



MEMORANDUM

LONG BEACH
CALIFORNIA
BOARD OF
HARBOR COMMISSIONERS

Meeting of AUG 2, 2004

Action APPROVED

RESOLUTION NO. HD. 2207

DATE July 28, 2004
TO Board of Harbor Commissioners
FROM Robert Kanter, Director of Planning

SUBJECT *Port of Long Beach, Pier J South Terminal Development; Adopt a Resolution Certifying the EIR, Making Findings, Adopting a Statement of Overriding Considerations, Adopting a Mitigation Monitoring Plan, Approving the Project, Adopting the Application Summary Report, and Adopting Port Master Plan Amendment #18 (#00-070)*

REQUESTED ACTION

The Board is asked to adopt a resolution certifying the EIR, making certain findings, adopting a Statement of Overriding Considerations, adopting a Mitigation Monitoring Plan, approving the project, adopting the Application Summary Report, and adopting Port Master Plan (PMP) Amendment #18.

BACKGROUND

On January 26, 2001, the Port, in cooperation with the U.S. Army Corps of Engineers, issued a Notice of Intent/Notice of Preparation (NOI/NOP) to prepare an Environmental Impact Statement/Environmental Impact Report/Application Summary Report (EIS/EIR) for the Pier J South Terminal Development Project. A public scoping meeting for the project was held on February 7, 2001. No comments were received during the public scoping meeting, and five letters were received on the NOI/NOP. The Board and the Corps released a draft EIS/EIR on June 11, 2001, followed by a public hearing on July 16, 2001. The public comment period ended on July 24, 2001. Issues of concern raised in comment letters included air emissions, oil spill prevention and response, ballast water management, identification of potentially contaminated sites, oil wells, and traffic impacts. Because of the number and scope of those comments, a revised draft EIS/EIR which included an Air Toxics Health Risk Assessment, was prepared and released for public review on December 16, 2002. The Corps and the Port conducted two public hearings on January 27, 2003, and at the request of the public extended the public review period from February 3 to February 27, 2003. Issues of concern raised in comment letters included air quality, aquatic resources, environmental justice, flood damage prevention, storm water runoff, oil spill prevention and response, ballast water management, navigation safety, traffic impacts, and cumulative air impacts. In order to provide further information and analysis regarding the environmental effects of the project the draft EIS/EIR was again revised, and on August 18, 2003, the Board and the Corps released a second revised document for public review. The Corps and the Port conducted two public hearings on September 22, 2003, and the public comment period ended on October 3, 2003.

PREVIOUS APPROVALS

The Board of Harbor Commissioners previously authorized the distribution of draft EIRs for the proposed project on June 11, 2001, December 16, 2002, and August 18, 2003, and held public hearings on July 16, 2001, January 27, 2003, and September 22, 2003.

CURRENT ISSUES

Twenty-seven comment letters from 19 agencies and individuals were received during the last two public comment periods. Four comments were received during the public hearings and the remainder were received by mail. The comments received during the first public comment period were incorporated into the document and therefore did not receive individual responses. The bulk of the comments addressed the following issues:

Air Toxics and Air Quality – Comments expressed concern regarding the health effects of air particulates coming from the Port. In response, an Air Toxics Health Risk Assessment was prepared and later amended to include the latest methodology.

Traffic and Transportation Infrastructure – Concern was expressed regarding the effects of the project on traffic in the area, including the I-710. In response, a comprehensive Traffic Management Plan is required to address construction impacts and the Port is actively participating in local and regional planning efforts for the I-710.

Landfill Mitigation – Comments questioned the source of the Port's mitigation credits and the applicability of wetland restoration to mitigate harbor impacts. In response, an Interagency Bio-mitigation Team comprised of the U.S. Fish and Wildlife Service, National Marine Fisheries Service, U.S. Army Corps of Engineers (Corps), California Department of Fish and Game, and Regional Water Quality Control Board (RWQCB) has determined the suitability and number of wetlands restoration credits required for each fill.

Water Quality – There were several comments on water quality and biological impacts of dredging, storm water, and invasive species. Water quality issues during dredging are addressed by special conditions on permits from the Corps and the RWQCB; storm water is addressed by the General Construction Storm Water and General Industrial Storm Water permits, both administered by the RWQCB; and similarly the California State Lands Commission regulates ballast water discharges. The Port will need to obtain these permits prior to the start of construction on the project.

The other comments pertained to CEQA processes, biology, noise, aesthetics, sediment quality, project baseline, local and national economy, light and glare, public health and safety, seismic safety, flood elevations and tsunamis, oil wells, project alternatives, related projects, and cumulative impacts. The Port and its consultants considered each comment and prepared responses that are included in the final EIR.

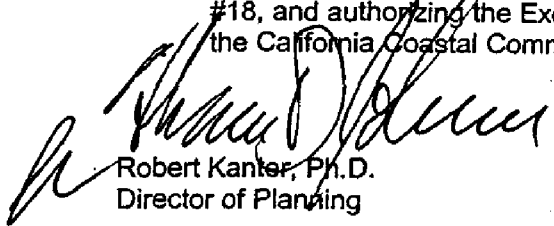
Detailed responses to all of the comments were mailed to each of the commentors on July 21, 2004, and have been included in the Final EIR, which is transmitted herewith for the Board's review and consideration. Port Staff has worked extensively with URS, the EIR consultant, and the various sub-consultants to fully respond to all of the comments and concerns raised. Both Staff and URS have carefully reviewed all of the materials and have concluded that the responses are complete and accurate, and that the

Final EIR fully complies with all legal requirements, including CEQA, the State CEQA Guidelines, and the local CEQA guidelines.

RECOMMENDATION

The staff recommends that the Board of Harbor Commissioners take the following action on this project:

1. Adopt the resolution certifying the Final EIR pursuant to the California Environmental Quality Act, making certain findings, adopting the Statement of Overriding Considerations, adopting the Mitigation Monitoring and Reporting Program, adopting the Application Summary Report, adopting PMP Amendment #18, and authorizing the Executive Director to submit PMP Amendment #18 to the California Coastal Commission for certification.



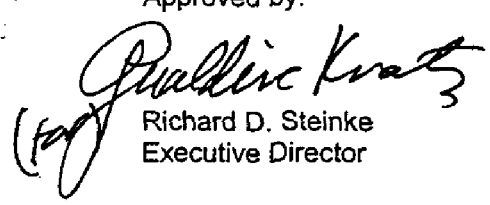
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Director of Planning

Recommended by:



Geraldine Knatz, Ph.D.
Managing Director

Approved by:



Richard D. Steinke
Executive Director

SEC:s

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RESOLUTION NO. HD-2207

1
2
3 A RESOLUTION OF THE BOARD OF HARBOR
4 COMMISSIONERS OF THE CITY OF LONG BEACH
5 CERTIFYING THE FINAL ENVIRONMENTAL IMPACT
6 REPORT FOR THE PORT OF LONG BEACH PIER J SOUTH
7 TERMINAL DEVELOPMENT PROJECT IN ACCORDANCE
8 WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
9 AND STATE AND LOCAL GUIDELINES, MAKING CERTAIN
10 FINDINGS AND DETERMINATIONS THERETO, ADOPTING
11 A STATEMENT OF OVERRIDING CONSIDERATIONS,
12 ADOPTING A MITIGATION MONITORING AND REPORTING
13 PROGRAM, APPROVING THE PROJECT, APPROVING
14 PORT MASTER PLAN AMENDMENT NO. 18, AND
15 AUTHORIZING THE EXECUTIVE DIRECTOR TO SUBMIT
16 THE AMENDMENT TO THE CALIFORNIA COASTAL
17 COMMISSION FOR CERTIFICATION

18
19 WHEREAS, on July 19, 2000, the Chief Harbor Engineer of the Long Beach
20 Harbor Department submitted an application for a Harbor Development Permit relating to
21 the construction of a proposed container terminal development project on Pier J South in
22 the Harbor District ("Project"), and such application was deemed complete on January 18,
23 2001; and

24 WHEREAS, the Project constitutes a project as defined by the California
25 Environmental Quality Act, Public Resources Code Sections 21000 et seq. ("CEQA"); and

26 WHEREAS, Port Master Plan Amendment No. 18 ("Amendment") is
27 necessary to effectuate the Project; and

28 WHEREAS, it was determined pursuant to CEQA and the CEQA Guidelines

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1 (14 Cal. Code of Regs. Sections 15000 et seq.) that the Project could have a significant
2 effect on the environment, and thus warranted the preparation of an Environmental Impact
3 Report ("EIR") and Application Summary Report ("ASR"); and

4 WHEREAS, on January 26, 2001, the City of Long Beach, acting by and
5 through its Board of Harbor Commissioners ("Board"), as lead agency under CEQA and
6 as the permitting authority under the California Coastal Act, prepared a Notice of
7 Preparation ("NOP") of the EIR; mailed that NOP to public agencies, organizations, and
8 persons likely to be interested in the potential impacts of the proposed Project; and
9 thereafter held a public scoping meeting to gather public and agency comments concerning
10 the preparation of the EIR; and

11 WHEREAS, the Board thereafter caused to be prepared a combined Draft
12 Environmental Impact Report ("DEIR") and ASR, which, taking into account the comments
13 it received on the NOP, described the Project and discussed the environmental impacts
14 resulting therefrom, and on June 11, 2001, circulated the DEIR/ASR for public and agency
15 comments; and

16 WHEREAS, pursuant to order of the Board, a Notice of Public Hearing was
17 published in the "Press-Telegram", a newspaper of general circulation, on June 21 and
18 July 12, 2001, noticing a public hearing on the DEIR/ASR to be held on July 16, 2001; and

19 WHEREAS, the public comment period closed on July 24, 2001; and

20 WHEREAS, based on the number and scope of comments received, the
21 Board caused a revised DEIR/ASR describing the Project and discussing the
22 environmental impacts resulting therefrom, to be prepared, and on December 16, 2002,
23 circulated the revised DEIR/ASR for public and agency comments; and

24 WHEREAS, pursuant to order of the Board, a Notice of Public Hearing was
25 published in the "Press-Telegram", a newspaper of general circulation, on December 19,
26 2002 and January 9, 2003, noticing a public hearing on the DEIR/ASR to be held on
27 January 27, 2003; and

28 WHEREAS, on January 31, 2003, the public comment period was extended

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1 to and closed on February 27, 2003; and

2 WHEREAS, in order to provide further information and analysis regarding the
3 environmental effects of the Project, the Board caused a second revised DEIR/ASR
4 discussing the environmental impact resulting therefrom to be prepared, and on August 18,
5 2003, circulated the second revised DEIR/ASR for public and agency comments; and

6 WHEREAS, pursuant to order of the Board, a Notice of Public Hearing was
7 published in the "Press-Telegram", a newspaper of general circulation, on August 28 and
8 September 11, 2003, noticing a public hearing on the DEIR/ASR to be held on September
9 22, 2003; and

10 WHEREAS, the public comment period closed on October 3, 2003; and

11 WHEREAS, staff of the Long Beach Harbor Department has reviewed the
12 comments received on the revised draft and second revised draft EIR/ASR, has prepared
13 full and complete responses thereto, and on July 21, 2004, distributed the responses in
14 accordance with Public Resources Code Section 21092.5; and

15 WHEREAS, a combined Final Environmental Impact Report and Application
16 Summary Report (collectively, "FEIR") for the Project was presented to the Board, as lead
17 agency, for certification as having been completed in compliance with the provisions of
18 CEQA and State and local guidelines implementing CEQA and as the permitting agency
19 under the California Coastal Act; and

20 WHEREAS, the Board has reviewed and considered the information and the
21 comments pertaining to the DEIR and FEIR at a duly noticed meeting held on August 2,
22 2004; and

23 WHEREAS, the Board has read and considered all environmental
24 documentation comprising the FEIR, including the comments and the responses to
25 comments, and has found that the FEIR considers all potentially significant environmental
26 impacts of the proposed project and is complete and adequate, and fully complies with all
27 requirements of CEQA and of the State and local CEQA Guidelines; and

28 WHEREAS, prior to action on this Project, the Board has considered all

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1 significant impacts, mitigation measures, and Project alternatives identified in the FEIR and
2 has found that all potentially significant impacts of the Project have been lessened or
3 avoided to the extent feasible; and

4 WHEREAS, CEQA and the CEQA Guidelines provide that no public agency
5 shall approve or carry out a project for which an EIR has been completed and which
6 identifies one or more significant effects of the project unless the public agency makes
7 written findings for each of the significant effects, accompanied by a statement of facts
8 supporting each finding; and

9 WHEREAS, CEQA and the CEQA Guidelines require, where the decision of
10 the Board allows the occurrence of significant environmental effects which are identified
11 in the EIR, but are not mitigated, the Board must state in writing the reasons to support its
12 action based on the FEIR and/or other information in the record; and

13 WHEREAS, the Board has determined that the Project is necessary to serve
14 the existing and future cargo-handling facilities needs of the Port of Long Beach.

15 NOW, THEREFORE, the Board of Harbor Commissioners of the City of Long
16 Beach resolves as follows:

17 Section 1. Certification. Based on its review and consideration of the FEIR,
18 all written communications and oral testimony regarding the Project which have been
19 submitted to and received by the Board, the Board certifies that the FEIR for the Project
20 has been completed in compliance with CEQA and the State and local CEQA Guidelines.
21 The Board, having final approval authority over the Project, adopts and certifies as
22 complete and adequate the FEIR, which reflects the Board's independent judgment and
23 analysis. The Board further certifies that the FEIR was presented to the Board and that
24 the Board reviewed and considered the information contained in it prior to approving the
25 Project.

26 Sec. 2. CEQA Findings and Statement of Facts. Pursuant to CEQA
27 Guidelines Section 15091, the Board has reviewed and hereby adopts the CEQA Findings
28 and Statement of Facts as shown on the attached Exhibit "A" entitled "CEQA Findings and

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1 Statement of Facts," which exhibit is incorporated herein by reference.

2 Sec. 3. Statement of Overriding Considerations. Pursuant to CEQA
3 Guidelines Section 15093, the Board has reviewed and hereby makes the Statement of
4 Overriding Considerations to adverse environmental impacts, attached as Exhibit "B"
5 entitled "Statement of Overriding Considerations," which exhibit is incorporated herein by
6 reference.

7 Sec 4. Mitigation Plan Approval. Pursuant to Public Resources Code
8 Section 21081.6, the Mitigation Monitoring and Reporting Program for the Project is hereby
9 adopted. The mitigation measures set forth in the Pier J South Development Project
10 Mitigation Monitoring and Reporting Program are hereby adopted and approved as part of
11 the Project, attached hereto as Exhibit C and incorporated herein by reference.

12 Sec. 5. Location and Custodian of Record of Proceedings. The Director of
13 Planning of the Long Beach Harbor Department, whose office is located at 925 Harbor
14 Plaza, Long Beach, California 90802, is hereby designated as the custodian of the
15 documents and other materials which constitute the record of proceedings upon which the
16 Board's decision is based, which documents and materials shall be available for public
17 inspection and copying in accordance with the provisions of the California Public Records
18 Act (California Government Code Section 6250 et seq.).

19 Sec.6. Notice of Determination. The Director of Planning shall file a notice
20 of determination with the County Clerk of the County of Los Angeles and with the state
21 Office of Planning and Research within five working days of this approval.

22 Sec. 7. Approval of Project and Amendment. The Board hereby approves
23 the Project, the ASR, and the Amendment.

24 Sec. 8. Authorization. The Board authorizes the Executive Director to submit
25 the Amendment to the California Coastal Commission for certification.

26 Sec. 9. Certification, Posting and Filing. The Secretary of the Board shall
27 certify the passage of this resolution by the Board, shall cause the same to be posted in
28 three (3) conspicuous places in the City of Long Beach and shall cause a certified copy of

1 this resolution to be filed forthwith with the City Clerk and it shall thereupon take effect.

2 I hereby certify that the foregoing resolution was adopted by the Board of
3 Harbor Commissioners of the City of Long Beach at its meeting of August 2, 2004 by the
4 following vote:

5 Ayes: Commissioners: Hancock, Cordero, Hankla,
6 Topsy-Elvord, Calhoun

7 Noes: Commissioners: _____

8 Absent: Commissioners: _____

9 Not Voting: Commissioners: _____

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Secretary

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EXHIBIT A

CEQA FINDINGS AND STATEMENT OF FACTS FOR PORT OF LONG BEACH, PIER J SOUTH TERMINAL DEVELOPMENT

SECTION 1: INTRODUCTION

1.1 Statutory Requirements for Findings

The California Environmental Quality Act,¹ and particularly the *CEQA Guidelines*² require that:

- "a. *No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:*
- (1) *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
 - (2) *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
 - (3) *Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR."*

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that would otherwise occur with implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency.³

For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social,

¹ Public Resources Code section 21081.

² 14 California Code Regulations, section 15091.

³ *CEQA Guidelines*, section 15091(a).

technological, or other benefits of the project outweigh the significant effects on the environment.⁴ The *Guidelines* state in section 15093 that:

"If the specific economic, social, technological, or other benefits of a propos[ed] project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

1.2 Record of Proceedings

For purposes of CEQA and the findings set forth herein, the record of proceedings for the Board's decision on the proposed project consists of: a) matters of common knowledge to the Board, including, but not limited to, federal, State and local laws and regulations; and b) the following documents which are in the custody of the Long Beach Harbor Department ("Department"):

- Notice of preparation, notices of availability, and notices of completion, which were issued by the Board in conjunction with the proposed project;
- The Final Environmental Impact Report ("FEIR"), dated August 2004, which includes all written comments submitted by agencies or members of the public during the public comment period on the Draft EIR and responses to those comments and all of the documents referenced therein;
- The Mitigation Monitoring and Reporting Program;
- All findings, statement of overriding consideration, and resolutions adopted by the Board in connection with the proposed project, and all documents cited or referred to therein;
- All final reports, studies, memoranda, maps, correspondence, and all planning documents prepared by the Department, or the consultants, or responsible or trustee agencies, with respect to: a) the Department's compliance with CEQA; b) development of the project site; or c) the Board's action on the proposed project;
- All documents submitted to the Department by agencies or members of the public in connection with development of the proposed project;
- All documents compiled by the Department in connection with the study of the proposed project and the alternatives;
- The testimony and evidence presented at the public hearings on the Project; and
- The record of proceeding.
-

⁴ Public Resources Code section 21081(b).

1.3 Organization/Format of Findings

Section 2 of these findings contains a summary description of the proposed project, sets forth the objectives of the proposed project, and provides related background facts. Section 3 identifies the potentially significant effects of the proposed project which will be mitigated to a less-than-significant level. All numbered references identifying specific mitigation measures refer to numbered mitigation measures found in the FEIR. Section 4 identifies the significant impacts that cannot be mitigated to a less-than-significant level. Section 5 identifies the proposed project's potential environmental effects that were determined to be less than significant, and so did not require mitigation measures. Section 6 discusses the feasibility of proposed project alternatives.

SECTION 2: PIER J SOUTH TERMINAL DEVELOPMENT (PROPOSED PROJECT)

2.1 Project Objectives

The proposed project would result in development of approximately 385 acres of marine container terminal by expanding the existing terminal (270 acres) and creating new land (115 acres, with a net impact to only 100 acres). The specific objectives of the proposed project are:

- To accommodate the anticipated additional cargo requirements associated with growing export and import volumes.
- To maintain sufficient cargo-handling capacity to meet increasing import and export demand and accommodate new world-class vessels.
- To implement the Port of Long Beach Master Plan goals of maximizing the use of existing land and available water frontage access to accommodate the anticipated cargo requirements by redeveloping, modernizing, and expanding existing terminal space within existing Port boundaries, rather than implementing new landfill projects.
- To increase the Port's ability to accommodate primary Port users, who are dependent on waterfront access.

2.2 Project Description

The proposed project includes:

The development of approximately 385 acres of marine container terminal by expanding the existing Pacific Container Terminal and creating new land. Of the 385 acres, 270 acres would be existing land and 115 acres would be new land created by fill. However, the creation of approximately 15 acres of new water area under the Project would result in a net impact to only 100 acres. The Project consists of five phases to be constructed over 13 years, as follows: (i) the construction of approximately 52 acres of landfill including dredging, land filling, and surcharging, rail installation, and terminal development; (ii) the construction of approximately 20 acres of

landfill, demolition of 15 acres of Pier F, construction of a pile-supported concrete wharf, rail installation, and terminal development; (iii) redevelopment of existing terminal space; (iv) the construction of approximately 43 acres of land fill including dredging, land filling, and terminal development; and (v) the construction of new consolidated gate facilities.

2.3 Project Alternatives

Based on the objectives and the environmental consequences of the proposed project, and pursuant to Section 15126.6 of the *CEQA Guidelines*, the following three project alternatives were considered and analyzed in the EIR:

- The No Project alternative which assumes that the existing terminal facilities would continue operating in their current configurations;
- The 75-Acre alternative which would develop a 345-acre terminal: 270 acres of existing land and 75 acres of landfill;
- The 52-Acre alternative which would develop a 322-acre terminal: 270 acres of existing land and 52 acres of landfill.

In addition, the following alternatives were withdrawn from consideration after initial investigation deemed them infeasible:

- Sites outside of Port of Long Beach. The Board also determined that alternative locations outside the Long Beach Harbor District are infeasible because such sites are beyond the jurisdiction of the Board. Further, redevelopment of all available land in the neighboring Port of Los Angeles will be required in addition to, not instead of, the proposed Project to accommodate the projected growth in cargo volume in the San Pedro Bay ports. Sites in other ports, such as Hueneme and San Diego, do not address the demand for modern high-volume port access in the five-County of Los Angeles region, which is the final destination of approximately 50 percent of the inbound cargo of the San Pedro Bay Ports. Finally, the California Coastal Act limits port expansion to existing port areas, preserving the rest of the coastline for other uses.
- Alternatives sites in the Port of Long Beach:
 - Pier S, 150 acres of oilfield operations, is south of Cerritos Channel on Terminal Island. This site is infeasible because it is too small to serve as the sole alternative to the Pier J south 385-acre site and could not substitute for part of the site because it is several miles from Pier J and would require duplication of gates and administrative and operations personnel, making the site economically infeasible. Moreover, because redevelopment of both Pier S and the proposed Pier J South Project will be required to satisfy projected growth in cargo volume, neither site could substitute for the other.

- Pier A West, 120 acres of oilfield operations, is north of Cerritos Channel and west of the Terminal Island freeway. This site does not have water access and would need to be combined with the existing Pier A terminal to have water access, and is therefore infeasible.
- Pier G is only approximately 100 acres, and therefore could not serve as the single alternative to the preferred 385-acre Pier J South Project. Pier G could not substitute for part of the preferred project because it is separated from Pier J South by another terminal that would require, like Pier S, duplication of certain operations, making it economically infeasible. Finally, redevelopment of Pier G is planned as part of the 315-acre Pier G/J Terminal, for which an EIR was certified on September 11, 2000.
- Pier W, an expansion adjacent to the Navy Mole, would require filling approximately 285 acres into the West Basin to meet the requirements of the Port's preferred project for Pier J South development. This alternative is infeasible because of the Port's current lack of sufficient mitigation credits to offset the loss of 285 acres of marine habitat.
- A 31-acre landfill alternative on the existing 270 acres at Pier J South would be infeasible because it would not provide the minimal terminal area required to accommodate projected cargo growth.

A more detailed description of alternatives, and required findings, are set forth in Section 6: Feasibility of Project Alternatives and Mitigation Measures.

SECTION 3: EFFECTS DETERMINED TO BE MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS

The FEIR identifies certain potentially significant adverse environmental impacts resulting from the construction and operation of the Project, which impacts are summarized on pages ES-10 through ES-15 of the FEIR.

The FEIR identified two potentially significant effects that could result from the proposed project. However, the Board finds for each of the significant or potentially significant impacts identified in this section, Section 3, based upon substantial evidence in the record that: changes or alterations have been required or incorporated into the proposed project that avoid or substantially lessen the significant effects as identified in the FEIR.⁵ As a result, the adoption of the mitigation measures set forth below will reduce the identified significant effects to a less-than-significant level.

3.1 Biota and Habitats

3.1.2 Impact: Loss of sedimentary bottom and overlying water column habitat. Fill material and quarry rock would cover up to 115 acres of existing sedimentary bottom and the associated infauna and epibiota, and would eliminate the

⁵ CEQA Guidelines, section 15091.

overlying water column habitat for fish. However, the creation of approximately 15 acres of new water area under the Project would result in a net impact to only 100 acres.

3.1.3 Mitigation Measure BH-1: Available Port habitat credits from the restoration of the Bolsa Chica Wetland shall be used to offset the loss of 100 acres of marine habitats impacted by the fill.

3.1.3 Finding: Changes or alterations are required in, or incorporated into, the Project that will substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. The Board finds that the implementation of the above mitigation measure is feasible and would reduce the biota and habitats impacts resulting from implementation of the Project to a less-than-significant level. The 1998 inter-agency Bolsa Chica Memorandum of Agreement ("MOA") (entered into by National Marine Fisheries Service, U.S. Fish & Wildlife service, California Department of Fish and Game, U.S. Army Corps of Engineers, the California Coastal Conservancy, U.S. Environmental Protection Agency, California Resources Agency, California State Lands Commission, and the Ports of Long Beach and Los Angeles) specifically provides for in-kind credits for port fills, such as those proposed by this Project, based on the wetlands restoration at Bolsa Chica. The MOA specifically recognizes that the tidal restoration of the Bolsa Chica wetlands, located near the ocean, permanently creates and restores equivalent aquatic functions and habitat values that compensate for the construction of new land fills in the Port that eliminate fish and wildlife habitat. The Bolsa Chica project consists of a new ocean inlet that reestablished areas of full tidal habitat, which is highly desirable for biological diversity and productivity reasons. It has contributed to the recovery of several species, including the California least tern. Thus, even though the mitigation habitat is of a different type than that filled, it offsets the habitat value for the valuation species of the filled habitat. Because of the wetlands restoration, there will be no net loss of in-kind habitat value caused by the proposed filling.

3.2 Ground Transportation

3.2.1 Impact: Short-Term Impact on Roadways in the Immediate Vicinity. Traffic generated during site construction/preparation of the Project would result in a short-term potentially significant impact on the roadways in the immediate vicinity of the Project.

3.2.2 Mitigation Measure GT-1: As part of a construction traffic management plan, potential detouring, traffic controls, signing and traffic scheduling shall be implemented to minimize short term impacts.

3.2.3 Finding: Changes or alterations are required in, or incorporated into, the Project that will substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. The Board finds that implementation of the above-described mitigation measure would reduce the proposed Project's short-term impact on roadways in the immediate vicinity of the Project to a less-than-significant level. Further, because the impacts are short-term in nature, they would not be significant.

SECTION 4: SIGNIFICANT EFFECTS THAT CANNOT BE MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS

Changes or alterations have been or will be required or incorporated into the Project, as summarized in the Pier J South Terminal Development Project Mitigation Monitoring and Reporting Program, which is available for inspection in the office of the Director of Planning, and is by this reference made a part hereof. These changes or alterations would substantially lessen or avoid the identified significant adverse environmental effects of the Project. Notwithstanding these changes and alterations, individual project impacts in the following areas remain significant or potentially significant: air quality, geologic resources, and biota and habitats. In addition, toxic air pollutant health impacts, ground transportation, and public safety, although not significant for the project, are cumulatively considerable in the context of all related projects.

4.1 Individual Project Impacts

4.1.1 Air Quality

4.1.1.1 Impact: Emissions During Project Construction. Project construction will produce significant carbon monoxide (CO), nitrogen oxides (NO_x), sulfur oxides (SO_x), particulate matter with an aerodynamic diameter less than or equal to ten microns (PM₁₀), and reactive organic compound (ROC) emissions. The levels of emissions would exceed the South Coast Air Quality Management District ("SCAQMD") thresholds for each of these criteria air pollutants, and even with the imposition of mitigation measures, the level of significance after mitigation remains significant. Further, the significant impact to air quality from criteria air pollutants during construction would affect the environmental justice study area census tracts. However, emissions can be reduced by implementing certain standard air pollution control measures.

4.1.1.2 Mitigation Measures:

4.1.1.2.1 Mitigation Measure AQ-1 (1): The Chief Harbor Engineer or his Port designee shall require that all contractors use ultra-low sulfur or California Air Resources Board-approved alternative diesel fuel in all diesel powered equipment used on site.

4.1.1.2.2 Mitigation Measure AQ-1 (2): The Port shall require that dredging contractors use electric-powered dredges for all hydraulic dredges and ultra-low sulfur or emulsified diesel in all other types of dredges.

4.1.1.2.3 Mitigation Measure AQ-1 (3): Before construction begins, the Port shall submit for approval to the Director of Planning a plan that encourages construction workers to ride-share. If offsite parking is required, the Port shall require that the contractors provide a van to transport workers to and from the offsite parking area.

4.1.1.2.4 Mitigation Measure AQ-1 (4): Before construction begins, the Port shall submit for approval to the Director of Planning a plan to ensure the following: concurrent use of equipment is minimized by construction phasing or other approved method; equipment is turned off when not in use; construction activities are suspended during Stage II smog alerts; bare ground surfaces are watered before grading activities begin and at least twice each day thereafter; no soil excavation or hauling occurs when wind speeds exceed 25 miles per hour; disturbed surface areas not under active construction are treated with a soil stabilizer to minimize erosion; and vehicular activity on unpaved surfaces is restricted and that vehicles do not exceed 15 miles per hour on those surfaces.

4.1.1.2.5 Mitigation Measure AQ-1 (5): Before construction begins, the Port shall submit for approval to the Director of Planning a traffic management plan (TMP) to minimize traffic impacts during construction. The TMP, at a minimum, shall include detour routes, flagmen, traffic controls, signing, and traffic scheduling.

4.1.1.3 Finding: Implementation of the above mitigation measures would reduce the severity of the emissions impact during construction as described above. The Board finds that these mitigation measures are feasible and include generally-accepted methods of reducing construction-related emissions. However, short-term construction emissions are an unavoidable component of any significant development project in the South Coast Air Basin that occurs within an infill setting, as does the proposed Project. Even with the imposition of these mitigation measures, construction emissions impacts will exceed SCAQMD thresholds of significance for criteria air pollutant emissions. Specific economic, legal, social, technological and other considerations make infeasible mitigation measures (other than the mitigation measures set forth above) or project alternatives which could reduce the construction emission impacts to a less-than-significant level. Pursuant to section 21081(a)(3) of the Public Resources Code, the Board has determined that these impacts are acceptable based on the considerations described above and the specific overriding considerations as described in the Statement of Overriding Considerations.

