

RESOLUTION NO. RES-22-0195

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AFFIRMING THE LONG BEACH
HARBOR COMMISSION'S CERTIFICATION OF THE FINAL
ENVIRONMENTAL IMPACT REPORT FOR THE DEEP
DRAFT NAVIGATION FEASIBILITY STUDY AND CHANNEL
DEEPENING PROJECT (SCH. NO. 2016111014) IN THE
CITY OF LONG BEACH AND MAKING CERTAIN FINDINGS
THERE TO

WHEREAS, the City of Long Beach ("City"), by and through its Board of
Harbor Commissioners ("Board"), has control and jurisdiction over the City of Long Beach
Harbor District, commonly known as the Port of Long Beach ("Port");

WHEREAS, the Long Beach Harbor Department ("Harbor Department")
requested assistance of the United States Army Corps of Engineers ("USACE") to
address on-going operational constraints to the efficient movement of goods through the
Port;

WHEREAS, on August 27, 2015, a Feasibility Cost Sharing Agreement was
signed by the Harbor Department as the non-federal sponsor, and the Department of the
Army, initiating the feasibility phase of a study to improve navigational efficiency and
vessel safety throughout the Port (the "Study");

WHEREAS, a range of measures and preliminary alternatives were
developed as part of the Study for the Port of Long Beach Deep Draft Navigation Project
(the "Project");

WHEREAS, on May 1, 2019, the Harbor Department and the USACE jointly
submitted an application for a Harbor Development Permit ("HDP") for the Project;

WHEREAS, pursuant to California Public Resources Code Section 21067

1 and the California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., Tit.
2 14, Sec. 15000, et seq.), Section 15051, the City, acting by and through the Board, is the
3 lead agency responsible for implementing CEQA, and the Board is the decision-making
4 body for the Harbor Department;

5 WHEREAS, pursuant to United States Code, Title 42, Section 4370m, and
6 the Council on Environmental Quality National Environmental Policy Act ("NEPA")
7 Regulations (Code of Federal Regulations, Tit. 40, Sec. 1500, et seq.), Section 1508.1,
8 the USACE is the lead agency responsible for implementing NEPA;

9 WHEREAS, the Board determined that because the Project could have a
10 significant effect on the environment, an Environmental Impact Report (EIR) should be
11 prepared to assess the environmental impacts associated with the completion of the
12 Project;

13 WHEREAS, USACE determined that an Environmental Impact Statement
14 (EIS) should be prepared to assess the environmental impacts associated with the
15 issuance of the federal permits authorizing work in the navigable waters of the United
16 States and the dredging of material from those waters; and

17 WHEREAS, the Harbor Department and USACE jointly prepared a draft
18 Integrated Feasibility Report ("IFR"), which contains the draft EIS and the draft EIR
19 describing the Project and discussing the resultant environmental impacts in the interest of
20 efficiency and to avoid duplication of effort;

21 WHEREAS, USACE will consider approval of the EIS separately from the
22 Board's consideration of the EIR; and

23 WHEREAS, on November 4, 2016, the Harbor Department circulated a
24 Notice of Preparation of a draft EIR for the Project to responsible agencies and interested
25 persons;

26 WHEREAS, on January 29, 2019, the Harbor Department circulated an
27 Amended Notice of Preparation of a draft EIR for the Project to responsible agencies and
28 interested persons;

1 WHEREAS, on October 25, 2019, the Harbor Department circulated a
2 Notice of Availability of a draft IFR, which contains the draft EIS and the draft EIR
3 describing the Project and discussing the resultant environmental impacts;

4 WHEREAS, on October 21, 2019, a Notice of Public Hearing on the draft
5 IFR, to be held on November 13, 2019, was published in the "Press Telegram," a
6 newspaper of general circulation, and notice was also provided by letter mailed to public
7 agencies, organizations and persons who requested notice or were likely to be interested
8 in the potential impacts of the Project, by email to the Harbor Department contact list, and
9 by publication on the USACE's website and the Harbor Department's website; and

10 WHEREAS, on November 13, 2019, the Harbor Department and USACE
11 conducted two public hearings on the draft IFR for the Project and received twelve written
12 comment letters and public meeting comment cards from governmental agencies,
13 organizations and members of the public;

14 WHEREAS, the 45-day period for public comment closed on December
15 9, 2019;

16 WHEREAS, USACE staff, Harbor Department staff, and consulting experts
17 reviewed and considered all comments received and addressed them, as appropriate,
18 into a Final IFR, dated October 2021, which contains the Final EIR and Final EIS,
19 presents a summary of the planning process, describes the affected environmental
20 resources, and evaluates the potential impacts to those resources as a result of
21 constructing, operating and maintaining the Project;

22 WHEREAS, the comments received on the Final IFR were reviewed, and
23 full and complete responses thereto were prepared and distributed on August 16, 2022,
24 to all public agency commenters, and written notice of the public availability of the
25 responses was provided to all other commenters in accordance with California Public
26 Resources Code Section 21092.5; WHEREAS, the Final EIR reflects the independent
27 judgment of the City, acting by and through the Board, as the lead agency under CEQA
28 as to the potential environmental impacts of the Project;

1 WHEREAS, the Final EIR for the Project was presented to the Board for
2 certification as having been completed in compliance with the provisions of CEQA and
3 the State and local CEQA Guidelines;

4 WHEREAS, on September 12, 2022, the Board held a properly noticed
5 public hearing to consider the Final EIR and the proposed Project, at which time, all
6 interested parties had the opportunity to present evidence and be heard;

7 WHEREAS, on September 12, 2022, having thoroughly reviewed and
8 considered the Final EIR and the written communications and oral testimony regarding
9 the same, the Board, pursuant to Resolution No. HD-3103, certified that the Final EIR for
10 the Project had been completed in compliance with CEQA and the State and local
11 guidelines promulgated pursuant thereto, made certain findings and determinations
12 relative thereto, adopted a statement of overriding considerations, adopted a mitigation
13 monitoring and reporting program, approved the Project, adopted the application
14 summary report for the Project, and approved issuance of Harbor Development Permit
15 No. 19-035 for the Project;

16 WHEREAS, prior to taking action on the Project, the Board considered all
17 significant impacts, mitigation measures, and Project alternatives identified in the Final
18 EIR, and found that all potentially significant impacts of the Project have been lessened
19 or avoided to the extent feasible. The Board further certified that the Final EIR had been
20 presented to the Board and that the Board reviewed and considered the information
21 contained in it prior to approving the Project, and that the Final EIR reflected the Board's
22 independent judgment and analysis;

23 WHEREAS, on September 26, 2022, Earthjustice, Center for Biological
24 Diversity, East Yard Communities for Environmental Justice, Natural Resources Defense
25 Council, Pacific Environment, Sierra Club, and West Long Beach Association
26 (Appellants) appealed the certification of the Final EIR by the Board pursuant to
27 California Public Resources Code section 21151(c) and Long Beach Municipal Code
28 section 21.21.507;

1 WHEREAS, on October 5, 2022, the Long Beach City Clerk issued notice to
2 Appellants pursuant to Long Beach Municipal Code section 21.21.507 that their appeal of
3 the certification of the Final EIR would come before the Long Beach City Council on
4 November 15, 2022.

5 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
6 follows:

7 Section 1. Based on its independent review and consideration of
8 Resolution No. HD-3103, the Final EIR, the appeal filed by Appellants, and all written
9 communications and oral testimony regarding the Project which have been submitted to
10 and received by the City Council, the City Council finds as follows:

11 1.1 Recitals. The foregoing recitals are true and correct.

12 1.2 Scope of Appeal. California Public Resources Code Section
13 21151(c) provides that if a nonelected decision-making body of a local agency certifies an
14 environmental impact report, that certification may be appealed to the agency's elected
15 decision-making body, if any. Pursuant to Long Beach Municipal Code Section 21.21.507,
16 any person who appeared before the Board and objected to the Board's certification of the
17 Final EIR may appeal that determination to the City Council. Following the hearing, the
18 City Council may either (1) deny the appeal and affirm the certification of the Final EIR, or
19 (2) grant the appeal, set aside the certification of the Final EIR and remand to the Board.

20 1.3 Certification. The Final EIR for the Project has been completed
21 in compliance with CEQA and the State and local CEQA Guidelines. The Board, having
22 final approval authority over the Project, properly adopted and certified as complete and
23 adequate the Final EIR, which reflected the independent judgment and analysis of the
24 Board. The Board further certified that the Final EIR was presented to the Board and the
25 Board reviewed and considered the information contained in it prior to approving the
26 Project.

27 1.4 The Challenges by Appellants Are Without Merit. All grounds
28 raised during the appeal process have been adequately addressed in the Final EIR.

Attachment 9 of the Staff Report to the City Council fully addresses the issues raised by the appeal.

Section 2. Based upon its independent review and consideration of the Final EIR, all grounds raised during the appeal process, all written communications and oral testimony during the appeal, the certified transcript of the September 12, 2022, Board meeting, the reports, written communications, and presentations by City Staff, the reports, written communications, and presentations by the Harbor Department, and the findings and determinations set forth above, the City Council of the City of Long Beach hereby:

2.1 Affirms the Board's certification that the Final EIR has been completed in compliance with CEQA and the state and local CEQA Guidelines promulgated pursuant thereto, and denies the appeal of Appellants.

2.2 Affirms the certification by the Board that the Final EIR was presented to the Board, that the Board reviewed and considered the information contained in it prior to approving the Project, and that the Final EIR reflects the Board's independent judgment and analysis.

2.3 Affirms that the City Council has independently reviewed and considered the information contained in the Final EIR and that the Final EIR reflects the City's independent judgment and analysis.

2.4 Adopts and makes, to the extent required by law, the findings set forth in the Findings of Fact and Statement of Overriding Considerations for the Project, attached as Exhibit "A" to Resolution No. HD-3103 of the Board, which is incorporated herein by reference as though set forth in full.

Section 3. The Harbor Department Director of Environmental Planning, whose office is located at 415 W. Ocean Blvd., Long Beach, California 90802, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the

provisions of the California Public Records Act (Cal. Government Code Sec. 6250, *et seq.*), and Cal. Code Regs., Tit. 14, Sec. 15072.

Section 4. The Harbor Department Director of Environmental Planning shall file a notice of determination with the County Clerk of the County of Los Angeles and with the State Office of Planning and Research within five (5) working days after adoption of this resolution.

Section 5. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I hereby certify that the foregoing Resolution was adopted by the City Council of the City of Long Beach at its meeting of November 15, 2022, by the following vote:

Ayes: Councilmembers: Zendejas, Allen, Price, Supernaw, Mungo,
Saro, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Uranga.


City Clerk

EXHIBIT A

RESOLUTION NO. HD- 3103

A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH CERTIFYING THAT THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PORT OF LONG BEACH DEEP DRAFT NAVIGATION FESABILITY STUDY (SCH NO. 2016111014) HAS BEEN COMPLETED IN ACCORDANCE WITH THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE AND LOCAL GUIDELINES, MAKING CERTAIN FINDINGS AND DETERMINATIONS RELATIVE THERETO, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING THE PROJECT AND HARBOR DEVELOPMENT PERMIT

WHEREAS, the Long Beach Harbor Department of the City of Long Beach ("COLB") requested assistance of the United States Army Corps of Engineers ("USACE") to address on-going operating constraints to the efficient movement of goods through the Port of Long Beach ("POLB"); and

WHEREAS, on August 27, 2015, a Feasibility Cost Sharing Agreement was signed by COLB as the non-federal sponsor, and the Department of the Army, initiating the feasibility phase of a study to improve navigational efficiency and vessel safety throughout the POLB (the "Study"); and

WHEREAS, a range of measures and preliminary alternatives were developed as part of the Study for the Port of Long Beach Deep Draft Navigation Project (the "Project"); and

1 WHEREAS, the Federal lead agency responsible for implementing the
2 National Environmental Policy Act ("NEPA") is the USACE Los Angeles District; and

3 WHEREAS, the lead agency under the California Environmental Quality Act
4 ("CEQA") is the City of Long Beach, acting by and through its Board of Harbor
5 Commissioners ("Board"); and

6 WHEREAS; a Notice of Availability of draft Environmental Impact Statement
7 ("EIS") was published in the Federal Register on October 25, 2019 and was amended on
8 November 29, 2019; and

9 WHEREAS, the draft Integrated Feasibility Report ("IFR"), which contains
10 the draft EIS and the draft Environmental Impact Report ("EIR") describing the Project
11 and discussing the resultant environmental impacts to be prepared for public and agency
12 comments, was published on the District's website and POLB's website on October 25,
13 2019; and

14 WHEREAS, on November 13, 2019 USACE and COLB conducted two
15 public hearings on the draft IFR for the Project and received both written and oral
16 comments; and

17 WHEREAS, the 45-day period for public comment closed on December
18 9, 2019; and

19 WHEREAS, all comments received were considered and incorporated as
20 appropriate into the Final IFR, which contains the Final EIS and Final EIR, which
21 presents a summary of the planning process, describes the affected environmental
22 resources and evaluates the potential impacts to those resources as a result of
23 constructing, operating and maintaining the Project; and

24 WHEREAS, the Draft IFR and the Final IFR (collectively the "FIFR") for the
25 Project have been presented to the Board, as the decision-making body of the lead
26 agency, for certification of the Final EIR as having been completed in compliance with the
27 provisions of CEQA and State and Local Guidelines implementing CEQA and as the
28 permitting agency under the California Coastal Act; and

1 WHEREAS, the Board held a duly noticed public hearing on May 23, 2022,
2 to consider the FIFR and the proposed Project; and

3 WHEREAS, the Board has thoroughly reviewed and considered the FIFR
4 and the written communications and oral testimony regarding the same.

5 NOW, THEREFORE, the Board of Harbor Commissioners of the City of
6 Long Beach resolves as follows:

7 SECTION 1. Findings - Preparation and Review of Final Environmental
8 Impact Report. The Board finds as follows:

9 1.1 COLB conducted a scoping meeting for the Project on
10 January 19, 2016.

