the project.

**MJ/PW(A)-14.** Regarding the CAAP standards for low-sulfur fuel, mitigation Measure AQ-14 has been amended as shown below:

**MM AQ-14 Low Sulfur Fuel**

All ships (100%) calling at Berth 408 shall use 0.2% low sulfur fuel within 40 nm of Point Fermin on their outbound leg and while hoteling at the Project, beginning on day one of operation. Vessels calling at Berth 408 shall also use 0.2% low sulfur fuel within 40 nm of Point Fermin on their inbound leg, except where circumstances (such as ships with a mono-tank system or ships originating from a Port where low sulfur fuel is not available) make such use infeasible on the inbound leg. Regardless, the applicant shall adhere to the following annual phase-in schedule which identifies the minimum allowable annual percentage of vessels in the fleet calling at Berth 408 which shall use 0.2% low sulfur fuel within 40 nm of Point Fermin on their inbound leg: . Ships calling at Berth 408 shall use low sulfur fuel in main engines, auxiliary engines, and boilers within 40 nm of Point Fermin (including hoteling for non AMP ships) in the annual percentages in fuel requirements as specified below:

**PLAMT Fuel Switch for Main Engines, Auxiliary Engines, and Boilers**

Year	Main Engines/Auxiliary Engines/Boilers					
	Inbound			Hoteling and Outbound		
	HFO	0.50%	0.20%	HFO	0.50%	0.20%
<b>1</b>	0	100	0	0	0	100
<b>2</b>	0	100	0	0	0	100
<b>3</b>	0	100	0	0	0	100
<b>4</b>	0	80	20	0	0	100
<b>5</b>	0	50	50	0	0	100
<b>6</b>	0	50	50	0	0	100
<b>7-30</b>	0	10	90	0	0	100

~~In addition, all callers carrying 0.2% low sulfur shall use 0.2% low sulfur fuel within 40 nm of Point Fermin both on the inbound and outbound leg. Six months prior to operation of Berth 408 the applicant shall lead the effort, with Port support, in notifying all fuel suppliers/shippers of the low sulfur fuel requirements. This notification shall be achieved through publication of a notice in Bunker World (or other similar fuel supply trade publication) and by notification to all Berth 408 customers.~~

---

The comment also calls for the phase-in of fuel with a maximum sulfur content of 0.1 percent. To allow for some margin of error and product contamination in the distribution system, when a shipping line orders 0.2 percent sulfur fuel, the shipping line is actually receiving a fuel with a lower sulfur content of between 0.13 and 0.16 percent. Therefore, if the mitigation measure required 0.1 percent fuel, the supplier would have to provide fuel at a content of lower than 0.1 percent, which might not be possible in current refineries. Additionally, 0.2 percent is consistent with the CAAP. In developing and approving the CAAP, the Ports of Los Angeles and Long Beach met and collaborated with agencies (including CARB, AQMD, and USEPA), environmental and community groups, and the shipping industry. As a result of this collaborative process, 0.2% sulfur fuel was found to be feasible from port-wide perspective and use of this fuel represents consensus.

Regarding the new CARB regulations, the proposed Project conforms to all of the requirements of the CAAP. The proposed CARB Regulation referenced in the comment, which would require ocean-going vessels (OGVs) including tankers to use lower-sulfur fuel to power their engines and boilers starting July 1, 2009, had not been approved prior to the release of this Draft SEIS/SEIR, and has not become effective as of the date of this Final SEIS/SEIR. The proposed CARB Regulation would require OGVs operating in Regulated California Waters and within 24 nautical miles (nm) of the California Baseline (i.e., the mean lower low water line along the California coast) to utilize either marine gas oil (MGO) with a maximum of 1.5 percent sulfur by weight or marine diesel oil (MDO) with a maximum of 0.5 percent sulfur by weight beginning July 1, 2009 in main engines, auxiliary engines, and boilers. Beginning July 1, 2012, OGVs would be required to utilize MGO with a maximum of 0.1% sulfur by weight or MDO with a maximum of 0.1% by weight. MM AQ-14 requires low sulfur fuel use in main engines, auxiliary engines and boilers. If and when the CARB rule is implemented, it would serve to accelerate the implementation of MM AQ-14 since all vessels calling at the terminal would have to comply with the requirements of the CARB rule.

Regarding the additional condition suggested by the commenter to impose fees beginning at \$45,500 for each visit, note that the document already provides provisions for enforcement of the lease, including the mitigation measures that would be included in the lease; where noncompliance cannot be remedied, the LAHD has the right to revoke the applicant's lease (Section 2.1.1).

**MJ/PW(A)-15.** Mitigation Measure AQ-15 has been amended as shown below:

*MM AQ-15 AMP*

By end of year 2 of operation, all ships capable of utilizing AMP and all frequent callers (2 or more a year), shall use AMP at the facility. At minimum, ships calling at the Berth 408 facility shall use AMP ~~Ships calling at Berth 408 facility shall use AMP while hoteling at the Port in the following at minimum percentages while hoteling at the Port in the following at minimum percentages:~~

- By end of year 2 of operation – 6 (4%) vessel calls
- By end of year 3 of operation – 10% of annual vessel calls
- By end of year 5 of operation – 15% of annual vessel calls
- By end of year 10 of operation – ~~40~~ 50% of annual vessel calls
- By end of year 16 of operation – ~~70~~ 80% of annual vessel calls



---

As discussed in Chapter 3.2, use of AMP would enable ships to turn off their auxiliary engines during hoteling, leaving the boiler as the only source of direct emissions. An increase in regional power plant emissions associated with AMP electricity generation is also assumed. Including the emission from ship boilers, a ship hoteling with AMP reduces its criteria pollutant emissions 88 to 98 percent, depending on the pollutant, when compared to a ship hoteling without AMP and burning residual fuel in the boilers.

AMP on container vessels and cruise ships is directed at reducing emissions from the relatively large hoteling loads present on these vessels. Tankers have smaller hoteling loads but also must support cargo offloading operations by producing steam power. The steam production capability cannot be replaced without complete vessel reconstruction. However, as mentioned earlier, the Project design includes a feature to minimize steam generation requirements via the use of shore-side electric pumps.

The Port will design and incorporate into Berth 408 all the necessary components to make full AMP available for those vessels capable of utilizing such facilities. The following addition has been included the AMP discussion in the Final SEIS/SEIR.

In the alternative, the Port may, upon application by the tenant, and subject to all applicable laws and regulations, permit the tenant to install and employ and Alternative Maritime Emission Control System (AMECS) system, either in combination with or in place of AMP as designated in the Port's permit, to meet or exceed the requirements of this mitigation measure; provided that the Port first finds, based on environmental review prepared pursuant to CEQA, all of the following:

- (10) that AMECS is a feasible mitigation measure;
- (11) that the Port and CARB have verified that use of AMECS, as permitted by the Port, would achieve emissions reductions equivalent to or better than those identified in this SEIS/SEIR as occurring under this mitigation measure through the use of AMP alone; and
- (12) that either
  - j. the use of AMECS, as permitted by the Port to achieve the purposes of this mitigation measure, would result in no new or substantially more severe significant adverse impact to the environment, or
  - k. any new or substantially more severe adverse impact to the environment resulting from the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure would be mitigated to a less than significant level, or
  - l. overriding considerations, as defined under CEQA, make appropriate the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure.

Regarding the suggestion for 100 percent compliance with AMP, the percentages required in MM AQ-15 represent aggressive phase-in requirements for a marine oil tanker. Both CARB and POLA have considered the applicability of cold ironing to tankers and concluded that they are not good candidates. The CARB adopted a cold

---

ironing rule in 2007 that did not include tankers. It is currently considering other measures applicable to tankers but no regulation has been proposed. Likewise, the Clean Air Action Plan (CAAP) concluded that shore power is generally best suited for vessels that make multiple calls per year, require significant demand while at berth, and vessels that will continue to call at the same terminal for multiple years. In general, crude oil tankers do not fit within these categories. For tankers, the CAAP concluded that only crude tankers that have diesel-electric powered pumps were considered to be good candidates. The CAAP suggested alternative hotelling emissions reduction technologies for vessels that do not fit the shore power model. Such technologies include shore-powered dockside electrical pumps for tankers to reduce on-board pumping loads. Berth 408 has proposed shore-powered pumps to be used on all vessel calls. This is in conformance with the feasibility findings of the CAAP.

Currently, only two tankers in the world crude oil tanker fleet are equipped for cold ironing and they are both diesel-electric vessels. (The world crude oil tanker fleet consists of approximately 1,200 vessels that could be expected to call at Berth 408 (Aframax or larger), and it is believed that there are only 9 crude oil tankers that are diesel-electric.) The two AMP-equipped tankers are owned by British Petroleum and have been modified for use at BP's Berth 121 at the Port of Long Beach but have yet to make a single call using AMP due to a series of technical issues. The BP tankers are not configured to be able to utilize the proposed AMP facility at Berth 408. Thus, to date, the successful application of cold ironing technology to crude oil tankers has not been demonstrated despite several years of effort by BP and funding by the Port of Long Beach. This is an extremely aggressive schedule considering that no crude oil tanker likely to call at Berth 408 is equipped for cold ironing. Plains expects the shore power requirement in early years will be met by retrofitting a small number of vessels traveling between POLA and South America, which would make sense because they are most likely to be frequent callers.

**MJ/PW(A)-16.** See the response to comments MJ/PW-14.

**MJ/PW(A)-17.** The air quality analysis contained in the draft SEIR/SEIS considered the quantity and location of emissions from OGV sources under the different operating modes. This was done for the unmitigated and mitigated scenarios and included in the spatially-specific modeling analyses for ambient criteria pollutant impacts as well as for the HRA.

**MJ/PW(A)-18.** Please see response to comment MJ/PW-15. In addition to AMP retrofits, slide valves are not industry standards on marine-oil tankers. The proposed mitigation measure assumes that the slide valves are used to the greatest extent feasible and does not mandate 100% use on day one. The Port acknowledges that slide valves are not marine-oil tanker industry standards and may be difficult or infeasible to implement. The document did not assume any emissions reductions from this measure because of the difficulties with implementation. The Port will work with Plains and its customers to install slide valves

**MJ/PW(A)-19.** This measure will be incorporated into the lease. Throughput shall be monitored by the Wharfingers Office and the Port's Environmental Management Division. The Environmental Management Division will report on throughput in 2015, 2025 and 2040 and numbers will be made available to the Board of Harbor Commissioners at a regularly scheduled public Board Meeting. If it is determined that throughput numbers exceed assumptions in the SEIS/SEIR, Port staff would evaluate project emissions based on actual throughput for comparison to emissions estimated in the SEIS/SEIR and if the

---

criteria pollutant emissions exceed those in the SEIS/SEIR, then new/additional mitigations would be applied through lease provisions described in MM AQ-20.

- MJ/PW(A)-20.** As detailed in the description of MM AQ-20 within Section 3.2 of the Draft SEIS/SEIR, “As partial consideration for the Port’s agreement to issue the permit to the tenant, tenant shall implement not less frequently than once every 7 years following the effective date of the permit, new air quality technological advancements, subject to the parties’ mutual agreement on operational feasibility and cost sharing which shall not be unreasonably withheld.” This provides a “re-opener clause” to allow for evaluation at 7-year intervals, which is more protective of the environment than the ten-year interval proposed in the comment.
- MJ/PW(A)-21.** The MOU between the Port and the TraPac Project Appellants does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid significant impacts of the Project. Rather, through the MOU, the Port has agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the existing cumulative off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. Therefore, no revisions to the draft document are required by the MOU..
- MJ/PW(A)-22.** Although tankers are subject to ballast water management, the primary source of nonindigenous species (NIS) in the harbors is likely to have been from discharges of ballast water from cargo vessels using the San Pedro Bay Ports. Please see Section 3.3.4.3.1.2 (Operational Impacts Bio-4.2 Invasive Species) of the Draft SEIS/SEIR which discusses that, although of low probability, operation of the proposed Project facilities has the potential to result in the introduction of NIS via vessel hulls or ballast water. The document has been revised to include that this risk remains despite vector management regulations. As discussed in the Draft SEIS/SEIR, the proposed Project is expected to increase the number of vessels entering Los Angeles Harbor by nearly 7 percent compared to the number of vessels that entered the Harbor during the CEQA Baseline year, which would result in a small increase in the potential for non-native invasive species (NIS) to enter the Port via ballast water or attached to ship hulls. The Port does not believe it is feasible to conduct surveys over the harbor area that would allow for early detection of NIS organisms. In addition, with the exception of *Caulerpa*, we are unaware of any NIS that has been successfully eradicated once it has arrived in an ecosystem.

Project-related vessels would all be large, would come primarily from outside the U.S. Exclusive Economic Zone (EEZ), and would be subject to regulations to minimize the introduction of non-native species in ballast water. Increasing the number of vessel calls to the Los Angeles Harbor by nearly 7 percent of the total number of vessel calls to the Harbor that occurred in the CEQA Baseline year would result in a small increase under CEQA in the potential for discharge of ballast water containing non-native invasive species (NIS). This is because the vessels would generally be unloading cargo and consequently taking on ballast water to compensate when leaving the Harbor. The number of project-related vessel calls would be less than the NEPA baseline and, thus, would reduce the potential for introduction of NIS. LAHD will also continue to monitor and conform with regulatory requirements related to NIS.

---

**MJ/PW(A)-23.** The comment maintains that the document “omits an assessment of noise impacts during operations.” This is incorrect. See response to comment CSNPC-16. Draft SEIS/SEIR Section 3.10.4.3.1.2 analyzes operational noise impacts and assesses the effects of noise associated with key noise-generating equipment from peak hour operations as shown in Table 3.10-9. Both a daytime and nighttime scenario were analyzed. In both scenarios, predicted noise at the nearest sensitive receptors, including the evening and nighttime penalties, would be at or below 1 dB, which is barely audible to an attentive listener, and below the 3 dB threshold. The impacts were therefore considered less than significant.

**MJ/PW(A)-24.** The comment maintains that the document “requires revision to fully assess significant noise impacts to residents and recreational areas that would occur during construction.” This is incorrect. See response to comment CSNPC-17. Draft SEIS/SEIR Section 3.11.4.3.1.1 addresses the noise impacts of the project construction on sensitive receptors (residential areas) and recreation and concludes that the impacts of pile driving would be significant and unavoidable. See also response to comment USEPA-25. No change is required to the document.

**MJ/PW(A)-25.** The comment maintains that the document “requires revision to fully assess significant unmitigated impacts to recreation that would occur during ... construction.” This is incorrect. Please see responses to comments CSNPC-17 and DN-16. While noise associated with construction would be audible at recreational locations, residential criteria generally do not apply to recreational sites where higher noise levels, such as enthusiastic crowds, motorized recreational equipment, and the like are considered acceptable ambient noise.

Section 3.11.4.3.1.1 of the Draft SEIS/SEIR discusses the effects of construction on recreational boating and concludes that “construction of the project would result in a substantial loss or diminished quality of recreational ... resources”, primarily through the diminishment of the recreational experience during construction activities. Draft SEIS/SEIR Section 3.11.4.3.1.2 discusses operational impacts and again concludes that project operations “could result in a temporary substantial loss or diminished quality of recreational ... resources in the event of an oil spill.” Impacts to species are addressed in Draft SEIS/SEIR Section 3.3. (Biological Resources). Impacts to on fish availability, temporary reduction of recreational fishing opportunities, and reduction of harbor area for recreational boating were analyzed in the 1992 Deep Draft FEIR as noted in Draft SEIS/SEIR Section 3.11.1.1. Impacts on harbor fisheries are discussed in Draft SEIS/SEIR Section 3.11.4.3.1.2 in relation to oil spills.