4.1.1.4 Impact: Emissions From Project Operations. Project-related impacts associated with air quality are under the jurisdiction of the South Coast Air Quality Management District ("SCAQMD"), the California Air Resources Board ("CARB"), and the U.S. Environmental Protection Agency ("EPA"). SCAQMD is addressing district-wide air quality problems with a long range comprehensive regulatory scheme; CARB is addressing mobile and other sources of air pollution; and EPA is addressing numerous air quality issues. Any air quality impacts arising from this Project would be regulated and partially mitigated by SCAQMD, CARB, and EPA rules and guidelines which are aimed at attaining national and state ambient air quality standards. Air quality impacts resulting from projected growth in cargo movements in San Pedro Bay were incorporated into the State Implementation Plan ("SIP") and are addressed by emission control and transportation planning measures adopted by and under the jurisdiction of the SCAQMD and Southern California Association of

Governments. The measures are designed to attain national and state air quality standards in the South Coast Air Basin.

Nevertheless, Project operations would result in significant increases in NO_x, PM₁₀, SO_x, and ROC emissions. The level of emissions of the above air criteria pollutants would exceed the South Coast Air Quality Management District thresholds during Project operations. Further, the significant impact to air quality from the referenced criteria air pollutants during Project operations would affect the environmental justice study area census tracts. However, with the implementation of standard air pollution controls measures, such emissions impacts are expected to be reduced, although they would remain significant.

4.1.1.5 Mitigation Measures:

Before the Harbor Department grants the tenant/operator any rights to operate within any of the new landfill areas, the tenant/operator shall prepare and submit an emissions reduction plan (which plan shall address Mitigation Measures AQ-2(6)-AQ-2(9)) to the Harbor Department Planning Division for its approval and shall commit to Mitigation Measures AQ-2(6) through AQ-2(9), inclusive, in a binding lease or other agreement.

4.1.1.5.1 Mitigation Measure AQ-2 (6): The tenant/operator shall be required to have all diesel-powered, non-road terminal equipment engines meet the emissions standard set forth in the Environmental Protection Agency's (EPA) "Control of Emissions of Air Pollution From Non-Road Diesel Engines and Fuel," published in the Federal Register on June 29, 2004 at page 38958, or its equivalent. Any future purchases of such equipment shall also meet or exceed those standards.

4.1.1.5.2 Mitigation Measure AQ-2 (7): The tenant/operator shall use alternative fuel or alternative diesel fuels and/or exhaust control technology on all non-road diesel-powered terminal equipment.

4.1.1.5.3 Mitigation Measure AQ-2 (8): The tenant/operator shall use an appointment system and implement extended gate hours.

4.1.1.5.4 Mitigation Measure AQ-2 (9): Where such use meets all vessel safety requirements (as specified by the Safety Of Life At Sea [SOLAS] treaty or other international, federal, or state requirements), the tenant/operator shall require ships calling at the terminal to use fuel such as CARB's No. 2 diesel, gas-to-liquid diesel, biofuels, or a marine distillate fuel (as specified by ISO 8217) in the ship's auxiliary powered generator motors, or to use exhaust gas treatment technology, and the tenant/operator shall submit quarterly reports to the Director of Planning indicating which ships complied with this requirement and which did not. For ships that did not comply, the tenant/operator shall indicate the reasons. This measure shall not apply to vessels complying with Mitigation Measure AQ-2(10).

4.1.1.5.5 Mitigation Measure AQ-2 (10): If the new wharf component of the Project is constructed, the Port shall include a shore-side power source in the new wharf design and construction. Any agreement for the use of the new

wharf shall require that Candidate Vessels calling at the terminal use the berth at the new wharf, unless all berths at the new wharf are already occupied by Candidate Vessels, and shall use the shore-side power source for all electrical power needs while berthed at the new wharf. A Candidate Vessel is defined as an individual ship that is projected: (1) to exceed six (6) ship calls per year; and (2) to consume more than 1.2 million KWh per year while berthed at the terminal. Those vessels that are not Candidate Vessels shall continue to comply with Mitigation Measure AQ-2 (9).

4.1.1.6 Finding: Implementation of the above mitigation measures would reduce the severity of the emissions impact during Project operations as described above. The Board finds that these mitigation measures are feasible and include generally-accepted methods of reducing operations-related emissions. However, operations emissions are an unavoidable component of any significant development project in the South Coast Air Basin that occurs within an infill setting, as does the proposed Project. Even with the imposition of these mitigation measures, operations emissions impacts will exceed SCAQMD thresholds of significance for criteria air pollutant emissions. Specific economic, legal, social, technological and other considerations make infeasible mitigation measures (other than the mitigation measures set forth above) or project alternatives which could reduce the operations emissions impacts to a less-than-significant level. Pursuant to section 21081(a)(3) of the Public Resources Code, the Board has determined that these impacts are acceptable based on the considerations described above and the specific overriding considerations as described in the Statement of Overriding Considerations.

4.1.2 Geologic Resources

4.1.2.1 Impact: Damage From Local or Regional Earthquakes. Despite incorporating design measures that include recommendations in the California Division of Mines and Geology, Special Publication 117, Chapter 6 (1997), facilities would be particularly susceptible to damage from local or regional earthquakes, especially if liquefaction of the fill were to occur. Based on the historic record, it is highly probable that future regional earthquakes will effect the Long Beach Harbor area. Based on this historic record, the Pier J South site lies within a seismically active region. If a major seismic event occurred on the faults described in the EIR, it could cause extensive damage to the site areas because of significant peak horizontal ground accelerations. Damage to underground and aboveground pipelines, rail lines, and structures would occur. The principal damaging effects of earthquakes consist of ground shaking, surface rupture and liquefaction. The potential for ground rupture at Pier J South is insignificant because the closest fault to the proposed project area is about 4.0 miles to the west. The Port as a whole, including Pier J South, has a high potential for soil liquefaction because of the presence of a high groundwater table and man-made fills, along with the potential for significant ground shaking associated with a moderate to major earthquake.

4.1.2.2 Mitigation Measures: No feasible mitigation is available.

4.1.2.3 Finding: Specific economic, legal, social, technological and other considerations make infeasible mitigation measures or project alternatives which could reduce the significant effects as identified in the EIR to a less-than-significant level. Some of the key objectives of the Project are to allow the expansion and modernization of a container terminal on existing Port-owned land, thereby meeting part of the projected need for future cargo-handling facilities, and to maximize the redevelopment of suitable existing land, thereby avoiding the creation of new landfill to the maximum extent feasible. This geological resources impact would be comparable for any and all development in the region. Reducing the above described impacts to a less-than-significant level would require that the Project site not be developed at all, thus constraining or precluding achievement of the Project objectives. Pursuant to section 21081(a)(3) of the Public Resources Code, the Board has determined that this impact is acceptable based on the considerations described above and the specific overriding considerations as described in the Statement of Overriding Considerations.

4.1.3 Biota and Habitats

4.1.3.1 Impact: The Introduction of Non-Indigenous Species.

The introduction of non-indigenous species via the discharge of ballast water into the Harbor could result in a significant impact. The possible introduction of non-indigenous species is a nationwide issue that prompted Assembly Bill 703, the California Ballast Water Management for Control of Non-Indigenous Species Act (PRC Division 36, sections 71206-71207) ("Act"), which became effective January 1, 2000. The Act responds to the Federal Non-Indigenous Aquatic Nuisance Prevention and Control Act of 1990 and the National Invasive Species Act of 1996, that established record keeping requirements and precautionary measures designed to control the import of invasive species. It is unlikely, however, that the current state and federal regulatory programs are one hundred percent effective, and therefore it is possible that exotic species are being continually introduced into Southern California waters.

4.1.3.2 Mitigation Measure: No feasible mitigation is available.

4.1.3.2 Finding: Specific economic, legal, social, technological and other considerations make infeasible mitigation measures or project alternatives which could reduce the significant effects as identified in the EIR to a less-than-significant level. The Act (Public Resources Code Section 71207(a)) provides that prior to January 1, 2010, no state agency, board, commission, or department shall impose a requirement pertaining to the discharge or release of ballast water from a vessel that is different from the requirements set forth under the Act. These ballast water management regulations appear to have the intent of "occupying the field," as they deal with matters of statewide, rather than merely local, concern. The acknowledged intent of the Act is to develop a uniform state regulatory program regarding ballast water discharge. The Act establishes a statewide multi-agency program to control the introduction and spread of non-indigenous aquatic species (NAS) in the waters of the state, and requires that the State Lands Commission, the Department of Fish and Game, the Regional Water Control Board, and the Board of Equalization cooperate in developing reports and in conducting research into potentially long-term solutions to the problem of NAS

introductions. Thus, it would be illogical to prohibit additional regulation by state agencies while at the same time allowing local agencies to impose perhaps infeasible or cost-prohibitive conditions, especially since vessel operations are already required under the Act to take all feasible measures, based on the best available technologies economically achievable, to minimize the discharge of ballast water into the waters of the state (Public Resources Code section 71203). Thus, the Act preempts overlapping attempts by local agencies to impose additional controls. Where the general law occupies the field to the exclusion of local regulation, even otherwise valid local regulation conflicts with state law and is therefore preempted and void. A conflict exists if the local regulation duplicates, contradicts or merely enters an area fully occupied by general law. Thus, even were the Port legally authorized to impose additional mitigation on the Project, no feasible mitigation measures exist.

In any event, compliance with the Act is the best feasible mitigation measure currently available. Under the Act, vessels utilizing the Project facilities will be prohibited from discharging ballast waters into state waters unless the operator has carried out a mid-ocean exchange procedure, has discharged ballast to an approved shore-based treatment facility, or has used an environmentally sound alternative shipboard treatment technology approved by the State Lands Commission. Neither onshore treatment facilities nor shipboard treatment technologies are currently feasible options. Shipboard treatment technologies have not been successfully developed because they must address a daunting variety of water quality parameters, vessel operations, conditions, species, ships, shipping routes, and ports. The identification of a single treatment technology for all species, ships, and port conditions has not yet occurred, and it is likely that a suite of treatment technologies will need to be developed to successfully treat ballast water. Currently, not enough conclusive information is available to impose any single treatment option or a combination of treatment options for certification in California. Similarly, shore-based treatment facilities are not currently available. More detailed port-specific or vessel-specific studies are needed before such an option can be deemed feasible.

Moreover, the development of effective technologies requires a coordinated, well-funded research program of integrated phases, including basic research and development; prototype development; shipboard applications and certifications; and implementation components. The development of effective and practicable treatment technologies that can be used by the great variety of vessels that carry ballast water must be addressed on a national and regional level and can be accomplished only with strong federal leadership with a nationally-led, defined, and integrated program to provide developers an opportunity to test and refine their systems.

Finally, open-ocean exchange is deemed to be 85-95 percent effective in eliminating the risk of ballast water-borne invasive species introduction, and statewide compliance with the mandatory management requirements of the Act, either through retaining ballast water on board or by exchanging ballast water prior to discharge, is very high (approximately 95 percent). Consequently, ships that enter the Port carrying seawater will likely be largely free of invasive species.

4.2 Cumulative Impacts

4.2.1 Air Quality

4.2.1.1 Impact: Toxic Air Pollutants. Project operations in combination with other projects would result in significant cumulative impacts for both criteria air pollutants and toxic air pollutants. All related projects to be under construction or newly operational at the same time as the proposed Project will have air emissions associated with both construction and operation. The cumulative impacts of those emissions have been shown to represent significant impacts, even with the incorporation of mitigation measures recommended by the South Coast Air Quality Management District. The South Coast Air Quality Management District Mates-II Study presents the regional cancer risk levels in the South Coast Air Basin, while the Air Toxics Health Risk Assessment Report included in the EIR includes a cumulative air toxics health risk analysis for the proposed actions. The latter analysis found that the proposed Project actions would not contribute significant cumulative air toxics health impacts to the region. Mates-II, however, concluded that the total carcinogenic risk in the South Coast Air Basin currently exceeds thresholds of significance, even without the Project. Therefore, even though Project-specific toxic air pollutant health impacts would not be significant, it is likely that the incremental increase in the cancer risk level for toxic air pollutants as a result of the Project would contribute to a cumulatively significant health impact in the South Coast Air Basin. Although there would not be disproportionate health impacts from Project-specific toxic air pollutants on minority or low income communities, it is likely that the incremental increase in the cancer risk level for toxic air pollutants as a result of the Project would contribute to a cumulatively significant health impact in the environmental justice study area census tracts.

4.2.1.2 Mitigation Measures:

Before the Harbor Department grants the tenant/operator any rights to operate within any of the new landfill areas, the tenant/operator shall prepare and submit an emissions reduction plan (which plan shall address Mitigation Measures AQ-3(6)-AQ-3(9)) to the Harbor Department Planning Division for its approval and shall commit to Mitigation Measures AQ-3(6) through AQ-3(9), inclusive, in a binding lease or other agreement.

4.2.1.2.1 Mitigation Measure AQ-3 (6): The tenant/operator shall be required to have all diesel-powered, non-road terminal equipment engines meet the emissions standard set forth in the Environmental Protection Agency's (EPA) "Control of Emissions of Air Pollution From Non-Road Diesel Engines and Fuel," published in the Federal Register on June 29, 2004 at page 38958, or its equivalent. Any future purchases of such equipment shall also meet or exceed those standards.

4.2.1.2.2 Mitigation Measure AQ-3 (7): The tenant/operator shall use alternative fuel or alternative diesel fuels and/or exhaust control technology on all non-road diesel-powered terminal equipment.

4.2.1.2.3 Mitigation Measure AQ-3 (8): The tenant/operator shall use an appointment system and implement extended gate hours.

4.2.1.2.4 Mitigation Measure AQ-3 (9): Where such use meets all vessel safety requirements (as specified by the Safety Of Life At Sea [SOLAS] treaty or other international, federal, or state requirements), the tenant/operator shall require ships calling at the terminal to use fuel such as CARB's No. 2 diesel, gas-to-liquid diesel, biofuels, or a marine distillate fuel (as specified by ISO 8217) in the ship's auxiliary powered generator motors, or to use exhaust gas treatment technology, and the tenant/operator shall submit quarterly reports to the Director of Planning indicating which ships complied with this requirement and which did not. For ships that did not comply, the tenant/operator shall indicate the reasons. This measure shall not apply to vessels complying with Mitigation Measure AQ-3(10).

4.2.1.2.5 Mitigation Measure AQ-3 (10): If the new wharf component of the Project is constructed, the Port shall include a shore-side power source in the new wharf design and construction. Any agreement for the use of the new wharf shall require that Candidate Vessels calling at the terminal use the berth at the new wharf, unless all berths at the new wharf are already occupied by Candidate Vessels, and shall use the shore-side power source for all electrical power needs while berthed at the new wharf. A Candidate Vessel is defined as an individual ship that is projected: (1) to exceed six (6) ship calls per year; and (2) to consume more than 1.2 million KWh per year while berthed at the terminal. Those vessels that are not Candidate Vessels shall continue to comply with Mitigation Measure AQ-3 (9).

4.2.1.3 Finding: Implementation of the above mitigation measures would reduce the severity of the cumulative emissions impact during Project operations as described above. The Board finds that these mitigation measures are feasible and include generally-accepted methods of reducing cumulative operations-related emissions. However, cumulative operations emissions are an unavoidable component of any significant development project in the South Coast Air Basin that occurs within an infill setting, as does the proposed Project. Even with the imposition of these mitigation measures, cumulative operations emissions impacts will exceed SCAQMD thresholds of significance for criteria air pollutant emissions and the threshold of significance for toxic air pollutants. Specific economic, legal, social, technological and other considerations make infeasible mitigation measures (other than the mitigation measures set forth above) or project alternatives which could reduce the cumulative operational emissions as to both the criteria and toxic air pollutants to a less-than-significant level. Pursuant to section 21081(a)(3) of the Public Resources Code, the Board has determined that these impacts are acceptable based on the considerations described above and the specific overriding considerations as described in the Statement of Overriding Considerations.

4.2.2 Ground Transportation

4.2.2.1 Impact: Freeway Congestion. Although no significant cumulative traffic impact is expected on the local roadway system, cumulative traffic on the freeways combined with the Project's traffic is likely to have a significant effect.

4.2.2.2 Mitigation Measures: No feasible mitigation is available.

4.2.2.3 Finding: Specific economic, legal, social, technological and other considerations make infeasible mitigation measures or project alternatives which could reduce the cumulative traffic impacts to a less-than-significant level. The freeways are already congested at peak times of the day and future traffic forecasts indicate there will be additional congestion on I-710. This is a regional problem that must be dealt with on a regional basis—it cannot be mitigated to a level of insignificance by this Project. In this regard, the Port of Long Beach is directly participating in the I-710 Major Corridor Study to identify improvements for the freeway. The Port is a member of the I-710 Oversight Policy and Technical Advisory Committees. The Port, City of Long Beach, and Gateway Cities Council of Governments are also aggressively seeking federal, State, and LACMTA funds for the I-710 Corridor.

In addition to the Port's direct involvement in the I-710 study, the Port has expended, and will continue to expend, significant funds for regional transportation improvements on the south end of the I-710 Corridor. The Port has spent over \$10 million in the last three years on improvements to Ocean Boulevard, which includes the recently completed Gerald Desmond Bridge widening. The Port will be constructing another major project within the next two years, the Terminal Island Freeway (SR 47)/Ocean Boulevard interchange.

The Port is also developing and implementing several strategies to reduce truck trips and improve traffic operations on the I-710. Regarding trip reductions, the Port has spent hundreds of millions of dollars over the last ten years on rail projects that include on-dock rail yards, mainline track improvements, and the Alameda Corridor. All of these improvements eliminate thousands of truck trips/day. The Port is proposing to expend another \$170 million on needed additional rail yards and mainline track improvements by 2010, which are all integral to the recently opened Alameda Corridor (on which the Port expended \$200 million).

Regarding traffic operations, the Ports of Long Beach, and Los Angeles will also be implementing an Intelligent Transportation Systems project over the next several years. The Ports of Long Beach/Los Angeles Advanced Transportation, Management, Information, and Security (ATMIS) System is currently being designed to improve traffic flow for both Ports as well as the adjacent regional transportation system. The ATMIS System will monitor vehicle traffic conditions through the use of closed circuit television cameras and vehicle detection devices at the terminal gates. The ATMIS System will distribute the traffic information to motorists, other agencies, and intermodal industry information systems (such as eModal) through the use of strategically placed changeable message signs, internet video, and appropriate data sharing means. The ATMIS System will be a major component in an overall intelligent transportation systems (ITS) program for the I-710 Corridor/Gerald Desmond Bridge Gateway Program.

Port industry information technology (IT) systems, such as eModal and Marine Terminal Corporations VoyagerTrack, are being used for appointment systems that enable truck

drivers to alter their schedules to avoid roadway/freeway congestion, terminal congestion, and queues. In 2002, the Port provided funding to eModal for the development of the appointment system now in use. The Port is also aggressively advocating for extended hours of operation to reduce peak period truck trips on I-710. To that end, the Ports and the Waterfront Coalition (WC), which is comprised of the various supply chain sectors, (including importers/exporters), are working closely to extend hours of operation throughout the entire supply chain. The Port of Long Beach has entered into a partnership with the WC to increase the utilization of existing transportation infrastructure outside the normal day shift. Until effective regional improvements are fully implemented, however, the cumulative impacts on freeway congestion will exist.

4.2.3 Public Safety

4.2.3.1 Impact: Hazardous Materials Accidents. Although no significant impact on public safety is expected because of the individual Project, the cumulative rate of accidents, including those involving the release of hazardous materials, is likely to increase so as to have a significant effect on public safety.

4.2.3.2 Mitigation Measures: No feasible mitigation is available.

4.2.3.3 Finding: Specific economic, legal, social, technological and other considerations make infeasible mitigation measures or project alternatives which could reduce the cumulative public safety impacts to a less-than-significant level. It would be speculative and unproductive to attempt to fashion individual mitigation measures to address cumulative impacts that must be addressed on an area-wide basis. It should be noted, however, that all Port facilities personnel are trained in emergency response and evacuation procedures by their respective employers; the Port is secured with access allowed only by authorized personnel; existing fire department resources are available to serve the Port; the type of containerized stacking and handling operations utilized throughout the Port reduce the risk of fire; water lines serving the Port provide sufficient water pressure and volume to meet fire protection requirements; the police department provides police protection from its existing downtown location; and emergency routes are not expected to be affected by rail and truck traffic of future projects. Further, existing measures in place at the local, state, federal, and international levels can be expected to reduce the probability of serious leaks, spills, and explosions involving cargo containers. The local fire and police departments, the California State Lands Commission and Department of Fish and Game, and the federal Coast Guard have established sophisticated emergency response procedures for port-related incidents. Finally, the U.S. Customs Bureau and the U.S. Coast Guard are implementing increased cargo security measures, such as advanced screening of cargo manifests, more specific labeling and manifesting, and spot checks of incoming containers, which should significantly reduce the chance that containers of hazardous substances will be mishandled, tampered with, or otherwise release their contents. No additional measures that could be implemented by the Port would effectively increase public safety.

SECTION 5: EFFECTS DETERMINED TO BE NOT SIGNIFICANT OR LESS THAN SIGNIFICANT

The Board finds that, based upon substantial evidence in the record as discussed below, the following impacts associated with the proposed Project are, except as noted above, less than significant and no mitigation is required:

5.1 Geologic Resources

The proposed fills of the Project would alter the existence geologic environment by filling existing submerged areas. This alteration to existing topography, however, would not significantly effect the geologic environment or geologic processes such as landslides or erosion. No unique geologic features of unusual scientific value are known to exist in the area of Pier J South, and any mineral resources in the area of the proposed landfill (e.g., petroleum or natural gas), could still be accessed from an offsite location. Thus, the Project would not result in significant impacts to the existing geologic environment.

Construction activities could result in temporary increases in wind and water erosion of soils. However, due to the compaction and paving of the Project area, an overall decrease in erosion is anticipated. Thus, no mitigation measures are required.

Dredged channels side-slope failures adjacent to existing or proposed landfills could potentially result in damage to landfills and to overlying structures. However, design measures would be implemented during dredging for wharf construction to reduce the risk of slope failure. Further, in areas receiving new fill, settlement could occur from the additional overburdened loads. However, design measures would be implemented to reduce the impacts of settlement.

5.2 Marine Water Circulation and Water and Sediment Quality

Conditions attached to the United States Army Corps of Engineers and Regional Water Quality Control Board permits, which would be part of the Project, would be designed to reduce otherwise potentially significant water quality impacts associated with dredging and filling. All Project-related discharges would be governed by the Regional Water Quality Control Board through permit conditions that insure that the receiving waters are not adversely affected, including a storm water permit for construction activities. Additionally, the Port's Storm Water Pollution Prevention Program (SWPPP) is specifically designed to prevent or reduce the discharge of pollutants to the Harbor and prohibits, in accordance with the applicable provisions of the City's Municipal Separate Storm Sewer System NPDES Permit and the general industrial activities permit, storm water discharges that cause or contribute to a violation of any applicable water quality standard. The terminal's operators will be required to comply with all applicable NPDES Permits and the Port's Master Storm Water Program. With implementation of the Project design and regulatory compliance features described above, no significant impacts are expected from construction and operational discharges, and therefore no mitigation measures would be required.

5.3 Vessel Transportation

Phase I of the Project could result in a potentially significant impact to vessel transportation because of the fill site's proximity to the Long Beach Channel. Phase II could also result in a potentially significant impact if construction activities interfered with vessel traffic at the entrance to the Southeast Basin. In order to avoid potential impacts to marine traffic, demolition of the tip of Pier F would be completed prior to beginning Phase II fill activities on Pier J South. Furthermore, the Project includes dredging a strip of submerged land along the south side of the main channel to provide additional navigational room for vessels while landfilling associated with Phases I and II is underway. This would ensure that traffic in and out of the Southeast Basin and deep draft vessels in the main channel are not affected by project development. Thus, potential impacts to marine vessel transportation during construction would not be significant.

The Project would generate approximately 125 additional vessel calls annually, which is a relatively small number compared to the overall number of vessel calls (5,936 in 2000) at the Ports of Long Beach and Los Angeles. Although shipping volumes and potential congestion in the Harbor would increase, it would be insignificant in terms of overall vessel traffic. No navigational problems would result from the additional vessel activity. The insignificant impact would be further reduced by operation of the Vessel Traffic Service. Therefore, no mitigation measures would be required.

5.4 Land Use

The goals of the construction and ultimate uses of the facility are consistent with Southeast Harbor Planning District goals and objectives. The goal of the District is to modernize and maximize use of existing and future facilities. The implementing objectives include increasing cargo handling efficiencies, which would be realized by filling the submerged land near Pier J South. No significant impact would result from construction of the Project.

The proposed terminal development includes other improvements to Port facilities related to the container terminal. Among these improvements are those associated with the terminal entrance and exit, railroad tracks, storm drain systems, administration and maintenance buildings, pavement, lighting, and utilities and communication systems. Some of these facilities would be constructed near existing and abandoned oil wells. Development, however, would not occur in oil areas and, consistent with State procedures, no building would be closer than 15 feet to an abandoned well unless engineered pursuant to California Division of Oil, Gas, and Geothermal resources guidance.

Facility operations would involve approximately 770 employees and would entail increases in equipment and transportation facilities. No significant impacts or conflicts associated with the proposed land uses have been identified. Further, no significant aesthetic impacts would result because of the absence of scenic values and sensitive

viewers in the area. Because there would be no significant impacts, mitigation would not be necessary.

5.5 Noise

Noise from construction activity would affect ambient levels on the Project site and nearby. Trucks hauling demolition debris would not affect sensitive receptors because they would be within Port-related areas. Trucks hauling fill and/or surcharge material would use designated routes in and out of the Port, and consequently noise on existing local corridors would not be significantly affected. The nearest sensitive receptor is over one mile north of the Project, and at that location general construction noise would be less than 60 dBA. All construction noise would, therefore, be well below the significance threshold.

The major noise sources during operation would be additional cranes to load and offload container vessels, additional loaders to transfer containers onto trucks, trains to transport cargo, and additional miscellaneous vehicles and equipment to facilitate cargo movement. Measured hourly sound levels during the loading and unloading process range from 65 to 79 dBA on the Pier. This noise would not exceed thresholds for noise within the Port or significantly affect sensitive receptors outside the Port boundaries. Although two additional trains per day would be generated by the Project, noise and vibration levels would be similar to levels currently experienced by residences adjacent to the track, and the average wayside noise level would be only incrementally increased. Because the trains would use the Alameda Corridor, noise and vibration impacts previously experienced by residents along the SNSF and UP tracks would be eliminated, as all intermodal rail traffic is required to use the Corridor. Finally, the Project would generate 1,243 more truck trips per day, which trucks would use established area roadway systems in and out of the Port. No increase would occur to the ambient noise level along these major arterials and freeways. Because no significant unavoidable adverse impacts on noise levels or vibration would result from construction or operation of the Project, mitigation is not required.

5.6 Public Health and Safety

Construction of the Project would be confined to Pier J South. Construction barges containing dredge fill material and construction equipment would approach the Project site from the Long Beach Channel and Southeast Basin. Construction would occur in phases over 13 years. No public road closures are anticipated, and proposed construction activity would occur at least one half mile away from population centers and visitor-serving uses. Accordingly, no significant impacts are anticipated.

Marine terminal facilities would involve storing and transporting containers by ship, train, and truck, some of which may carry hazardous materials. No new or additional hazardous materials facilities would be constructed. Facilities personnel would be trained in emergency response and evacuation procedures by their respective employers, and the Project would be secured with access allowed only by authorized personnel. Existing fire department resources would be available to serve the Project.

5.9 Utilities and Service Systems

Utility and service system connections would be designed and constructed in consultation with utility/service providers. No significant impacts to public utilities or service systems are anticipated with construction of the Project. As there are more than sufficient utility supplies available for the proposed operation of the Project for the foreseeable future, there would not be a significant adverse impact on projected utility and service system supplies.

SECTION 6 FEASIBILITY OF PROJECT ALTERNATIVES

6.1 Project Alternatives

CEQA requires that an EIR's analysis of alternatives include findings as to whether the alternatives can feasibly achieve the objectives of the proposed project, and to also identify the "environmentally superior" alternative. Each of the sections of the FEIR contains an analysis of the alternatives to the proposed project, including the CEQA-required "No Project" alternative. The following section discusses the project alternatives that were considered and analyzed in the FEIR and summarizes the consistency of these alternatives with the objectives of the proposed project.

6.1.1 No Project/No Build Alternative.

Consistent with Section 15126.6 of the *CEQA Guidelines*, the No Project/No Build Alternative is the existing condition of the project site at the time the Notice of Preparation (NOP) was published. The setting of the site at the time of the NOP is depicted in the exhibits and is described in the Project Description, Section 1, of the FEIR. Environmental impacts resulting from this project alternative would be those resulting from no development of the project site.

Consistency With Project Objectives. The Board finds that the No Project/No Build Alternative would not achieve any of the objectives listed in Section 2.1, Project Objectives, of this document. Implementation of this alternative would not result in the increase of marine terminal facilities on the project site, the major purpose of the proposed project.

Why This Alternative is Infeasible. The Board finds that this alternative is infeasible and rejects it. It would not provide sufficient cargo handling capacity in the Port to meet projected import and export demand, and would not allow the Port to accommodate new world-class vessels.

6.1.2 The 75-Acre and 52-Acre Landfill Alternatives

The 75-acre landfill alternative would develop a marine terminal on Pier J South of approximately 345 acres, of which 270 acres is existing land and 75 acres would be new landfill southwest and west of Pier J. The southwestern limit of new landfill would be approximately 300 feet from the top of the slope of the Long Beach Channel, and 15 acres on the southeastern edge of Pier F would be demolished to accommodate Pier J

South improvements and provide safe navigation for vessels transiting to the Southeast Basin. This alternative would be constructed in four phases over eight years. As with the Project, this alternative would operate as a single terminal 360 days per year, and operations would be similar in nature to those of the Project but would differ in the numbers of containers, trucks, ships, trains, and employees that would be involved.

The 52-acre landfill alternative would develop a marine terminal on Pier J South of approximately 322 acres, of which 270 acres would be existing land and 52 acres would be new landfill southwest of and adjacent to Pier J. The southwestern limit of the new fill would be approximately 300 feet from the top of the slope of the Long Beach Channel. Construction would occur over 4.5 years. Like the Project and the 75-acre alternative, this alternative would operate as a single terminal 360 days per year, and the nature of terminal operations would be identical, but would differ in magnitude.