11 1.2 On November 4, 2016, COLB circulated a Notice of
12 Preparation of a draft EIR for the Project to responsible agencies and interested
13 persons by the Environmental Planning Division of the Long Beach Harbor
14 Department ("Environmental Planning").

15 1.3 On January 29, 2019, COLB circulated an Amended Notice of
16 Preparation of a draft EIR for the Project to responsible agencies and interested
17 persons by Environmental Planning.

18 1.4 The consulting firm of ICF ("Consultant") prepared a draft IFR
19 which contains the draft EIR for the Project, which was reviewed and approved by
20 Environmental Planning and published on the District's website and POLB's
21 website on October 25, 2019.

22 1.5 On October 25, 2019, COLB circulated a Notice of Availability
23 of a draft IFR which contains the draft EIR for the Project to responsible agencies
24 and interested persons.

25 1.6 After publication of the draft IFR, two public hearings on the
26 draft IFR were held on November 13, 2019. Twelve written comment letters and
27 public meeting comment cards were received from governmental agencies,
28 organizations and members of the public. The period for public comment was

closed on December 9, 2019.

1.7 Consultant and Environmental Planning prepared the Final EIR for the Project, consisting of revisions to the Draft EIR, together with the comments received and responses thereto.

1.8 On November 8, 2021, USACE published a Notice of Availability of the Final IFR in the Federal Register.

1.9 On November 8, 2021, members of the Board received copies of the Final EIR. The Board has reviewed and considered the information contained in said document together with all written communications and oral testimony regarding the same prior to approval of this resolution.

1.10 The Final EIR reflects the independent judgment of the Board as lead agency under CEQA.

1.11 The Findings of Fact contained in the "Findings of Fact And Statement of Overriding Considerations" attached hereto as Exhibit "A" are hereby adopted as the factual findings of the Board, and are summarized below.

Sec. 2. Findings - Project Description. As described in Section 2.0 of Exhibit "A", the Board finds that the Project recommended for approval by staff, which was analyzed as Alternative 3 in the draft IFR and selected as the National Economic Development Plan, consists of the following:

2.1 Construct an approach channel to Pier J South.

2.2 Deepen the West Basin Channel to a new depth of -55 ft MLLW (with a 2-ft over dredge allowance) for cargo vessels.

2.3 Construct a turning basin outside the Pier J slip.

2.4 Deepen the Approach Channel to -80 ft MLLW.

2.5 Bend easing portions of the Main Channel to match the currently authorized depth in the Main Channel of -76 ft MLLW to accommodate liquid bulk vessels.

2.6 Deepen berths at Pier J and Pier T to -55 ft MLLW.

2.7 Place dredged material in a combination of a nearshore placement site and two United States Environmental Protection Agency-designated ocean-dredged material disposal sites.

2.8 Construct a new dredge electric station.

2.9 Construct structural improvements to the Pier J breakwater.

2.10 Conform to the Green Port Policy and improve the air quality in the environmental justice communities surrounding the Port.

Sec. 3. Findings - Project Alternatives. As more fully described in Section 4.1 of Exhibit "A", the Board finds as follows:

3.1 The reasonable range of Project alternatives considered in the FEIR consist of:

3.1.1 Alternative 1 – No Project. The "No Project" alternative assumes that no dredging or construction of the channels and breakwater would occur.

3.1.2 Alternative 2 – Container terminal channels deepened to -53 ft MLLW, Approach Channel deepened to -78 ft MLLM.

3.1.3 Alternative 4 -- Container terminal channels deepened to -57 ft MLLW; Approach Channel deepened to -83 ft MLLM; berths J266-J270 within the Pier J South Slip and berth T140 along Pier T both deepened to -57 ft MLLW; wharf improvements possibly implemented to accommodate the deepening.

3.1.4 Alternative 5 - Container terminal channels deepened to -55 ft MLLW, Approach Channel deepened to -80 ft MLLM. New Standby Area dredged to -67 ft MLLW with a 600-foot diameter center anchor placement at a proposed depth of -73 ft MLLW.

3.2 The "No Project" alternative, Alternative 1, would not result in significant impacts, as no improvements would be made to the channels or the breakwater. Since it would not accomplish any of the Project objectives, the No

1 Project alternative is hereby rejected.

2 3.3 Alternative 2 is a feasible alternative that would deepen the
3 Pier J channel and the West Basin channel and create a turning basin off Pier J all
4 to a depth of -53 ft MLLW; would widen the Main Channel to the design depth (-76
5 ft MLLW); and would deepen the Approach Channel to -78 ft MLLW.
6 Approximately 4.9 million cubic yards of sediment would be dredged and disposed
7 of. Sheet piling and armor rock would be placed along portions of the Pier J
8 Breakwater to accommodate the adjacent deepened Pier J channel.

9 Dredging would be accomplished by a hydraulic hopper dredge and
10 a clamshell dredge operating simultaneously for approximately 21 months. The
11 hopper dredge would travel to the disposal sites to dispose of dredged material
12 whereas the clamshell dredge would place dredged material on a barge that would
13 be hauled to disposal sites. Disposal sites would include the nearshore Surfside-
14 Sunset site off Huntington Beach and the LA-2 and LA-3 offshore disposal sites.
15 The nearshore site is expected to receive approximately 2.5 million cubic yards of
16 material from the Approach Channel, Main Channel, and West Basin dredging and
17 the two ocean disposal sites would receive the remaining 2.4 million cubic yards of
18 material from the Pier J and West Basin dredging.

19 While this alternative would require less dredging which would mean
20 less equipment activity, fewer worker commutes, and less disruption of biological
21 habitats and water quality, these differences are not substantial in nature and
22 result in significant and unavoidable impacts to air quality and health risk. Because
23 Alternative 2 would not meet the overall Project purpose and need of increasing
24 transportation efficiencies for container and liquid bulk vessels operating in the
25 Port, for both the current and future fleet, and to improve conditions for vessel
26 operations and safety, which would be achieved by the proposed Project,
27 Alternative 2 is not considered the environmentally preferred alternative.

28 ///

3.4 Alternative 3 is a feasible alternative that was selected by USACE as the Tentatively Selected Project, and is described above in Section 2. Operational benefits include reduced lightering of liquid bulk vessels, reduced light-loading of containerized vessels, and less time waiting for tides. Environmental benefits include increased transportation efficiencies, and improved navigational efficiencies that will reduce emissions of air pollutants and greenhouse gasses by allowing the largest and cleanest vessels to call fully loaded and reduce idling time. Alternative 3 will result in safety improvements, allowing for increased vessel maneuvering. Financially, Alternative 3 will result in reduced transportation costs, and the potential for beneficial reuse of dredge material. In sum, Alternative 3 would meet the overall Project purpose and need of increasing transportation efficiencies for container and liquid bulk vessels operating in the Port, for both the current and future fleet, and to improve conditions for vessel operations and safety, which would be achieved by the proposed Project and maximizes the net benefits of the alternatives analyzed while considering all of the environmental impacts of each of the alternatives. Therefore, Alternative 3 is the environmentally superior alternative and has been selected as the National Economic Development Plan.

3.5 Alternative 4 is a feasible alternative that would deepen the Pier J Channel and the West Basin Channel and create a turning basin off Pier J, all to a depth of -57 ft MLLW; would widen the Main Channel to the design depth (-76 ft MLLW); and would deepen the Approach Channel to -80 ft MLLW. Approximately 11.9 million cubic yards of sediment would be dredged and disposed of. Sheet piling and armor rock would be placed along portions of the Pier J Breakwater to accommodate the adjacent deepened Pier J channel. In addition, Alternative 4 would require modifications of the wharves at Pier J and Pier T to accommodate the deeper (-57 ft MLLW) berths. These modifications would include pile driving and rock placement.

Alternative 4 would not have fewer or less severe impacts than the proposed Project in any resource area. Alternative 4 would have greater impacts than the proposed Project in the areas of air quality, biota, hydrology and water quality, noise, ground and vessel transportation, and climate change. This is because Alternative 4 would involve more dredging (11.9 million cubic yards versus 7.4 million cubic yards), which would mean correspondingly more equipment activity, worker commutes, and disruption of biological habitats and water quality.

In addition to increased noise from equipment activity, construction of Alternative 4 would generate more high-intensity underwater noise from pile driving at the Pier J and Pier T wharves. As described in POLB (2019), high-intensity underwater noise can adversely affect marine organisms by damaging their auditory systems, disrupting behavior and communication, and causing mortality through swim bladder damage. These effects would be limited to a small area near the pile driving activity, and the USACE has determined that they would not represent a significant impact on marine mammals, managed fish species, and other marine resources.

All of the impact determinations under CEQA would, like those of the proposed Project, be either no impact or less than significant impact, with the exception of air quality, human health risk, and biota. Air quality would represent a significant impact. Alternative 4 would have a significant human health risk impact that the other alternatives would not have. Even after mitigation, impacts on air quality and human health risk would be significant and unavoidable.

Because Alternative 4 would not meet the overall Project purpose and need of increasing transportation efficiencies for container and liquid bulk vessels operating in the Port, for both the current and future fleet, and to improve conditions for vessel operations and safety, which would be achieved by the proposed Project, Alternative 4 is not considered the environmentally preferred

alternative.

3.6 Alternative 5 is a feasible alternative that would deepen the Pier J channel and the West Basin channel and create a turning basin off Pier J, all to a depth of -55 ft MLLW; would widen the Main Channel to the design depth (-76 ft MLLW); and would deepen the Approach Channel to -80 ft MLLW (Figure 4-2). A Standby Area adjacent to the Main Channel would be created by dredging to -67 ft MLLW with a 300-ft-diameter area in the center dredged to -73 ft MLLW. Approximately 8.4 million cubic yards of sediment would be dredged and disposed of (Table 4-8). Sheet piling and armor rock would be placed along portions of the Pier J Breakwater to accommodate the adjacent deepened Pier J channel. Alternative 5 would not require wharf modifications.

Alternative 5 would have greater impacts than the proposed Project in the areas of air quality, biota, hydrology and water quality, noise, ground and vessel transportation, and climate change. This is because Alternative 5 would involve more dredging (8.4 million cubic yards versus 7.4 million cubic yards), which would mean correspondingly more equipment activity, worker commutes, and disruption of biological habitats and water quality. All of the impact determinations under CEQA would, like those of the proposed Project, be either no impact or less than significant impact, with the exception of air quality and biota. Air quality would represent a significant impact.

As with the proposed Project, the significant impacts to air quality and health risk would be significant and unavoidable for Alternative 5. Because the Alternative 5 even after mitigation would not meet the overall Project purpose and need of increasing transportation efficiencies for container and liquid bulk vessels operating in the Port, for both the current and future fleet, and to improve conditions for vessel operations and safety, which would be achieved by the proposed Project, Alternative 5 is not considered the environmentally preferred alternative.

1 Sec. 4. Findings - Environmental Impacts. The Board adopts the findings
2 regarding the Project's environmental impacts contained in Section 3.0 of Exhibit "A."
3 Other than those mitigation measures required or incorporated pursuant to the Final EIR,
4 the Board finds that there are no feasible measures within its jurisdiction which could be
5 adopted at this time, which would avoid or significantly mitigate those significant,
6 potentially significant or cumulatively considerable adverse environmental impacts
7 identified in Section 3.0 of Exhibit "A."

8 Sec. 5. Findings - Significant Benefits and Statement of Overriding
9 Considerations. The Board hereby adopts the Statement of Overriding Considerations
10 contained in Section 5.0 of Exhibit "A."

11 Sec. 6. Certification. The Board hereby certifies that the FEIR for the
12 Project has been completed in compliance with the CEQA and the State and local
13 guidelines promulgated pursuant thereto. The Board further certifies that the FEIR was
14 presented to the Board and that the Board reviewed and considered the information
15 contained in it prior to approving the Project. The Board further certifies that the FEIR
16 reflects the Board's and the Port's independent judgment and analysis.

17 Sec. 7. Project Approval. Based on the conclusions set forth in Section 6,
18 the Application Summary Report, the Project and Harbor Development Permit No. 19-035
19 are hereby approved.

20 Sec. 8. Mitigation Plan Approval. The mitigation measures set forth in the
21 Deep Draft Navigation Feasibility Study Project Mitigation Monitoring and Reporting
22 Program attached hereto as Exhibit "B" are hereby adopted and approved as part of the
23 Project.

24 Sec. 9. Location and Custodian of Record Proceedings. The Director of
25 Environmental Planning of the Long Beach Harbor Department, whose office is located at
26 415 W. Ocean Boulevard, Long Beach, California 90802, is hereby designated as the
27 custodian of the documents and other materials which constitute the record of
28 proceedings upon which the Board's decision is based, which documents and materials

shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act (Cal. Government Code Sec. 6250 et seq.).

Sec. 10. Notice of Determination. The Director of Environmental Planning shall file a notice of determination with the County Clerk of the County of Los Angeles and with the state Office of Planning and Research.

Sec. 11. Certification, Posting and Filing. This resolution shall take effect immediately upon its adoption by the Board of Harbor Commissioners, and the Secretary of the Board shall certify to the vote adopting this resolution and shall cause a certified copy of this resolution to be filed forthwith with the City Clerk. The City Clerk shall post the resolution in three conspicuous places in the City of Long Beach.

I hereby certify that the foregoing resolution was adopted by the Board of Harbor Commissioners of the City of Long Beach at its meeting of September 12, 2022 by the following vote:

Ayes: Commissioners: Neal, Colonna, Lowenthal, Olvera, Weissman

Noes: Commissioners: _____

Absent: Commissioners: _____

Not Voting: Commissioners: _____



Secretary

**PORT OF LONG BEACH
DEEP DRAFT NAVIGATION FEASIBILITY STUDY AND
CHANNEL DEEPENING PROJECT**

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING
CONSIDERATIONS**



Port of Long Beach
Environmental Planning Division
415 West Ocean Boulevard
Long Beach, California 90802

September 2022

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1.0 INTRODUCTION

The City of Long Beach (COLB), acting by and through its Board of Harbor Commissioners (Board), has prepared an Environmental Impact Report (EIR) in accordance with the California Environmental Quality Act (CEQA) to identify and evaluate potential environmental impacts associated with implementation of the proposed Deep Draft Navigation Feasibility Study and Channel Deepening Project (Project or proposed Project) in the Port of Long Beach (Port or POLB).

