



Gavin Newsom
Governor

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



Kate Gordon
Director

September 27, 2019

Amy L. Harbin
Long Beach, City of
411 West Ocean Boulevard, 3rd Floor
Long Beach, CA 90802

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

Dear Amy L. Harbin:

The State Clearinghouse submitted the above named MND to selected state agencies for review. The review period closed on 9/26/2019, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act, please visit: <https://ceqanet.opr.ca.gov/2019069085/3> for full details about your project.

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

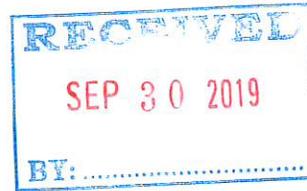
Sincerely,

Scott Morgan
Director, State Clearinghouse



DEPARTMENT OF TRANSPORTATION

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



*Making Conservation
a California Way of Life.*

September 23, 2019

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

RE: Long Beach Cruise Terminal Improvement
Project – Recirculated Mitigated Negative
Declaration (RMND)
SCH# 2019069085
GTS # 07-LA-2018-02788
Vic. LA-710/PM: 5.339

Dear Ms. Amy L. Harbin:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project's Recirculated Mitigated Negative Declaration (RMND). The project proposes improvements to the Long Beach cruise terminal to accommodate a new and larger class of cruise ships, to safely moor the larger cruise ships at the existing berth, and to improve existing safety at the berth related to ocean swells. Maritime improvements include dredging the existing berth to a deeper depth (approximately 33,250 cubic yards of dredging volume) and constructing two mooring dolphins and associated catwalks, a passenger walkway bridge extension, and fender replacements. Onshore improvements include expanding an existing parking garage, filling an abandoned tunnel, and reconfiguring traffic lanes near the parking garage.

After reviewing the RMND, Caltrans has the following comments;

Due to the large size of this project and its close proximity to Interstate 710 (I-710) it may impact the near-by segments of I-710 and its On/Off-ramps. Caltrans suggests the project consider adding a full study of the following segments to the current Traffic Impact Analysis (TIA):

1. I-710 South/State Route-1 (PCH) NB and SB Off-Ramp
2. I-710 South/I-405 NB On-Ramp
3. I-710 South/State Route 91 WB Off-Ramp

Further information for your consideration:

For a traffic impact study of freeway mainline, weave, merge and diverge segments, the methodologies in Chapter 12, 13, and 14 of the Highway Capacity Manual (HCM) 6th edition are limited to under saturated flow conditions. When a freeway facility has oversaturated conditions, Chapter 10 is recommended to be used to determine a more precise density. It is acknowledged that there are limitations of the HCM methodology and it is recommended to use a traffic simulation model for the analysis.

For the intersection analysis, please use the actual traffic signal timing. Please do not use signal timing

Ms. Amy L. Harbin
September 23, 2019
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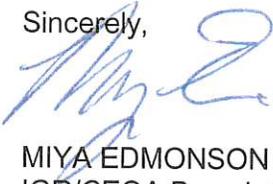
optimization as optimization does not provide accurate results.

Impacts to off-ramps are considered significant if the traffic generated by the project causes queueing that: (a) exceeds 85% of the off-ramp's storage capacity; or (b) when an auxiliary lane is present, exceeds the lesser of one-half the length of auxiliary lane or 1,000 feet.

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

If you have any questions regarding these comments, please contact project coordinator Reece Allen, at reece.allen@dot.ca.gov and refer to GTS# 07-LA-2018-02788

Sincerely,



MIYA EDMONSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse



Long Beach Water

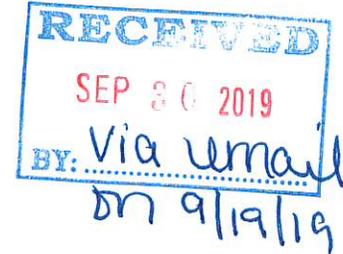
Exceptional Water • Exceptional Service

Christopher J. Garner
General Manager

1800 E. Wardlow Road, Long Beach, CA 90807-4931
562.570.2300 | lbwater.org

September 19, 2019

Amy Harbin
411 W. Ocean Blvd., 5th Floor
Long Beach, CA 90802



Subject: Application No. 1909-08 (SPR 19-026) – 231 Windsor Way

Dear Ms. Harbin:

Here is the Water Department's response:

Project Description:

Landside improvements include expansion of the existing parking structure by approximately 650 spaces, removal and fill of the existing abandoned tunnel system, reconfiguration of the leasehold traffic lanes. Maritime improvements include dredging of approximately 35,400 cy of material, installation of mooring dolphins, extension of the existing passenger bridge system, and replacement of the foam-filled fenders.

Potable Water System:

Water Mains:

According to our records, the following water mains are present in the streets adjacent to the project site:

Street / Location Description	Main Size (inches)	Main Material
Windsor Way (SW of the parking structure)	8	Ductile Iron (D.I.)
Windsor Way (S/E of the parking structure)	16	Ductile Iron (D.I.)
Queens Highway (N/W of the parking structure)	8	Ductile Iron (D.I.)
Queens Highway (N/E of the parking structure)	8	Ductile Iron (D.I.)

Note: Water service connections may only be made to water mains 12 inches and smaller.



Water Services:

According to our records, the following water services (four inches and greater) serve the project site:

Street / Location Description; comments	Meter Size (inches)	Lateral Size (inches)	Lateral Material	Work Oder Number
331 Windsor Way Detector Check fireline	6	6	Ductile Iron (D.I.)	F01311

Please note, several existing water services are installed to the property; the property owner is responsible to order a kill tap for any unused water service laterals.

The applicant must be made aware that the existing Detector Check fireline service is out-of-date. If work is performed on the existing fire sprinkler system, they must bring the fireline service up to current standards.

Water Service Locations:

Projects with no setbacks (“zero-property-line buildings”) require special attention to locate DCDA’s and water meter assemblies sized four inches and greater. The developer and engineer must contact the Long Beach Water Department to understand our requirements and review conceptual design locations for approval prior to final design. Typical requirements are as follows:

- DCDA and meter assembly must be outside the building with sufficient clearance;
- Assemblies must be located within 5 feet of the property line
- Device must be accessible for maintenance by LBWD crews.

Backflow Assembly Requirement:

Backflow prevention assemblies must be required on this service. The location must be on private property. “A reduced pressure principle backflow prevention device shall be located as close as practical to the user’s connection and shall be installed a minimum of twelve inches (12”) above grade and not more than thirty-six inches (36”) above grade measured from the bottom of the device and with a minimum of twelve inches (12”) side clearance.” (17 CA ADC § 7603)

Reclaimed Water System:

There are no existing or proposed reclaimed water facilities to serve the proposed project.





Sanitary Sewer System:

According to our records, the following sewer mains are present in the streets adjacent to the project site:

Street / Location Description	Main Size (inches)	Main Material
Windsor Way (S/W of the parking structure)	10	Vitrified Clay Pipe (V.C.P.)
Windsor Way (S/E of the parking structure)	10	Vitrified Clay Pipe (V.C.P.)
Queens Highway (N/W of the parking structure)	18	Vitrified Clay Pipe (V.C.P.)
Queens Highway (N/E of the parking structure)	8	Vitrified Clay Pipe (V.C.P.)

Please note, all existing sewer laterals to the property must be capped prior to site demolition. Please contact City of Long Beach Public Works to secure a permit. All new construction will require the installation of a new cut-in wye (6-inch lateral) or manhole connection (8-inch and larger lateral).

The project owner shall install a cleanout per LBWD standards at the property line (P.L.). They shall determine the condition of the existing sewer lateral from P.L. to the main, submit CCTV results to LBWD, and make repairs to the lateral necessary to ensure proper flow of sewage through the lateral to the satisfaction of LBWD.

Projects with underground parking garages or other subterranean structures shall request the Long Beach Water Department to check the condition of sewer mains adjacent to the project. Please coordinate this work with LBWD Development Services at 562-570-2419.

A copy of water and sewer maps are attached for reference.

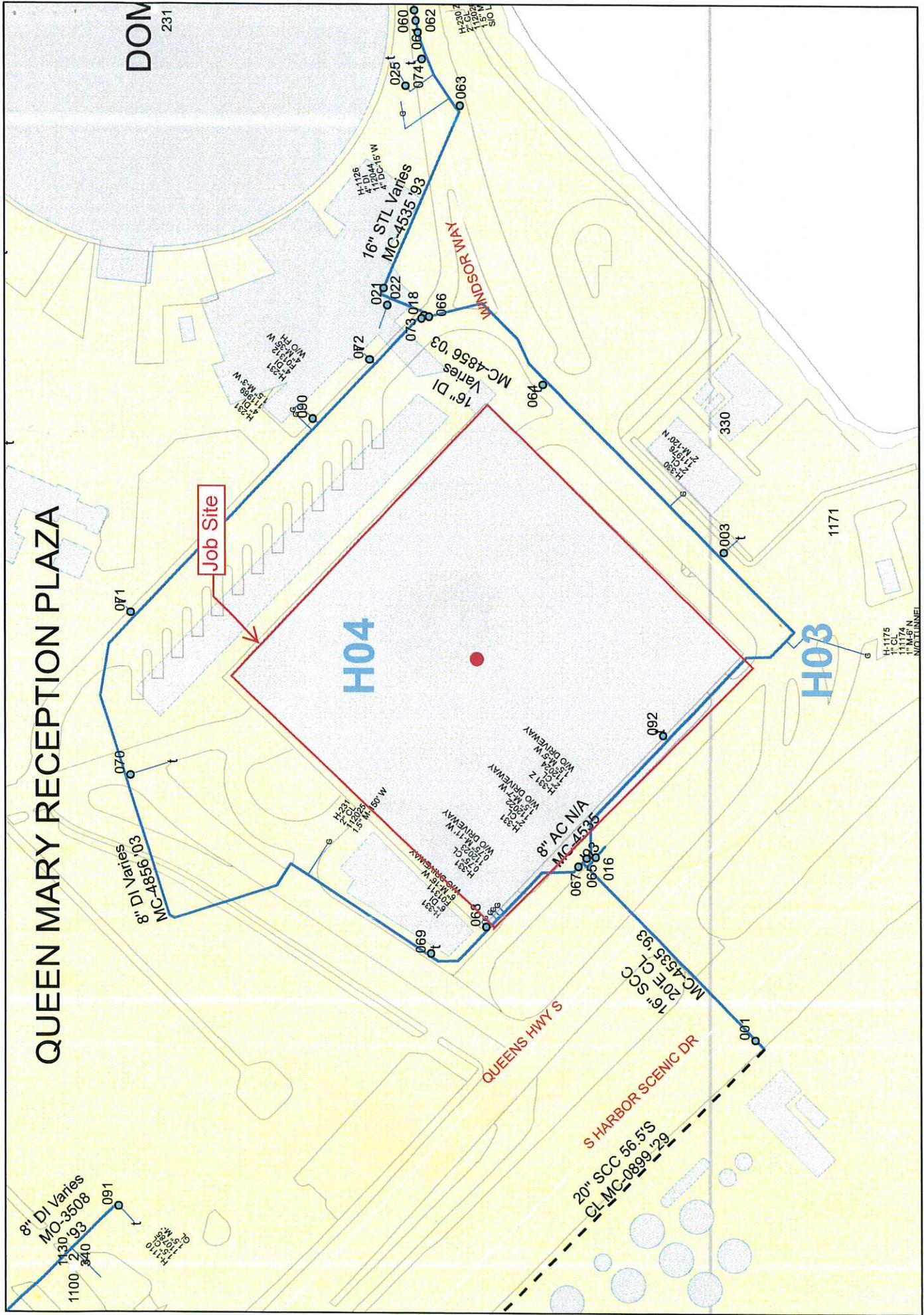
Please direct the applicant to review our requirements on our web site at <<http://www.lbwater.org/>>. They should contact the Water Engineering Development Services Group at (562) 570-2419 if they have any questions about processes, procedures, timelines, etc.