Consistency With Project Objectives. The Board finds that the 75-acre and 52-acre landfill alternatives would not achieve the primary objective of the Project which is to provide sufficient cargo handling capacity in the Port to meet projected import and export demand; moreover, like the No Project alternative the 52-acre landfill alternative would not allow the Port to accommodate new world-class vessels.

Why These Alternatives Are Infeasible. The essence of the proposed project is to combine three formerly separate terminals into a single terminal. When the existing terminals were constructed, the market supported terminals in the 70- to 100-acre range. Given the increasing size of container vessels and the additional acreage necessary to serve them efficiently, the market now demands terminals in the 400-acre range. To meet this demand, the Port of Long Beach is attempting to combine adjacent terminals to produce these larger terminals without pursuing new landfill projects in the 400-acre range. This is consistent with the California Coastal Act which encourages modernization of existing facilities within existing port boundaries.

The existing land configuration has an "hourglass" shape with a very narrow strip of land in the middle. This is an inefficient shape for operating a single terminal. The most efficient shape for a modern container terminal is a rectangle with the wharf along the longer sides. The current configuration includes two separate entry gate complexes and rail lines that bisect the terminal.

The 115-acre alternative fills in the "waist" of the "hourglass," resulting in the most rectangular terminal possible given the proximity of the Main Channel to the southwest. The 115-acre alternative achieves this modernization with only 100 net acres of landfill rather than 400 acres to create a new terminal of this size. The new configuration will allow removal of the entry gate and rail lines currently located in the middle of the terminal and removal of redundant parking lots and buildings. The rail line can be routed around the eastern and southern perimeter of the site with enough length to assemble entire unit trains. The 115-acre alternative optimizes the use of these existing facilities and, given projections of future cargo volumes, any less optimal use of this facility will increase future demand for construction of new terminals.

The 75-acre alternative would remain hourglass-shaped after construction of the new wharf and during construction of the slip-fill. (These construction phases could not be reversed because the new berths must be constructed before the berths in the slip could be taken out of service.) The 75-acre alternative could also delay the West Basin sediment remediation project for about three years because the fill phase occurs later than the first fill phase in the 115-acre alternative. Even after complete build-out of the 75-acre alternative, the western half of the terminal would still be hourglass-shaped due to the permanent 52-acre triangular gap in the southwestern corner of the terminal. Thus, many of the existing logistical bottlenecks within the terminal would continue to exist under this alternative. In addition to the logistical impracticability, the 75-acre alternative would be more expensive to build on a per-acre basis than the 115-acre alternative and would not satisfy cargo forecast projections.

The 52-acre alternative and the no-action alternatives also fail to satisfy the overall project purpose for reasons similar to those described above. In addition, these alternatives do not have wharves with increased water depth, and thus would not accommodate the new generation of container vessels.

Only the 115-acre landfill alternative is of sufficient size and includes adequate facilities to accommodate anticipated additional cargo requirements.

EXHIBIT B

STATEMENT OF OVERRIDING CONSIDERATIONS FOR PORT OF LONG BEACH, PIER J SOUTH TERMINAL DEVELOPMENT

STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental impacts when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits of the proposed project outweigh the project's unavoidable environmental effects, those effects may be considered acceptable. CEQA requires the lead agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the record of proceedings. In accordance with the requirements of CEQA, including the *CEQA Guidelines*, the Board finds that the mitigation measures identified in the Final EIR and the Mitigation Monitoring and Reporting Program, when implemented, avoid or substantially lessen some of the significant environmental impacts identified in the Final EIR. Nonetheless, certain significant impacts of the project are unavoidable, even after the incorporation of all feasible mitigation measures. These significant unavoidable impacts are identified and discussed in Section 4 of Exhibit A. The Board finds that notwithstanding the disclosure of these significant unavoidable impacts and the presence of an environmentally superior project alternative that meets some of the objectives of the proposed project, there are specific overriding economic, legal, social, technological, and other reasons for approving the proposed project. Those reasons are as follows:

- The Project will allow the expansion and modernization of a container terminal on existing Port-owned land, thereby meeting, in part, the projected need for future cargo-handling facilities.
- The Project partially implements one of the goals of the 2002 Air Quality Management Plan to divert truck transport of cargo to rail transport.
- The Project will reduce container transportation costs for containers transported on unit trains.
- The Project modernizes Port terminal facilities and makes more efficient the movement of containers by overland common point carriers, thereby having a positive effect on the local and national economies.
- The Project maximizes the long-term return on investment relative to the other alternatives.

- The Project maximizes the redevelopment of suitable existing land, thereby avoiding the creation of new landfill to the maximum extent feasible.
- The Project will accommodate the deep-water berth requirements of the new fleet of vessels. This facet of the Project (i) will result in increased economies of scale; (ii) will maximize the efficient use of the Port, as newer, larger vessels will be able to access the Port without having to wait for high tides to enter and exit certain areas and without having to use smaller vessels to load and unload cargo; and (iii) could ultimately result in a reduction in the number of vessels using the Port as they become larger.
- The Project will provide an environmentally sound disposal site for sediments from various sources in the Los Angeles area that are unsuitable for unconfined aquatic disposal by reason of chemical contamination.
- It is estimated that nearly 36,000 jobs would be supported directly or indirectly in the region by the increased container throughput associated with the 115-Acre option if these containers were not handled elsewhere in the San Pedro Bay. These jobs include manufacturers of exports and wholesalers and retailers of imports as well as port industry workers.

The Board has balanced the benefits of the Project against its unavoidable environmental risks, and hereby determines that the significant economic, environmental, and land-use benefits of the Project, as set forth above, outweigh and override those adverse environmental impacts identified in Section 4 of Exhibit A that are not mitigated to a level of insignificance. Therefore, the unmitigated impacts and the decision not to adopt the environmentally superior project alternative are acceptable.

Mitigation Monitoring Plan
Environmental Issue Area: Biota and Habitats

Measure BH-1
Loss of 100 Acres of Marine Habitat

Required Actions: Available Port habitat mitigation credits from the restoration of the Bolsa Chica wetland will be used to offset the loss of and mitigate for the 100 acres of marine habitats affected by the fill and reduce the impacts to below a level of significance.

When Required: At time of post construction survey.

Agency Responsible for Action: Port of Long Beach Planning Division.

Agency Responsible for Tracking: Port of Long Beach Planning Division.

Action (i): Planning Division to advise responsible state and federal agencies when Bolsa Chica mitigation credits have been applied.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

EXHIBIT "C"

Mitigation Monitoring Plan
Environmental Issue Area: Ground Transportation

Measure GT-1
Construction Vehicular Delay Reductions

Required Actions As part of a construction traffic management plan, potential detouring, traffic controls, signing, and traffic scheduling will be implemented to minimize short-term impacts and reduce impacts to below a level of significance.

When Required: Prior to the start of construction.

Agency Responsible for Action: Port of Long Beach Engineering Division.

Agency Responsible for Tracking: Port of Long Beach Planning Division.

Action (1): Engineering Division to include requirement in project construction specifications.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Mitigation Monitoring Plan
Environmental Issue Area: Air Resources

Measure AQ-1 (Summary)
Construction Emissions Reductions

Required Actions: (Note that the mitigation measures are assigned a permanent identification number based on their sequence of appearance in Section 3.1 of the EIS/EIR.) (1) The Chief Harbor Engineer or his Port designee will require that all contractors use ultra-low-sulfur or California Air Resources Board (CARB)-approved alternative diesel fuel in all diesel-powered equipment used on site; (2) The Port will require that dredging contractors use electric-powered dredges for all hydraulic dredges and ultra-low sulfur or emulsified diesel in all other types of dredges; (3) Before construction begins, the Port will submit for approval to the Director of Planning a plan that encourages construction workers to ride-share. If offsite parking is required, the Port will require that the contractors provide a van to transport workers to and from the offsite parking area; (4) Before construction begins, the Port will submit for approval to the Director of Planning a plan to ensure the following: concurrent use of equipment is minimized by construction phasing or other approved method; equipment is turned off when not in use; construction activities are suspended during Stage II smog alerts; bare ground surfaces are watered before grading activities begin and at least twice each day thereafter; no soil excavation or hauling occurs when wind speeds exceed 25 miles per hour (mph); disturbed surface areas not under active construction are treated with a soil stabilizer to minimize erosion; and vehicular activity on unpaved surfaces is restricted and that vehicles do not exceed 15 mph on those surfaces; (5) Before construction begins, the Port will submit for approval to the Director of Planning a Traffic Management Plan (TMP) to minimize traffic impacts during construction. The TMP, at a minimum, should include detour routes, flagmen, traffic controls, signing, and traffic scheduling.

Mitigation Monitoring Plan
Environmental Issue Area: Air Resources

Measure AQ-1 (1)
Construction Emissions Reductions

Required Actions: (Note that the mitigation measures are assigned a permanent identification number based on their sequence of appearance in Section 3.1 of the EIS/EIR.) (1) The Chief Harbor Engineer or his Port designee will require that all contractors use ultra-low-sulfur or California Air Resources Board (CARB)-approved alternative diesel fuel in all diesel-powered equipment used on site.

When Required: During construction.

Agency Responsible for Action: Port of Long Beach Engineering Division.

Agency Responsible for Tracking: Port of Long Beach Planning Division.

Action (i): Engineering Division to include requirements in project construction specifications.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

**Mitigation Monitoring Plan
Environmental Issue Area: Air Resources**

**Measure AQ-1 (2)
Construction Emissions Reductions**

Required Actions: (Note that the mitigation measures are assigned a permanent identification number based on their sequence of appearance in Section 3.1 of the EIS/EIR.) The Port will require that dredging contractors use electric-powered dredges for all hydraulic dredges and ultra-low sulfur or emulsified diesel in all other types of dredges.

When Required: During construction.

Agency Responsible for Action: Port of Long Beach Engineering Division.

Agency Responsible for Tracking: Port of Long Beach Planning Division.

Action (i): Engineering Division to include requirements in project construction specifications.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Mitigation Monitoring Plan
Environmental Issue Area: Air Resources

Measure AQ-1(3)
Construction Emissions Reductions

Required Actions: (Note that the mitigation measures are assigned a permanent identification number based on their sequence of appearance in Section 3.1 of the EIS/EIR.) Before construction begins, the Port will submit for approval to the Director of Planning a plan that encourages construction workers to ride-share. If offsite parking is required, the Port will require that the contractors provide a van to transport workers to and from the offsite parking area.

When Required: During construction.

Agency Responsible for Action: Port of Long Beach Engineering Division.

Agency Responsible for Tracking: Port of Long Beach Planning Division.

Action (i): Engineering Division to include requirements in project construction specifications.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Mitigation Monitoring Plan
Environmental Issue Area: Air Resources

Measure AQ-1 (4)
Construction Emissions Reductions

Required Actions: (Note that the mitigation measures are assigned a permanent identification number based on their sequence of appearance in Section 3.1 of the EIS/EIR.) Before construction begins, the Port will submit for approval to the Director of Planning a plan to ensure the following: concurrent use of equipment is minimized by construction phasing or other approved method; equipment is turned off when not in use; construction activities are suspended during Stage II smog alerts; bare ground surfaces are watered before grading activities begin and at least twice each day thereafter; no soil excavation or hauling occurs when wind speeds exceed 25 miles per hour (mph); disturbed surface areas not under active construction are treated with a soil stabilizer to minimize erosion; and vehicular activity on unpaved surfaces is restricted and that vehicles do not exceed 15 mph on those surfaces.

When Required: During construction.

Agency Responsible for Action: Port of Long Beach Engineering Division.

Agency Responsible for Tracking: Port of Long Beach Planning Division.

Action (i): Engineering Division to include requirements in project construction specifications.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Mitigation Monitoring Plan
Environmental Issue Area: Air Resources

Measure AQ-1 (5)
Construction Emissions Reductions

Required Actions: (Note that the mitigation measures are assigned a permanent identification number based on their sequence of appearance in Section 3.1 of the EIS/EIR.) Before construction begins, the Port will submit for approval to the Director of Planning a Traffic Management Plan (TMP) to minimize traffic impacts during construction. The TMP, at a minimum, should include detour routes, flagmen, traffic controls, signing, and traffic scheduling.

When Required: Prior to the start of construction.

Agency Responsible for Action: Port of Long Beach Engineering Division.

Agency Responsible for Tracking: Port of Long Beach Planning Division.

Action (I): Engineering Division to include requirements in project construction specifications.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Mitigation Monitoring Plan
Environmental Issue Area: Air Resources

Measure AQ-2 (Summary)
Operation Emissions Reductions

Required Actions: Before the Harbor Department grants the tenant/operator (collectively, "operator") any rights to operate within the new landfill areas, the operator shall prepare and submit an emissions reduction plan (which plan shall address Mitigation Measures AQ-2(6)-AQ-2(9)) to the Harbor Department Planning Division for its approval and shall commit to Mitigation Measures AQ-2(6) through AQ-2(9), inclusive, in a binding lease or other agreement: (6) The operator is required to have all diesel-powered, non-road terminal equipment engines meet the emissions standards set forth in the Environmental Protection Agency's (EPA) "Control of Emissions of Air Pollution From Non-Road Diesel Engines and Fuel," published in the Federal Register on June 29, 2004 at page 38958, or its equivalent. Any future purchases of such equipment must also meet or exceed those standards; (7) The operator shall use alternative fuel or alternative diesel fuels and/or exhaust control technology on all non-road diesel-powered terminal equipment; (8) The operator shall use an appointment system and implement extended gate hours; (9) Where such use meets all vessel safety requirements (as specified by the Safety of Life at Sea [SOLAS] treaty or other international, federal, or state requirements), the operator will require ships calling at the terminal to use fuels such as CARB's #2 diesel, gas-to-liquid diesel, biofuels, or a marine distillate fuel (as specified by ISO 8217) in the ship's auxiliary power generator motors, or to use exhaust gas treatment technology, and the operator will submit quarterly reports to the Director of Planning indicating which ships complied with this requirement and which did not. For ships that did not comply, the operator will indicate the reason(s). This measure shall not apply to vessels complying with Mitigation Measure AQ-2(10); (10) If the new wharf component of the Project is constructed, the Port shall include a shore-side power source in the new wharf design and construction. Any agreement for the use of the new wharf shall require that Candidate Vessels calling at the terminal use the berth at the new wharf, unless all berths at the new wharf are already occupied by Candidate Vessels, and shall use the shore-side power source for all electrical power needs while berthed at the new wharf. A Candidate Vessel is defined as an individual ship that is projected: (1) to exceed six (6) ship calls per year, and (b) to consume more than 1.2 million kilowatt hours (KWh) per year while berthed at the terminal. Those vessels that are not Candidate Vessels shall continue to comply with Mitigation Measure AQ-2(9).

Mitigation Monitoring Plan
Environmental Issue Area: Air Resources

Measure AQ-2 (6)
Operation Emissions Reductions

Required Actions: (Note that the mitigation measures are assigned a permanent identification number based on their sequence of appearance in Section 3.1 of the EIS/EIR). (6) The operator is required to have all diesel-powered, non-road terminal equipment engines meet the emissions standards set forth in the Environmental Protection Agency's (EPA) "Control of Emissions of Air Pollution From Non-Road Diesel Engines and Fuel," published in the Federal Register on June 29, 2004 at page 38958, or its equivalent. Any future purchases of such equipment must also meet or exceed those standards.

When Required: Before the Harbor Department grants the operator any rights to operate within the new landfill areas, the operator shall prepare and submit an emissions reduction plan (which plan shall address Mitigation Measures AQ-2(6)-AQ-2(9)) to the Harbor Department Planning Division for its approval and shall commit to this Mitigation Measures in a binding lease or other agreement.

Agency Responsible for Action: Port of Long Beach Properties Division.

Agency Responsible for Tracking: Port of Long Beach Planning Division.

Action (i): Properties Division to include requirements in tenant leases.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Action (ii): Tenants to prepare and submit to Planning Division emissions reduction plans.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Mitigation Monitoring Plan
Environmental Issue Area: Air Resources

Measure AQ-2 (7)
Operation Emissions Reductions

Required Actions: (Note that the mitigation measures are assigned a permanent identification number based on their sequence of appearance in Section 3.1 of the EIS/EIR). The operator shall use alternative fuel or alternative diesel fuels and/or exhaust control technology on all non-road diesel-powered terminal equipment.

When Required: Before the Harbor Department grants the operator any rights to operate within the new landfill areas, the operator shall prepare and submit an emissions reduction plan (which plan shall address Mitigation Measures AQ-2(6)-AQ-2(9)) to the Harbor Department Planning Division for its approval and shall commit to this Mitigation Measures in a binding lease or other agreement.

Agency Responsible for Action: Port of Long Beach Properties Division.

Agency Responsible for Tracking: Port of Long Beach Planning Division.

Action (i): Properties Division to include requirements in tenant leases.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Action (ii): Tenants to prepare and submit to Planning Division emissions reduction plans.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

**Mitigation Monitoring Plan
Environmental Issue Area: Air Resources**

**Measure AQ-2 (8)
Operation Emissions Reductions**

Required Actions: (Note that the mitigation measures are assigned a permanent identification number based on their sequence of appearance in Section 3.1 of the EIS/EIR). The operator shall use an appointment system and implement extended gate hours.

When Required: Before the Harbor Department grants the operator any rights to operate within the new landfill areas, the operator shall prepare and submit an emissions reduction plan (which plan shall address Mitigation Measures AQ-2(6)-AQ-2(9)) to the Harbor Department Planning Division for its approval and shall commit to this Mitigation Measures in a binding lease or other agreement.

Agency Responsible for Action: Port of Long Beach Properties.

Agency Responsible for Tracking: Port of Long Beach Planning Division.

Action (i): Properties Division to include requirements in tenant leases.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Action (ii): Tenants to prepare and submit to Planning Division emissions reduction plans.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

**Mitigation Monitoring Plan
Environmental Issue Area: Air Resources**

**Measure AQ-2 (9)
Operation Emissions Reductions**

Required Actions: (Note that the mitigation measures are assigned a permanent identification number based on their sequence of appearance in Section 3.1 of the EIS/EIR). Where such use meets all vessel safety requirements (as specified by the Safety of Life at Sea [SOLAS] treaty or other international, federal, or state requirements), the operator will require ships calling at the terminal to use fuels such as CARB's #2 diesel, gas-to-liquid diesel, biofuels, or a marine distillate fuel (as specified by ISO 8217) in the ship's auxiliary power generator motors, or to use exhaust gas treatment technology, and the operator will submit quarterly reports to the Director of Planning indicating which ships complied with this requirement and which did not. For ships that did not comply, the operator will indicate the reason(s). This measure shall not apply to vessels complying with Mitigation Measure AQ-2(10).

When Required: Before the Harbor Department grants the operator any rights to operate within the new landfill areas, the operator shall prepare and submit an emissions reduction plan (which plan shall address Mitigation Measures AQ-2(6)-AQ-2(9)) to the Harbor Department Planning Division for its approval and shall commit to this Mitigation Measures in a binding lease or other agreement.

Agency Responsible for Action: Port of Long Beach Properties Division.

Agency Responsible for Tracking: Port of Long Beach Planning Division.

Action (i): Properties Division to include requirements in tenant leases.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Action (ii): Tenants to prepare and submit to Planning Division emissions reduction plans.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Mitigation Monitoring Plan
Environmental Issue Area: Air Resources

Measure AQ-2 (10)
Operation Emissions Reductions

Required Actions: (Note that the mitigation measures are assigned a permanent identification number based on their sequence of appearance in Section 3.1 of the EIS/EIR). If the new wharf component of the Project is constructed, the Port shall include a shore-side power source in the new wharf design and construction. Any agreement for the use of the new wharf shall require that Candidate Vessels calling at the terminal use the berth at the new wharf, unless all berths at the new wharf are already occupied by Candidate Vessels, and shall use the shore-side power source for all electrical power needs while berthed at the new wharf. A Candidate Vessel is defined as an individual ship that is projected: (1) to exceed six (6) ship calls per year, and (b) to consume more than 1.2 million kilowatt hours (KWh) per year while berthed at the terminal. Those vessels that are not Candidate Vessels shall continue to comply with Mitigation Measure AQ-2(9).

When Required: When the new wharf component of the Project is constructed.

Agency Responsible for Action: Port of Long Beach Properties Division.

Agency Responsible for Tracking: Port of Long Beach Planning Division.

Action (i): Properties Division to include requirements in tenant leases.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Action (ii): Tenants to prepare and submit to Planning Division emissions reduction plans.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Mitigation Monitoring Plan
Environmental Issue Area: Air Resources

Measure AQ-3 (Summary)
Cumulative Projects Impacts Emissions Reductions

Required Actions: Before the Harbor Department grants the tenant/operator (collectively, "operator") any rights to operate within the new landfill areas, the operator shall prepare and submit an emissions reduction plan (which plan shall address Mitigation Measures AQ-3(6)-AQ-3(9)) to the Harbor Department Planning Division for its approval and shall commit to Mitigation Measures AQ-3(6) through AQ-3(9), inclusive, in a binding lease or other agreement: (6) The operator is required to have all diesel-powered, non-road terminal equipment engines meet the emissions standards set forth in the Environmental Protection Agency's (EPA) "Control of Emissions of Air Pollution From Non-Road Diesel Engines and Fuel," published in the Federal Register on June 29, 2004 at page 38958, or its equivalent. Any future purchases of such equipment must also meet or exceed those standards; (7) The operator shall use alternative fuel or alternative diesel fuels and/or exhaust control technology on all non-road diesel-powered terminal equipment; (8) The operator shall use an appointment system and implement extended gate hours; (9) Where such use meets all vessel safety requirements (as specified by the Safety of Life at Sea [SOLAS] treaty or other international, federal, or state requirements), the operator will require ships calling at the terminal to use fuels such as CARB's #2 diesel, gas-to-liquid diesel, biofuels, or a marine distillate fuel (as specified by ISO 8217) in the ship's auxiliary power generator motors, or to use exhaust gas treatment technology, and the operator will submit quarterly reports to the Director of Planning indicating which ships complied with this requirement and which did not. For ships that did not comply, the operator will indicate the reason(s). This measure shall not apply to vessels complying with Mitigation Measure AQ-3(10); (10) If the new wharf component of the Project is constructed, the Port shall include a shore-side power source in the new wharf design and construction. Any agreement for the use of the new wharf shall require that Candidate Vessels calling at the terminal use the berth at the new wharf, unless all berths at the new wharf are already occupied by Candidate Vessels, and shall use the shore-side power source for all electrical power needs while berthed at the new wharf. A Candidate Vessel is defined as an individual ship that is projected: (1) to exceed six (6) ship calls per year, and (b) to consume more than 1.2 million kilowatt hours (KWh) per year while berthed at the terminal. Those vessels that are not Candidate Vessels shall continue to comply with Mitigation Measure AQ-3(9).

Mitigation Monitoring Plan
Environmental Issue Area: Air Resources

Measure AQ-3 (6)
Cumulative Projects Impacts Emissions Reductions

Required Actions: (Note that the mitigation measures are assigned a permanent identification number based on their sequence of appearance in Section 3.1 of the EIS/EIR). (6) The operator is required to have all diesel-powered, non-road terminal equipment engines meet the emissions standards set forth in the Environmental Protection Agency's (EPA) "Control of Emissions of Air Pollution From Non-Road Diesel Engines and Fuel," published in the Federal Register on June 29, 2004 at page 38958, or its equivalent. Any future purchases of such equipment must also meet or exceed those standards.

When Required: Before the Harbor Department grants the operator any rights to operate within the new landfill areas, the operator shall prepare and submit an emissions reduction plan (which plan shall address Mitigation Measures AQ-3(6)-AQ-3(9)) to the Harbor Department Planning Division for its approval and shall commit to this Mitigation Measures in a binding lease or other agreement.

Agency Responsible for Action: Port of Long Beach Properties Division.

Agency Responsible for Tracking: Port of Long Beach Planning Division.

Action (i): Properties Division to include requirements in tenant leases.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Action (ii): Tenants to prepare and submit to Planning Division emissions reduction plans.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:



Mitigation Monitoring Plan
Environmental Issue Area: Air Resources

Measure AQ-3 (7)
Cumulative Projects Impacts Emissions Reductions

Required Actions: (Note that the mitigation measures are assigned a permanent identification number based on their sequence of appearance in Section 3.1 of the EIS/EIR). The operator shall use alternative fuel or alternative diesel fuels and/or exhaust control technology on all non-road diesel-powered terminal equipment.

When Required: Before the Harbor Department grants the operator any rights to operate within the new landfill areas, the operator shall prepare and submit an emissions reduction plan (which plan shall address Mitigation Measures AQ-3(6)-AQ-3(9)) to the Harbor Department Planning Division for its approval and shall commit to this Mitigation Measures in a binding lease or other agreement.

Agency Responsible for Action: Port of Long Beach Properties Division.

Agency Responsible for Tracking: Port of Long Beach Planning Division.

Action (i): Properties Division to include requirements in tenant leases.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Action (ii): Tenants to prepare and submit to Planning Division emissions reduction plans.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

**Mitigation Monitoring Plan
Environmental Issue Area: Air Resources**

**Measure AQ-3 (8)
Cumulative Projects Impacts Emissions Reductions**

Required Actions: (Note that the mitigation measures are assigned a permanent identification number based on their sequence of appearance in Section 3.1 of the EIS/EIR). The operator shall use an appointment system and implement extended gate hours.

When Required: Before the Harbor Department grants the operator any rights to operate within the new landfill areas, the operator shall prepare and submit an emissions reduction plan (which plan shall address Mitigation Measures AQ-3(6)-AQ-3(9)) to the Harbor Department Planning Division for its approval and shall commit to this Mitigation Measures in a binding lease or other agreement.

Agency Responsible for Action: Port of Long Beach Properties Division.

Agency Responsible for Tracking: Port of Long Beach Planning Division.

Action (i): Properties Division to include requirements in tenant leases.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Action (ii): Tenants to prepare and submit to Planning Division emissions reduction plans.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Mitigation Monitoring Plan
Environmental Issue Area: Air Resources

Measure AQ-3 (9)
Cumulative Projects Impacts Emissions Reductions

Required Actions: (Note that the mitigation measures are assigned a permanent identification number based on their sequence of appearance in Section 3.1 of the EIS/EIR). Where such use meets all vessel safety requirements (as specified by the Safety of Life at Sea [SOLAS] treaty or other international, federal, or state requirements), the operator will require ships calling at the terminal to use fuels such as CARB's #2 diesel, gas-to-liquid diesel, biofuels, or a marine distillate fuel (as specified by ISO 8217) in the ship's auxiliary power generator motors, or to use exhaust gas treatment technology, and the operator will submit quarterly reports to the Director of Planning indicating which ships complied with this requirement and which did not. For ships that did not comply, the operator will indicate the reason(s). This measure shall not apply to vessels complying with Mitigation Measure AQ-3(10).

When Required: Before the Harbor Department grants the operator any rights to operate within the new landfill areas, the operator shall prepare and submit an emissions reduction plan (which plan shall address Mitigation Measures AQ-3(6)-AQ-3(9)) to the Harbor Department Planning Division for its approval and shall commit to this Mitigation Measures in a binding lease or other agreement.

Agency Responsible for Action: Port of Long Beach Properties Division.

Agency Responsible for Tracking: Port of Long Beach Planning Division.

Action (i): Properties Division to include requirements in tenant leases.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Action (ii): Tenants to prepare and submit to Planning Division emissions reduction plans.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Mitigation Monitoring Plan
Environmental Issue Area: Air Resources

Measure AQ-3 (10)

Cumulative Projects Impacts Emissions Reductions

Required Actions: (Note that the mitigation measures are assigned a permanent identification number based on their sequence of appearance in Section 3.1 of the EIS/EIR). If the new wharf component of the Project is constructed, the Port shall include a shore-side power source in the new wharf design and construction. Any agreement for the use of the new wharf shall require that Candidate Vessels calling at the terminal use the berth at the new wharf, unless all berths at the new wharf are already occupied by Candidate Vessels, and shall use the shore-side power source for all electrical power needs while berthed at the new wharf. A Candidate Vessel is defined as an individual ship that is projected: (1) to exceed six (6) ship calls per year, and (b) to consume more than 1.2 million kilowatt hours (KWh) per year while berthed at the terminal. Those vessels that are not Candidate Vessels shall continue to comply with Mitigation Measure AQ-3(9).

When Required: When the new wharf component of the Project is constructed.

Agency Responsible for Action: Port of Long Beach Properties Division.

Agency Responsible for Tracking: Port of Long Beach Planning Division.

Action (i): Properties Division to include requirements in tenant leases.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Action (ii): Tenants to prepare and submit to Planning Division emissions reduction plans.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

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PORT OF LONG BEACH
BOARD OF HARBOR COMMISSIONERS
OF THE CITY OF LONG BEACH REGULAR MEETING

In re:)
)
PORT OF LONG BEACH, PIER J)
SOUTH TERMINAL DEVELOPMENT.)
)
)

Reporter's Transcript Re
Proceedings, taken at 925 Harbor
Plaza, Sixth Floor, Long Beach,
California, beginning at 1:35 p.m.,
and ending at 2:30 p.m., on Monday,
August 2, 2004, before MARIANNA
DONNER, Certified Shorthand Reporter
No. 7504.

1 APPEARANCES:

2
3 COMMISSIONERS PRESENT:

4 JOHN R. CALHOUN, Commission President
5 DORIS TOPSY-ELVORD, Commission Vice-President
6 JAMES C. HANKLA, Commission Secretary
7 MARIO CORDERO, Commission Assistant Secretary
8 JOHN W. HANCOCK, Commissioner

9 OTHERS PRESENT:

10 RICHARD D. STEINKE, Executive Director
11 STEVEN RUBIN, Managing Director Administration
12 KATHRYN McDERMOTT, Properties Director
13 DON SNEIDER
14 YVONNE SMITH, Communications Director
15 WILLIAM C. ELLIS, Security Director
16 KEITH ALLEN, Maintenance Director
17 DOUGLAS ALBRECHT, Information Management
18 Director
19 TONI WHITESELL, Administration Director
20 MICHAEL SLAVIN, Finance Director
21 ROBERT KANTER, Ph.D., Planning Director
22 CHARLES GALE, Deputy City Attorney
23 DOUG THIESSEN, Engineering Director
24 GUSTAV HEIN, Executive Secretary to the
25 Board of Harbor Commissioners
PAULA GROND, Executive Secretary

1 Long Beach, California

2 Monday, August 2, 2004

3 1:35 p.m. - 2:30 p.m.