These Findings of Fact have been prepared by the Port acting by and through its Board in its capacity as lead agency pursuant to CEQA to support a decision on the Project. Section 21081 of the California Public Resources Code (PRC) and Section 15091 of the State CEQA Guidelines provide that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the Project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
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 provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Additionally, the lead agency must not approve a project that will have a significant effect on the environment unless it finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the unavoidable adverse environmental effects (Public Resources Code Section 21081(b); California Code of Regulations, Title 14, Section 15093). The Statement of Overriding Considerations set forth below identifies the specific overriding economic, legal, social, technological, or other benefits of the Project that outweigh the significant environmental impacts identified in the Final EIR.

2.0 DEEP DRAFT NAVIGATION FEASIBILITY STUDY AND CHANNEL DEEPENING PROJECT

2.1 Project Objectives

CEQA requires that an EIR state the objectives of a proposed project to explain the reasons for project development and why this particular solution is being recommended. Additionally, the project objectives are instrumental in determining which alternatives should be considered in the EIR. The purpose of the Port of Long Beach Deep Draft Navigation Feasibility Study and Channel Deepening Project is to identify and evaluate alternatives to increase transportation efficiencies for container and liquid bulk vessels operating in the Port, for both the current and future fleet, and to improve conditions for vessel operations and safety.

1 The basic objectives of the Project are to do the following:

- 2 • Reduce transportation costs by allowing a more efficient future fleet mix (e.g., displace
- 3 Panamax and smaller-scale Post-Panamax vessels with larger-scale Post-Panamax vessels,
- 4 which have increased cargo capacity).
- 5 • Reduce vessel congestion in the Port.
- 6 • Increase channel depth to encourage shippers to replace smaller, less efficient vessels with
- 7 larger, more efficient vessels on Long Beach route services.
- 8 • Remove channel restrictions to increase vessels' maximum loading capacity, thereby resulting
- 9 in fewer vessel trips to transport the forecasted cargo.
- 10 • Reduce wait times within the harbor to reduce loading and unloading delays for deeper
- 11 drafting liquid bulk vessels and to provide a safe area to anchor adjacent to the Main Channel
- 12 during equipment failures.

13 **2.2 Project Overview**

14 The proposed Project involves constructing an approach channel to Pier J South and deepening
15 the West Basin Channel to a new depth of -55 ft mean lower low water (MLLW) (with a 2-ft over
16 dredge allowance) for cargo vessels, constructing a turning basin outside the Pier J slip,
17 deepening the Approach Channel to -80 ft MLLW, bend easing portions of the Main Channel to
18 match the currently authorized depth in the Main Channel of -76 ft MLLW, to accommodate liquid
19 bulk vessels, deepening berths at Pier J and Pier T to -55 ft MLLW, and constructing structural
20 improvements to the Pier J breakwaters. Construction would last for 39 months.

21 The proposed Project would involve dredging approximately 7.4 million cubic yards of sediments,
22 of which 2.5 million cubic yards would be disposed of at the nearshore Surfside-Sunset Borrow
23 Site off Huntington Beach and the remainder would be disposed of at the LA2 and LA3 offshore
24 disposal areas. Dredging would involve a hopper dredge and a clamshell dredge as well as
25 tugboats and barges for disposal operations and utility boats for support. The breakwaters at the
26 entrance to the Pier J Slip would be reinforced against the increased depth by driving sheet piling
27 and placing rock riprap over the sheet piling.

28 **3.0 CEQA FINDINGS**

29 The Findings of Fact are based on information contained in the Final EIR for the proposed Project,
30 as well as information contained within the administrative record. The administrative record
31 includes, but is not limited to, the Project application, Project staff reports, Project public hearing
32 records, public notices, written comments on the Project, proposed decisions and findings on the
33 Project, and all other documents relating to the agency decision on the Project. When making
34 CEQA findings required by PRC Section 21081(a), a public agency shall specify the location and
35 custodian of the documents or other material, which constitute the record of proceedings upon
36 which its decision is based. The Director of Environmental Planning of the Long Beach Harbor
37 Department, whose office is located at 415 W. Ocean Boulevard, Long Beach, California 90802,
38 is designated as the custodian of the documents and other materials that constitute the record of
39 proceedings upon which the Board's decision is based. These documents and materials are
40 available for public inspection and copying in accordance with the provisions of the California
41 Public Records Act (Government Code §§ 6250 *et seq.*).

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

While the findings set forth below identify certain specific facts supporting the various determinations and conclusions, additional facts supporting the conclusions are set forth in the corresponding sections of the Draft EIR, and these findings specifically incorporate those facts. In addition, the Board incorporates the facts set forth in the Record of Proceedings on the Project to the extent they relate to and support the findings set forth herein.

3.1 Findings Regarding Environmental Impacts Determined to be Not Significant or Less than Significant

The Board hereby finds that the following environmental impacts of the proposed Project are less than significant. As shown in Table 3.1.1, under CEQA, no mitigation measures are required for impacts that are less than significant (14 Cal. Code Regs. §15126.4[a][3]).

TABLE 3.1-1: FINDINGS FOR ENVIRONMENTAL IMPACTS DETERMINED TO BE NOT SIGNIFICANT OR LESS THAN SIGNIFICANT

Impact	Board Finding
Aesthetics/Visual Resources	
AES-1: The proposed Project would not have a substantial adverse effect on a scenic vista.	The proposed Project is not located within an officially designated scenic vista. Accordingly, the dredging of the navigation channels and berths within the Port complex would be consistent with the existing viewshed and landscape, and the proposed Project would not adversely affect a scenic vista. No impact on a scenic vista would occur.
AES-2: The proposed would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	The proposed Project is not within a high-quality foreground view from any officially designated state scenic highways. Additionally, the project area does not include any scenic resources that would be affected by the proposed Project. As such, the proposed Project would not adversely affect a scenic resource within a state scenic highway, result in impacts on the existing visual character or quality of the surrounding uses, or not alter the qualities of the area that contribute to the scenic highway designation. No impact would occur.
AES-3: The proposed Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	The proposed Project site is located within and adjacent to the highly industrialized Port complex and is characterized by substantial night-time lighting within marine terminals and along roadways. Port activities take place 24 hours per day, and the lighting is visible from a distance. The proposed Project would create new sources of light from nighttime activities, but this source would be limited to the staging areas, dredges, disposal barges, and tugboats. The new lighting would be nominal in the context of the existing nighttime

Impact	Board Finding
	operations at the Port and would be temporary, lasting only as long as construction. Accordingly, impacts would be less than significant, and mitigation is not required.
AES-4: The proposed Project would not conflict with applicable zoning and other regulations governing scenic quality.	The Port is currently preparing the 2020 PMP Update, which modified the Planning Districts throughout the Port. According to the 2020 PMP Update, the project is located within District 4 – West Basin, and District 5 – Southeast Basin. The permitted uses in these Districts includes primary Port facilities and Port-related facilities, hazardous cargo facilities, maritime support facilities, institutional facilities, oil and gas production, renewable energy resources, environmental protection, utilities, navigable corridor, maneuvering and berthing, environmental protection, navigable corridor, maneuvering and berthing, and sediment management areas. The proposed Project would not conflict with applicable zoning and other regulations governing scenic quality.
Agriculture and Forestry Resources	
AFR-1: The proposed Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.	The Port complex does not have any agricultural farmland. No impact would occur.
AFR-2: The proposed Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract use.	The Port is entirely located within the Port-Related Industrial (IP) zoning district, which is characterized predominately by maritime industry and marine resources. The Port complex does not have any agricultural farmland or existing zoning for agricultural use. No impact would occur.
AFR-3: The proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).	The Port complex does not have any forest land or existing zoning for forest or timberland resources. No impact would occur.
AFR-4: The proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use.	The Port complex does not have any forest land. No impact would occur.
AFR-5: The proposed Project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.	The Port complex does not have any farmland or forest land. Therefore, no impacts would occur.

Impact	Board Finding
Air Quality and Health Risk Assessment	
AQ-3: The proposed Project would not create an objectionable odor at the nearest sensitive receptor pursuant to SCAQMD Rule 402.	The combustion of diesel fuel used in construction and operational activities would generate air pollutants. Diesel exhaust includes some chemical species that are known to have odors. The mobile nature of most proposed Project emissions over the relatively large Project site would help decentralize, disperse, and dilute odors. Dredged sediment would be transported to offshore disposal sites several miles away from receptors. Therefore, the potential for the proposed Project to produce objectionable odors that would affect sensitive receptors is low. Given the existing industrial setting represents is an already complex odor environment, impacts would be less than significant.
AQ-4: The proposed Project would not produce emissions that would expose the public to significant levels of TACs.	Construction activities would occur over a period of approximately 39 months and would be spread out over a total area of over 1,700 acres. Activities in a given dredging area are unlikely to affect the same receptors affected by activities in a different dredging area. Construction activities in any single location would be transitory and short-term and are not anticipated to result in substantial elevated cancer risks to exposed persons.
AQ-5: The proposed Project would not conflict with or obstruct implementation of the applicable Air Quality Management Plan (AQMP) or would not conform to the most recently updated SIP.	The South Coast Air Quality Management District (SCAQMD) AQMP proposes emission-reduction measures that are designed to bring the South Coast Air Basin (SCAB) into attainment of California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS). Proposed Project operations would need to comply with these strategies. SCAQMD also adopts AQMP control measures into rules and regulations, which are then used to regulate sources of air pollution. Compliance with these requirements would ensure that the proposed Project would not conflict with or obstruct implementation of the AQMP or SIP.
Biota and Habitats	
BIO-1: The proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.	There would not be any substantial loss in the population or habitat of any native fish, wildlife, or vegetation. Benthic populations removed during dredging or buried at the placement/disposal sites are expected to recover following disturbance. The project would not have substantial adverse effects on any listed species or their critical habitats. Therefore, impacts would be less than significant.
BIO-2: The proposed Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFW or USFWS.	No riparian habitat and very limited eelgrass habitat currently exist within the Harbor District. Construction of the proposed Project would not directly affect eelgrass. Eelgrass does not occur in the proposed dredge. Because the proposed Project would not have a substantial adverse effect on a sensitive natural community, impacts would be less than significant.
BIO-3: The proposed Project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh,	No state or federally protected wetlands exist in or near the project area. Therefore, proposed Project activities would not have a substantial adverse effect on state or federally protected wetlands, and no impact would occur.

Impact	Board Finding
vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	
BIO-4: The proposed Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.	Construction activities could temporarily increase turbidity, thereby degrading water quality in a manner that could affect fish and other marine life movement within the area. Mobile species are expected to relocate out of the immediate area until dredging activities are completed. Construction activities could affect Essential Fish Habitat by removing or decreasing the functions and values of that habitat. However, any such effects would be temporary and limited in extent to the immediate dredge or disposal area. The movement or migration of fish or wildlife would not be substantially impeded; therefore, impacts would be less than significant.
BIO-5: The proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance	Applicable regulations protecting biological resources in the Harbor District are administered by federal and state agencies under the various laws and policies described above and in Section 3.4. Construction of the proposed Project would be conducted in accordance with all applicable regulations protecting biological resources. The proposed Project would not conflict with any local policies or ordinances protecting biological resources. Therefore, no impacts would occur, and mitigation is not required.
BIO-6: The proposed Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.	The project area is not located within an adopted Natural Communities Conservation Plan or Habitat Conservation Plan area. As such, implementation of the proposed Project would not conflict with an applicable Natural Communities Conservation Plan or Habitat Conservation Plan. Therefore, no impacts would occur.
Historic and Tribal Cultural Resources	
CR-1: The proposed Project would not cause a substantial adverse change in the significance of a historical resources.	Because there are no structures present on the land areas that could be affected by the project that are considered significant historic resources and because no shipwrecks or other submerged cultural resources are known to be present in the dredge footprint, the proposed Project would not adversely change the significance of any historical resources. Therefore, impacts would be less than significant.
CR-2: The proposed Project would not cause a substantial adverse change in the significance of an archaeological resources.	Construction activities associated with the proposed Project would not have the potential to uncover archaeological resources because all Project-related activities would occur within sediments of the bay, most of them in previously dredged areas, and on recently placed fill material. Therefore, impacts on archeological resources would be less than significant.
CR-3: The proposed Project would not disturb any human remains, including those interred outside of formal cemeteries.	Because the proposed Project site is located on a previously disturbed area, the proposed Project would not affect remains interred outside of formal cemetery. No human remains are known to exist on the proposed Project site, and the proposed Project site is not designated, nor has it been designated, for use as a cemetery. Therefore, impacts would be less than significant.

