



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

July 29, 2019



Amy L. Harbin
Long Beach, City of
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

Subject: Long Beach Cruise Terminal Improvement Project
SCH#: 2019069085
Dear Amy L. Harbin:

The comment (s) on your MND was (were) received by the State Clearinghouse after the end of the state review period, which closed on 7/19/2019. **Please check the CEQA database for these comments:** <https://ceqanet.opr.ca.gov/2019069085/2> because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2019069085) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Resources Agency

*Coalition for Clean Air
East Yard Communities for Environmental Justice
Friends of the Earth
Coalition for a Safe Environment
Community Dreams
Long Beach Alliance for Children with Asthma
Long Beach 350
DSA Long Beach Climate and Environmental Justice Committee
Concerned Academics from USC and UCLA*

**Comments to the City of Long Beach and Port of Long Beach
about the “Long Beach Cruise Terminal Improvement Project’s”
Notice of Intent and
CEQA Mitigated Negative Declaration Posted on June 22, 2019 and
found at the following URL links:
[NOI](#) and [MND NEG NEC](#)**

Date: July 22, 2019

Dear City of Long Beach (Amy Harbin, AICP, Project Manager:
LBDS-EIR-Comments@longbeach.gov)
and Port of Long Beach (Rick Cameron; Heather Tomley and Matthew Arms)

We respectfully submit these comments to both the City of Long Beach (LB) and Port of Long Beach (POLB) because there are jurisdictional issues between the two entities and because we are concerned about adherence to the POLB’s Clean Air Action Plan (CAAP) and the accuracy of POLB’s Emissions Inventories, which are led by/conducted by the Port of Long Beach. These CEQA documents were submitted for consideration by the City of Long Beach.

The following comments are regarding the proposed “Long Beach Cruise Terminal Improvement Project” that would allow the largest class of Carnival ships in the world to dock at the POLB cruise terminal.

Several groups wrote to the City of Long Beach requesting an extension of the Comment Period on this proceeding – and were summarily denied.

As background, we note that the proposed cruise terminal *improvement* project follows the 2017-2018 cruise terminal *renovation* project, which – according to Carnival – more than doubled the size of the cruise terminal and enhanced its capabilities to allow larger ships to plug in to electricity. That renovation project was completed with an “exemption” from CEQA filed by POLB. (See *news story and Carnival advertisement about the new terminal in the Attachments at end of this document*).

We are concerned the Carnival Panorama is already taking cruise bookings starting in December out of Long Beach and that Carnival's urgency may be playing a role in the City of LB's decision to not grant extensions for the comment period. For the Panorama to operate out of the Long Beach Cruise Terminal starting less than six months from now, this project (with its flawed MND) would have to start construction and dredging immediately. Carnival's timeline should not control the CEQA process.

OUR REQUESTS:

1. First and foremost, we ask the MND be withdrawn and that the air quality analysis be redone, considering the problems detailed in our comments. If the project is shown to have a significant impact on the environment, then we request that the City prepare and circulate for comment a Draft Environmental Impact Report, as required by CEQA.
2. We (again) request an extension of the comment period in order to remedy the failure to notify the public during the current 30-day comment period.
 - a. In our comment extension requests, we pointed out that the NOI was flawed because its URL for reading the CEQA documents was inaccurate. We requested that it be fixed. We noted that as of July 13, the URL had been fixed, but we believe it was inaccurate for more than a week or possibly two weeks after publication of the NOI.
 - b. Subsequently, we have noticed that the email for comments ALSO contains an error – an extra space which makes the email unsendable. As noted above, the email address in the NOI for comments is noted as LBDS-EIR-Comments @longbeach.gov) with an extra space before the @ sign, thereby making it unsendable. This is another sloppy mistake in a legal document, making it difficult for many commenters to figure out how to comment.
3. We are concerned about the fact that the largest Carnival Cruise ship in the world will be home-berthed in the future at the Long Beach Cruise Terminal if this project is approved. That ship is the Panorama, owned by Carnival Cruise Lines – a shipping line that has the worst environmental record for cruise ships in the world. (See *attached alert sent by Friends of the Earth and U.S. Justice Department press release regarding criminal charges against Carnival*). We

request that the long-term future of excess emissions and other environmental issues at the Long Beach Cruise Ship terminal with Carnival ships be diligently scrutinized, in light of the size of the ship that would be home-berthed in LB for years to come and the egregious environmental record of Carnival. (See *CruiseLawNews* newstory, attached)

4. We request that any revision to the IS/MND or a DEIR reconsider the way the City of LB has selected a baseline. There are several different issues that indicate the comparison of the Panorama's future emissions to the Splendor's current emissions is inappropriate.
 - a. The baseline the City selected is for the previous two years, 2018-2019, after the first Cruise Ship Terminal renovation project was completed and after arrival of the polluting Carnival Splendor, which does not plug into electricity. For five years (2013-2017) prior to arrival of the Splendor, emissions were much lower than during 2018-2019. The POLB received a CEQA exemption for the cruise terminal renovation in 2016 because the Splendor had previously been berthed at the Cruise Terminal from 2010-2012. Thus – the City of LB compared emissions for the *current terminal improvement project* with the previous two years, but the POLB compared emissions for the *renovation project* to those six years earlier when the Splendor docked there. We would argue that the City and the Port cannot just choose the “baselines” which give them the best result.
 - b. New CARB rules will require greater use of shore power – and therefore, the Splendor would have to be moved to another location or be outfitted with shore power capabilities, meaning that any comparison between future Panorama emissions and current Splendor emissions is faulty because the Splendor could not continue to operate at the LB Cruise Terminal after 2020 without shore power. For that reason alone, the air quality analysis needs to be redone.
5. We believe that mitigation measures are going to be required when the air quality analysis is revised. Therefore, we request that the City of LB mandate (rather than have as voluntary) that the Panorama follow the VSR rules. Without providing any explanation, Appendix B shows that the Carnival Panorama does not plan on meeting the VSR voluntary rules at the 40 nm location. We note that the Port of Los Angeles (POLA) requires cruise ships to provide detailed analyses analyzed by Port staff about cruise ship claims that “going faster” = lower emissions. Why is the City of Long Beach simply accepting that the Panorama will go 15 knots in the 40 nm area when coming in and out of port? An modeling of emissions must be presented by Carnival, analyzed by POLB/City of Long Beach and the full air analysis redone and resubmitted for comment. POLB staff have more expertise in analyzing such documents than do City of LB staff.

6. We request that if the revised air quality analysis shows that mitigation measures will be required, the Panorama be mandated to plug in to electricity during all visits and that this be included in the draft EIR.
7. POLB planning to finish its 2018 Emissions Inventory in October of 2019. We request that the POLB include in that Emissions Inventory information showing that emissions at the LB Cruise Terminal went up dramatically in 2018-2019 when the Carnival Splendor was allowed to home berth there.
8. We request that any documents that are redone on the air quality analyses also redo the GHG emissions for the Terminal Improvement Project and if they are higher than they were previously that the City of LB include any increases in its Climate Action and Adaptation Plan (CAAP) Greenhouse Gas (GHG) Inventory, for baseline purposes, anticipated GHG emissions from the berth and operation of the Carnival Panorama (which according to Carnival's website, is already being booked for Long Beach to Mexico cruises starting in December 2019). As knowledge of the Panorama has already been available to the City prior to the release of the GHG inventory, and the Panorama is to begin operation prior to the 2020 anticipated adoption of the City's CAAP, omission of the ship's emissions would mislead trajectories, making net zero emissions targets more difficult. To ignore and omit these GHG emissions simply due to CAAP protocol cut-off dates would be irresponsible.
9. We believe that the dredging for this project should be subject to a full EIR **especially regarding the proposed mitigation for biological impacts** – impacts to marine mammals and birds in particular. In addition, this dredging will be conducted for the benefit of Carnival Corporation in order for it to bring in its largest ship. Carnival Corporation has a criminal record and the cruise line's behavior over the past decade or more indicates lack of care for the environments or communities in which its ships travel. The dredging provides a huge subsidy to Carnival Corporation with fewer benefits to the Long Beach region, especially in light of past pollution that the community has not been made whole for. The City of Long Beach should not be subsidizing the dredging for this project and the environmental impacts from this activity require the higher scrutiny of an EIR. (See *Friends of the Earth* action alert and news story from the U.S. Department of Justice, attached).

DETAILED COMMENTS RE BASELINE COMPARISONS AND CONCERNS ABOUT HEALTH EFFECTS OF POTENTIALLY INCREASED AIR POLLUTION

The comments below primarily address the City of Long Beach's argument that air pollution will decrease as a result of the Carnival Panorama replacing the Carnival Splendor, which has been home-berthed at the terminal only since February 2018 and which the POLB allowed to regularly dock at the terminal despite the fact that it does not plug in to electricity. As noted above, we believe that this is an inappropriate comparison for an emissions analysis.

A more accurate comparison is between what the emissions from the cruise terminal are expected to be if the Panorama is home-berthed there along with the Inspiration and the Imagination and what the level of emissions were between 2013-2017, before the highly polluting Splendor was allowed to "home-berth" there (without any environmental evaluation or notice to the public). During 2013-2017, there were three Carnival ships operating out of the Cruise Terminal and all plugged into electricity: Imagination, Inspiration and Miracle.

We argue that it is inappropriate for the POLB/City of LB to fail to notify the public or do a CEQA evaluation about a terminal renovation project in 2017-2018 that was followed immediately by Carnival's introduction of a highly polluting cruise ship – and then turn around and claim CEQA "benefits" in reducing air pollution when that polluting ship (the Splendor) leaves less than two years later!

Further, if a revised air quality analysis shows that the Panorama's arrival will increase pollution, then the goals of the Clean Air Action Plan will be undermined and there will be additional health risks. The short- and long-term effects of exposure to high levels of ambient air pollution on children in port adjacent communities is a major concern based on a large body of research documenting associations between exposure to diesel pollution from transportation-related sources and illness. *(See list of references about the health effects of diesel exhaust at this URL:*

<https://envhealthcenters.usc.edu/infographics/infographic-living-near-diesel-exhaust/references-living-near-diesel-exhaust>).

For Long Beach residents, in particular, this concern is evident in the 2011 Los Angeles County Health Survey, which found an estimated 13.3% of children with current prevalence of asthma, higher than the County at 9%.

(<http://www.publichealth.lacounty.gov/ha/hasurveyintro.htm>) Increased port operations is a boon for the economy but there are also fiscal and quality of life burdens to the health of fence line communities – particularly children whose lungs are still developing.

CHRONOLOGY OF THE LB CRUISE TERMINAL RELEVANT TO THE AIR QUALITY ANALYSIS

Prior to 2010

Three Carnival ships were operating: Carnival Inspiration, Imagination and Miracle. All plugged in to electricity.

2010-2012

The Miracle was replaced by the much larger Carnival Splendor which begins operating out of the LB Cruise Terminal – not plugging in to electricity. The ship had a major fire in 2010 requiring it to be out of operation for 1+ month in 2010 and 2+ months in 2012. 2013: Carnival Splendor leaves for a home berth in NYC.

2013 – 2017

Three Carnival Cruise Line ships operate cruises out of Long Beach with the following vessel weights: Carnival Inspiration (70 G tons of weight); Carnival Imagination (70 G tons of weight) and Carnival Miracle (86 G tons of weight). We do know emissions from the Miracle, so in the graph below we are showing the Miracle as having somewhat higher daily NOx emissions. We note that the Miracle goes on 13/14-day cruises as opposed to 3-4 day cruises for the other two ships – and therefore is not in port as often. All three ships apparently are capable of plugging in to electricity.

The CEQA table below combines the emissions for the Carnival Inspiration and Carnival Imagination. The bar chart below compares NOx peak daily emissions for each Carnival ship being considered in this document.

2016

In late 2016, Carnival announces a massive renovation to occur at the cruise terminal during 2017 and 2018, with a celebration attended by the Mayor of Long Beach and Carnival executives. (*See attachments*). Carnival says that the terminal would more than double in size and make accommodations for larger ships to “plug in” to electricity after the renovation is completed.

All three other Carnival Cruise ships (Imagination, Inspiration and Miracle) continue to operate at the cruise terminal but Carnival announces that the Splendor will be returning. (*See Carnival press release and advertisement*).

The POLB applies for a CEQA exemption for the Cruise Terminal Renovation (with no public announcement at the time). We learn about the CEQA exemption in 2019.

2017-2018

Cruise Terminal Renovation underway and completed in 2018. On July 11, 2019, Andrea Hricko submitted a request for any CEQA documents about the terminal renovation during 2017 - 2018 to both the POLB and City of LB. She received a

response from Heather Tomley (POLB) stating that the POLB had received a CEQA exemption for that project – meaning there were no estimated significant impacts of the project.

We learned from POLB that environmental staff had taken into account that the Splendor had previously docked at the LB Cruise Terminal from 2010-2012 – and that POLB concluded that pollution levels would not be higher than it was when Splendor had docked there earlier. For the CEQA exemption, in other words, the POLB did not compare future emissions to the most recent situation of lower emissions – but instead to several years earlier when the Splendor had been operating.