4
01:35 5 MR. CALHOUN: Last item on the regular agenda is
6 resolution for adoption and recommended approval of
7 certifying the Final Environmental Impact Report, the
8 Statement of Overriding Considerations, Mitigation
9 Monitoring Plan and Reporting Program, Application
01:36 10 Summary Report, Master Plan Amendment No. 18 for
11 Pier J South Terminal Development and authorize the
12 Executive Director to submit to the California
13 Coastal Commission for certification.

14 Before we have a motion, do we have a staff
01:36 15 report, Mr. Kanter?

16 DR. KANTER: Yes, we do, Mr. President. I have
17 a fairly extensive one, so I will try to take it a
18 bit slow here.

19 On January 26, 2001, the Port, in
01:36 20 cooperation with the U.S. Army Corps of Engineers,
21 issued a Notice of Intent/Notice of Preparation to
22 prepare an environmental impact statement,
23 environmental impact report and application summary
24 report for the Pier J South Terminal Development
01:36 25 Project. A public scoping meeting for the project

1 was held on February 7th, 2001, and no comments were
2 received during the public scoping meeting; however,
3 five letters were received on the NOI and NOP. The
4 board and Corps released a draft EIS/EIR on
01:36 5 June 11, 2001, followed by a public hearing on
6 July 16, 2001. The public comment period ended on
7 July 24th, 2001. Issues of concern raised in the
8 comment letters included air quality emissions, oil
9 spill prevention and response, ballast water
01:37 10 management concerns, identification of potentially
11 contaminated sites, oil wells and traffic impacts.
12 Because of the number and the scope of the comments,
13 a revised draft EIS/EIR, which included an air toxics
14 health risk assessment, was prepared and released for
01:37 15 public review on December 16, 2002. The Corps and
16 the Port conducted two public hearings on January 27,
17 and at the request of the public extended the public
18 review period from February 3rd to February 27, 2003.
19 The issues of concern raised in the comment letters
01:37 20 included air quality, aquatic resources,
21 environmental justice, flood damage prevention, storm
22 water run-off, oil spill prevention and response,
23 ballast water management, navigation safety, traffic
24 impacts and cumulative air impacts.

01:38 25 In order to further provide information and

1 analysis regarding the environmental effects of the
2 project, the draft EIS/EIR was again revised and on
3 August 18, 2003, the board and the Corps released a
4 second revised document for public review. The Corps
01:38 5 and the Port conducted two more public hearings on
6 September 22, 2003, and the public comment period
7 ended on October 3rd, 2003.

8 27 comment letters from 19 agencies and
9 individuals were received during the last two public
01:38 10 comment periods. Four comments were received during
11 public hearings and the remainder were received by
12 mail. The comments received during the first public
13 comment period were incorporated into the document
14 and, therefore, did not receive individual responses.

01:39 15 However, the bulk of the comments addressed the
16 following issues: Air toxics and air quality.
17 Comments expressed concern regarding the health
18 effects of air particulates from the port. In
19 response, an air toxics health risk assessment was
01:39 20 prepared and later amended to include the later
21 methodology.

22 Traffic and transportation and
23 infrastructure. Concern was expressed regarding the
24 effects of the project on traffic in the area,
01:39 25 including the I-710; and in response, a comprehensive

1 traffic management plan is required to address
2 construcion impacts, and the Port is actively
3 participating in local and retail planning efforts
4 related to the I-710.

01:39 5 Landfill mitigation. Comments questioned
6 the source of the Port's mitigation credits and the
7 applicability of wetland restoration to mitigate
8 harbor impacts. In response, an interagency
9 bio-litigation team comprised of U.S. Fish and
01:39 10 Wildlife Service, the National Marine Fisheries
11 Service, the U.S. Army Corps of Engineers, the
12 California Department of Fish and Game and the
13 Regional Water Quality Control Board has determined
14 the suitability and the number of wetlands
01:40 15 restoration credits that are required for each fill
16 proposed in this project.

17 Water quality. There were several comments
18 on the water quality and biological impacts of
19 dredging, storm water and invasive species. Water
01:40 20 quality issues during dredging are addressed by
21 special conditions that are placed on the permits
22 from the Corps of Engineers and the Regional Water
23 Quality Control Board. Storm water is addressed by
24 the General Construction Storm Water and General
01:40 25 Industrial Storm Water permits both administered by

1 the Regional Water Quality Control Board. And
2 similarly, the California State Lands Commission
3 regulates ballast water discharges. The Port will
4 need to obtain the various permits from these
5 agencies in order to start its construction project.

6 The other comments pertain to CEQA
7 processes, biology, noise, aesthetics, sediment
8 quality, project baseline selective, local and
9 national economy, light and glare, public health,
01:41 10 public safety, seismic safety, flood, dangers from
11 tsunamis, oil wells and project alternatives,
12 project-related cumulative impacts. The Port and its
13 consultants considered each of the comments and
14 prepared responses that are included in this final
01:41 15 EIR.

16 Detailed responses to all of the comments
17 were mailed to each of the commenters on July 1st,
18 2004, and have been included in the final EIR, which
19 is transmitted herewith to the Board for review and
01:41 20 consideration. Port staff has worked extensively
21 with our consultant, URS, and various subconsultants
22 to fully respond to all of the comments.

23 For a moment, I would just like to digress
24 and just talk a little bit about the qualifications
01:41 25 of these consultants who we've worked with on

1 numerous projects and are very qualified. Their
2 complete resumes have been entered into the record.

3 But Carol Stefanic Meads, who is with URS,
4 was a project manager through all of these iterations
01:42 5 of the document. Carol has 27 years of experience in
6 the environmental and natural resources field and is
7 an expert in the preparation of environmental
8 documents under CEQA and NEPA, National Environmental
9 Policy Act. Ms. Meads has advanced degrees in
01:42 10 training and public administration, environmental law
11 and environmental engineering.

12 One of our current key staffers who worked
13 on the air quality was Dana Burn. She has worked in
14 air quality, engineering and consulting field since
01:42 15 1982. Her responsibilities at URS include managing
16 and conducting air quality analysis for environmental
17 impact assessment, air toxic and human health risk
18 assessment, air quality modeling and air permitting
19 and compliance projects. Ms. Burn has advanced
01:42 20 degrees in training and toxicology and environmental
21 engineering.

22 Another key area of this environmental
23 document was our traffic and transportation. Meyers
24 Mahada Associates was our key sub-consultant on this
01:43 25 project. Gary Hamrick, who was the project manager,

1 has 20 years of experience managing transportation
2 and planning projects, including city-wide and
3 area-wide master plans, corridor studies,
4 non-motorized transportation plans, traffic impact
01:43 5 analyses for numerous development projects, goods
6 movement and trucking studies and port area and
7 planning studies related to travel and demand
8 modeling. Mr. Hamrick has advanced degrees in
9 training and economics, transportation planning and
01:43 10 transportation demand management.

11 Again, their complete resumes are in the
12 record.

13 Both staff and URS have carefully reviewed
14 all of the materials and have concluded that the
01:43 15 responses are complete and accurate that we have
16 provided in the final EIR and have fully complied
17 with all legal requirements, including CEQA, the
18 State CEQA guidelines and the local CEQA guidelines.

19 I also would like to make note for the
01:43 20 record, many of you have received copies of two
21 letters that were received after business hours on
22 Friday. One was sent as joint letter from the
23 Coalition for Clean Air and the Natural Resources
24 Defense Council and one was sent by the AQMD staff.
01:44 25 Both reiterated their concerns that we had seen in

1 previous comment letters, and we believe those
2 concerns were fully addressed in the final EIR.

3 So the staff recommends that the Board of
4 Commissioners take the following action on the
01:44 5 project: To adopt the resolution certifying the
6 final EIR pursuant to the California Environmental
7 Quality Act; making certain findings, adopting the
8 statement of overriding considerations, adopting the
9 mitigation monitoring and reporting program, adopting
01:44 10 the application summary report, adopting the Port
11 Master Plan Amendment No. 18 and authorizing the
12 executive director to submit the PMP Amendment No. 18
13 to the California Coastal Commission for
14 certification.

01:44 15 Thank you.

16 MR. CALHOUN: Thank you. Members of the public
17 that wish to address the board on this matter? If
18 so, please --

19 MR. HEIN: Starting with John Dibernardo,
20 please.

21 MR. DIBERNARDO: Mr. President, Commissioners.
22 My name is John Dibernardo. I'm with SSA Marine, and
23 I also represent Pacific Maritime Services, the
24 operator at Pier J South. While we support the
01:45 25 expansion of Pier J, it's very important that we do

1 so in order to service our clients' needs today and
2 in the future. But at the same time, it sustains at
3 least 1,000 full-time equivalent jobs at that
4 terminal.

01:45 5 Even having said that, we realize at the
6 time we do address environmental issues that
7 Mr. Kanter brought up, and the Port and its staff has
8 done a very good job enumerating those issues. And
9 we will commit working with the Port, as well as our
01:46 10 steamship line customers in addressing all of those
11 mitigation measures that are outlined in the report.

12 We encourage you to adopt the report as it
13 stands. Thank you very much.

14 MR. CALHOUN: Thank you, Mr. Dibernardo.

01:46 15 Mr. Hein?

16 MR. HEIN: Mr. Noel Park.

17 MR. CALHOUN: Mr. Park?

18 MR. PARK: Thank you. My name is Noel Park. I
19 live in San Pedro. I'm the president of the San
01:46 20 Pedro and Peninsula Homeowners Coalition, and we did
21 submit extensive written comments on these draft
22 EIR's and appeared at least one of the hearings, so
23 we're building upon that.

24 I'm going to speak today primarily about air
01:46 25 quality. We have other concerns about traffic and so

1 on, but that is our biggest issue here, and I think
2 our learned friends from the NRDC and the Coalition
3 for Clean Air will speak, you know, to the technical
4 issues that they found with the EIR.

01:46

5 I mean, in short, we find that the EIR is
6 written in such a way as to understate the amount of
7 emissions that are going to come from this terminal,
8 both in the short run and in the long run, and, you
9 know, quite frankly, to obfuscate the issue of the
10 health impacts.

01:47

11 And my contribution today, I'm going to try
12 to just speak to you as a community member and try to
13 communicate our concern about these health impacts.
14 And in doing so, I'm going to quote from a letter
15 that we wrote to you on October 6 of 2003 to which we
16 have not had a response, but I'm going to try to do
17 as much of it as I can in the time you allow me.

01:47

18 This letter transmits a report that was
19 written by one of our members, John Miller, M.D., who
20 did an extensive search of the medical literature to
21 find research into the health impacts of diesel
22 exhaust, and he's listed some 29 impacts here. And
23 these are very technical; and if I mispronounce any
24 words, I hope you will forgive me. But I'm going to
01:47 25 start down this list and just go through as many of

1 them as I can to help you understand, I hope, that
2 it's not just about cancer. And it's a tremendous, I
3 believe -- well, I won't use that word. But to
4 declare an overriding necessity or an overriding
01:48 5 consideration to increase the amount of these diesel
6 emissions into our communities, to us it's just wrong
7 and, quite frankly, immoral; so I'm going to read
8 this stuff to you.

9 Prenatal and perinatal effects:
01:48 10 Inter-uterine growth retardation, elevated incidents
11 of low birth weight infants, increased incidents of
12 spontaneous miscarriage, increased incidents of
13 respiratory cause of death in newborns, elevated
14 incidents of serious birth defects, increases of
01:48 15 sudden infant death syndromes, SIDS.

16 Childhood effects: Diminished lung growth
17 in children with unknown long-term effects on the
18 individual; development of asthma in children
19 involved in active sports; exacerbations of existing
01:48 20 asthma; elevation of incidents of asthma in children
21 and teenagers, an ongoing world-wide phenomenon;
22 increases in incidents of bronchitic "sinduram"
23 symptoms; loss of days from school attendance due to
24 respiratory problems; potentiation enhancement of
01:49 25 allergy -- allergic effects to -- of known allergens

1 such as rag weed pollen when individuals exposed to
2 diesel particles and the allergin concomitantly.

3 Adulthood: Elevated incidents of lung
4 cancer and a linear relationship with progressive
01:49 5 increases of fine particle PM2.5 air pollution. The
6 category PM2.5 includes the particles less than one
7 micron in size. Elevated incidents of myocardial
8 infarctions, heart attacks; elevated incidents of
9 mortality from cardiovascular diseases, heart attacks
01:49 10 and strokes; triggering of myocardial infarctions
11 associated with spikes in PM2.5; elevation of
12 cardiopulmonary deaths and a linear relationship with
13 increases of PM2.5; significant elevations in all
14 cause mortality associated with increases of PM2.5;
01:50 15 increased incidents of bronchitic syndromes; chronic
16 obstructive pulmonary disease; increased incidents,
17 prevalence and exacerbations of existing disease;
18 fatal exacerbations of COPD; exacerbations of asthma
19 leading to time off work, emergency room visits and
01:50 20 hospitalizations; approximately 1.5 times elevation
21 in the smoking adjusted incidents of lung cancer in
22 workers occupationally exposed to diesel exhausts
23 versus the smoking ingested relative risk baseline of
24 incidents of lung cancer in similar non-exposed
01:50 25 populations.

1 Chronic exposure to particulate pollution
2 shortens lives by one to three years. Higher
3 concentrations of particulate air pollution have been
4 linked to low heart rate variability, a risk factor
01:50 5 for heart attacks. Association is stronger for
6 people with pre-existing cardiovascular conditions;
7 mitochondrial damage in cells, all age groups; airway
8 inflammatory changes, all age groups; damage to a
9 depth of alveolar and airway macrophages, all age
01:51 10 groups.

11 And then in our letter we cite another study
12 that came after this which traces diesel exhaust to
13 incidents of brain cancer in children.

14 So I have no idea where I am with my three
01:51 15 minutes or five minutes; but I say again, please
16 listen to our friends. Their analysis of this, it
17 just increases the health risk to our populations.
18 And we ask you please to try it again, and this time
19 somehow mitigation these impacts down to zero.

01:51 20 Thank you.

21 MR. CALHOUN: Thank you, Mr. Park.

22 And that letter, which is over the signature
23 of Richard Habnick, chair, is a part of the record?

24 MR. PARK: This indeed is a letter that's over
01:51 25 the signature of Noel Park, president; and I'm going

1 to leave this with you for your records, if you have
2 it somewhere.

3 MR. CALHOUN: It's in the document. It's in the
4 EIR.

01:52 5 MR. HEIN: Next one is Mr. Campbell.

6 MR. CAMPBELL: Good afternoon, President and
7 Commissioners. My name is Todd Campbell. I'm the
8 policy director for the Coalition for Clean Air. I'm
9 also city councilmember for the City of Burbank, and
01:52 10 I certainly can appreciate a lot of the community
11 members who aren't coming to you saying no expansion
12 whatsoever. In my jurisdiction, we have -- if you
13 even mention the word "G" or "growth" or "expansion,"
14 you're in trouble.

01:52 15 So I wanted to first bring to you a message
16 that the Coalition for Clean Air and Natural Resource
17 Defense Council are coming before you today very
18 thankful for all of the work and the hard work the
19 staff has put together. We have some various serious
01:52 20 differences in terms of what the reality will be in
21 the future and what the actual emissions impacts will
22 be from this project. And we don't believe that that
23 would mean that the project could not go forward.
24 What we're trying to essentially say is there are
01:53 25 actually real meaningful mitigation measures that

1 this commission can direct and improve upon this
2 project to make sure and to ensure that the community
3 adjacent suffers from the least impact possible.

4 So, therefore, we are today asking you to
01:53 5 delay the approval of the FEIR and direct staff to
6 correct the baseline used in the report, reinforce
7 the document with meaningful mitigation measures and
8 revise the health risk assessment to reflect actual
9 risk to workers and communities adjacent to the
01:53 10 project.

11 In terms of baseline, the problem we have
12 with baseline is that the study is using a 2015
13 baseline, and there are several problems with that.
14 First of all, under CEQA and NEPA, you are supposed
01:53 15 to use the baseline when this project is established;
16 and that, I believe, is in the year 2001.

17 Second, the FEIR assumes that emissions
18 reductions will be achieved via regulatory action,
19 and I certainly can understand when modelers are
01:54 20 trying to say, okay, well, the air resources board is
21 going to do several actions and clearly diesel
22 exhaust is a significant health concern. So as the
23 air resources board, we're trying to reduce emissions
24 by 75 percent by 2010 and 85 percent by 2020.
01:54 25 Unfortunately in trying to reduce diesel exhaust

1 particulate, it has been a tremendous struggle for
2 the state. And I have been working with the air
3 resources board very closely. Unfortunately, there
4 is no rule on the books today that will achieve this
01:54 5 goal at the ports; and, therefore, we have a problem
6 with a baseline that assumes that a goal will
7 actually become reality.

8 The other problem that we have is that the
9 heavy-duty standards that are mentioned only apply to
01:55 10 on-road sources, and these standards will be phased
11 in not in 2007, but until 2010. Now, each of you
12 know, as I do, that fleets that come to ports or
13 airports are not brand-new. Unfortunately, a lot of
14 these fleets, particularly the heavy-duty fleets that
01:55 15 are trying to be competitive, price competitive and
16 ship cargo, will not be at a price or will not have
17 the model year 2010 or 2015 stamped on them when this
18 project becomes reality. In fact, this project will
19 begin operation in 2007 with the original 50 acres.

01:55 20 So that's another thing that calls into
21 question, you know, how can you use some of the
22 emissions standards that are used in the baseline
23 when you know that the actual rules and regulations
24 won't come into effect until 2010.

01:56 25 The other point is that this only covers

1 on-road sources. It doesn't cover non-road sources.
2 Those are your yard picks, your top picks, your side
3 picks, other equipment in the yard. And the non-road
4 rule doesn't come into effect until 2013. So already
01:56 5 by establishing a baseline in 2015, you might be
6 painting a picture that may not accurately reflect
7 the actual project.

8 In terms of mitigation, we released -- "we"
9 being the Natural Resources Defense Council and
01:56 10 Coalition for Clean Air released a report called
11 "Harboring Pollution." I don't know whether or not
12 you've had an opportunity to see it. Certainly your
13 staff has been able to review it; and, in fact, we
14 met with them shortly after its release to discuss
01:56 15 some of the insights and opportunities that we have
16 identified for ports to become benefit or positive
17 neighbors to communities. And I think that's, you
18 know, certainly in the interest for a lot of
19 authorities, not just the Port Authority for Long
01:57 20 Beach, but for every authority because obviously the
21 port serves as a very important economic function to
22 the region.

23 Low sulfur fuel and vessels, for example, is
24 one perfect thing that I might want to raise. The
01:57 25 FEIR mentions 20 parts per million sulfur. It is

1 very clear to us and, in fact, we've heard a lot of
2 terminal operators about using sulfur levels as low
3 as 2000 parts per million. This will be significant
4 reduction in emissions and certainly should be
01:57 5 incorporated into the FEIR instead of just not being
6 mentioned at all.

7 Also, as you very well know, cold ironing,
8 the report that your own staff put together,
9 demonstrated that the technology is very cost
01:57 10 effective. And through our work with the Port of
11 Los Angeles, we attended the unveiling of the AMP
12 project with China Shipping, and I should say to you
13 or express to you so that you know the conversations
14 that we've had with China Shipping is that they are
01:58 15 very, very supportive. Captain Lee is very, very
16 supportive of the project. In fact, they have
17 committed to more ships to be altered and configured
18 to participate in the AMP program. And All Star
19 considered to do a similar program back in China.

01:58 20 So it's frustrating to see some of the
21 conditions that were put into the FEIR that may
22 actually serve as a roadblock; and, in fact, we would
23 argue that you should extend this cost effective
24 strategy, which could reduce it up to one ton of
01:58 25 nitrogen oxides per day to the entire project. Not

1 just the one wharf, but the entire pier. We find or
2 we believe that it's not only the right thing to do,
3 but it's in the best interest of the future operator
4 and certainly in the best interest of the Port of
01:58 5 Long Beach.

6 MR. CALHOUN: Could you summarize your position?

7 MR. CAMPBELL: Absolutely. I can go on and on
8 about mitigation measures.

9 I just want to finally mention the health
01:59 10 risk assessment. We have several concerns,
11 particularly with some of the speeds that are used
12 and some of the toxics that were left out. We -- I
13 hope you have received a copy of our letter. I think
14 that if you read it, and you could -- if you ask
01:59 15 staff questions about things that you don't -- aren't
16 fully comfortable with, I think that you will find
17 that there may be a real reason to delay this vote
18 today.

19 Thank you very, very much.

01:59 20 MR. CALHOUN: Thank you, Mr. Campbell.

21 MR. HEIN: Next speaker, Mr. President, is
22 Melissa Perella.

23 MS. PERELLA: Good afternoon president and
24 members of the board. My name is Melissa Lynn
01:59 25 Perella and on behalf of NRDC, I would like to thank

1 you for the opportunity to provide comments today.

2 As indicated by staff on Friday night, NRDC
3 and the Clean Air Coalition faxed to you a letter
4 outlining the continuing deficiencies in the
02:00 5 FEIS/FEIR and strongly urged you not to approve the
6 Pier J project today and not to certify the
7 FEIS/FEIR. If you have not done so already, I
8 strongly urge you to review that information before
9 making a decision today.

02:00 10 Further, I brought with me today the
11 enclosures to that letter and have submitted them
12 into the record. I believe that you will find these
13 documents provide additional information that the
14 environmental review for this project is deficient.

02:00 15 As noted in our letter and as commented by
16 Mr. Campbell, the EIR/EIS suffers from a number of
17 deficiencies including, for example, the FEIR/FEIS
18 greatly underestimates the impacts of the project by
19 using a 2015 baseline. CEQA indicates that the
02:00 20 baseline should generally be the condition of the
21 environment at the time of the notice of preparation.
22 Furthermore, case law suggests that utilizing future
23 conditions as the baseline invalidates the EIR
24 because it minimizes the impacts of the project and
02:01 25 misleads the public. Also by using a 2015 baseline,

1 the FEIS/FEIR ignores the impacts of the early phases
2 of the project and assumes future growth that has not
3 been subject to environmental review or approval by
4 this board.

02:01 5 Second, the FEIR also underestimates the
6 impacts of the project by improperly assuming a
7 75 percent reduction in air emissions based on CARB's
8 diesel plan. Preliminary CARB's diesel 2000 year
9 plan is a goal. It is not an adopted rule or
02:01 10 regulation. In fact, since the plan's inception,
11 CARB has not been able to adopt any rules that would
12 translate into a reduction in emissions in the Port
13 area; therefore, there's no guarantee that the plan
14 will result in any emission reductions at the Port.

02:01 15 Third, the FEIS/FEIR should propose more
16 meaningful mitigation. The low sulfur fuel
17 requirement for marine vessels should be changed to
18 require a sulfur content of 2000 PPM or lower while
19 at berth and for maneuvering. For comparison
02:02 20 purposes, the European union marine fields directive
21 will require ships docked at union ports to use 1,000
22 PPM sulfur fuel or clearer. The current requirement
23 proposed by staff would allow 20,000 PPM sulfur fuel.

24 Also under the current mitigation proposed,
02:02 25 a ship would not be required to plug in unless the

1 Port actually constructs a new wharf at Pier J and an
2 agreement exists between the Port and operator for
3 the use of the new wharf and the ship exceeds six
4 ship calls per year to the Port and the ship is
02:02 5 projected to consume a certain amount of power per
6 year while berthed at the terminal. Such
7 contingencies are likely to preclude shoreside power
8 from being constructed at Pier J or utilized by any
9 ship. Instead, the Port should implement shoreside
02:03 10 power at all wharfs at Pier J and require that a
11 certain percentage of ships utilize that power. For
12 comparison purposes, the Port of Los Angeles has an
13 80 percent compliance requirement at the Matson
14 Terminal.

02:03 15 In conclusion, this Port should use this
16 opportunity to demonstrate its commitment to cold
17 ironing and a no net increase in port emissions by
18 not approving the project as is and not certifying
19 the FEIS/FEIR in its current form.

02:03 20 Thank you for your consideration.

21 MR. CALHOUN: Thank you, Ms. Perella.

22 MR. HEIN: Don May.

23 MR. CALHOUN: Mr. May.

24 MR. MAY: Thank you, Mr. Chairman. My name is
02:03 25 Don May representing California Earth Corps.

1 I would first like to say that when I use
2 the word "we," the pronoun, it includes not only
3 those folks that Earth Corps represents, but all of
4 you guys and the people that you represent; and I
02:04 5 believe that we do have a common interest in our
6 constituents in trying to eliminate, reduce, bring
7 back to a reasonable level all of these health
8 impacts that Noel Parks and all of us have been
9 talking about for so long. And we do want to thank
02:04 10 the Port for the progress it's made so far,
11 particularly in recalling and reissuing the EIR and
12 taking a good start at it, but we do find it still
13 inadequate in two major respects that you've heard a
14 bit about.

02:04 15 One is in terms of baseline and, you know,
16 these guys are the attorneys. But as I read CEQA, it
17 says that the baseline has to be at the time the NOP
18 is produced, and that was November of the year 2000;
19 therefore, that needs to be the baseline.

02:04 20 Second is a health risk assessment as was
21 pointed out as fails to include a lot of priority
22 pollutants that need to be included. But mostly is
23 still insufficient in looking at particulates, not
24 only in terms of categorical -- the categories that
02:05 25 are left out, but in terms of the numbers of the ones

1 that are in there.

2 The second major area, of course, is
3 mitigation. And, first of all, I would like to again
4 call your attention that the 2006 fuels are available
02:05 5 here, now, today. Port of Los Angeles does have a
6 dock that dispenses marine fuels that meet the -- is
7 less than 15 parts per million of sulfur. 8.75 is
8 what is measured, and I have no reason to believe
9 it's any higher than that. We could be using that
02:05 10 right now today. In fact, were that done right now
11 today, that would mitigate back to the 2000 level all
12 of those increases that have occurred in the last
13 four years. That is to say, if you used CD-2, that's
14 the 8.7 parts per million sulfur, you could not only
02:06 15 in all of the diesel non-mobile around, but in terms
16 of the mobile sources and, in particular, for those
17 ships that are cold -- those ships that are hoteling
18 that use auxiliary power, auxiliary diesel, requiring
19 them to use low sulfur diesel, ultra low sulfur, less
02:06 20 than 15 part per million right now in Port would get
21 you a long ways back and certainly bridge the gap
22 until cold ironing is a fact for Pier J, for all of
23 Pier J.

24 Looking, then, at the other things that --
02:06 25 certainly in terms of broader mitigation, what you

1 need to be looking at is cold ironing for all of
2 Pier J. Ultimately, that gets rid of the big source
3 of health risk, the big source of adverse health
4 impacts that all of our constituents are suffering.
02:07 5 Not only that, but clear up to Burbank and throughout
6 the South Coast air basin. That's been talked about
7 at length, but I'm sure what we need is to make sure
8 this happens.

9 A word about mitigation. One thing that our
02:07 10 group has found over the years is every time you
11 don't do the mitigation first before you allow the
12 project to go forward, every single time, the
13 mitigation never happens. Mitigations that were
14 supposed to have happened before projects started in
02:07 15 the earlier '70s, we're still waiting for, and hope
16 gets dimmer and dimmer all of the time.

17 So please make sure the mitigations take
18 place prior to the time that construction starts.
19 That's the way it works for the mitigation for fill.
02:08 20 The Port has done -- gone out and gotten mitigation
21 credits at Bolsa Chica and other places up and down
22 the coast, and that's appreciated. Those mitigations
23 are in place and certified and functional before you
24 take them, and that should be the case with these
02:08 25 other things as well. These are things like

1 switching to alternative fuels that you can do right
2 now and without a big inconvenience.

3 Again, we're talking about on-site yard
4 equipment at Pier J. These all should be meeting the
02:08 5 2007 standards right now. We can do that right now,
6 both with the ones that run continuously that require
7 particulate filters, and all of them to use the
8 CD-2's and fuels such as that.

9 Finally, I think this EIR is being looked at
02:09 10 broadly by the entire community, not just the
11 environmental community, but all of your
12 constituents, all of Long Beach, and far beyond, as
13 to see whether this is a test for what the Port's
14 commitment really is to bring down the emissions,
02:09 15 bring down the health risk and make the air safe and
16 clean for all of us.

17 So I do hope that you will correct these
18 things. Our friends at NRDC and CCA have much more
19 extensive job. I hope you will read their comments
02:09 20 carefully, and I wish that you would hold this over
21 for long enough to clean up those areas that are
22 identified as inadequate.

23 Thank you very much for your time.

24 MR. CALHOUN: Thank you, Mr. May.

02:09 25 MR. HEIN: Those are all of the speakers I have,

1 Mr. President.

2 MR. CALHOUN: Is there anyone else that wishes
3 to address the board on this item?

4 Hearing none, does staff have any further
02:10 5 report or response?

6 DR. KANTER: Mr. President, we have no more
7 comments.

8 MR. CALHOUN: Is there a motion?

9 MR. HANKLA: Perhaps the board could ask a
02:10 10 question.

11 MR. CALHOUN: All right.

12 MR. HANKLA. I have a question, Dr. Kanter.

13 I'm interested in the precedent for
14 establishment of the 2015 baseline. And basically
02:10 15 determination made and reached to being an
16 (inaudible) to test the project.

17 DR. KANTER: If I may, Tom Johnson is our
18 manager of the environmental section, and he was very
19 closely involved in those, those major decisions. I
20 would like to call him up.

21 MR. JOHNSON: Thank you.

22 The NRDC criticized the use of 2015 future
23 base for traffic impacts in a couple of their
24 comments letters, both on an earlier draft and on the
02:11 25 current draft. And we have provided a response to

1 that comment, and it's on Pages 45 and 46 of the
2 responses to comments in your document.

3 Basically, the baseline with respect to
4 analyzing traffic impacts is a somewhat different
02:11 5 animal than the baseline for other impacts, and it is
6 common practice, almost universal practice in
7 Southern California to use the base at the time when
8 the project opens in recognition of the fact that
9 there will be a considerable increase in traffic or
02:11 10 some level of increase in traffic on area roads
11 whether we build the project or not. And that the
12 proper way to analyze the impact of the project is
13 not to place it plump down in today's traffic, but
14 rather to place it in the traffic that it will be in
02:12 15 when it opens.

16 MR. HANKLA: We note the various stages of the
17 project will come online prior to 2015, and how have
18 we adjusted our estimates for that purpose?

19 MR. JOHNSON: Each of the phases of construction
02:12 20 of the 115-acre project corresponds roughly to one of
21 the alternatives. Phase I is essentially the 52-acre
22 alternative, and so forth. The 75-acre alternative
23 comes online in 2011. And in each of those, we use
24 the future base at the time of project opening. So
02:12 25 the base for analyzing the impacts of the 52-acre

1 alternative, which would be Phase I, essentially, of
2 the larger project, is 2007, the projected opening
3 date, not the 2015.