Impact	Board Finding
CR-4: The proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resources.	The proposed Project would occur within the water areas, and minimal landside areas, which are on documented fill. Therefore, the proposed Project is not anticipated to result in changes to listed or eligible tribal cultural resources. There is no evidence of tribal resources occurring in the area that could be affected. Accordingly, no impacts would occur.
Geology, Soils, and Seismic Conditions	
GEO-1: The proposed Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: • Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map; • Strong seismic ground shaking; • Landslides, lateral spreading, subsidence, or collapse; and/or • Tsunamis or seiches.	The proposed Project does not involve the development of habitable structures that would be affected by seismic activity, nor does it involve the alteration of existing landforms such that risks of ground rupture, landslides, or tsunamis or seiches would be increased. Accordingly, no impact would occur.
GEO-2: The proposed Project would not result in substantial soil erosion or the loss of topsoil	Construction would occur primarily in the harbor waters and would not result in erosion. The landside construction would be minimal and would occur on existing developed and disturbed areas; compliance with the NPDES Construction General Permit (CGP) and project-specific Stormwater Pollution Prevention Plan (SWPPP) would be mandatory and would ensure that any runoff from landside construction would not cause substantial soil erosion or loss of topsoil. Standard, permit-specified best management practices (BMPs) for soil stabilization can include use of vegetation, soil binders, mulches, geotextiles, plastic covers, and erosion control blankets. Construction activities would comply with POLB guidance and applicable permits and applicable sections of the Long Beach Municipal Code and California Building Code. Therefore, the proposed Project would not result in substantial soil erosion or the loss of topsoil. No impact would occur.
GEO-3: The proposed Project would not be located on expansive soil.	Because construction of the project would not affect the expansiveness of soils and does not involve the development of habitable structures that would be affected by geologic constraints, no impact would occur.
GEO-4: The proposed Project would not directly or indirectly destroy a unique geologic feature or result in the permanent loss of, or loss of access to, a paleontological resource of regional or statewide significance.	The potential to encounter sensitive paleontological resources during dredging in the San Pedro Bay is also extremely low, since sediments in the Bay are silts and sands deposited by. Therefore, the proposed Project would not directly or indirectly destroy unique paleontological resources or geologic features. Impacts would be less than significant.
GEO-5: The proposed Project would not render known mineral (petroleum or natural gas) resources inaccessible.	According to the Division of Oil, Gas, and Geothermal Resources' Online Mapping System, the project site is within the Wilmington Oil Field, and several oil wells exist in the vicinity of the project. Accordingly, the proposed Project would not increase the rates of existing oil extraction or affect production and abandonment plans for any project area oil

Impact	Board Finding
	wells around the project site. Therefore, the proposed Project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No impact on the availability of a mineral resource would occur.
Hazards and Hazardous Materials	
HAZ-1: The proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	The proposed Project is not expected to result in routine transport, use, or disposal of significant quantities of hazardous materials. However, accidents resulting in spills of hazardous materials—including fuel, lubricants, or hydraulic fluid from the equipment used during dredging and disposal—could occur during the proposed Project and adversely affect water quality. Impacts would depend on the amount and type of material spilled as well as specific conditions. As such, impacts related to routine transport, use, or disposal of significant quantities of hazardous materials would be less than significant.
HAZ-2: The proposed Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	The proposed Project activities could result in contaminated sediments being encountered during dredging, excavation, and associated activities throughout the proposed Project area. However, dredging and placement operations are not expected to result in the release of toxic substances as the dredged materials are expected to be clean enough to be placed in the nearshore or disposed of at one of two nearby ocean-dredged material disposal sites. As such, impacts related to the release of hazardous materials into the environment would be less than significant.
HAZ-3: The proposed Project would not produce an adverse effect on the public or environment as a result of being located on a site that is known to contain hazardous materials or create a significant hazard to people or the environment because of the presence of soil or groundwater contamination.	The construction activities associated with the proposed Project would primarily involve dredging of sediment materials. Dredging and placement operations are not expected to result in the release of toxic substances as the dredged materials are expected to be clean enough to be placed in the nearshore or disposed of at one of two nearby ocean-dredged material disposal sites. As such, impacts related to the release of hazardous materials into the environment would be less than significant. Impacts would be less than significant.
HAZ-4: The Project would not impair implementation, physically interfere with, or result in an inconsistency with an adopted emergency response plan or emergency evacuation plan.	The proposed Project would not interfere with any current emergency response plans or emergency evacuation plans for local, state, or federal agencies. Access to all local roads would be maintained during construction and project operation. Any emergency procedures or design features required by city, state, and federal guidelines would be implemented during construction and operation of the proposed Project. Therefore, the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No impacts would occur.
HAZ-5: The proposed Project would comply with state guidelines associated with abandoned oil wells.	The proposed Project is located within the harbor waters and would not affect existing or abandoned oil wells. No impact would occur.

Impact	Board Finding
HAZ-6: The proposed Project would not handle hazardous materials, substances, or waste within 0.25 mile of an existing or planned school.	Because there are no schools located or proposed within one-quarter mile of the project site, no impact would occur.
HAZ-7: The proposed Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.	Because there are no wildlands adjacent to or in the general project vicinity, no impacts associated with exposing people or structures to increased wildland fire hazards would occur.
HAZ-8: The proposed Project would not result in a safety hazard or excessive noise for people residing or working in a project area located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.	The project site is not located within a 2-mile radius of any public airport. As such, the proposed Project would not result in an airplane safety hazard for people residing or working in the project area. No impact would occur.
HAZ-9: The proposed Project would not result in an inconsistency with the Port of Long Beach Risk Management Plan.	Generally, the Port RMP is associated with the operational use and storage of hazardous materials and not construction-related impacts, unless construction activities would involve large quantities of hazardous materials that could cause off-site impacts. Hazardous materials used during construction would be limited to construction equipment fuels and other construction materials, such as hydraulic oils, solvents, welding gases, or cleaning supplies, with limited potential to affect areas off of the construction site. Therefore, construction activities would not be inconsistent with the Port RMP. No impact would occur.
Hydrology and Water Quality	
WQ-1: The proposed Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.	Construction of the proposed Project, including dredging activities, would potentially affect water quality. Construction activities such as dredging and earthmoving could result in short-term increases in turbidity, decreases in dissolved oxygen, increases in nutrients, and increases in contaminants in areas where contaminated sediments occur adsorbed on suspended sediments or dissolved in the water in the sediments, thus degrading water quality. These impacts would generally be confined to the immediate vicinity of the dredging activities, though impacts may remain detectable short distances away depending on current. Periodic monitoring of the water column would be conducted to ensure that turbidity increases and/or decreases in dissolved oxygen do not result in significant impacts. With implementation of water quality monitoring and management strategies as part of project design, proposed Project impacts would be less-than-significant.
WQ-2: The proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.	Because the proposed Project would not directly change the quantity of the groundwater and groundwater would not be used as part of the project, no impacts associated with groundwater supply depletion or groundwater recharge interference would occur.

Impact	Board Finding
WQ-3: The proposed Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: • Result in substantial erosion or siltation on- or off-site. • Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite. • Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or • Impede or redirect flood flows.	Proposed dredging activities and construction activities would not alter drainage patterns that could result in substantial soil erosion or increase the rate or amount of surface runoff that could result in flooding. All construction would occur within the water, or on disturbed and existing paved areas. Therefore, no impacts pertaining to drainage pattern alterations would occur. Proposed dredging activities and construction activities would not alter drainage patterns or increase impervious surfaces. All construction would occur within the water, or on disturbed and existing paved areas. Therefore, no impacts pertaining to drainage pattern alterations would occur. No structures that would impede or redirect flood flows are proposed as a part of the proposed Project. The site would remain relatively level and drainage patterns would be similar to existing conditions. As such, the proposed Project would not impede, or redirect flood flows compared to existing conditions. Therefore, no impacts would occur.
WQ-4: The proposed Project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones.	The project site is within the Tsunami Hazard Zone as mapped by the California Emergency Management Agency. Further, tsunami flood hazard conditions already exist for much of the Port area, and the proposed Project would not contribute toward intensifying this condition. Impacts would be less than significant. Seiches are seismically induced water waves that surge back and forth in an enclosed basin and could occur in the harbor as a result of earthquakes. Dredging of approximately 7 million cubic yards of sediments would result in moderate alterations of the bottom topography of the harbor. The Port is an industrial area where previous dredging has been completed. Dredging would temporarily disrupt underwater depositional processes; however, similar to prior dredging episodes in this area, depositional equilibrium would be reestablished within a short period of time. Therefore, impacts would be less than significant.
WQ-5: The proposed Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	Because the proposed Project would not conflict with any water quality control plans or sustainable groundwater management plans, no impacts would occur.
WQ-6: The proposed Project would not substantially alter water circulation or currents, or result in the long-term detrimental alteration of harbor circulation that would cause reduced water quality.	The proposed Project would deepen existing channels, basins, and slips, but not substantially from existing conditions. The small changes in depth could result in a slight increase in tidal flushing, but not in substantial alterations to water circulation or currents. Impacts would be less than significant.
Land Use/Planning	
LU-1: The proposed Project would not conflict with any applicable land use	According to the General Plan Land Use Element, land uses within the Port boundaries are designated and controlled by

Impact	Board Finding
plan, policy, or regulation of any agency with jurisdiction over the proposed Project adopted for the purpose of avoiding or mitigating an environmental effect.	the PMP. The proposed Project is consistent with (a) permitted Port-related industrial uses and navigation uses associated with these Harbor Planning Districts; and (b) overall goals stipulated in the PMP and the long-range planning goal for the Terminal Island, Middle Harbor, and Southwest Harbor Planning Districts to increase Primary Port use, as well as the goal of Navigation and Outer Harbor Planning Districts to help navigation. The proposed Project would improve existing navigation channels within the Port complex and would not require zone changes or changes to existing land uses. As such, the proposed Project would be consistent with the applicable land use designations and zoning and would also be consistent with a PMP goals to encourage maximum use of facilities by improving the efficiency of cargo handling facilities and developing land for primary Port facilities and Port-related uses. Therefore, the project would not conflict with applicable land use plans, policies, or regulations. No impacts would occur.
LU-2: The proposed Project would not introduce uses or activities incompatible with existing and future land uses.	The proposed Project would not introduce any uses or activities that are incompatible with existing Port operations. Dredging activities are common within Port environments for channel deepening and maintenance of existing channels. No impacts would occur.
LU-3: The proposed Project would not physically divide an established community.	The proposed Project would occur entirely within the boundaries of the Port. There are no residential uses within the proposed Project site. Therefore, no communities would be physically divided by the proposed Project. No impacts would occur.
Noise	
NOI-1: The proposed Project would not result in a substantial temporary or permanent increase (3 dBA or more in Leq) in ambient noise levels at the property line of a noise-sensitive receptor.	Construction activities, including dredging activities, would generate increased noise levels. However, there are no sensitive located within 1.25 miles of the proposed Project site. Noise associated with vehicle trips would be negligible due to the small number of daily trips throughout the construction period. Noise levels would return to ambient conditions upon project completion. Accordingly, impacts would be less than significant.
NOI-2: The proposed Project would not exceed Land Use Noise District noise levels allowed by the LBMC.	The proposed Project is entirely located in Noise Land Use District Four, which is characterized as predominantly industrial with other land use types present. There are no sensitive receptors located within 1.25 miles of the proposed Project area. It is expected that by 1.25 miles, sensitive receptors will not be able to detect construction-related noise emissions. Noise associated with vehicle trips would be negligible due to the small number of daily trips throughout the construction period. Noise levels would return to ambient conditions upon project completion. Accordingly, impacts would be less than significant.
NOI-3: The proposed Project would not result in exposure of persons to or generation of ground-borne vibration in	Construction of the proposed Project would generate varying degrees of groundborne vibration, depending on the construction procedure and the construction equipment used. Operation of construction equipment generates vibrations that

Impact	Board Finding
excess of the standards established by the LBMC.	spread through the ground and diminish in amplitude with distance from the source. The effects of vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Ground-borne vibrations from construction activities rarely reach levels that damage structures. Groundborne vibration sources associated with the project include dredging as well as potential pile driving. However, both of these activities would generate vibration at the ocean floor below the water surface and away from landside structures. Additionally, the closest buildings are all industrial structures within the Port that are not typically susceptible to damage from groundborne vibration. There are no sensitive within 1.25 mile of the proposed dredging activity. At these distances, project-generated groundborne vibration would be completely imperceptible. Therefore, impacts would be less than significant.
NOI-4: The proposed Project would not result in a substantially increased number of vibration events that exceed the standards established by the LBMC.	The proposed Project would not generate groundborne vibration that could affect sensitive receptors and would not substantially increase the number of vibration events. Therefore, impacts would be less than significant.
Population/Housing	
POP-1: The proposed Project would not induce substantial unplanned population growth in an area, either directly or indirectly.	The proposed Project would not induce unplanned population growth in the area. Jobs generated during construction of the proposed Project would be expected to be filled from the local population and would be nominal. Therefore, no impacts pertaining to substantial unplanned population growth would occur.
POP-2: The proposed project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.	The proposed Project would neither displace existing housing nor require the construction of replacement housing. Therefore, no impact would occur.
Public Services and Safety	
PSS-1: The proposed Project would not require the addition, expansion, modification, or relocation of an existing government facility to maintain acceptable service ratios, response times, or other performance objectives, the construction or operation of which could cause significant environmental impacts.	Implementation of the proposed Project would not increase demand for fire or police protection services given the limited amount of equipment involved and the temporary nature of the project. Accordingly, there would be no increase in demand over the baseline level of public service currently required that would require construction of new facilities. Because the proposed Project would not increase demand for fire, police, and other public services, nor necessitate the construction of new public service facilities, no impacts would occur.
PSS-2: The proposed Project would not result in substantial adverse physical impacts on existing school or park facilities, or create a need for new or physically altered school or park facilities, the construction or operation of which could cause significant	The proposed Project does not include the development of residential land uses that would result in an increase in population or increased enrollment at schools in the proposed Project area, and would not increase population in a manner that would generate an increase in demand on existing public or private parks or other recreational facilities that would either