The east-side berth was eliminated from coequal evaluation because of the additional cost, restricted recreational access, and environmental impacts to air quality and least terns associated with this alternative. No change is required to the document.

**MJ/PW(A)-26.** Please see responses to comments CLSC-63 and CBE-5. A cumulative analysis of the impacts to water quality from oil spills is provided in Chapter 4 of the Draft SEIS/SEIR. The document has been revised to include a discussion of the Vessel General Permit and implications for vessel discharges to cumulative water quality impacts.

**MJ/PW(A)-27.** Please see response to comment **MJ/PW(A)-22.**

**MJ/PW(A)-28.** The general assessment in the Deep Draft FEIS/FEIR (the “Pier 400 EIR”) could not fully assess visual impacts associated with specific future projects. In the absence of

---

project-specific information, important factors influencing the visual impact of those future projects could not be identified or assessed. The purpose of the Draft SEIS/SEIR is to address the specific information now available for the proposed Project and its alternatives, which facilitates the identification of critical public views potentially affected by the Project, viewing distances, and other parameters influencing the visual effect of the Project.

Regarding the mitigation of the loss of open water with visual amenities such as landscaping, the commenter is referring to Mitigation Measure MM 4M-1 from the 1992 Deep Draft FEIS/FEIR. This Mitigation Measure, requiring developers of facilities on the landfill to provide a specified level of visual amenities such as vegetation and the painting of facilities in appropriate colors, has been included as an element of the proposed Project, as discussed in Section 3.1.1.1 of the Draft SEIS/SEIR. Therefore, the concern expressed in the comment, that Mitigation Measure MM 4M-1 “has not been done” would be satisfied under the proposed Project, which would include implementation of all substantive requirements of that mitigation measure.

**MJ/PW(A)-29.** Regarding the issue of light spillage and nighttime sky views, the Project’s terminal lighting is described in Section 3.1.4.3.1.2. To meet the LAHD’s Lighting Guidelines, the primary terminal lighting would be directional, facing east away from sensitive public viewing positions to the west, while lower deck level lights would be directed downward to equipment and piping, where needed. To demonstrate that no increase in off-site light emissions would occur as a result of the proposed Project when it is in operation, LAHD engineering would measure the light level at strategic off-site points prior to the installation of new lighting and also would measure the light levels at the same points after the installation (Section 3.1.3.1.1: LAHD’s Terminal Lighting Design Guidelines).

Regarding the issue of the baseline used for the analysis, Section 15125 of the CEQA Guidelines requires EIRs to include a factual description of the physical environmental conditions in the vicinity of a project that exist at the time of the NOP. For purposes of the Draft SEIS/SEIR, the CEQA Baseline for determining the significance of potential impacts under CEQA is June 2004. CEQA Baseline conditions as they pertain to the Aesthetics & Visual Resources Assessment are described in Section 3.1.2.2.3, and those conditions include the high-mast lighting at Pier 400, which was present prior to June, 2004.

**MJ/PW(A)-30.** Regarding the suggestion to shorten the breakwater, the breakwater is designed to reduce both wave action and strong currents within the harbor to ensure safe vessel maneuvering and berthing. Removing sections of the breakwater would increase wave action and currents. Regarding the suggestion to dredge a channel from Queens Gate in the Port of Long Beach to Face E (a distance of about 4 miles), this dredging and associated sediment disposal would have substantial impacts on air quality (e.g., due to emissions from dredging equipment), water quality (e.g., due to increased turbidity), biological resources (e.g., due to increased turbidity and disruption of biological communities), and marine transportation (e.g., due to the presence of dredging and support vessels). In addition, LAHD has no authority to construct or expand facilities outside its jurisdictional boundaries, which would be necessary in order to dredge the channel from Queens Gate.

**MJ/PW(A)-31.** The Port and USACE disagree with the commenter’s interpretation of the AMP requirements. MM AQ-15 requires ships calling at the facility to use AMP while hoteling at the Port subject to the implementation schedule laid out in the document. Please see

---

response to Comment SCAQMD-20. Currently, only two tankers in the world crude oil tanker fleet are equipped for cold ironing and they are both diesel-electric vessels. (The world crude oil tanker fleet consists of approximately 1,200 vessels that could be expected to call at Berth 408 (Aframax or larger), and it is believed that there are only 9 crude oil tankers that are diesel-electric.) The two AMP-equipped tankers are owned by British Petroleum and have been modified for use at BP's Berth 121 at the Port of Long Beach but have yet to make a single call using AMP due to a series of technical issues. The BP tankers are not configured to be able to utilize the proposed AMP facility at Berth 408. Thus, to date, the successful application of cold ironing technology to crude oil tankers has not been demonstrated despite several years of effort by BP and funding by the Port of Long Beach. This is an extremely aggressive schedule considering that no crude oil tanker likely to call at Berth 408 is equipped for cold ironing. Plains expects the shoreside power requirement in early years will be met by retrofitting a small number of vessels traveling between the Port and South America, which would make sense because they are most likely to be frequent callers.

**MJ/PW(A)-32.** The comment maintains that the document "requires revision to adequately analyze impacts on recreation." This is incorrect. Please see the response to comments DN-16 and MJ/PW(A)-25.

**MJ/PW(A)-33.** The Port and USACE make every attempt to check scheduled public hearing and public meeting dates of other agencies when scheduling their own public hearings. When the June 26, 2008, date was set for the public hearing for the Plains All American project, the date had not been set for the other project hearing referenced in the comment. Neither the Port nor USACE received any request to change the date of the June 26 hearing until the last several days prior to the meeting.

The Port and USACE provided adequate review time under CEQA and NEPA and took additional steps not required by CEQA and NEPA to make the document publicly accessible and invite public comment. Consistent with CEQA Guidelines 15105(a) that states, "the public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances," the extended 75 day comment period allowed for more participation by stakeholders. Full copies of the Draft SEIS/SEIR were available for review at four local libraries, including those in Wilmington, San Pedro, and Long Beach, and at the Port offices in San Pedro. The Port provided a printed Executive Summary in English or Spanish and a CD containing the entire document, free of charge, to anyone who requested it, and the document was also available on the Internet.

Regarding the Port's refusal to pay for consultants to assist the PCAC, this fact is a matter of Port policy and is not applicable to this specific proposed Project

**MJ/PW(A)-34.** Thank you for your comments on the Draft SEIS/SEIR.

**Melanie Ellen Jones and Peter Warren, August 13, 2008**

**MJ/PW(B)-1.** All comments contained within this comment letter were copied into Ms. Jones and Mr. Warren's August 18, 2008 letter, and the commenter noted in the August 18, 2008, letter that the comments in the subsequent letter were revised. Thus, please see the response to comments MJ/PW(A)-6 through MJ/PW(A)-34 above.

---

**Jody James, August 11, 2008**

**JJ-1.** Your comment is noted. In response to unavoidable significant impacts, the comment is noted. The purpose of the Draft SEIS/SEIR is to evaluate and report on the potential impacts of the proposed Project and its alternatives. The document will be used to make an informed decision on whether or not to pursue the project. As stated in CEQA Guidelines Section 15093, “*CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project.*” (Also see Public Resources Code Section 21081). If the decision makers elect to approve the proposed Project or Project alternatives (other than the No Project) it would require a statement of overriding considerations associated with significant unavoidable impacts identified in the Final SEIS/SEIR.. The Port, along with the Port of Long Beach, is developing the Bay-wide HRA and expects to release the report in the near future.

**JJ-2.** As noted in the comment, Pier 400 was originally planned and constructed to address hazardous liquid bulk facilities. Consistent with that plan, the Pacific Marine Terminal was proposed for Pier 400, Berth 408. Since the early stages of planning for Pier 400, other measures have been taken to minimize the potential for accidents associated with bulk liquid terminals. Specifically, the practice of using vapor recovery systems and inert gasses on bulk liquid tankers has resulted in no large accidents since the Sansinena fire and explosion in 1976. Similarly, new regulations that cover marine terminals have been implemented state-wide. Specifically, the California State Lands Commission (CSLC) has implemented their Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) to address bulk liquid marine terminal safety. In addition, some of the hazardous facilities initially planned to be relocated to Pier 400 have gone out of business, as documented in Draft SEIS/SEIR Section 2.5.3.10 (also see response to comment PCAC-EIR-2). While the comment states that allowing another “substantial risk” in the Port is “a betrayal of public trust,” regulatory agencies have been working for decades to improve public safety associated with potentially hazardous activities within the Port. The proposed Project would result in a substantial relocation of Port-wide risk to Pier 400, thus fulfilling the original intent of Pier 400 construction.

**JJ-3.** As discussed in Sections 1.1.1.1 and 2.5.1 of the Draft SEIS/SEIR, development of the proposed Project on Pier 400 is consistent with a history of Port planning efforts. The extensive planning history and resulting projects constructed in the Outer Los Angeles Harbor have a significant bearing on the proposed plans to construct a crude oil marine terminal at Berth 408.

Anticipating the importance of containerized and liquid bulk shipping, the LAHD, Port of Long Beach, and the USACE conducted a study between 1981 and 1985 to evaluate the capacity of the San Pedro Bay Ports complex to accommodate cargo forecasts through the year 2020. This study, called “The 2020 Plan,” determined that accommodating the projected increase in throughput would require maximizing the use of all existing port lands and terminals, and construction and operation of approximately 2,400 acres (972 ha) of new land for new marine terminals. The USACE and LAHD continued the planning process, supported by additional economic forecasting (WEFA 1987, 1989, and 1991), and in 1992, prepared the *Deep Draft Navigation Improvements, Los Angeles and Long Beach Harbors, San Pedro Bay, California Final EIS/EIR* (Deep Draft FEIS/FEIR, USACE and LAHD 1992). That document analyzed, among other issues, the impacts of

---

the creation of Pier 400 from dredge material and the subsequent construction and operation of a new liquid bulk terminal on the new Pier 400 land based on the forecasted demand.

The Deep Draft FEIS/FEIR envisioned three uses for Pier 400: 1) an area to relocate existing hazardous bulk facilities away from high density populations and sensitive use areas in accordance with the approved Port Risk Management Plan (LAHD 1983); 2) a site for a 150-acre (61-hectare [ha]) container terminal; and 3) a site for a new deep-draft liquid bulk marine terminal. The Deep Draft FEIS/FEIR recognized that expansion and additional improvements were needed to improve efficiencies in handling, storing, and transporting existing and forecasted cargoes, and to provide an area for relocation of hazardous cargo facilities away from high density populations and critical Port facilities.. It also recognized that national economic benefits and transportation cost savings would result from the use of larger vessels, reductions in transit time, and lower cargo handling costs. The proposed Project is consistent with the uses identified in the Deep Draft FEIS/FEIR.

The proposed Project facilities on Pier 400 would be located in Planning Areas 7 (Terminal Island/Main Channel), and 9 (Terminal Island/Seaward Extension). Planning Area 7 is located in the northern and western portions of Terminal Island. Planning Area 9 encompasses Piers 300 and 400 and includes the Marine Oil Terminal and both Tank Farms. Current land use designations for these areas include Liquid and Dry Bulk Cargo, General Cargo, Commercial Fishing, and Commercial, Institutional and Industrial uses.

As part of development of Pier 400, three existing liquid bulk facilities at the Port were included as candidates for relocation to Pier 400. Under the Port's Risk Management Plan, the risk exposure to high density populations or critical Port facilities created by liquid bulk facilities can be eliminated by implementing mitigations at either the liquid bulk facility or the high density population site or by relocating either the liquid bulk facility or the high density population site. After application of the risk management methodology, three existing facilities (UNOCAL's 22<sup>nd</sup> Street Tank Farm, the former GATX terminal at Berths 118-121 and the ExxonMobil facilities on Terminal Island) were identified for relocation to Pier 400. All other facilities were found to be consistent with the Risk Management Plan. During the relocation planning efforts, one liquid bulk facility (UNOCAL) ceased operations and Todd Shipyards, adjacent to the former GATX facility ceased operations. The closure of Todd Shipyard eliminated any risk exposure resulting from the operations at the former GATX facility. The third facility identified for relocation, ExxonMobil, reconsidered the application of mitigation measures at their site and agreed to modifications which brought their facility into compliance with the Risk Management Plan. Therefore, all existing liquid bulk facilities were found to be consistent with the Risk Management Plan. However, Pier 400 is an appropriate site for location of a new crude oil receiving facility which is the subject of this environmental review, and as indicated above, this use is consistent with the planning designations for Pier 400 and is consistent with past channel improvements which will allow large crude carriers to berth at the westerly side of Pier 400.

**JJ-4.**

There are no plans to convert this facility into an LNG terminal. There is no requirement in CEQA or NEPA to describe what a project is not, only to describe what the project is. The proposed Project is clearly described as a terminal for crude oil tankers and not as an LNG terminal. A terminal that would accommodate tankers carrying LNG would require entirely different facilities, including different types of storage tanks, pumps, and pipeline interconnections. The Port and USACE agree with the commenter's assertion that if the



---

applicant or any other entity were to propose conversion of the site to an LNG terminal then a new EIR (and possibly a new EIS, if federal action is required) would need to be prepared.

**JJ-5.** As described in Section 1.1.3 and Section 2.3 of the SEIS/SEIR, with supplemental information in Appendix D1, the Port and USACE believe that demand for crude oil will continue even as alternative fuels and technologies provide a growing share of the demand for transportation fuels. This idea is supported by the California Energy Commission, which stated in its 2007 Integrated Energy Policy Report (IEPR) that “conventional petroleum fuels will be the main source of transportation energy for the foreseeable future”, even with full implementation of the State Alternative Fuels Plan (CEC 2007a). The lease term of 30 years was negotiated between the applicant and the LAHD and is subject to the applicant’s compliance with all provisions of the lease, including mitigation measures to minimize the environmental and public health risk impacts of the construction and operation of the facility.

Also, regarding the question of the 30 year lease term, note that the SEIS/SEIR also included MM AQ-20, Periodic Review of New Technology:

*The Port shall require the tenant to review, in terms of feasibility, any Port-identified or other new emissions-reduction technology, and report to the Port. Such technology feasibility reviews shall take place at the time of the Port’s consideration of any lease amendment or facility modification. If the technology is determined by the Port to be feasible in terms of cost, technical and operational feasibility, the tenant shall work with the Port to implement such technology at sole cost to the tenant. Potential technologies that may further reduce emission and/or result in cost-savings benefits for the tenant may be identified through future work on the CAAP. Over the course of the lease, the tenant and the Port shall work together to identify potential new technology. Such technology shall be studied for feasibility, in terms of cost, technical and operational feasibility. The effectiveness of this measure depends on the advancement of new technologies and the outcome of future feasibility or pilot studies. If the tenant requests future Project changes that would require environmental clearance and a lease amendment, future CAAP mitigation measures would be incorporated into the new lease at that time.*

*As partial consideration for the Port’s agreement to issue the permit to the tenant, tenant shall implement not less frequently than once every 7 years following the effective date of the permit, new air quality technological advancements, subject to the parties’ mutual agreement on operational feasibility and cost sharing which shall not be unreasonably withheld*

The above measure would set up a process for adding additional feasible environmental measures, identified through future revisions of the CAAP or other methods, over the life of the lease.