02:12 4 MR. HANKLA: So the letters that would show
5 constantly refer to 2015 are not quite accurate.

6 MR. JOHNSON: I believe that's the case, yes,
7 sir.

8 MR. CALHOUN: Any questions or comments?

02:13 9 MR. HANCOCK: Yeah, Bob, there were a lot of
10 references to additional mitigations that the
11 speakers feel we should be undertaking.

12 Do you have any comment on any particular
13 items at all?

02:13 14 DR. KANTER: I would just say that, you know, we
15 grappled very long and hard with appropriate
16 mitigations, feasible mitigations, cost-effective
17 mitigations through the preparation of this document.
18 We believe that for the impacts that were identified
19 and for the technology that we see not only now but
02:13 20 in the foreseeable near term -- in the foreseeable
21 future that we applied appropriate mitigation
22 measures. And as you are well aware, some of those
23 mitigation measures we actually started implementing
24 a year ago that affect this terminal and other
02:14 25 terminals, for instance, on the yard equipment and

1 the like.

2 So staff is quite comfortable with the
3 recommended mitigations and feel they are appropriate
4 and cost effective, particularly with regard to the
02:14 5 cold ironing requirements and the identification of
6 candidate vessels and the like for future build out.

7 MR. CALHOUN: Mr. Cordero?

8 MR. CORDERO: Mr. Kanter, with regard to the
9 overall project here that's at issue, the Pier J
02:14 10 project, as conceptualized is that something that
11 definitively we know is going to take place to the
12 extent that perhaps we may think this project is
13 going to go? Is that in our hands or is that
14 something that five years from now we're going to
02:14 15 decide what the demand is in terms of this type of
16 mega-pier project?

17 DR. KANTER: Well, if your question is will we
18 build the whole proposed project? Is that --

19 MR. CORDERO: Right. We're looking in terms of
02:15 20 long term, in the end, what would be the
21 environmental impact of the proposed project? So I
22 think what we have to get a good assessment is when
23 we're looking towards that, are we actually looking
24 towards a mega project as extensive as some people
02:15 25 believe?

1 DR. KANTER: Well, we do our planning and
2 environmental documentation based on the conceived
3 maximum project, the worst case scenario if you will.
4 We do long-term planning for that in terms of our
02:15 5 land-use needs, and we evaluate all of the phases so
6 that we have, if you will, the worst case.

7 One of the things you don't want to do in
8 our CEQA evaluation is to suddenly realize after
9 you're part of the way down the line is you needed a
02:15 10 bigger project and you got to do it again, and you
11 might be accused of segmenting the project, that you
12 tried to somehow manipulate the results because you
13 envisioned smaller chunks. So what we have
14 envisioned was a project that would meet the
02:16 15 projected future cargo demands and efficiency demands
16 of this terminal, and the project as proposed would
17 do that; and as a result, we analyzed from the worst
18 possible case for the full build out. Time could
19 change some of that. I don't know. We have about a
02:16 20 13-year planning -- or build out horizon on this
21 total. Certainly things could happen in the middle
22 of that.

23 But right now we believe that it represents
24 the conceived project and the time schedule that it
02:16 25 would be implemented.

1 MR. CALHOUN: Mr. Johnson, did you want to add
2 something?

3 MR. JOHNSON: I wanted to elaborate on
4 Dr. Kanter's response concerning the mitigation
02:16 5 measures, because there's a lot of criticism in the
6 NRDC letter of mitigation measures that I believe
7 they offer some figures that are incorrect, and I
8 wanted to make sure that the -- that you were clear
9 on, for example, their criticism of our mitigation
02:17 10 measure that will require vessels to use a marine
11 distillate fuel, basically marine gas oil, in their
12 auxiliary engines if they can't cold iron. Where
13 that use is consistent with safety, NRDC is saying
14 that those fuels have 20,000 parts per million of
02:17 15 sulfur and, thus, it would be very polluting. But,
16 in fact, those fuels tend to have sulfur content of
17 2500 parts per million or less, and so it would be
18 much cleaner than the bunker fuels that are being
19 burned now.

02:17 20 And the other issue that I wanted to address
21 was their contention that using clean fuel in
22 construction equipment is a pointless measure without
23 exhaust controls, and, in fact, that's not the case.
24 We can achieve some significant emissions reductions
02:18 25 from construction equipment. Even though that

1 construction equipment can't necessarily accommodate
2 exhaust controls, the use of clean fuels is still an
3 effective emission control measure.

02:18 4 MR. CALHOUN: You're referring to the letter
5 from the NRDC, dated July 30, 2004?

6 THE WITNESS: Yes, sir. That's right.
7 Thank you.

02:18 8 MR. CORDERO: Mr. Kanter, let me focus on three
9 areas here that I want to make sure for the record we
10 establish in terms of the concerns that have been
11 expressed and how this commission sees those
12 concerns, because I think my interest here is that
13 whatever we vote, for or against, should be not
14 interpreted in terms of that this Port and this
02:18 15 Commission is insensitive to the environmental
16 concerns that we all have been concerned about. So I
17 don't want to give the wrong message to the community
18 that, in fact, if we vote one way or the other, does
19 that mean that, in fact, we're environmentally
02:19 20 insensitive.

21 And in that regard, let me address the three
22 areas that I want to establish some further
23 information.

02:19 24 No. 1, this project is -- if everything was
25 to go well, including the demand of the tenant for

1 such space at a mega terminal, you're talking about
2 the end result would be the year 2018 or thereabouts.

3 Am I correct?

4 DR. KANTER: Right.

02:19 5 MR. CORDERO: And I am hopeful, and I've only
6 been sitting here for one year on this Commission,
7 but I can tell you that for the one year that I've
8 been on this Commission, I've seen many, many
9 environmental programs, some of the mitigation
02:19 10 measures that have been addressed. So I'm hopeful
11 that by 2018, we will be very successful in
12 eliminating much of the pollution that we're
13 concerned about or at least mitigated substantially.

14 Now, this project first came in, with regard
02:20 15 to this EIR report, extending back to January 26,
16 2001, right?

17 DR. KANTER: Yes.

18 MR. CORDERO: Okay. Now since then, in all
19 fairness, we've had six public hearings and obviously
02:20 20 a lot of opportunities -- in fact, I have a whole
21 book here with regard to the inquiries and letters
22 from the community, which have not been ignored.

23 So with that aspect, I'm concerned that how
24 much further do we delay this project now with regard
02:20 25 to some of the concerns that have been addressed.

1 Now, referring to the two latter areas.
2 Mitigation measures, now in the letter that I
3 reviewed, and I will say I've given a cursory review
4 to the letter of NRDC only because I just received
02:20 5 it, so excuse me if I didn't comprehend this
6 paragraph by paragraph. But I did note that some of
7 the mitigation measures that have been addressed as
8 concerns, I just want to make sure that, in fact, we
9 are doing. And I've noted five that have been listed
02:21 10 here, including low sulfur fuel for ships for use at
11 berth and maneuvering. Now, of course, there's some
12 problematic issues with regard to that one because of
13 the jurisdiction question. But nevertheless, I know
14 we're attempting to address that.

02:21 15 No. 2, alternative fuels for yard equipment.
16 That's not just one item on the agenda. There's been
17 a lot of items on the agenda in the past year with
18 regard to what we're doing in that vein. Hybrid
19 engines for locomotive switchers, investment in the
02:21 20 Gateway City's program for replacement of old
21 polluting truck engines. We've expended a lot of
22 time on that, and there's been community forums with
23 regard to that. Now, the only question is how do you
24 get an independent contractor to retrofit his truck
02:21 25 or buy a new truck? I mean there are issues way

1 there by really focusing on that, because I think the
2 center -- the issue here is the appropriate baseline.
3 And I myself, I'm still rather concerned with regard
4 to whether we are using the correct baseline and
02:23 5 whether you feel comfortable that we are moving that
6 direction.

7 DR. KANTER: We feel comfortable with the
8 selection of the baseline as Dr. Johnson explained.
9 That is always a question of what is appropriate for
02:23 10 the project. And we have, with our technical
11 experts, felt quite comfortable in our decision that
12 the appropriate baseline was used.

13 MR. CORDERO: My last comment, I will say to
14 someone who -- and I think we are all concerned about
02:24 15 this, who are really monitoring this, it's rather
16 unreasonable to -- it seems to me, to go back to a
17 2000, 2001 baseline on a project that ultimately is
18 maximized to the point that we think it may be
19 maximized -- we don't know -- takes us to the year
02:24 20 2018. But the light at the end of the tunnel I do
21 see is by that time some of these mitigation measures
22 would have had a full course where we could look at
23 and say we have definitely mitigated the types of
24 pollutions that we have.

02:24 25 And in particular I think someone will help

1 mentioned cold ironing. I'm not too sure whether
2 we've excluded the fact that cold ironing would be a
3 required function at this particular project. I
4 don't know. I know we discussed about it. I know,
02:24 5 in part, it will be available. But those are answers
6 that we definitively at this point do not have
7 answers to, although I could represent we have moved
8 in a very swift direction to address cold ironing.
9 From my point of view, the best scenario would be
02:25 10 that cold ironing is something that would be required
11 in this particular project. But again it's easy to
12 say that, but for those of you who have to share our
13 concerns in terms of what we do as a commission,
14 there's a real balancing act that we have to do here.
02:25 15 I mean, it's not just a matter of saying to the
16 world, "If you're going to come to this particular
17 pier, you're going to have to have cold ironing
18 available."

19 And the best scenario we could offer is that
02:25 20 hopefully some of our customers, and particularly the
21 shippers and carriers, will look to this scenario and
22 say, "This is how we are going to have to do business
23 in the future." And concluding this long-winded
24 commentary on my part, I just want to make sure that
02:25 25 that's the direction we're going.

1 Again, primarily you've answered my first
2 question with regard to, it seems to me, the core of
3 the questions here is the baseline that we're using.

4 DR. KANTER: I just wanted to clarify on the
02:26 5 cold ironing, that is a mitigation requirement.

6 If a new wharf component of the project is
7 built, then the tenant would enter into an agreement
8 through a lease modification to accept that berth and
9 operate it. The Port would provide the shoreside
02:26 10 electrical, and the tenant would agree to cold iron
11 candidate vessels at that berth when that time comes.

12 MR. CALHOUN: Mr. Johnson?

13 MR. JOHNSON: I think it's important to keep in
14 mind the comparison that NRDC makes between the Port
02:26 15 of Los Angeles situation at the terminal that they've
16 issued an RFP, the old Matson Terminal, where they
17 are going to redevelop the whole terminal at once,
18 and they can retrofit the berths for cold ironing and
19 cause that to happen.

02:26 20 Here we have a terminal that's under an
21 existing lease with facilities that have to remain
22 open. And so we've taken what we believe is the most
23 feasible approach to incorporating cold ironing as a
24 mitigation measure at an active operating terminal,
02:27 25 which is to install it as we rebuild old wharfs and

1 construct new wharfs. So the parallels raised in the
2 NRDC letter are not good parallels with this present
3 project.

4 MR. CALHOUN: Thank you.

02:27 5 Commissioner Hankla.

6 MR. HANKLA: Yes. With regard to cold ironing,
7 and I recognize it's sort of a sexy thing to talk
8 about today and certainly makes a lot of press. I
9 have seen technology, which, if proved feasible, will
10 render cold ironing obsolete in a very short order.

02:27 11 And so while I think we ought to strive for air
12 quality and emission reductions, I wouldn't want to
13 saddle cold ironing as the only possibility.

14 MR. CALHOUN: Mr. Hancock?

02:28 15 MR. HANCOCK: I would like to respond, also, to
16 a question that Mario raised, because I raised the
17 same issue, and this is about this is effectively a
18 long-term plan development. And I raised the same
19 issue that I think you were implying doesn't need to
02:28 20 be cut into pieces, and I think Bob answered that in
21 the same way as I understand it. If you did that,
22 you would be risking a segmentation response coming
23 down when you move to the next stage five years from
24 now.

02:28 25 So if I understood correctly, your point was

1 you've got to take the whole bite of the apple even
2 though some of it may not ever occur, and I find that
3 a satisfactory response. That's the world we deal in
4 in dealing with CEQA.

02:28 5 I look at this as a long-term plan. It's
6 going to increase efficiency, as well as, I'm sure,
7 accommodate the growth that's going to happen
8 probably regardless one way or another. I do feel
9 that while not perhaps perfect in the eyes of some of
02:29 10 the learned people in the audience, and I commend all
11 of you for the thoroughness of your presentations, we
12 have made, I think, thorough and effective mitigation
13 efforts in this over a period of three and a half
14 years through the three different releases of this in
02:29 15 trying to be responsive to it.

16 So I'm prepared to move forward with a
17 recommendation, and I would so move that we adopt the
18 resolution certifying the final EIR pursuant to the
19 California Environmental Quality Act, making certain
02:29 20 findings, adopting the statement of overriding
21 considerations, adopting mitigation monitoring and
22 reporting program, adopting the application summary
23 report, adopting the Port Master Plan Amendment
24 No. 18 and authorizing the executive director to
02:29 25 submit PMP Amendment No. 18 to the California Coastal

1 Commission for Certification.

2 MR. CORDERO: Is there a second?

3 MS. TOPSY-ELVORD: Second.

4 MR. CALHOUN: There is a second.

02:30 5 Is there any questions or comments or
6 further discussion?

7 Hearing none, all in favor of adopting the
8 resolution, please say "aye."

9 MS. TOPSY-ELVORD: Aye.

10 MR. HANKLA: Aye.

11 MR. CORDERO: Aye.

12 MR. HANCOCK: Aye.

13 MR. CALHOUN: Aye.

14 All right. Any opposed? The motion
02:30 15 carries, and the resolution has been adopted.

16 Mr. Hein, is there anything else on the
17 agenda?

18 MR. HEIN: No, sir.

19 MR. CALHOUN: All right. I'll entertain a
02:30 20 motion to adjourn.

21 MS. TOPSY-ELVORD: So moved.

22 MR. CALHOUN: Second. No objection, we are
23 adjourned.

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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

AUG 13 2004

Dated: _____



MARIANNA DONNER
CSR No. 7504



THE EARTH'S BEST DEFENSE

NATURAL RESOURCES DEFENSE COUNCIL

COALITION FOR



July 30, 2004

Via Facsimile; Original to be Submitted at Hearing with Enclosures

President John R. Calhoun, J.D.
 Members of the Board of Harbor Commissioners
 Port of Long Beach
 925 Harbor Plaza
 Long Beach, California 90802

**Re: Opposition to Certification of Final EIS/EIR for Port of Long Beach Pier J Project
 and Request for Disapproval of Project**

Dear President Calhoun and Members of the Board:

We write on behalf of the Natural Resources Defense Council ("NRDC"), the Coalition for Clean Air ("CCA"), and our over 550,000 members, tens of thousands of whom reside in Southern California, to strongly urge you *not* to approve the Pier J South Terminal Development project ("Project") and *not* to certify the Final Environmental Impact Statement/Environmental Impact Report for the Project ("Final EIS/EIR"). It is imperative that staff remedy critical deficiencies in the Final EIS/EIR and propose meaningful mitigation of the Project before this Board approves the Project.

The proposed Project will create a 385-acre mega terminal that will have a profound effect on the environment and the neighboring communities. While we do not oppose the proposed Project per se, the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) require the Port of Long Beach ("POLB") and the Army Corps of Engineers ("Corps") to accurately identify the environmental impacts of the Project, and propose adequate mitigation measures. Unfortunately, the Final EIS/EIR fails in both respects.

Moreover, the City of Long Beach has pledged to support a "no-net increase" policy for Port emissions. However, this Project if approved in its current form will *dramatically* increase Port emissions. As we describe in the attached summary of deficiencies in the Final EIS/EIR, there are two significant flaws in the emissions calculations in the

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 1314 Second Street
 Santa Monica, CA 90401
 310-434-2300

Coalition for Clean Air
 523 W 6th Street, 10th Floor
 Los Angeles, CA 90014
 213-630-1192

President Calhoun and Members of the Board
July 30, 2004
Page 2

document: (1) the Final EIS/EIR looks at emissions only as of 2015 – ignoring emissions that will occur when the first phase (that adds 50 acres) is completed in 2007 and later phase to be completed in 2009, 2010, and 2014, distorting the emissions by assuming cleaner vehicles and equipment; and (2) the Final EIS/EIR improperly takes the “goal” in the California Air Resources Board’s (CARB) 2000 Risk Reduction Plan, and assumes that this goal of a 75% emissions reduction of particulate matter by 2010 will be achieved, even though CARB has not adopted a single rule to achieve this goal that would apply to on or off road trucks and equipment at the Port.

Likewise, the Final EIS/EIR claims that by 2010 there will be a 90% reduction in emissions from on and off-road equipment as a result of a rule adopted by the U.S. Environmental Protection Agency (“EPA”) that requires *new* trucks sold starting in 2010 to meet these lower emissions levels – but it is well known that the majority of trucks visiting the Port are between 10 and 30 years old, and it is absurd to assume that 100% of the trucks visiting the terminal in 2010 will be new trucks meeting this new standard. Moreover, this standard only applies to new on road trucks – new standards applicable to off-road equipment like yard tractors won’t fully take effect until 2013.

For many of the same reasons, the conclusion in the Health Risk Assessment that the Project will *not* pose a significant health risk to the community is flat out wrong. Indeed, it strains credulity to assert that with just a few minimal mitigation measures a project of this enormity would not pose a significant health threat to the community. This Assessment must be revised to conform with standard scientific principles, as discussed further in the attached document.

As a result of the gross underestimation of emissions from this Project, only minimal mitigation measures are proposed. As we discuss in the attached summary of deficiencies, the proposed measures in fact will lead to minimal emissions reductions. For example: (1) while the proposal to use cleaner fuels sounds good on the surface, by allowing the use of “marine distillate fuel,” this would allow sulfur content as high as 20,000 parts per million sulfur, when levels of at most 2,000 ppm should be allowed; (2) the requirement to use cold-ironing only applies if a new wharf is built, and then only if certain restrictions are met, which is unlikely; (3) the requirement that construction equipment use cleaner fuels is meaningless if the measure does not also require the installation of pollution controls on the equipment; and (4) the asserted commitment for yard equipment to meet EPA tier 4 standards is unrealistic given that the standards that apply to yard equipment will not be fully phased in until 2013, so more stringent requirements for the use of alternative fuels or new on-road engines meeting the EPA 2007 standards should be mandated instead.

The failure to require the use of cold-ironing for all berths at Pier J – without restrictions – is truly troubling given the Port’s report on cold-ironing that concluded that it is a very cost-effective technology. We urge this Board to mandate instead that at least 80% of all marine vessels that call on any berth at Pier J must plug into electric power, just as the Port of Los Angeles has required as part of its Request for Proposal for Berths 206-209 (the Matson

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terminal). The shipping companies then have the flexibility to determine how best to achieve this percentage while ensuring lower emissions. But allowing any ship that makes fewer than six calls per year to avoid cold-ironing simply means that the shipping companies can avoid this requirement by sending a greater variety of ships to Pier J each year.

By contrast, as our report entitled, *Harboring Pollution: The Dirty Truth About U.S. Ports* (March 2004) (enclosed) points out, there are numerous cost-effective mitigation measures that can be implemented at this Project, but which the Final EIS/EIR totally ignores, including lower-sulfur fuel for ships for use at berth and in maneuvering; alternative fuels for yard equipment; alternative fuels and hybrid engines for locomotive switchers; investment in the Gateway Cities program to replace old polluting truck engines, and increases in the use of on-dock rail, just to name a few. Additional detail on proposed mitigation measures is contained in the attached excerpts from our most recent report entitled, *Harboring Pollution: Solutions for America's Dirty Ports* (June 2004).

We urge this Board to direct staff to evaluate each of these mitigation measures and to propose implementation of significant mitigation prior to approval of the Project.

We have repeatedly raised these concerns in comment letters submitted to the Port and the Corp (copies of our July 24, 2001, March 28, 2003 and October 3, 2003 comments are enclosed), but the Final EIS/EIR fails to remedy these serious problems with the Final EIS/EIR. Indeed, the final document fails to address the same concerns raised by the South Coast Air Quality Management District and EPA, leading us to believe that staff is simply ignoring our concerns.

In sum, the only way this Board can hold true to the commitment to cap emissions is to disapprove the Project and direct staff to fix the Final EIS/EIR and propose effective mitigation measures.

Sincerely,



Melissa Lin Perrella
Gail Ruderman Feuer
Natural Resources Defense Council



Todd Campbell
Coalition for Clean Air

cc: Geraldine Knatz, Ph.D, Port of Long Beach
Aaron Allen, U.S. Army Corps of Engineers

Encls.



NATURAL RESOURCES DEFENSE COUNCIL



Deficiencies in Pier J Final EIS/EIR

In this attachment we will summarize the most significant deficiencies in the Final EIS/EIR for Pier J South Terminal Development Project ("Project").

I. The Final EIS/EIR Grossly Underestimates Emissions.

A. The Final EIS/EIR Continues to Use the Incorrect Baseline.

The Final EIS/EIR greatly underestimates the impacts of the Project by using the wrong baseline. Both NEPA and CEQA mandate that "significant environmental impacts" must be calculated by comparing the projected future impacts of the proposed project as compared to the *present* level of impacts without the project. See, e.g., CEQA Guideline 15125.

Here, the Final EIS/EIR incorrectly compares the projected impacts of the Project to a *future projected baseline in the year 2015*, by arguing that the 2015 baseline accounts for "many planned and proposed expansion projects." See e.g., Final EIS/EIR Responses to NRDC "A" Comments at 50. However, the Port's reliance on a 2015 baseline vastly underestimates the environmental impacts created by the Project, and assumes a substantial amount of growth that it claims will occur even without the Project (and which argued growth is not the subject of any environmental review). The Port's attempt to minimize the environmental impacts of the Project by utilizing a 2015 baseline is improper. See e.g., *Environmental Planning and Information Council of Western El Dorado County v. County of El Dorado*, 131 Cal. App. 3d 350 (1982) (where agency utilized future conditions as the baseline, as opposed to present conditions, EIR misled the public "as to the reality of the impacts and subverted[ed] full consideration of the actual environmental impacts which would result").

It is improper for the Final EIS/EIR to conclude that growth in container operations at Pier J will occur with or without the proposed expansion project. It is precisely because of this expansion project that the added growth will occur – reinforcing that the Final EIS/EIR needs to take the baseline as of the time of issuance of the Notice of Preparation. As the November 7, 2000 Memo from Jordan Woodman Dobson describing the use of container backlands at the Port of Los Angeles shows, TEU throughput is typically measured based on the capacity per net acre. This memo states that the typical TEU per acre ranges from 4700 to 7300 TEUs per year per acre depending on how containers are stored. However, there are limitations on how high containers

can be stored, so it is not reasonable to assume that substantial growth will occur merely by stacking containers higher at the terminal.

Moreover, as we discuss below, by using a 2015 "baseline," the Final EIS/EIR fails to consider the environmental impacts of the Project in 2007 – by which time the first Phase with the addition of 50 acres of land will commence operations, and later phases to be fully built by 2010 and 2014. By looking at a 2015 baseline, the Port also improperly assumes that there will be cleaner vehicles and equipment on and off-site – which clearly will not be in place in 2007, 2010, and 2014, when each of the first IV phases is completed, respectively.

B. The Final EIS/EIR Improperly Assumes a 75% Reduction in Emissions From On and Off-Road Vehicles to Grossly Underestimate Emissions.

The Port also grossly underestimates emissions from the Project by assuming 75 percent reductions in particulate matter ("PM10") and nitrogen oxides ("NOx") from operations as a result of implementation of the California Air Resources Board's ("CARB") Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles ("CARB Diesel Plan"), and a 90 percent reduction in PM and 95 percent reduction in NOx through the implementation of EPA's Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements; Final Rule ("EPA's Heavy-Duty Vehicle Rule"). The Port's reliance on emissions reductions from implementation of CARB's Diesel Plan and EPA's Heavy-Duty Vehicle Rules, and its incorporation of a 75 percent across the board emissions reduction is fatally flawed.¹

First, it is improper for the Final EIS/EIR to take the stated "goal" in the CARB Diesel Plan of 75% reductions in emissions by 2010 (see enclosed Plan, page 2), and assume that this goal will be met by 2010, because the CARB Diesel Plan is *not* an adopted rule or regulation. In fact, since the plan's inception in 2000, CARB has failed to adopt a single rule that would require the clean-up of trucks or off-site equipment that services the port, so application of a hypothetical 75% reduction is improper. Rather, given the absence of any adopted rules, there is no guarantee that *any* emissions standard, certification program, or engine retrofit program proposed under the CARB Diesel Plan will result in *any* emissions reductions for *any* phase of the proposed Project.

Moreover, even the CARB Diesel Plan acknowledges that the 75% goal may not be met. As the Plan states, "From 2000 to 2010, ARB staff predicts diesel PM emissions and risk would decrease by only about 20 percent if the recommended measures are not implemented." CARB Risk Reduction Plan (enclosed) October 2000, p. 31. The Final EIS/EIR must be revised to reflect *at most* a 20% reduction in emissions by 2010, using the 2000 inventory. If the EIS/EIR uses the EMFAC 2002 model (which is appropriate), then as discussed below, even less than a

¹ Ultimately, the Port, "to be conservative" incorporated a 75 percent emission reduction rate to estimate the operational exhaust PM10 and NOx emissions from the offsite diesel trucks and the exhaust PM10 emissions from onsite equipment. See FEIS/EIR at 3-24. The Final EIS/EIR argued that the 75 percent reduction was "conservative" in light of the Port's contention that it could have assumed higher reductions due to EPA's Heavy-Duty Vehicle Rules. See *id.*

20% emissions reduction level would be appropriate. Accordingly, the CARB Diesel Plan cannot be the foundation for the emission reductions claimed in the Final EIS/EIR.

Further, the CARB Diesel Plan estimates a 75% reduction in emissions *from the 2000 baseline inventory*. The Final EIS/EIR again errs by then applying a 75% reduction to the 2002 inventory – this inventory already accounts for reductions in emissions from fleet turnover, so even if the CARB Diesel Plan were real, application of a 75% reduction is not proper.

Second, the Port's assumption that EPA's Heavy-Duty Vehicle On-Road Rule would result in a 90 percent reduction in PM and 95 percent reduction in NOx *for on and off-road vehicles* is grossly inaccurate. As outlined in our previous comments (which are attached), these rules apply to on-road trucks only; they do not evenly apply to non-road operational equipment (like yard tractors) which are significantly more polluting than on-road trucks. Further, the EPA rules will apply only to *new* on-road vehicle purchases. Consequently, unless the entire truck fleet at the Port will be scrapped and replaced with brand-new vehicles that comply with the EPA standards (an unlikely scenario), the Final EIS/EIR may not assume a 90 percent reduction in PM and 95 percent reduction in NOx.

The assumption that all trucks servicing the port will be new is belied by the large percentage of trucks that are at least 20 years old in the South Coast Air Basin. As the attached presentation entitled "Gateway Cities Clean Air Pilot Program" (April 2003) shows, in 2003 there were 9,937 20-year or older trucks operating in the South Coast Air Basin. The Gateway Cities Program estimates that approximately 6,000 of these older trucks service the Ports. Yet the Final EIS/EIR fails to adjust the emissions factors it uses to reflect the fact that the fleet servicing the port is older than the general population of trucks operating in California.

Third, the Final EIS/EIR contemplates that the proposed Project will be implemented in five phases, the first phase to be completed in July 2007, the second phase to be completed in July 2009, and the third phase to be completed by July 2010. See Final EIS/EIR at 1-5. However, the emissions reductions claimed in the Final EIS/EIR apply to 2015 emissions factors. See e.g., Final EIS/EIR at 3-12. Further, the Final EIS/EIR concedes that exhaust PM10 emissions from *new* diesel-fueled vehicles and engines will not be reduced by 75 percent until 2010, and that EPA's Heavy Duty Vehicle Rules will not begin to be phased in until 2007 (with full phase-in by 2010). See Final EIS/EIR at 3-23. Thus, even in the absurd hypothetical case where 100% of the trucks visiting this terminal were new, they would not meet the 75% reduction claimed in the Final EIS/EIR until 2010.

Fourth, to the extent the Final EIS/EIR wants to take credit for emissions reductions from EPA's newly Rule governing Off-Road Vehicles, this rule will not be fully phased in until 2013, so again, the Final EIS/EIR cannot assume that these new off-road tractors will be used to achieve emissions reductions as of 2007 when the first phase is completed.

Accordingly, the Final EIS/EIR overstates emissions reductions, and as a result, greatly underestimates the air quality impacts of the Project which *already exceed* significance thresholds.

II. The Mitigation Measures Identified in the Final EIS/EIR Remain Insufficient.

The mitigation measures proposed in the Final EIS/EIR are far from adequate. Preliminarily, as discussed above, because the Final EIS/EIR uses an incorrect baseline, and grossly understates air emissions, the Final EIS/EIR fails to adequately identify the significant environmental impacts of the Project. As a result, the Port fails to identify measures that will fully mitigate those impacts.

Moreover, the proposed mitigation measures, while promising on the surface, will not result in meaningful emissions reductions, and feasible mitigation measures exist that are *much* more effective than those identified in the Final EIS/EIR.

Marine Vessels

The Final EIS/EIR proposes that operators use cleaner diesel fuels in ship auxiliary power generator motors or exhaust gas treatment technologies. However, the Final EIS/EIR allows operators to utilize "marine distillate fuel" which may have a sulfur content as high as 20,000 ppm. For comparison purposes, the European Union ("EU") marine fuels directive will require ships docked at EU ports to use 1,000 ppm sulfur fuel or cleaner. Further, the mitigation measure, by referring only to the auxiliary fuel tanks appears only to apply to emissions while at berth. Yet significant emissions result from maneuvering at the Port. Accordingly, it is essential that the Port require that a truly low sulfur fuel (no higher than 2,000 ppm sulfur, and ideally lower) be used as soon as vessels servicing the terminal enter California waters.

Further, while exhaust gas treatment technologies such as selective catalytic reduction or direct water injection can result in significant NOx reductions, PM reductions are minimal, and in some cases, such controls may actually increase PM emissions where the sulfur content in fuel is high. Thus, while mitigation measures that require operators to use lower sulfur fuels or pollution controls can result in emissions reductions, such measures must be well-defined and at a minimum require operators to use cleaner fuels with no higher than 2,000 ppm sulfur, and to use those fuels while in California waters.