February 2018

The renovation is completed. The cruise ship Carnival Miracle is sent elsewhere and is replaced by the Carnival Splendor which starts coming to Long Beach. Splendor does NOT plug in to electricity when at berth, which the Miracle did.

Neither the POLB nor the City of LB tells the public that the arrival of the Splendor would increase emissions at the newly renovated terminal. The result: an “improved terminal,” but with more pollution.

June 2019

City of Long Beach releases a Mitigated Negative Declaration for a new “terminal improvement project” at the Cruise terminal.

The MND concludes that there would be a positive impact on air emissions because a ship called the Carnival Panorama would replace the Carnival Splendor, which has created significant pollution because it does not plug in to electricity. Panorama can plug in to shore power. CEQA documents claim there would be “less pollution” once the Panorama arrives. But they fail to say that the pollution would be higher than it had been during the 5 years prior to the arrival of the polluting Splendor ship.

The City of LB and POLB cannot have it both ways. In 2016, it sought a CEQA exemption and went “back” for a baseline to 5-6 years earlier. In this case, the City of LB has chosen a more favorable recent baseline that show high emissions from the Carnival Splendor during 2018 – 2019 and lower emissions after the Panorama arrives.

June 2019

The Coalition for Clean Air, Friends of the Earth, and Andrea Hricko of USC/UCLA Concerned Academics each request an extension of the 30-day comment period concerning the Mitigated Negative Declaration (MND) for the Cruise Terminal Improvement Project, which the City of Long Beach denied. We learn that the California Air Resources Board also requested an extension of the comment period and were denied.

July 2019

We ask the POLB why staff requested an Exemption from CEQA on the 2017-2018 renovation and learned that they considered the fact that the Carnival Splendor (which came back to the LB Cruise Terminal in 2018-2019) had earlier been berthed at the POLB LB Cruise Terminal (during 2010-2012).

Below we show maximum peak operations daily NOx emissions by years of different ships operating (estimated for the Miracle).

Table I below is from the Draft Initial Study/Mitigated Neg Dec and Application Summary Report with calculations by the Port of LB and an environmental consultant. Table I aims to show that there will be DECREASE in pollution at the Long Beach Cruise Terminal in the future when compared to 2018-2019, when the polluting Carnival Splendor was allowed to home-berth there.

Table 1. CEQA document table showing Peak Daily Operation Emissions when Carnival Splendor is operating compared to when the Panorama arrives and (and after Splendor leaves)



LONG BEACH CRUISE TERMINAL IMPROVEMENT PROJECT
Draft Initial Study/Mitigated Negative Declaration and Application Summary Report

Table 4.3-4
Peak Daily Operation Emissions

| Emissions Source | Pollutant (pounds/day) ¹ | | | | | |
|--|-------------------------------------|-------------------|-----------------|-----------------|------------|-----------|
| | PM ₁₀ | PM _{2.5} | NO _x | SO _x | CO | VOC |
| Existing Cruise Ship Maximum Daily Emissions | | | | | | |
| <i>Carnival Splendor</i> Max Day | 141 | 130 | 6,607 | 217 | 596 | 271 |
| Proposed Project | | | | | | |
| <i>Carnival Panorama</i> Max Day | 80 | 73 | 3,211 | 122 | 336 | 152 |
| <i>Carnival Inspiration/Carnival Imagination</i> Max Day | 113 | 104 | 5,308 | 174 | 479 | 218 |
| Carnival Panorama Additional Incremental Emissions Sources | | | | | | |
| Parking Garage | <1 | <1 | <1 | <1 | <1 | <1 |
| On-Road Vehicles | 21 | 7 | 50 | 1 | 160 | 20 |
| Off-Road | <1 | <1 | 1 | <1 | 4 | <1 |
| Total Other Carnival Panorama Incremental Emissions | 21 | 7 | 51 | 1 | 164 | 20 |
| Net Maximum Day Change | -28 | -26 | -1,299 | -43 | -117 | -53 |
| Net Saturday Change | -40 | -50 | -3,345 | -93 | -95 | -98 |
| Significance Threshold | 150 | 55 | 55 | 150 | 550 | 55 |
| Is Threshold Exceeded? | No | No | No | No | No | No |
| Source: Aspen Environmental Group, Long Beach Cruise Terminal Improvement Project Air Quality and Greenhouse Gas Assessment, Table 6-7, Peak Daily Operation Emissions (lbs/day) - Unmitigated, June 2019; refer to Appendix A . | | | | | | |

Table II below shows peak daily operations emissions of pollutants in pounds/day at Long Beach Cruise Terminal – showing emissions from different Carnival vessels.

**Table II. PEAK DAILY OPERATIONS EMISSIONS OF POLLUTANTS
IN POUNDS/DAY AT LONG BEACH CRUISE TERMINAL
WITH CARNIVAL CRUISE LINE SHIPS**

| | Pollutants (pounds/day) | | | | | |
|--|--------------------------------|--------------|------------|------------|-----------|------------|
| 2013-2017 | PM10 | PM2.5 | NOx | SOx | CO | VOC |
| Carnival Inspiration/Carnival Imagination combined Max Day (numbers provided in CEQA document) | 113 | 104 | 5,308 | 174 | 479 | 218 |
| | | | | | | |
| Carnival Miracle (estimated as noted in text as equal to approximately either the Inspiration or Imagination) | 57 | 52 | 2,654 | 87 | 240 | 109 |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| 2018-2019 with Splendor and Imagination and Inspiration (from CEQA document Table 4.3-4) | | | | | | |
| | | | | | | |
| Carnival Splendor Max Day | 141 | 130 | 6,607 | 217 | 596 | 271 |
| | | | | | | |
| Carnival Inspiration/Carnival Imagination Max Day | 113 | 104 | 5,308 | 174 | 479 | 218 |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| 2020 if Terminal Improvement Project goes forward and Panorama is home-berthed (from CEQA document Table 4.3-4) | | | | | | |
| | | | | | | |
| Claimed Carnival Panorama Max Day | 80 | 73 | 3,211 | 122 | 336 | 152 |
| | | | | | | |
| Carnival Inspiration/Carnival Imagination Max Day | 113 | 104 | 5,308 | 174 | 479 | 218 |

| | | | | | | |
|---|----|---|----|---|-----|----|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Panorama incremental emissions from on-road and off-road vehicles | 21 | 7 | 51 | 1 | 164 | 20 |
| | | | | | | |

Table III below shows the estimated peak daily operations NOx emissions of each Carnival vessel. Because ships come in and out of the Cruise Terminal on different times and days, it is difficult to do accurate calculations on total emissions per day – in part because of the lack of precise data in the MND. We have instead chosen to show a comparison of NOx estimates among the Inspiration, Imagination, Miracle, Splendor and Panorama for operations at the terminal.

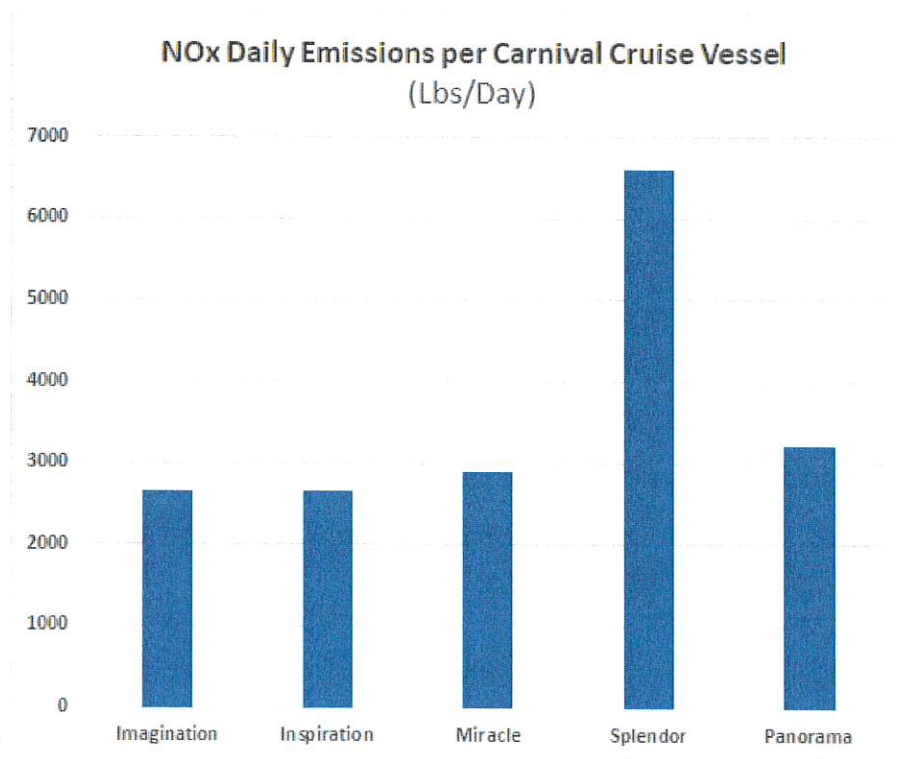


Table III

We note the Panorama weighs 133 GT -- nearly twice as large as either the Imagination and Inspiration (each 70 GT in weight). Even though the new construction of the Panorama means it would have a more efficient engine and therefore lower NOx

emissions, we find it hard to believe that the emissions of such a large vessel are only anticipated to be 1.2 times larger than a vessel half its size.

Panorama NOx emissions: 3211 pounds/day

Imagination NOx emissions: 2654 pounds/day

Difference: 557 more pounds of NOx daily from Panorama – which is only 1.2 times higher than emissions from Imagination or Inspiration, which are each half the size of the Panorama.

We request that in a revised air analysis there be much more detailed information about engine efficiency and estimated emissions so that accurate comparisons can be made and documented.

Finally, we again reiterate our request that the CEQA analysis for air quality be redone and resubmitted for public comment in a reissued and recirculated CEQA document and that our other requests be considered.

Thank you.

Signatories:

Coalition for Clean Air (TBD): Jerilyn Lopez Mendoza, Senior Policy Advocate
(jerilyn@ccair.org)

Concerned Academics from USC and UCLA:

Andrea Hricko, Clinical Professor of Preventive Medicine Emerita, Keck School of Medicine - KSOM (ahricko@usc.edu);

Ed Avol, Clinical Professor of Preventive Medicine, KSOM (avol@usc.edu);

Rob McConnell, Professor of Preventive Medicine, KSOM (rmconne@usc.edu);

John Froines, Professor Emerita of Environmental Health, UCLA Fielding of Public Health (jfroines@ucla.edu)

East Yard Communities for Environmental Justice: Taylor Thomas, Research and Policy Analyst
(taylortheycej@gmail.com)

Friends of the Earth: Marcie Kever, Oceans and Vessels Program Director
(MKeeper@FOE.org)

Long Beach Alliance for Children with Asthma: Sylvia Betancourt, Project Manager
(sbetancourt@memorialcare.org)

Long Beach 350: Alice Stevens, Co-founder and organizer (alicestevens1@gmail.com)

DSA Long Beach Climate and Environmental Justice Committee: Kirsten Lanham
(kirsten.lanham@gmail.com)

Coalition for a Safe Environment: Jesse Marquez, Executive Director
(jnm4ej@yahoo.com)

Community Dreams: Richardo Pulido, Executive Director



ATTACHMENTS

Carnival Cruise Lines press release



Carnival Cruise Line and City of Long Beach Start Renovations at the Long Beach Cruise Terminal

Carnival Foundation donates \$25,000 to the Mayor's Fund for Education

NEWS PROVIDED BY
Carnival Cruise Line

Apr 12, 2017, 16:54 ET

LONG BEACH, Calif., April 12, 2017 /PRNewswire/ -- Carnival Cruise Line marked the beginning of a multimillion-dollar renovation of its Long Beach Cruise Terminal facility to accommodate larger ships and enhance terminal operations. A "FUNstruction" groundbreaking ceremony today included remarks by City of Long Beach Mayor Robert Garcia, President and CEO of Long Beach Convention & Visitors Bureau Steve Goodling and Carnival Cruise Line Vice President Strategic and Commercial Port Development Carlos Torres de Navarra among others.

Carnival unveiled its design plans for the terminal during the celebration. The renovation will increase the space Carnival currently occupies in the terminal facility from approximately 66,000 square feet to 142,000 square feet. The expansion and new design will allow for a dramatically enhanced passenger experience and operational flow within the terminal. In addition, the project includes the expansion of portside "cold-ironing" to enable larger ships to plug into the local electric grid to reduce exhaust emissions while docked. Further enhancements to the area surrounding the geodesic dome which houses the cruise terminal and the adjacent Queen Mary attraction are also planned.

"The start of construction on this project further cements our commitment to the City of Long Beach and the outstanding relationships we have built with the leaders and people of this community," said Carnival's Torres de Navarra. "Our operations bring tremendous economic benefit to this area and expose hundreds of thousands of people a year to this great city. These new terminal enhancements will further grow that positive impact," he added.

Carnival has run the Long Beach Cruise Terminal — the United States' only privately operated cruise terminal — since 2003. It is one of the busiest terminals in North America, with ships docking at the facility five days per week resulting in a more than 70% utilization rate. Carnival has used just a portion of the geodesic dome that housed Howard Hughes' "Spruce Goose" museum attraction for customs and guest check-in activities. The renovation will make 100 percent of the dome available for Carnival's cruise operations.