**JJ-6.** Your comment is noted. The Port’s primary means of reducing its air quality impacts on the community is by reducing the source of the impact (i.e., by reducing air emissions) through a variety of Port-wide clean air initiatives as well as through mitigation measures imposed on the construction and operation of specific leaseholders.

---

**Cathy Beauregard, July 9, 2008**

**CB-1.** The comment is acknowledged and appreciated.

**CB-2.** The comment is acknowledged and appreciated.

**CB-3.** Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners.

---

**Fran Siegel, August 6, 2008**

- FS-1.** The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners.
- FS-2.** The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners. As discussed in Chapter 2 of the Draft SEIS/SEIR, there will be 1,767 full-time job equivalents for construction of the proposed Project (including direct, upstream and downstream jobs). In the operation phase, LAHD and USACE estimate there would be 54 full-time permanent jobs associated with the direct operation and maintenance of the terminal (in years 2025-2040), and an additional 158 full-time-equivalent permanent jobs related to indirect (i.e., upstream and downstream) economic activity.
- FS-3.** Comment noted. Although the Port and USACE did not conduct a comprehensive analysis of the spatial distribution of benefits that would result from the proposed Project, some of the benefits, including employment, wages, and tax revenues, will accrue to the local neighborhoods. Also see response to comment PCAC-EIR-18.
- FS-4.** The Draft SEIS/SEIR includes a comprehensive analysis of existing visual conditions and the proposed Project's potential aesthetic impact on those conditions. The document explains that operations within the San Pedro Bay Ports have completely transformed the original natural setting to create a landscape that is highly engineered and is visually dominated by large-scale man-made features. The tankers calling at the Marine Terminal will be viewed in this Port context and will not appear incongruous with that setting. Figures 3.1-16 and 3.1-18 are photo-simulations showing a tanker at berth, as seen from the Cabrillo Beach Fishing Pier and from Lookout Point Park. The specific views shown are segments of broad panoramas available from these points, and in their context a tanker at Berth 408 could not dominate those panoramic views.
- FS-5.** The comment is noted. However, regarding the claim that the proposed Project would contribute to increased local refinery production, please see Chapter 8 of the Draft SEIS/SEIR. As documented thoroughly in Section 1.1.3, Section 2.3, and Appendix D1 of the SEIS/SEIR, the proposed Project would provide facilities for the receipt of crude oil via marine tanker vessels given the decline in California domestic production; thus, it represents the ability to accommodate replacement of crude oil from one source (that does not require marine transport) to another source (that does require marine transport). Thus, the Port and USACE agree with the commenter's assertion that "Increasing supply to them [i.e., refineries] is... replacing an existing supplier." However, as documented in Section 1.1.3, Section 2.3, Chapter 8, and Appendix D1, the capacity of area refineries to distill petroleum products from crude oil is increasing over time (a process called "refinery capacity creep"). The projected increase in refineries' crude oil demand is based on increased consumer demand for transportation fuels as well as refinery capacity creep. As stated in the document (Section 8.2.2), "Both of these factors are projected to increase independent of the proposed Project. Consumer demand is projected to increase due to population and income growth (CEC 2007a; CEC 2007b; CEC 2007c; also see Section 1.1.3). Refinery capacity is expected to increase because refineries in southern California, facing increased consumer demand and a consumer demand that exceeds their current distillation capacity (CEC 2007b; also see Section 1.1.3), are continually seeking process improvements that would allow them to increase production. (It is worth noting that

---

refineries plan their capacity and production in order to have the capacity to meet peaks of consumer demand, rather than average demand, over a long-term forecast.)”

Regarding the commenter’s suggestion to analyze the benefits and costs of the project, as required under NEPA and agreed to by the Port, the SEIS/SEIR addresses socioeconomic effects (i.e., employment, population, and housing), in Chapter 7 Socioeconomic Analysis; hazards, in Section 3.12 Risk of Upset/Hazardous Materials; and health risks, in Section 3.2 Air Quality (with detailed supplemental information in Appendix H4). Regarding the commenter’s suggestion to analyze the benefits and costs of the project, CEQA and NEPA do not require an analysis of economic costs and benefits; however, the SEIS/SEIR provides a comprehensive analysis of environmental impacts of the construction and operation of the proposed Project as well as its alternatives, including not building the proposed Project (i.e., the No Federal Action/No Project Alternative). No changes to the document are required.

Regarding the estimated 201 tankers that are projected to call at the terminal annually in 2025-2040, as noted in Section 1.1.3, in 2005 about 45 percent of foreign crude oil imports to southern California came from the Middle East, 46 percent came from Central and South America, 7 percent came from West Africa, and 2 percent came from Canada. The share of Middle Eastern imports has increased steadily in recent years, a trend that is expected to continue (Baker & O’Brien 2007).

**FS-6.**

As described in Section 1.1.3 and Section 2.3 of the SEIS/SEIR, with supplemental information in Appendix D1, the Port and USACE believe that demand for crude oil will continue even as alternative fuels and technologies provide a growing share of the demand for transportation fuels. This idea is supported by the California Energy Commission, which stated in its 2007 Integrated Energy Policy Report (IEPR) that “conventional petroleum fuels will be the main source of transportation energy for the foreseeable future”, even with full implementation of the State Alternative Fuels Plan (CEC 2007a).

In addition, note that the proposed Project – in addition to incorporating numerous measures to minimize the environmental impacts of its operation – also contains several features to promote energy conservation and alternative energy, such as the commitment to LEED certification of three buildings that would be built for the proposed Project. ”. The SEIS/SEIR specifically considers the possibility of rejecting the applicant’s proposal and instead constructing either a terminal to accommodate carbon-based alternative fuels such as biofuels or ethanol (Section 2.5.3.12) or a renewable energy generation facility on all or portions of the site (Section 2.5.3.13). As described in Section 2.5.3.12, constructing a facility to accommodate delivery of refined carbon-based fuels would not meet project objectives because, in practice, such an alternative would not permit Berth 408 to accommodate VLCCs (since refined products are not carried on VLCCs, nor in Suezmax vessels). Such an alternative would therefore not maximize the use of deep-water facilities created for the purpose of accommodating VLCCs by the Deep-Draft Navigation Improvements Project, nor would it optimize the Port’s overall utilization of available shoreline. In addition, as described in Section 2.5.3.12, this alternative would not eliminate any of the environmental impacts associated with the proposed Project and would, in fact, have greater impacts in certain areas due to the use of more small vessels carrying more volatile fuels.

---

**FS-7.** The data provided in the Median Home Sales Prices table appended to the comment indicate that in general, lower priced homes in Los Angeles County, including those communities in proximity to the Ports of Los Angeles and Long Beach, generally increased in value by greater percentages than higher priced homes over the period from 2003 to 2007. While it is true that these homes are generally priced lower to begin with, this also represents greater affordability and the potential for more households to be able to purchase a home, including Port workers who live in the area. No changes to the document are required

Demand for homes, whether in the vicinity of the Ports of Los Angeles and Long Beach or elsewhere, depends on a variety of factors, including interest rates and other market factors that extend beyond the region, local and regional population and job growth, price/affordability, and other locational factors and amenities. Future demand for housing in the project area would also be affected by a variety of factors as well as any mitigations that would be implemented. Thank you for the reference. It will become part of the public record through inclusion of the comment and response in the Final SEIS/SEIR. In addition, note that the SEIS/SEIR already incorporates the MATES-III report in Section 3.2 (see Page 3.2-10, lines 24-29) and Chapter 4 (see Section 4.2.2.7). No changes to the document are required.

The proposed Project will not affect the proposed San Pedro Waterfront Project.

**FS-8.** Sections 3.12.2.5 and 3.12.2.6 of the Draft SEIS/SEIR provide an overview of terrorism and Port security that form the baseline for a terrorism assessment for the proposed Project. Impact RISK-5 provides a detailed assessment of terrorism-related risk for the proposed Project. As noted on Pages 3.12-70 and 3.12-71 of the Draft SEIS/SEIR, potential terrorism-related risks are considered significant and cannot be fully mitigated.

**FS-9.** Please see the response to comment FS-5.

**FS-10.** As noted in Section 3.12.4.1 of the Draft SEIS/SEIR, equipment failure rates that could lead to a major fire or explosion explicitly included earthquakes as an initiating event. All failure rates considered a wide range of failure mechanisms, including "...earthquakes, corrosion, and third-party damage (Draft SEIS/SEIR Page 3.12-34).

**FS-11.** Based on the results of the risk analysis that was prepared for the proposed Project, there are not any accident events that would necessitate large-scale evacuations that are not already covered by the Port's Risk Management Plan and the Harbor/Port Evacuation Plan. Therefore, no additional Project-specific evacuation plans are necessary.

**FS-12.** The project proponent will be required to provide emission reduction credits (ERC) and/or RECLAIM trading credits (RTC) in accordance with SCAQMD Rules and Regulations. The Port has no control or influence over the source or quantity of ERC/RTC required under the SCAQMD air permitting process. The Port's analysis of the proposed Project in this SEIR/SEIS does not treat any benefits from such ERC/RTCs as mitigation for the Project's impacts.

The project does not include impacts to wetlands; therefore, wetlands mitigation is not a regulatory requirement for this project. However, the Port understands the broader context of the comment with respect to public interest in remediating locally degraded wetlands as a first priority rather than mitigation conducted outside the local community.

---

The Port works closely with resource and regulatory agencies to identify the appropriate types, scales and locations of mitigation so that harbor development does not result in locally or regionally adverse impacts to biological resources. Sometimes out-of-kind mitigation is necessary to fulfill regulatory requirements based on the nature and/or scale of the project. The Port continues in its commitment to improve the quality of habitats within its jurisdiction using a variety of methods such as best management practice discharge controls, contaminated sediment clean up, and creation and/or enhancement of productive wetlands and shallow water habitats such as at Cabrillo and Pier 300 areas of the harbor. In addition, the Port constructed an artificial reef in San Pedro Bay as part of a comprehensive mitigation strategy to offset impacts associated with construction of Pier 400.

**FS-13.** The potential for a large oil spill of the magnitude that was experienced in New Orleans on July 23, 2008 is considered highly unlikely for the proposed Project. Among the factors contributing to the spill in New Orleans were that the tugboat involved in the collision had no properly licensed crew on board. This is not a likely scenario within the Port of Los Angeles given that Project-related vessel traffic will be closely controlled, and Port pilots would assume control of crude oil carriers outside of the Port, and across the short distance between Angels Gate and Berth 408 on Pier 400. In addition, vessels would be traveling at very slow speeds within the Port, with a very low probability that a vessel collision would result in substantial damage and a large oil spill. Mitigation Measure RISK-2.1a, requiring that the proposed Project shall limit crude oil deliveries to double-hulled vessels, would also reduce the risk of spills of any size resulting from a vessel collision. Once at Berth 408, the vessels would be surrounded with an oil spill boom to contain any accidental spills, and Mitigation Measure RISK-2.1b (Quick-Release Couplings) would further reduce the risk of spills during offloading. Nonetheless, as noted in the Draft SEIS/SEIR, potential crude oil spill impacts are considered significant.

**FS-14.** Comment noted. The Port and USACE are not aware of financial relationships between commenting entities and the Project applicant, but even if there were such relationships the comments would not be excluded under CEQA or NEPA since any member of the public is invited to comment. However, note that the decision of the BOHC to certify the EIR, and the decision of the USACE to approve the ROD, are independent of the number of comments recommending approval or disapproval. The decisions of the BOHC and USACE are instead based on the CEQA Project Objectives and NEPA Purpose and Need, respectively; the environmental impacts of the proposed Project and alternatives in consideration of mitigation as documented in the SEIS/SEIR; the USACE's Section 404(b)(1) alternatives analysis and public interest determination; and the sufficiency of the environmental documentation.

---

**Beth Sohngen, August 12, 2008**

**BS-1.** Comment noted. Regarding the aesthetic impacts of the proposed Project, under existing conditions, there is no Marine Terminal at the Project's terminal site, so no ship calls presently occur there. Regarding the expected number of tanker calls under the proposed Project, 129 to 201 would occur annually (with the estimated number increasing over time, as described in the SEIS/SEIR). The Draft SEIS/SEIR appropriately compares the Project's aesthetic impacts, including impacts of anticipated vessel calls, to baseline conditions under which no vessels are currently calling at the Project site. The Draft SEIS/SEIR includes a comprehensive analysis of existing visual conditions and the Project's potential aesthetic impact on those conditions. The document explains the San Pedro Bay Ports are a landscape that is highly engineered and is visually dominated by large-scale man-made features. The tankers calling at the Marine Terminal will be viewed in this Port context and will not appear incongruous with that setting. Figures 3.1-16 and 3.1-18 are photo-simulations showing a tanker at berth, as seen from the Cabrillo Beach Fishing Pier and from Lookout Point Park. The specific views shown are segments of broad panoramas available from these points, and in their context a tanker at Berth 408 could not dominate those panoramic views,

Regarding the comment that "the impacts are downplayed due to the currently degraded nature of views" and "the Project would contribute to cumulative impacts from other past and present projects": The Draft SEIS/SEIR includes a comprehensive analysis of existing visual conditions and the Project's potential aesthetic impact on those conditions. With respect to the cumulative impact analysis, the document explains that operations within the San Pedro Bay Ports have completely transformed the original natural setting to create a landscape that is highly engineered and is visually dominated by large-scale man-made features (Section 4.2.1.1). The aesthetic result of existing development of Port facilities is recognized as cumulatively significant. However, the proposed Project would cause no adverse impact (Section 4.2.1.2) and, therefore, it would not make a cumulatively considerable contribution to the significant cumulative impact of related projects.

Regarding the comment that "the standard for determining impacts is restrictive and will set a precedent for evaluating the impacts of other, future projects that will contribute to cumulative impacts": The analytical approach to assessing Aesthetic & Visual Resources Impacts complies with the requirements of NEPA and CEQA, and addresses the *L.A. CEQA Thresholds Guide* (City of Los Angeles 2006) for determining impact significance (Section 3.1.1). Please refer to Appendix G for a full discussion of the methodology, its precedents, and the 20-year history of its application to numerous NEPA- and CEQA-compliant visual impact assessments. Please note that the methodology was applied most recently to the visual impact assessment for the LAHD Berths 136-147 Terminal EIS/EIR, which was certified by the Board of Harbor Commissioners in December 2007.

Regarding the comment that "declaring impacts to be less than significant reduces the possibility that any such impacts will ever be mitigated": CEQA and NEPA require significant impacts to be mitigated to the fullest extent feasible; those laws do not authorize mitigation of impacts determined to be less than significant. The Draft SEIS/SEIR included a comprehensive and objective analysis of existing visual conditions and the Project's potential aesthetic impact on those conditions. Under this analysis, it was concluded that the proposed Project and its alternatives would not cause adverse visual impacts in the context of the existing visual conditions characterizing the critical

---

public views analyzed. Therefore, the impacts would be less than significant and not require mitigation.