If you have any questions, please do not hesitate to contact me at (562) 570-2328.

Sincerely,

Eric L. Buehler, P.E.
 Civil Engineer

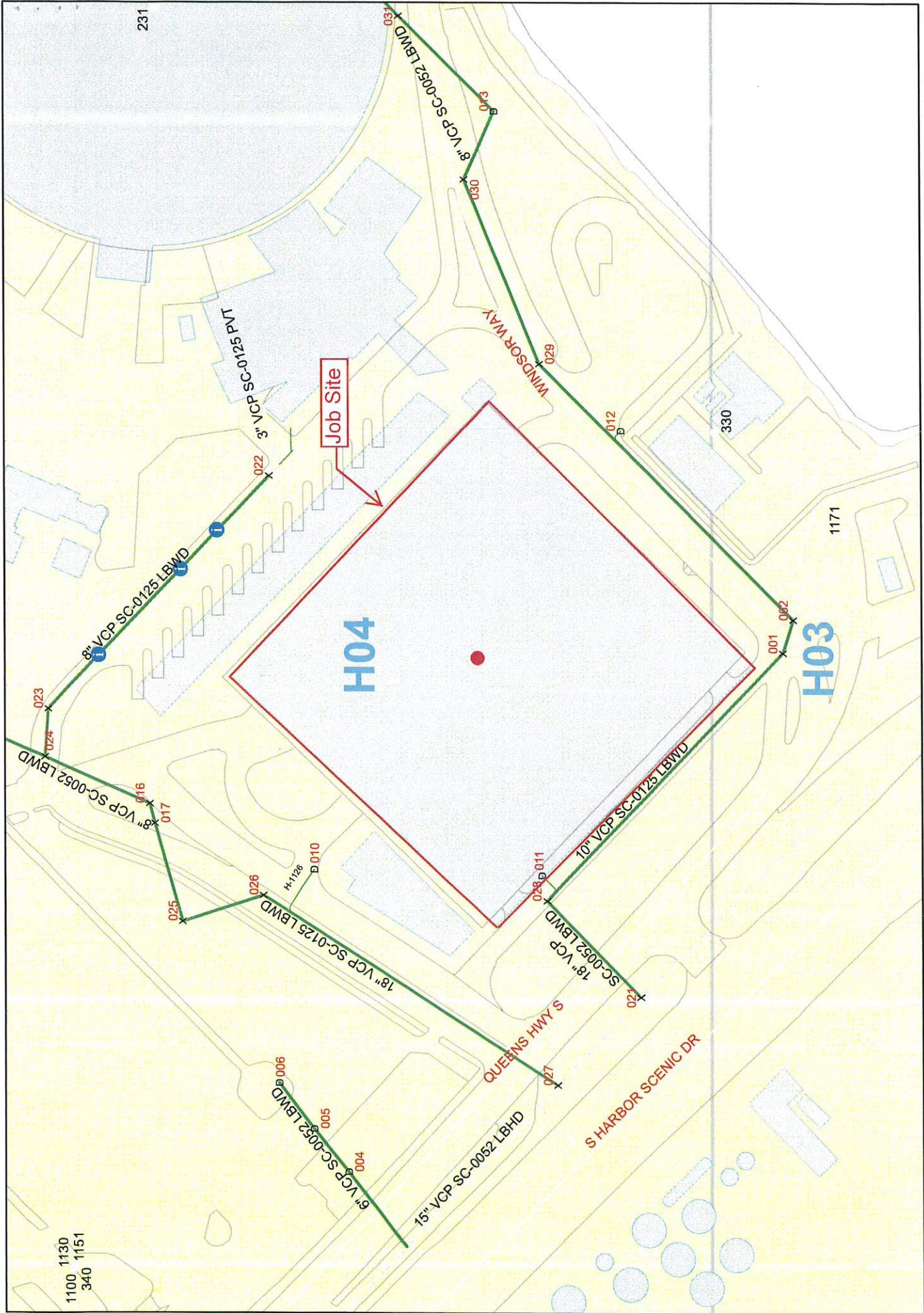




1 inch = 111 feet



Disclaimer: This map and/or data are not an official record LBWD. It is compiled from data furnished by private contractors and other sources. Locations, sizes of geographic feature and facilities shown are based on these sources. This information is furnished strictly as a convenience. LBWD does not assume any responsibility for its accuracy or completeness.



1100 1130
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231

Job Site

H04

H03

330

1171

QUEBENS HWY S

S HARBOR SCENIC DR

1 inch = 111 feet



Disclaimer: This map and/or data are not an official record LBWD. It is compiled from data furnished by private contractors and other sources. Locations, sizes of geographic feature and facilities shown are based on these sources. This information is furnished strictly as a convenience. LBWD does not assume any responsibility for its accuracy or completeness.

Amy Harbin

From: Andrea Bell <andrea@somaticwise.net>
Sent: Monday, September 09, 2019 11:59 AM
To: Amy Harbin
Subject: EIR for Carnival Cruise Project



Greetings,

I am writing to request that Carnival Cruise Lines be DENIED the Mitigated Negative Declaration, and that instead they be made to go through the EIR process.

I am saddened to hear that Carnival is attempting to skip the EIR process. Cruise ships are known to cause very negative environmental impacts worldwide. In the current case, there is not adequate mitigation for many marine species/systems, including marine mammals (which literally have to live in the noise and pollution caused by cruise ships), kelp beds, birds and water quality.

The human species have gotten ourselves into such a fix, by "business as usual" practices and sidestepping environmental mitigation procedures. There is no reason at all why Carnival should be given the green light to bypass these very necessary safeguards for the sake of its profit and convenience.

Sincerely,
Andrea L. Bell, LCSW
California Naturalist
Long Beach, CA

Secured by Paubox Encrypted Email - HITRUST CSF Certified <https://www.paubox.com>

Amy Harbin

From: Amy Harbin
Sent: Monday, September 09, 2019 12:15 PM
To: Ashimine, Alan; Yau, Frances
Subject: FW: NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION : Long Beach Cruise Terminal Improvement Project
Attachments: 231 Windsor Way_LB Cruise Terminal Expansion.pdf

Hi Alan & Frances,

I received this email from the tribe on Friday, and responded that we did consultation earlier this year. I also attached a copy of the letter they forwarded me. I haven't received a response yet to my below email. There really isn't a need to do consultation again, the project hasn't changed.

Thanks,
Amy



From: Amy Harbin
Sent: Monday, September 09, 2019 7:15 AM
To: Administration Gabrieleno <admin@gabrielenoindians.org>
Subject: RE: NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION : Long Beach Cruise Terminal Improvement Project

Good Morning,

Thank you for your email. I actually consulted on this project with the tribe earlier this year. What you were just recently sent was a recirculation of an existing Initial Study/Negative Declaration. I have attached a copy of what we were sent by the tribe back in January. We plan to honor this letter in the conditions of approval/Mitigation Measures.

Please let me know if you need anything else or have any questions.

Amy

Amy L. Harbin, AICP
Planner

Long Beach Development Services | Planning
411 W. Ocean Blvd., 3rd Fl. | Long Beach, CA 90802
Office: 562-570-6872



ADDRESS CHANGE: Long Beach City Hall has moved! Please note that the address for City Hall has changed from 333 W. Ocean Boulevard to 411 W. Ocean Boulevard, Long Beach, CA 90802.

From: Administration Gabrieleno <admin@gabrielenoindians.org>

Sent: Friday, September 06, 2019 2:13 PM

To: Amy Harbin <Amy.Harbin@longbeach.gov>

Subject: NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION : Long Beach Cruise Terminal Improvement Project

Please see attachment

Admin Specialist
Gabrieleno Band of Mission Indians - Kizh Nation
PO Box 393
Covina, CA 91723
Office: 844-390-0787
website: www.gabrielenoindians.org



Attachments area



GABRIELENO BAND OF MISSION INDIANS - KIZH NATION

Historically known as The San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

January 24, 2019

Amy L. Harbin, AICP

Long Beach Development Services - Planning Bureau

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

Subject: AB52 Consultation - Long Beach Cruise Terminal Expansion

Ms. Harbin,

Thank you for your time during the AB52 consultation on January 24, 2019 at 3pm. After reviewing the information you provided regarding the project location and the fill material substrate that will be impacted as part of this project we have concluded that your project has a low potential to impact Tribal Cultural Resources (TCR). Therefore, additional mitigation for TCR's is not necessary for this project and your agency's standard protective measures are acceptable. However, there is always a chance for discoveries, so if something is inadvertently found please have the project staff contact our Tribal Government.