Impact	Board Finding
environmental impacts, to maintain acceptable service ratios or other performance objectives.	result in or increase physical deterioration of the facility. Therefore, no impacts would occur.
Recreation	
REC-1: The proposed Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.	Because no residential uses are proposed, the proposed Project would not increase population in a manner that would generate an increase in demand on existing public or private parks or other recreational facilities that would either result in or increase physical deterioration of the facility. Therefore, no impacts would occur.
REC-2: The proposed Project would not require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.	The proposed Project does not involve the construction or expansion of recreation facilities, nor other land uses that would require the provision of such facilities. Therefore, no impacts would occur.
Ground Transportation	
TRANS-1: The proposed Project would not increase an intersection's V/C ratio in accordance with the guidelines, which show traffic impact thresholds of significance for intersections (signalized and unsignalized) of the affected jurisdictions in the area of influence for the proposed Project.	Construction of the proposed Project would result in vehicle trips from construction crews that would operate the clamshell dredge and hopper dredge. Construction of the proposed Project would occur between 2024 and 2029. Given the relatively modest peak hour trips, the broad distribution of those trips across the study area, and the relatively uncongested setting in which they would occur, it can be concluded that the addition project traffic would result in less-than-significant impacts according to the City of Long Beach's criteria. Additionally, with completion of the proposed Project, the operations at all the facilities would continue as usual and are not anticipated to result in additional vehicular traffic. Therefore, impacts would be less than significant.
TRANS-2: The proposed Project would not cause an increase of 0.02 or more in the V/C ratio with a resulting LOS E or F at an analyzed freeway segment.	The construction traffic would be nominal with a maximum of 240 daily trips. This negligible number of trips would not have the potential to increase the V/C ratio of a freeway segment by 0.02 or more. Impacts would be less than significant.
TRANS-3: The proposed Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	The proposed Project would not affect existing public transit, bicycle, or pedestrian facilities or otherwise decrease the performance of such facilities. All construction work would occur within the areas of the harbor that are not served by public transportation nor support bicycle, pedestrian, or other non-vehicular transportation modes. Therefore, no impacts would occur.
TRANS-4: The proposed Project would not result in inadequate emergency access.	Construction of the proposed Project would not affect emergency access. All local roads would be maintained during construction. Any emergency procedures or design features required by city, state, and federal guidelines would be implemented during construction of the proposed Project. Therefore, no impacts pertaining to emergency access would occur.
Vessel Transportation	
VT-1: The proposed Project would not result in a change in vessel traffic	The proposed dredging activities involve barges and tugs that would occur over an approximately three-year period. These

Impact	Board Finding
patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	activities would be scheduled by the POLB and the construction contractors to minimize potential conflicts with vessel traffic in the Approach Channel, Main Channel, West Basin, Pier J Basin, and Pier J Approach areas. Construction operators contracted by the POLB are required to have completed training in protocols specific to Long Beach Harbor and POLB marine navigation. The proposed Project would be subject to the USACE restrictions and requirements specified in the conditions of the USACE construction permit. Dredges would also be required to display appropriate lights and day shapes warning approaching vessels of the nature of the work and of the restricted ability of the dredge to maneuver, and to perform their work in a manner that does not obstruct navigation. With these controls in place, impacts would be less than significant.
Utilities, Service Systems, and Energy Conservation	
UTIL-1: The proposed Project would not require or result in the relocation or construction of new, or expansion of, water, wastewater, storm drains, natural gas, electrical utility lines or facilities, or oil lines, the construction or relocation of which could cause significant environmental effects.	The proposed Project would not require the relocation or expansion of any existing utility or the construction of any new utility infrastructure. Impacts would be less than significant.
UTIL-2: The proposed Project would not exhaust or exceed existing water supply, wastewater treatment, electrical power, or landfill capacities.	The proposed Project would not require an increase in water supply, does not involve wastewater treatment facilities, and would not generate significant amounts of solid waste. All dredged sediments would be disposed of at permitted in-water sites. Therefore, no impacts associated with solid waste generation in excess of state or local standards would occur.
UTIL-3: The proposed Project would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.	Construction-period energy consumption would result from the use of construction equipment, material delivery and hauling, and worker commute trips. The temporary increase in energy use during the construction period would not be considered a wasteful, inefficient, or unnecessary consumption of energy resources because it would be required for project implementation. Therefore, impacts would be less than significant.
UTIL-4: The proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.	The proposed Project would not conflict with or obstruct any state or local plan for renewable energy or energy efficiency; therefore, impacts would be less than significant.
Global Climate Change	
GCC-1: The proposed Project would not cause GHG emissions to exceed the SCAQMD interim significant emissions threshold for industrial projects of 10,000 MT CO ₂ e per year.	The proposed Project's amortized GHG emissions would not exceed the SCAQMD interim significant emissions threshold for industrial projects of 10,000 MT CO ₂ e per year. Impacts would be less than significant.
GCC-2: The proposed Project would not conflict with an applicable plan, policy, or	The proposed Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. The project would not conflict with any of the

Impact	Board Finding
regulation adopted for the purpose of reducing GHG emissions.	applicable federal, state, regional, or local GHG emission-reduction plans, policies, or regulations. Therefore, impacts would be less than significant.
GCC-3: The proposed Project would not expose people and structures to a significant risk of loss, injury, or death involving flooding as a result of sea-level rise.	Nearly all of the proposed Project components would consist of in-water dredging and disposal. The small land-side areas temporarily required to support construction activities are not located within the areas predicted to be inundated as part of the 16-inch or the 55-inch sea level rise (SLR) scenarios according to the Climate Adaptation and Coastal Resiliency Plan (CRP) (POLB 2016). In addition, the current POLB Harbor Development Permit process requires SLR analyses to ensure that any future project is designed to avoid significant risks from SLR. Impacts would be less than significant.

3.2 Findings Regarding Cumulative Environmental Impacts Determined to be Not Significant or Less than Significant

The Board hereby finds that the following cumulative environmental impacts of the proposed Project are not significant or less than significant. Under CEQA, no mitigation measures are required for impacts that are less than significant (14 Cal. Code Regs. §15126.4[a][3]):

- Aesthetics/Visual Resources
- Biota and Habitats
- Historic and Tribal Cultural Resources
- Geology, Soils, and Seismic Conditions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Population and Housing
- Public Services and Safety
- Recreation
- Ground Transportation
- Vessel Transportation
- Utilities, Service Systems, and Energy Conservation
- Global Climate Change

Please refer to Chapter 12, Section 12.4, Cumulative Impacts of the Deep Draft Navigation Feasibility Study and Channel Deepening Project Final IFR EIS-EIR for a complete analysis.

3.3 Findings Regarding Significant Environmental Impacts that Cannot be Mitigated to a Less than Significant Level

The Draft EIR identified certain potentially significant effects that could result from the Deep Draft Navigation Feasibility Study and Channel Deepening Project. The Port finds for each of the significant impacts identified in this section, based on substantial evidence in the record of proceedings that, to the extent feasible, changes or alterations have been required or

1 incorporated into the proposed Project that substantially lessen these significant impacts.
2 However, even with the incorporation of mitigation measures for the resource areas discussed
3 below, impacts from the proposed Project are significant and unavoidable.

4 The Board finds and determines that all other mitigation measures and alternatives suggested in
5 public comments on the Draft EIR are infeasible in light of specific economic, legal, social,
6 technological, and other considerations.

7 **3.3.1 AIR QUALITY AND HEALTH RISK**

8 As discussed in Section 12.2.3 of the Draft IFR EIS-EIR, there would be two significant impacts
9 to air quality and human health as a result of the proposed Project that would remain significant,
10 and unavoidable.

11 **Impact AQ-1:** Construction of the proposed Project would produce emissions that exceed an
12 SCAQMD significance threshold.

13 Construction of the proposed Project would produce emissions that exceed the SCAQMD daily
14 thresholds of significance. Without mitigation, the peak daily emissions associated with
15 construction activities would exceed SCAQMD thresholds for NO_x in years 2024, 2025, 2026, and
16 2027; and for PM_{2.5}, CO, and VOC in 2025. These exceedances would represent significant
17 regional air quality impacts. The proposed Project would contribute to an increase in criteria
18 pollutant emissions during construction. Short-term emissions would result from the use of
19 construction equipment, including equipment used for dredging (clamshell, hydraulic, or hopper
20 dredge barges) and disposal (tugs and barges), and trips generated by construction workers and
21 haul/material delivery trucks.

22 **Finding**

23 The following measures have been incorporated into the proposed Project such that they would
24 avoid or substantially lessen the significant environmental effect identified in the Deep Draft
25 Navigation Feasibility Study and Channel Deepening Project Final IFR EIS-EIR. They are as
26 follows:

27 **MM-AQ-1: Electric Clamshell Dredge.** The use of an electric clamshell dredge shall be required
28 for project clamshell dredging activities during the entire construction period of the project, and
29 the construction of an electrical substation at Pier J is also required to provide electric power to
30 the clamshell dredge.

31 **MM-AQ-2: Construction-Related Harbor Craft.** Construction-related harbor craft (tugboats,
32 crew boats, and survey boats) with Category 1 or Category 2 marine engines will meet at least
33 EPA Tier 3 emission standards for marine engines. In addition, the construction contractor will
34 require all construction-related tugboats that home fleet in the San Pedro Bay Ports: 1) to shut
35 down their main engines and 2) to refrain from using auxiliary engines while at dock and instead
36 use electrical shore power, if feasible.

37 **MM-AQ-3: Fleet Modernization of Off-Road Construction Equipment.** Self-propelled, diesel-
38 fueled off-road construction equipment 25 horsepower or greater will meet EPA/CARB Tier 4 final
39 emission standards for non-road equipment.

40 **MM-AQ-4: Additional Mitigation for Off-Road Construction Equipment.** Off-road diesel-
41 powered construction equipment will comply with the following:

- Construction equipment will be maintained according to manufacturer's specifications.
- Construction equipment will not idle for more than five minutes when not in use.

Although this measure would reduce combustion emissions, the benefits achieved from its implementation were not quantified due to the wide range of variables involved.

Rationale for Finding

Table 12.7 in the Deep Draft Navigation Feasibility Study and Channel Deepening Project Final IFR EIS-EIR summarizes the peak daily emissions associated with construction of the proposed Project after implementation of the Mitigation Measures AQ-1, AQ-2, AQ-3, and AQ-4. The emissions include construction of the electrical substation at Pier J, as required by MM-AQ-1. The table shows that although emissions would be reduced with mitigation, NO_x would remain above significance thresholds in years 2024, 2025, 2026, and 2027; and PM_{2.5}, CO, and VOC would remain above significance thresholds in 2025. Impacts would be significant and unavoidable.

Impact AQ-2: Construction of the proposed Project would result in offsite ambient air pollutant concentrations that exceed an SCAQMD significance threshold.

Construction of the proposed Project would result in ambient air pollutant concentrations that exceed the NAAQS and CAAQS. Tables 12-8 and 12-9 in the Deep Draft Navigation Feasibility Study and Channel Deepening Project Final IFR EIS-EIR present the maximum offsite pollutant concentrations associated with construction, which demonstrate that the total 1-hour NO₂ concentration would exceed the NAAQS and CAAQS; the annual NO₂ concentration and the SO₂ and CO concentrations would not exceed the NAAQS or CAAQS; neither PM₁₀ nor PM_{2.5} concentrations would exceed NAAQS or CAAQS. The NO₂ exceedances would represent significant local air quality impacts. Appendix H2 provides figures showing the locations of the maximum 1-hour NO₂ concentrations and the geographical areas where the NAAQS and CAAQS would be exceeded. The maximum concentrations and significant impact areas would occur on Port property.

Finding

Mitigation Measures AQ-1 through AQ-4 described under Impact AQ-1 previously, would reduce impacts from off-site pollutant concentrations.

Rationale for Finding

Table 12-10 and Table 12-11 in the Deep Draft Navigation Feasibility Study and Channel Deepening Project Final IFR EIS-EIR present the maximum local offsite pollutant concentrations associated with construction of the proposed Project with mitigation. These tables show that the 1-hour state NO₂ concentration would be reduced to below the CAAQS. Although the 1-hour federal NO₂ concentration would be reduced with mitigation, it would remain above the NAAQS. All other pollutants would be reduced and would remain below the level of significance. Because the 1-hour federal NO₂ would remain above the NAAQS, local impacts would be significant and unavoidable. Figure H2.4 in Appendix H2 shows the location of the maximum federal 1-hour NO₂ concentration and the significant impact area. They are both located on Port property.

3.4 Cumulatively Considerable Impacts

CEQA Guidelines Section 15130 requires that an EIR evaluate the cumulative impacts of a project be analyzed when the project's incremental effect is cumulatively considerable. Cumulative

impacts refer to “two or more individual effects, when considered together, are considerable or which compound or increase other environmental impacts” (CEQA Guidelines Section 15355). This section identifies the cumulatively significant and unavoidable impacts of the Deep Draft Navigation Feasibility Study and Channel Deepening Project. The Board of Harbor Commissioners has determined that there are no mitigation measures available that would reduce these impacts below significance; it would be technologically and economically infeasible to implement any additional measures beyond those described herein.

3.4.1 AIR QUALITY AND HEALTH RISK

The greatest cumulative impact on the air quality of the regional air basin would be the incremental addition of pollutants from the use of heavy equipment and trucks associated with the construction, and operations of ocean-going vessels, terminal equipment, and trucks from the cumulative projects. Air quality impacts from the cumulative projects would result in cumulatively significant impacts, which would exceed the emission thresholds for VOC, CO, NO_x, PM₁₀, and PM_{2.5} and possibly SO_x. Additionally, many of the cumulative projects could also contribute to significant health risks.

Mitigated construction activities for the proposed Project would contribute emissions of these pollutants and would exceed the SCAQMD daily construction emission thresholds for PM_{2.5}, NO_x, CO, and VOC. Therefore, emissions from the proposed Project would make a cumulatively considerable contribution to a significant cumulative impact to air quality. The Port would impose a special condition on the HDP that would require implementing and funding the Community Grants Program (see below). However, implementation of the CGP would not mitigate the proposed Project’s contribution to a significant cumulative impact, and that contribution would remain cumulatively considerable. The proposed Project’s health risk impact would be less than significant, and due to the distance to sensitive receptors, is not expected to make a cumulatively considerable contribution to significant cumulative health risks.

Special Condition. Community Grants Program (CGP).

In 2016, the Port adopted a Community Grants Program (CGP) following a public hearing process. The CGP contains mitigation measures for environmental impacts as policies and requirements within the program. As applied to projects within the Harbor District, projects must mitigate environmental impacts to the extent feasible, and when impacts remain, compliance with the CGP can be a condition of project approval such that the project must provide funding to future projects that apply to the CGP for such grant awards. The Port will participate and fund the CGP, as determined by the methodology described below. The timing of the payment will be made by the later of the following two dates: (a) the date that the Port issues a Notice to Proceed (NTP) or otherwise authorizes commencement of construction; or (b) the date that the Final EIS/EIR is conclusively determined to be valid, either by operation of PRC Section 21167.2 or by final judgment or final adjudication.