**BS-2.**

The comment is noted. The Corps and Port are committed to mitigating disproportionate effects to the extent feasible. The Port's primary means of mitigating the disproportionate effects of air quality impacts is to address the source of the impact through a variety of Port-wide clean air initiatives, including the CAAP, the Sustainable Construction Guidelines, and the proposed CAAP San Pedro Bay [Health] Standards. As part of the San Pedro Bay Standards, the Port will complete a Port-wide Health Risk Assessment (HRA) covering both the Port of Los Angeles and the Port of Long Beach that will include a quantitative estimate of health risk impacts from Diesel Particulate Matter (DPM) emissions of the Ports' overall existing and planned operations. Current and future proposed projects' approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the proposed San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term overall health risk effects of future projects and on-going port operations' emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a standard of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed in order to ensure that the proposed project is fully contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP and on projected future Ports' operations through the specified CAAP implementation mechanisms and also assumed implementation of existing regulations. As long as the project is consistent with growth projection assumptions used to develop the San Pedro Bay Standards, and the CAAP mitigations for the project are consistent with the mitigation assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay Standards as it is consistent with projections of the Ports' future operations used in formulating the San Pedro Bay Standards, and as it exceeds compliance with applicable CAAP measures as shown in Table 3.2-22 of the Draft SEIS/SEIR.

The Port is also developing a comprehensive Climate Change Action Plan to address GHG emissions from Port operations. GHG emissions at the Port are largely a function of diesel combustion and thereby addressing these emissions will not only help address potential climate change effects but also local health issues from diesel sources.

In addition, through a Memorandum of Understanding, the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the overall off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. This fund includes, for example, approximately \$6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would



---

contribute \$0.15 per ton of crude oil received at the terminal up to an amount of approximately \$5 million. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the Project, and therefore is not an environmental justice mitigation per se, it would have particular benefits for harbor area communities where disproportionate effects could occur.

In response to the issue of environmental credits, please see response to comment BS-1.

Regarding the issue of the relocation of other hazardous facilities to Pier 400, as discussed in Sections 1.1.1.1 and 2.5.1 of the Draft SEIS/SEIR, development of the proposed Project on Pier 400 is consistent with a history of Port planning efforts. The extensive planning history and resulting projects constructed in the Outer Los Angeles Harbor have a significant bearing on the proposed plans to construct a crude oil marine terminal at Berth 408.

Anticipating the importance of containerized and liquid bulk shipping, the LAHD, Port of Long Beach, and the USACE conducted a study between 1981 and 1985 to evaluate the capacity of the San Pedro Bay Ports complex to accommodate cargo forecasts through the year 2020. This study, called "The 2020 Plan," determined that accommodating the projected increase in throughput would require maximizing the use of all existing port lands and terminals, and construction and operation of approximately 2,400 acres (972 ha) of new land for new marine terminals. The USACE and LAHD continued the planning process, supported by additional economic forecasting (WEFA 1987, 1989, and 1991), and in 1992, prepared the *Deep Draft Navigation Improvements, Los Angeles and Long Beach Harbors, San Pedro Bay, California Final EIS/EIR* (Deep Draft FEIS/FEIR, USACE and LAHD 1992). That document analyzed, among other issues, the impacts of the creation of Pier 400 from dredge material and the subsequent construction and operation of a new liquid bulk terminal on the new Pier 400 land based on the forecasted demand.

The Deep Draft FEIS/FEIR envisioned three uses for Pier 400: 1) an area to relocate existing hazardous bulk facilities away from high density populations and sensitive use areas in accordance with the approved Port Risk Management Plan (LAHD 1983); 2) a site for a 150-acre (61-hectare [ha]) container terminal; and 3) a site for a new deep-draft liquid bulk marine terminal. The Deep Draft FEIS/FEIR recognized that expansion and additional improvements were needed to improve efficiencies in handling, storing, and transporting existing and forecasted cargoes, and to provide an area for relocation of hazardous cargo facilities away from high density populations and critical Port facilities.. It also recognized that national economic benefits and transportation cost savings would result from the use of larger vessels, reductions in transit time, and lower cargo handling costs. The proposed Project is consistent with the uses identified in the Deep Draft FEIS/FEIR.

The proposed Project facilities on Pier 400 would be located in Planning Areas 7 (Terminal Island/Main Channel), and 9 (Terminal Island/Seaward Extension). Planning Area 7 is located in the northern and western portions of Terminal Island. Planning Area 9 encompasses Piers 300 and 400 and includes the Marine Oil Terminal and both Tank Farms. Current land use designations for these areas include Liquid and Dry Bulk Cargo, General Cargo, Commercial Fishing, and Commercial, Institutional and Industrial uses.

---

As part of development of Pier 400, three existing liquid bulk facilities at the Port were included as candidates for relocation to Pier 400. Under the Port's Risk Management Plan, the risk exposure to high density populations or critical Port facilities created by liquid bulk facilities can be eliminated by implementing mitigations at either the liquid bulk facility or the high density population site or by relocating either the liquid bulk facility or the high density population site. After application of the risk management methodology, three existing facilities (UNOCAL's 22<sup>nd</sup> Street Tank Farm, the former GATX terminal at Berths 118-121 and the ExxonMobil facilities on Terminal Island) were identified for relocation to Pier 400. All other facilities were found to be consistent with the Risk Management Plan. During the relocation planning efforts, one liquid bulk facility (UNOCAL) ceased operations and Todd Shipyards, adjacent to the former GATX facility ceased operations. The closure of Todd Shipyard eliminated any risk exposure resulting from the operations at the former GATX facility. The third facility identified for relocation, ExxonMobil, reconsidered the application of mitigation measures at their site and agreed to modifications which brought their facility into compliance with the Risk Management Plan. Therefore, all existing liquid bulk facilities were found to be consistent with the Risk Management Plan. However, Pier 400 is an appropriate site for location of a new crude oil receiving facility which is the subject of this environmental review, and as indicated above, this use is consistent with the planning designations for Pier 400 and is consistent with past channel improvements which will allow large crude carriers to berth at the westerly side of Pier 400.

**BS-3.**

Regarding investments in sustainable energy and alternative fuels, as described in Section 1.1.3 and Section 2.3 of the SEIS/SEIR, with supplemental information in Appendix D1, the Port and USACE believe that demand for crude oil will continue even as alternative fuels and technologies provide a growing share of the demand for transportation fuels. This idea is supported by the California Energy Commission, which stated in its 2007 Integrated Energy Policy Report (IEPR) that "conventional petroleum fuels will be the main source of transportation energy for the foreseeable future", even with full implementation of the State Alternative Fuels Plan (CEC 2007a). The proposed Project would accommodate continued demand for crude oil as domestic production from California declines; thus, it represents a replacement of supply from existing sources that are projected to decline.

In addition, the SEIS/SEIR specifically considers the possibility of rejecting the applicant's proposal and instead constructing either a terminal to accommodate carbon-based alternative fuels such as biofuels or ethanol (Section 2.5.3.12) or a renewable energy generation facility on all or portions of the site (Section 2.5.3.13). As described in Section 2.5.3.12, constructing a facility to accommodate delivery of refined carbon-based fuels would not meet project objectives because, in practice, such an alternative would not permit Berth 408 to accommodate VLCCs (since refined products are not carried on VLCCs, nor in Suezmax vessels). Such an alternative would therefore not maximize the use of deep-water facilities created for the purpose of accommodating VLCCs by the Deep-Draft Navigation Improvements Project, nor would it optimize the Port's overall utilization of available shoreline. In addition, as described in Section 2.5.3.12, this alternative would not eliminate any of the environmental impacts associated with the proposed Project and would, in fact, have greater impacts in certain areas due to the use of more small vessels carrying more volatile fuels.

---

The Port's primary means of reducing its air quality impacts on the community is by reducing the source of the impact (i.e., by reducing air emissions) through a variety of Port-wide clean air initiatives as well as through mitigation measures imposed on the construction and operation of specific leaseholders.

---

**Carrol Shaw-Sutton, August 9, 2008**

**CSS-1.** Your comment is noted and will be forwarded to the Board of Harbor Commissioners. Please see the responses to comments USEPA-3 and PCAC-EIR-18, which address the benefits of the project in comparison to its environmental impacts.

**CSS-2.** As described in Section 1.1.3 and Section 2.3 of the SEIS/SEIR, with supplemental information in Appendix D1, the Port and USACE believe that demand for crude oil will continue even as alternative fuels and technologies provide a growing share of the demand for transportation fuels. This idea is supported by the California Energy Commission, which stated in its 2007 Integrated Energy Policy Report (IEPR) that “conventional petroleum fuels will be the main source of transportation energy for the foreseeable future”, even with full implementation of the State Alternative Fuels Plan (CEC 2007a).

In addition, note that the proposed Project – in addition to incorporating numerous measures to minimize the environmental impacts of its operation – also contains several features to promote energy conservation and alternative energy, such as the commitment to LEED certification of three buildings that would be built for the proposed Project.

**CSS-3.** Your comment is acknowledged and will be forwarded to the Board of Harbor Commissioners.

---

**Amy Lambert, August 10, 2008**

**AL-1.** Your comments are acknowledged and will be forwarded to the Board of Harbor Commissioners. The Port and USACE make every attempt to check scheduled public hearing and public meeting dates of other agencies when scheduling their own public hearings. When the June 26, 2008, date was set for the public hearing for the Plains All American project, the date had not been set for the other project hearing referenced in the comment. Neither the Port nor USACE received any request to change the date of the June 26 hearing until the last several days prior to the meeting.

The Port and USACE provided adequate review time under CEQA and NEPA and took additional steps not required by CEQA and NEPA to make the document publicly accessible and invite public comment. Consistent with CEQA Guidelines 15105(a) that states, “the public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances,” the extended 75 day comment period allowed for more participation by stakeholders. Full copies of the Draft SEIS/SEIR were available for review at four local libraries, including those in Wilmington, San Pedro, and Long Beach, and at the Port offices in San Pedro. The Port provided a printed Executive Summary in English or Spanish and a CD containing the entire document, free of charge, to anyone who requested it, and the document was also available on the Internet.

Regarding programs to improve air quality and assess health, the Corps and Port are committed to mitigating disproportionate effects to the extent feasible. The Port’s primary means of mitigating the disproportionate effects of air quality impacts is to address the source of the impact through a variety of Port-wide clean air initiatives, including the CAAP, the Sustainable Construction Guidelines, and the proposed CAAP San Pedro Bay [Health] Standards. As part of the San Pedro Bay Standards, the Port will complete a Port-wide Health Risk Assessment (HRA) covering both the Ports of Los Angeles and Long Beach that will include a quantitative estimate of cumulative health risk impacts from Diesel Particulate Matter (DPM) emissions of the Ports’ operations. Current and future projects’ approval will be dependent on meeting the San Pedro Bay Standards.

The primary purpose of the proposed San Pedro Bay Standards is to provide a valuable tool for long-term air quality planning, aiding the Ports and the agencies with evaluating and substantially reducing the long-term cumulative effects of future projects and on-going port operations emissions over time. The ports will use the San Pedro Bay Standards in CEQA documents as a tool in the cumulative health risk discussions, although consistency with the Standards will not serve as a standard of impact significance. When evaluating projects, a consistency analysis with the assumptions used to develop the health risk and criteria pollutant San Pedro Bay Standards will be performed in order to ensure that the proposed project is fully contributing to attainment of the San Pedro Bay Standards. The forecasting used to develop San Pedro Bay Standards assumed implementation of the CAAP and on projected future Ports’ operations through the specified CAAP implementation mechanisms and also assumed implementation of existing regulations. As long as the project is consistent with growth projection assumptions used to develop the San Pedro Bay Standards, and the CAAP mitigations for the project are consistent with the mitigation assumptions used to develop the San Pedro Bay Standards, then the project can be deemed consistent with the San Pedro Bay Standards. The proposed Project is consistent with the San Pedro Bay

---

Standards as it is consistent with projections of the Ports' future operations used in formulating the San Pedro Bay Standards, and as it exceeds compliance with applicable CAAP measures as shown in Table 3.2-22 of the Draft SEIS/SEIR.

The Port is also developing a comprehensive Climate Change Action Plan to address GHG emissions from Port operations. GHG emissions at the Port are largely a function of diesel combustion and thereby addressing these emissions will not only help address potential climate change effects but also local health issues from diesel sources.

In addition, through a Memorandum of Understanding, the Port has previously agreed to establish a Port Community Mitigation Trust Fund geared towards addressing the overall off-port impacts created by Port operations outside of the context of project-specific NEPA and/or CEQA documents. This fund includes, for example, approximately \$6 million for air filtration in schools and funding for an initial study of off-Port impacts on health and land use in Wilmington and San Pedro, as well as a more detailed subsequent study of off-Port impacts of existing Port operations, examining aesthetics, light and glare, traffic, public safety and effects of vibration, recreation, and cultural resources related to port impacts on harbor area communities. As part of the MOU, the Port would contribute \$0.15 per ton of crude oil received at the terminal up to an amount of approximately \$5 million. The off-Port community benefits of the MOU are designed to offset overall effects of existing Port operations. While the MOU does not alter the legal obligations of the lead agencies under NEPA or CEQA to disclose and evaluate mitigation measures to reduce or avoid cumulative impacts of the Project, and therefore is not an environmental justice mitigation per se, it would have particular benefits for harbor area communities where disproportionate effects could occur.

Regarding terrorism, Impact RISK-5 provides a detailed assessment of terrorism-related risk for the proposed Project. As noted on Pages 3.12-70 and 3.12-71, potential terrorism-related risks are considered significant and cannot be fully mitigated.

Site security will be a shared responsibility of the Port Police, Department of Homeland Security and the U.S. Coast Guard. Additionally, in the event of a need to respond to an incident, the Los Angeles Fire Department, as well as other departments that would be available through mutual aid agreements, would be expected to provide emergency response.

---

**Eugene Daub, July 9, 2008**

**ED-1.** Comment noted. Regarding the concern about declining property values, please see the response to comments PCAC-EIR-27 and PCAC-EIR-28.

Regarding the aesthetic impacts of the proposed Project, as documented thoroughly in Section 1.1.3, Section 2.3, and Appendix D1 of the SEIS/SEIR, the proposed Project would provide facilities for the receipt of crude oil via marine tanker vessels given the decline in California domestic production; thus, it represents the ability to accommodate replacement of crude oil from one source (that does not require marine transport) to another source (that does require marine transport). Thus, the Port and USACE agree with the commenter's assertion that "Increasing supply to them [i.e., refineries] is... replacing an existing supplier." However, as documented in Section 1.1.3, Section 2.3, Chapter 8, and Appendix D1, the capacity of area refineries to distill petroleum products from crude oil is increasing over time (a process called "refinery capacity creep"). The projected increase in refineries' crude oil demand is based on increased consumer demand for transportation fuels as well as refinery capacity creep. As stated in the document (Section 8.2.2), "Both of these factors are projected to increase independent of the proposed Project. Consumer demand is projected to increase due to population and income growth (CEC 2007a; CEC 2007b; CEC 2007c; also see Section 1.1.3). Refinery capacity is expected to increase because refineries in southern California, facing increased consumer demand and a consumer demand that exceeds their current distillation capacity (CEC 2007b; also see Section 1.1.3), are continually seeking process improvements that would allow them to increase production. (It is worth noting that refineries plan their capacity and production in order to have the capacity to meet peaks of consumer demand, rather than average demand, over a long-term forecast.)"

Regarding the commenter's suggestion to analyze the benefits and costs of the project, as required under NEPA and agreed to by the Port, the SEIS/SEIR addresses socioeconomic effects (i.e., employment, population, and housing), in Chapter 7 Socioeconomic Analysis; hazards, in Section 3.12 Risk of Upset/Hazardous Materials; and health risks, in Section 3.2 Air Quality (with detailed supplemental information in Appendix H4). Regarding the commenter's suggestion to analyze the benefits and costs of the project, CEQA and NEPA do not require an analysis of economic costs and benefits; however, the SEIS/SEIR provides a comprehensive analysis of environmental impacts of the construction and operation of the proposed Project as well as its alternatives, including not building the proposed Project (i.e., the No Federal Action/No Project Alternative). No changes to the document are required.