Sincerely,

Andrew Salas, Chairman
Gabrieleno Band of Mission Indians – Kizh Nation
(844) 390-0787

Andrew Salas, Chairman
Albert Perez, treasurer I

Nadine Salas, Vice-Chairman
Martha Gonzalez Lemos, treasurer II

Dr. Christina Swindall Martinez, secretary
Richard Gradias, Chairman of the council of Elders

PO Box 393 Covina, CA 91723

www.gabrielenoindians@yahoo.com

gabrielenoindians@yahoo.com

Amy Harbin

From: Arianna Maciel <ariannamaciel@gmail.com>
Sent: Thursday, September 05, 2019 12:17 PM
To: Amy Harbin
Subject: public weigh in on LB terminal Improvement Project



Hello Miss Amy,

I am writing to you as a Long Beach local, I have been in LB living here for my entire life I am now 28 and I have witnessed a lot of change in the city one in which I am concerned the most for is the cruise terminal improvement project. I am concerned about what longevity affects this will do to our environment. What could this will do to the kelp beds, the marine mammals, birds, and not too mention the water quality. Long Beach is already know as a cesspool of stagnant water from the break wall. looking at this locally, there's a bigger picture to take in on how this will affect the Port of Long Beach, and the entire ocean. There's no question that the most rising tourism is cruises, and its not a shameful thing that Long Beach would want to be a part of that, but I would like for you to hear me out as to some reasons why Long Beach should reconsider. Here's probably what the cruise lines would not like you to know. In the last 30 years the cruise line industry has been caught polluting and dumping and per the U.S. department of Justice the cruise lines have paid over 100 million in fines. Legally, the cruise lines can dump animal carcasses, cleaning chemicals, and food waste. The emissions from cruise lines emit 3 to 4 times more carbon dioxide per passenger-mile than a jet. That was reported by The New York Time on June 3rd 2019! Its frightening to think what the environmental changes will arise from that. Have you ever been on a cruise? I have, I took one out of Florida and learned a lot from the crew members aboard the ship. Such as, the need to work long hours and being in maritime water where there is no labor laws this in turn affects the people in our environment. Also the CEO of Royal Caribbean Richard D. Fain openly admitted to having more Filipino seafarers than any other nationality, while there is entirely no wrong in hiring from the Philippines however did you know that the Filipino government bars its citizens working on ships from taking nearly all legal action against a foreign company. So who is keeping people safe on might ask. maritime law allows for the high seas to become the wild west. Companies are registering their ships in small countries across the globe and with this loop hole the cruise ships do not have to abide by U.S. strict regulations even though they operate out of the US ports and carry mainly U.S. passengers. The cruise lines are operating on their own rules, by these loopholes. Just like you and I must register your car in a state, cruise lines must register their ships in a country, but they get to decide which country and in turn they follow the countries tax laws, labor laws and safety regulations. So even though Carnival, Royal Caribbean and Norwegian have a headquarters in Miami, Carnival ships are registered in Panama. While Norwegian and Royal Caribbean ships are registered in the Bahamas. 90% of ships are flying foreign flags it saves cruise lines billions in wages and taxes. in the last 3 years Carnival made almost 9 Billion in income, but paid less than 2% in taxes. All the while, their executives are in Miami, but somehow legally, their company is in Panama. Flags of convenience also hurt the passengers especially when it comes to crime, for instance you are on a Carnival cruise and it leaves from Miami, Florida. And a crime is committed, For the first 9 miles you still technically in Florida, from 9-12 miles is federal waters and it's under the FBI jurisdiction. 12 miles out you have entered international waters, but since you are on a Panamanian flagged ship you're legally in Panama this means that a lot of crime goes unpunished. It used to be the Maritime law handled crime reporting as such that cruises weren't legally required to report any crimes to anyone. That changed in 2010, with the vessel safety act but if a cruise line does not want to deal with claiming a suspicious crime to authorities then they don't have to. The Washington Post reported on July 19, 2019 that sexual assault is the most frequent type of crime on ships. Over a third of those victims are minors. Carnival cruise got into trouble when a minor stated she was sexually assaulted by an instructor in the gym, and because of conflicting information and lack of evidence no criminal charges were filed. This leaves the grey area of what to report and who, while the cruise ships should report such acts to the FBI the ship could label it as "groping" or "inappropriate touching" and then they never have to tell the FBI about it.

This could be the by product of having the Long Beach Terminal expanded with more cruise ships in the ocean. The real cost of having the cruise lines is so much deeper than just environmental factors, the price we will pay is poor air quality, poisoned water, more garbage, lost tax revenue, worker abuse, climate change, unreported crime and unpreventable deaths, and if that is still worth it to you, then go right ahead.

thank you for taking the time to read through.

first district resident

Aranna Maciel

Amy Harbin

From: Linn Crandall <ccrandall2@aol.com>
Sent: Saturday, September 07, 2019 6:03 PM
To: Amy Harbin
Subject: Re:Carnival Expansion



On Sep 7, 2019 12:49 PM, Linn Crandall <ccrandall2@aol.com

Please do not let CARP and the wetlands task force prevail against the expansion of Carnival. How wonderful it has been to see Long Beach become a vital cruising port! It increases my pride in Long Beach and, of course, brings in added tourist dollars. I see no reason to protest this other than just to be annoying. I have lived in Naples for 48 years, worked until last week as a school nurse for Long Beach Unified and raised my children here. I am 73. I used to get asked why I would ever live in Long Beach. Now, every year, people are increasingly seeing us as a destination not a drive by. I am still upset Jet Blue was not allowed international flights. We already have customs officials at the port...why not have the same at the airport? Big Mistake! No one likes LAX so the only alternative is Orange County. We have even driven to San Diego.

As an aside, we took the Carnival Splendor from Miami to Long Beach when it repositioned here, and will be on board when it leaves October 5th..taking us to Singapore. Linn Crandall 562-433-1424

Amy Harbin

From: Cheryl McDermott <cmcdermott1228@gmail.com>
Sent: Friday, September 06, 2019 12:52 PM
To: Amy Harbin
Subject: Thumbs up to the Carnival expansion!



Hi, Amy: I just wanted to express my enthusiasm for the planned expansion of Carnival Cruiseline's port area. I'm very excited to see, and hopefully travel on, the new ship. I am also looking forward to a general improvement of the Carnival/ Queen Mary area that I anticipate will take place...along with the likelihood of additional jobs and increased revenue to the city.

Thanks,

Cheryl L. McDermott
Long Beach, CA 90803

Amy Harbin

From: Roland Belikow <rbelikov04@gmail.com>
Sent: Thursday, September 05, 2019 6:24 PM
To: Amy Harbin
Subject: Carnival berth



Hello,

As a property owner and resident of city of Long Beach, I fully support carnival cruise line pier expansion.

Roland Belikow

550 Orange Ave

Long Beach

Amy Harbin

From: Marianne Hunter <2hunter@cox.net>
Sent: Thursday, September 05, 2019 8:50 AM
To: Amy Harbin
Subject: Re Carnival



Thank you for recording public comments on Carnival's expansion plans.

Before Long Beach agrees to any expansion it should REQUIRE PROOF that Carnival has greatly improved its environmental responsibility! Carnival has been recorded as one of (if not THE) dirtiest polluter in the entire cruise business. They pollute both air and water and have been cited for egregious breaking of regulations.

Business is good... but it should be GOOD business.

Carnival needs to clean up it's act FIRST.

Thank you, Marianne and William Hunter
RPV 90275

Sent from my iPhone

September 26, 2019



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

Dear Christopher Koontz:

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

CARB staff reviewed the IS/MND and provided comments to the City in a letter dated July 22, 2019.¹ CARB staff's comment letter (see Attachment A) expressed the following concerns regarding the conclusions of the air quality impact analysis presented in the IS/MND.

1. The City's use of the inappropriate assumption that the *Splendor* is not shore power capable under the Project's baseline condition.
2. Lack of fact-based documentation supporting the assumption that the *Panorama* would emit less air pollutants while in transit as a result of being more energy-efficient than the *Splendor*.
3. Carnival Cruise Line's (Carnival) lack of participation in the Port of Long Beach's (POLB) Green Flag Vessel Speed Reduction Program (VSRP).

The Recirculated IS/MND included more robust language to support the City's chosen baseline and modeling assumptions and potential participation in the POLB's Green

¹ California Air Resources Board, 2019. California Air Resources Board Staff Comments on the Long Beach Cruise Terminal Improvement Project Initial Study/Mitigated Negative Declaration (State Clearinghouse No. 2019069085). July 22, 2019. Accessible at: <https://ww3.arb.ca.gov/toxics/ttdceqalist/longbeachcruiseterminalimprovement.pdf>.

Flag VSRP. However, based on CARB staff's review of the Recirculated IS/MND, the City's revisions did not adequately address CARB staff's original comments for the reasons discussed below.

Inappropriate Baseline Assumption

The Recirculated IS/MND continues to assert that, under the Project's baseline condition, the *Splendor* must operate its auxiliary engines while at berth because it is not currently capable of connecting to shore power. This baseline assumption means that the *Splendor* would emit higher levels of air pollutants while at berth as compared to the proposed shore power capable *Panorama*. CARB staff continues to assert that this baseline assumption is misleading because Carnival would have to either retrofit the *Splendor* to be capable of plugging into shore power, substantially reduce the number of visits, or remove it from California service by the end of 2019 to comply with CARB's existing Vessels At-Berth Regulation, regardless of the Project. Carnival should have already started the process of making the *Splendor* shore power capable to meet the January 2020 At-Berth Regulation compliance deadline, approximately three months away. CARB staff continues to believe it is inappropriate to include the emissions from the *Splendor's* auxiliary engines in the Project's baseline condition and that the City's baseline assumption could inappropriately lead the public to believe that the Project would result in a decrease in harmful air pollutant emissions while vessels are at berth.