Contribution to the CGP was considered for pollutants that would exceed the SCAQMD peak day significance thresholds, following mitigation. Emissions greater than the threshold were multiplied by the cost per ton of emissions, per SCAQMD Rule 301, July 1, 2019. Table III. The CGP funding contribution for the proposed Project is expected to be \$146,753.

3.5 Finding Regarding Responses to Comments on the Draft EIR

The Board of Harbor Commissioners finds that information added to the EIR after public notice of the availability of the Draft EIR for public review, but before certification, merely clarifies or makes minor modifications to an adequate EIR and does not require recirculation. Recirculation is required only when “significant” new information is added to an EIR after public review and comment on the draft EIR but before certification (PRC § 21092.1). Not all new information added to an EIR is “significant.” According to CEQA Guidelines, new information added to an EIR is significant only if “the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such effect (including a feasible project alternative) that the project’s proponents have declined to implement” (14 C.C.R. § 15088.5). Examples of significant new information include: (1) a new significant impact of the project or from a new mitigation measure proposed to be implemented; (2) a substantial increase in the severity of an environmental impact for which no mitigation measures are added which reduce the impact to a level of insignificance; or (3) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project proponent declines to adopt it.

Based on these standards, there is no reason to recirculate the Draft EIR. Although some new information has been added to the Final EIR in response to comments, none of the information is significant. No new impacts have been identified, the severity of the impacts identified in the Draft EIR are not substantially increased over what is described in the document, and no feasible alternatives or mitigation measures were identified which would clearly lessen the environmental impacts of the proposed Project.

4.0 ALTERNATIVES TO THE PROPOSED PROJECT

CEQA Guidelines Section 15126.6 requires that an EIR examine alternatives to a project to explore a reasonable range of alternatives that meets most of the basic project objectives, while reducing the severity of potentially significant environmental impacts. CEQA Guidelines Section 15126.6(a) states:

An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

The alternatives were also assessed in accordance with CEQA Guidelines Section 15126.6(f), which states:

The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen

1 *any of the significant effects of the proposed project. Of those alternatives, the EIR need*
2 *examine in detail only the ones that the lead agency determines could feasibly attain*
3 *most of the basic objectives of the project.*

4 The POLB as lead agency under CEQA is responsible for selecting a range of project alternatives
5 for examination and must publicly disclose its reasoning for selecting those alternatives. The
6 purpose of the Port of Long Beach Deep Draft Navigation Feasibility Study and Channel
7 Deepening Project is to identify and evaluate alternatives to increase transportation efficiencies
8 for container and liquid bulk vessels operating in the Port, for both the current and future fleet,
9 and to improve conditions for vessel operations and safety. From a CEQA perspective, the
10 evaluation below presents a reasonable range of alternatives that are consistent with the POLB's
11 legal mandates under the California Coastal Act of 1976, which identifies the POLB and its
12 facilities as a primary economic/coastal resource of the state and an essential element of the
13 national maritime industry for promotion of commerce, navigation, fisheries, environmental
14 preservation, and public recreation. To comply with CEQA requirements, all alternatives
15 considered in the EIR have been evaluated in accordance with the following:

- 16 • Does the alternative accomplish all or most of the basic objectives of the proposed Project?
- 17 • Is the alternative potentially feasible (from economic, environmental, legal, social, and
18 technological standpoints)?
- 19 • Does the alternative avoid or substantially lessen any significant effects of the proposed
20 Project, including consideration of whether the alternative itself could create significant effects
21 greater than those of the proposed Project?

22 **4.1 Alternatives Analyzed in the Draft EIR**

23 Three action alternatives, in addition to the proposed Project (Alternative 3), were carried forward
24 to meet the Project's needs and objectives. Numerous scenarios were explored to determine the
25 most prudent and practicable designs, which are described in more detail in Section 4 of the Draft
26 EIR. The following alternatives are analyzed in this CEQA document:

- 27 • **Alternative 1.** No Project Alternative.
- 28 • **Alternative 2.** Container terminal channels deepened to -53 feet MLLW, Approach Channel
29 deepened to -78 feet MLLW.
- 30 • **Alternative 4.** Container terminal channels deepened to -57 feet MLLW, Approach Channel
31 deepened to -83 feet MLLW; berths J266–J270 within the Pier J South Slip and berth T140
32 along Pier T deepened to -57 feet MLLW; wharf improvements possibly implemented to
33 accommodate the deepening.
- 34 • **Alternative 5.** Container terminal channels deepened to -55 feet MLLW, Approach Channel
35 deepened to -80 feet MLLW. New Standby Area dredged to -67 feet MLLW, with a 600-foot-
36 diameter center anchor placement at a proposed depth of -73 feet MLLW.

37 The proposed Project and other three action alternatives include widening the Channel,
38 deepening the added width to the authorized depth of -76 feet MLLW, and constructing
39 reinforcement of the Pier J breakwaters. These activities are needed to fully implement the
40 General Navigation Features discussed above and to allow the POLB to fully realize all of the
41 economic benefits of the project. These features are designed to prepare wharves for the selected
42 channel depths and to deepen berths to match the selected channel depths. Reduced features

would not fully enable the POLB to realize all project benefits and were not considered. Enhanced measures would result in greater costs with no increase in benefits and were also excluded.

For the purposes of CEQA, a qualitative comparison of the impacts associated with each alternative are compared to the respective impacts associated with the proposed Project. Table 4.1-1 provides a summary comparison of the impacts relative to the proposed Project; the basis for the determinations in Table 4.1-1 are discussed below. The anticipated significance of each impact is shown, along with a relative comparison to the proposed Project denoted by either (-) representing fewer impacts, (+) representing greater impacts, or (0) representing equivalent impacts.

TABLE 4.1-1: COMPARISON OF IMPACTS FOR ALTERNATIVES TO THE PROPOSED PROJECT

Resource Area	Proposed Project	No Project	Alt 2	Alt 4	Alt 5
Aesthetics/Visual Resources	Less Than Significant	No Impact (-)	Less Than Significant (0)	Less Than Significant (0)	Less Than Significant (0)
Air Quality and Health Risk	Significant	No Impact (-)	Significant (-)	Significant (+)	Significant (+)
Biota and Habitats	Less Than Significant	No Impact (-)	Less Than Significant (-)	Less Than Significant (+)	Less Than Significant (+)
Historic and Tribal Cultural Resources	Less Than Significant	No Impact (-)	Less Than Significant (0)	Less Than Significant (0)	Less Than Significant (0)
Geology, Soils, and Seismic Conditions	Less Than Significant	No Impact (-)	Less Than Significant (0)	Less Than Significant (0)	Less Than Significant (0)
Hazards and Hazardous Materials	Less Than Significant	No Impact (-)	Less Than Significant (0)	Less Than Significant (0)	Less Than Significant (0)
Hydrology and Water Quality	Less Than Significant	No Impact (-)	Less Than Significant (-)	Less Than Significant (+)	Less Than Significant (+)
Land Use	Less Than Significant	No Impact (-)	Less Than Significant (0)	Less Than Significant (0)	Less Than Significant (0)
Noise	Less Than Significant	No Impact (-)	Less Than Significant (-)	Less Than Significant (+)	Less Than Significant (+)
Population and Housing	No Significant	No Impact (-)	No Impact (0)	No Impact (0)	No Impact (0)
Public Services and Safety	Less Than Significant	No Impact (-)	Less Than Significant (0)	Less Than Significant (0)	Less Than Significant (0)

Resource Area	Proposed Project	No Project	Alt 2	Alt 4	Alt 5
Recreation	Less Than Significant	No Impact (-)	Less Than Significant (0)	Less Than Significant (0)	Less Than Significant (0)
Ground Transportation	Less Than Significant	No Impact (-)	Less Than Significant (-)	Less Than Significant (+)	Less Than Significant (+)
Vessel Transportation	Less Than Significant	No Impact (-)	Less Than Significant (-)	Less Than Significant (+)	Less Than Significant (+)
Utilities, Service Systems, and Energy Conservation	Less Than Significant	No Impact (-)	Less Than Significant (0)	Less Than Significant (0)	Less Than Significant (0)
Global Climate Change	Less Than Significant	No Impact (-)	Less Than Significant (-)	Less Than Significant (+)	Less Than Significant (+)
Relative Impact Score	-	-16	-7	+7	+7

Notes:

(+) = Alternative would increase impact when compared with the proposed Project.

(0) = Alternative would have similar impacts when compared with the proposed Project and would be considered neutral.

(-) = Alternative would reduce impact when compared with the proposed Project.

4.2 Findings for Alternatives Analyzed

In compliance with CEQA, an EIR must identify an environmentally superior alternative. The No Project Alternative would be the environmentally superior alternative because it would likely result in none of the adverse environmental impacts of the proposed Project. However, the No Project Alternative would achieve none of the project objectives described in Section 2.1. It should also be recognized that there could be adverse economic and environmental consequences from making no or limited improvements to the existing Port of Long Beach Deep Draft Navigation Study area, and none of the benefits that could occur under the proposed Project would occur under the No Project Alternative scenario.

Pursuant to CEQA regulations (see CEQA Guidelines Section 15126.6(e)(2)), when the No Project Alternative is identified as the environmentally superior alternative, the EIR will also identify an environmentally superior alternative from among the other alternatives. The Board has reviewed the significant impacts associated with each of the alternatives. The Plan Formulation and Array of Alternatives presented in detail in Chapter 4 of the Deep Draft Navigation Feasibility Study and Channel Deepening Project Final IFR EIS-EIR identified Alternative 3 as the Port's proposed Project for the purposes of CEQA. Furthermore, the Board finds that Alternative 3 would be environmentally superior to all other alternatives under CEQA.

Alternative 2 would likely result in a reduction in the severity and extent of impacts compared to Alternative 3. However, this alternative would not avoid significant and unavoidable air quality impacts. Additionally, Alternative 2 would not achieve the project objectives and would not realize economic benefits to the fullest. Alternatives 4 and 5 would achieve the project objectives, but

both would have more severe impacts, including an additional significant impact for Alternative 4, than the Alternative 3.

4.2.1 ALTERNATIVE 2

- Alternative 2 would deepen the Pier J channel and the West Basin channel and create a turning basin off Pier J all to a depth of -53 ft MLLW; would widen the Main Channel to the design depth (-76 ft MLLW); and would deepen the Approach Channel to -78 ft MLLW (Figure 4-2). Approximately 4.9 million cubic yards of sediment would be dredged and disposed of. Sheet piling and armor rock would be placed along portions of the Pier J Breakwater to accommodate the adjacent deepened Pier J channel. As with the proposed Project, pile driving would not occur at night.
- Dredging would be accomplished by a hydraulic hopper dredge and a clamshell dredge operating simultaneously for approximately 21 months. The hopper dredge would travel to the disposal sites to dispose of dredged material whereas the clamshell dredge would place dredged material on a barge that would be hauled to disposal sites. Disposal sites would include the nearshore Surfside-Sunset site off Huntington Beach and the LA-2 and LA-3 offshore disposal sites. The nearshore site is expected to receive approximately 2.5 million cubic yards of material from the Approach Channel, Main Channel, and West Basin dredging and the two ocean disposal sites would receive the remaining 2.4 million cubic yards of material from the Pier J and West Basin dredging.

Finding

The Board hereby finds that the Alternative 2 is a feasible alternative that generally meets the Project objectives. Alternative 2 would have similar impacts as the proposed Project in the areas of aesthetics, cultural resources, geology and soils, hazards and hazardous materials, land use, population and housing, public services and safety, recreation, and utilities and service systems. This is because the geographic scope and nature (i.e., type of activities and equipment) of this alternative are very similar to those of the proposed Project. Alternative 2 would have fewer or less severe impacts than the proposed Project in the areas of air quality, biota, hydrology and water quality, noise, ground and vessel transportation, and climate change. This is because Alternative 2 would involve less dredging (4.9 million cubic yards versus 7.4 million cubic yards), which would mean less equipment activity, fewer worker commutes, and less disruption of biological habitats and water quality. However, these differences are not substantial in nature and result in the same number of significant and unavoidable impacts to air quality and health risk.

Facts in Support of Finding

As with the proposed Project, the significant impacts to air quality and health risk would be significant and unavoidable for Alternative 2. Because the Alternative 2 would not meet the overall Project purpose and need of increasing transportation efficiencies for container and liquid bulk vessels operating in the Port, for both the current and future fleet, and to improve conditions for vessel operations and safety, which would be achieved by the proposed Project, Alternative 2 is not considered the environmentally preferred alternative.

4.2.2 ALTERNATIVE 4

Alternative 4 would deepen the Pier J channel and the West Basin channel and create a turning basin off Pier J, all to a depth of -57 ft MLLW; would widen the Main Channel to the design depth (-76 ft MLLW); and would deepen the Approach Channel to -80 ft MLLW. Approximately 11.9

million cubic yards of sediment would be dredged and disposed of. Sheet piling and armor rock would be placed along portions of the Pier J Breakwater to accommodate the adjacent deepened Pier J channel. In addition, Alternative 4 would require modifications of the wharves at Pier J and Pier T to accommodate the deeper (-57 ft MLLW) berths. These modifications would include pile driving and rock placement. As with the proposed Project, pile driving would not occur at night.

Finding

The Board hereby finds that the Alternative 4 is a feasible alternative that generally meets the Project objectives. Alternative 4 would have similar impacts as the proposed Project in the areas of aesthetics, cultural resources, geology and soils, hazards and hazardous materials, land use, population and housing, public services and safety, recreation, and utilities and service systems. This is because the geographic scope and nature (i.e., type of activities and equipment) of this alternative are very similar to those of the proposed Project.