Regarding the estimated 201 tankers that are projected to call at the terminal annually in 2025-2040, as noted in Section 1.1.3, in 2005 about 45 percent of foreign crude oil imports to southern California came from the Middle East, 46 percent came from Central and South America, 7 percent came from West Africa, and 2 percent came from Canada. The share of Middle Eastern imports has increased steadily in recent years, a trend that is expected to continue (Baker & O'Brien 2007).

Regarding the use of environmental credits, the project proponent will be required to provide emission reduction credits (ERC) and/or RECLAIM trading credits (RTC) in accordance with SCAQMD Rules and Regulations. The Port has no control or influence over the source or quantity of ERC/RTC required under the SCAQMD air permitting

---

process. The Port's analysis of the proposed Project in this SEIR/SEIS does not treat any benefits from such ERC/RTCs as mitigation for the Project's impacts.

Regarding the need to invest in alternative fuels and sustainable energy, as described in Section 1.1.3 and Section 2.3 of the SEIS/SEIR, with supplemental information in Appendix D1, the Port and USACE believe that demand for crude oil will continue even as alternative fuels and technologies provide a growing share of the demand for transportation fuels. This idea is supported by the California Energy Commission, which stated in its 2007 Integrated Energy Policy Report (IEPR) that "conventional petroleum fuels will be the main source of transportation energy for the foreseeable future", even with full implementation of the State Alternative Fuels Plan (CEC 2007a). The proposed Project would accommodate continued demand for crude oil as domestic production from California declines; thus, it represents a replacement of supply from existing sources that are projected to decline. The SEIS/SEIR specifically considers the possibility of rejecting the applicant's proposal and instead constructing either a terminal to accommodate carbon-based alternative fuels such as biofuels or ethanol (Section 2.5.3.12) or a renewable energy generation facility on all or portions of the site (Section 2.5.3.13). As described in Section 2.5.3.12, constructing a facility to accommodate delivery of refined carbon-based fuels would not meet project objectives because, in practice, such an alternative would not permit Berth 408 to accommodate VLCCs (since refined products are not carried on VLCCs, nor in Suezmax vessels). Such an alternative would therefore not maximize the use of deep-water facilities created for the purpose of accommodating VLCCs by the Deep-Draft Navigation Improvements Project, nor would it optimize the Port's overall utilization of available shoreline. In addition, as described in Section 2.5.3.12, this alternative would not eliminate any of the environmental impacts associated with the proposed Project and would, in fact, have greater impacts in certain areas due to the use of more small vessels carrying more volatile fuels.

As described in Section 2.5.3.13, constructing a renewable energy generation facility such as a wind or wave power facility would be inconsistent with land use policies and would not accomplish the objectives of the project to provide the facilities needed to accommodate a portion of the future demand for crude oil imports to southern California. This alternative would also preclude uses that would realize the benefits of the deep-draft channel created by the Port and USACE to accommodate deep-draft tanker vessels. Accordingly, this alternative was eliminated from consideration.

The Port and USACE considered the possibility of an offshore mooring site with tank farm facilities located on Terminal Island (Section 2.5.3.5). Although offshore mooring would have some advantages from an environmental perspective compared to the proposed Project, the Port and USACE found that this alternative would also have a number of significant disadvantages, including the potential for weather-induced interruptions of supply; the potential for accidents to result in releases of oil on rough ocean waters, where cleanup would be far more difficult than inside the harbor; the environmental impacts to the marine community associated with the construction of a pipeline several miles long; and the very high cost of construction. In addition, Appendix F of the Draft SEIS/SEIR contains a report by an engineering consulting firm (Moffatt & Nichol) that considers potential sites for an offshore mooring and concludes that "an offshore single point mooring location does not appear to be feasible, primarily for cost reasons and secondarily because of environmental and technical challenges."



---

Since the comment specifically mentions Alaskan crude oil, it is also worth noting that the proposed Project would receive crude oil from the Alaska North Slope (ANS). As the Draft SEIS/SEIR notes in Section 1.1.3.2, “Because no pipelines carry crude oil into California, by far the best method to deliver imported crude (including ANS crude) is by marine tanker vessels.

Regarding the distribution of benefits and burdens of the proposed Project, crude oil imported at the proposed terminal would meet the demand for transportation fuels across southern California as well as other regions (e.g., Arizona and Nevada) that are largely dependent on southern California for petroleum product imports. It is worth noting that southern California gains employment, wage and tax benefits from the operation of area refineries that would receive crude oil from the proposed terminal, even though a portion of the refined products would be transported to and consumed in regions outside of southern California. Figure 1-7 illustrates that incremental demand (over 2004) for crude oil marine imports to Southern California would reach 500,000 bpd within approximately 10 years and exceed 650,000 bpd by approximately 2025, in part determined by refinery capacity and consumer demand in southern California. Although the proposed Project would not determine the location of the ultimate consumers of crude oil products, demand for petroleum production in southern California is projected to grow as a result of population and economic growth, much of it driven by growth in transportation demand. Appendix D1 addresses demand in greater detail. Based on current pipeline and refinery infrastructure and flows, virtually all of the crude imported by the proposed Project would supply end users in southern California, Arizona, and Nevada. As noted in the document, California receives no crude oil imports from non-California ports (e.g., via pipeline from the Gulf Coast).

Where the SEIS/SEIR finds significant impacts, all feasible mitigation measures have been identified and applied to construction and operation of the proposed Project. In addition, and independently of the SEIS/SEIR process, the Port has previously agreed to establish a Port Community Mitigation Trust Fund that would benefit the communities of San Pedro and Wilmington. Under CEQA and NEPA, decision-makers are not compelled to provide affected populations with an amount of project benefits equal to impacts, but must ensure that feasible mitigations and alternatives that are available to reduce significant impacts are identified and evaluated; LAHD and USACE are in compliance with this requirement.

No changes to the document are required.

---

**Anne Daub, July 9, 2008**

**AD-1.** The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners.

Regarding the distribution of benefits and burdens of the proposed Project, crude oil imported at the proposed terminal would meet the demand for transportation fuels across southern California as well as other regions (e.g., Arizona and Nevada) that are largely dependent on southern California for petroleum product imports. It is worth noting that southern California gains employment, wage and tax benefits from the operation of area refineries that would receive crude oil from the proposed terminal, even though a portion of the refined products would be transported to and consumed in regions outside of southern California. Figure 1-7 illustrates that incremental demand (over 2004) for crude oil marine imports to Southern California would reach 500,000 bpd within approximately 10 years and exceed 650,000 bpd by approximately 2025, in part determined by refinery capacity and consumer demand in southern California. Although the proposed Project would not determine the location of the ultimate consumers of crude oil products, demand for petroleum production in southern California is projected to grow as a result of population and economic growth, much of it driven by growth in transportation demand. Appendix D1 addresses demand in greater detail. Based on current pipeline and refinery infrastructure and flows, virtually all of the crude imported by the proposed Project would supply end users in southern California, Arizona, and Nevada. As noted in the document, California receives no crude oil imports from non-California ports (e.g., via pipeline from the Gulf Coast).

Where the SEIS/SEIR finds significant impacts, all feasible mitigation measures have been identified and applied to construction and operation of the proposed Project. In addition, and independently of the SEIS/SEIR process, the Port has previously agreed to establish a Port Community Mitigation Trust Fund that would benefit the communities of San Pedro and Wilmington. Under CEQA and NEPA, decision-makers are not compelled to provide affected populations with an amount of project benefits equal to impacts, but must ensure that feasible mitigations and alternatives that are available to reduce significant impacts are identified and evaluated; LAHD and USACE are in compliance with this requirement. No changes to the document are required.

Regarding the concern about declining property values, the data provided in the Median Home Sales Prices table appended to the comment indicate that in general, lower priced homes in Los Angeles County, including those communities in proximity to the Ports of Los Angeles and Long Beach, generally increased in value by greater percentages than higher priced homes over the period from 2003 to 2007. While it is true that these homes are generally priced lower to begin with, this also represents greater affordability and the potential for more households to be able to purchase a home, including Port workers who live in the area. No changes to the document are required.

Demand for homes, whether in the vicinity of the Ports of Los Angeles and Long Beach or elsewhere, depends on a variety of factors, including interest rates and other market factors that extend beyond the region, local and regional population and job growth, price/affordability, and other locational factors and amenities. Future demand for housing in the project area would also be affected by a variety of factors as well as any mitigations that would be implemented. Thank you for the reference. It will become part of the public record through inclusion of the comment and response in the Final

---

SEIS/SEIR. In addition, note that the SEIS/SEIR already incorporates the MATES-III report in Section 3.2 (see Page 3.2-10, lines 24-29) and Chapter 4 (see Section 4.2.2.7). No changes to the document are required.

---

**Beth Elliot, July 9, 2008**

**BE-1.** Comment noted. Regarding the concern about declining property values, please see the response to comments PCAC-EIR-27 and PCAC-EIR-28.

Regarding the aesthetic impacts of the proposed Project, as documented thoroughly in Section 1.1.3, Section 2.3, and Appendix D1 of the SEIS/SEIR, the proposed Project would provide facilities for the receipt of crude oil via marine tanker vessels given the decline in California domestic production; thus, it represents the ability to accommodate replacement of crude oil from one source (that does not require marine transport) to another source (that does require marine transport). Thus, the Port and USACE agree with the commenter's assertion that "Increasing supply to them [i.e., refineries] is... replacing an existing supplier." However, as documented in Section 1.1.3, Section 2.3, Chapter 8, and Appendix D1, the capacity of area refineries to distill petroleum products from crude oil is increasing over time (a process called "refinery capacity creep"). The projected increase in refineries' crude oil demand is based on increased consumer demand for transportation fuels as well as refinery capacity creep. As stated in the document (Section 8.2.2), "Both of these factors are projected to increase independent of the proposed Project. Consumer demand is projected to increase due to population and income growth (CEC 2007a; CEC 2007b; CEC 2007c; also see Section 1.1.3). Refinery capacity is expected to increase because refineries in southern California, facing increased consumer demand and a consumer demand that exceeds their current distillation capacity (CEC 2007b; also see Section 1.1.3), are continually seeking process improvements that would allow them to increase production. (It is worth noting that refineries plan their capacity and production in order to have the capacity to meet peaks of consumer demand, rather than average demand, over a long-term forecast.)"

Regarding the commenter's suggestion to analyze the benefits and costs of the project, as required under NEPA and agreed to by the Port, the SEIS/SEIR addresses socioeconomic effects (i.e., employment, population, and housing), in Chapter 7 Socioeconomic Analysis; hazards, in Section 3.12 Risk of Upset/Hazardous Materials; and health risks, in Section 3.2 Air Quality (with detailed supplemental information in Appendix H4). Regarding the commenter's suggestion to analyze the benefits and costs of the project, CEQA and NEPA do not require an analysis of economic costs and benefits; however, the SEIS/SEIR provides a comprehensive analysis of environmental impacts of the construction and operation of the proposed Project as well as its alternatives, including not building the proposed Project (i.e., the No Federal Action/No Project Alternative). No changes to the document are required.

Regarding the estimated 201 tankers that are projected to call at the terminal annually in 2025-2040, as noted in Section 1.1.3, in 2005 about 45 percent of foreign crude oil imports to southern California came from the Middle East, 46 percent came from Central and South America, 7 percent came from West Africa, and 2 percent came from Canada. The share of Middle Eastern imports has increased steadily in recent years, a trend that is expected to continue (Baker & O'Brien 2007).

Regarding the use of environmental credits, the project proponent will be required to provide emission reduction credits (ERC) and/or RECLAIM trading credits (RTC) in accordance with SCAQMD Rules and Regulations. The Port has no control or influence over the source or quantity of ERC/RTC required under the SCAQMD air permitting

---

process. The Port's analysis of the proposed Project in this SEIR/SEIS does not treat any benefits from such ERC/RTCs as mitigation for the Project's impacts.

Regarding the need to invest in alternative fuels and sustainable energy, as described in Section 1.1.3 and Section 2.3 of the SEIS/SEIR, with supplemental information in Appendix D1, the Port and USACE believe that demand for crude oil will continue even as alternative fuels and technologies provide a growing share of the demand for transportation fuels. This idea is supported by the California Energy Commission, which stated in its 2007 Integrated Energy Policy Report (IEPR) that "conventional petroleum fuels will be the main source of transportation energy for the foreseeable future", even with full implementation of the State Alternative Fuels Plan (CEC 2007a). The proposed Project would accommodate continued demand for crude oil as domestic production from California declines; thus, it represents a replacement of supply from existing sources that are projected to decline. The SEIS/SEIR specifically considers the possibility of rejecting the applicant's proposal and instead constructing either a terminal to accommodate carbon-based alternative fuels such as biofuels or ethanol (Section 2.5.3.12) or a renewable energy generation facility on all or portions of the site (Section 2.5.3.13). As described in Section 2.5.3.12, constructing a facility to accommodate delivery of refined carbon-based fuels would not meet project objectives because, in practice, such an alternative would not permit Berth 408 to accommodate VLCCs (since refined products are not carried on VLCCs, nor in Suezmax vessels). Such an alternative would therefore not maximize the use of deep-water facilities created for the purpose of accommodating VLCCs by the Deep-Draft Navigation Improvements Project, nor would it optimize the Port's overall utilization of available shoreline. In addition, as described in Section 2.5.3.12, this alternative would not eliminate any of the environmental impacts associated with the proposed Project and would, in fact, have greater impacts in certain areas due to the use of more small vessels carrying more volatile fuels.

As described in Section 2.5.3.13, constructing a renewable energy generation facility such as a wind or wave power facility would be inconsistent with land use policies and would not accomplish the objectives of the project to provide the facilities needed to accommodate a portion of the future demand for crude oil imports to southern California. This alternative would also preclude uses that would realize the benefits of the deep-draft channel created by the Port and USACE to accommodate deep-draft tanker vessels. Accordingly, this alternative was eliminated from consideration.

The Port and USACE considered the possibility of an offshore mooring site with tank farm facilities located on Terminal Island (Section 2.5.3.5). Although offshore mooring would have some advantages from an environmental perspective compared to the proposed Project, the Port and USACE found that this alternative would also have a number of significant disadvantages, including the potential for weather-induced interruptions of supply; the potential for accidents to result in releases of oil on rough ocean waters, where cleanup would be far more difficult than inside the harbor; the environmental impacts to the marine community associated with the construction of a pipeline several miles long; and the very high cost of construction. In addition, Appendix F of the Draft SEIS/SEIR contains a report by an engineering consulting firm (Moffatt & Nichol) that considers potential sites for an offshore mooring and concludes that "an offshore single point mooring location does not appear to be feasible, primarily for cost reasons and secondarily because of environmental and technical challenges."

---

Regarding the distribution of benefits and burdens of the proposed Project, crude oil imported at the proposed terminal would meet the demand for transportation fuels across southern California as well as other regions (e.g., Arizona and Nevada) that are largely dependent on southern California for petroleum product imports. It is worth noting that southern California gains employment, wage and tax benefits from the operation of area refineries that would receive crude oil from the proposed terminal, even though a portion of the refined products would be transported to and consumed in regions outside of southern California. Figure 1-7 illustrates that incremental demand (over 2004) for crude oil marine imports to Southern California would reach 500,000 bpd within approximately 10 years and exceed 650,000 bpd by approximately 2025, in part determined by refinery capacity and consumer demand in southern California. Although the proposed Project would not determine the location of the ultimate consumers of crude oil products, demand for petroleum production in southern California is projected to grow as a result of population and economic growth, much of it driven by growth in transportation demand. Appendix D1 addresses demand in greater detail. Based on current pipeline and refinery infrastructure and flows, virtually all of the crude imported by the proposed Project would supply end users in southern California, Arizona, and Nevada. As noted in the document, California receives no crude oil imports from non-California ports (e.g., via pipeline from the Gulf Coast).