The City claims the *Splendor's* compliance with the Vessels At-Berth Regulation would not represent the existing baseline, but rather would constitute the "cherry-picking" of lower air pollutant emissions (Recirculated Appendix A, p. 35.). However, the City's assertion fails to consider the fact that the baseline required in Title 14, California Code of Regulations (CCR), Section 15125 is established to disclose publicly, as an informational document, the proposed Project's likely impacts on the environment beyond the baseline environmental conditions. The City cannot merely choose an existing baseline that yields the highest net reduction in air pollutant emissions, which is what has been done in the Recirculated IS/MND.

The City's failure to include the *Splendor's* compliance with the Vessels At-Berth Regulation does not provide the fullest, most transparent picture of how the proposed Project will impact the air quality of surrounding areas, many of which are already heavily impacted by the air pollutants from activities at POLB. As the California Supreme Court succinctly found:

"...in appropriate circumstances an existing conditions analysis may take account of environmental conditions that will exist when the project begins

operations the agency is not strictly limited to those prevailing during the period of EIR preparation. An agency may, where appropriate, adjust its existing conditions baseline to account for a *major change in environmental conditions that is expected to occur before project implementation*....To the extent a departure from the 'norm[]' of an existing conditions baseline (Guidelines, 14125(a)) promotes public participation and more informed decision making by providing a more accurate picture of a proposed project's likely impacts, CEQA permits the departure."
[Emphasis added]²

The Project proponent must seek a federal consistency certification from the California Coastal Commission (CCC) for its activities involving the disposal of dredged materials at the LA-2 Ocean Dredge Material Disposal Site. Obtaining a federal consistency certification from the CCC can take months to acquire.³ Due to the processing time to receive certification from the CCC, the actual implementation of the Project will very likely occur sometime in mid-2020, at the earliest, well after the *Splendor* should have come into compliance with the Vessels At-Berth Regulation.⁴ The final approval of the Project in mid-2020 will not occur until well after the *Splendor* has been operating in full compliance with the Vessels At-Berth Regulation. Given this, it would be of no informational value to include the *Splendor's* current emission levels that are not compliant with the Vessels At-Berth Regulation. Therefore, CARB staff requests, again, that the City include the *Splendor's* emission levels when it is fully compliant with the Vessels At-Berth Regulation in the baseline for the IS/MND's air quality impact analysis for the proposed Project.

Lack of Substantial Evidence to Support Vessel Emission Rates

Carnival and the City continue to assert that the vessel engine energy use of the larger 133,300 gross ton *Panorama* (161,652 daily kWh) is less than the vessel engine energy use of the smaller 113,300 gross ton *Splendor* (332,161 daily kWh). This represents a 51 percent reduction in vessel energy use. The Recirculated IS/MND explains that the difference in energy consumption between the *Splendor* and *Panorama* is primarily attributable to vessel age and more efficient and modern diesel engines.

² *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 452-453

³ <https://www.coastal.ca.gov/fedccd/guidecd.pdf>.

⁴ It's also not clear if this project is specifically called out in any of the PMP documents currently certified by the Coastal Commission. If it has not been specifically called out, then there is an argument that the project needs approval (either as a PMP amendment or CDP) from the Coastal Commission pursuant to Public Resources Code section 30715, subdivision (a). If the Coastal Commission has to act on a PMP amendment to include this project in the POLB PMP or issue a CDP for the project, the effective date of final approval may not occur until the end of 2020 or early 2021, given the typical review periods at the Coastal Commission.

CARB staff continues to urge the City and Carnival to release the source of the data supporting the energy consumption of the *Splendor* and *Panorama* as presented in Appendix B of the Recirculated IS/MND. By doing so, the engine energy use versus vessel speed data for the propulsion engines, as well as engine energy use data for the auxiliary engines for both the *Splendor* and *Panorama*, can be confirmed. Without citation to substantial evidence, there is currently no legal basis to support the conclusory finding of the Recirculated IS/MND, that the project would not result in a significant adverse environmental impact.⁵

Port of Long Beach Green Flag Vessel Speed Reduction Program

In response to CARB staff comments on the IS/MND regarding Carnival's participation in POLB's Green Flag VSRP, Carnival stated that it is currently completing a study to evaluate the feasibility of participating in the Green Flag VSRP. According to the Recirculated IS/MND, the feasibility study is expected to be completed prior to the City's approval of the Project. If the City approves the feasibility study, the City will integrate the findings of the study into a Condition of Approval VSR agreement with Carnival. It is unclear what is specifically being analyzed in the feasibility study. Therefore, CARB staff urges the City to either participate in POLB's Green Flag VSRP or participate in an alternative program that achieves equal or greater air pollutant emission reductions.

Recommendations

Based on the remaining deficiencies in the Recirculated IS/MND, CARB staff urges the City to revise the air quality analysis and release a revised IS/MND for public review and comment. Should the revised IS/MND find, after adequately addressing the deficiencies noted in this letter, that the Project may have a significant and unavoidable impact on the environment, the City must prepare and circulate a draft Environmental Impact Report for public review, as required by CEQA.

⁵ "In reviewing an agency's compliance with CEQA. . . the courts' [evaluate whether the lead agency prejudicially abused its discretion where] . . . [s]uch an abuse is established 'if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence.' [Citation omitted]" (Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 426.) Therefore, a lead agency must support its MND and required findings that there is no possibility that the project may have an adverse impact on the environment with substantial evidence.

Christopher Koontz, AICP
September 26, 2019
Page 5

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

Sincerely,

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

Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division

cc: See next page.

Christopher Koontz, AICP
September 26, 2019
Page 6

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

Matt Arms
Acting Director, Planning and Environmental Affairs Bureau
Port of Long Beach
415 West Ocean Boulevard
Long Beach, California 90802

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

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

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Keck School of Medicine (ret.)
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ahricko@hsc.usc.edu

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

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

Stanley Armstrong
Air Pollution Specialist
Transportation and Toxics Division

Attachment A

July 22, 2019

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

Dear Christopher Koontz:

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

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

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

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

Christopher Koontz, AICP
July 22, 2019
Page 2

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

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

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

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

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

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

Christopher Koontz, AICP
July 22, 2019
Page 3

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

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

Sincerely,

A handwritten signature in cursive script that reads "Richard Boyd".

Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division

cc: See next page.

Christopher Koontz, AICP
July 22, 2019
Page 4

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

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

Morgan Capilla
NEPA Reviewer, Air Division, Region 9
U.S. Environmental Protection Agency
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Taylor Thomas
East Yard Communities for Environmental Justice
2317 South Atlantic Boulevard
Commerce, California 90040

Stanley Armstrong
Air Pollution Specialist
Transportation and Toxics Division

Amy Harbin

From: twoflowers@verizon.net
Sent: Thursday, September 26, 2019 2:31 PM
To: Amy Harbin
Subject: Carnival Cruise Line Terminal Expansion Opposed



Dear Amy Harbin,

I hope all is well with you and yours and that you are having a good week.

I am writing to express my strong opposition to the proposed Carnival Cruise Line terminal expansion going ahead on the basis of a Mitigated Negative Declaration rather than an in-depth environmental impact study. According to a September 6, 2019, article in the *Long Beach Press Telegram*, respected environmental experts such as the Sierra Club and Los Cerritos Wetlands Task Force disagree with the City's initial study and believe the project could harm our local port and the entire ocean -- and, a community group, Citizens About Responsible Planning shares these concerns.

I have lived in Long Beach since 1985, in the northwest area near the junction of the 710 and the 91. I am concerned about negative impacts of port expansion on my neighborhood and on Long Beach as a whole. In particular, I oppose any disruption and reduction of sea water space at the port, and I oppose bringing 600 more cars into our port and onto our freeways and city streets, adding to the fumes we already breathe and the stressful congestion and noise on our streets.

I know from my personal experience and that of friends that port growth has a hard impact on folks in Long Beach, especially those living on the west side. Childhood asthma rates are abnormally high and cancer rates are affected by port emissions and port-related traffic.

I have not read the study on the Planning Department website, but I have concerns based on the newspaper article. Since environmental experts and a community group have raised local and global concerns about the initial study, I believe it is the City's responsibility to do a full in-depth environmental impact report.

Local history has shown that growth at the port negatively impacts our local communities; there are studies to document this. And our port activities also have an impact on global warming.

The scientists of the world have made it clear in their recent reports that we must keep global temperature rise to 1.5 degrees Celsius in order to prevent even greater and more uncontrollable climate crises than we are already experiencing. Speakers from Pacific and Caribbean island nations at this Monday's United Nations Climate Action Summit made it clear that their beloved homelands and their very survival depend on all nations stopping business as usual and moving immediately to make the changes necessary to guarantee the 1.5 goal. Expanding our port for a cruise ship line looks ridiculously unimportant in light of what we are *now* experiencing as a species: the beginning of the sixth mass extinction on our planet. It's all connected.

Bigger ships, deeper harbor, shrinking harbor seawater, more parking spaces, more traffic, more noise, more fumes, more stress in the community. Worse community life and more danger for Mother Earth. We must look at growth differently than we used to, before we knew about the climate crisis and the 6th Mass Extinction. And our government agencies must meet the decades-long demand of highly impacted communities to honor their health and lives.

A related problem with the Carnival Cruise Line terminal expansion project is the criminal and dishonest history of this company. (Please see, "Carnival Keeps Its U.S. Port Privileges", *Press Telegram*, July 11, 2019.) This company was caught at least twice violating environmental laws. They even violated their probation!

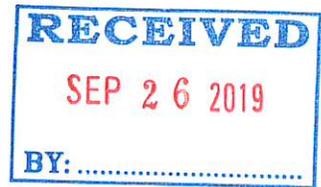
Why would we invite a company like this to expand in our harbor? A company so hostile to the environment, a company that cuts corners and damages the ocean and its creatures in order to increase profits. Do we look the other way because we need jobs? I say, no. We need to look to our government at all levels for *new environmentally clean* good-paying jobs. Our lives depend on it.

I say Carnival Cruise Lines should be banned from Long Beach Harbor, not allowed to expand. I call on my city to keep better company than Carnival Cruise Lines.

Thank you for your time and attention to this matter. I look forward to your response.