"The expansion of the Carnival Cruise terminal is great news for Long Beach and great news for visitors to our city," said Long Beach Mayor Robert Garcia. "The added capacity will bring more tourism and economic activity to Long Beach, and we're pleased to continue working with Carnival for many years to come."

Currently, Carnival operates three ships from the Long Beach Cruise Terminal -- Carnival Inspiration and Carnival Imagination, which offer three- and four-day Baja cruises, and Carnival Miracle which operates week-long Mexican Riviera voyages along with 14- and 15-day cruises to Hawaii and Alaska. In 2018 when the

larger Carnival Splendor replaces Carnival Miracle, the line will carry more than 700,000 guests annually from Southern California, operating nearly 250 three- to 14-day cruises a year.

In addition to marking the start of the renovation of the cruise terminal, Torres de Navarra announced a donation of \$25,000 to the Mayor's Fund for Education. The donation, made jointly by Carnival Cruise Line and Carnival Foundation, is part of Carnival Corporation's ongoing support for nonprofit educational and charitable organizations in the homeport communities where its brands operate.

To learn more about Carnival Cruise Line, visit www.carnival.com. For reservations, contact any travel agent or call 1-800-CARNIVAL. Carnival can also be found on: [Facebook](#), [Instagram](#), [Twitter](#) and [YouTube](#).

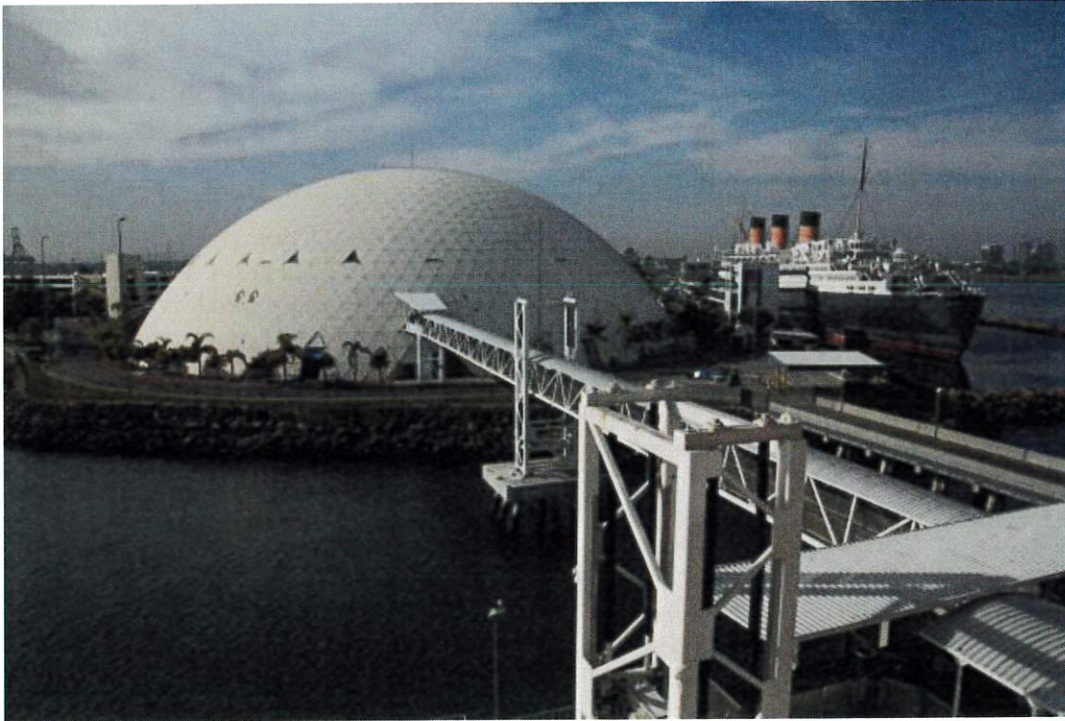
Journalists also can visit Carnival's media site, <http://www.carnival-news.com/> or follow the line's PR department on Twitter at <http://www.twitter.com/CarnivalPR>.

NEWS STORY IN LB Press Telegram, April 12, 2017

BUSINESS

Carnival launches project to double space at Long Beach facility

•



-
-
- Carnival Cruise Line has begun its project to expand the Long Beach Cruise Terminal facility to accommodate larger ships and enhance its terminal operations. The project will nearly triple the size of Carnival's current terminal facility from 66,000 square feet to 142,000 square feet, using the former Spruce Goose building, according to the cruise line. 2016 file photo. (Chuck Bennett/Press-Telegram/SCNG)



From left, Mayor Robert Garcia and Carlos Torres de Navarra, vice president, commercial port operations for Carnival Cruise Lines, broke through a ceremonial wall to launch a multimillion-dollar renovation of the Long Beach Cruise Terminal facility to accommodate larger ships and enhance terminal operations. Long Beach, April 12, 2017. (Brittany Murray, Press Telegram/SCNG)

By [Courtney Tompkins](#) |

PUBLISHED: April 12, 2017 at 8:05 pm | UPDATED: September 1, 2017 at 12:05 pm

The nation's busiest cruise terminal is about to get a little busier.

Carnival Cruise Line on Wednesday embarked on a terminal expansion project in Long Beach that will more than double the size of its arrival and departure facility, allowing 100,000 more passengers to move through the terminal each year.

The multimillion-dollar renovation involves Carnival taking over the 142,000-square-foot Geodesic Dome that once housed Howard Hughes' famed Spruce Goose. Carnival currently uses about 40 percent of the space to process passengers, a restriction that has limited the size of ships that could call on Long Beach.

During a kickoff ceremony inside the Dome, Carlos Torres de Navarra, Carnival's vice president of strategic and commercial port development, said the project will do a lot for the local economy, but more importantly, it will create a better customer experience.

"One of the challenges we've always had here, as we've brought in larger ships, is the one-way terminal, meaning everybody needs to get off the ship and out of the terminal before we could let one guest through to get on the ship," he said. "With these new improvements, all of those guests that want to come into the terminal, check in, sit down and relax, while other guests are coming off the ship, can wait in a comfortable environment."

The project is slated for completion late this year, and comes just in time for a larger cruise ship, Carnival Splendor, to call Long Beach home.

Currently, two ships — Carnival Imagination and Inspiration — offer three- and four-day cruises to Baja, Mexico, year round. A third ship, Carnival Miracle, operates weeklong Mexican Riviera voyages and 14- and 15-day cruises to Hawaii and Alaska.

In January 2018, Carnival Splendor will embark on a 13-day cruise from the East to the West Coast, offering passengers a journey through the Panama Canal's new lock system en route to Long Beach. Splendor can carry nearly 900 more passengers than Miracle, the ship it will be replacing.

When Carnival first came to Long Beach in 2003, it was a one-ship operation. And now, the expanded terminal will allow 1.4 million travelers to pass through each year, up from the current 1.3 million.

An important element of the project, Navarra said, is increasing the capacity of the shore-side electrical grid that allows ships to plug in. California requires ship operators to use shore power, known as "cold-ironing," to reduce pollutants caused by fuel emissions while docked.

Speaking inside the Dome on Wednesday, Mayor Robert Garcia called the project "a special moment for Long Beach."

"This is a space that truly has been underutilized and not really had full operations since the airplane that was in this building left," he said. "When you think about Long Beach and when you think about the skyline or the Queen Mary ... this dome is almost always in the photo; it's almost always a part of Long Beach. Everyone knows

that, and I think it's a great way for Carnival to grow their presence and their brand in this city."

Navarra also announced Wednesday a \$25,000 donation from The Carnival Foundation to the [Mayor's Fund for Education](#), cementing its commitment to the community, officials said.

The expansion is part of [a deal reached with the city and Urban Commons](#), a real estate firm that recently took over the Queen Mary and announced plans for a [\\$250 million shore-side development](#) called Queen Mary Island. The sprawling complex would feature restaurant and retail options paired with an outdoor amphitheater and California's first indoor adventure park.

"We've seen many landlords come and go with grandiose ideas, but I can tell you, in dealing with these guys with negotiations on the lease, they're committed," Navarro said. "They have a clear vision, and we can't wait to be part of that story as it develops."

Los Angeles Times - Advertisement by Carnival Cruise Lines 2/11/2018

TRAVEL

At opening of the expanded Long Beach cruise terminal, Carnival also announces a new ship will sail from that port in 2019.

Carnival Cruise executives celebrate the opening of the new Long Beach cruise terminal.

(Carnival Cruise Line)

By ROSEMARY MCCLURE

FEB. 11, 2018

It started with a grand opening at [Carnival Cruise Line](#), a razzle-dazzle new [Port of Long Beach](#) terminal.

In honor of the expanded facility, the Miami-based cruise giant moved the 3,012-passenger [Carnival Splendor](#), one of its jazziest ships, to Long Beach to sail weeklong Mexican Riviera cruises.

But then came the big news: The cruise line plans to send the new 3,954-passenger ship [Carnival Panorama](#) to Long Beach in 2019.

ADVERTISEMENT

"For the first time in 20 years, a brand new ship will sail straight from the yard to Long Beach," Christine Duffy, the line's president, said during the opening ceremony Saturday.

Then came another announcement: Carnival will spend millions on a major port development project in Ensenada, Mexico, featured on the line's three- and four-day cruises from Long Beach. The project will provide new dining and retail experiences besides new attractions.

All the changes are aimed at "building the Long Beach cruising market," said Duffy, noting that there is a "significant population of people who can drive to this port within a half-day or less."

"Carnival's Long Beach Cruise Terminal, already one of the busiest in North America, with ships docking five days a week, has been operated by Carnival since 2003," Duffy added. "Three- to 13-day voyages depart from here, usually bound for Mexico, bringing about 650,000 passengers a year into the port for embarkation and debarkation."

ADVERTISEMENT

The Long Beach facility is unlike any other terminal in the world. Its geodesic dome, originally built to house Howard Hughes' Spruce Goose seaplane, soars to 13 stories at its highest point.

With its multimillion-dollar expansion, Carnival took over the entire dome for its terminal operations, doubling the space for passengers.

Splendor, christened in 2008, features an over-the-top design with pink walls covered with polka dots and black tile with lime green grout. It arrived in Long Beach in late January and will sail Mexican itineraries, for the most part, until 2019, when it will move to Sydney, Australia, when Carnival Panorama arrives.

Besides the Splendor, the 2,056-passenger Carnival Inspiration and the Carnival Imagination will continue to sail from Long Beach, mainly on three- to four-day cruises that visit Catalina and Ensenada. Rates for these cruises start at \$239 per person, double occupancy, for an inside cabin.

Carnival Splendor's weeklong sailings to the Mexican Riviera start at \$439; the ship will also sail round trip to Hawaii on two-week voyages, from \$1,229, and 14-day Alaska trip that starts at \$1,339.

Reservations for Carnival Panorama are expected to open in late March.

Friends of the Earth Action Alert

FOE action alert

To Whom it may concern:

I am requesting that you reject the Mitigated Negative Declaration for the Long Beach Cruise Terminal Improvement Project until the significant environmental impacts from the project are adequately mitigated. In addition, the City should extend the comment period for at least 20 more days in order to remedy the failure to notify the public during the current 30-day comment period. I oppose this project as proposed for the following reasons:

- The NOI document was not easily accessible to the public online until late last week or earlier this week. In fact, it took more than 10 minutes of digging to find it on your website because the link took you to the City of Long Beach home page.
- The Carnival Panorama is scheduled to dock at the Port of Long Beach in December 2019. Carnival Cruise Lines recently announced the ship's new home port and is already accepting bookings. This should not be allowed unless there are clear plans to require the ship to plug in to available shore-side power on every visit, additional mitigation is added to the NOI for increased air pollution and the planned dredging for the project, and the environmental review is completed with appropriate and improved mitigation for the entire project.
- Carnival Corp. -- the parent company of Carnival Cruise Lines -- is currently on federal criminal probation for some of the worst environmental violations in the industry. Hundreds of additional environmental violations were committed during their probation in 2017 and 2018, and expansion operations should be carefully reviewed with an eye to Carnival's criminal behavior before proceeding.

The community needs more time to assess this project, and additional mitigation needs to be put in place in order for the project to comply with the California Environmental Quality Act.

Thank you.

U.S. DEPARTMENT OF JUSTICE PRESS RELEASE RE RECENT CRIMINAL CHARGES AGAINST CARNIVAL FOR ENVIRONMENTAL VIOLATIONS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Monday, June 3, 2019

PRINCESS CRUISE LINES AND ITS PARENT COMPANY PLEAD GUILTY TO ENVIRONMENTAL PROBATION VIOLATIONS, ORDERED TO PAY \$20 MILLION CRIMINAL PENALTY

Today, Princess Cruise Lines Ltd. (Princess) and its parent, Carnival Cruise Lines & plc (together “Carnival”) were ordered to pay a \$20 million criminal penalty and will be subject to enhanced supervision after admitting to violations of probation attributable to senior Carnival management in a case in which Princess had already paid \$40 million.