In addition, while we commend Port staff for proposing a mitigation measure that includes the use of shore-side power for ships at berth (cold-ironing), the measure as written, is ineffective. Indeed, a ship will not be required to "plug-in" unless the Port actually constructs a "new" wharf at Pier J, *and* an agreement exists between the Port and operator for the use of the new wharf, *and* the ship exceeds six ship calls to the Port per year, *and* the ship is projected to consume more than 1.2 KWh power per year while berthed at the terminal. Such contingencies are likely to preclude shore-side power from ever being constructed at Pier J or utilized by any ship.

The Final EIS/EIR should, at the very least, require the electrification of *all* existing wharves at Pier J and that 80% of all ships calling on Pier J (at any wharf) use electric power instead of running their engines, just as the Port of Los Angeles has required as part of its Request for Proposal for Berths 206-209. The shipping companies then have the flexibility to determine how best to achieve this percentage while ensuring lower emissions. But allowing any ship that

makes fewer than six calls per year to avoid cold-ironing simply means that the shipping companies can avoid this requirement by sending a greater variety of ships to Pier J each year.

Construction Equipment

In addition, to mitigate construction impacts, the Final EIS/EIR proposes that contractors use ultra-low sulfur diesel fuel or "alternative" diesel fuel in all diesel-powered equipment used at the Project site. However, such measures are ineffective unless the cleaner fuels are used in conjunction with pollution controls. For example, the use of 15 ppm sulfur diesel fuel has minimal emissions impact when used alone, and is already mandated for use beginning in mid 2006. But, when equipment is equipped with a diesel particulate trap *and* uses low sulfur fuel, it can achieve 85% reductions in PM. Likewise, the use of emulsified diesel fuel has some emissions benefits, but when combined with the use of a diesel oxidation catalyst, it achieves a 50% reduction in PM. Accordingly, in order to make this mitigation measure effective, the Port should require the use of alternative fuels (natural gas or propane) or a diesel particulate trap and low sulfur diesel fuel. If one of these options is not feasible, then the EIS/EIR should require the use of emulsified diesel fuel and a diesel oxidation catalyst.

Off-Road Yard Equipment

The Final EIS/EIR requires that all diesel-powered non-road terminal equipment "meet the emissions standards set forth in the EPA's "Control of Emissions of Air Pollution From Non-Road Diesel Engines and Fuel." Final EIS/EIR at 3-21-22. This mitigation measure is very unclear. The Final EIS/EIR needs to clarify whether this means that (1) all off road equipment (e.g., yard hostlers) used anywhere on Pier J as of 2007 must be new and (2) whether they must meet the Tier 4 standard (which would achieve a 90% reduction in PM emissions). The problem is that the cleaner Tier 4 standard is not scheduled to be phased in until 2011 to 2013, so it's unclear if the Port is requiring that all yard tractors used on site meet this standard in 2007 – or (as we think is more likely), that as new yard tractors are purchased, they meet the new standard (i.e., starting in 2011). If it is the latter situation, this would be a useless mitigation measure because such equipment already needs to meet the EPA standard.

Instead, we urge the Port to require the use of alternative fuel yard equipment (natural gas or propane), just as the Port of Los Angeles has required at the China Shipping terminal, which can achieve dramatic emissions reductions as of 2007. Alternatively, the Port should require the use starting in 2007 of new on-road engines in yard tractors. This would also achieve significant emissions reductions. But the mitigation as currently proposed appears only to require that any new tractors meet the weaker Tier 3 (2006) standard, which will already be required by EPA, until the Tier 4 standard is phased in starting in 2011.

On Road Trucks, Tugboats, Locomotives

The Final EIS/EIR fails to include *any* mitigation to offset the significant emissions that will come from on-road trucks, tugboats, and locomotives. As the attached reports, *Harboring Pollution: The Dirty Truth about U.S. Ports* and *Harboring Pollution: Solutions for America's*

Dirty Ports describe, there are numerous mitigation measures that can be applied to these sources, including investment in the Gateway Cities truck replacement program, re-powering of tugboats used for the Project with cleaner engines; and replacement of the switcher locomotives with alternative fuel or hybrid electric engines. Yet none of these measures are proposed here.

Lastly, the mitigation measures for operational emissions do not go into effect until Phase I of the project is "placed in operation," or until July 2007. See Final EIS/EIR at ES-11. However, portions of Phase I may be complete prior to 2007, and thus, result in unmitigated emissions.

III. The Port's Health Risk Assessment Study is Fatally Flawed.

The health risk assessment ("HRA") conducted as part of the Final EIS/EIR improperly finds no significant risk from the Project.

First, among other things, several pollutants were wrongfully excluded from analysis. The HRA covers 22 Toxic Air Contaminants ("TAC"), omitting at least one TAC and entirely excluding criteria pollutants with known adverse health impacts. While chromium emissions were documented and calculated in several tables in the HRA appendices, chromium was omitted from the list of TACs presented in the HRA. Health risks from chromium should have been included in this analysis. Acute health risks from other pollutants, such as carbon monoxide, nitrogen dioxide and sulfur dioxide were also excluded from the analysis, despite being well known pollutants associated with diesel and gasoline engines. The omission of these pollutants led to a general underestimation of risks.

Second, diesel emission rates are severely underestimated in the Final EIS/EIR as well as the HRA. As stated above, the Port may not take credit for future projected emissions reductions from CARB's Diesel Plan without CARB first having in place rules designed to achieve those reductions. See Final EIS/EIR Appendix C at 2-3. Had the Final EIS/EIR properly accounted for future diesel emissions and emission reductions, projected emissions and associated health impacts would be well above significance thresholds.

Third, the HRA fails to include any risk analysis associated with operation of the Long Beach Intermodal Container Transfer Facility ("ICTF"). Indeed, while the scope of the HRA includes the port terminals and a portion of the 710 freeway, it excluded the ICTF, a rail yard a few miles away that serves the Port. The ICTF should not have been omitted because many of the containers going through the expanded Project area will come from or go to the ICTF, increasing emissions at that facility and therefore creating a potential for adverse health impacts above the threshold. In fact, the Final EIS/EIR projects that "the proposed 385-acre terminal, which includes an expanded on-dock rail yard, would transport 30 percent of the total terminal throughput by rail." See Final EIS/EIR at 1-10.

Moreover, while the Final EIS/EIR states that there are few "receptors" near its facilities, a residential community is directly next to and downwind of the ICTF, including an elementary school. Homes are separated from this facility by only a road and a wall. In addition, limited air monitoring conducted in that community already indicates elevated levels of diesel pollutants.

Fourth, Appendix E (Health Risk Assessment Addendum, January 2004) wrongly characterizes a 30 mile per hour travel speed for trucks in 2015 as a "conservative estimate" to evaluate health impacts on nearby receptors along the freeway segment (i.e., the I-710). See Final EIS/EIR Appendix E at 6-2. The Los Angeles County MTA's 2001 Long Range Transportation Plan (LRTP) clearly states that 2001 average freeway conditions "operate at less than 35 miles an hour and that freeways in the central Los Angeles area, West Side and San Gabriel Valley operate at less than twenty miles an hour. The 2001 LRTP further states that, "with population and employment generating 30 percent more travel, that freeway speeds will dramatically decrease and that many parts of the county will operate at less than 20 miles per hour (in 2025) without additional transportation improvements." See 2001 LRTP, p. 1-7. Therefore, it is disingenuous for the "HRA for Diesel Truck Emissions on I-710" to state that the risk estimate is "conservative" by using a travel speed of 30 miles per hour for trucks, rather than the freeway speed limit of 65 miles per hour. The Final EIS/EIR clearly cannot assume that transportation improvements will occur on the I-710. Further, current freeway conditions do not reflect 65 mile per hour speeds throughout LA County. Therefore, the Final EIS/EIR analysis is incorrect and fails to conservatively evaluate the risk of diesel exhaust exposure to nearby receptors.

Fifth, the HRA improperly examines the health risks associated with the 115-acre build-out in a vacuum. For example, the HRA segments risks associated with the 710 freeway and the Project. Exposures to Pier J and the 710 freeway occur at the same time and therefore it is unclear why health risks from both of these sources are presented separately in the HRA. Moreover, when exposures to the Project and the 710 freeway are analyzed together, cancer risks are above the significance threshold. Similarly, the HRA fails to examine, as part of its cumulative impact analysis, risks associated with the existing operations at Pier J, and the Port as a whole. A person with respiratory problems will react to the combination of pollution generated at the port - not just the increase in pollution from the additional 115-acres. Clearly, had the HRA properly examined all cumulative risks, it would have concluded significant risk from the Project.

Sixth, the HRA underestimates the health impacts of diesel PM from the 710 freeway. The annual PM concentrations in the I-710 analysis were created by multiplying maximum hourly concentrations by a factor of 0.08. While this was recommended by EPA in 1995, this technique is outdated given that current models can easily calculate annual concentrations. This arbitrary factor led to a significant underestimation of emissions and therefore health impacts from the I-710. Furthermore, it appears that the number of vehicles per hour was significantly underestimated. For example, given the estimated 1243 additional trucks per day for the 115-acre project, peak hourly vehicles should be roughly 200 to 300 per hour. Instead, 40 vehicles per hour was used, even though it is stated in the appendix that peak hourly vehicles should be 10 percent of the total, 124 in this case.



The Port of Long Beach

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September 9, 2004

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Coalition for Clean Air
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Re: FEIR for Pier J South Marine Terminal – SCH # 2000-061141 – Response to Your Letter dated July 30, 2004

Dear Ms. Perrella, Ms. Feuer, and Mr. Campbell:

The Port of Long Beach received your letter dated July 30, 2004 and the attachment commenting on the Final EIS/EIR ("FEIR") for the Pier J South Terminal Development project ("Project") after the close of business on Friday, July 30, 2004. As your cover letter appears simply to summarize the assertions made in the attachment, the following responds to both documents together.

I. The FEIR Does Not Grossly Underestimate Emissions

A. The FEIR Does Not Use an Incorrect Baseline. NRDC's assertion that the FEIR uses an incorrect baseline was responded to in detail in the FEIR (see pages 45 and 46 of the Responses to "A" Comments in FEIR). To summarize, NRDC alleges that the analysis in the FEIR inappropriately compares environmental impacts of the Project with conditions that would exist in 2015. NRDC asserts that the FEIR should instead analyze impacts under a scenario where the fully constructed project is inserted into the environment that existed in June, 2000, when the Notice of Preparation was originally issued. That assertion is incorrect for several reasons.

First, NRDC overstates the FEIR's use of a 2015 baseline. Except with regard to the operational traffic impacts under "Ground Transportation" (which did utilize 2007, 2011 and 2015 baselines corresponding with full build-out of the 52-acre, the 75-acre and the 115-acre alternatives), the other impacts are either measured against existing (year 2000) conditions in the FEIR or are measured in the manner specifically prescribed for such impacts. For example, air quality impacts are first examined against the backdrop of the existing environmental setting (see, e.g., FEIR pages 3-1 to 3-8), but are ultimately measured against thresholds of significance established by SCAQMD for project construction and project operation. Obviously, the SCAQMD establishes the



thresholds of significance on the basis of the existing air quality conditions. The resources evaluations in Section 3 of the FEIR each begin with an examination of the existing conditions and environmental settings. Then, for each of the 13 topics, the threshold of significance is stated; i.e., what is to be compared to what for purposes of defining whether the impact is significant. In all instances the assessments of impacts associated with the proposed project alternatives involve the alternative's relationship to the *existing conditions*. This is also true with regard to traffic impacts. The analysis begins with a determination of the *existing conditions* at the 12 study intersections and freeway segments (Table 3.5.1-2 of the FEIR). Moreover, the impacts projected to occur prior to build-out were based upon existing conditions. Hence, the analysis of traffic impacts resulting from *construction* activities for the 115-Acre Alternative does not utilize the 2015 completion year, as those impacts would begin occurring shortly after project approval and would be concluded well prior to 2015. The construction traffic analysis determines the greatest number of construction trips in the most active construction phase and assesses the impacts of that number of trips. Thus, the construction impacts on ground transportation are determined by comparing them *to existing conditions*. In this case, the construction traffic impacts are determined to be potentially significant, but are ultimately found to be less than significant with mitigation.

Certain *operational* traffic impacts are also analyzed against pre-2015 baseline conditions. For example, because the 52-acre alternative evaluated in the FEIR is essentially phase 1 of the Project, and because the operational traffic impacts of the 52-acre alternative are evaluated against conditions in 2007 when it is projected to be operational, phase 1 of the Project is evaluated for operational traffic impacts against a 2007 baseline condition.

Second, CEQA does not establish an inflexible rule as to what physical conditions must be used as the baseline for a project; rather, CEQA simply seeks to ensure that project impacts are not underestimated. Although the existing physical conditions at the time of publishing of the Notice of Preparation "normally" should be used as the baseline for determining whether impacts are significant (14 Cal. Code Regs. § 15125(a)), the CEQA Guidelines recognize that lead agencies may elect to formulate a different baseline in appropriate situations (*Save Our Peninsula Comm. v. Monterey County* (2001) 87 Cal.App.4th 99, 126; *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, 1277). If a lead agency knows that various environmental conditions will either improve or degrade before a project is constructed, the lead agency may take the changing environment into account in setting the baseline for its impact analysis (*Napa Citizens for Honest Government v. Napa County* (2001) 91 Cal.App.4th 342, 363).

NRDC's assertion that CEQA mandates that the FEIR analyze the Project's operational traffic impacts against a year 2000 baseline is unrealistic given the 13-year construction schedule and fact that the Project would not be fully operational until 2015 at the earliest. An EIR rarely, if ever, analyzes the traffic impacts of a project based upon the existing baseline condition. Rather, traffic impact conclusions are based on the year of build-out and beyond, typically comparing cumulative base conditions and cumulative base plus project conditions. For example, the "City of Los Angeles Traffic Study Guidelines/Thresholds" expressly provides that a project's traffic impacts should be determined by the exact method that was utilized in the FEIR. As stated in the Guidelines/Thresholds document:

"Project impacts are typically based upon a comparison of intersection LOS for **cumulative base** and **cumulative base plus project** (final LOS) conditions. The cumulative base conditions are comprised of existing traffic levels increased by a factor to account for ambient growth, plus projected traffic levels from known related projects in the vicinity. Using the appropriate intersection capacity methodologies described above, quantify the cumulative plus project LOS at the study intersections for the projected cumulative plus project traffic volumes. **The project impact is determined by comparing the projected cumulative base and cumulative plus project intersection LOS, using the defined significance threshold.**" (Emphasis added.)

Please note that not only does the City of Los Angeles Guidelines/Thresholds document set forth the approach typically used in EIRs for determining traffic impacts, but its use here is appropriate because several of the FEIR's 12 Study Intersections and Highway Links are within the City of Los Angeles.

NRDC's scenario is unrealistic because it would not accurately reflect the conditions under which the project would be operated; that is, it does not account for future degradation of traffic conditions due to regional growth, including both increased cargo throughput, population increases, and the resultant increase in trip generation rates that would occur with or without construction of the Project. Cargo increases would occur because of market forces (increasing demand) and because of the availability of operational strategies that would allow an increase in throughput at the existing facility, including increased grounded operations, alternative stacking methods, and better gate movements. Higher stacking is also an operational option. All of these options are less desirable than the Project because they involve higher labor per acre requirements, higher accident rates for the workforce, and higher environmental costs because they are less efficient. The upper limit of TEUs per acre capacity has not nearly been

reached at the Port, and thus it is reasonable to expect that growth will occur in container operations at Pier J, with or without the project; this point is discussed more fully at the end of this section.

As stated in the FEIR, the Project would be constructed in five phases, and would not be fully operational until 2015 at the earliest. Because the Project would have the greatest operational traffic impacts once it was fully constructed, the FEIR focuses on that fully operational condition for purposes of determining operational traffic impacts, rather than artificially using the year 2000 baseline for purposes of analysis. Such an approach does not underestimate the operational traffic impacts: indeed, using 2015 as the analysis year reveals more severe traffic impacts of the Project than would result from using a year 2000 base year because the Project traffic is imposed on roadways and intersections operating at lower levels of service due to the higher future traffic volume. For this reason, the calculation based upon the 2015 full operation year results in more conservative (i.e., "worst-case") estimates.

In any event, the FEIR provides all of the information necessary for the public as well as the decision makers to compare the operational traffic impacts of the Project with the year 2000 baseline. The FEIR contains an analysis of the *existing conditions* at the 12 Study Intersections and Highway Links, which allows for a comparison of existing conditions to the full build-out project condition, plus the cumulative traffic (see pages 47-48 of Responses to "A" Comments in the FEIR). The FEIR shows how these 12 study areas operated in the year 2000 and how they will perform in 2015, the first full year of operation, *both with the Project and without the Project*. The Project impact is the difference between these two columns, which can be easily compared to the column reflecting existing conditions in the year 2000. Moreover, a traffic analysis of "existing plus project" conditions was done for car and truck traffic, with trip generation estimated based upon *existing conditions* at the Pier J South terminal (page 49 of Responses to "A" Comments in FEIR). That analysis showed the estimated increase in daily car and truck trips from the Project under *existing* conditions to be less than those projected increases under the *2015* conditions. The corresponding peak hour trips would also be less.

In summary, the use of 2015 base conditions is appropriate under industry standards and regulatory guidance and does not underestimate traffic impacts. The FEIR shows that cumulative effects on the highway segments caused by development and growth through the year 2015 without the project will be significant. Thus, while the FEIR concludes that the "stand alone" project impact on the freeway segments does not meet the threshold of significance, it also acknowledges that the cumulative impact of the anticipated future projects and growth will be significant.

With regard to air quality emission calculations, it would be nonsensical to suggest that calendar year 2000 be plugged into the Emission FACTors ("EMFAC") models in order to create a totally hypothetical scenario where the project was fully operational in that year. According to the User's Guide for EMFAC 2001/EMFAC 2002, the calendar year utilized for a model run will establish the latest model year of equipment used and will incorporate the 45 model years. Thus, for example, if the year 2000 is utilized in the model run, the calculations would assume a mix of trucks and equipment models ranging from 1955 to the year 2000. Using this assumption for a project that would not be fully operational until 2015 would produce results that are based upon vehicle age mixes that are off by 15 years. It would be unscientific to conduct modeling that would not truly reflect the project alternatives, namely, that the first operational year of the 52-Acre Alternative would be 2007, for the 75-Acre Alternative 2011, and for the 115-Acre Alternative 2015.

Using 2000 as the base year for air quality purposes would have also been at odds with SCAQMD's instructions regarding EMFAC. SCAQMD instructs: "Make sure EMFAC is run for a calendar year and county/air basis representative of the proposed project." SCAQMD, Heath Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis, Aug. 2003, p. 4.

As noted in the FEIR (p. 3-12), using the first year of full operations is conservative. For example, for the 115-Acre Alternative, if the calendar year 2016 was used, the resulting emissions could be lower. This is because another year of older, more polluting vehicles (1970 models) drop out of the model, and a year of newer vehicles is added (2016 models). Obviously, the terminal, once built, would operate far into the future. By using the first year of full operations to calculate emissions, the FEIR presents a "worst case" scenario.

It should be noted that with projects to be built out over a number of years, the SCAQMD recommends, in its CEQA Air Quality Handbook, that a buildout year baseline is appropriate. Specifically, with regard to "Determining Significance", section 7.6 of the Handbook states: "If the project is to be build out over a series of years, then the project emission should be compared to the projected future baseline (without mitigation) for the years corresponding to the project phasing and/or build-out year."

Finally, the statement by the NRDC that "it is improper for the Final EIS/EIR to conclude that growth in container operations at the Pier J will occur with or without the proposed expansion project" is incorrect. Containerized cargo will increase over time even without terminal expansion, and this has been demonstrated over the last ten years in all terminals in both ports. Examples include: prior to occupying the former Maersk terminal, Pacific Container Terminal's throughput on Pier J increased by 13.5% per year

between 1993 and 2002; ITS's throughput increased by 6.3% per year between 1993 and 2002; LBCT's throughput increased by 5.1% between 1993 and 2003; CUT's throughput increased by 7.1% between 1993 and 2003; and Hanjin's throughput at Pier A increased by 5.3% per year between 1998 and 2002. All of these increases occurred without any increases in terminal size. These findings were summarized in the Port's recent report to the Long Beach City Council (October 2003).

The combined ports of Long Beach/Los Angeles container cargo forecast for Year 2015 used in the EIR/EIS is about 24.4 million. The Year 2015 baseline throughput for Pier J South and all other terminals in both ports was developed by apportioning the ports' official cargo forecast among all terminals using estimated Year 2015 acreages. This allocation yielded a modest resultant cargo growth rate of 5.7% per year in the Pier J South terminal, less than what historically has occurred.

Existing container terminal capacity can be increased without physical expansion through the following changes in terminal productivity: extended hours of operation, which will occur by the end of this year; increased number of wharf cranes utilized to load/unload ships; increased proportion of containers stacked on the ground vs. stored on chassis; decreased container dwell time (i.e., number of days stored in the terminal); increased container stack heights; and increased crane productivity rates (lifts/hour). To accommodate increased cargo volumes, it is expected that these industry-controlled productivity factors will change over time. This discussion on capacity was also included in the Ports' report to the City Council.

Considering of all the aforementioned throughput factors, the maximum potential throughput rate for the POLB/POLA complex is estimated to be between approximately 8,000 and 11,000 TEUs/gross acre/year. These rates are, in fact, contained in recent analyses conducted by JWD for both ports. NRDC's reference to per-acre container throughput rates is out of date: the average aggregate rate for the POLB/POLA complex in 2001 was about 5,500 TEUs/ac/yr, with a range of 4,000-6,500. Historical rates have been as high as 6,900, on an average annual basis, and in a peak month in the first half of 2002 the rate reached 7,900 TEUs/ac/yr, which was presumably in anticipation of the work stoppage that subsequently occurred. The throughput rate for the Pier J South terminal that was used for Year 2015 baseline conditions was approximately 5,200 TEUs/gross acre/year.

In summary, the growth in container volume that was assumed by Year 2015 is deemed to be appropriate and valid.

B. The FEIR Did Not Improperly Assumes a 75% Reduction in Criteria Pollutant Emissions From On- and Off-Road Vehicles

Note that there are two categories of estimated total criteria air pollutant emissions in the FEIR's summary tables (Tables 3.1.4-3, 3.1.5-3, and 3.1.6-3): (1) Total Maximum Emissions, and (2) Total Maximum Emissions after Mitigation. The 75 percent emission reduction rate was not used to estimate the basic total criteria air pollutant emissions, which are listed under the category "Total Maximum Emissions". Moreover, the line-item emissions listed for "Off-site Trucks" and "On-site Equipment/Vehicles" in those tables do not include the referenced 75 percent reduction.

As you may know, prior to the release of EMFAC 2002, the EMFAC 2001 modeling did not account for any reduction in PM associated with the EPA's 2007+ regulations for emissions from new diesel-powered heavy-duty engines. Jeff Long of CARB confirmed this in discussions with URS' air quality experts. As noted in the SCAQMD CEQA Handbook, emission reductions arising from existing rules or regulations should be reflected in the emission calculation process. Therefore, the air quality experts at URS consulted extensively with SCAQMD staff, including Dr. Charles Blankson, and with staff at CARB. As noted in the FEIR, URS did utilize a 75 percent reduction in diesel particulates, as described in footnote (a) in the tables referenced above, as well as a 75 percent NOx reduction for certain vehicle emissions [the 115-Acre and 75-Acre Alternative – Off and On-Site Vehicles]. The reason for using this rate in the mitigated emission calculations is described in Section 3.1.7 of the FEIR. As noted on pages 3-23 to 3-24 of the FEIR, SCAQMD staff approved that approach, which was incorporated into the "Model" HRA that SCAQMD provided to URS for mobile sources calculations. Please also see the response to comment AQMD-A2, pages 2-3 of the Responses to "A" Comments, which explains that the Port did not assume that the emissions reductions mandated by state and federal rules would be fully effective by 2015.

It is important to keep in mind that the exhaust emissions generated by On-Site Equipment/Trucks and Off-Site Trucks would be minor in comparison with those from marine vessel sources. As a result, whether or not the regulatory-related emission reduction rate is used for the subject air pollutants would not appreciably change either the total estimated emissions for the 75-acre or 115-acre alternatives or the conclusions of the FEIR. (As previously noted, the 52-Acre Alternative calculations did not include any adjustment since the operation would be coming on line in 2007.)

The HRA (Appendix C of the FEIR) did assume a 75 percent reduction in diesel particulates for the 115-acre and 75-acre alternatives on the basis of the regulations described in 3.1.7 of the FEIR. The emissions calculated for the opening-day scenarios used EMFAC 2001 factors, which did not account for the anticipated reductions in diesel

particulates in future years. After consultation and approval from both SCAQMD and CARB staff, the HRA released in June of 2003 incorporated the 75% reduction for off-site trucks and certain on-site equipment to calculate the exposure of receptors over the 70-year modeling regime of the HRA. The entire HRA modeling analysis was completed in October, 2002, prior to the release of the SCAQMD HRA guidelines. URS's consultations with AQMD staff in the early stages of preparing the HRA (2001) revealed that there were no specific HRA guidelines for mobile source analysis. URS did obtain from SCAQMD, however, a sample HRA that addressed mobile air sources and that SCAQMD held out as a model to be followed. That model included a 70% and 90% reductions in PM to take into account the 2007+ regulations. Obviously, URS was fully justified in its use of the 75% reduction, having discussed the matter with both SCAQMD and CARB and having been given a model that utilized that approach.

Nonetheless, at the suggestion of SCAQMD staff URS prepared the Addendum to the HRA (Appendix E), in which URS reran the calculations for the largest of the alternatives (the 115-Acre Alternative) using the (1) EMFAC 2002 modeling; and (2) the approach suggested in SCAQMD's "Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Sources Diesel Idling Emissions for CEQA Air Quality Analysis." Because the EMFAC 2002 model has been updated to incorporate the PM reductions for the 2007+ years based upon the EPA rules, no separate reduction was incorporated in that re-run. The results are consistent with the earlier conclusions of the HRA.

In response to SCAQMD's letter of Friday, July 30, 2004, the calculations for criteria air pollutant emissions from vehicles for the 115-acre, 75-acre, and 52-acre landfill alternatives were further updated using the EMFAC2002 emission factors for vehicles. As with the calculation done in connection with Appendix "E", in these calculations, no additional emission reductions related to regulatory control measures were used. The detailed calculations are provided in Attachment A; Tables 1, 2, and 3 below summarize the results.

As Tables 1, 2, and 3 show, the impacts resulting from four of the five criteria air pollutants (ROC, NO_x, SO_x, and PM₁₀) for the 115-acre, 75-acre, and 52-acre landfill alternatives before and after mitigation would remain significant based on the revised estimates. The conclusion is consistent with the finding in the FEIR. Finally, please note that, as described in the responses to comments, the 52-acre and 75-acre alternatives correspond in timing and magnitude to the major phases of the 115-ac project. Accordingly, the evaluation of the impacts of those alternatives constitutes an evaluation of the phases, meaning that the document does, in fact, consider the impacts of operations in 2007 (Phase I) and 2011 (Phase II).

Table 1 (Air Quality Analysis Update, 2004) Operations Peak Daily Emissions (lbs/day) 115-Acre Landfill Alternative					
Emission Source	CO	ROC	NO_x	SO_x	PM₁₀
Exhaust Emissions - On-site Equipment	40.01	6.11	67.58	16.76	3.69
Exhaust Emissions - On-site Vehicles	2.54	0.29	1.01	0.01	0.05
Exhaust Emissions - Off-site Trucks	61.25	12.33	248.27	0.00	6.99
Fugitive Dust - On-site Vehicles	0.00	0.00	0.00	0.00	0.69
Fugitive Dust - Off-site Trucks	0.00	0.00	0.00	0.00	145.43
Exhaust Emissions - Trains	8.45	2.62	46.56	0.00	1.60
Exhaust Emissions - Marine Vessels	115.99	83.25	1399.37	734.91	64.67
Exhaust Emissions - Automobiles	28.90	3.06	2.57	0.00	0.37
Fugitive Dust Emissions - Automobiles	0.00	0.00	0.00	0.00	2.78
Total Maximum Emissions	257.14	107.67	1765.36	751.68	226.27
Significance Threshold	550.0	55.0	55.0	150.0	150.0
Significant Impact	No	Yes	Yes	Yes	Yes

Table 2 (Air Quality Analysis Update, 2004) Operations Peak Daily Emissions (lbs/day) 75-Acre Landfill Alternative					
Emission Source	CO	ROC	NO_x	SO_x	PM₁₀
Exhaust Emissions - On-site Equipment	8.13	2.24	32.37	5.51	1.16
Exhaust Emissions - On-site Vehicles	2.21	0.22	0.21	0.00	0.02
Exhaust Emissions - Off-site Trucks	73.25	15.78	383.93	0.00	8.26
Fugitive Dust - On-site Vehicles	0.00	0.00	0.00	0.00	0.15
Fugitive Dust - Off-site Trucks	0.00	0.00	0.00	0.00	132.91
Exhaust Emissions - Trains	3.38	1.12	19.87	0.00	0.69
Exhaust Emissions - Marine Vessels	115.99	83.25	1399.37	734.91	64.67
Exhaust Emissions - Automobiles	28.27	2.88	2.62	0.00	0.25
Fugitive Dust Emissions - Automobiles	0.00	0.00	0.00	0.00	1.92
Total Maximum Emissions	231.2	105.5	1838.4	740.4	210.0
Significance Threshold	550.0	55.0	55.0	150.0	150.0
Significant Impact	No	Yes	Yes	Yes	Yes

Table 3 (Air Quality Analysis Update, 2004) Operations Peak Daily Emissions (lbs/day) 52-Acre Landfill Alternative					
Emission Source	CO	ROC	NO_x	SO_x	PM₁₀
Exhaust Emissions - On-site Equipment	6.95	2.09	29.94	4.13	1.06
Exhaust Emissions - On-site Vehicles	3.08	0.32	0.31	0.00	0.02
Exhaust Emissions - Off-site Trucks	70.43	15.54	433.19	0.00	8.03
Fugitive Dust - On-site Vehicles	0.00	0.00	0.00	0.00	0.15
Fugitive Dust - Off-site Trucks	0.00	0.00	0.00	0.00	91.61
Exhaust Emissions - Trains	2.41	0.86	15.56	0.00	0.53
Exhaust Emissions - Marine Vessels	115.99	83.25	1419.52	734.91	64.67
Exhaust Emissions - Automobiles	27.35	2.82	2.76	0.00	0.18
Fugitive Dust Emissions - Automobiles	0.00	0.00	0.00	0.00	1.33
Total Maximum Emissions	226.2	104.9	1901.3	739.0	167.6
Significance Threshold	550.0	55.0	55.0	150.0	150.0
Significant Impact	No	Yes	Yes	Yes	Yes

NRDC's letter claims that the Port has underestimated emissions by assuming "a 90 percent reduction in PM and 95 percent reduction in NO_x through implementation of EPA's Control of Air Pollution from New Motor Vehicles: Heavy Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements; Final Rule...." The air quality analysis in the FEIR for the proposed project used neither the 90 percent reduction rate for PM₁₀ nor the 95 percent reduction rate for NO_x for vehicles. Apparently, what NRDC takes issue with is the information in the FEIR (page 3-22) that quotes the EPA verbatim.