Sincerely,

Dianne Flowers
(562) 810-6713



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

**COMMENTS TO THE CITY OF LONG BEACH ON THE
REVISED MITIGATED NEGATIVE DECLARATION
CONCERNING THE
LONG BEACH CRUISE TERMINAL IMPROVEMENT PROJECT**

Date: September 26, 2019

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

Re: City of Long Beach Revised Mitigated Negative Declaration regarding the Long Beach Cruise Terminal Improvement Project

We respectfully submit these comments to both the City of Long Beach (LB) and Port of Long Beach (POLB) because (1) there are jurisdictional issues between the two entities and (2) we are concerned about adherence to the POLB's Clean Air Action Plan (CAAP) and the accuracy of POLB's Emissions Inventories, which are led by/conducted by POLB. The California Environmental Quality Act (CEQA) documents referenced above were submitted for consideration by the City of LB.

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

As background, we again note that the proposed cruise terminal *improvement* project follows the 2017-2018 cruise terminal *renovation* project, which – according to Carnival –

more than doubled the size of the cruise terminal and enhanced its capabilities to allow larger ships to plug in to electricity. That renovation project was completed with two CEQA “exemptions” – one submitted by the City of LB and another by the POLB.

We are concerned the Carnival Panorama is already taking cruise bookings starting in December of this year out of Long Beach and that Carnival’s urgency may be playing a role in the time-limited process. For the Panorama to operate out of the Long Beach Cruise Terminal starting less than six months from now, this project (with its flawed revised MND) would have to start construction and dredging immediately. Carnival’s timeline should not control the CEQA process. In addition, we note that Carnival has made two donations (2017 & 2018) to the Mayor of Long Beach’s Education Fund, with one donation displayed by the press in a joint Carnival-City of LB announcement about the first cruise ship terminal expansion project.

Most importantly, we believe that, for a variety of reasons, the air quality analysis performed by the City is faulty and needs to be redone, taking into account complaints raised by the California Air Resources Board (CARB) in its comment letter on July 22, 2019 and its latest comment letter. We also offer a Power Point Presentation in support of our questioning whether the POLB and the City of LB chose different air quality baselines to support their decisions to allow the Carnival Splendor to home berth in LB – and the future Carnival Panorama to home berth in LB.

We also note our surprise that the POLB 2018 Emissions Inventory published this month fails to note that emissions at the LB Cruise Terminal went up in 2018 when the Carnival Splendor, which is highly polluting since it does not plug in to electricity, was suddenly brought back to Long Beach and allowed to home berth there, replacing a cleaner ship that did plug in to shore power. To us, this seems like a serious omission and makes us question the methods used in the inventory that would allow failure to mention this.

OUR REQUESTS:

1. First and foremost, we again ask the revised MND be withdrawn and that the air quality analysis be redone, considering the problems detailed in our comments and those of the CARB. If the project is shown to have a significant impact on the environment, then we request that the City prepare and circulate for comment a Draft Environmental Impact Report (DEIR), as required by CEQA.
2. We are concerned about the fact that the largest Carnival Cruise ship in the world will be home-berthed in the future at the Long Beach Cruise Terminal if this project is approved. That ship is the Panorama, owned by Carnival Cruise Lines – a shipping line that has the worst environmental record for cruise ships in the world. (*See attachments to our original comments*). We request that the long-

term future of excess emissions and other environmental issues at the Long Beach Cruise Ship terminal with Carnival ships be diligently scrutinized by staff at the POLB who have more significant expertise in this area, in light of the size of the ship that would be home-berthed in LB for years to come and the egregious environmental record of Carnival.

3. We request that any revision to the IS/MND or a DEIR reconsider the way the City of LB has selected an air quality baseline. There are several different issues that indicate the comparison of the Panorama's future emissions to the Splendor's current emissions is inappropriate.
 - a. The baseline the City selected is for the previous two years, 2018-2019, after the first Cruise Ship Terminal renovation project was completed and after arrival of the polluting Carnival Splendor, which does not plug into electricity. For five years (2013-2017) prior to arrival of the Splendor, emissions were much lower than during 2018-2019.
 - b. The POLB received a CEQA exemption for the cruise terminal renovation in 2016 arguing that the Splendor had previously been berthed at the Cruise Terminal from 2010-2012. Thus – the City of LB compared emissions for the *current terminal improvement project* with the previous two years, but the POLB compared emissions for the *renovation project* to those six years earlier when the Splendor docked there. We would argue that the City and the Port cannot just choose a “baseline” that gives them the most desirable result for their aim. The City in its revised MND cites various legal cases and argues that the correct baseline to choose is the most recent one that reflects “current conditions.” Under that approach, did the POLB in 2017 illegally choose a baseline from years earlier so that it could manipulate results? Had the City of LB used that same approach for this project, it could have compared the Panorama emissions to those from 2013-2017, when all ships plugged into electricity. But a bigger question is – isn't it the responsibility of a government agency to choose a baseline that is NOT MISLEADING. We argue that both the POLB in its CEQA exemption in 2017 and the City of LB in its MND in 2019 are choosing misleading baselines for its CEQA analysis.
 - c. New CARB rules will require greater use of shore power – and therefore, the Splendor would have to be moved to another location or be outfitted with shore power capabilities by January 2020, meaning that any comparison between future Panorama emissions and current Splendor emissions is faulty because the Splendor could not continue to operate at the LB Cruise Terminal after 2020 without shore power. For that reason alone, the air quality analysis needs to be redone. Please see both sets of CARB comments on this issue.

4. We believe that mitigation measures are going to be required when the air quality analysis is revised. Therefore, we request that the City of LB mandate (rather than have as voluntary) that the Panorama follow the VSR rules.
5. We request that if the revised air quality analysis shows that mitigation measures will be required, the Panorama be mandated to plug in to electricity during all visits and that this be included in the draft EIR.
6. Further, if a revised air quality analysis shows that the Panorama's arrival will increase pollution, then the goals of the Clean Air Action Plan will be undermined and there will be additional health risks. The short- and long-term effects of exposure to high levels of ambient air pollution on children in port adjacent communities is a major concern based on a large body of research documenting associations between exposure to diesel pollution from transportation-related sources and illness. (See list of references about the health effects of diesel exhaust at this URL: <https://envhealthcenters.usc.edu/infographics/infographic-living-near-diesel-exhaust/references-living-near-diesel-exhaust>). For Long Beach residents, in particular, this concern is evident in the 2011 Los Angeles County Health Survey, which found an estimated 13.3% of children with current prevalence of asthma, higher than the County at 9%. (<http://www.publichealth.lacounty.gov/ha/hasurveyintro.htm>) Increased port operations is a boon for the economy but there are also fiscal and quality of life burdens to the health of fence line communities – particularly children whose lungs are still developing.
7. We request that any documents that are redone on the air quality analyses also re-evaluate the GHG emissions for the Terminal Improvement Project and if they are higher than they were previously that the City of LB include any increases in its Climate Action and Adaptation Plan (CAAP) Greenhouse Gas (GHG) Inventory, for baseline purposes, anticipated GHG emissions from the berth and operation of the Carnival Panorama (which according to Carnival's website, is already being booked for Long Beach to Mexico cruises starting in December 2019). As knowledge of the Panorama has already been available to the City prior to the release of the GHG inventory, and the Panorama is to begin operation prior to the 2020 anticipated adoption of the City's CAAP, omission of the ship's emissions would mislead trajectories, making net zero emissions targets more difficult to achieve. To ignore and omit these GHG emissions simply due to CAAP protocol cut-off dates would be irresponsible.
8. We believe that the dredging for this project should be subject to a full DEIR especially regarding the proposed mitigation for biological impacts – impacts to marine mammals and birds in particular. In addition, this dredging will be conducted for the benefit of Carnival Corporation in order for it to bring in its largest ship. Carnival Corporation has a criminal record and the cruise line's

behavior over the past decade or more indicates lack of care for the environments or communities in which its ships travel. The dredging provides a huge subsidy to Carnival Corporation with fewer benefits to the Long Beach region, especially in light of past pollution for which the community has not been made whole. The City of LB should not be subsidizing the dredging for this project and the environmental impacts from this activity require the higher scrutiny of an DEIR and serious consideration by the Coastal Commission. (See newly submitted comments from CARB re the California Coastal Commission; Friends of the Earth action alert; and news story from the U.S. Department of Justice, attached).

CHRONOLOGY OF THE LONG BEACH CRUISE TERMINAL RELEVANT TO THE AIR QUALITY ANALYSIS

Prior to 2010

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

2010-2012

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

2013 – 2017

Three Carnival Cruise Line ships operate cruises out of Long Beach, Carnival Inspiration, Carnival Imagination and Carnival Miracle. All three ships are capable of plugging in to electricity.

2016

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

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

2017-2018

On July 11, 2019, Andrea Hricko submitted a request for any CEQA documents about the cruise terminal renovation during 2017 - 2018 to both the POLB and City of LB. She received a response from Heather Tomley (POLB) stating that the POLB had received a CEQA exemption for that project – meaning there were no estimated significant impacts of the project.

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

Ms. Tomley also told PRA requestor Andrea Hricko that in 2017 the City of LB received a CEQA exemption for the shore power station enlargement.

The Cruise Terminal Renovation was completed in 2018.

February 2018

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

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

In Feb. 2018, Carnival announces that it is going to bring the Carnival Panorama to Long Beach.

June 2019

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

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

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

June 2019

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

A large group of environmental justice, environmental and community groups and concerned academics submit their comments to the City of Long Beach on the NOI/IS/MND.

July 2019

The revised MND is released, with apparently few changes from the original. The City argues that it could not “cherry pick” the baseline – that legally it is required to compare the project to the existing conditions.

Under that approach, it would have been illegal for the Port of Long Beach to “cherry pick” a 5-year earlier baseline when it sought a CEQA exemption for the Splendor to return to the POLB in 2018.

Would it not be better to use the theory of choosing a baseline that is not “misleading” to the public?

Major unanswered questions

- 1) Who is in charge here?
 - The City of LB
 - The POLB or
 - Carnival Cruise Lines?