Princess was convicted and sentenced in April 2017, after pleading guilty to felony charges stemming from its deliberate dumping of oil-contaminated waste from one of its vessels and intentional acts to cover it up. While serving 5 years of probation, all Carnival related cruise lines vessels eligible to trade in U.S. ports were required to comply with a court approved and supervised environmental compliance plan (ECP), including audits by an independent company and oversight by a Court Appointed Monitor. Numerous violations have been identified by the company, the outside auditor, and the court’s monitor during the first two years of probation, including “major non-conformities” as defined by the ECP.

Carnival admitted it was guilty of committing six violations of probation. Two of the violations involved interfering with the court’s supervision of probation by sending undisclosed teams to ships to prepare them for the independent inspections required during probation. When this was first discovered in December 2017, U.S. District Court Judge Patricia Seitz directed that the practice cease and ordered additional inspections as a consequence. However, without seeking court approval, a second undisclosed program was started shortly thereafter. Documents filed in court showed that a purpose of the vessel visit programs was to avoid adverse findings during the inspections.

“This case demonstrates the importance of identifying and correcting compliance problems at their source. Carnival sought to avoid the discovery of problems during the audits rather than learn from them. Carnival’s deliberate deception undermined the court’s supervision of probation,” said Assistant Attorney

General Jeffrey Bossert Clark for the Justice Department's Environment and Natural Resources Division. "I want to take this opportunity to thank and commend the Office of Probation and the Court Appointed Monitor for the close attention that they have devoted to this important matter post-conviction."

Carnival's Chairman of the Board, Chief Executive Officer and Chief Financial Officer attended the hearing pursuant to court's order and were asked to personally pledge their commitment to correcting the company's compliance issues and corporate culture. In addition, senior management of each operating cruise line of Carnival Corporation & plc were present for the court proceedings.

The company admitted to other violations of probation today including:

- Failing to establish a senior corporate officer as a corporate compliance manager with responsibility and sufficient authority for implementing new environmental measures required during probation;
- Contacting the Coast Guard seeking to re-define the definition of what constitutes a major non-conformity under the ECP without going through the required process and after the government had rejected the proposal and told the company to file a motion with the court if it wanted to pursue the issue;
- Deliberately falsifying environmental training records aboard two cruise ships; and
- Deliberately discharging plastic in Bahamian waters from the Carnival Elation and failing to accurately record the illegal discharges. Prosecutors advised the Court that this particular instance was an example of a more widespread problem, identified by the external audits, in failing to segregate plastic and non-food garbage from waste thrown overboard from numerous cruise ships.

Under the terms of the settlement, Carnival will do the following:

- Pay a \$20 million criminal penalty;
- Issue a statement to all employees in which Carnival's CEO accepts management's responsibility for the probation violations;
- Restructure the company's corporate compliance efforts, including appointing a new chief Corporate Compliance Officer, creating an Executive Compliance Committee across all cruise lines, adding a new member to the Board of Directors with corporate compliance expertise, and train its Board of Directors;
- Pay up to \$10 million per day if it does not meet deadlines for submitting and implementing needed changes to its corporate structure;
- Pay for 15 additional independent audits per year conducted by the third-party auditor and Court Appointed Monitor (on top of approximately 31 ship audits and 6 shore-side audits currently performed annually);

- Comply with new reporting requirements, including notifying the government and court of all future violations, and specifically identifying foreign violations and the country impacted; and
- Make major changes in how the company uses and disposes of plastic and other non-food waste to urgently address a problem on multiple vessels concerning illegal discharges of plastic mixed with other garbage.

The revised sentence imposed by Judge Seitz also requires that Princess remain on probation for a period of three years.

The case is being prosecuted by Richard A. Udell, Senior Litigation Counsel with the Environmental Crimes Section of the Department of Justice and Assistant U.S. Attorney Thomas Watts-FitzGerald, Deputy Chief, Economic & Environmental Crimes Section for the Southern District of Florida, with assistance from Lt. Commander Anton DeStefano of the U.S. Coast Guard.

Topic(s):

Environment

Component(s):

[Environment and Natural Resources Division](#)

[USAO - Florida, Southern](#)

CRUISELAWNEWS NEWS STORY

Published by [Jim Walker](#)

Federal Judge Threatens to Imprison Carnival Executives for Continued Environmental Crimes

By [Jim Walker](#) on April 11, 2019

POSTED IN [POLLUTION](#)

Calling Carnival Corporation a “criminal defendant,” United States Federal District Judge Patricia Seitz threatened to send the “members of Carnival’s executive committee” to a “detention center for a couple of days” for violation of the terms of its probation for environmental crimes, according to the [Miami Herald](#). The newspaper also reported that the Court at a hearing yesterday threatened to temporarily block cruise ships operated by Carnival Corporation from calling on U.S. ports.

In December of 2016, Judge Seitz placed [Carnival Corporation on probation and fined it a record \\$40,000,000](#) for widespread pollution and obstruction of justice. Carnival has a long history of getting caught committing environmental crimes dating back to 2002 when it pled guilty to numerous felonies for discharging oily waste into the sea. The U.S. Government leveled a \$18,000,000 fine and placed Carnival on probation back at that time. In both 2002 and 2016, Carnival pled guilty of routinely falsifying its oil record books in order to conceal its illegal discharge of oil into the seas.

As part of the felony plea agreement in 2016, cruise ships from eight Carnival cruise line companies (Carnival Cruise Line, Holland America Line N.V., Seabourn Cruise Line Ltd. and AIDA Cruises) were placed under a court supervised Environmental Compliance Program (ECP) for five years. An outside entity and a court appointed monitor independently audited the ECP.

The Miami Herald reported that “court filings showed that Carnival Corp. and its subsidiary cruise lines have sought to avoid unfavorable findings by preparing ships in advance of court-ordered audits, falsified records, dumped plastic garbage into the ocean and illegally discharged gray water into Glacier



Bay National Park in Alaska. The company also has tried to lobby the U.S. Coast Guard through a back channel to change the terms of the settlement, prosecutors allege. The company has **acknowledged these incidents.**”

On March 8, 2019, the Office of Probation filed a motion to revoke probation on the grounds that the cruise corporation implemented a “brazen and secret” scheme to send “SWAT teams” to the cruise ships to “scrub” them before the third party auditors performed their compliance inspections. These illegal pre-audit programs were carried out to avoid adverse audits findings and violations of probation, even after the Court ordered them to stop. Emails between HAL and Princess revealed that even though the Carnival subsidiaries knew that the Department of Justice prohibited them from conducting “Pre-TPA audit ship visits,” they continued doing so, in criminal contempt of Court. They even called them “Environmental Excellence Program Visits.”

The government also brought to the Court’s attention that the cruise corporation continued to fail to establish a senior corporate officer with authority and responsibility for environmental compliance as required by the environmental compliance plan.

A third grounds for revoking probation was that Carnival-owned ships falsified training records aboard the *Diamond Princess* and the *Costa Luminosa*. The government also informed the Court that the following ships violated environmental laws while Carnival Corporation was under court-supervised probation:

- Princess’ *Sun Princess* – an engineer falsified maintenance records in June 2017;
- HAL’s *Nieuw Amsterdam* had been continuously discharging gray water for several years in Alaska (as of June 2017) and knowingly failed to notify the state of Alaska;
- *Carnival Valor* – engineering team falsified an oil record book regarding the oily water separator system in October 2017;
- HAL’s *Westerdam* – a second engineer falsified maintenance records involving the oil content monitoring system in September 2018;
- Holland America’s *Westerdam* – illegally dumped 26,000 gallons of gray water into Glacier Bay National Park in Alaska on September 11, 2018;
- *Carnival Conquest* illegally dumped 66,000 gallons of ballast water in November 2018 (in Bahamian archipelagic waters where Carnival ships previously made other unlawful discharges); the ship’s engineer offered to falsify records to make it look like the dump happened at open sea; and
- Princess’ *Sea Princess* (December 2017) and *Ruby Princess* (February 2018), *Carnival Dream* (August 2018), and *Carnival Elation* (December 2018) dumped plastic overboard.

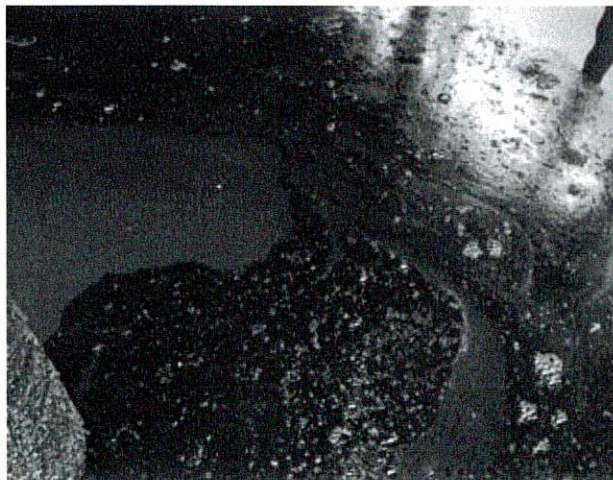
The government informed Judge Seitz that, regarding the *Carnival Elation*, Carnival knowingly and deliberately discharged plastic which was a significant violation of probation.

Regarding the *Sea Princess*, the auditor witnessed that the “food waste chute had several unauthorized items in the food waste that is going down the chute and overboard, items such as plastic straws, corn on the cob holders, wooden stir sticks, plastic tea bag packages, and plastic knives. The unauthorized waste was not being segregated at the early stage of the collecting the food waste. This was noted during the galley inspection as it was found that there is plastic straws, paper, wood stir sticks and rubber bands in the pulpers.”

Regarding the *Ruby Princess*, a compliance auditor “witnessed 55-gallon containers (which) held several unauthorized items destined to go down the waste chute and overboard. These items were plastic straws, plastic corn on the cob holders, wooden stir sticks, toothpicks, wooden steak identifiers, paper, paper clips and aluminum foil wrappers.”

Regarding the *Carnival Dream*, the auditor noted that the following items were “ready to be discharged down the chute and then overboard while at sea. These items are but not limited to: aluminum bottle caps, broken plastic cups, cotton swabs (Q-tips), emery cloth, plastic straws, napkins, paper and umbrellas for drinks.”

Last year, we reported that four Holland America Line (HAL) cruise ships and two Princess Cruises ships [violated Alaska's air quality standards](#) throughout the cruise season's summer months (June-August) in Alaska. The Alaska Department of Environmental Conservation (DEC) cited HAL's *Eurodam*, *Westerdam*, *Amsterdam*, and *Nieuw Amsterdam* and Princess' *Emerald Princess* and *Golden Princess*. The DEC also found that nine cruise ships



operated by Carnival Corp. brands

violated Alaska's water quality standards. Five Princess cruise ships violated water quality standards, including the *Emerald Princess*, *Island Princess*, *Golden Princess*, *Ruby Princess* and *Star Princess*. The DEC also issued wastewater discharge violations to HAL's *Eurodam*, *Noordam*, and *Voledam*, as well as Seabourn Cruise Line's *Sojourn*.

We [reported that Princess Cruises' *Star Princess* discharged sludge from its exhaust system scrubbers](#) last year in the port of Ketchikan, as originally reported by [KRBD Community Radio](#). Princess denied the reports, claiming that "our experts believe what was viewed and photographed is most likely sea foam discolored by natural microorganisms such as algae in the seawater, which is commonly experienced in northern climates in the summer season."

I wrote last fall that the air and water violations by HAL and Princess Cruises appeared to be in direct violation of the [guilty plea agreement](#) where Carnival Corp. promised not to commit further violations of international, federal, state, and local environmental laws. (There is no indication that these air or water violations in Alaska or the scrubber discharges were brought to the Court's attention).

Judge Seitz stated at the hearing yesterday, according to the Miami Herald, that Carnival "right now it is a criminal defendant and this is not the first time nor is it the second time." The Court characterized the last fine (\$40,000,000) to be a "drop in the bucket."

The Court ordered the parties to confer and file, by April 22, 2019, agreed dates to appear at a "Revocation Hearing" (to be held by June 24, 2019) at which time the Court will decide whether Carnival violated the terms of its probation and how it should be further punished. The Court suggested that Carnival's chairman, Micky Arison, and president, Donald Arnold, as well as Holland America executives Stein Kruse, Keith Taylor and retired Rear Admiral Joseph Servidio and Carnival Cruise Line president Christine Duffy attend the June hearing.

July 22, 2019



Christopher Koontz, AICP
Planning Bureau Manager
Development Services Department
City of Long Beach
333 West Ocean Boulevard, Fifth Floor
Long Beach, California 90802

Dear Christopher Koontz:

Thank you for providing California Air Resources Board (CARB) staff the opportunity to comment on the Long Beach Cruise Terminal Improvement Project (Project) Initial Study/Mitigated Negative Declaration (IS/MND), State Clearinghouse No. 2019069085. The Project proposes to make improvements to the existing facilities at the Long Beach Cruise Terminal (Terminal) to accommodate a new and larger Carnival cruise vessel designated as the *Panorama*, which will replace the *Splendor*. The Project is located in the City of Long Beach (City), which is the lead agency for California Environmental Quality Act (CEQA) purposes.