NRDC's letter suggests that the 90 and 95 percent figures were used in the air quality estimates; that suggestion is false. On June 29, 2004, the U. S. Environmental Protection Agency (EPA) adopted the "Control of Emissions of Air Pollution from Non-road Diesel Engines and Fuel: Final Rule" (49 CFR Parts 9, 69, et al.). This final rule established the exhaust emission standards for new off-road diesel engines, and will begin to take effect in the 2008 model year. While the proposed mitigation in the FEIR requires that "operators have all diesel-powered terminal equipment meet this final rule" (Section 3.1.7 of the FEIR), the FEIR analysis to estimate project emissions did not take credit for emission reductions associated with this EPA off-road diesel engine final rule for any of the project alternatives.

II. The Mitigation Measures Identified in the FEIR Are Sufficient.

A. Marine Vessels.

NRDC asserts, without supporting data, that only minimal mitigation measures are imposed on the Project, and that the mitigation is deficient for various reasons. Thus, NRDC asserts that the requirement that ships use cleaner fuels in ship auxiliary power or exhaust gas treatment technologies will be ineffective. On the contrary, the proposed vessel mitigation measures will apply to all vessels that call at the terminal. As the measure clearly states, starting with opening day of the first phase of the terminal, all vessels will be required to use lower-sulfur fuel in their auxiliary engines unless they can demonstrate that such use would violate safety standards set by international treaty. In arguing that this condition does not go far enough, NRDC ignores the fact that although the maximum sulfur content allowed under ASTM materials standards is 20,000 ppm, marine distillate fuels actually on the market have average sulfur contents in the range of 3,000 to 10,000 ppm (EPA, 1999. In-Use Marine Diesel Fuel EPA420-R-027). The use of such fuels instead of residual fuels, whose sulfur content can approach 45,000 ppm, will yield significant emissions reductions of both SO_x and particulates. Thus, the requirement to use marine distillates in auxiliary engines will effect significant reductions in hotelling emissions. Note that the Port of Long Beach does not have the authority to regulate the sulfur content of marine fuels used in main propulsion engines; that is under the jurisdiction of either the state or the federal government.

Nor does NRDC provide any data to support its statement that exhaust gas treatment is ineffective at removing diesel particulate matter. In fact, a number of technologies do reduce or remove particulates, including diesel oxidation catalysts, particulate filters, and emulsified fuel. The variety of auxiliary engines and installation configurations make specifying a particular technology infeasible; instead, the Port seeks to achieve the greatest reductions possible by providing sufficient flexibility to allow as many vessels as possible to install exhaust control technology.

Without offering any evidence as to feasibility, nexus, or rough proportionality, NRDC next suggests that mitigation measures should be added requiring the entire Pier J terminal to be electrified and at least 80% of all marine vessels that call on any berth at Pier J to plug into electric power, as the Port of Los Angeles has required with one of its terminals. Such requirements, however, would be infeasible here for financial and legal reasons, and would not conform with CEQA's express requirements that mitigation measures be consistent with the "nexus" and "rough proportionality" standards established by case law (14 Cal. Code Regs § 15041(a)). Cold-ironing would consist of three phases: arranging for the infrastructure to bring the electricity to the pier, retrofitting the existing, operating berths at Pier J to provide the electrical facilities

necessary, and retrofitting marine vessels (estimated to cost at least \$300,000-\$500,000 per ship) and adding additional labor to carry out the cold-ironing functions.

With regard to cost feasibility, SCAQMD has established standards regarding the cost effectiveness of emissions control measures, and has determined that the threshold of cost effectiveness is approximately \$15,000 per ton of reduction in pollutants. According to the Port of Long Beach's Cold Ironing Feasibility Study (April, 2004), that threshold of feasibility is not reached until a ship has made approximately 6 visits per year and has consumed approximately 1.5 million KWh per year while berthed at the terminal. (Note that the mitigation measure in the FEIR actually states 1.2 million KWh in order to capture all the cost-effective vessels.) Given that the identity of the shipping lines that may call on the terminal is unknown, it is speculative to assume that it would be cost effective to require 80% of all vessels calling on Pier J to use cold-ironing. It is possible, for example, that a high proportion of the vessel calls would be by infrequent visitors or third-party spot charter vessels, and it would not be reasonable or roughly proportionate to require such vessels to undergo the cost of retrofitting based upon the minimal environmental benefit that would be realized (i.e., the cost per ton to reduce pollution would greatly exceed the \$15,000 per ton standard established by SCAQMD). As a note, data from the period June 2003 to May 2004 suggest that approximately 10% of the individual vessels that called at the Pier J South berths would meet the cost-effectiveness criteria, but that cold-ironing those vessels would eliminate up to 66% of the hotelling emissions.

With regard to retrofitting the terminal, it must be recalled that the Port has executed multiple-year leases on the existing land at Pier J and cannot unilaterally impose cold-ironing requirements on existing lessees. This is particularly relevant because retrofitting the existing facilities would mean that terminal operations would have to be shut down for as long as 2 years, which the Port could not impose upon the existing leases.

NRDC's reference to the Port of Los Angeles ("POLA") as an example of the feasibility of cold-ironing the entire terminal inappropriately compares apples to oranges: POLA is not retrofitting, nor has it ever retrofitted, *currently operating terminals*; rather, it is providing for cold-ironing only in *new* facilities or *vacant* terminals. POLB is similarly providing for cold-ironing facilities under those circumstances (*e.g.*, at Piers G and S). Thus, the comparison of POLA's activities to the Project is inapposite.

Finally, NRDC provides no basis for its statements that the use of cold-ironing as proposed for the Project "is unlikely" and would be "ineffective." In fact, if a new wharf is built or an existing wharf rebuilt, cold-ironing facilities will be provided and vessels

that meet the power demand and call frequency thresholds will be required to plug in. Thus, the mitigation measure establishes specific criteria which are fully enforceable.

NRDC's statement that the requirement to cold-iron will be "ineffective" is based upon speculation that shipping companies will avoid cold-ironing by sending a greater variety of vessels to Pier J. That assumption ignores the realities of the marine cargo industry. Shipping lines do not have an unlimited supply of vessels to send to a particular terminal in order to avoid marginal costs. Any attempt to "game" the allocation of vessels would seriously disrupt global schedules, with far more serious financial implications than those arising from a few days of electric bills.

B. Construction Equipment.

NRDC argues, without supporting evidence, that the use of clean fuels in construction equipment is ineffective without concurrent use of pollution control equipment. On the contrary, the use of emulsified diesel has been demonstrated to reduce emissions significantly, and CARB has approved the use of ultra-low-sulfur diesel for the same purpose. Moreover, there are basically only two types of pollution control devices available. The first type, diesel particulate filters, is not feasible for construction equipment because they operate effectively only at continuously high temperatures and clog frequently when used with construction equipment, which do not maintain the necessary temperatures; furthermore, none has been verified by CARB for off-road use. Of the second type, diesel oxidation catalysts, only a few have been verified and only for a limited number of model years, engine types, and applications. Even assuming that the addition of exhaust control devices would further reduce emissions, requiring such devices in equipment that is typically leased or rented for short terms and is not under the control of either the Port or its contractors, is infeasible.

C. Off-Road Yard Equipment.

NRDC also erroneously asserts that requiring yard equipment to meet Tier 4 standards is unrealistic. In the case of yard equipment under the control of the Port or its tenants, the Port can, through new leases, require standards it finds feasible and achievable, whether or not those standards are mandated by law. In this case, the Port has chosen to require that the 2013 standards must be met much earlier (i.e., 2007). The terminal operator may choose to do so by the use of alternative fuels, on-road engines, or by the use of exhaust control technology; the Port need not dictate a particular technology to meet the stated performance standard (page 9 of Responses to "A" Comments, Nos. 6, 7 in FEIR).

D. On-Road Trucks, Tugboats, Locomotives.

NRDC inaccurately asserts that the FEIR "totally ignores" various measures presented in NRDC's *Harboring Pollution* report. As explained above, the FEIR specifically requires

the use of lower-sulfur fuels at berth as a mitigation measure. Moreover, as the NRDC is aware through its meetings with Port staff, the Port participates in the Gateway Cities truck replacement program, the joint POLB/POLA locomotive re-powering program, and the Diesel Emission Reduction Program, which helps reduce emissions from yard equipment. Note that the Gateway Cities truck replacement program has not been implemented as mitigation on a project-specific basis. An estimated \$85 million is needed to take older, higher polluting trucks out of service, which will require that the problem be addressed through a regional program. Furthermore, although the Port has no jurisdiction over trains, it is actively working to replace current locomotive engines on the short-line harbor switching railroad with engines that meet EPA Tier 2 standards and to implement other measures to reduce emissions from train operations (pages 7-8 of Responses to "A" Comments in FEIR). In addition, all tugboats operating in the Port have received new replacement engines that meet Tier 2 requirements, and the proposed project includes an expanded rail yard that is specifically intended to increase the use of on-dock rail, as suggested by NRDC.

III. The Port's Health Risk Assessment Study Was Properly Completed.

Item 1 (Inclusiveness of Toxic Air Contaminant [TAC] Listings): As explained on page 2-1 of the HRA (Appendix C of the FEIR), 22 different TACs were identified as compounds that would be emitted during project operation. The identification of the TACs was done in accordance with SCAQMD's "Risk Assessment Procedures for Rules 1401 and 212" and based upon CARB specification profiles. Chromium (Chemical Abstract Number [CAS] No. 7440473) emitted from gasoline-fueled vehicles is not listed as a carcinogenic or non-carcinogenic chemical by the Office of Environmental Health Hazard Assessment (OEHHA) HRA guidelines. It is not a compound that OEHHA, CARB, or SCAQMD recommend including in health risk assessments. It was also not included as a TAC in the sample HRA that SCAQMD provided to URS as a model. Criteria air pollutants are evaluated separately because they have a different set of significance thresholds in the SCAQMD Handbook. The criteria pollutants were not recommended for inclusion in risk assessments by OEHHA, CARB, or SCAQMD. The HRA that SCAQMD provided to URS as a model did not include criteria pollutants as TACs. Neither chromium nor the criteria pollutants are included in CARB's Consolidated Table of OEHHA/ARB Approved Risk Assessment Health Values. Therefore, it would not be possible or appropriate to include such compounds in the HRA.

Item 2 (The HRA Properly Estimated Diesel Particulate Levels): As explained fully in Section I.B. above, the HRA properly included a 75% reduction in diesel particulates for on-site equipment and trucks. This was done with the approval of both SCAQMD and CARB. The HRA Addendum (Appendix E of the FEIR) addresses potential health impacts associated with the 115-Acre Landfill Alternative following the recently-

published SCAQMD HRA guidelines for mobiles sources and utilizing the EMFAC2002 emission factors. The HRA Addendum did not take credit for future projected emission reductions based on the CARB Risk Reduction Plan. Please see the HRA Addendum for detailed information.

In response to SCAQMD's letter of July 30th, URS conducted another update to the HRA for operational diesel particulate emissions associated with the 75-acre and the 52-acre Alternatives. (Tables 4 and 5, below). This updated HRA utilized the same SCAQMD HRA quantification approach used for the 115-Acre Landfill Alternative, as described in the HRA Addendum of the FEIR (Appendix E). The emissions calculations for this update were prepared using EMFAC 2002. Because EMFAC 2002 included an adjustment for the EPA's 2007+ regulations for emissions from new, diesel-powered, heavy-duty engines, it was not necessary to utilize the 75% reduction for diesel particulate that had previously been applied. For ease of comparison, a summary of the potential maximum health impacts predicted previously for the 115-Acre Landfill Alternative in the HRA Addendum of the FEIR is shown in Table 6.

Table 4 Updated Summary of the Maximum Predicted Cancer and Non-cancer Risks 75-Acre Landfill Alternative			
Health Risk Criterion	Maximum Predicted Risk		Significance Threshold
	Residential Area	Commercial/Industrial Area (a)	
Cancer Risk	0.725×10^{-5}	0.072×10^{-5}	1.0×10^{-5}
Chronic Hazard Index	0.0048	0.0034	1.0

Table 5 Updated Summary of the Maximum Predicted Cancer and Non-cancer Risks 52-Acre Landfill Alternative			
Health Risk Criterion	Maximum Predicted Risk		Significance Threshold
	Residential Area	Commercial/Industrial Area (a)	
Cancer Risk	0.726×10^{-5}	0.071×10^{-5}	1.0×10^{-5}
Chronic Hazard Index	0.0048	0.0034	1.0

Table 6 Summary of the Maximum Predicted Cancer and Non-cancer Risks 115-Acre Landfill Alternative (From FEIR Appendix E)			
Health Risk Criterion	Maximum Predicted Risk		Significance Threshold
	Residential Area	Commercial/Indust rial Area (a)	
Cancer Risk	0.722×10^{-5}	0.077×10^{-5}	1.0×10^{-5}
Chronic Hazard Index	0.0048	0.0037	1.0

The predicted health impacts of these three alternatives are essentially the same and are below the corresponding health impact significance thresholds. The maximum impact locations, shown in the HRA Addendum (Appendix E of the FEIR) for the 115-Acre Landfill Alternative, are identical for all three alternatives. These conclusions are consistent with the finding in the FEIR, Section 3.1.

As an additional analysis for the HRA the I-710 health impact analysis was also updated using the same modeling approach utilized in the FEIR. The updated analysis used EMAFC2002 emission factors for diesel trucks, and no additional emission reductions associated with regulatory control measures were incorporated in the analysis. The I-710 segment selected in the updated analysis extended from Anaheim Street (port property line) to Willow Street. The updated analysis utilized the average hourly truck trips to directly predict annual diesel PM₁₀ concentrations without using a conversion factor of 0.08. The analysis data are provided in Attachment A.

The results (Table 7, below) show that the predicted health impacts for all three project alternatives would be below the applicable significance thresholds. This conclusion is consistent with the finding in the FEIR.

Item 3 (ICTF): The ICTF, which was constructed approximately 15 years ago, is not part of the proposed project; therefore, it is not included in the project impact analyses. With regard to the HRA cumulative analysis, the Port followed SCAQMD direction as to which projects were to be included (pages 7-3 to 7-5 of Appendix C of the FEIR). The air quality and health impacts resulting from the existing and future projects in the vicinity of the project area, in addition to the proposed project, are discussed in the cumulative section (Section 4) of the FEIR.

Table 7 (HRA Update, 2004) Summary of the Maximum Predicted Cancer and Non-cancer Risks I-710 Health Impact Analysis			
Alternative	Health Risk Criterion	Maximum Predicted Risk Residential	Significance Threshold
115-Acre Landfill Alternative	Cancer Risk	0.273×10^{-5}	1.0×10^{-5}
	Chronic Hazard Index	0.0018	1.0
75-Acre Landfill Alternative	Cancer Risk	0.510×10^{-5}	1.0×10^{-5}
	Chronic Hazard Index	0.0034	1.0
52-Acre Landfill Alternative	Cancer Risk	0.525×10^{-5}	1.0×10^{-5}
	Chronic Hazard Index	0.0035	1.0

Item 4 (Truck Speed): The modeling area, I-710 between Pacific Beach Highway and Willow Street, is not located in central Los Angeles, the West Side, or San Gabriel Valley, the areas in which the Los Angeles County MTA's "2001 Long Range Transportation Plan" (LRTP) identifies freeway vehicle traveling speeds as being 20 mph or less. In fact, according to the LRTP the average vehicle speed on the selected I-710 freeway segment was greater than 35 miles per hour under 1998 baseline conditions and will remain greater than 35 miles per hour in 2025. Therefore, using 30 miles per hour in the HRA modeling analysis is conservative as the values of truck diesel particulate matter emission factors decrease with increasing traveling speed.

Item 5 (Alleged Segmentation of I-710 Risks): To address the concern expressed in this comment, the updated HRA added the predicted highest risks (top 7) resulting from all on-site diesel emission sources to the risk contributions from the I-710 diesel truck sources to these locations under the 52-Acre Landfill Alternative. The results show that the highest combined cancer risk under the 52-Acre Landfill Alternative is 0.728×10^{-5} . The calculations are provided in Attachment A. The combined total health risk is below the significance threshold.

Item 6 (Alleged Underestimation of Diesel PM Health Impacts of I-710): The I-710 analysis for the FEIR utilized peak-hour traffic volumes and converted the predicted peak-hour air pollutant concentrations to annual average concentrations using a conversion factor of 0.08, as listed in the EPA screening modeling procedures. The updated I-710 analysis used the average hourly truck trips, without using this conversion factor, to directly estimate annual concentrations, and still showed that the

maximum health impacts from project trucks on I-710 would be below the applicable significance levels. This is consistent with the finding in the FEIR.

Based on the Port Truck Trip Generation Model, the 115 Acre project would generate an estimated 1,243 truck trips per day on top of the volume that would already exist (base condition) if no project were to occur. The 200 to 300 peak hourly trips suggested in the comment are not correct. Based on detailed studies of port terminal operations, time-of-day truck trip patterns, and projections into the future based on likely shift operations, the peak hour percentage of truck trips is 6.4 percent of daily trips occurring during the AM peak hour (8 to 9 AM), and 5.2 percent of trips during the PM peak hour (4 to 5 PM). Those percentages translate into 81 peak-hour truck trips during the AM peak hour and 62 during the PM peak hour. The 200 to 300 figures that are cited in the comment would represent from 16 percent to 24 percent of daily trips in one hour, which is much higher than would actually occur, especially given the current shift toward more round-the-clock operations.

Although the proposed project would add an estimated 1,243 daily truck trips (80 AM peak-hour truck trips and 64 PM peak-hour truck trips), those represent the total project-added truck trips at the terminal gate. Some of those trips would be inter-terminal bobtail trips that occur between container terminals within the port, and some would use Ocean Boulevard/Seaside Avenue, the I-110 freeway, and the Terminal Island Freeway. Therefore, not all of the peak-hour truck trips generated by the project would use the I-710 freeway. The Port's travel demand model (which is based on the regional model of the Southern California Association of Governments) suggests that approximately 60 percent of terminal truck trips would use the I-710. Thus, of the 80 AM and 64 PM peak-hour added truck trips, about 48 and 38 respectively, would occur on I-710, with the remainder using Ocean Boulevard, SR-47 and I-110.

IV. Miscellaneous Issues

A. "No-net Increase" Policy for Port Emissions.

The City of Long Beach has "pledged to support" Assembly Bill 2042, the bill that would establish a baseline year of 2004, after which the ports could not exceed the emissions established during that baseline year. At the same time, the Port of Long Beach's Board of Harbor Commissioners has determined that it could not support that bill because, although it supports the concept of "no net increase" in emissions, the measures that would be necessary to achieve that goal are not within the Board's power to implement. To date, AB 2042 has not been signed by the Governor.

B. Interim-Year Impacts Have Not Been Ignored.

The EIS/EIR actually does evaluate impacts that would occur as a result of implementing the various phases of the project. Both the 75-acre and the 52-acre alternatives correspond to interim phases of the 115-acre alternative. As explained in the response to NRDC's comment A5, each of those alternatives was analyzed in its opening-day year, i.e., 2011 and 2007, respectively (see Tables 1.5.2.2, 1.5.3.2, 3.5.5.1, and 3.5.6.1).

C. Port of Long Beach Has Responded to NRDC Concerns.

NRDC's statement that its concerns were ignored is not supported by the record. The Port of Long Beach has responded fully to all comments, including NRDC's, that were received on the three draft documents and during four public hearings. Section 10 of the FEIR includes comment letters and responses received on the December 2002 and August 2003 drafts of the EIS/EIR, including two letters received from the NRDC (March 28, 2003 and October 3, 2003). Issues raised in NRDC's letter dated July 24, 2001 were incorporated into the December 2002 document. In addition, the Port invited the NRDC to two briefings to learn about the Port's Healthy Harbor Program, Air Quality Improvement Program, and Cold Ironing studies and their effects on upcoming projects, including Pier S and Pier J South.

Sincerely,



Robert Kanter, Ph.D.
Director of Planning and Environmental Affairs

SEC:s

Attachment A

Air Quality Analysis and Health Risk Assessment Update Data 2004

THIS DOCUMENT IS VERY LARGE; A COPY IS IN THE CITY CLERK'S OFFICE



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

FAXED: JULY 30, 2004

July 30, 2004

Dr. Robert Kanter
Director of Planning
The Port of Long Beach
P.O. Box 570
Long Beach, CA 90801-0570

Final Environmental Impact Statement/Report (FEIS/R) for the Proposed Pier J South Terminal Development – The Port of Long Beach

The South Coast Air Quality Management District (AQMD) submitted comments to the lead agency on the above mentioned document on October 8, 2003. Pursuant to Public Resources Code Section 21092.5, the lead agency has provided the AQMD with written responses to AQMD comments. The AQMD staff is pleased to see that the lead agency conducted the Health Risk Assessment (HRA) Addendum, Appendix E for the Final EIS/R to estimate the risk of diesel particulate emissions using the California Air Resources Board's (CARB) EMFAC2002 mobile source emission factor model.

Although the AQMD staff commends the lead agency for conducting such an analysis, comments are limited as the AQMD staff did not have sufficient time to review the assumptions and methodology used in the HRA Addendum. Based on an initial review of the analysis, the lead agency should consider evaluating potential health risks from the 52-Acre and 75-Acre Landfill Alternatives as operational impacts would begin in 2007 and 2011, respectively, as compared to 2015 from the 115-Acre Alternative. Since particulate emissions are generally higher in earlier years due to fleet turnover, the potential health risks from diesel particulate should also be evaluated for the 52-Acre and 75-Acre to ensure that they are actually less than the 115-Acre Alternative project.

The AQMD staff remains concerned that operational emissions are underestimated for on-road vehicles. The operational emission estimates presented for the 115-Acre and 75-Acre Landfill Alternatives assume a 75 percent reduction in diesel particulate (Table 3.1.4-3 and Table 3.1.5-3, respectively). The 75 percent reduction represents a reduction in emission standards for new model year heavy-duty highway engines and vehicles is not appropriate for the overall fleet emission factor. Assuming a 75 percent reduction for the entire fleet implies that all vehicles accessing Pier J after 2007 will have 2007 or later model year engines or be retrofitted with a particulate trap with 75 percent control. The FEIS/R did not provide any enforceable commitment to ensure this level of control would occur at the project site.

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Furthermore, the lead agency used CARB's EMFAC2002 to estimate particulate emissions for the FEIR/S to the HRA Addendum. The AQMD strongly suggests that the lead agency update operational emission estimates using CARB EMFAC2002 in the air quality analysis. If the lead agency elects to rely on CARB EMFAC2001 to estimate on-road emissions, application of the 75 percent reduction should not be used as it inappropriately accounts for future federal emission standards into the overall vehicle fleet.

The AQMD would be happy to work with the Lead Agency to address these issues and any other questions that may arise. Please contact me at (909) 396-3105 if you have any questions regarding these comments.

Sincerely,



Susan Nakamura
Planning & Rules Manager
Planning, Rule Development & Area Sources



The Port of Long Beach

P. O. BOX 570 · LONG BEACH, CA 90801-0570 · TELEPHONE (562) 437-0041 · FAX (562) 901-1725

September 9, 2004

Ms. Susan Nakamura
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4178

Subject: Final EIS/EIR for Pier J South Marine Terminal – Response to Your Letter dated July 30, 2004

Dear Ms. Nakamura:

The Port of Long Beach is in receipt of your letter dated July 30, 2004, commenting on the above-referenced Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR). Your letter was received by the Port of Long Beach after the close of business on Friday, July 30, 2004. The following responses are submitted for your information.

Evaluation of Potential Health Risks from the 75-Acre and 52-Acre Landfill Alternatives.

You have suggested that the lead agency “consider evaluating potential health risks from the 52-Acre and the 75-Acre Landfill Alternatives as operational impacts would begin in 2007 and 2011, respectively, as compared to 2015 from the 115-Acre Alternative.”

As an initial matter, I would like to direct your attention to the Final EIS/EIR, pages 3-17 (Table 3.1.5-4), 3-19 and 3-20 (Table 3.1.6-4), as well as Appendix C, in particular Tables 2-4, 2-5, and page 5-1, Table 5-3, Table 5-4, Figure 5-2, page 5-6, Figure 5-3, Tables 6-3, 6-4, and 7-2. The referenced sections of the Final EIS/EIR contain the Predicted Cancer and Noncancer Risks associated with the 52-Acre and the 75-Acre alternatives as well as the cumulative impacts of those alternatives. That analysis took into account the differing dates that the operations would commence (2007 and 2011). While minor changes on some wordings were made in the revised June 2003 Health Risk Assessment (HRA), the entire HRA modeling analysis was prepared in October 2002, prior to the release of the South Coast Air Quality Management District’s (SCAQMD) “Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Sources Diesel Idling Emissions for CEQA Air Quality Analysis” and EMFAC2002. Nonetheless, Appendix C was prepared with the assistance of SCAQMD’s expert staff, including Dr. Charles Blankson, Yi-Hui Huang, and Tom Chico. The reference to their assistance is set forth on page 6-4. The Port thanks these individuals for their input and appreciates SCAQMD having made them available to our air quality consultants at URS Corporation (URS).



In response your request of Friday evening, July 30th, URS conducted another update to the HRA for operational diesel particulate emissions associated with the 75-acre and 52-acre alternatives (Tables 1 and 2, below). This updated HRA utilized the same SCAQMD HRA quantification approach used for the 115-Acre Landfill Alternative, as described in the HRA Addendum of the Final EIS/EIR (Appendix E). The emissions calculations for this update were prepared using EMFAC 2002. Since EMFAC 2002 included an adjustment for the U.S. Environmental Protection Agency's (EPA) 2007+ regulations for emissions from new, diesel-powered, heavy-duty engines, it was not necessary to utilize the 75 percent reduction for diesel particulates that had previously been applied. As I am sure you are aware, Dr. Blankson had previously approved the 75% reduction of diesel particulates to account for the fact that EMFAC 2001 had not been adjusted for those regulations.

The HRA modeling data are provided in Attachment A. For ease of comparison, a summary of the potential maximum health impacts predicted previously for the 115-Acre Landfill Alternative in the HRA Addendum of the Final EIS/EIR are shown in Table 3.

Table 1
Updated Summary of the Maximum Predicted Cancer and Non-cancer Risks
75-Acre Landfill Alternative

Health Risk Criterion	Maximum Predicted Risk		Significance Threshold
	Residential Area	Commercial/Industrial Area (a)	
Cancer Risk	0.725×10^{-5}	0.072×10^{-5}	1.0×10^{-5}
Chronic Hazard Index	0.0048	0.0034	1.0

Table 2
Updated Summary of the Maximum Predicted Cancer and Non-cancer Risks
52-Acre Landfill Alternative

Health Risk Criterion	Maximum Predicted Risk		Significance Threshold
	Residential Area	Commercial/Industrial Area (a)	
Cancer Risk	0.726×10^{-5}	0.071×10^{-5}	1.0×10^{-5}
Chronic Hazard Index	0.0048	0.0034	1.0

Table 3
Summary of the Maximum Predicted Cancer and Non-cancer Risks
115-Acre Landfill Alternative (from the FEIS/EIR) (From Appendix E)

Health Risk Criterion	Maximum Predicted Risk		Significance Threshold
	Residential Area	Commercial/Industrial Area (a)	
Cancer Risk	0.722 x 10 ⁻⁵	0.077 x 10 ⁻⁵	1.0 x 10 ⁻⁵
Chronic Hazard Index	0.0048	0.0037	1.0

Again, as with the 115-Acre Landfill Alternative in the HRA Addendum of the Final EIS/EIR, the updated HRA for the 75-acre and 52-acre landfill alternatives incorporated the EMFAC2002 emission factors and did not include emission reductions related to regulatory control measures. As shown in the above tables, the predicted health impacts for these three alternatives are essentially the same. The maximum impact locations are identical for all three alternatives as shown in the HRA Addendum (Appendix E of the Final EIS/EIR) for the 115-Acre Landfill Alternative.

As with the analysis contained in Appendix C of the Final EIS/EIR, the predicted health impacts for all three project alternatives would be below the corresponding significance health impact thresholds. This conclusion is consistent with the finding in the Final EIS/EIR.

Operational Emissions for On-Road Vehicles.

In your letter of Friday evening, July 30th, you also indicated concern regarding the emission calculations for on-road vehicles. Please note that these vehicles are categorized as “Off-site Trucks” in the EIR. Your stated concern is that the 115-acre and the 75-acre alternatives “assume a 75 percent reduction in diesel particulate....” You then reference Tables 3.1.4-3 and 3.1.5-3 in the Final EIS/EIR.

As an initial matter, I would like to point out that the line-item emissions listed for “Off-site Trucks” in Tables 3.1.4-3 and 3.1.5-3 do not include a 75 percent reduction.

Note that there are two categories of estimated total criteria air pollutant emissions in the summary tables (Tables 3.1.4-3 and 3.1.5-3 in the Final EIS/EIR): 1) Total Maximum Emissions and 2) Total Maximum Emissions after Mitigation. The 75 percent emission reduction rate has never been used for any of the project alternatives to estimate the basic total criteria air pollutant emissions, which are listed under the category “Total Maximum Emissions” in the summary tables of the air quality analysis for the Final EIS/EIR. Please see the “Total Maximum Emissions” in Tables 3.1.4-3 and 3.1.5-3 of the Final EIS/EIR.