- 2) Doesn't it seem like someone is using the Carnival “Splendor” as a pawn in this process?
 - * definition of “pawn:” “something manipulated and used by others”
 - * *We note that Carnival announced in 2017 that the Splendor would be returning in February 2018. A few months after the [polluting] Splendor's return, Carnival announced it was planning to bring in the [much cleaner] Panorama. One might wonder if this was a clever way to allow using the Splendor for the CEQA baseline, i.e., another way of “cherry-picking” [or manipulating] the baseline to claim that emissions would be lower after the Panorama arrived.*

OUR MAJOR REQUEST

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

Thank you.

Signatories:

Coalition for Clean Air

Jerilyn Mendoza, Policy Director

Communities for a Safe Environment

Jesse Marquez, Executive Director

Community Dreams

Ricardo Pulido, Executive Director

Concerned academics at USC and UCLA:

Andrea Hricko, Prof. Emerita, USC Keck School of Medicine

John Froines, Prof. Emeritus, Fielding UCLA School of Public Health

Ed Avol, Professor, USC Keck School of Medicine

Rob McConnell, Professor, USC Keck School of Medicine

DSA Long Beach Climate and Environmental Justice Committee

Kirsten Lanham, Organizer

East Yard Communities for Environmental Justice

Taylor Thomas, Research and Policy Analyst

Long Beach Alliance for Children with Asthma

Sylvia Betancourt, Project Manager

Long Beach 350

Alice Stevens, Co-founder and organizer

Attachment to comments submitted by multiple groups
Powerpoint presentation by Andrea Hricko,
Professor Emerita, USC Keck School of Medicine
Sept. 26 , 2019

Submitted to City of Long Beach as an attachment to comments on
the revised NOI/IS/MND
for the Long Beach Cruise Terminal Improvement Project

Cruise Ship Terminal Expansions

at Port of Long Beach
(POLB)

2010-2012

- Three Carnival ships at berth:
 - Imagination
 - Inspiration
 - Splendor

2013-2017

- Carnival cruise ships home-berthed in Long Beach:
 - Imagination
 - Inspiration
 - Miracle
 - All plugged into electricity

2017

- January 2017: City of Long Beach requests and receives a CEQA exemption for enhancements to electrical power facilities at the Cruise Terminal
- April 2017: City of Long Beach starts to enlarge Cruise Terminal to better accommodate Carnival ships
 - Carnival donates \$25,000 to Mayor's Education Fund
- April 2017: POLB requests and receives a CEQA exemption - after learning that Carnival planned to bring back the Splendor
 - Exemption does not mention that the Splendor will be returning
 - POLB argues the ship had been berthed there before so environmental review of it not needed
 - No public announcement about CEQA nor about return of the polluting ship Splendor

Return of the Splendor ...

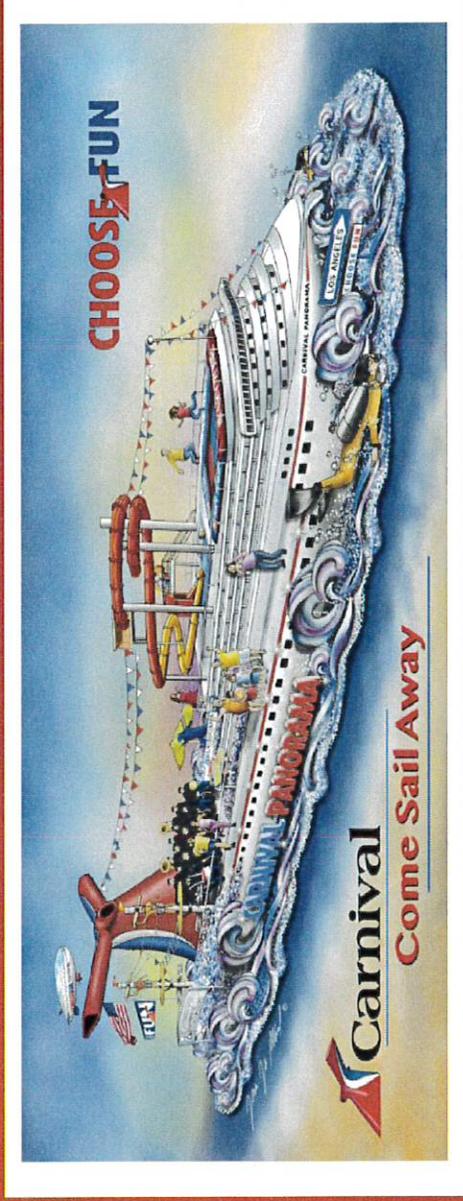
- * Port of LB - choice of baseline for return of the Splendor
Phone conversation in June 2019 with Friends of the Earth, Coalition for Clean Air and USC professor emerita Hricko, and Port of Long Beach staff
 - POLB staff told the group that internally they reasoned that the arrival of the Splendor did not require an environmental review because the ship had been berthed at the POLB before
 - POLB therefore “reached back” or “cherry-picked” the years 2010-2011 as “baseline”
 - jumping over 5 much cleaner years
 - If they had selected the existing conditions as “baseline” they would have needed an environmental analysis of the Splendor - because the existing conditions had lower emissions than when the Splendor arrived
- Nov. 2017: Carnival announces Splendor will be back in LB in Feb. 2018
 - It does not plug into electricity so there will be much more pollution than during the previous 5 years

2018

Feb. 2018 Carnival brings the [polluting] Splendor back to LB
Feb. 2018 Carnival announces it wants to further expand LB cruise terminal so that it can accommodate the largest cruise ship in world: the Panorama

<https://www.usatoday.com/story/travel/cruises/2018/02/11/rare-move-carnival-cruise-line-base-new-ship-california/327130002/>

- Aug. 2018: Carnival donates another \$25,000 to the Mayor of LB's Education Fund; not reported until May 2019.



Carnival plans a float for Rose Parade to kick off plans for the Panama and for a major cruise ship terminal expansion - 7 months before City of LB announces it!

Nov. 26, 2018:

- *“Carnival Cruise Line will kick off its 2019 West Coast expansion plans*

- *on New Year’s Day with its first-ever float in the world-famous Rose Parade as part of a year-long celebration of its first new ship to homeport in California in 20 years that will arrive in December 2019.”*

• <https://www.travelpulse.com/news/cruise/carnival-to-kick-off-year-long-celebration-of-new-carnival-panorama.html>

- **NOTE:** City of Long Beach did not announce expansion plans in the form of a Notice of Intent/Mitigated Negative Declaration until June 2019 - 7 months later.

CEQA ... for LB Cruise Terminal Improvement

- June 2019: NOI/IS/MND issued. City of LB's analysis compares what the pollution will be like from the huge Carnival Panorama after it arrives in 2019 and plugs into electricity... to what emissions were in 2018/2019 with the polluting Splendor
 - Some commenters on the NOI/MND argued that the City should have compared future Panorama pollution to the recent 5 year period when pollution levels were lower -- before the Splendor suddenly reappeared
- In August 2019, the City of LB in revised NOI/MND says that legally it has to choose the most recent year for the baseline comparison
 - Going back would be "cherry-picking," City claims
- Using that argument, doesn't it mean that POLB's earlier choice to "go back more than 5 years" for a baseline comparison when the Splendor arrived "cherry-picking" and illegal?
 - That is, should the POLB's CEQA exemption not have been granted to allow the polluting Splendor to dock?

The Splendor ... seems like a “playing card”

- 2017: The Splendor is very polluting.... but Carnival wants it to dock again in L.A. SO the POLB gets a CEQA exemption because “ it used to be here a number of years before,” essentially arguing that the increase in pollution is okay because the Splendor docked in LB years earlier
- A year later, when Carnival wants to replace the Splendor with the largest cruise ship in the world, the City of Long Beach argues how much cleaner that new ship will be because its plugs into electricity - compared to that filthy diesel trap, the Splendor!!
- Our conclusion: The Panorama’s future emissions should be compared for baseline purposes to the 5 years before the Splendor arrived, 2013-2017.
 - The City of LB should not be able to take advantage of the situation that for one year an extremely polluting ship, the Splendor, was allowed to dock with a faulty Port of LB argument that cherry picked a baseline and allowed granting of a CEQA Exemption.

Another possible scenario? -- Make it convenient to show emission reductions when the Panorama arrived. Re-look at timeline...

- Nov. 2017 Carnival announces it is bringing back its ship the Splendor to Long Beach
 - Why?
 - No reasons offered
 - Splendor is highly polluting; large ship that does not plug into electricity to replace a ship that DOES plug in
- Feb. 2018 The polluting Carnival Splendor arrives in Long Beach
- Feb. 2018 Carnival announces that its largest cruise ship in the world is going to be home-berthed in Long Beach and that the Panorama will plug into shore power
- June 2018: City of LB argues the Panorama will have fewer emissions than the Splendor

Timeline and selection of baseline

POLB reaches back to 2010-11 for baseline for Splendor's CEQA exemption saying Splendor "was here before"



2010-2011

Polluting Splendor berthed at POLB with cleaner Imagination & Inspiration



2013

until

2017

- * Carnival Imagination, Inspiration and Miracle ships all berthed at POLB
- * This Commenter argues these 5 years should constitute City of LA NOI/MND baseline; all 3 ships plugged into shore power for 5 years before Splendor returned!

City of LB selects this dirty year as baseline to show Panorama will be cleaner



2018-2019

Polluting Splendor returns with POLB CEQA exemption; does not plug into shore power

NOI/ MND for LB Cruise Terminal Expansion Project to allow Panorama to berth at POLB

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

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

Date: July 22, 2019

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

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

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

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

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

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

OUR REQUESTS:

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

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

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

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

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

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

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

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

Further, if a revised air quality analysis shows that the Panorama's arrival will increase pollution, then the goals of the Clean Air Action Plan will be undermined and there will be additional health risks. The short- and long-term effects of exposure to high levels of ambient air pollution on children in port adjacent communities is a major concern based on a large body of research documenting associations between exposure to diesel pollution from transportation-related sources and illness. *(See list of references about the health effects of diesel exhaust at this URL:* <https://envhealthcenters.usc.edu/infographics/infographic-living-near-diesel-exhaust/references-living-near-diesel-exhaust>). For Long Beach residents, in particular, this concern is evident in the 2011 Los Angeles County Health Survey, which found an estimated 13.3% of children with current prevalence of asthma, higher than the County at 9%. (<http://www.publichealth.lacounty.gov/ha/hasurveyintro.htm>) Increased port operations is a boon for the economy but there are also fiscal and quality of life burdens to the health of fence line communities – particularly children whose lungs are still developing.