Based on several deficiencies, CARB staff does not believe there is sufficient data available in the published materials to support the less than significant impact conclusion for air quality in the IS/MND. We sought an extension of the comment deadline to discuss these issues with the City before submitting a formal comment letter, but that request was summarily denied.

The use of existing emissions from the *Splendor* while at berth as a CEQA baseline is misleading to decision makers and the public because it fails to provide an accurate picture of the proposed project's likely air quality impacts.¹ This conclusion is based on an incorrect assumption that the new *Panorama* (which will be ready to connect to shore-based electrical power and turn off its auxiliary engines at berth) would achieve significant emission reductions at berth relative to the vessel it is replacing, the smaller *Splendor* (which is not currently equipped to plug in). This is a false comparison because Carnival Cruise Lines (Carnival) would have to either retrofit the *Splendor* to plug in to shore power or remove it from California service by the end of 2019 to comply with CARB's existing Vessels At Berth Regulation, regardless of the Project. This statewide Regulation defines the baseline for covered vessels at berth, including the Carnival fleet.

¹ *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 454.

On January 1, 2020, the Carnival fleet must connect at least 80 percent of its vessel visits to shore power and reduce the auxiliary engine power at berth by at least 80 percent, on an annual basis. Compliance with this stepped-up requirement (from 70 percent in 2019 to 80 percent in 2020) will further reduce emissions of all criteria, toxic, and climate pollutants, regardless of which vessels are calling at the Terminal.

We recognize that the in-transit and maneuvering emissions of one pollutant, oxides of nitrogen (NO_x), may be lower for the *Panorama* than the *Splendor* because the new *Panorama* uses main engines certified to the relatively cleaner Tier 2 emission standards. However, the IS/MND indicates that the engines on the *Panorama* must be more efficient than the *Splendor*, without providing fact-based documentation to support that assertion, which affects the relative air pollutant emissions of the vessels. As a result, without citation to substantial evidence to support this conclusory finding, there is currently no legal basis to support the City's assertion that the energy output (161,652 daily kilowatt hours (kWh)) of the larger 133,300 gross ton *Panorama* is less than the energy output (332,161 daily kWh) of the smaller 113,300 gross ton *Splendor* and, thus, wouldn't result in a significant adverse environmental impact.²

The IS/MND also assumes that the *Panorama* would travel at speeds ranging from 4.1 to 16.5 knots within 40 nautical miles from the Terminal. The City should require Carnival to participate in the Port of Long Beach's Green Flag Program that reduces vessel speeds to 12 knots or less within 40 nautical miles of the terminal to reduce air pollution. If Carnival has air pollutant emissions testing data that shows the *Panorama* can achieve similar emission reduction benefits at speeds higher than 12 knots, Carnival should make that data available to the public for review.

With the inaccurate assumptions about the use of shore power at berth, and incomplete material on vessel engine efficiency and the effects of the *Panorama*'s speed on emissions, the IS/MND and Appendix on air quality do not provide the necessary substantial evidence to determine whether the Project would result in a net increase or a net decrease in emissions of each air pollutant, or the magnitude of the change.

CARB staff urges the City to revise the air quality analysis and release a revised IS/MND for public review and comment. Should the recirculated IS/MND find, after adequately addressing the deficiencies noted in this letter, that the Project may have a

² "In reviewing an agency's compliance with CEQA...the courts' [evaluate whether the lead agency prejudicially abused its discretion where].... [s]uch an abuse is established 'if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence.' [Citation omitted]" (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 426.) Therefore, a lead agency must support its MND and required findings that there is no possibility that the project may have an adverse impact on the environment with substantial evidence.

Christopher Koontz, AICP
July 22, 2019
Page 3

significant and unavoidable impact on the environment, the City must prepare and circulate a draft Environmental Impact Report for public review, as required by CEQA.

If you have questions, please contact Stanley Armstrong, Air Pollution Specialist, at (916) 440-8242 or via email at stanley.armstrong@arb.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Richard Boyd". The signature is written in a cursive style with a long horizontal stroke at the end.

Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division

cc: See next page.

Christopher Koontz, AICP
July 22, 2019
Page 4

cc: State Clearinghouse
P.O. Box 3044
Sacramento, California 95812

Matt Arms
Acting Director, Planning & Environmental Affairs Bureau
Port of Long Beach
4801 Airport Plaza Drive
Long Beach, California 90815

Morgan Capilla
NEPA Reviewer, Air Division, Region 9
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105

Amy Harbin, Planner
City of Long Beach
Development Services Department
333 West Ocean Boulevard, Fifth Floor
Long Beach, California 90802

Andrea Hricko, MPH
Keck School of Medicine (ret.)
University of Southern California
ahricko@hsc.usc.edu

Lijin Sun
Program Supervisor - CEQA
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765

Taylor Thomas
East Yard Communities for Environmental Justice
2317 South Atlantic Boulevard
Commerce, California 90040

Stanley Armstrong
Air Pollution Specialist
Transportation and Toxics Division

July 21, 2019

TO: City of Long Beach Development Services

Attention: Amy Harbin, AICP, Project Manager LBDS-EIR-Comments

Re: Long Beach Cruise Terminal Improvement Project | 11183495 (10)

Mitigated Negative Declaration for the Carnival Cruise Expansion Plan

Citizens About Responsible Planning/CARP and the Sierra Club Los Cerritos Wetlands Task Force join Friends of the Earth in protesting the lack of notice for this port project. We also urge a full Environmental Impact Report as we believe there to be a number of environmental issues which have not been adequately mitigated. These include Kelp Forests, Marine Mammals, Birds, Fish Habitat, Noise, Toxic Materials, Disposal of Dredge Materials and adverse Environmental Impacts Carnival Cruise ships will have, not only on the Port of Long Beach, but on the entire Ocean.

The Conclusion to this report states: "The project area is within one of the busiest ports on the west coast of the U.S., within highly modified habitat. In spite of the generally degraded habitat conditions, a few special-status or sensitive species are present or potentially present as described above. These include a number of plants, birds and several marine mammals. Small areas of kelp beds have also been reported along the Pier J breakwaters. Through a variety of avoidance, minimization, and mitigation measures it is believed that potential adverse impacts can be kept below a significant level. More specific measures will be identified in permit applications and during consultation with resource agencies."

We do not agree that adequate mitigation measures are in place to protect listed, candidate, or special-status bird species which have moderate or high potential to occur on-site: California least tern (*Sternula antillarum browni*), peregrine falcon (*Falco peregrinus*), California brown pelican (*Pelecanus occidentalis californicus*), Caspian tern (*Hydroprogne caspia*), black-crowned night heron (*Nycticorax nycticorax*), double-crested cormorant (*Phalacrocorax auritus*), great blue heron (*Ardea herodias*), great egret (*Ardea alba*), snowy egret (*Egretta thula*), osprey (*Pandion haliaetus*), Cooper's hawk (*Accipiter cooperii*), black skimmer (*Rynchops niger*), California gull (*Larus californicus*), long-billed curlew (*Numenius americanus*), elegant tern (*Thalasseus elegans*), and common loon (*Gavia immer*). Most of these species are also known to forage and nest in the project vicinity and general POLB area.

According to the Negative Declaration the so-called mitigations for these special status birds includes:

Bio-2:

""During pile driving activities, the construction contractor shall utilize a "soft start" initiation of the pile driving equipment at the beginning of each day, or following a 30-minute or longer break in pile driving, to give nearby wildlife a chance to vacate the immediate construction area before full-force pile driving is initiated."

"If ground-disturbing activities or removal of any trees, shrubs, or any other potential nesting habitat are scheduled within the avian nesting season (generally from March 1 through September 30), a pre-construction clearance survey for nesting birds shall be conducted within three days prior to any ground disturbing activities."

"Clearance survey"? We assume this means taking out the nests. These are not mitigations. **These actions are designed to drive the birds away from their foraging and nesting areas and will result in a net loss in breeding success.**

The following listed, candidate, or special-status mammal species have moderate to high potential to occur on-site: gray whale, western north Pacific population (*Eschrichtius robustus*), Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), short-beaked common dolphin (*Delphinus delphis*), common bottlenose dolphin (*Tursiops truncatus*), California sea lion (*Zalophus californianus*), and Pacific harbor seal (*Phoca vitulina richardii*). Gray whale seasonally migrate past the POLB and are infrequently observed just outside the outer harbor; Pacific white-sided dolphin and short-beaked common dolphin are infrequently observed in the outer harbor. **Common bottlenose dolphin, California sea lion, and Pacific harbor seal are known to occur in the project area year-round.**

Mitigation? "As detailed in Section 2.0, *Project Description*, an **Incidental Harassment Authorization (IHA)** under the MMPA would be required as part of the project." In other words, any mammal found in the vicinity can be harassed until it leaves.

Kelp Forests. The major species of brown algae or kelp in the Long Beach and Los Angeles Harbors are giant kelp (*Macrocystis pyrifera*) and feather boa kelp (*Egregia menziesii*). . . . surveys in 2013 and 2014 identified kelp beds growing as a thin band along the west, south, and east facing outer faces of Pier J and both faces of the breakwater protecting the Pier J slip just southwest of the project's existing berth and docking area. As such, **it is possible that kelp beds in the project area would be impacted by project construction activities."**

***Mitigation Measures:* No mitigation measures are required.**

According to Dr. Laura Rogers -Bennett, of UC Davis Bodega Marine Labs, the long-time, relatively stable Northern California kelp forests have essentially been almost completely wiped out over the past decade, and will take many decades - if ever - to recover. Kelp forests anywhere are a relatively rare and precious resource.

We do not agree that a Section 404 permit under the Federal Clean Water Act and permits from the Rivers & Harbors Act and the Army Corps will protect these rare and endangered Kelp Beds.

HAZARDOUS MATERIALS

The Negative Declaration document states: "The project proposes to deepen the existing berth by dredging approximately 33,250 cubic yards in order to increase navigable and mooring margins. A soil sampling analysis was conducted as part of the Dredging Soils Report to determine whether the dredged sediments could be placed at the LA-2 Ocean Dredge Material Disposal Site (ODMDS). According to the soils sampling and testing results, the dredged sediment showed moderate chemical contamination with some chemical concentrations elevated compared to LA-2 reference samples. However, none of the tested sediments were toxic to *Ampelisca abdita* and *Neanthes arenaceodentata*, which are indicators of sediment toxicity,"

In spite of this project site being within one-half a mile or less of a number of superfund, leaking underground tanks, spills, cleaning facilities and other hazardous substance sites, because the tests on

some worms and clams did not kill most of them, it was concluded it is safe to dump the dredged sediments into the Pacific Ocean. However, the conclusion of the test itself is quite different.

From the **Negative Declaration, Appendix E**

5.2 Bulk Sediment Chemistry

Most sediment conventional analyses were elevated in all three Long Beach Cruise Terminal samples compared to the LA-2 reference sample. Notably elevated concentrations above LA-2 reference concentrations are as follows:

TRPH and oil and grease concentrations in all samples were roughly a magnitude higher.

Total sulfide concentrations in all samples were roughly 500 times higher.

The concentration of Total Organic Carbon, at 1.4% to 2.2% between all samples, was roughly four to six times higher.

Total volatile solids concentrations were roughly two times higher. Concentrations of total solids, ammonia and dissolved sulfides in the Long Beach Cruise Terminal sediment samples were similar to those in the LA-2 reference sample.

Compared to NOAA effects based screening levels (Long et. al., 1995) and LA-2 reference data, contaminant concentrations were elevated for some metals in the Long Beach Cruise Terminal sediments. **Arsenic, copper, lead, nickel, and zinc exceeded corresponding ERL values in both composite samples and the C1-b sample.** In addition, **cadmium** exceeded its corresponding ERL value in the C1-b sample, and **mercury** exceeded its corresponding ERL value in the Composite-b sample and the C1-b sample. There were no metal ERM exceedances in any sample, and there were no metal ERL exceedances in the LA-2 reference sample. As a result, most metal concentrations in the test sediments were elevated over concentrations in the LA-2 reference sediments.

A few organic compounds exceeded NOAA effects based screening levels and LA-2 reference values in the Long Beach Cruise Terminal sediment samples. Total PCB congener concentrations for Composite-a,

Composite-*b*, and the C1-*b* samples were elevated above the corresponding ERL value, and PCB congeners were not present in the LA-2 reference sediments. Total DDT, 4,4'-DDD, 4,4'-DDE concentrations were between corresponding ERL and ERM values in both composite samples as well as the C1-*b* core sample. **Total DDT and 4,4'-DDE were also elevated above ERL values in the LA-2 reference sediments.** Most PAH compounds were detected in the Long Beach Cruise Terminal sediment samples, but none were detected in the LA-2 reference sample. However, there were no PAH compounds that exceeded an ERL value.

Cyfluthrin and cypermethrin were detected in the Composite-*a* sample at concentrations of 2.0 and 1.4 µg/kg, respectively, but not in the LA-2 reference sample. Cyfluthrin was also detected in the Composite-*b* sample but at an estimated concentration slightly above the MDL. Permethrin concentrations in the all three Long Beach Cruise Terminal samples (2.3 to 7.8 µg/kg) were roughly two to eight times higher than the RL (1.0 µg/kg). Permethrin was not detected in the LA-2 reference sample.