Where the SEIS/SEIR finds significant impacts, all feasible mitigation measures have been identified and applied to construction and operation of the proposed Project. In addition, and independently of the SEIS/SEIR process, the Port has previously agreed to establish a Port Community Mitigation Trust Fund that would benefit the communities of San Pedro and Wilmington. Under CEQA and NEPA, decision-makers are not compelled to provide affected populations with an amount of project benefits equal to impacts, but must ensure that feasible mitigations and alternatives that are available to reduce significant impacts are identified and evaluated; LAHD and USACE are in compliance with this requirement.

No changes to the document are required.

---

**Linda Day, July 11, 2008**

**LD-1.** The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners.

Regarding the need to invest in alternative fuels and sustainable energy, as described in Section 1.1.3 and Section 2.3 of the SEIS/SEIR, with supplemental information in Appendix D1, the Port and USACE believe that demand for crude oil will continue even as alternative fuels and technologies provide a growing share of the demand for transportation fuels. This idea is supported by the California Energy Commission, which stated in its 2007 Integrated Energy Policy Report (IEPR) that “conventional petroleum fuels will be the main source of transportation energy for the foreseeable future”, even with full implementation of the State Alternative Fuels Plan (CEC 2007a). The proposed Project would accommodate continued demand for crude oil as domestic production from California declines; thus, it represents a replacement of supply from existing sources that are projected to decline. The SEIS/SEIR specifically considers the possibility of rejecting the applicant’s proposal and instead constructing either a terminal to accommodate carbon-based alternative fuels such as biofuels or ethanol (Section 2.5.3.12) or a renewable energy generation facility on all or portions of the site (Section 2.5.3.13). As described in Section 2.5.3.12, constructing a facility to accommodate delivery of refined carbon-based fuels would not meet project objectives because, in practice, such an alternative would not permit Berth 408 to accommodate VLCCs (since refined products are not carried on VLCCs, nor in Suezmax vessels). Such an alternative would therefore not maximize the use of deep-water facilities created for the purpose of accommodating VLCCs by the Deep-Draft Navigation Improvements Project, nor would it optimize the Port’s overall utilization of available shoreline. In addition, as described in Section 2.5.3.12, this alternative would not eliminate any of the environmental impacts associated with the proposed Project and would, in fact, have greater impacts in certain areas due to the use of more small vessels carrying more volatile fuels.

As described in Section 2.5.3.13, constructing a renewable energy generation facility such as a wind or wave power facility would be inconsistent with land use policies and would not accomplish the objectives of the project to provide the facilities needed to accommodate a portion of the future demand for crude oil imports to southern California. This alternative would also preclude uses that would realize the benefits of the deep-draft channel created by the Port and USACE to accommodate deep-draft tanker vessels. Accordingly, this alternative was eliminated from consideration.

The Port and USACE considered the possibility of an offshore mooring site with tank farm facilities located on Terminal Island (Section 2.5.3.5). Although offshore mooring would have some advantages from an environmental perspective compared to the proposed Project, the Port and USACE found that this alternative would also have a number of significant disadvantages, including the potential for weather-induced interruptions of supply; the potential for accidents to result in releases of oil on rough ocean waters, where cleanup would be far more difficult than inside the harbor; the environmental impacts to the marine community associated with the construction of a pipeline several miles long; and the very high cost of construction. In addition, Appendix F of the Draft SEIS/SEIR contains a report by an engineering consulting firm (Moffatt & Nichol) that considers potential sites for an offshore mooring and concludes that “an offshore single point mooring location does not appear to be feasible, primarily for cost reasons and secondarily because of environmental and technical challenges.”

---

Regarding the aesthetic impacts of the proposed Project, as documented thoroughly in Section 1.1.3, Section 2.3, and Appendix D1 of the SEIS/SEIR, the proposed Project would provide facilities for the receipt of crude oil via marine tanker vessels given the decline in California domestic production; thus, it represents the ability to accommodate replacement of crude oil from one source (that does not require marine transport) to another source (that does require marine transport). Thus, the Port and USACE agree with the commenter's assertion that "Increasing supply to them [i.e., refineries] is... replacing an existing supplier." However, as documented in Section 1.1.3, Section 2.3, Chapter 8, and Appendix D1, the capacity of area refineries to distill petroleum products from crude oil is increasing over time (a process called "refinery capacity creep"). The projected increase in refineries' crude oil demand is based on increased consumer demand for transportation fuels as well as refinery capacity creep. As stated in the document (Section 8.2.2), "Both of these factors are projected to increase independent of the proposed Project. Consumer demand is projected to increase due to population and income growth (CEC 2007a; CEC 2007b; CEC 2007c; also see Section 1.1.3). Refinery capacity is expected to increase because refineries in southern California, facing increased consumer demand and a consumer demand that exceeds their current distillation capacity (CEC 2007b; also see Section 1.1.3), are continually seeking process improvements that would allow them to increase production. (It is worth noting that refineries plan their capacity and production in order to have the capacity to meet peaks of consumer demand, rather than average demand, over a long-term forecast.)"



---

**Kelly Limberg, July 10, 2008**

**KL-1.** The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners. Regarding terrorist attacks, Sections 3.12-5 and 3.12-6 provide an overview of terrorism and Port security that form the baseline for a terrorism assessment for the proposed Project and its alternatives. Impact RISK-5 provides a detailed assessment of terrorism-related risk for the proposed Project. As noted on Pages 3.12-70 and 3.12-71, potential terrorism-related risks are considered significant and cannot be fully mitigated.

Site security will be a shared responsibility of the Port Police, Department of Homeland Security and the U.S. Coast Guard. Additionally, in the event of a need to respond to an incident, the Los Angeles Fire Department, as well as other departments that would be available through mutual aid agreements, would be expected to provide emergency response.

---

**Marie Thibeault, August 13, 2008**

**MT-1.** The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners. Regarding the comment about increased local refinery production, as documented thoroughly in Section 1.1.3, Section 2.3, and Appendix D1 of the SEIS/SEIR, the proposed Project would provide facilities for the receipt of crude oil via marine tanker vessels given the decline in California domestic production; thus, it represents the ability to accommodate replacement of crude oil from one source (that does not require marine transport) to another source (that does require marine transport). Thus, the Port and USACE agree with the commenter's assertion that "Increasing supply to them [i.e., refineries] is... replacing an existing supplier." However, as documented in Section 1.1.3, Section 2.3, Chapter 8, and Appendix D1, the capacity of area refineries to distill petroleum products from crude oil is increasing over time (a process called "refinery capacity creep"). The projected increase in refineries' crude oil demand is based on increased consumer demand for transportation fuels as well as refinery capacity creep. As stated in the document (Section 8.2.2), "Both of these factors are projected to increase independent of the proposed Project. Consumer demand is projected to increase due to population and income growth (CEC 2007a; CEC 2007b; CEC 2007c; also see Section 1.1.3). Refinery capacity is expected to increase because refineries in southern California, facing increased consumer demand and a consumer demand that exceeds their current distillation capacity (CEC 2007b; also see Section 1.1.3), are continually seeking process improvements that would allow them to increase production. (It is worth noting that refineries plan their capacity and production in order to have the capacity to meet peaks of consumer demand, rather than average demand, over a long-term forecast.)"

Regarding the commenter's suggestion to analyze the benefits and costs of the project, as required under NEPA and agreed to by the Port, the SEIS/SEIR addresses socioeconomic effects (i.e., employment, population, and housing), in Chapter 7 Socioeconomic Analysis; hazards, in Section 3.12 Risk of Upset/Hazardous Materials; and health risks, in Section 3.2 Air Quality (with detailed supplemental information in Appendix H4). Regarding the commenter's suggestion to analyze the benefits and costs of the project, CEQA and NEPA do not require an analysis of economic costs and benefits; however, the SEIS/SEIR provides a comprehensive analysis of environmental impacts of the construction and operation of the proposed Project as well as its alternatives, including not building the proposed Project (i.e., the No Federal Action/No Project Alternative). No changes to the document are required.

Regarding the estimated 201 tankers that are projected to call at the terminal annually in 2025-2040, as noted in Section 1.1.3, in 2005 about 45 percent of foreign crude oil imports to southern California came from the Middle East, 46 percent came from Central and South America, 7 percent came from West Africa, and 2 percent came from Canada. The share of Middle Eastern imports has increased steadily in recent years, a trend that is expected to continue (Baker & O'Brien 2007).

---

**Marty Barrera, August 12, 2008**

**MB-1.** Your comment is acknowledged and will be forwarded to the Board of Harbor Commissioners. Regarding your concern about increased port traffic related to oil transportation, note that all of the oil that would be received at the proposed terminal would be transported via pipeline; none would be transported via truck or rail. Although the construction of the proposed Project would result in significant impacts on the local transportation network in the absence of mitigation measures, implementation of mitigations would reduce the impacts to less than significant (Section 3.6 of the Draft SEIS/SEIR).

---

**Martine Garcia, August 9, 2008**

**MG-1.** As described in Section 1.1.3 and Section 2.3 of the SEIS/SEIR, with supplemental information in Appendix D1, the Port and USACE believe that demand for crude oil will continue even as alternative fuels and technologies provide a growing share of the demand for transportation fuels. This idea is supported by the California Energy Commission, which stated in its 2007 Integrated Energy Policy Report (IEPR) that “conventional petroleum fuels will be the main source of transportation energy for the foreseeable future”, even with full implementation of the State Alternative Fuels Plan (CEC 2007a). The proposed Project would accommodate continued demand for crude oil as domestic production from California declines; thus, it represents a replacement of supply from existing sources that are projected to decline.

Since the comment specifically mentions Alaskan crude oil, it is also worth noting that the proposed Project would receive crude oil from the Alaska North Slope (ANS). As the Draft SEIS/SEIR notes in Section 1.1.3.2, “Because no pipelines carry crude oil into California, by far the best method to deliver imported crude (including ANS crude) is by marine tanker vessels.”

The SEIS/SEIR specifically considers the possibility of rejecting the applicant’s proposal and instead constructing either a terminal to accommodate carbon-based alternative fuels such as biofuels or ethanol (Section 2.5.3.12) or a renewable energy generation facility on all or portions of the site (Section 2.5.3.13). As described in Section 2.5.3.12, constructing a facility to accommodate delivery of refined carbon-based fuels would not meet project objectives because, in practice, such an alternative would not permit Berth 408 to accommodate VLCCs (since refined products are not carried on VLCCs, nor in Suezmax vessels). Such an alternative would therefore not maximize the use of deep-water facilities created for the purpose of accommodating VLCCs by the Deep-Draft Navigation Improvements Project, nor would it optimize the Port’s overall utilization of available shoreline. In addition, as described in Section 2.5.3.12, this alternative would not eliminate any of the environmental impacts associated with the proposed Project and would, in fact, have greater impacts in certain areas due to the use of more small vessels carrying more volatile fuels.

As described in Section 2.5.3.13, constructing a renewable energy generation facility such as a wind or wave power facility would be inconsistent with land use policies and would not accomplish the objectives of the project to provide the facilities needed to accommodate a portion of the future demand for crude oil imports to southern California. This alternative would also preclude uses that would realize the benefits of the deep-draft channel created by the Port and USACE to accommodate deep-draft tanker vessels. Accordingly, this alternative was eliminated from consideration.

The Port and USACE considered the possibility of an offshore mooring site with tank farm facilities located on Terminal Island (Section 2.5.3.5). Although offshore mooring would have some advantages from an environmental perspective compared to the proposed Project, the Port and USACE found that this alternative would also have a number of significant disadvantages, including the potential for weather-induced interruptions of supply; the potential for accidents to result in releases of oil on rough ocean waters, where cleanup would be far more difficult than inside the harbor; the environmental impacts to the marine community associated with the construction of a pipeline several miles long; and the very high cost of construction. In addition, Appendix

---

F of the Draft SEIS/SEIR contains a report by an engineering consulting firm (Moffatt & Nichol) that considers potential sites for an offshore mooring and concludes that “an offshore single point mooring location does not appear to be feasible, primarily for cost reasons and secondarily because of environmental and technical challenges.”

---

**Ted Twine, August 10, 2008**

**TT-1.** Your comments are noted. Regarding the comment about the distribution of benefits and burdens of the proposed Project, crude oil imported at the proposed terminal would meet the demand for transportation fuels across southern California as well as other regions (e.g., Arizona and Nevada) that are largely dependent on southern California for petroleum product imports. It is worth noting that southern California gains employment, wage and tax benefits from the operation of area refineries that would receive crude oil from the proposed terminal, even though a portion of the refined products would be transported to and consumed in regions outside of southern California. Figure 1-7 illustrates that incremental demand (over 2004) for crude oil marine imports to Southern California would reach 500,000 bpd within approximately 10 years and exceed 650,000 bpd by approximately 2025, in part determined by refinery capacity and consumer demand in southern California. Although the proposed Project would not determine the location of the ultimate consumers of crude oil products, demand for petroleum production in southern California is projected to grow as a result of population and economic growth, much of it driven by growth in transportation demand. Appendix D1 addresses demand in greater detail. Based on current pipeline and refinery infrastructure and flows, virtually all of the crude imported by the proposed Project would supply end users in southern California, Arizona, and Nevada. As noted in the document, California receives no crude oil imports from non-California ports (e.g., via pipeline from the Gulf Coast).

Where the SEIS/SEIR finds significant impacts, all feasible mitigation measures have been identified and applied to construction and operation of the proposed Project. In addition, and independently of the SEIS/SEIR process, the Port has previously agreed to establish a Port Community Mitigation Trust Fund that would benefit the communities of San Pedro and Wilmington. Under CEQA and NEPA, decision-makers are not compelled to provide affected populations with an amount of project benefits equal to impacts, but must ensure that feasible mitigations and alternatives that are available to reduce significant impacts are identified and evaluated; LAHD and USACE are in compliance with this requirement. No changes to the document are required.

**TT-2.** The HRA for the proposed Project considered potential cancer and noncancer impacts. This included the potential chronic non-cancer impacts. Section 3.2 includes a discussion of morbidity and mortality impacts. Table 3.2-32 in the Draft SEIS/SEIR regarding the Annual 2005 Statewide PM and Ozone Health Effects Associated with Ports and Goods Movement in California presents data dealing with specific health outcomes on a cases per year basis.

Following public release of the Draft SEIS/SEIR, CARB developed a long-term mortality methodology for particulate matter of less than 2.5 micrometers in aerodynamic diameter (PM<sub>2.5</sub>) that would be appropriate for individual projects (CARB 2008). The methodology is similar to that used in the Draft SEIR/SEIS, but it is based on a more conservative estimate of the relative risk of premature death.

Based on the new CARB methodology, the long-term impacts associated with the proposed Project after mitigation would be an increase in the mortality incidence rate from the CEQA baseline. The incremental increase would be 0.0062 premature deaths (per year) based on the ambient concentration in the peak year, including construction and operation.