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

Prior to 2010

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

2010-2012

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

2013 – 2017

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

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

2016

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

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

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

2017-2018

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

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

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

February 2018

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

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

June 2019

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

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

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

June 2019

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

July 2019

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

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

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

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



**Table 4.3-4
Peak Daily Operation Emissions**

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

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

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

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

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

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

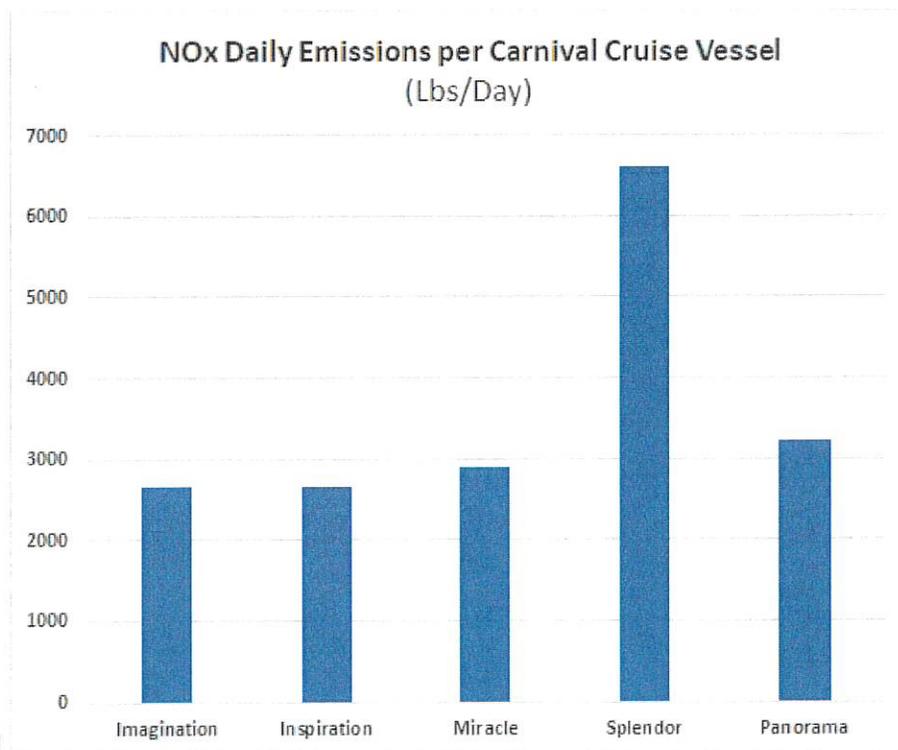


Table III

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

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

Panorama NOx emissions: 3211 pounds/day

Imagination NOx emissions: 2654 pounds/day

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

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

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

Thank you.

Signatories:

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

Concerned Academics from USC and UCLA:

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

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

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

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East Yard Communities for Environmental Justice: Taylor Thomas, Research and Policy Analyst
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Friends of the Earth: Marcie Kever, Oceans and Vessels Program Director
(MKeeper@FOE.org)

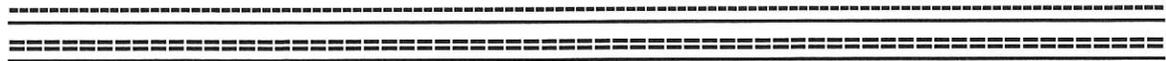
Long Beach Alliance for Children with Asthma: Sylvia Betancourt, Project Manager
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Long Beach 350: Alice Stevens, Co-founder and organizer (alicestevens1@gmail.com)

DSA Long Beach Climate and Environmental Justice Committee: Kirsten Lanham
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Coalition for a Safe Environment: Jesse Marquez, Executive Director
(jnm4ej@yahoo.com)

Community Dreams: Richardo Pulido, Executive Director



ATTACHMENTS

Carnival Cruise Lines press release



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

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

NEWS PROVIDED BY
Carnival Cruise Line

Apr 12, 2017, 16:54 ET

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

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

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

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

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

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

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

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

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

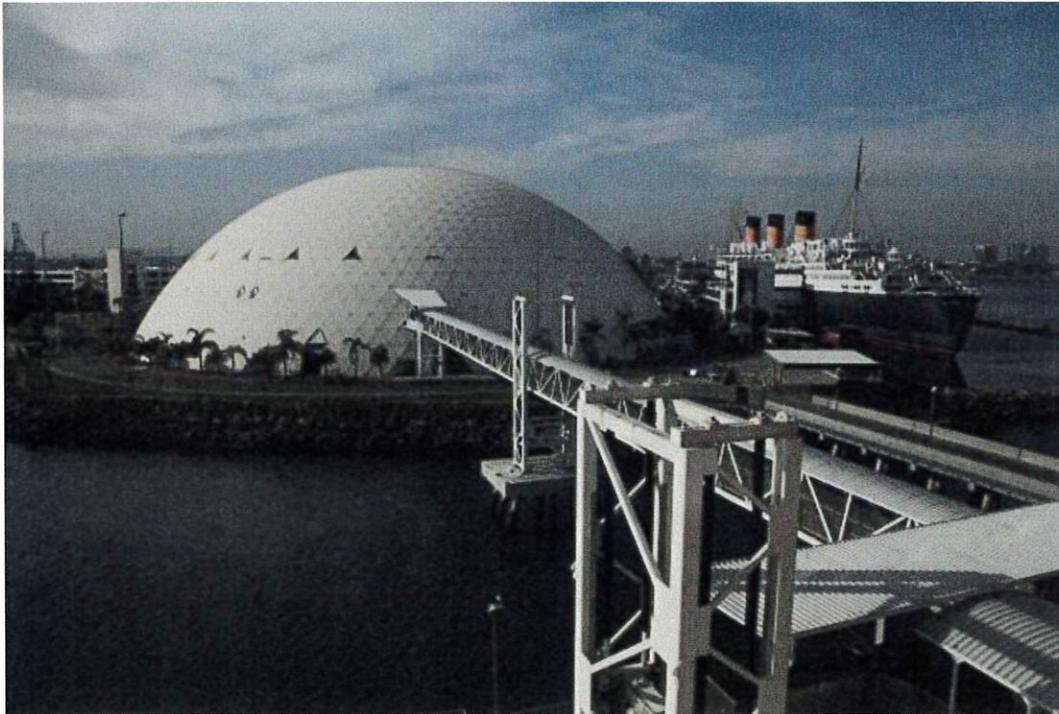
Journalists also can visit Carnival's media site, <http://www.carnival-news.com/> or follow the line's PR department on Twitter at <http://www.twitter.com/CarnivalPR>.

NEWS STORY IN LB Press Telegram, April 12, 2017

BUSINESS

Carnival launches project to double space at Long Beach facility





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



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

By [Courtney Tompkins](#) |

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[TRAVEL](#)

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

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

(Carnival Cruise Line)

By ROSEMARY MCCLURE

FEB. 11, 2018

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

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

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

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

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

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

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

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

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

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

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

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

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

Friends of the Earth Action Alert

FOE action alert

To Whom it may concern:

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

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

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

Thank you.

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

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Monday, June 3, 2019

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

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

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

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

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

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

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

The company admitted to other violations of probation today including:

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

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

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

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

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

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

Topic(s):

Environment

Component(s):

[Environment and Natural Resources Division](#)

[USAO - Florida, Southern](#)

CRUISELAWNEWS NEWS STORY

Published by [Jim Walker](#)

Federal Judge Threatens to Imprison Carnival Executives for Continued Environmental Crimes

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

POSTED IN [POLLUTION](#)

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

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

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

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



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

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

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

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

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

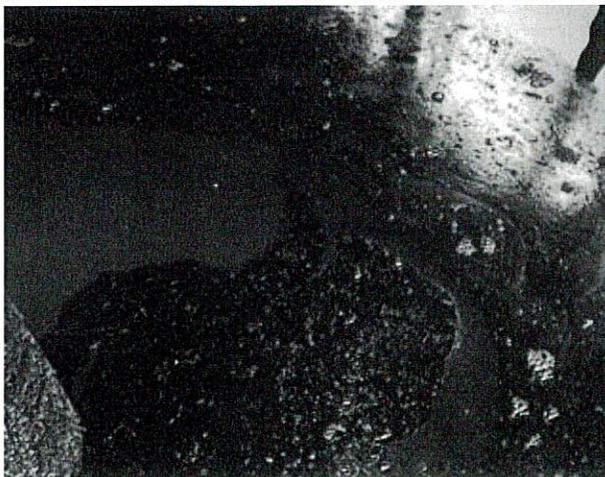
The government informed Judge Seitz that, regarding the *Carnival Elation*, Carnival knowingly and deliberately discharged plastic which was a significant violation of probation.

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

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

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

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



operated by Carnival Corp. brands

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

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

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

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

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

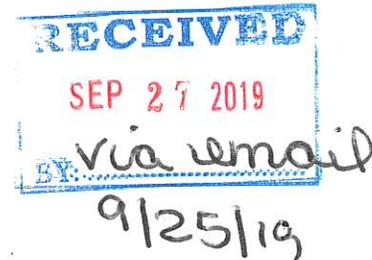
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September 25, 2019

Amy Harbin, AICP
City of Long Beach
Development Services Department
411 West Ocean Blvd., 3rd Floor
Long Beach, CA 90802



Subject: Recirculated Initial Study/Mitigated Negative Declaration (IS/MND) for the Long Beach Cruise Ship Terminal Improvement Project

Dear Ms. Harbin:

The Coastal Commission staff submits the following comments on the above-referenced project. The Carnival Corporation proposes to make numerous improvements to its cruise ship terminal located on Pier H in the Port of Long Beach, adjacent to the Queen Mary seaport complex. These improvements include dredging to deepen the existing berth and expand the berthing area in order to accommodate larger cruise ships at the terminal. The IS/MND states on Page 2-12 that that Carnival Corporation is required to obtain permits and approvals from several agencies prior to the start of construction, including dredging and disposal operations.