As I am sure you are aware, prior to the release of EMFAC 2002, the EMFAC 2001 modeling did not account for any reduction in particulate matter (PM) associated with the EPA's 2007+ regulations for emissions from new diesel-powered heavy-duty engines. Jeff Long of the California Air Resources Board (CARB) confirmed this in discussions with our URS air quality experts. As noted in the SCAQMD CEQA Handbook, emission reductions arising from existing rules or regulations should be reflected in the emission calculation process. Therefore, the air quality experts at URS extensively consulted with SCAQMD staff, including Dr. Charles Blankson and with staff at CARB. As you noted, URS did utilize a 75 percent reduction in diesel particulate mitigated emission calculations, as described in footnote (a) in these tables referenced above. The reason for using this rate in the mitigated emission calculations is described in Section 3.1.7 of the Final EIS/EIR. As noted on pages 3-23 to 3-24 of the Final EIS/EIR, SCAQMD staff had approved that approach. I understand from your letter that SCAQMD may now have changed its view on the issue and disapprove of Dr. Blankson's prior advice to URS.

Fundamentally, the emissions generated by Off-Site Trucks would be minor in comparison with those from marine vessel sources. As a result, using or not using this regulatory-related emission reduction rate for the subject air pollutants would not exactly change either the total estimated emissions for the 75-acre or 115-acre alternatives or the conclusions of the Final EIS/EIR. (As previously noted, the 52-Acre Landfill Alternative calculations did not include any adjustment since the operation would be coming on line in 2007.)

Evaluation of Potential Operational Emissions Using EMFAC2002.

In an effort to address the concern stated in your letter of Friday evening, July 30th, criteria air pollutant emissions from vehicles for the 115-acre, 75-acre, and 52-acre landfill alternatives were updated using the EMFAC2002 emission factors. The detailed calculations are provided in Attachment A; Tables 4, 5, and 6 below summarize the results:

Table 4 (Revision 2004)					
Operations Peak Daily Emissions (lbs/day)					
115-Acre Landfill Alternative					
Emission Source	CO	ROC	NO_x	SO_x	PM₁₀
Exhaust Emissions - On-site Equipment	40.01	6.11	67.58	16.76	3.69
Exhaust Emissions - On-site Vehicles	2.54	0.29	1.01	0.01	0.05
Exhaust Emissions - Off-site Trucks	61.25	12.33	248.27	0.00	6.99
Fugitive Dust Emissions - On-site Vehicles	0.00	0.00	0.00	0.00	0.69
Fugitive Dust Emissions - Off-site Trucks	0.00	0.00	0.00	0.00	145.43
Exhaust Emissions - Trains	8.45	2.62	46.56	0.00	1.60
Exhaust Emissions - Marine Vessels	115.99	83.25	1399.37	734.91	64.67
Exhaust Emissions - Automobiles	28.90	3.06	2.57	0.00	0.37
Fugitive Dust Emissions - Automobiles	0.00	0.00	0.00	0.00	2.78
Total Maximum Emissions	257.14	107.67	1765.36	751.68	226.27
Significance Threshold	550.0	55.0	55.0	150.0	150.0
Significant Impact	No	Yes	Yes	Yes	Yes

Table 5 (Revision 2004)					
Operations Peak Daily Emissions (lbs/day)					
75-Acre Landfill Alternative					
Emission Source	CO	ROC	NO_x	SO_x	PM₁₀
Exhaust Emissions - On-site Equipment	8.13	2.24	32.37	5.51	1.16
Exhaust Emissions - On-site Vehicles	2.21	0.22	0.21	0.00	0.02
Exhaust Emissions - Off-site Trucks	73.25	15.78	383.93	0.00	8.26
Fugitive Dust Emissions - On-site Vehicles	0.00	0.00	0.00	0.00	0.15
Fugitive Dust Emissions - Off-site Trucks	0.00	0.00	0.00	0.00	132.91
Exhaust Emissions - Trains	3.38	1.12	19.87	0.00	0.69
Exhaust Emissions - Marine Vessels	115.99	83.25	1399.37	734.91	64.67
Exhaust Emissions - Automobiles	28.27	2.88	2.62	0.00	0.25
Fugitive Dust Emissions - Automobiles	0.00	0.00	0.00	0.00	1.92
Total Maximum Emissions	231.23	105.49	1838.36	740.42	210.04
Significance Threshold	550.0	55.0	55.0	150.0	150.0
Significant Impact	No	Yes	Yes	Yes	Yes

Table 6 (Revision 2004)					
Operations Peak Daily Emissions (lbs/day)					
52-Acre Landfill Alternative					
Emission Source	CO	ROC	NO_x	SO_x	PM₁₀
Exhaust Emissions - On-site Equipment	6.95	2.09	29.94	4.13	1.06
Exhaust Emissions - On-site Vehicles	3.08	0.32	0.31	0.00	0.02
Exhaust Emissions - Off-site Trucks	70.43	15.54	433.19	0.00	8.03
Fugitive Dust Emissions - On-site Vehicles	0.00	0.00	0.00	0.00	0.15
Fugitive Dust Emissions - Off-site Trucks	0.00	0.00	0.00	0.00	91.61
Exhaust Emissions - Trains	2.41	0.86	15.56	0.00	0.53
Exhaust Emissions - Marine Vessels	115.99	83.25	1419.52	734.91	64.67
Exhaust Emissions - Automobiles	27.35	2.82	2.76	0.00	0.18
Fugitive Dust Emissions - Automobiles	0.00	0.00	0.00	0.00	1.33
Total Maximum Emissions	226.21	104.87	1901.27	739.05	167.58
Significance Threshold	550.0	55.0	55.0	150.0	150.0
Significant Impact	No	Yes	Yes	Yes	Yes

As shown in Tables 4, 5, and 6, the impacts resulting from four of the five criteria air pollutants ROC, NO_x, SO_x, and PM₁₀ for the 115-acre, 75-acre, and 52-acre landfill alternatives would remain significant. The conclusion is consistent with the finding in the Final EIS/EIR.

Please note that an appeal has been filed on the certification of the Final EIS/EIR and that it will be presented to the Long Beach City Council on September 14, 2004, at 5:00 pm. Should you have any further questions, please do not hesitate to contact me.

Sincerely,



Robert Kanter
 Director of Planning
 and Environmental Affairs

SEC:s

cc: Elaine Chang, SCAQMD
 Laki Tisopoulos, SCAQMD

Attachment

Coalition For A Safe Environment

140 West Lomita Blvd., Wilmington, California 90744-1223
wilmingtoncoalition @ prodigy.net 310-704-1265

August 2, 2004

U.S. Army Corps of Engineers (USACOE)
Los Angeles District, Regulatory Branch
C/O Aaron O. Allen
Attn: CESPL-CO-R
P.O. Box 532711
Los Angeles, California 90053-2325
805-585-2148
allen.o.allen @ usacoe.army.mil

Port of Long Beach (POLB)
Dr. Robert Kanter, Ph.D.
Director of Planning
925 Harbor Drive
Long Beach, California 90802
562-590-4154 Off.
562-901-1728 Fax
kanter @ portlb.com

Reference: Port of Long Beach
Pier J South Terminal Development

Subject: Request For The Long Beach Board of Harbor Commissioners To Not Approve The Pier
J South Terminal Development Project And Final Environmental Impact Report

Port of Long Beach Board of Harbor Commissioners & U.S. Army Corps Of Engineers:

The Coalition For A Safe Environment (CFASE) wishes to state for the record that our organization requests that the Long Beach Board of Harbor Commissioners not approve the Pier J South Terminal Development Project and the recently released Final Environmental Impact Report (FEIR).

The Coalition For A Safe Environment further requests that the U.S. Army Corps of Engineers not approve the Final EIS/EIR and a Department of Army Permit under Section 404 of the Clean Water Act of 1972 (33U.S.C. 1344), Section 10 of the Rivers & Harbor Act of March 3, 1899 (33U.S.C. 403) and the National Environmental Protection Act (NEPA) and the California Environmental Quality Act (CEQA) for the Port of Long Beach Pier J South Terminal Development.

- 1. Public Review and Comment Period -** The Port of Long Beach and USACOE's has a moral and fiduciary responsibility to allow sufficient time for the public to review, research, collaborate and prepare comment on the Pier J Final EIR/EIS which is over 1,000 single pages, plus references. The Pier J FEIR/EIS was released July 21, 2004 and the POLB has allowed the public 11 days to prepare public comment for today August 2, 2004 where the Port of Long Beach Board of Harbor Commissioners are scheduled to vote to approve the Final EIR/EIS.

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As requested in our Draft EIR/EIS public comment we requested a minimum of 90 days for public comment and the Port of Long Beach has intentionally ignored this reasonable request. The Port of Long Beach has further ignored CEQA and NEPA minimum recommended public comment period time.

CFASE once again requests that you delay any Board of Harbor Commissioners vote on the PIER J FEIR/EIS and reopen the public comment period for 90 days prior to making any final decision.

We further request that the FEIR/EIS, all referenced and all related documentation be made available on a public accessible website and that CD/DVD version copies be made available to the public.

- 2. Inadequate Public Notice** - The POLB and USACOE has a fiduciary responsibility to provide adequate public notice of its intention to vote on the Pier J FEIR/EIS and to distribute public information on the FEIR/EIS.

In the Draft EIR/EIS we requested that all residents within a 10 mile radius be notified and receive detailed information of the Pier J Project and the EIR/EIS and yet the Port of Long Beach failed to address this reasonable request. CFASE specifically requested that the Long Beach bordering communities of Wilmington, San Pedro, Carson and Compton be notified and receive information.

CFASE requested that the POLB send a representative to visit various community organizations to advise them on the CEQA/NEPA process, the Pier J Project and the FEIR/EIS, yet the POLB failed to act upon this reasonable request.

CFASE requested that the POLB send Press Releases to every local newspaper, radio and television station within a 10 mile radius yet the POLB failed to do so. Every local newspaper, radio and television station would have published a story free of charge as a normal public information service, yet the POLB failed to act upon this reasonable request.

- 3. Failure to Advise The Public Of Significant Temporary and Permanent Negative Environmental and Public Health Impacts** - The POLB and USACOE has a fiduciary responsibility to advise the public of the temporary and permanent long term negative environmental, public health, public safety, welfare, economic and community impacts of this project.

The Port of Long Beach and the Board of Harbor Commissioners must acknowledge to the public and advise the public of the over 30 public health problems caused by air pollution and the increase in air pollution the Pier J Project will cause.

CFASE requested that the POLB advise all residents within 10 miles of the Pier J Project of the significant negative environmental and public health impacts of this project, yet the POLB failed to act upon this reasonable request.

- 4. Failure To Conduct And Include In The FEIR/EIS A Community Health Survey** - CFASE requested the POLB conduct a public health survey in Long Beach, Wilmington, and San Pedro to determine the health impact of the POLB's construction and business operations, yet the POLB failed to act upon this reasonable request.

The notation in the FEIR/EIS " Commentor's request noted " is not an acceptable answer. The POLB must take action or justify why it will not perform the mitigation request and include this information in the FEIR/EIS.

The POLB must conduct a public health survey in order to establish a current baseline in which to compare its future construction and business operation impacts on public health.

- 5. Failure To Establish A Public Health Trust Fund** - CFASE requested that the POLB establish a Public Health Trust Fund so that the public and public health care facilities could access funds for payment of non-prescription, prescription medicines, medical supplies, medical equipment, home air purifiers & ventilation systems, medical care transportation, short term and long term health care costs, yet the POLB failed to establish a fund knowing that it is a major contributor to public health problems.

The notation in the FEIR/EIS " Commentor's request noted " is not an acceptable answer. The POLB must take action or justify why it will not perform the mitigation request and include this information in the FEIR/EIS.

- 6. Failure to Establish a Public Environmental Care trust Fund** - CFASE requested that the POLB establish a Public Environmental Care Trust Fund, yet the POLB failed to establish a fund knowing that it is a major contributor to permanent, long term and irreparable environmental damage and degradation

The notation in the FEIR/EIS " Commentor's request noted " is not an acceptable answer. The POLB must take action or justify why it will not perform the mitigation request and include this information in the FEIR/EIS.

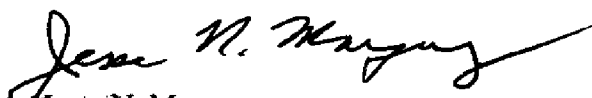
- 7. Failure To Include Local Mortality, Morbidity and Epidemiological Studies As Part of Health Risk Assessment** - CFASE requested that the POLB include local community mortality, morbidity and epidemiological studies as proof to validate the conclusions of the HRA information, yet the POLB failed to include the information. CFASE has stated that the local mortality and morbidity exceeds what is quoted by the POLB HRA information. CFASE has no confidence in any model used by the POLB or any governmental agency. Prove it with local data.

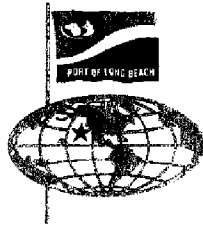
The notation in the FEIR/EIS " Commentor's request noted " is not an acceptable answer. The POLB must take action or justify why it will not perform the mitigation request and include this information in the FEIR/EIS.

It is in the public's interest that we make these public comments and it is with much regret that due to the unreasonable limited time imposed by the Port of Long Beach that CFASE can only submit limited comments. We do however, reserve our right to declare that our verbal and written comments submitted in response to the Draft EIR/EIS are valid and request that they be included in the Final EIR/EIS.

The Coalition For A Safe Environment is a non-profit community organization composed of residents, senior citizens, homeowners, students, non-profit organizations, community organizations, committees, business owners, harbor area employees and friends who are concerned with environmental, economic, health, safety and public welfare issues affecting our communities.

Respectfully Submitted In The Public's Interest,


Jesse N. Marquez
Executive Director



The Port of Long Beach

P. O. BOX 570 · LONG BEACH, CA 90801-0570 · TELEPHONE (562) 437-0041 · FAX (562) 901-1725

September 9, 2004

Jesse N. Marquez, Executive Director
Coalition For A Safe Environment
140 West Lomita Blvd.
Wilmington, CA 90744-1223

Subject: Letter dated August 2, 2004 – Pier J South EIR

Dear Mr. Marquez:

The Port of Long Beach is in receipt of your August 2, 2004 letter commenting on the Pier J South Terminal Development project Final Environmental Impact Statement/ Environmental Impact Report (EIS/EIR). Although your letter was received after the close of the comment period on the Final EIS/EIR and after the Board of Harbor Commissioner's certification of the Final EIS/EIR, the following responses are provided as numbered in your letter.

1. Public Review and Comment Period. As our response in the Final EIS/EIR indicated (Response to Comment COAL-A5), the Draft EIS/EIR was prepared consistent with National Environmental Policy Act (NEPA) guidelines for public involvement and notice requirements (40 C.F.R. 1506.6(a), (b), and California Environmental Quality Act (CEQA) guidelines (Sections 15085 and 15087). NEPA guidelines stipulate no less than 45 days for public review and CEQA guidelines stipulate no less than 30 days and no longer than 60 days except in unusual circumstances. The draft document was circulated for 45 days (August 18 to October 3, 2003).

The Final EIS/EIR containing the responses to comments was distributed in accordance with Public Resources Code Section 21092.5, and provided more than the minimum time period, which is 10 days.

An electronic version of the entire Final EIS/EIR is available at the Port's Planning Division, telephone number (562) 590-4160.

2. Inadequate Public Notice. As our response in the Final EIS/EIR indicated (Response to Comment COAL-A6), numerous public notices and opportunities have been provided to gather comments on the Pier J South environmental document. Public notice pamphlets in both English and Spanish were available at the public hearings as well as on the U.S. Army Corps of Engineers' website. In addition, the project has been the subject of public hearings and public notices over the past years, as listed below:



- ❑ June 23, 2000. Notice of Preparation of EIR submitted to Responsible and Trustee Agencies.
- ❑ January 23, 2001. Notice published in Federal Register regarding February 7, 2001, of scoping meeting.
- ❑ February 7, 2001. Notice of scoping meeting published in Press Telegram.
- ❑ May 31, 2001. Notice of (i) availability of Draft EIS/EIR, and (ii) public hearing date published in Federal Register.
- ❑ June 8, 2001. Port website posts Board of Harbor Commissioners agenda including notice of release of Draft EIS/EIR.
- ❑ June 11, 2001. Draft EIS/EIR released for public review.
- ❑ June 21 and July 12, 2001. Notice of public hearing on Draft EIS/EIR published in Press Telegram.
- ❑ July 13, 2001. Notice of public hearing on Board of Harbor Commissioners agenda posted on the Port web site.
- ❑ July 16, 2001. Public hearings on Draft EIS/EIR held at 1:00 pm and 6:00 pm.
- ❑ December 13, 2002. Port website posts Board of Harbor Commissioners agenda including notice of release of revised Draft EIS/EIR.
- ❑ December 16, 2002. Notice of availability of revised Draft EIS/EIR and public hearing date published in Federal Register and USACE web site. Also, e-mail notifications and/or post cards mailed to all parties on the USACE's Los Angeles, general, and Berth 100 lists.
- ❑ December 16, 2002. Revised Draft EIS/EIR released for public review.
- ❑ December 19, 2002, and January 9, 2003. Notices of public hearing on revised Draft EIS/EIR published in Press Telegram.
- ❑ January 24, 2003. Port website posts Board of Harbor Commissioners agenda including notice of public hearing on revised Draft EIS/EIR.
- ❑ January 27, 2003. Public hearings held at 1:00 pm and 6:00 pm. (USACE contacted Mr. Noel Parks several days before the public hearing to ascertain how many people from the local community he expected to attend the hearing, and ensure that members of the community were aware of the hearing date and time.)
- ❑ January 31, 2003. USACE extends comment period three and one-half weeks beyond original February 3 deadline to February 27, 2003. Consequently, the public comment period was extended, although for 24 days rather than the requested 60 days. To ensure that all issues were addressed in the Final EIS/EIR, the USACE also forwarded several comment letters that arrived after the close of the extended comment period to the Port to be addressed in the final document.
- ❑ August 13, 2003. Notice of availability of revised Draft EIS/EIR and public hearing date published in the Federal Register and USACE website. Also, e-mail notifications and/or post cards mailed to all parties on the USACE's Los Angeles, general, and Berth 100 lists.
- ❑ August 18, 2003. Revised Draft EIS/EIR release for public review.
- ❑ August 28 and September 11, 2003. Notices of public hearing on revised Draft EIS/EIR published in Press Telegram.

- September 19, 2003. Port website posts Board of Harbor Commissioners agenda including notice of public hearing on revised Draft EIS/EIR.
- September 22, 2003. Public hearings held at 1:00 and 6:00 pm.
- October 3, 2003. 45-day public review ends.

Concerning residents in a 10-mile radius of the project, sensitive receptors and census tracts that would potentially be located in the impact zone were selected in the Health Risk Assessment (HRA) for the Draft EIS/EIR (figures C-1, C-2, and C-3, Attachment C, Appendix C). The HRA zone of impact is defined as the area where cancer risk is greater than one in a million. Note that since publication of the Draft EIS/EIR HRA, the South Coast Air Quality Management District (SCAQMD) published HRA guidelines and the CARB released the new version of the EMFAC model, EMFAC2002. To incorporate the requirements of the SCAQMD HRA guidelines and updated emission factors based on EMFAC2002, an HRA Addendum was prepared as part of this Final EIS/EIR and is provided in Appendix E. In this addendum, a revised impact zone is illustrated in Figure 5. While the impact zone has changed, the number of sensitive receptors and census tracts analyzed in the HRA are unchanged because they were found to be sufficient for the analysis. The findings of the addendum are consistent with those of the HRA for the Draft EIS/EIR.

3. Failure to Advise the Public of Significant Temporary and Permanent Negative Environmental and Public Health Impacts. The joint EIS/EIR was prepared in accordance with both NEPA and CEQA guidelines. Accordingly, the public was made aware of the findings with respect to environmental and public health impacts. Also see responses to Nos. 1 and 2 above. Please refer to Resolution HD-2207 regarding the specific findings regarding the Project's impacts.

4. Failure to Conduct and Include in the Final EIR/EIS a Community Health Survey. The Pier J South Terminal Development EIS/EIR addresses the potential direct, indirect, and cumulative impacts of the project. It includes an air quality analysis to evaluate criteria air pollutant emissions, and a health risk assessment to evaluate potential air toxic impacts. In addition, an addendum of the health risk analysis was completed and is included in the Final EIR. Your request that the Port and the Pier J tenants fund a \$2,000,000 two-year community health survey with USC, California State University Long Beach and your organization is beyond the purpose and scope of NEPA/CEQA. In addition, the requested survey is not "mitigation" as that term is defined in CEQA Guideline 15370. For these reasons, the responses to comment COAL A62 stated that your request had been noted.

5. Failure to Establish a Public Health Trust Fund. This comment relates to your earlier request that the Port establish and fund an annual \$20 million Public Health Care Trust. The Port acknowledges that it is a commercial/industrial complex, and that its activities are similar to any major world port. Its activities by their nature entail transportation vehicles, both ground and maritime; the traffic generated by these vehicles, as with all vehicles in the Los Angeles Air


Basin contributes to air quality degradation. Please refer to Resolution HD-2207 regarding the Harbor Commission's specific findings regarding the Project's impacts. In addition, the requested establishment and funding of a trust fund is not "mitigation" as that term is defined in CEQA Guideline 15370. For these reasons, the response to comments COAL-A60 on the Draft EIS/EIR was that your request had been "noted".

6. Failure to Establish a Public Environmental Care Trust Fund. As part of the NEPA/CEQA process, the Port is responsible for implementing all feasible mitigation measures for significant impacts associated with a given project. As in the case of a public health trust fund, the commentator establishes no link between the impacts of the Pier J South project and a "public environmental care trust fund." Please refer to Resolution HD-2207 regarding the Harbor Commission's specific findings regarding the Project's impacts. In addition, the requested trust fund is not "mitigation" as that term is defined in CEQA Guideline 15370.

7. Failure to Include Local Mortality, Morbidity and Epidemiological Studies as Part of Health Risk Assessment. The specific guidelines for conducting health risk assessments were established by the SCAQMD. The Port's HRA followed those guidelines. Please refer to Appendices "C" and "E" of the Final EIR for further information. In addition, it should be noted that the requested studies are not "mitigation" as that term is defined in CEQA Guideline 15370.

Please note that an appeal has been filed on the certification of the Final EIS/EIR and that it will be presented to the Long Beach City Council on September 14, 2004, at 5:00 pm.

Sincerely,



Robert Kanter
Director of Planning

SEC:s

Attachments



September 8, 2004

Stacey Crouch
Port of Long Beach
925 Harbor Plaza
Long Beach, CA 90802

RE: Response to Comments in NRDC Letter Dated July 30, 2004

J00-0050

Dear Ms. Crouch,

This letter includes a response to a comment on the Final EIS/EIR for the Port of Long Beach Pier J project by the National Resources Defense Council (NRDC), dated July 30, 2004. Because I was the project manager for the traffic impact analysis, the letter begins with a summary of my professional experience and qualifications to conduct port traffic impact studies. A response to one of the comments in the letter pertaining to the traffic analysis follows. Specifically, the response contained in this letter relates to the incorrect assertions of NRDC regarding the issue of the baseline for the traffic analysis. As is described below, the NRDC comment is in error and does not reflect the standard professional practices employed by transportation planners and engineers to conduct traffic impact studies. The methodology that was employed in the study is correct and is in keeping with all known standards in California and nationwide, as well as the guidelines of the cities of Los Angeles and Long Beach,

Professional Experience Summary

I have been a Principal Consultant with Meyer, Mohaddes Associates for nearly 14 years. Prior to that I was a Senior Transportation Planner with DKS Associates. MMA and DKS are two of the largest traffic engineering and planning firms in the western United States, and I have over 20 years of experience working in the field of transportation planning. I have participated in and managed over 100 environmental traffic studies during my career, including traffic impact analyses for major regional projects and numerous Port area projects. During the past decade, a major focus of my work has been port-area studies and goods movement/trucking studies. Some of the major projects that I have managed include environmental traffic studies for the Dominguez Technology Centre in Carson which included over 5 million square feet of industrial development, the Golden Springs project in Santa Fe Springs with over 4 million square feet of development, and the Port of Long Beach and Los Angeles Joint Transportation Study (which received the 2002 Innovative Intermodal Solutions for Urban Transportation Award from the Institute of Transportation Engineers and which was published by the Transportation Research Board). I have served as instructor at transportation planning and CEQA review courses for the University of California at Los Angeles (UCLA), University of California Irvine, the Metropolitan Transportation Commission and the American Planning Association on the subjects of traffic impact studies, neighborhood traffic planning and thresholds of significance. I hold a Masters degree in Transportation Planning from UCLA, and worked for the Southern California Association of Governments in the Transportation Analysis section, where I participated in the preparation of the Regional Transportation Plan and the Regional Travel Demand Model.



Response to comment I.A. "The final EIS/EIR Continues to Use the Incorrect Baseline"

With respect to traffic impact analysis, the standard of practice in California is to compare project traffic impacts against a future base, which is usually the "opening date" or "opening year" of the proposed project and possibly another future horizon year as well. The practice is to compare project traffic conditions to present conditions through presentation of a setting section, but to assess project impacts based on a comparison of future conditions with and without the proposed project. The future base year analysis must include an estimate of all cumulative traffic from related projects as well as ambient traffic growth. Cumulative traffic consists of traffic that would be generated by known or reasonably foreseeable projects in the vicinity of the proposed project. Ambient traffic growth accounts for other traffic growth, including regional growth and infill development that will occur prior to the future base horizon year. The report contains both existing and future year traffic data to enable the reader to make the comparison of existing to "with-project", but the basis of the impact analysis and determination of significance is the future base without-project compared to future with-project scenarios.

Comparison of project traffic against existing conditions would *underestimate* project related traffic impacts and is not realistic. Between present conditions and the future base year (year of project opening), traffic conditions will change and, in general, traffic will grow due to other development activity and growth. That background (cumulative and ambient traffic growth) could affect roadway and intersection levels of service (LOS). LOS is graded from A to F, with A representing excellent operations and free flow traffic conditions, and F representing jammed, highly congested conditions. The lowest acceptable standard in most urban areas is LOS D, with LOS E being the accepted standard on Congestion Management Program facilities. The future base level of service is a key element of the traffic analysis. For example, if present conditions at a study intersection is LOS C, and the project is measured against present conditions, it may not indicate a significant traffic impact because the background condition is already "acceptable" and the project does not contribute enough traffic to push it to an unacceptable LOS. Now, suppose the future base LOS is D or E, and the project worsens that condition, the same project increment of traffic may now be considered significant, where it would not when compared to present conditions. This is an extremely critical factor in traffic impact analysis. Every jurisdiction that I have worked in compares project impacts against future base (year of project operation) conditions.

Traffic impact studies are conducted based on the guidelines of the local jurisdiction in which potential impacts would occur, in this case, the cities of Long Beach and Los Angeles. As the two largest cities in Los Angeles County, both cities have a long history of traffic impact assessment and established procedures and methodologies. The traffic impact guidelines of both cities require the comparison of project traffic against future cumulative baseline conditions. According to David Roseman, the City Traffic Engineer of Long Beach, all traffic studies compare project impacts against future base conditions unless the project would be operational in the very short term, such as within six months to one year. All other projects with longer-term horizons would require comparison against the future base conditions. Similarly the City of Los Angeles has published the "City of Los Angeles Traffic Study Guidelines/Thresholds" which state the following



- “Project impacts on the transportation system are related to existing conditions, the number and type of trips resulting from the project, *plus the projected future increase in ambient vehicle trips*” (page F-1, City of Los Angeles Draft LA CEQA Thresholds Guide, May, 1998),
- “Project impacts are typically based upon a comparison of intersection LOS for cumulative base and cumulative base plus project (final LOS) conditions. The cumulative base conditions are comprised of existing traffic levels increased by a factor to account for ambient traffic growth plus projected traffic levels from known related projects in the vicinity” (page F-1-5, City of Los Angeles Draft LA CEQA Thresholds Guide, May, 1998).

The Los Angeles Department of Transportation (LADOT) also has adopted “Traffic Study Policies and Procedures” Revised August 2003, which defines a significant impact based on the project-related increase in V/C ratio. Those guidelines define project-related increase in V/C to “mean the change in V/C between the future V/C ratio with the project, ambient and related project growth but without proposed traffic mitigation and the future V/C ratio with ambient and related project growth but without project and proposed traffic mitigation.” (page 10 of the Policies and Procedures).

The Institute of Transportation Engineers (ITE) is the national association of traffic engineers and transportation planners, and is recognized as the leading organization in the area of traffic impact assessment methodology as well as research into traffic engineering and transportation planning. ITE publishes many documents on traffic studies, methodologies and procedures, including the “Transportation Impact Analyses for Site Development, Committee Draft, A Recommended Practice.” That document states the following:

- For each analysis period being studied, and for each phase (horizon year) of the project, a projected total traffic volume must be estimated for each critical intersection and segment of the roadway system being analyzed. These projected total traffic volumes (consisting of the summation of existing traffic, background growth traffic, background development traffic, and site traffic) will be used in the next step-capacity analysis of future conditions.” (“Transportation Impact Analyses for Site Development, Committee Draft, A Recommended Practice,” page 69)

Also, ITE has published the “Transportation Planning Handbook, which states the following:

- “Traffic impact studies project future transportation demands, describe the impact of the increased demand, and suggest ways of mitigating the adverse effects of new development... The target year should be at full build-out of the project, or it might be the horizon year of the planning studies in the metropolitan area” (ITE “Transportation Planning Handbook,” 1992, page 407)

Similarly, the “Site Impact Handbook” of the Florida Department of Transportation, April 1997, states (the State of Florida has been a national leader in the development of methodologies for transportation analysis due to the significant amount of growth in the State and the amount of significant traffic congestion):



Stacey Crouch
September 8, 2004
Page 4 of 4

- “Background Traffic, the expected increase in non-development traffic and traffic from other development, should be accounted for in future years...The background traffic is used as the base condition in determining the impacts of the development on the transportation system” (page 30, Site Impacted Handbook, State of Florida Department of Transportation, Unit III, Standard Site Impacts Review Procedures, 1997)

Summary

As clearly demonstrated, the NRDC comment regarding the baseline that was used in the traffic impact analysis is in error. The correct methodology to assess project significant impacts was used in the study. The following key points have been noted in this response letter:

- The traffic analysis methodology that was employed is consistent with all local, state and national standards, including the Cities of Los Angeles and Long Beach and the Institute of Transportation Engineers
- The traffic analysis methodology that was employed is reasonably conservative and would not underestimate the potential project traffic impacts. The suggested NRDC methodology could underestimate project traffic impacts.
- Existing (or current) conditions are included in the documentation, facilitating a comparison of future with-project conditions to existing conditions, but the determination of significance is based on future base (year of project operation including other known traffic growth) compared to future with-project, in accordance with all known professional practices.

Please do not hesitate to call me with any questions.

Sincerely,

Gary J. Hamrick, Principal
Meyer, Mohaddes Associates