The mean ERM quotient (ERM_q) among all chemical constituents with ERM values was 0.18 for all three Carnival samples. With an ERM_q of 0.1, there is less than a 12% probability of a toxic response to marine amphipods (Long and MacDonald, 1998b). **Therefore, the chemistry results predict a moderate chance that the Carnival sediments would cause significant toxicity to marine amphipods. "**

The conclusions of the Negative Declaration appear to ignore the results of the study and are willing to submit marine life to the dangers of multiple toxic materials, including arsenic, copper, mercury, lead, zinc, petroleum and DDT. For this reason alone, this project should not be approved.

The CA Coastal Commission was not included in the list of agencies receiving this document.

CA Coastal Act states:

(c)Dredging shall be planned, scheduled, and carried out to minimize disruption to fish and bird breeding and migrations, marine habitats, and water circulation. Bottom sediments or sediment elutriate shall be analyzed for toxicants prior to dredging or mining, and where water quality standards are met, dredge spoils may be deposited in open coastal water sites designated to minimize potential adverse impacts on marine organisms, or in confined coastal waters designated as fill sites by the master plan where such spoil can be isolated and contained, or in fill basins on upland sites. Dredge material shall not be transported from coastal waters into estuarine or fresh water areas for disposal.

It appears a Coastal permit would be needed for this project.

We urge a complete EIR be done with the required "No project" option, as we oppose this dredging and expansion for Carnival Cruises, a company known for dumping waste and plastic throughout the oceans.

Citizens About Responsible Planning/CARP

Joe Weinstein, Chair

Corliss Lee, Secretary

Ann Cantrell, Treasurer

Rae Gabelich

Renee Lawler

Susan Miller

Melinda Cotton

Tammy Bennett

Sierra Club Task Force

Anna Christensen

Charles Moore

Rebecca Robles

Virginia Bickford

Karen Harper

Ann Cantrell

Amy Harbin

From: Chris Lish <lishchris@yahoo.com>
Sent: Saturday, July 20, 2019 8:17 PM
To: LBDS-EIR-Comments
Subject: Reject the Long Beach Cruise Terminal Improvement Project

Saturday, July 20, 2019

City of Long Beach
Department of Development Services
Attention: Amy Harbin, AICP, Project Manager
333 West Ocean Boulevard, 5th Floor
Long Beach, California 90802

Subject: Reject the Long Beach Cruise Terminal Improvement Project

To Project Manager Amy Harbin:

I am requesting that you reject the Mitigated Negative Declaration for the Long Beach Cruise Terminal Improvement Project until the significant environmental impacts from the project are adequately mitigated. In addition, the City of Long Beach should extend the comment period for at least 20 more days, and preferably 60 more days, in order to remedy the failure to notify the public during the current 30-day comment period.

"As we peer into society's future, we—you and I, and our government—must avoid the impulse to live only for today, plundering for our own ease and convenience the precious resources of tomorrow. We cannot mortgage the material assets of our grandchildren without risking the loss also of their political and spiritual heritage. We want democracy to survive for all generations to come, not to become the insolvent phantom of tomorrow."
— President Dwight D. Eisenhower

I oppose this project as proposed for the following reasons:

- The Carnival Panorama is scheduled to dock at the Port of Long Beach in December 2019. Carnival Cruise Lines recently announced the ship's new home port and is already accepting bookings. This should not be allowed unless there are clear plans to require the ship to plug in to available shore-side power on every visit, additional mitigation is added to the NOI and the Report for increased air pollution and the planned dredging for the project, and the environmental review is completed with appropriate and improved mitigation for the entire project.
- Carnival Corp.—the parent company of Carnival Cruise Lines—is currently on federal criminal probation for some of the worst environmental violations in the industry. Hundreds of additional environmental violations were committed during their probation in 2017 and 2018, and expansion operations should be carefully reviewed with an eye to Carnival's criminal behavior before proceeding.

"Our duty to the whole, including to the unborn generations, bids us to restrain an unprincipled present-day minority from wasting the heritage of these unborn generations. The movement for

the conservation of wildlife and the larger movement for the conservation of all our natural resources are essentially democratic in spirit, purpose and method."

-- Theodore Roosevelt

I am also concerned by how challenging it was to find information and official documents about this project and by the apparent lack of public notice. The Notice of Intent (NOI) and the Draft Initial Study/Mitigated Negative Declaration and Application Summary Report (Report) documents are not easily found nor readily accessible to the public through your city's [website](#). None of the results on your website's search engine for "Long Beach Cruise Terminal Improvement Project" reference the project or link to <http://www.longbeach.gov/lbds/planning/environmental/reports/>, which is the only page on which I find a reference to this project. (There may be other pages that do, but they aren't easily found.) To find this page, one has to burrow down through the website to the Planning page and scroll to the bottom of that page to click on a rather inconspicuous "Quick Connect" link for "Environmental Planning." (At least the [Development Services](#) page has the "Quick Connect" links near the top of the page). On the Environmental Planning page, it's not obvious that the blue bar that is labeled "Environmental Reports" is a link, as opposed to the [Development Services](#), where the blue bars are under a "Useful Links" header. I couldn't even find a news release for this project comment period on the Development Services' [News Archive All](#) page, but there are two news releases published during the past two months for other comment periods: the [Draft Fiscal Year \(FY\) 2019 Action Plan](#) and the [Revised Program EIR \(PEIR\) for the Land Use Element & Urban Design Element](#). Either someone dropped the ball on notifying the public, or the city would appear to not want to invite public comment on this project.

"Do not suffer your good nature, when application is made, to say 'Yes' when you should say 'No'. Remember, it is a public not a private cause that is to be injured or benefited by your choice."

-- George Washington

The community needs more time to assess this project, and additional mitigation needs to be put in place in order for the project to comply with the California Environmental Quality Act.

"A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise."

-- Aldo Leopold

Thank you for your consideration of my comments. Please do NOT add my name to your mailing list. I will learn about future developments on this issue from other sources.

Sincerely,
Christopher Lish
San Rafael, CA



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178

(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL AND USPS:

July 19, 2019

Amy.harbin@longbeach.gov

Amy L. Harbin, ACIP, Planner
City of Long Beach
Development Services Department
333 W. Ocean Blvd., 5th Floor
Long Beach, CA 90802

Mitigated Negative Declaration (MND) for the Proposed Long Beach Cruise Terminal Improvement Project

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final MND.

South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to construct improvements to the existing Long Beach cruise terminal to accommodate large cruise ships with a maximum capacity of 4,008 passengers (Proposed Project). Maritime improvements include dredging the existing berth from 30 feet to 37 feet, and construction of two mooring dolphins, catwalks, a passenger walkway bridge extension, and fender replacements. Onshore improvements include expansion of the existing parking garage from 1,430 spaces to 2,055 spaces and reconfiguration of traffic lanes. The Proposed Project is located at 231 Windsor Way at Pier H in the Port of Long Beach within the City of Long Beach. Construction is anticipated to occur in two phases: maritime improvements and onshore improvements. Maritime improvements would begin in August 2019 and be completed by December 2019. Onshore improvements would begin in October 2019 and be completed by October 2020¹.

South Coast AQMD Staff's Summary of the Air Quality Analysis

In the Air Quality Analysis, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analyses, the Lead Agency found that the Proposed Project's air quality impacts from construction activities would be less than significant after implementation of two mitigation measures². Mitigation Measure (MM) AQ-1 requires onshore construction equipment to meet U.S. EPA Tier 4 Final off-road emission standards; compliance with South Coast AQMD Rule 403 – Fugitive Dust to reduce fugitive dust emissions; and utilization of tugboats that meet Tier 3 emission standards requirements, if appropriately sized and available³. MM AQ-2 requires the applicant to purchase or lease emission reduction credits to reduce NOx emissions below South Coast AQMD air quality CEQA significance thresholds⁴. Additionally, the Lead Agency found that the Proposed Project's net new operational air quality impacts would be less than significant⁵.

¹ MND. Project Description Section 2. Page 2-8.

² MND. Air Quality Section 4.3. Pages 4.3-6 through 4.3-12.

³ *Ibid.* Pages 4.3-4 through 4.3-5.

⁴ *Ibid.*

⁵ *Ibid.* Pages 4.3-6 through 4.3-12.

South Coast AQMD's 2016 Air Quality Management Plan

On March 3, 2017, the South Coast AQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP)⁶, which was later approved by the California Air Resources Board on March 23, 2017. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and the challenges facing the South Coast Air Basin. The most significant air quality challenge in the Basin is to achieve an additional 45 percent reduction in nitrogen oxide (NOx) emissions in 2023 and an additional 55 percent NOx reduction beyond 2031 levels for ozone attainment.

2017 Updated Clean Air Action Plan

South Coast AQMD has a long history of working with the ports of Los Angeles and Long Beach to ensure implementation of the cleanest technologies. One such example was the San Pedro Bay Ports Clean Air Action Plan 2017⁷ (2017 Updated CAAP). Built upon the progress in implementing the 2007 and 2010 CAAPs, the 2017 Updated CAAP provides a roadmap of guiding principles and strategies to work towards achieving regional clean air goals and supporting the statewide vision for sustainable freight movement at the ports of Los Angeles and Long Beach. The 2017 Updated CAAP works towards achieving emission reduction targets of 59 percent NOx and 77 percent diesel particulate matter by 2023⁸.

South Coast AQMD Staff's Comments

The Proposed Project is an important project for the Port of Long Beach (Port) and the region. The Port should use this Project as an opportunity to take more aggressive actions to accelerate implementation of the cleanest technologies and contribute its fair share to reducing air pollution and advancing the objectives of the 2017 Updated CAAP. As such, South Coast AQMD staff recommends that the Lead Agency strengthen existing mitigation measures and incorporate additional mitigation measures, such as ramping up shore power usage and building electrical infrastructure. The recommendations will also support and facilitate the air quality attainment goals and timelines of the 2016 AMQP. Please see the attachment for more information.

Conclusion

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide South Coast AQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, responses should provide sufficient details giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and the public who are interested in the Proposed Project. Further, if the Lead Agency makes findings that the revisions to existing air quality mitigation measures and the additional recommended mitigation measures are not feasible, the Lead Agency should describe the specific reasons for rejecting them in the Final MND (CEQA Guidelines Section 15074.1).

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact me at lsun@aqmd.gov, should you have any questions.

⁶ South Coast AQMD. March 3, 2017. *2016 Air Quality Management Plan*. Accessed at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

⁷ San Pedro Bay Ports. November 2017. *Final Clean Air Action Plan Update*. Accessed at: <http://www.cleanairactionplan.org/documents/final-2017-clean-air-action-plan-update.pdf>.

⁸ *Ibid*. Page 25.

Amy L. Harbin

July 19, 2019

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS:AM

LAC190620-03

Control Number

ATTACHMENT**Recommended Revisions to Existing Mitigation Measures (MMs)**

1. The Lead Agency has committed to implementing MMs AQ-1 and AQ-2 to reduce the Proposed Project's construction emissions. MM AQ-1 requires onshore construction equipment that meets U.S. EPA Tier 4 Final off-road emission standards; compliance with South Coast AQMD Rule 403 – Fugitive Dust; and, if available, utilization of tugboats that meet Tier 3 emission standards. In combination with MM AQ-2, which requires the applicant to purchase or lease emission reduction credits, NOx emissions would be reduced to less than significant⁹. South Coast AQMD staff recommends that the Lead Agency strengthen existing mitigation measures and incorporate the following revisions to MMs AQ-1 and AQ-2 in the Final MND.

Mitigation Measure AQ-1

Upon review of Appendix A: *Air Quality/Greenhouse Gas Study* and the technical files, South Coast AQMD staff found that the Lead Agency quantified the Proposed Project's construction emissions based on a modeling assumption that Tier 3 tug boats would be fully implemented. However, in the MND, MM AQ-1 requires implementation of Tier 3 tug boats with a condition that is "if the equipment is appropriately sized and available"¹⁰. To be consistent with the modeling assumption, South Coast AQMD staff recommends that the Lead Agency commits to using Tier 3 tug boats and revise MM AQ-1 as follows in the Final MND. Alternatively, if it is reasonably foreseeable that Tier 3 tug boats may not be fully implemented at the Proposed Project due to size or availability, and to be conservative, the Lead Agency should use Tier 1 or Tier 2 tugboats in the modeling to quantify the Proposed Project's maritime construction emissions to represent a worst-case impact scenario.

MM AQ-1

Prior to issuance of a Demolition or Grading Permit, the City Engineer shall confirm that the following Best Management Practices (BMPs) are included in the Grading Plan and specifications to reduce construction emissions in compliance with the San Pedro Bay Ports Clean Air Action Plan (CAAP):

- Off-road Engine Tier: Construction terrestrial off-road equipment shall be required to meet final Tier 4 emissions standards.
- Electric Dredges: Dredging equipment shall be powered electrically by a shore power connection.
- Construction Tug Boat Engine Tier: ~~If appropriately sized and available,~~ tug boats meet Tier 3 standards or higher shall be used during construction.