Missing from that list is the requirement that Carnival Corporation prepare and submit to the California Coastal Commission a federal consistency certification for the proposed disposal of dredged materials at the LA-2 ocean disposal site. The Commission must concur with that certification before the Corps of Engineers can issue a Clean Water Act Section 404 permit to Carnival Corporation for proposed dredging at the cruise ship terminal and disposal of dredged sediments at LA-2. Page 2-12 of the IS/MND should be corrected to incorporate this regulatory requirement. In addition, similar corrections to reflect the federal consistency requirement should also be made on pages 4.4-6 and 6-2 of the IS/MND. The proposed project schedule stating that dredging and disposal would occur between August and December 2019 should be corrected to reflect the need for Commission review and action on Carnival Corporation's required consistency certification.

The consistency certification will need to include a description of the proposed disposal activity at LA-2, documentation that the dredged materials are suitable for open ocean disposal (including confirmation of suitability by the Southern California Dredged Material Management Team), documentation that none of the dredged materials are suitable for beach replenishment or other beneficial reuses, and analysis of project consistency with the applicable Chapter 3 policies of the Coastal Act, in particular the marine resource and water quality policies.

Amy Harbin, AICP, City of Long Beach
September 25, 2019

Thank you for the opportunity to comment on the recirculated IS/MND for the proposed project.
Please contact me should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "LARRY SIMON". The letters are in all caps and have a cursive, slightly slanted appearance.

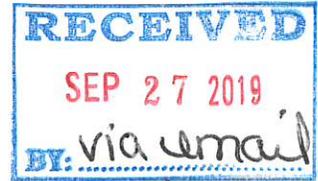
Larry Simon
Federal Consistency Coordinator

cc: Dani Ziff, CCC – South Coast District
Antal Szijj, Corps of Engineers, Los Angeles District
Wilkin Mes, Carnival Corporation
Alan Ashimine, Michael Baker International, Inc.



South Coast Air Quality Management District

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



September 24, 2019

SENT VIA E-MAIL AND USPS:

Amy.harbin@longbeach.gov

Amy L. Harbin, ACIP, Planner

City of Long Beach

Development Services Department

333 W. Ocean Blvd., 5th Floor

Long Beach, CA 90802

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

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

The Proposed Project is an important project for the Port of Long Beach and the region. The Lead Agency should use this Proposed Project as an opportunity to take more aggressive actions to accelerate implementation of the cleanest technologies and contribute its fair share to reducing air pollution and advancing the objectives of the South Coast AQMD's 2016 Air Quality Management Plan (2016 AQMP) and the San Pedro Bay Ports 2017 Updated Clean Air Action Plan (2017 Updated CAAP).

South Coast AQMD Staff's Summary of Project Description and Background

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

The Lead Agency released the MND for the Proposed Project on June 20, 2019 through July 19, 2019. South Coast AQMD staff provided comments² on the MND, which can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2019/july/LAC190620-03%20.pdf>.

South Coast AQMD staff recommended that the Lead Agency further strengthen existing mitigation measures (MMs) AQ-1 and AQ-2 and incorporate additional mitigation measures such as ramping up shore power usage and building electrical infrastructure to facilitate an improved alignment between the Proposed Project and the 2016 AQMP and the 2017 Updated CAAP. The Lead Agency recirculated the MND for the Proposed Project for public review and comments on August 28, 2019 through September 26, 2019.

¹ RMND, Project Description Section 2, Page 2-8.

² South Coast AQMD, July 19, 2019. South Coast AQMD staff's comments on the MND for the Long Beach Cruise Terminal Improvement Project. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2019/july/LAC190620-03%20.pdf>.

The Proposed Project is within the West Long Beach Community that is disproportionately impacted by air pollution generated from sources, such as, marine ports, heavy-duty diesel trucks, oil drilling and production facilities. As a result, the community of West Long Beach is part of the South Coast AQMD AB 617 Community Emission Reduction Program. Through this program the Wilmington, Carson, West Long Beach community has developed a Community Emissions Reduction Plan that identifies air quality priorities and actions to reduce air pollution in the community. Therefore, South Coast AQMD staff recommends that in addition to the mitigation measures that have been previously recommended in the South Coast AQMD staff's comment letter, dated July 19, 2019, the Lead Agency review the Community Emissions Reduction Plan for additional measures to reduce air quality impacts from the Proposed Project.³

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

Similar to the Air Quality Analysis in the original MND, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds in the RMND. Based on the Air Quality Analysis in the RMND, the Lead Agency found that the Proposed Project's air quality impacts from construction activities would be less than significant after implementation of MMs AQ-1 and AQ-2⁴. MM AQ-1 requires onshore construction equipment to meet U.S. EPA Tier 4 Final off-road emission standards; compliance with South Coast AQMD Rule 403 – Fugitive Dust to reduce fugitive dust emissions; and utilization of tugboats that meet Tier 3 emission standard requirements or higher, if appropriately sized and available⁵. The Lead Agency used Tier 3 tug boats to quantify the Proposed Project's mitigated construction emissions from maritime improvements⁶. MM AQ-2 requires the applicant to purchase or lease sufficient amount of unencumbered emission reduction credits to reduce the Proposed Project's construction-related significant NOx emissions to below South Coast AQMD's air quality CEQA significance threshold of 100 pounds per day for NOx during the duration of dredging activities⁷. The Lead Agency included a new Footnote 2 for MM AQ-2, which, in part, stated that South Coast AQMD will certify or approve the emission reduction credit transaction under MM AQ-2 but is not responsible for mitigation measure assurance or enforcement⁸. The Lead Agency also found that the Proposed Project's net new operational air quality impacts would be less than significant⁹.

South Coast AQMD Staff's Comments on the Air Quality Analysis

South Coast AQMD staff incorporates comments on the original MND by reference¹⁰. In the RMND, MM AQ-1 requires, among others, tugboats that meet Tier 3 emission standard requirements or higher, if appropriately sized and available, during construction. However, Footnote 3 for MM AQ-1 stated that "[...] requiring the use of *any available Tier 3 tug boat* [...] is not included as a mitigation measure¹¹." (*Emphasis added*).¹² Footnote 3 directly contradicts MM AQ-1. It is not clear if using Tier 3 construction tug boats is a mitigation measure for the Proposed Project. If it is a mitigation measure, it must be fully enforceable (CEQA Guidelines Section 15126.4(2)); otherwise, the Lead Agency should not use Tier 3 tug boats to quantify the Proposed Project's mitigated construction emissions from maritime

³ The Wilmington, Carson, West Long Beach Community Emissions Reduction Plan is available at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2019/2019-sep6-025c.pdf>.

⁴ RMND. Pages 4.3-6 through 4.3-12.

⁵ *Ibid.* Pages 4.3-4 through 4.3-5.

⁶ *Ibid.* Tables 4.3-3 and 4.3-6. Pages 4.3-5 and 4.3-10. Appendix A. Page A-10.

⁷ *Ibid.*

⁸ *Ibid.* Page 4.3-7.

⁹ *Ibid.* Pages 4.3-6 through 4.3-12.

¹⁰ South Coast AQMD. July 19, 2019. South Coast AQMD staff's comments on the MND for the Long Beach Cruise Terminal Improvement Project. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2019/july/LAC190620-03%20.pdf>.

¹¹ RMND. Page 4.3-8.

¹² *Ibid.* Page 4.3-8.

improvements because it improperly credited the Proposed Project with emission reductions from using Tier 3 tug boats when it is reasonably foreseeable that appropriately sized Tier 3 tug boats are not available and that Tier 2, Tier 1, or even Tier 0 tug boats may be used during construction. Therefore, South Coast AQMD staff recommends that the Lead Agency revise the analysis to conservatively analyze a worst-case impact scenario, using Tier 0 tug boats, to re-calculate the Proposed Project's maritime construction emissions and include them in the Proposed Project's construction emission profile to determine the amount of construction emission reduction credits that will be purchased or leased through the implementation of MM AQ-2.

Conclusion

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

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Alina Mullins, Assistant Air Quality Specialist, at amullins@aqmd.gov or (909) 396-2402, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment
JW:LS/DG/AM
LAC190903-01
Control Number



September 20, 2019

TO: City of Long Beach Development Services
Attention: Amy Harbin, AICP, Project Manager LBDS-EIR-Comments
Re: Long Beach Cruise Terminal Improvement Project | 11183495 (10)
Mitigated Negative Declaration for the Carnival Cruise Expansion Plan

Citizens About Responsible Planning/CARP and the Sierra Club Los Cerritos Wetlands Task Force thank you for the extending the comment time for this project until September 20, 2019. We still believe that this project needs a full Environmental Impact Report to more fully address the inadequately mitigated environmental issues. These include Kelp Forests, Marine Mammals, Birds, Fish Habitat, Noise, Light, Toxic Materials, Disposal of Dredge Materials and adverse Environmental Impacts Carnival Cruise ships will have, not only on the Port of Long Beach, but on the entire Ocean.

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

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

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

Bio-2:

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

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

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

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

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

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

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

According to Dr. Laura Rogers -Bennett, of UC Davis Bodega Marine Labs, the long-time, relatively stable Northern California kelp forests have essentially been almost completely wiped out over the past decade, and will take many decades - if ever - to recover. Kelp forests anywhere are a relatively rare and precious resource. One study found that alone with removing carbon dioxide from the water, Kelp is creating a defense against acidification.

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

HAZARDOUS MATERIALS

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

In spite of this project site being within one-half a mile or less of a number of superfund, leaking underground tanks, spills, cleaning facilities and other hazardous substance sites, because the tests on some worms and clams did not kill most of them, it was concluded it is safe to dump the dredged sediments into the Pacific Ocean. However, the conclusion of the test itself is quite different.

From the **Negative Declaration, Appendix E**

5.2 Bulk Sediment Chemistry

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

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

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

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

Total volatile solids concentrations were roughly two times higher.

Concentrations of total solids, ammonia and dissolved sulfides in the Long Beach Cruise Terminal sediment samples were similar to those in the LA-2 reference sample.

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

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

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

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

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

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

CA Coastal Act states:

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

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

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

Citizens About Responsible Planning/CARP

Joe Weinstein, Chair

Corliss Lee, Secretary

Ann Cantrell, Treasurer

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