---

Ambient PM<sub>2.5</sub> concentrations were not modeled on an annual basis for this project. Instead, predicted increases in ambient PM<sub>10</sub> concentrations were used as a conservative, worst-case measure of the project's impact on particulate concentrations. The maximum predicted increase in annual PM<sub>10</sub> concentration for the proposed Project with mitigation was 0.17 µg/m<sup>3</sup> during the maximum impact year, as predicted by the AERMOD dispersion model. This means that the increase in annual PM<sub>2.5</sub> concentrations associated with the mitigated Project would be less than that value during all project analysis years. The impact to the neighboring community would not see a measurable increase in annual PM<sub>2.5</sub> concentrations associated with the mitigated Project relative to baseline conditions..

**TT-3.**

As described in Section 1.1.3 and Section 2.3 of the SEIS/SEIR, with supplemental information in Appendix D1, the Port and USACE believe that demand for crude oil will continue even as alternative fuels and technologies provide a growing share of the demand for transportation fuels. This idea is supported by the California Energy Commission, which stated in its 2007 Integrated Energy Policy Report (IEPR) that “conventional petroleum fuels will be the main source of transportation energy for the foreseeable future”, even with full implementation of the State Alternative Fuels Plan (CEC 2007a). The proposed Project would accommodate continued demand for crude oil as domestic production from California declines; thus, it represents a replacement of supply from existing sources that are projected to decline.

Since the comment specifically mentions Alaskan crude oil, it is also worth noting that the proposed Project would receive crude oil from the Alaska North Slope (ANS). As the Draft SEIS/SEIR notes in Section 1.1.3.2, “Because no pipelines carry crude oil into California, by far the best method to deliver imported crude (including ANS crude) is by marine tanker vessels.”

The SEIS/SEIR specifically considers the possibility of rejecting the applicant's proposal and instead constructing either a terminal to accommodate carbon-based alternative fuels such as biofuels or ethanol (Section 2.5.3.12) or a renewable energy generation facility on all or portions of the site (Section 2.5.3.13). As described in Section 2.5.3.12, constructing a facility to accommodate delivery of refined carbon-based fuels would not meet project objectives because, in practice, such an alternative would not permit Berth 408 to accommodate VLCCs (since refined products are not carried on VLCCs, nor in Suezmax vessels). Such an alternative would therefore not maximize the use of deep-water facilities created for the purpose of accommodating VLCCs by the Deep-Draft Navigation Improvements Project, nor would it optimize the Port's overall utilization of available shoreline. In addition, as described in Section 2.5.3.12, this alternative would not eliminate any of the environmental impacts associated with the proposed Project and would, in fact, have greater impacts in certain areas due to the use of more small vessels carrying more volatile fuels.

As described in Section 2.5.3.13, constructing a renewable energy generation facility such as a wind or wave power facility would be inconsistent with land use policies and would not accomplish the objectives of the project to provide the facilities needed to accommodate a portion of the future demand for crude oil imports to southern California. This alternative would also preclude uses that would realize the benefits of the deep-draft channel created by the Port and USACE to accommodate deep-draft tanker vessels. Accordingly, this alternative was eliminated from consideration.

---

The Port and USACE considered the possibility of an offshore mooring site with tank farm facilities located on Terminal Island (Section 2.5.3.5). Although offshore mooring would have some advantages from an environmental perspective compared to the proposed Project, the Port and USACE found that this alternative would also have a number of significant disadvantages, including the potential for weather-induced interruptions of supply; the potential for accidents to result in releases of oil on rough ocean waters, where cleanup would be far more difficult than inside the harbor; the environmental impacts to the marine community associated with the construction of a pipeline several miles long; and the very high cost of construction. In addition, Appendix F of the Draft SEIS/SEIR contains a report by an engineering consulting firm (Moffatt & Nichol) that considers potential sites for an offshore mooring and concludes that “an offshore single point mooring location does not appear to be feasible, primarily for cost reasons and secondarily because of environmental and technical challenges.”

**TT-4.** The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners.



---

**Toni Martinovich, August 9, 2008**

**TM-1.** Your comments are noted and appreciated. The Draft SEIS/SEIR includes a comprehensive analysis of impacts on health, welfare, public safety and other issues of concern. Regarding the distribution of benefits and burdens of the proposed Project, Crude oil imported at the proposed terminal would meet the demand for transportation fuels across southern California as well as other regions (e.g., Arizona and Nevada) that are largely dependent on southern California for petroleum product imports. It is worth noting that southern California gains employment, wage and tax benefits from the operation of area refineries that would receive crude oil from the proposed terminal, even though a portion of the refined products would be transported to and consumed in regions outside of southern California. Figure 1-7 illustrates that incremental demand (over 2004) for crude oil marine imports to Southern California would reach 500,000 bpd within approximately 10 years and exceed 650,000 bpd by approximately 2025, in part determined by refinery capacity and consumer demand in southern California. Although the proposed Project would not determine the location of the ultimate consumers of crude oil products, demand for petroleum production in southern California is projected to grow as a result of population and economic growth, much of it driven by growth in transportation demand. Appendix D1 addresses demand in greater detail. Based on current pipeline and refinery infrastructure and flows, virtually all of the crude imported by the proposed Project would supply end users in southern California, Arizona, and Nevada. As noted in the document, California receives no crude oil imports from non-California ports (e.g., via pipeline from the Gulf Coast).

Where the SEIS/SEIR finds significant impacts, all feasible mitigation measures have been identified and applied to construction and operation of the proposed Project. In addition, and independently of the SEIS/SEIR process, the Port has previously agreed to establish a Port Community Mitigation Trust Fund that would benefit the communities of San Pedro and Wilmington. Under CEQA and NEPA, decision-makers are not compelled to provide affected populations with an amount of project benefits equal to impacts, but must ensure that feasible mitigations and alternatives that are available to reduce significant impacts are identified and evaluated; LAHD and USACE are in compliance with this requirement. No changes to the document are required.

---

**Robin Sterling, August 13, 2008**

**RS-1.** Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners. The document identifies all feasible mitigation measures to avoid, reduce, and minimize public health risk impacts, including those associated with air pollution. In some cases, the impacts of the proposed Project are substantially lower than the impacts of the No Project Alternative (i.e., the impacts of not implementing the proposed Project). Regarding your concern about earthquakes and terrorist attacks, the Draft SEIS/SEIR includes a thorough and comprehensive analysis of the potential for these occurrences; see Sections 3.5 and 3.12 of the Draft SEIS/SEIR.

---

**Genesa Wagoner, July 10, 2008**

**GW-1.** Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners. Regarding your concern about cancer risk, the SEIS/SEIR includes a comprehensive, quantitative analysis of the incremental and cumulative impacts of the proposed Project on cancer risk and concludes that the proposed Project, with mitigations, would have a less than significant impact on cancer risk individually, but would have a cumulatively considerable contribution to cumulatively significant impacts on cancer risks. However, the SEIS/SEIR also establishes that the impacts of the proposed Project on cancer risk, as well as certain other environmental impacts, are substantially lower than the impacts of the No Project Alternative (i.e., the impacts of not implementing the proposed Project). The document identifies all feasible mitigation measures to avoid, reduce and minimize environmental and public health risk impacts.

Regarding your concern about truck traffic, note that all of the oil that would be received at the proposed terminal would be transported via pipeline; none would be transported via truck or rail. Although the construction of the proposed Project would result in significant impacts on the local transportation network in the absence of mitigation measures, implementation of mitigations would reduce the impacts to less than significant (Section 3.6 of the Draft SEIS/SEIR).

Regarding your concern about oil spills, earthquakes, and terrorist attacks, the Draft SEIS/SEIR includes a thorough and comprehensive analysis of the potential for these occurrences; see Sections 3.5 and 3.12 of the Draft SEIS/SEIR.

---

**Mary Gutierrez, July 7, 2008**

**MCG-1.** Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners. Regarding the “150 permanent, high-paying jobs to our local community,” please note that not all of these jobs would be in the local community; see the response to comment CCA-1.

---

**Joe Gatlin, July 16, 2008**

**JG-1.** Thank you for your comment. However, please note that the Port and USACE estimate a lower number of jobs would be associated with the proposed Project than your comment indicates. As discussed in Chapter 2 of the Draft SEIS/SEIR, construction of the proposed Project facilities would require direct construction labor equivalent to approximately 732 full-time equivalent employees for construction itself. This figure does not include “upstream” employment impacts (i.e., workers in industries that supply materials and equipment maintenance for the construction activities) or “downstream” impacts (i.e., workers in jobs supported by retail and other spending from wages). These “upstream” and “downstream” jobs may be located anywhere within the metropolitan Los Angeles region. LAHD’s own estimate of total construction employment impacts (i.e., including upstream and downstream employment) is 1,767 full-time job equivalents, based on the Port Economic Impact Model (see Draft SEIS/SEIR Chapter 7).

The Port and USACE believe the estimate of 6,300 full-time jobs cited in your letter is derived from a separate analysis performed by the Los Angeles Economic Development Corporation (LAEDC), which LAHD and USACE did not have any role in preparing (i.e., LAHD and USACE did not conduct, direct the preparation of, or review the methodology of the LAEDC analysis). LAHD and USACE cannot confirm the accuracy of the LAEDC analysis, but do note that the 6,300 full-time jobs cited in the LAEDC analysis represent one-year equivalent jobs, and includes not only the engineers and construction workers who will actually build the pier and terminal but also the “upstream” and “downstream” employment impacts, which could be located anywhere within the metropolitan Los Angeles region. Likewise, LAHD and USACE did not prepare or review the estimates of wages and tax revenues reported in the commenter’s letter.

---

**Gojko Spralja, July 17, 2008**

**GS-1.** Thank you for your comment. Regarding the job, wage, and tax estimates cited in the letter, please see the response to comments. However, please note that the Port and USACE estimate a lower number of jobs would be associated with the proposed Project than your comment indicates. As discussed in Chapter 2 of the Draft SEIS/SEIR, construction of the proposed Project facilities would require direct construction labor equivalent to approximately 732 full-time equivalent employees for construction itself. This figure does not include “upstream” employment impacts (i.e., workers in industries that supply materials and equipment maintenance for the construction activities) or “downstream” impacts (i.e., workers in jobs supported by retail and other spending from wages). These “upstream” and “downstream” jobs may be located anywhere within the metropolitan Los Angeles region. LAHD’s own estimate of total construction employment impacts (i.e., including upstream and downstream employment) is 1,767 full-time job equivalents, based on the Port Economic Impact Model (see Draft SEIS/SEIR Chapter 7).

The Port and USACE believe the estimate of 6,300 full-time jobs cited in your letter is derived from a separate analysis performed by the Los Angeles Economic Development Corporation (LAEDC), which LAHD and USACE did not have any role in preparing (i.e., LAHD and USACE did not conduct, direct the preparation of, or review the methodology of the LAEDC analysis). LAHD and USACE cannot confirm the accuracy of the LAEDC analysis, but do note that the 6,300 full-time jobs cited in the LAEDC analysis represent one-year equivalent jobs, and includes not only the engineers and construction workers who will actually build the pier and terminal but also the “upstream” and “downstream” employment impacts, which could be located anywhere within the metropolitan Los Angeles region. Likewise, LAHD and USACE did not prepare or review the estimates of wages and tax revenues reported in the commenter’s letter.

**Toni Plescia, July 14, 2008**

**TP-1.** Thank you for your comment. However, please note that the Port and USACE estimate a lower number of jobs would be associated with the proposed Project than your comment indicates. As discussed in Chapter 2 of the Draft SEIS/SEIR, construction of the proposed Project facilities would require direct construction labor equivalent to approximately 732 full-time equivalent employees for construction itself. This figure does not include “upstream” employment impacts (i.e., workers in industries that supply materials and equipment maintenance for the construction activities) or “downstream” impacts (i.e., workers in jobs supported by retail and other spending from wages). These “upstream” and “downstream” jobs may be located anywhere within the metropolitan Los Angeles region. LAHD’s own estimate of total construction employment impacts (i.e., including upstream and downstream employment) is 1,767 full-time job equivalents, based on the Port Economic Impact Model (see Draft SEIS/SEIR Chapter 7).

The Port and USACE believe the estimate of 6,300 full-time jobs cited in your letter is derived from a separate analysis performed by the Los Angeles Economic Development Corporation (LAEDC), which LAHD and USACE did not have any role in preparing (i.e., LAHD and USACE did not conduct, direct the preparation of, or review the

---

methodology of the LAEDC analysis). LAHD and USACE cannot confirm the accuracy of the LAEDC analysis, but do note that the 6,300 full-time jobs cited in the LAEDC analysis represent one-year equivalent jobs, and includes not only the engineers and construction workers who will actually build the pier and terminal but also the “upstream” and “downstream” employment impacts, which could be located anywhere within the metropolitan Los Angeles region. Likewise, LAHD and USACE did not prepare or review the estimates of wages and tax revenues reported in the commenter’s letter.

---

**James Cross, August 4, 2008**

**JC-1.**

Thank you for your comment. However, please note that the Port and USACE estimate a lower number of jobs would be associated with the proposed Project than your comment indicates. As discussed in Chapter 2 of the Draft SEIS/SEIR, construction of the proposed Project facilities would require direct construction labor equivalent to approximately 732 full-time equivalent employees for construction itself. This figure does not include “upstream” employment impacts (i.e., workers in industries that supply materials and equipment maintenance for the construction activities) or “downstream” impacts (i.e., workers in jobs supported by retail and other spending from wages). These “upstream” and “downstream” jobs may be located anywhere within the metropolitan Los Angeles region. LAHD’s own estimate of total construction employment impacts (i.e., including upstream and downstream employment) is 1,767 full-time job equivalents, based on the Port Economic Impact Model (see Draft SEIS/SEIR Chapter 7).

The Port and USACE believe the estimate of 6,300 full-time jobs cited in your letter is derived from a separate analysis performed by the Los Angeles Economic Development Corporation (LAEDC), which LAHD and USACE did not have any role in preparing (i.e., LAHD and USACE did not conduct, direct the preparation of, or review the methodology of the LAEDC analysis). LAHD and USACE cannot confirm the accuracy of the LAEDC analysis, but do note that the 6,300 full-time jobs cited in the LAEDC analysis represent one-year equivalent jobs, and includes not only the engineers and construction workers who will actually build the pier and terminal but also the “upstream” and “downstream” employment impacts, which could be located anywhere within the metropolitan Los Angeles region. Likewise, LAHD and USACE did not prepare or review the estimates of wages and tax revenues reported in the commenter’s letter.



---

**Elizabeth Brazil, July 24, 2008**

**EB-1.** Thank you for your comment. Thank you for your comment. However, please note that the Port and USACE estimate a lower number of jobs would be associated with the proposed Project than your comment indicates. As discussed in Chapter 2 of the Draft SEIS/SEIR, construction of the proposed Project facilities would require direct construction labor equivalent to approximately 732 full-time equivalent employees for construction itself. This figure does not include “upstream” employment impacts (i.e., workers in industries that supply materials and equipment maintenance for the construction activities) or “downstream” impacts (i.e., workers in jobs supported by retail and other spending from wages). These “upstream” and “downstream” jobs may be located anywhere within the metropolitan Los Angeles region. LAHD’s own estimate of total construction employment impacts (i.e., including upstream and downstream employment) is 1,767 full-time job equivalents, based on the Port Economic Impact Model (see Draft SEIS/SEIR Chapter 7).