Alternative 4 would not have fewer or less severe impacts than the proposed Project in any resource area. Alternative 4 would have greater impacts than the proposed Project in the areas of air quality, biota, hydrology and water quality, noise, ground and vessel transportation, and climate change. This is because Alternative 4 would involve more dredging (11.9 million cubic yards versus 7.4 million cubic yards), which would mean correspondingly more equipment activity, worker commutes, and disruption of biological habitats and water quality.

In addition to increased noise from equipment activity, construction of Alternative 4 would generate more high-intensity underwater noise from pile driving at the Pier J and Pier T wharves. As described in POLB (2019), high-intensity underwater noise can adversely affect marine organisms by damaging their auditory systems, disrupting behavior and communication, and causing mortality through swim bladder damage. These effects would be limited to a small area near the pile driving activity, and the USACE has determined that they would not represent a significant impact on marine mammals, managed fish species, and other marine resources. Furthermore, pile-driving activities would include a “soft-start” feature by which the construction contractor would be required to initiate pile driving at reduced force. This measure would give animals the opportunity to vacate the area before full-force driving began, thus further reducing the potential for adverse effects on marine resources.

All of the impact determinations under CEQA would, like those of the proposed Project, be either no impact or less than significant impact, with the exception of air quality, human health risk, and biota. Air quality would represent a significant impact. Alternative 4 would have a significant human health risk impact that the other alternatives would not have: the maximum estimated cancer risk at a residential/sensitive receptor would be 1.3×10^{-5} (13 in a million), which exceeds the SCAQMD significance threshold of 1.0×10^{-5} (10 in a million). Mitigation measures MM-AQ-1 through MM-AQ-5, as described above for the proposed Project, would be imposed on Alternative 4, but even after mitigation, impacts on air quality and human health risk would be significant and unavoidable. Therefore, Alternative 4 is not considered the environmentally preferred alternative.

Facts in Support of Finding

As with the proposed Project, the significant impacts to air quality and health risk would be significant and unavoidable for Alternative 4. Because the Alternative 4 would not meet the overall Project purpose and need of increasing transportation efficiencies for container and liquid bulk

vessels operating in the Port, for both the current and future fleet, and to improve conditions for vessel operations and safety, which would be achieved by the proposed Project, Alternative 4 is not considered the environmentally preferred alternative.

4.2.3 ALTERNATIVE 5

Alternative 5 would deepen the Pier J channel and the West Basin channel and create a turning basin off Pier J, all to a depth of -55 ft MLLW; would widen the Main Channel to the design depth (-76 ft MLLW); and would deepen the Approach Channel to -80 ft MLLW (Figure 4-2). A Standby Area adjacent to the Main Channel would be created by dredging to -67 ft MLLW with a 300-ft-diameter area in the center dredged to -73 ft MLLW. Approximately 8.4 million cubic yards of sediment would be dredged and disposed of (Table 4-8). Sheet piling and armor rock would be placed along portions of the Pier J Breakwater to accommodate the adjacent deepened Pier J channel. As with the proposed Project, pile driving would not occur at night. Alternative 5 would not require wharf modifications.

Finding

The Board hereby finds that the Alternative 5 is a feasible alternative that generally meets the Project objectives. Alternative 5 would have similar impacts as the proposed Project in the areas of aesthetics, cultural resources (after mitigation), geology and soils, hazards and hazardous materials, land use, population and housing, public services and safety, recreation, and utilities and service systems. This is because the geographic scope and nature (i.e., type of activities and equipment) of this alternative are very similar to those of the proposed Project. Alternative 5 would have greater impacts than the proposed Project in the areas of air quality, biota, hydrology and water quality, noise, ground and vessel transportation, and climate change. This is because Alternative 5 would involve more dredging (8.4 million cubic yards versus 7.4 million cubic yards), which would mean correspondingly more equipment activity, worker commutes, and disruption of biological habitats and water quality. All of the impact determinations under CEQA would, like those of the proposed Project, be either no impact or less than significant impact, with the exception of air quality and biota. Air quality would represent a significant impact. Mitigation measures MM-AQ-1 through MM-AQ-5, as described above for the proposed Project, would be imposed on Alternative 5, but even after mitigation, impacts on air quality would be significant and unavoidable. Therefore, Alternative 5 is not considered the environmentally preferred alternative.

Facts in Support of Finding

As with the proposed Project, the significant impacts to air quality and health risk would be significant and unavoidable for Alternative 5. Because the Alternative 5 would not meet the overall Project purpose and need of increasing transportation efficiencies for container and liquid bulk vessels operating in the Port, for both the current and future fleet, and to improve conditions for vessel operations and safety, which would be achieved by the proposed Project, Alternative 5 is not considered the environmentally preferred alternative.

4.2.4 NO PROJECT ALTERNATIVE

Under CEQA, the No Project Alternative must consider the conditions that would exist if a project does not proceed, which includes consideration of predictable action, such as the proposing of some other project (CEQA Guidelines Section 15126.6(e)(3)(B)). Under the No Project Alternative, no dredging or disposal would take place, and no wharf or breakwater improvements would be constructed. The baseline configuration of channels and basins would be maintained,

and the Port's ability to accommodate large cargo vessels and increased vessel traffic would remain unchanged from baseline conditions.

Finding

The Board finds that the No Project Alternative, by virtue of the absence of any development, would be environmentally superior to all other alternatives under CEQA. However, without any improvements, the Port would not be able to meet its desired objectives to increase transportation efficiencies for container and liquid bulk vessels operating in the Port, for both the current and future fleet, and to improve conditions for vessel operations and safety. Therefore, this alternative will not be adopted.

Facts in Support of Finding

Because there would be no construction and no changes to the physical environment, the No Project Alternative would have no direct impacts under any of the resource areas considered in this environmental document.

5.0 STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires a public agency to balance the benefits of a proposed project against its unavoidable, adverse environmental impacts in determining whether to approve the project.

Section 15093 of the State CEQA Guidelines provides the following:

1. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
2. When the lead agency approves a project that will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
3. If an agency makes a Statement of Overriding Considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

5.1 Project Significant Impacts

The proposed Project would result in significant unavoidable impacts related to air quality and health risk.

5.1.1 AIR QUALITY AND HEALTH RISK

During a peak day of construction activity, construction activities associated with the proposed Project would produce emissions of VOC, CO, NO_x, and PM_{2.5} that would exceed SCAQMD daily emission significance thresholds. Additionally, proposed Project construction would result in

1 offsite ambient air pollutant concentrations that would exceed SCAQMD thresholds of significance
2 for 1-hour NO₂, and 1-hour federal NO₂. Although the 1-hour federal NO₂ concentration would be
3 reduced with mitigation, it would remain above the NAAQS. All other pollutants would be reduced
4 and would remain below the level of significance. Because the 1-hour federal NO₂ would remain
5 above the NAAQS, local impacts would be significant and unavoidable. Therefore, these mitigated
6 emissions and ambient concentrations would remain significant and unavoidable. This impact
7 would also be a significant cumulative impact that would be unavoidable.

8 **6.0 OVERRIDING CONSIDERATIONS**

9 The proposed Project would offer numerous benefits that outweigh the unavoidable adverse
10 environmental effects of the undertaking. The Board of Harbor Commissioners recognizes that
11 significant and unavoidable environmental impacts will result from implementation of the proposed
12 Project, as discussed above. The Port has adopted all feasible mitigation measures for the
13 proposed Project, recognized all significant and unavoidable environmental impacts, and
14 balanced the benefits of the proposed Project against the significant and unavoidable impacts.
15 Given these conditions, the Board finds that there are specific overriding economic, legal, social,
16 technological, and other benefits of the proposed Project which outweigh those impacts and
17 provide sufficient reasons for approving the proposed Project. These overriding considerations
18 justify certification of the Final EIR and approval of the proposed Project, as discussed below.

19 **Improves Transportation Efficiencies.** The Port currently experiences navigational challenges,
20 including existing channel depths that do not meet the draft requirements of the current and future
21 fleet of larger container and liquid bulk vessels. Tide restrictions, light loading, lightering, and other
22 operational inefficiencies result in economic inefficiencies that translate into increased costs for
23 the national economy. Container movements along the secondary channels serving Pier J and
24 Pier T/West Basin, as well as liquid bulk vessel movements along the Main Channel, have been
25 identified as constrained by current conditions. The proposed Project would address these
26 navigational challenges and increase transportation efficiencies for container and liquid bulk
27 vessels operating in the POLB for both the current and future fleet and improve conditions for
28 vessel operations and safety.

29 **Improves Navigational Safety.** The proposed Project would improve navigational efficiency and
30 vessel safety throughout the POLB. The deepening and widening of the federal channels would
31 facilitate the safe and efficient transportation of all types of cargo into and out of the POLB
32 because larger vessels are calling at the POLB that need deeper and wider channels in order to
33 safely operate. Additionally, the proposed Project would reduce vessel congestion in the Port,
34 thereby contributing to safer conditions within the harbor.

35 **Reduces Delays and Wait Times.** The proposed Project would reduce wait times within the
36 harbor and reduce loading and unloading delays for deeper-drafting liquid bulk vessels. The
37 proposed Project would allow deeper-drafting vessels to enter and exit the Port without having to
38 account for tide restrictions, light loading, lightering, and other operational constraints.
39 Additionally, the proposed Project would provide a safe area to anchor adjacent to the Main
40 Channel during equipment failures, thereby not taking up valuable berthing space.

41 **Reduce Transportation and Product Costs.** The proposed Project would have national
42 significance because it will decrease costs as a result of transportation efficiencies. These costs
43 will be reduced by allowing a more efficient future fleet mix (e.g., displace Panamax and smaller-

1 scale Post-Panamax vessels with larger-scale Post-Panamax vessels, which have increased
2 cargo capacity).

3 **Reduces Vessel Trips.** Removal of channel restrictions would increase vessels' maximum
4 loading capacity, thereby resulting in fewer vessel trips to transport the forecasted cargo.
5 Additionally, increased channel depth would encourage shippers to replace smaller, less efficient
6 vessels with larger, more efficient vessels on Long Beach route services.

7 **Consistent with Port Master Plan (PMP).** The proposed Project is consistent with the
8 development goals of the PMP and all other applicable land use plans, policies, and regulations.

9 **Contributes to the Community Grants Program.** To assist in mitigating the proposed Project's
10 cumulative impacts to air quality, health risk, and global climate change, the Port will make a total
11 contribution of \$146,753 in funding for the Port's CGP. The CGP is aimed at mitigating the impacts
12 of goods movement over 12-15 years in three specific programs: community health, facility
13 improvements, and community infrastructure.

EXHIBIT B

Port of Long Beach Deep Draft Navigation Feasibility Study and Channel Deepening Project

Mitigation Monitoring and Reporting Program



Port of Long Beach
Environmental Planning Division
415 West Ocean Boulevard
Long Beach, California 90802

September 2022

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1 Introduction

2 This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Deep Draft
3 Navigation Feasibility Study and Channel Deepening Project (Project) in the City of Long Beach
4 (COLB). When a public agency conducts an environmental review of a proposed project in
5 conjunction with approving it, the lead agency shall adopt a program for monitoring or reporting
6 on the measures it was imposed to mitigate or avoid significant adverse environmental effects
7 pursuant Public Resources Code section 21081 and Title 14 California Code of Regulations
8 section 15097. Public Resources Code section 21081.6 states in part that when making the
9 findings required by section 21081(a):

10 "... the public agency shall adopt a reporting or monitoring program for the changes made to the
11 project or conditions of project approval, adopted in order to mitigate or avoid significant effects
12 on the environment. The reporting or monitoring program shall be designed to ensure compliance
13 during project implementation. For those changes which have been required or incorporated into
14 the project at the request of a responsible agency or a public agency having jurisdiction by law
15 over natural resources affected by the project, that agency shall, if so requested by the lead or
16 responsible agency, prepare and submit a proposed reporting or monitoring program."

17 The primary purpose of the MMRP is to ensure that the mitigation measures identified in the Final
18 Environmental Impact Report (EIR) for the Project are implemented to reduce or avoid identified
19 environmental effects and to appropriately assign the mitigation responsibilities for implementing
20 the Project. If the Project is approved, the mitigation measures listed in this MMRP will be adopted
21 by the Port of Long Beach (POLB or Port) Board of Harbor Commissioners (Board) as a condition
22 of Project approval. The mitigation measures and special conditions would be mandatory
23 components of the Harbor Development Permit (HDP) for this Project.

24 Responsible Party

25 The POLB (Lead Agency, or its designee, would be responsible for implementing and reporting
26 mitigation measures in this program. The Lead Agency would have responsibility for ensuring that
27 mitigation measures are accomplished in an environmentally responsible manner, ensuring that
28 the status of mitigation measures is reporting in accordance with this program, and would be
29 responsible for program oversight to ensure that applicable mitigation measures are carried
30 forward.

31 Mitigation measures will be included in applicable Requests for Proposals (RFP), specifications,
32 plans, drawings, and procedures issued for construction of the Project and during operation of
33 this facility. When Project work is undertaken by the U.S. Army Corps of Engineers (USACE)
34 and/or the Port's contractors, the pertinent mitigation measures will be included in the terms and
35 conditions of the contracts. Port construction inspectors will undertake regular inspections of the
36 job site to ensure that contractors are implementing the mitigation measures and complying with
37 their contract. The Port's Environmental Planning Division will be responsible for ensuring that
38 mitigation measures that are the responsibility of the Port are carried out. Mitigation measures
39 and Special Conditions for the Project are summarized in Table 1.