Mitigation Measure AQ-2

The Lead Agency relied on MM AQ-2, which requires obtaining NOx emission offset credits as MM AQ-2 to reduce the maximum daily NOx emissions below South Coast AQMD air quality CEQA significance threshold for NOx at 100 lbs/day¹¹. Subsequently, the Lead Agency found that NOx emissions from the Proposed Project's construction activities would be mitigated to less than significant.

⁹ MND. Air Quality Section 4.3. Pages 4.3-4 through 4.3-5.

¹⁰ *Ibid.* Page 4.3-7.

¹¹ *Ibid.* Pages 4.3-4 through 4.3-5.

South Coast AQMD staff recommends that the Lead Agency provide additional information on NOx emission offset credits in the Final MND.

- It is recommended that the Lead Agency clarify if these credits are emission reduction credits (ERCs), or Regional Clean Air Incentives Market Emission (RECLAIM) trade credits. ERCs are typically used to offset emissions from operation. RECLAIM trade credits allow RECLAIM participating facilities in the South Coast Air Basin to trade NOx and SOx emissions credits. Here, NOx emissions would be generated from the Proposed Project's construction activities. If NOx emission offset credits would be short-term emission reduction credits (RTCs), there should be substantial evidence in the Final MND to show that RTCs will be purchased prior to the commencement of any maritime construction activities, and that there will be enough credits to cover the entire four-month maritime construction emissions¹².
- It is also recommended that the Lead Agency clarify if the Lead Agency has any emission reduction credits that could be surrendered to offset NOx emissions for the Proposed Project.
- It is further recommended that the Lead Agency provide additional information on the mechanism and schedule for purchasing and implementing NOx RTCs in the Final MND. At a minimum, the information should specify that the Lead Agency has and should provide supervisory oversight for implementing and enforcing MM AQ-2. It should also specify the Lead Agency's role in verifying the Proposed Project's construction emissions and reconciling them with the RTCs.

Additional Recommended Mitigation Measures

2. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse impacts. South Coast AQMD staff recommends additional mitigation measures that the Lead Agency should consider and incorporate in the Final MND. These recommended mitigation measure will further reduce the Proposed Project's construction and operational emissions, better align the Proposed Project with the objectives and emission reduction strategies in the 2017 Updated CAAP, accelerate implementation of the cleanest technologies at the Proposed Project, where appropriate, and support the implementation of the 2016 AQMP.

Maritime Operations

Shore Power and Infrastructure

In the 2017 Updated CAAP the Ports demonstrate a commitment to achieving emissions reductions from a variety of avenues, such as a ship's auxiliary engine and onshore cargo handling equipment used to load and unload ships at berth. South Coast AQMD staff recommends that the Lead Agency align the Proposed Project's operations with the commitments in the 2017 Updated CAAP by requiring the use of shore power for the Proposed Project's ships, which may include tugboats and other ocean-going-vessels in addition to the three cruise liners.

In the MND, the Lead Agency stated that the Proposed Project would utilize shore side electric power during berth hoteling¹³. To ensure shore power will be used to power the proposed Carnival Panorama, and that the shore power usage will be ramped up in 2020 and beyond, South Coast AQMD staff recommends that the Lead Agency make shore power usage a project requirement or mitigation measure for the Proposed Project in the Final MND. The Lead Agency should also require the use of electric cargo handling equipment, such as electric yard trucks

¹² *Ibid.*

¹³ *Ibid.*, Page 4.3-6.

(hostlers) and forklifts, which may be used onshore to load and unload the cruise liners. At a minimum, the Proposed Project should be constructed with the appropriate infrastructure to provide shore power to operate the cruise ship and electric cargo handling equipment. Electrical hookups should be appropriately sized to allow for future, expanded use. Given that infrastructure at berth is a critical component, it is recommended that the Lead Agency include additional discussions on at berth infrastructure improvements and readiness to power the cruise ship in the Final MND. The Lead Agency should also include analyses to evaluate the sufficiency of shore power and the availability of necessary infrastructure in the Energy and Utilities and Service Systems Sections of the Final MND, where appropriate.

Operational Activities

In addition to accelerating implementation of the cleanest available technologies, the 2017 Updated CAAP identified strategies to improve operational activities, including reducing the wait time of ships as they prepare to berth, optimizing tugboat locations to minimize unnecessary travel, and optimizing drayage trucks and cargo movement on shore. These strategies are capable of reducing harbor craft emissions and fuel consumption. As such, South Coast AQMD staff recommends that the Lead Agency evaluate these strategies for incorporation in the Final MND as additional mitigation measures to reduce the Proposed Project's maritime and onshore operational emissions. The Lead Agency should also evaluate the feasibility and effectiveness of generating additional emission reductions through the participation in the Port of Long Beach's voluntary Vessel Speed Reduction Program¹⁴.

Performance Standards-Based Periodic Technology Review

To accelerate implementation of the cleanest technologies, contribute the Proposed Project's fair share to reducing air pollution, and advance the objectives of the both the 2016 AQMP and 2017 Updated CAAP, the Lead Agency should take this opportunity to incorporate a periodic, technology review of both maritime and onshore operational equipment that will be used during operation. South Coast AQMD staff recommends that the Lead Agency develop project-specific or agency-wide strategies to foster and facilitate the deployment of the lowest emissions technologies as they becomes available. This may include incorporating a performance standards-based technology review, or developing other comparable strategies or tools, to periodically assess equipment availability, equipment fleet mixtures, and best available emissions control devices. The deployment should include those technologies that are "capable of being accomplished in a successful manner within a reasonable period of time" (California Public Resources Code Section 21061.1), such as zero and near-zero emission technologies or best available control technologies (BACTs) that are expected to become more readily available over the life of the Proposed Project. A technology review should also incorporate an appropriate timeline/schedule for the assessment that will also be supportive of emissions reductions goals being implemented at local, regional, state, and federal levels (e.g. South Coast AQMD's AQMPs and other air quality and public health goals). If the technology review identifies that cleaner equipment and fleets have become available, the Lead Agency should commit to incorporating this new technology into the Proposed Project to further reduce the Proposed Project's emissions. South Coast AQMD staff encourages the Lead Agency to involve the public and interested parties, such as South Coast AQMD and CARB, in developing an appropriate process and performance standards for technology review.

¹⁴ Port of Long Beach. Green Flag Incentive Program. Accessed at: <http://www.polb.com/environment/air/greenflag.asp>.

*Onshore Operations*Vendor Preferences

Establish a policy to select and use vendors that use clean vehicles and trucks to deliver materials and service the cruise ships. Include this policy in the purchase orders, vendor contracts, and business agreements.

Zero-Emission (ZE) and Near-Zero Emission (NZE) Delivery Trucks

Provide incentives for vendors and material delivery trucks that would be delivering supplies to the Proposed Project while at berth to encourage the use of ZE or NZE trucks during operation, such as trucks with natural gas engines that meet CARB's adopted optional NOx emissions standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, incentivize the use of 2010 model year delivery trucks¹⁵. Include analyses to evaluate and identify sufficient power available for zero emission trucks and supportive infrastructures in the Energy and Utilities and Service Systems Sections of the Final MND, where appropriate.

Electric Vehicle Charging Stations

Nonresidential mandatory measures of the California Buildings Standards (Title 24, Part 11) require EV charging stations, or designated spaces capable of supporting future charging stations, be based on the total number of actual parking spaces¹⁶. Therefore, the Lead Agency should require at least 5% of all vehicle parking spaces include EV charging stations, or at a minimum, require the Proposed Project to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for passenger vehicles and shuttle buses to plug-in. Electrical hookups should be provided onsite for patrons to utilize. Electrical panels should be appropriately sized to allow for future expanded use. The Lead Agency should also include analyses to evaluate and identify sufficient power available for zero emission passenger cars and trucks, and supportive infrastructures (e.g., EV charging stations) in the Energy and Utilities and Service Systems Sections of the Final MND, where appropriate.

Mobile Source Emission Reduction Strategies for Employees

Provide incentives for employees working at the Proposed Project to use public transportation or carpool, such as discounted transit passes or carpool rebates. Additionally, the Lead Agency should implement a rideshare program for employees working at the Proposed Project and set a goal to achieve a certain participation rate over a period of time. If the operator will employ 250 or more employees at the Proposed Project site, on a full or part-time basis, then the Lead Agency should encourage the operator to implement an Employee Commute Reduction Program (ECRP) under South Coast AQMD's Rule 2202 – On-Road Motor Vehicle Mitigation Option¹⁷. For more information on Rule 2202 and guidelines for the ECRP, please visit South coast AQMD's website at: <http://www.aqmd.gov/home/programs/business/business-detail?title=rule-2202-on-road-motor-vehicle-mitigation-options>.

¹⁵ CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulations is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.html>.

¹⁶ For a nonresidential development with 201 spaces or more, 6% percent of total parking spaces are required to be equip with EV. 2016 California Green Building Standards Code California Code of Regulations, Title 24, Part 11. *California Building Standards Commission*. January 1, 2017. Page 35. Accessed at: https://www.ladbs.org/docs/default-source/publications/code-amendments/2016-calgreen_complete.pdf.

¹⁷ South Coast AQMD. Rule 2202 – On Road Motor Vehicle Mitigation Option. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xxii/rule-2202.pdf>.

Mobile Source Emission Reduction Strategies for Patrons

Work with operators of the cruise liner to design and implement a shuttle bus program to encourage patrons to carpool to and from the Proposed Project and provide on-ship vouchers to incentive patrons to use the shuttle bus program.

Work with local and regional transit agencies and providers to connect the shuttle bus program with transit light rail stations, transit centers, and/or bus stops in the greater Los Angeles area and beyond.

Share transportation options to the Proposed Project from popular destinations in the greater Los Angeles area and beyond.

Consider implementation of Smart Parking systems to reduce vehicle idling in the parking garage.



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

July 19, 2019

Amy L. Harbin
Long Beach, City of
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

Subject: Long Beach Cruise Terminal Improvement Project
SCH#: 2019069085

Dear Amy L. Harbin:

The State Clearinghouse submitted the above named MND to selected state agencies for review. The review period closed on 7/19/2019, and the comments from the responding agency (ies) is (are) available on the CEQA database for your retrieval and use. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

Check the CEQA database for submitted comments for use in preparing your final environmental document: <https://ceqanet.opr.ca.gov/2019069085/2>. Should you need more information or clarification of the comments, **we recommend that you contact the commenting agency directly.**

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Resources Agency



DEPARTMENT OF TRANSPORTATION

DISTRICT 7 – Office of Regional Planning
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 897-9140
FAX (213) 897-1337
TTY 711
www.dot.ca.gov



Making Conservation
a California Way of Life.



July 17, 2019

Ms. Amy L. Harbin, AICP
City of Long Beach
Development Services Department
333 West Ocean Boulevard, 5th Floor
Long Beach, CA 90802

RE: Long Beach Cruise Terminal Improvement
Project – Mitigated Negative Declaration
GTS # 07-LA-2018-02581
Vic. LA-710/PM: 5.339

Dear Ms. Amy L. Harbin:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project's Mitigated Negative Declaration (MND). The proposed project will include: (a) extension of the existing passenger bridge system; (b) additional high-capacity mooring dolphins and associated catwalks; (c) dredge improvement and maintenance activities; (d) replacement of existing foam-filled fenders; (e) expansion of the existing parking lots; (f) possible reconfiguration of traffic leasehold traffic lanes; (g) expansion of Carnival's existing water lease; and (h) abandonment of the 450-foot tunnel system located to the southwest of the parking garage. The City of Long Beach is the lead agency under CEQA.

After reviewing the MND, Caltrans does not expect project approval to result in a direct adverse impact to the existing State transportation facilities. However, since construction vehicles will likely be using Caltrans facilities to travel to the project site, please submit a truck/traffic construction management plan to Caltrans for our review.

The following information is included for your consideration.

As a reminder, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.

Also, Caltrans is moving towards replacing Level of Service (LOS) with Vehicle Miles Traveled (VMT) when evaluating traffic impacts. For any future projects we encourage the Lead Agency to integrate transportation and land use in a way that reduces VMT and Greenhouse Gas (GHG) emissions by facilitating the provision of more proximate goods and services to shorten trip lengths and achieve a high level of non-motorized travel and transit use.

In addition, Caltrans seeks to promote safe, accessible multimodal transportation. Methods to reduce pedestrian and bicyclist exposure to vehicles improve safety by lessening the time that the user is in the likely path of a motor vehicle. These methods include the construction of physically separated facilities such as sidewalks, raised medians, refuge islands, and off-road paths and trails, or the reduction of crossing distances through roadway narrowing.

Ms. Amy L. Harbin
July 17, 2019
Page 2 of 2

Caltrans recommends that the project consider the use of methods such as, but not limited to, pedestrian and bicyclist warning signage, flashing beacons, crosswalks, signage, and striping, be used to indicate to motorists that they should expect to see and yield to pedestrians and bicyclists. Visual indication from signage and the other visual cues previously mentioned can be reinforced by road design features such as lane widths, landscaping, street furniture, and other design elements.

If you have any questions regarding these comments, please contact project coordinator Reece Allen, at reece.allen@dot.ca.gov and refer to GTS# 07-LA-2018-02581.

Sincerely,



MIYA EDMONSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

Amy Harbin

From: Jerilyn Mendoza <jerilyn@ccair.org>
Sent: Thursday, June 27, 2019 2:52 PM
To: Amy Harbin; Kirsten.berg@polb.com
Cc: TOMLEY,HEATHERA; CAMERON,RICHARDD; ahricko@usc.edu; Joe Lyou; Frances.Yau@mbakerintl.com
Subject: NOI/NOA Mitigated Negative Declaration for the Long Beach Cruise Terminal Improvement Project

Dear Ms. Harbin:

I join my colleague Professor Emerita Andrea Hricko and hereby request an extension of the comment period for the Long Beach Cruise Terminal Improvement Project Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) to be extended to 90 days from the current one month period allowed by POLB. The POLB has known for more than 7 months that the Carnival Panorama plans to have its home port at the POLB. It is inappropriate to already have a full 1 ½ year's schedule in place for this ship – before alerting the public to plans for a “terminal improvement project” - and providing only a 30-day public comment period. Please see discussion and links below.

Another important reason an extension is required is that the link in the NOI is incorrect and/or misleading. Most members of the public are likely to read the NOI online. The posted link in then NOI does not take the reader to the NOI, but to the main City of Long Beach page. It took me more than 10 minutes to search the Long Beach website and find the relevant documents. Most other members of the public are likely to have given up by then. **The NOI must be corrected or amended, then resent and reposted with a corrected URL.**

Other key issues:

- This huge ship, with more than 30 vessel calls planned in the next year, should not be allowed to dock at POLB in December 2019, as planned, unless it plugs into electricity. If that is not possible, the Carnival Panorama schedule must be pushed back until the ship can plug into shore power. The Comment Period on the NOI should not be rushed because the POLB and Carnival Cruise Lines prematurely announced the ship's new home port and is already accepting bookings.
- Carnival has one of the lowest rates of Vessel Speed Reduction (VSR) compliance at the POLB; 72-77%, compared to the POLB average VSR of 90-95%. ALL Carnival ships coming into the POLB should have a mandatory VSR rate above 95%.
- Carnival has one of the worst environmental violation records in the shipping industry and any expansion of its operations in Southern California must be very thoroughly examined.

Documentation:

1. NOI URL in notice is listed as:

City of Long Beach Website: http://www.lbds.info/planning/environmental_planning/environi

2. Corrected NOI URL that you supplied to Professor Hricko and that needs to be included in amended NOI: <http://www.longbeach.gov/lbds/planning/environmental/reports/>

3. Press announcements of Carnival Panorama's new home port at POLB:

<https://www.presstelegram.com/2019/04/16/shaq-endorsed-cruise-ship-carnival-panorama-will-make-its-debut-in-long-beach-this-december/>

<https://cruiseweb.com/blog/2018/02/carnival-panorama-to-homeport-in-long-beach-in-2019>

<https://www.usatoday.com/story/travel/cruises/2018/12/17/carnival-panorama-cruise-ships-construction-hits-major-milestone/2339124002/>

4. Did the POLB not consider this issue earlier– that the docking/wharf area to be deeper, etc.? Thirty vessel calls of this ship in next year planned. <https://www.cruisemapper.com/ships/Carnival-Panorama-2099?tab=itinerary>
5. VSR rates showing Carnival has one of the lowest VSR rates at
POLB: <http://www.polb.com/civica/filebank/blobdload.asp?BlobID=15090>
6. Carnival environmental violation records and pollution levels, examples:

<https://www.usatoday.com/story/travel/news/2019/06/04/carnival-cruise-lines-pleads-guilty-continued-pollution-fined-20-m/1337198001/>

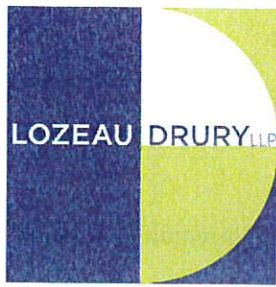
<https://www.cnn.com/2019/06/05/business/carnival-cruise-pay-pollution-trnd/index.html>

<https://www.nytimes.com/2019/06/04/business/carnival-cruise-pollution.html>

Please advise when you will formally respond to (1) our requests for an extension of time to comment and (2) for a corrected, amended NOI to be issued. Thank you for your time and consideration.

Jerilyn López Mendoza
Senior Policy Advocate
Coalition for Clean Air
660 S. Figueroa St. | Suite 1140 | Los Angeles, CA | 90017
213-223-6865 (direct)
jerilyn@ccair.org
ccair.org





T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste 150
Oakland, CA 94612

www.lozeaudrury.com
richard@lozeaudrury.com

Via Email and U.S. Mail

June 24, 2019

Amy L. Harbin, AICP, Planner
City of Long Beach Development Services Dept.
333 W. Ocean Blvd., 5th Floor
Long Beach, CA 90802
amy.harbin@longbeach.gov

Linda F. Tatum, Director
City of Long Beach Development Services Dept.
333 W. Ocean Blvd., 5th Floor
Long Beach, CA 90802
linda.tatum@longbeach.gov

Monique De La Garza, CMC, City Clerk
City of Long Beach
City Hall, 333 W. Ocean Blvd.
Long Beach, CA 90802
cityclerk@longbeach.gov

**Re: Comment on the Long Beach Cruise Terminal Improvement Project
(Project Number 1809-07; Conceptual Site Plan Review CSPR 18-012)
Initial Study | Mitigated Negative Declaration**

Dear Ms. Harbin, Ms. Tatum, and Ms. De La Garza:

I am writing on behalf of the Supporters Alliance For Environmental Responsibility ("SAFER"), regarding the Long Beach Cruise Terminal Improvement Project (Project Number 1809-07; Conceptual Site Plan Review CSPR 18-012), including any and all actions related or referring to proposed on- and off-shore improvements including a parking garage expansion, tunnel abandonment, traffic lane reconfiguration, dredging, mooring dolphins and catwalks, and a passenger walkway bridge extension, located at Pier H, 231 Windsor Way, in Long Beach ("Project").

After reviewing the IS/MND, we conclude that the IS/MND fails as an information document, and that there is a fair argument that the Project may have adverse environmental impacts. Therefore, we request that the City of Long Beach ("City") prepare an environmental impact report ("EIR") for the Project pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000, et seq. We reserve the right to supplement these comments during public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal.App.4th 1109, 1121 (1997).

We hereby request that the City send by electronic mail or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:

June 24, 2019

Comment on the IS | MND for the Long Beach Cruise Terminal Improvement Project
(Project Number 1809-07; Conceptual Site Plan Review CSPR 18-012)

Page 2 of 2

- Notices of any public hearing held pursuant to CEQA.
- Notices of determination that an Environmental Impact Report ("EIR") is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.
- Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
- Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.
- Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
- Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

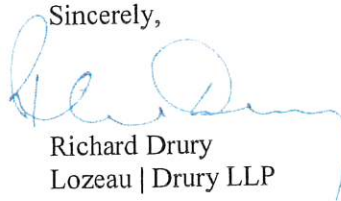
In addition, we request that the City send to us via email, if possible or U.S. Mail a copy of all Planning Commission and City Council meetings and/or hearing agendas.

Please send notice by electronic mail or U.S. Mail to:

Richard Drury
Komalpreet Toor
Stacey Osborne
Lozeau Drury LLP
1939 Harrison Street, Ste. 150
Oakland, CA 94612
510-836-4200
richard@lozeaudrury.com
komal@lozeaudrury.com
stacey@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,



Richard Drury
Lozeau | Drury LLP

Amy Harbin

From: Johntommy Rosas <tattnlaw@gmail.com>
Sent: Thursday, June 20, 2019 12:00 PM
To: Amy Harbin; Kirsten Berg
Cc: Yau, Frances; JOHNTOMMY ROSAS
Subject: Re: City of Long Beach - Long Beach Cruise Terminal Improvement Project NOI

thanks Amy and Kirsten,

The TONGVA NATION objects /opposes the MND/Mitigated Negative Declaration- on the various defects/grounds listed below -

1. no tribal consultation with us or other notices pertaining to this project was the ACHP or NAHC contacted?

2. POLB/CLB should please provide to us the initial study by CLB by link or email

3. this notice/MND does not disclose the required federal permits

with the application[s] R//H SEC 10/ CWA 404/ SEC 408- for the dredging

Maritime improvements include dredging the existing berth to a deeper depth (approximately 33,250 cubic yards of dredging volume)

4. City proposes to adopt a Mitigated Negative Declaration for the above-cited project. The Mitigated Negative Declaration is based on the finding that, by implementing the identified mitigation measures, the project's potential significant adverse impacts will be reduced to a less than significant level. The reasons to support such a finding are documented by an Initial Study prepared by the City.

CLB / project applicant, Carnival Corporation & PLC, proposed project should have all the haz-mat /pollution containment/ recovery systems in place for any illegal discharges or accidents with fire protection etc as required by international treaty[s] US FEDERAL LAW/ CFR's -

5. CLB should also provide to us the "The project would require

A. Site Plan Review from the City of Long Beach and

B. a Harbor Development Permit and

C. New Water Lease Agreement from the City of Long Beach Harbor Department.

D. we are requesting all comment responses from federal/ state agencies

I will wait for the requested documents to make additional questions/ concerns

Thanks,jt

On Thu, Jun 20, 2019 at 7:59 AM Yau, Frances <Frances.Yau@mbakerintl.com> wrote:

Hello –

On behalf of the City of Long Beach Development Services Department, the attached Notice of Intent to Adopt a Mitigated Negative Declaration for the Long Beach Cruise Terminal Improvement Project is provided. Please refer to the attachment for information regarding the proposed project, location, description, and details on how to review the document and submit comments. The document is available online here:

<http://www.longbeach.gov/lbds/planning/environmental/reports/>

The 30-day public review period begins **June 20, 2019** through **July 19, 2019**. Please submit all comments to:

Ms. Amy L. Harbin, AICP, Planner

City of Long Beach

Development Services Department

333 West Ocean Boulevard, 5th Floor

Long Beach, CA 90802

Thank you,

Frances Yau, AICP | Project Manager – Planning

5 Hutton Centre Drive, Suite 500 | Santa Ana, CA 92707 | [O] 949-330-4105

frances.yau@mbakerintl.com | www.MBakerintl.com



--

jtrosas@tongvanation-nsn-gov.us

JOHN TOMMY ROSAS
TRIBAL ADMINISTRATOR TRIBAL LITIGATOR
TONGVA NATION

TONGVA ANCESTRAL TERRITORIAL TRIBAL NATION

A TRIBAL SOVEREIGN NATION UNDER THE UNDRIIP AND AS A TREATY [s] SIGNATORIES RECOGNIZED TRIBE, INCLUDING BY THE STATE OF CALIFORNIA WITH HISTORICAL & DNA AUTHENTICATION ON CHANNEL ISLANDS AND COASTAL VILLAGES - AND AS A CALIFORNIA NATIVE AMERICAN TRIBE / SB18-AB 52-AJR 42-ACHP/NHPA/NAGRA/AIRFA

CALIFORNIA INDIANS JURISDICTIONAL ACT

OFFICIAL TATTN CONFIDENTIAL E-MAIL

TRUTH IS OUR VICTORY AND HONOR IS OUR PRIZE

TONGVANATION.ORG

Amy Harbin

From: Robert Rodine <polarislr@sbcglobal.net>
Sent: Thursday, June 20, 2019 9:26 AM
To: Yau, Frances
Cc: Amy Harbin; Kirsten Berg
Subject: Re: City of Long Beach - Long Beach Cruise Terminal Improvement Project NOI

Dear Ms Yau -

I am very much interested in the Cruise Terminal Project and conceptually agree with the proposed action, but it might be helpful if you were to present a chart showing the area covered by the plan, as the geo description is generally broad and a bit vague.

Thank you.

Bob Rodine

Robert L. Rodine
Principal/Consultant
The Polaris Group
818-789-7319

On Thursday, June 20, 2019, 7:59:44 AM PDT, Yau, Frances <Frances.Yau@mbakerintl.com> wrote:

Hello –

On behalf of the City of Long Beach Development Services Department, the attached Notice of Intent to Adopt a Mitigated Negative Declaration for the Long Beach Cruise Terminal Improvement Project is provided. Please refer to the attachment for information regarding the proposed project, location, description, and details on how to review the document and submit comments. The document is available online here: <http://www.longbeach.gov/lbds/planning/environmental/reports/>

The 30-day public review period begins **June 20, 2019** through **July 19, 2019**. Please submit all comments to:

Ms. Amy L. Harbin, AICP, Planner

City of Long Beach

Development Services Department

333 West Ocean Boulevard, 5th Floor

Long Beach, CA 90802

Thank you,

Frances Yau, AICP | Project Manager – Planning
5 Hutton Centre Drive, Suite 500 | Santa Ana, CA 92707 | [O] 949-330-4105
frances.yau@mbakerintl.com | www.MBakerintl.com