The Port and USACE believe the estimate of 6,300 full-time jobs cited in your letter is derived from a separate analysis performed by the Los Angeles Economic Development Corporation (LAEDC), which LAHD and USACE did not have any role in preparing (i.e., LAHD and USACE did not conduct, direct the preparation of, or review the methodology of the LAEDC analysis). LAHD and USACE cannot confirm the accuracy of the LAEDC analysis, but do note that the 6,300 full-time jobs cited in the LAEDC analysis represent one-year equivalent jobs, and includes not only the engineers and construction workers who will actually build the pier and terminal but also the “upstream” and “downstream” employment impacts, which could be located anywhere within the metropolitan Los Angeles region. Likewise, LAHD and USACE did not prepare or review the estimates of wages and tax revenues reported in the commenter’s letter.

---

**Darren Stroud, Ultramar, August 13, 2008**

**UM-1.** The comment is acknowledged and appreciated.

**UM-2.** The comment is acknowledged and appreciated. The Port understands that some Ultramar ships may call at the proposed tenants Pier 400 project. The Port recognizes the issues with vessel control. The mitigation measures in question, specifically MM AQ-14 through MM AQ-16 and MM AQ-18, are phased-in to require the more rapid schedule of feasible compliance in view of the necessary operational and technical changes in the marine-oil industry. Please see response to comments UM-3 through UM-10.

**UM-3.** The comment is acknowledged. The Port welcomes working with Ultramar to make feasible compliance with the low sulfur fuel measure. The Port is working with other Ports worldwide to increase availability of needed fuel grades. All ships would be required to adhere to any international, national or state rules and/or regulations. If such rules and/or regulations are found to be more stringent than the proposed mitigation measures, such rules and/or regulations would supersede the mitigation measures. Use of 0.2% low sulfur fuel for some marine tankers is infeasible in the short term due to availability. Virtually all marine tankers carry distillate (at approximately 0.5% sulfur) for purposes of cleaning main engines of the Heavy Fuel Oil (HFO) when a vessel must be taken out of service for its five year survey and for the emergency generators. However, 0.2% sulfur fuel may not be available at all ports of origin in the short term and therefore the use of 0.2% low sulfur fuel is being phased-in over time. The majority of tankers calling at Berth 408 in the short term are expected to originate in the oil producing regions of the Middle East, West Africa, or South America. Recent low-sulfur fuel availability studies completed by the California Air Resources Board (CARB) and the Port do not support a finding that 0.2% sulfur fuel is available worldwide and in particular at the ports where some project trips are expected to originate.

Under MM AQ-14, vessels originating from ports with no 0.2% low sulfur fuel will come in on distillate and then load on 0.2% fuel into the distillate tank.

Safe operations are important to the Port. Every lease would include a Force Majeure clause to excuse both direct tenants and third party invitees from compliance with the mitigation measures if some unforeseen event beyond the reasonable control of that party prevents it from safely performing its obligations under the lease.

**UM-4.** The Port acknowledges that there is a difference between the AMPing capacity of oil tankers and container ships. As presented in the Draft SEIS/SEIR, the AMP phase-in schedule is longer than the current and proposed requirements for container ships at the Port, due to the existing lower AMPing capacity of tankers. The present phase-in schedule, which begins during the first year of operation (assumed to be 2010) allows for ship and infrastructure upgrades.

AMP is a proven technology to reduce emissions at berth. Currently, two British Petroleum tankers are equipped for AMP proving that the technology is feasible if phased in over time to allow for technical and infrastructure upgrades. The Port is also open to alternative technologies to achieve emission reductions while at berth. MM AQ-19 was designed to allow Plains to be able to use alternative technologies once such technology is shown to be as good or as better in terms of emissions reduction performance.

---

In addition, the following addition has been included the AMP discussion in the Final SEIS/SEIR.

In the alternative, the Port may, upon application by the tenant, and subject to all applicable laws and regulations, permit the tenant to install and employ and Alternative Maritime Emission Control System (AMECS) system, either in combination with or in place of AMP as designated in the Port's permit, to meet or exceed the requirements of this mitigation measure; provided that the Port first finds, based on environmental review prepared pursuant to CEQA, all of the following:

- (1) that AMECS is a feasible mitigation measure;
- (2) that the Port and CARB have verified that use of AMECS, as permitted by the Port, would achieve emissions reductions equivalent to or better than those identified in this SEIS/SEIR as occurring under this mitigation measure through the use of AMP alone; and
- (3) that either
  - a. the use of AMECS, as permitted by the Port to achieve the purposes of this mitigation measure, would result in no new or substantially more severe significant adverse impact to the environment, or
  - b. any new or substantially more severe adverse impact to the environment resulting from the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure would be mitigated to a less than significant level, or
  - c. overriding considerations, as defined under CEQA, make appropriate the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure.

The Final SEIS/SEIR clarifies the position of the Port with respect to the potential use of AMECS as a mitigation measure (see Section 3.2 of the Final SEIS/SEIR and specifically the discussion of MM AQ-15). The Final SEIS/SEIR clarifies that if AMECS becomes technologically feasible, then the Port will evaluate its effectiveness and its equivalence with respect to AMP consistent with MM AQ-19 and MM AQ-20. If it is found to be feasible, effective, and equivalent in terms of reductions of pollutants of significance, then the Port will require the tenant to install AMECS. Once AMECS is installed, all vessels calling at Berth 408 that are not capable of utilizing AMP, as well as frequent callers (i.e., vessels that call more than two times per year), must use AMECS. If AMECS is not available within the lifetime of the proposed Project or if it is not found to be feasible or equivalent to AMP, then ships calling at Berth 408 shall use AMP while hoteling at the Port in the minimum percentages specified in MM AQ-15.

All ships would be required to adhere to any international, national or state rules and/or regulations. If such rules and/or regulations are found to be more stringent than the proposed mitigation measures, such rules and/or regulations would supersede the mitigation measures.

- 
- UM-5.** The comment is acknowledged. The proposed mitigation measure assumes that the slide valves are used to the greatest extent feasible and does not mandate 100% use on day one. The Port acknowledges that slide valves are not marine-oil tanker industry standards and may be difficult or infeasible to implement. The document did not assume any emissions reductions from this measure because of the difficulties with implementation. The Port will work with Plains and its customers to install slide valves.
- UM-6.** The comment is acknowledged. In environmental review of a potential proposed project, Ultramar would not be considered a “purchaser,” to the extent Ultramar would be an entity that would lease, rent or charter – rather than own – ships.
- UM-7.** Please see response to comment UM-4. MM AQ-19 was designed to allow Plains to be able to use alternative technologies once such technology is shown to be feasible and as good or as better in terms of emissions reduction performance. The Port, as the leaseholder, will be the ultimate decision-maker in terms of feasibility and effectiveness but, as stated in the mitigation measure, will rely on verification by USEPA, CARB, or other reputable certification and/or demonstration studies.
- UM-8.** Please see response to comment USEPA-8. As an alternative to the AMP requirements, the Port may, upon application by the tenant, and subject to all applicable laws and regulations, permit the tenant to install and employ an Alternative Maritime Emission Control System (AMECS) system, either in combination with or in place of AMP as designated in the Port’s permit, to satisfy the requirements of this mitigation measure; provided that the Port first finds, based on environmental review prepared pursuant to CEQA, all of the following:
- (1) that AMECS is a feasible mitigation measure;
  - (2) that the Port and CARB have verified that use of AMECS, as permitted by the Port, would achieve emissions reductions equivalent to or better than those identified in this SEIS/SEIR as occurring under this mitigation measure through the use of AMP alone; and
  - (3) that either
    - a. the use of AMECS, as permitted by the Port to achieve the purposes of this mitigation measure, would result in no new or substantially more severe significant adverse impact to the environment, or
    - b. any new or substantially more severe adverse impact to the environment resulting from the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure would be mitigated to a less than significant level, or
    - c. overriding considerations, as defined under CEQA, make appropriate the use of AMECS as permitted by the Port to achieve the purposes of this mitigation measure.
- UM-9.** The comment is acknowledged and appreciated.

---

**UM-10.** The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners for their consideration.

---

**LaDonna DiCammillo, BNSF, August 13, 2008**

**BNSF-1.** Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners.

**BNSF-2.** Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners.

**BNSF-3.** Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners.

**BNSF-4.** Your comment is appreciated and will be forwarded to the Board of Harbor Commissioners.

---

**Public Hearing Transcript, June 26, 2008**

- PHT-1.** Your comment is noted.
- PHT-2.** Your comment is noted. Responses to the formal CLSC comments are provided in response to comments CSLC-1 through CSLC-90.
- PHT-3.** Your comment is noted.
- PHT-4.** Your comment is noted.
- PHT-5.** Your comment is noted.
- PHT-6.** Your comment is noted.
- PHT-7.** Your comment is noted.
- PHT-8.** Your comment is noted. Regarding job estimates, wages, and tax revenues, please see response to comment LCOC-1.
- PHT-9.** Your comment is noted. Regarding job estimates, please see the first half of response to comment Local 11-3-1.
- LAHD and USACE are aware that the Los Angeles Economic Development Corporation (LAEDC) conducted an economic impact study that estimated a larger number of construction and permanent jobs than those predicted by LAHD and USACE (6,300 jobs during construction and 230 jobs during operation). The LAEDC estimate of jobs stems from an analysis that LAHD and USACE did not have any role in preparing (did not conduct, direct the preparation of, or review the methodology for).
- PHT-10.** Your comment is noted.
- PHT-11.** Your comment is noted.
- PHT-12.** Your comment is noted.
- PHT-13.** Your comment is noted.
- PHT-14.** The Port and USACE make every attempt to check scheduled public hearing and public meeting dates of other agencies when scheduling their own public hearings. When the June 26, 2008, date was set for the public hearing for the Plains All American project, the date had not been set for the other project hearing referenced in the comment. Neither the Port nor USACE received any request to change the date of the June 26 hearing until the last several days prior to the meeting.
- PHT-15.** Your comment is noted.
- PHT-16.** Your comment is noted.
- PHT-17.** Your comment is noted.

- 
- PHT-18.** The Draft SEIS/SEIR proposes a reasonable range of alternatives under CEQA/NEPA. The range of alternatives examined need not be beyond a reasonable range necessary to allow a reasoned choice among the alternatives and the proposed Project. A full evaluation of berthing the project on Pier 400, Face E and the reasons for not coequally evaluating this alternative are provided in the Draft SEIS/SEIR Section 2.5.3.2.10. In summary, the additional cost, restricted recreational access, and environmental impacts to air quality and least terns associated with this alternative, eliminated it from a coequal evaluation.
- PHT-19.** Please see response to comment PCAC-EIR-11. The technical approach used to determine aesthetic impacts is consistent with the concepts and principles of the Visual Resource Management methodologies in use by several federal agencies and is compliant with NEPA and CEQA guidelines for visual impact analysis. The methodology is summarized in Section 3.2 of the Draft SEIS/SEIR and further detailed in Appendix G.
- The Draft SEIS/SEIR concludes the aesthetic impacts of the proposed Project are less than significant because the San Pedro Bay Ports are a landscape that is highly engineered and is visually dominated by large-scale man-made features. The tankers calling at the Marine Terminal will be viewed in this Port context and will not appear incongruous with that setting.
- PHT-20.** Commenting on the potential relocation of the Maersk terminal is outside the scope of the Draft SEIS/SEIR. The proposed Project is consistent with the Port Master Plan; please see response to comment PCAC-EIR-11.
- PHT-21.** Your comment is acknowledged.
- PHT-22.** The Draft SEIS/SEIR determines the significance of impacts resulting from implementation of the proposed Project and its alternatives compared to the CEQA and NEPA baseline conditions. Although the CEQA baseline remains fixed for the duration of the Project, reflecting conditions that prevailed in June 2004; the NEPA baseline changes over time in response to increases or decreases in activity or other factors that would occur at the Project site absent federal action. The proposed Project and alternatives implement all feasible mitigation measures to reduce pollution associated with Project construction and operations.
- PHT-23.** Please see response to comment PHT-14.
- PHT-24.** Your comment is acknowledged.
- PHT-25.** A recent study by City Controller Laura Chick notes numerous deficiencies in citywide disaster preparedness. However, a review of this study indicates that the vast majority of the identified deficiencies are associated with events that do not affect the Port, or are large-scale disasters, e.g., a worst-case tsunami, that are on a much larger scale than any accident that could occur as a result of the proposed Project. It is clear from reviewing this report, as well as the potential hazards associated with the proposed Project, that the Port's Risk Management Plan and the Harbor/Port Evacuation Plan are more than adequate to address potential Project-related accidents.
- PHT-26.** Your comment is acknowledged.



- 
- PHT-27.** Your comment is acknowledged.
- PHT-28.** As discussed in Chapter 2 of the Draft SEIS/SEIR, there will be 1,767 full-time job equivalents for construction of the proposed Project (including direct, upstream and downstream jobs). In the operation phase, LAHD and USACE estimate there would be 54 full-time permanent jobs associated with the direct operation and maintenance of the terminal (in years 2025-2040), and an additional 158 full-time-equivalent permanent jobs related to indirect (i.e., upstream and downstream) economic activity.
- PHT-29.** The Draft SEIS/SEIR incorporates programmatic, project-specific, and cumulative analyses for all environmental issue areas that would potentially be impacted by the proposed Project, including those in the project vicinity. The Draft SEIS/SEIR has appropriately evaluated the Project's environmental effects and identified mitigation measures and reasonable alternatives to avoid significant environmental impacts (CEQA Guidelines Sections 15121(a) and 15362).
- PHT-30.** In regards to blight, Section 3.8 of the Draft SEIS/SEIR adequately addresses the potential for effects on the physical environment of neighboring communities that may result from approval of the proposed Project or its alternatives, and Section 4.2.8 adequately addresses cumulative effects and the proposed Project's contribution. The proposed Project would have less than significant effects on land use and would make a less than cumulatively considerable contribution to cumulative impacts on land use.
- Section 3.10 adequately addresses the impacts of noise related to the proposed Project and its alternatives under CEQA and NEPA.
- In regards to the potential property devaluation, Section 7.2.1.3 states that median single family residence sales prices for homes located in the ZIP Code areas in the immediate vicinity of the Port from rose on average by between 8 and 9 percent annually between the years 1993-2004.
- Property values are also addressed in responses PCAC-EIR-27 and PCAC-EIR-28.
- PHT-31.** Please see response to comment DN-15.
- PHT-32.** Your comment is acknowledged. The purpose of the Draft SEIS/SEIR is to evaluate and report on the potential impacts of the proposed Project and its alternatives. The document will be used to make an informed decision on whether or not to pursue the project. As stated in CEQA Guidelines Section 15093, "*CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project.*" (Also see Public Resources Code Section 21081). If the decision makers elect to approve the proposed Project or Project alternatives (other than the No Project) it would require a statement of overriding considerations associated with significant unavoidable impacts identified in the Final SEIS/SEIR.
- Regarding an evacuation plan, please see response to comment PCAC-EIR-23 and PCAC-EIR-24.

- 
- PHT-33.** Your comment is acknowledged. Regarding jobs, please see response to comment PHT-28.
- PHT-34.** Your comment is acknowledged.
- PHT-35.** Your comment is noted.
- PHT-36.** The Project is consistent with the Port Master Plan; please see response to comment PCAC-EIR-19.
- PHT-37.** Your comment is acknowledged.
- PHT-38.** Your comment is noted.
- PHT-39.** Your comment is acknowledged.
- PHT-40.** Your comment is noted. Regarding jobs, please see response to comment PHT-9.
- PHT-41.** Your comment is acknowledged and appreciated.
- PHT-42.** Your comment is acknowledged and appreciated.