Table 1. Summary of Mitigation Measures and Special Conditions

Air Quality and Health Risk	
1	Mitigation Measure AQ-1: Electric Clamshell Dredge. The use of an electric clamshell dredge shall be required for project clamshell dredging activities during the entire construction period of the project, and the construction of an electrical substation at Pier J is also required to provide electric power to the clamshell dredge.
2	Mitigation Measure AQ-2: Construction-Related Harbor Craft. Construction-related harbor craft (tugboats, crew boats, and survey boats) with Category 1 or Category 2 marine engines will meet at least EPA Tier 3 emission standards for marine engines. In addition, the construction contractor will require all construction-related tugboats that home fleet in the San Pedro Bay Ports: 1) to shut down their main engines and 2) to refrain from using auxiliary engines while at dock and instead use electrical shore power, if feasible.
3	Mitigation Measure AQ-3: Fleet Modernization of Off-Road Construction Equipment. Self-propelled, diesel-fueled off-road construction equipment 25 horsepower or greater will meet U.S. Environmental Protection Agency (USEPA)/California Air Resources Board (CARB) Tier 4 final emission standards for non-road equipment.
4	Mitigation Measure AQ-4: Additional Mitigation for Off-Road Construction Equipment. Off-road diesel-powered construction equipment will comply with the following: • Construction equipment will be maintained according to manufacturer's specifications. • Construction equipment will not idle for more than five minutes when not in use. The benefits to be achieved by the above-listed components of this measure were not quantified in the analysis due to the wide range of variables involved. This measure is applied, however, to further reduce combustion emissions
Special Conditions	
5	Special Condition. Water Resource Protection. The Permittee shall complete the provided stormwater BMP checklist for small construction projects (under 1 acre in total disturbed area) and implement those best management practices (BMPs) as identified in the checklist.
6	Special Condition. Transportation Management Plan (TMP). The Permittee shall coordinate with the POLB Traffic Engineering Bureau during the development of the Project to determine if a TMP is warranted, and if yes, what it needs to address. Permittee shall coordinate with adjacent construction projects at the time, if any, to ensure proper traffic circulation in the area is maintained. If a TMP is warranted during any phase of the project, the Permittee shall submit a Transportation Management Plan to POLB Traffic Engineering for review and approval.
7	Special Condition. Discovery of Archaeological Materials or Human Remains. In the unlikely event that any archaeological material is discovered during construction, construction activities are to be halted, archeological experts are to be notified, and the USACE/Port will complete an evaluation of the significance of those resources and will determine the appropriate resolution of any potential adverse effects. Permittee shall immediately notify the Director of Environmental Planning of any discoveries.
8	Special Condition. Community Grants Program (CGP). The Port will contribute a total of \$146,743 to the Community Grants Program (CGP) to address cumulative air emissions impacts associated with construction activities for the Project.

Mitigation Monitoring and Reporting Program Procedures

The designated POLB Environmental Monitor, in coordination with POLB Construction Management and Inspection, assigned to the Project, will track and document compliance with mitigation measures, note any problems that may result, and take appropriate action to remedy problems. Specific responsibilities of the POLB Environmental Monitor are:

- Coordination of all mitigation monitoring activities;
- Management of the preparation, approval, and filing of monitoring or permit compliance reports;
- Maintenance of records concerning the status of all mitigation measures;
- Retaining a file containing documentation of the completion of all mitigation measures;
- Quality control assurance of field monitoring personnel;
- Coordination with regulatory agencies for compliance with mitigation and permit requirements;
- Reviewing and recommending acceptance and certification of implementation documentation;
- Serving as the point of contact for interested parties or surrounding property owners who wish to register complaints; and
- Documenting observations of unsafe conditions or environmental violations, and identifying any necessary corrective actions.

Mitigation and Monitoring Reporting Plan Completion Forms

The MMRP includes a Completion Form for each mitigation measure shown on a separate page and identifies the following for each measure:

- Required action;
- When the action is required to be taken;
- Agency responsible for action;
- Agency responsible for tracking the action;
- Specific action(s) to ensure implementation of the mitigation measure;
- Submittal date;
- Person verifying implementation (name and title);
- Any attachments for the Completion form to verify implementation; and
- Any comments by verifying personnel.

The agency responsible for taking the action will submit the appropriate completion form with attachments to the agency responsible for tracking and verifying the action (POLB Environmental Planning Division).

Mitigation and Monitoring Annual Reporting

This MMRP will require an annual report within the first year of Project approval (including during design activities) and then annually thereafter. The MMRP will document compliance with implementing the mitigation measures included in the Final EIR, Project HDP and construction contracts.

1 **Special Conditions**

2 Special Conditions would be implemented as condition of issuance of the Harbor Development
3 Permit, in Project specifications, or other applicable documents governing site use and or facility
4 operations. Special Conditions are consistent with the Green Port Policy, Clean Air Action Plan,
5 and the Water Resources Action Plan. Special Conditions that would be incorporated as part of
6 the Project are described below and the various means used to implement the Special Conditions,
7 as well as their timing, are also provided.

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**Deep Draft Navigation Feasibility Study and
Channel Deepening Project
Mitigation Monitoring and Reporting Program Completion Forms**

*Deep Draft Navigation Feasibility Study and Channel Deepening Project
Mitigation Monitoring and Reporting Program Completion Form*

Mitigation Measure AQ-1: Electric Clamshell Dredge and Electrical Substation

Required Action: Use of an electric clamshell dredge shall be required for all clamshell dredging activities during the entire construction period of the project; Construction of an electrical substation at Pier J is required to provide electric power to the clamshell dredge.

When Required: During construction activities.

Agency Responsible for Action: U.S. Army Corps of Engineers and/or Port of Long Beach Engineering Services.

Agency Responsible for Tracking: Port of Long Beach Construction Management and Environmental Planning Division.

Action (i): U.S. Army Corps of Engineers and/or Port of Long Beach Engineering Services to include this requirement in Project construction specifications and bid process.

Submittal Date:

Verified By:

Title:

Comments:

*Deep Draft Navigation Feasibility Study and Channel Deepening Project
Mitigation Monitoring and Reporting Program Completion Form*

Mitigation Measure AQ-2: Construction-Related Harbor Craft

Required Action: Construction-related harbor craft (tugboats, crew boats, and survey boats) with Category 1 or Category 2 marine engines shall meet United States Environmental Protection Agency (USEPA) Tier 3 emission standards for marine engines. In addition, the construction contractor shall require all construction-related tugboats that home fleet in the San Pedro Bay Ports:1) to shut down their main engines and 2) to refrain from using auxiliary engines while at dock and instead use electrical shore power, if feasible.

When Required: During all construction activities.

Agency Responsible for Action: U.S. Army Corps of Engineers and/or Port of Long Beach Engineering Services.

Agency Responsible for Tracking: Port of Long Beach Construction Management Division and Environmental Planning Division.

Action (i): U.S. Army Corps of Engineers and/or Port of Long Beach Engineering Services to include this requirement in Project construction specifications and bid process.

Action (ii): Port of Long Beach Construction Management Division to verify that harbor craft (tugboats, crew boats, and survey boats) with Category 1 or Category 2 marine engines to meet United States EPA Tier 3 engine emission standards. A copy of each unit's certified tiered specification and any required CARB or South Coast Air Quality Management District (SCAQMD) operating permit will be made available at the time each piece of equipment is mobilized.

Action (iii): Port of Long Beach Construction Management Division to require all construction-related tugboats that home fleet in the San Pedro Bay Ports:1) to shut down their main engines and 2) to refrain from using auxiliary engines while at dock and instead use electrical shore power, if feasible.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

*Deep Draft Navigation Feasibility Study and Channel Deepening Project
Mitigation Monitoring and Reporting Program Completion Form*

Mitigation Measure AQ-3: Off-Road Construction Equipment

Required Action: Self-propelled, diesel-fueled off-road construction equipment 25 horsepower (hp) or greater shall meet United States Environmental Protection Agency (USEPA)/California Air Resources Board (CARB) Tier 4 final emission standards for non-road equipment.

When Required: Daily during all construction activities.

Agency Responsible for Action: U.S. Army Corps of Engineers and/or Port of Long Beach Engineering Services.

Agency Responsible for Tracking: Port of Long Beach Construction Management Division and Environmental Planning Division.

Action (i): U.S. Army Corps of Engineers and/or Port of Long Beach Engineering Services to include this requirement in Project construction specifications and bid process.

Action (ii): POLB Construction Management Division to verify that self-propelled, diesel-fueled off-road construction equipment 25 hp or greater meet USEPA/CARB Tier 4 final engine emission standards. A copy of each unit's certified tiered specification and any required CARB or South Coast Air Quality Management District (SCAQMD) operating permit will be made available at the time each piece of equipment is mobilized.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

*Deep Draft Navigation Feasibility Study and Channel Deepening Project
Mitigation Monitoring and Reporting Program Completion Form*

Mitigation Measure AQ-4: Additional Mitigation for Off-Road Construction Equipment

Required Action: Off-road diesel-powered construction equipment shall comply with the following:

- Maintain all construction equipment according to manufacturer's specifications.
- Construction equipment shall not idle for more than 5 minutes when not in use.

When Required: During all construction activities

Agency Responsible for Action: U.S. Army Corps of Engineers and/or Port of Long Beach Engineering Services.

Agency Responsible for Tracking: Port of Long Beach Construction Management Division and Environmental Planning Division.

Action (i): Port of Long Beach Engineering Services to include requirements in Project construction specifications and bid process.

Action (ii): Construction Management Division to verify that off-road diesel-powered construction equipment are in good maintenance condition, and do not idle more than 5 minutes when in use.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Special Condition. Water Resources Protection.

Required Action: The Permittee shall complete the provided stormwater BMP checklist for small construction projects (under 1 acre in total disturbed area) and implement those best management practices (BMPs) as identified in the checklist. A copy of the completed stormwater BMP checklist shall be submitted to the Director of Environmental Planning fourteen (14) days prior to the start of construction activities for approval. Upon approval of the stormwater BMP checklist, the Permittee shall be responsible for installing, constructing and implementing all control measure requirements described in the stormwater BMP checklist and other stormwater BMPs that may be appropriate during construction. The Permittee shall perform visual observations to verify that all control measures are implemented and performing properly. If control measures being implemented by the Permittee are inadequate to control water pollution effectively, the Port may require the Permittee to revise the operations and amend the stormwater BMP checklist. The Port's review and approval of the Permittee's stormwater BMP checklist shall not waive any contractual requirements and shall not relieve the Permittee from achieving and maintaining compliance with all Federal, State, and local laws, ordinances, statutes, rules and regulations. All records shall remain on site and readily accessible for review by the Port of Long Beach and any responsible agencies. In the event that the Project scope changes and the landside disturbed area is greater than 1 acre, the Permittee shall work with the Port to obtain coverage under the Los Angeles Regional Water Quality Control Board's General Permit for Storm Water Discharges Associated with Construction and Land Disturbing Activities (CAS000002). A copy of the Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be provided to the Director of Environmental Planning prior to the start of construction.

When Required: Fourteen (14) days prior to the start of construction activities for approval.

Agency Responsible for Action: U.S. Army Corps of Engineers and/or Port of Long Beach Engineering Services.

Agency Responsible for Tracking: Port of Long Beach Construction Management Division and Environmental Planning Division.

Action (i): Port of Long Beach Engineering Services to include each of the above requirements in Project construction specifications and bid process.

Action (ii): Port of Long Beach Construction Management Division to verify that each of the above requirements are carried out during each construction phase.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Deep Draft Navigation Feasibility Study

Mitigation Monitoring and Reporting Program Completion Form

Special Condition. Transportation Management Plan.

Required Action: The Permittee shall coordinate with the Port of Long Beach Traffic Engineering Bureau during the development of the Project to determine if a Transportation Management Plan (TMP) is warranted, and if yes, what it needs to address. Permittee shall coordinate with adjacent construction projects at the time, if any, to ensure proper traffic circulation in the area is maintained. If a TMP is warranted during any phase of the project, the Permittee shall submit a Transportation Management Plan to POLB Traffic Engineering for review and approval.

When Required: During all phases of the Project.

Agency Responsible for Action: U.S. Army Corps of Engineers and/or Port of Long Beach Traffic Engineering.

Agency Responsible for Tracking: Port of Long Beach Traffic Engineering, Transportation Planning Division, Construction Management Division, and Environmental Planning Division.

Action (i): Port of Long Beach Engineering Services to include each of the above requirements in Project construction specifications and bid process.

Action (ii): Port of Long Beach Traffic Engineering to verify that each of the above requirements, if it is determined that a TMP is required, are carried out during each construction phase.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

Special Condition. Discovery of Archaeological Materials or Human Remains.

Required Action: In the unlikely event that any archaeological material is discovered during construction, construction activities are to be halted, archeological experts are to be notified, and the U.S. Army Corps of Engineers and/or the Port of Long Beach will complete an evaluation of the significance of those resources and will determine the appropriate resolution of any potential adverse effects. Permittee shall immediately notify the Port of Long Beach Director of Environmental Planning of any discoveries.

When Required: During all earthwork and construction activities.

Agency Responsible for Action: U.S. Army Corps of Engineers and/or Port of Long Beach Engineering Services.

Agency Responsible for Tracking: Port of Long Beach Construction Management Division and Environmental Planning Division.

Action (i): Port of Long Beach Engineering Services to include a requirement for its construction contractor to provide a qualified archaeologist (on-call) in its Project construction specifications and available as needed), if any archaeological material is discovered during construction. These requirements shall be included in Project construction specifications and bid process.

Submittal Date:

Verified By:

Title:

Attachments:

Comments:

*Deep Draft Navigation Feasibility Study and Channel Deepening Project
Mitigation Monitoring and Reporting Program Completion Form*

Special Condition. Community Grants Program

Required Action: The Port of Long Beach will contribute to the Community Grants Program (CGP) to address cumulative air emissions impacts associated with construction activities for the Project. For the Project, the contribution to the CGP would be \$146,753 total.

When Required: The later of the following two dates: (a) the date that the U.S. Army Corps of Engineers and/or the Port of Long Beach issues a Notice to Proceed (NTP) or otherwise authorizes commencement of construction; or (b) the date that the Final EIS/EIR is conclusively determined to be valid, either by operation of PRC Section 21167.2 or by final judgment or final adjudication

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

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

Action: Port of Long Beach Environmental Planning Division to ensure the timing of the payment contribution to the Community Grants Program determined by the methodology described in the EIR.

Submittal Date:

Verified By:

Title:

Attachments:

Comments: