

Chapter 1 Introduction

1.1 Introduction

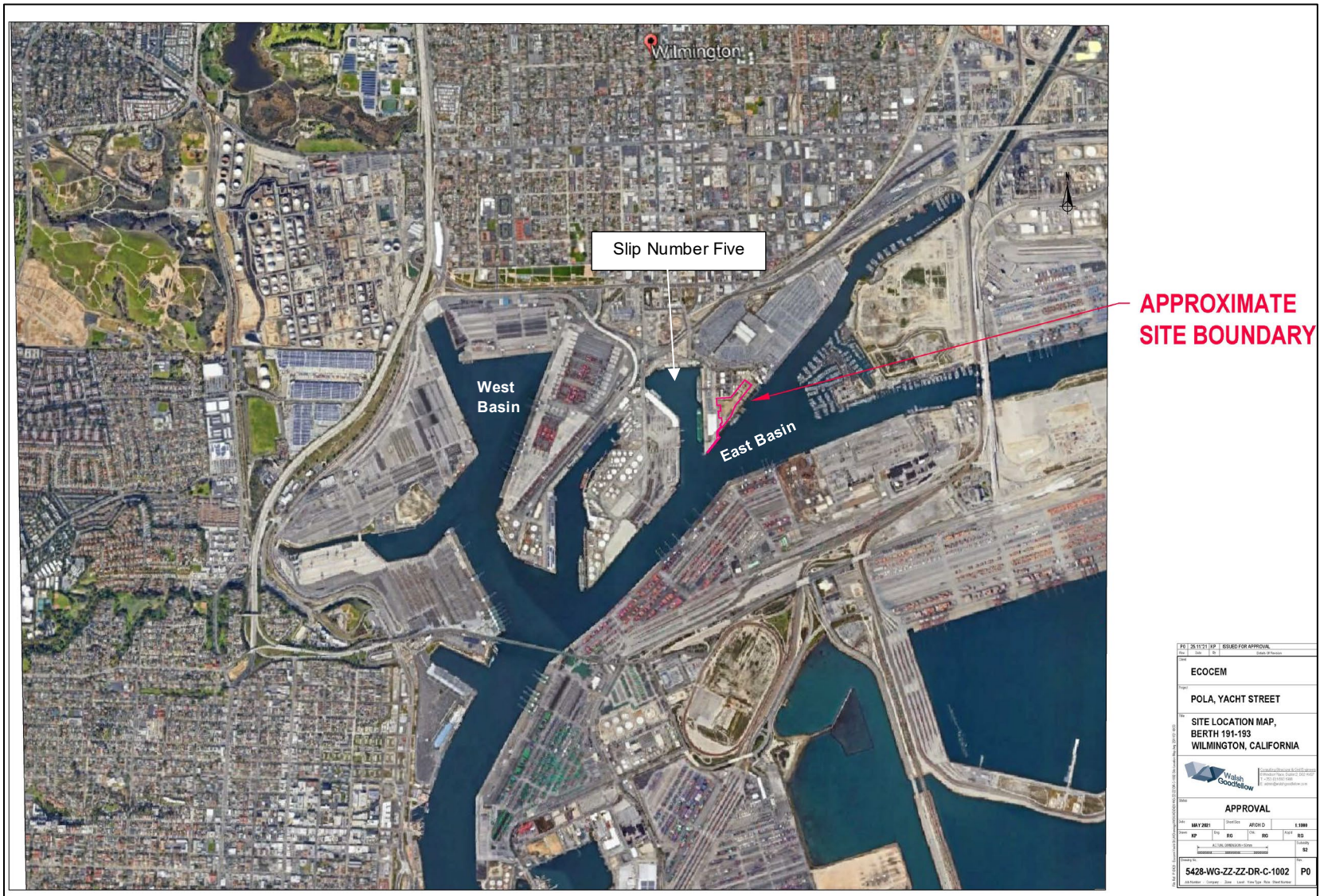
Ecocem Materials Ltd, through its subsidiary Orcem, proposes to construct and operate a new dry bulk processing facility at Berth 191 and on the backlands adjacent to Berth 192-194 in the East Basin of the Port of Los Angeles (Port; Figure 1-1). The facility would import raw materials by ship and truck, produce a low-carbon intensity binder (ground granulated blast furnace slag [GGBFS]) for use as an alternative to cement in a processing facility on site, and load third-party trucks that would transport the GGBFS to local consumers. The Proposed Project would improve marine shipping and commerce at a currently vacant site (the Project site).

The Proposed Project would require approval and permits from the Los Angeles Board of Harbor Commissioners (Harbor Commission), permits from other City of Los Angeles departments and from the U.S. Army Corps of Engineers, the South Coast Air Quality Management District, and the Los Angeles Regional Water Quality Control Board, and approval by the California Coastal Commission of an amendment to the Port Master Plan. Prior to issuance of permits or other project approvals, each of these decision-making bodies must consider the Proposed Project’s environmental effects, which, in this case, are identified in this Environmental Impact Report (EIR).

This Draft EIR has been prepared in accordance with the requirements of CEQA (Public Resources Code [PRC] Section 21000 et seq.) and the State California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.). The Los Angeles Harbor Department (LAHD) is the CEQA lead agency.

The Proposed Project and its alternatives are described in detail in Chapter 2, Project Description. The CEQA term “Proposed Project” includes all proposed project elements described in Chapter 2, Section 2.6, of this document.

Chapter 3, Environmental Analysis, of this Draft EIR describes the affected environmental resources and evaluates the potential impacts on those resources that are likely to occur as a result of building and operating the Proposed Project and alternatives. This Draft EIR will be used to inform decision makers and the public about the environmental effects of construction at the Project site and the operation of the new facility, which constitute the Proposed Project.



1
2 **Figure 1-1. Project Location.**

1.2 Background

1.2.1 Project Location and Brief Project Overview

LAHD operates the Port under the legal mandates of the Port of Los Angeles Tidelands Trust (Los Angeles City Charter, Article VI, Section 601) and the California Coastal Act (PRC Division 20, Section 30700 et seq.), which identify the Port and its facilities as a primary economic and coastal resource of the State of California and an essential element of the national maritime industry for the promotion of commerce, navigation, fisheries, and harbor operations. Activities should be water dependent, and LAHD must give highest priority to navigation, shipping, and necessary support and access facilities to accommodate the demands of foreign and domestic waterborne commerce. LAHD is chartered to develop and operate the Port to benefit maritime uses. It functions as a landlord by leasing Port properties to more than 300 tenants.

The Port encompasses 7,500 acres of land and 43 miles of waterfront and provides a major gateway for international goods and services. The Port comprises approximately 25 major cargo terminals, including dry and liquid bulk, container, breakbulk, automobile, and passenger facilities. In calendar year 2021, the Port handled approximately 222 million metric revenue tons of cargo (LAHD 2022) and docked 1,863 vessels. In addition to cargo business operations, the Port is home to commercial fishing vessels, shipyards, and boat repair facilities, as well as recreational, community, and educational facilities.

The Proposed Project site is a 6.1-acre parcel of land on Yacht Street in an industrial area in the vicinity of the East Basin in the Los Angeles Harbor. The site is generally bounded by the Vopak liquid bulk terminal to the north and west; and the USC Boathouse and the East Basin to the south and east. Formerly occupied by a liquid bulk facility and recreational boating uses, the site is now largely vacant, although, a portion of the site is occupied by a boat restoration operation. Berth 191 is southwest of, and immediately adjacent to, the site. Local access is provided by Harry Bridges Boulevard, Avalon Boulevard, Canal Street, and Yacht Street. Land uses in the vicinity of the Project site support a variety of cargo handling operations, including container, liquid bulk, automobile import, and dry bulk; a power plant (Harbor Generating Station); Port administration and maintenance facilities; maritime support uses; and recreational, light commercial, and residential uses.

The Proposed Project would be constructed over a period of approximately 18 months, starting in 2024. Construction of the Proposed Project would consist of:

- Site preparation, including site clearance, ground improvements, and paving;
- Repairs to the wharf at Berth 191, including repairing surfaces and replacing pilings and bracing elements;
- Development of the enclosed processing plant, including construction of plant buildings, storage facilities such as silos and open stockyard, and installation of conveyance systems and processing equipment;
- Construction of ancillary buildings (workshop and plant office); and
- Improvement of site infrastructure, utilities, and supporting facilities, including fire hydrants, stormwater and energy infrastructure, and equipment for loading of customer trucks.

1 Once in operation, the facility would produce the GGBFS by grinding granulated blast
2 furnace slag (GBFS) and blending it with natural gypsum minerals in the proportions of
3 approximately 96% GBFS and 4% gypsum. The GBFS would arrive by ship and the
4 gypsum by truck. Conveyor systems would transfer the GBFS and gypsum to storage
5 piles and then, to a grinding mill/filter plant. The GBFS would be ground in a mill and
6 dried by hot air from a gas-fueled burner. The ground product would be filtered through a
7 bag filter and conveyed to silos before being loaded onto trucks. See Chapter 2, Project
8 Description, for a detailed description of the Proposed Project and alternatives.

9 1.2.2 Project Background

10 GGBFS is a low-carbon-intensity binder designed to replace traditional Portland cement.
11 Cement is a strategic commodity that modern societies need to produce concrete for the
12 construction of homes, schools, commercial buildings, roads and bridges, and most other
13 infrastructure. Accordingly, cement is a vital component of the construction industry in
14 Southern California, being used in all concrete and in a variety of other construction
15 applications. In 2020, the most recent year for which figures are available, approximately
16 6.5 million metric tons of cement were shipped for consumption in Southern California
17 (USGS 2022).

18 The production of traditional Portland cement results in high carbon emissions: one
19 estimate is that the combustion of carbon-based fuels for cement production is
20 responsible for approximately 8% of worldwide carbon dioxide (CO₂) emissions (Ellis et
21 al. 2020) and 2% of California’s emissions (CARB 2021). Despite its relatively high
22 carbon emissions, cement will continue to be one of the most consumed resources in the
23 world, and a reliable supply of cement is therefore important for sustained economic
24 growth. Shortages, such as the one in 2020 and early 2021, inhibit that growth.

25 In September 2021, California passed SB-596 Greenhouse Gases: (“Cement Sector: Net-
26 zero Emissions Strategy”) that requires achievement of net-zero emissions of greenhouse
27 gases from cement as soon as possible, but no later than December 31, 2045, with an
28 interim target of 40% reduction by December 31, 2030.

29 Orcem has a process for making a binder as a partial substitute to cement that uses lower
30 amounts of carbon-based fuels (calculations by Orcem show the total energy
31 consumption of their process to be approximately 14% that of the traditional Portland
32 cement process). Orcem’s parent company, Ecocem Materials Ltd., (“Ecocem”) is a
33 world leader in low-carbon binder technologies and a European leader in production of
34 the lowest-carbon binder, ground granulated blast furnace slag, GGBFS (ASTM C-989),
35 which is used to replace cement. Orcem is proposing to build a facility that would
36 produce this binder for the Southern California building industry, helping the region
37 avoid shortages of a vital material and helping California to reach its carbon reduction
38 and net-zero emissions goals.

39 1.3 Purpose of an EIR

40 CEQA was enacted by the California Legislature in 1970, with the intent that all agencies
41 of the state government that “regulate activities of private individuals, corporations, and
42 public agencies that are found to affect the quality of the environment shall regulate such
43 activities so that major consideration is given to preventing environmental damage while

1 providing a decent home and satisfying living environment for every Californian”
 2 (13 PRC 21000, Legislative Intent). Public agency decision makers are required to
 3 consider and document the environmental effects of their actions and, whenever possible,
 4 avoid adverse effects on the environment. When a state or local agency determines that a
 5 proposed project has the potential to result in significant adverse environmental impacts,
 6 an EIR is prepared. The purpose of an EIR is to identify the significant effects of a
 7 proposed project on the physical environment, identify alternatives to reduce the project’s
 8 significant effects while achieving the project objectives, and indicate the manner in
 9 which a project’s significant effects can be mitigated or avoided. A public agency must
 10 mitigate or avoid significant environmental impacts of projects it carries out or approves
 11 whenever feasible. In instances where significant impacts cannot be avoided or mitigated,
 12 the project can nonetheless be carried out or approved if the approving agency finds that
 13 economic, legal, social, technological, or other benefits outweigh the unavoidable
 14 significant environmental effects. An EIR is intended to be a full disclosure document
 15 and an aid to the public decision-making process.

16 1.4 Lead, Responsible, and Trustee Agencies

17 CEQA defines the “lead agency” as the public agency that has principal responsibility for
 18 carrying out or approving a project. The CEQA lead agency will decide whether an EIR
 19 or negative declaration will be required for the project and cause the document to be
 20 prepared (Guidelines §15367).

21 Several other agencies have special roles with respect to the Proposed Project and will
 22 use this Draft EIR as the basis for their decisions to issue any approvals and/or permits
 23 that might be required. State CEQA Guidelines §15381 defines a “responsible agency”
 24 as:

25 “...a public agency that proposes to carry out or approve a project for which a lead agency is
 26 preparing or has prepared an EIR or negative declaration. For the purposes of CEQA, the term
 27 “responsible agency” includes all public agencies other than the lead agency that have
 28 discretionary approval power over the project.”

29 Additionally, State CEQA Guidelines §15386 defines a “trustee agency” as:

30 “...a state agency having jurisdiction by law over natural resources affected by a project that
 31 are held in trust for the people of the State of California.”

32 Table 1-1 lists the lead, responsible, and trustee state and local agencies that could rely on
 33 this Draft EIR in a review capacity or as a basis for issuance of a permit or other approval
 34 for the Proposed Project.

Table 1-1: Agencies That May Use This EIR

Agency	Responsibilities, Permits, and Approvals
Federal Agencies	
U.S. Army Corps of Engineers (USACE)	Permitting authority for work in waters of the United States (i.e., wharf repairs, pile driving, clean-up dredging, fendering) under the Clean Water Act and the Rivers and Harbors Act.

Table 1-1: Agencies That May Use This EIR

Agency	Responsibilities, Permits, and Approvals
State Agencies	
California Air Resources Control Board (CARB)	Permitting/registering authority for various equipment, such as trucks and harbor craft. Enforcement authority for at-berth hoteling regulations, requiring reductions in emissions from ship auxiliary engines (17 CCR 93130.22).
California Coastal Commission (CCC)	Reviews environmental documents to ensure compliance with the federal Coastal Zone Management Act and consistency with the California Coastal Act. CCC certifies the Port's Port Master Plan and amendments to ensure Port land uses are consistent with the requirements of the Coastal Act.
California Department of Fish and Wildlife (CDFW)	Reviews and submits recommendations in accordance with CEQA. Consultation in accordance with the Fish and Wildlife Coordination Act. Issuance of Memoranda of Understanding and permits pertaining to take of state-listed species under the California Endangered Species Act.
California Department of Transportation (Caltrans)	Permitting authority for highway improvements and rail trackage, connections, and signage during construction operations.
California Integrated Waste Management Board (CIWMB)	Statutory and regulatory authority to control the handling and disposal of solid, non-hazardous waste in a manner that protects public safety, health, and the environment. State law assigns responsibility for solid waste management to local governments.
Regional Water Quality Control Board, Los Angeles Region (Los Angeles RWQCB)	Permitting authority for federal Clean Water Act (CWA) Section 401 Water Quality Certifications; permitting authority for California Waste Discharge Requirements pursuant to the state Porter-Cologne Water Quality Control Act; and responsible for issuance of both construction and industrial National Pollutant Discharge Elimination System (NPDES) stormwater permits under Section 402 of the CWA. Issuing authority of a municipal separate storm sewer system (MS4) permit to the City of Los Angeles.
Department of Toxic Substances Control (DTSC) division of the California Environmental Protection Agency (CalEPA)	Regulatory jurisdiction over underground storage tanks containing hazardous material and implements groundwater monitoring provision of the Resource Conservation and Recovery Act. Responsible for general site cleanup outside underground storage tanks (such as state Superfund sites).
Regional Agencies	
Los Angeles County Fire Department	Licensing and inspection authority for all hazardous waste generation in the City of Los Angeles. Provides regulation and oversight of site remediation projects involving hazardous waste generators, where surface and subsurface soils are contaminated with hazardous substances.

Table 1-1: Agencies That May Use This EIR

Agency	Responsibilities, Permits, and Approvals
South Coast Air Quality Management District (SCAQMD)	Permitting authority for construction of landfill and operation of pump stations, storage tanks, and stationary sources at terminal facilities; activities involving hydrocarbon-containing soils (Rule 1166); and new or modified sources of air emissions (New Source Review).
Local Agencies	
City of Los Angeles Harbor Department (LAHD)	The City of Los Angeles, through its Harbor Department, is the lead agency for CEQA and the California Coastal Act for most projects within the Port of Los Angeles area (via the certified PMP). Other City departments (listed below) have various other approval and permitting responsibilities. Pursuant to its authority, LAHD could issue permits and other approvals (e.g., coastal development permits, leases for occupancy of Port land, approval of operating, and joint venture or other types of agreements for the operation of facilities) for the Proposed Project and alternatives evaluated in this Draft EIR. LAHD is also responsible for general regulatory compliance and activities of other City of Los Angeles departments for the Proposed Project and alternatives.
City of Los Angeles Building and Safety Department	Permitting authority for building and grading permits. Approves, in conjunction with the Bureau of Sanitation, any required Standard Urban Stormwater Mitigation Plans or Site Specific Mitigation Plans implementing requirements of the MS4 permit issued by Los Angeles RWQCB to the City of Los Angeles.
City of Los Angeles Bureau of Engineering	Permitting authority for storm drain connections, permit for discharges of stormwater, permits for water discharges to the wastewater collection system, and approval of street vacations.
City of Los Angeles Bureau of Sanitation	Permitting authority for Industrial Waste Permit for discharges of industrial wastewater to the City sewer system. Approves, in conjunction with the Building and Safety Department, any required Standard Urban Stormwater Mitigation Plans or Site Specific Mitigation Plans that may be necessary to implement MS4 permits issued by the regional water quality control board.
City of Los Angeles Fire Department	Approval of Business Plan and Risk Management and Prevention Program. Reviews and submits recommendations regarding design for building permit.
City of Los Angeles Transportation Department	Reviews and approves changes in City street design, construction, signalization, signage, and traffic counts.

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1.5 Scope and Content of the Draft EIR

The scope of this Draft EIR was defined on the basis of an Initial Study (IS) prepared pursuant to CEQA, and comments received during the Notice of Preparation (NOP) review process (see Appendix A). The NOP was posted on March 10, 2022 and an on-line public scoping hearing was conducted on March 30, 2022. The public review period was extended by 30 days, and ended May 11, 2022. Two speakers presented comments at the public hearing and 11 comment letters were received. Table 1-2 summarizes key issues raised in the comments. The scope of analysis and technical study work plans, developed as part of preparing this Draft EIR, were designed to ensure that the comments received from regulatory agencies and the public during the NOP review process would be addressed.

Table 1-2: Summary of Key NOP Comments

Commenter	Key Issues Raised	Sections Addressed
Allied Cement	<ul style="list-style-type: none"> Consider the co-utilization of B191 with Vopak 	<ul style="list-style-type: none"> Chapter 4, Cumulative Impacts
	<ul style="list-style-type: none"> Consider the details of the lease 	<ul style="list-style-type: none"> Lease is subject to separate approval, post-CEQA compliance.
	<ul style="list-style-type: none"> Consider the repairs to B191 	<ul style="list-style-type: none"> Chapter 2, Project Description
Caltrans Dist. 7	<ul style="list-style-type: none"> Mitigate traffic impacts 	<ul style="list-style-type: none"> Section 3.8 Transportation
California Coastal Commission	<ul style="list-style-type: none"> Explain why project is water related 	<ul style="list-style-type: none"> Section 3.6 Land Use
	<ul style="list-style-type: none"> Consider pilings as “fill” 	<ul style="list-style-type: none"> Section 3.2 Biology
	<ul style="list-style-type: none"> Consider sea level rise 	<ul style="list-style-type: none"> Section 3.5 GHG
	<ul style="list-style-type: none"> Consider environmental justice issues 	<ul style="list-style-type: none"> Section 3.6 Land Use, Chapter 4, Cumulative Analysis, Chapter 5, Comparison of Alternatives
California Department of Fish & Wildlife	<ul style="list-style-type: none"> Consider effects of pile driving noise on fish 	<ul style="list-style-type: none"> Section 3.2 Biology
	<ul style="list-style-type: none"> Requests piles be excavated, not broken off 	<ul style="list-style-type: none"> Chapter 2, Project Description
	<ul style="list-style-type: none"> Recommends eelgrass and Caulerpa surveys and mitigation 	<ul style="list-style-type: none"> Section 3.2 Biology
Citizens Coalition for a Safe Community (J. Gunter)	<ul style="list-style-type: none"> Requests details of project 	<ul style="list-style-type: none"> Chapter 2, Project Description
	<ul style="list-style-type: none"> Suggests consideration of a “Maximum Site Capacity” alternative 	<ul style="list-style-type: none"> Chapter 2, Project Description; Chapter 5 Alternatives
Coastal San Pedro Neighborhood	<ul style="list-style-type: none"> Consider traffic impacts 	<ul style="list-style-type: none"> Section 3.8 Transportation

Table 1-2: Summary of Key NOP Comments

Commenter	Key Issues Raised	Sections Addressed
	<ul style="list-style-type: none"> Cover the stockpiles; install rail service for product delivery 	<ul style="list-style-type: none"> Section 5.4 Alternatives Considered But Not Further Evaluated
	<ul style="list-style-type: none"> Explain why project is water dependent 	<ul style="list-style-type: none"> Section 3.6 Land Use
Northwest San Pedro Neighborhood	<ul style="list-style-type: none"> Explain why project is water dependent 	<ul style="list-style-type: none"> Section 3.6 Land Use
	<ul style="list-style-type: none"> Concerns for particulate air emissions, cover the stockpiles, choice of sensitive receptors 	<ul style="list-style-type: none"> Section 3.1 Air Quality
	<ul style="list-style-type: none"> Toxic components in slag 	<ul style="list-style-type: none"> Chapter 2, Project Description
	<ul style="list-style-type: none"> Truck traffic effects on roadways, congestion 	<ul style="list-style-type: none"> Section 3.8 Transportation
	<ul style="list-style-type: none"> Prefer rail spur and offshore processing alternatives 	<ul style="list-style-type: none"> Section 5.4 Alternatives Considered But Not Further Evaluated
San Pedro Peninsula Homeowners	<ul style="list-style-type: none"> Explain why project is water dependent 	<ul style="list-style-type: none"> Section 3.6 Land Use
	<ul style="list-style-type: none"> Explain relationship to Vopak 	<ul style="list-style-type: none"> Chapter 4 Cumulative Analysis
	<ul style="list-style-type: none"> Same alternatives as CCSC 	<ul style="list-style-type: none"> Chapter 2, Project Description; Chapter 5, Alternatives
South Coast AQMD	<ul style="list-style-type: none"> General guidance on preparing the AQ analyses 	<ul style="list-style-type: none"> Section 3.1 Air Quality
C.T. Williams (CCSC)	<ul style="list-style-type: none"> Detailed comments serving as basis for those of above neighborhood groups, but in substantially more detail 	<ul style="list-style-type: none"> See above.
	<ul style="list-style-type: none"> Demands detailed “engineering process flow diagrams” for the site; numerous details of design and construction; a community advisory panel 	<ul style="list-style-type: none"> Not required by CEQA
	<ul style="list-style-type: none"> Suggests alternatives not included in the NOP and requests an analysis of future uses of the waterfront at Berths 192-194 	<ul style="list-style-type: none"> Section 5.4 Alternatives Considered But Not Further Evaluated
	<ul style="list-style-type: none"> Demands mitigation measures and an MMRP 	<ul style="list-style-type: none"> Sections 3.1 – 3.9
	<ul style="list-style-type: none"> Demands analyses of CEQA resource issues. 	<ul style="list-style-type: none"> Sections 3.1 – 3.9
	<ul style="list-style-type: none"> Requests NEPA analysis 	<ul style="list-style-type: none"> Not required by any federal agency
G. Hidalgo (USACE)	<ul style="list-style-type: none"> The project likely needs a USACE permit 	<ul style="list-style-type: none"> Chapter 1, Introduction

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1.5.1 Scope of Analysis

This Draft EIR has been prepared in conformance with the State CEQA Guidelines (14 CCR §§15000 et seq.), and includes all of the sections required by CEQA. The criteria for determining the significance of environmental impacts in this Draft EIR analysis are described in the “Significance Criteria” sections of each resource topic in Chapter 3, Environmental Analysis. The threshold of significance for a given environmental effect is the level at which LAHD finds a potential effect of the Proposed Project or alternative to be significant.

Under CEQA, a “threshold of significance” can be defined as a “quantitative or qualitative standard, or set of criteria, pursuant to which significance of a given environmental effect could be determined” (State CEQA Guidelines, §5064.7(a)). Except as noted in particular sections of the document, LAHD has adopted the significance thresholds set forth in Appendix G of the CEQA Guidelines for purposes of this Draft EIR.

The following resources are evaluated in this Draft EIR:

- Air Quality and Meteorology
- Biological Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Land Use
- Noise
- Transportation (see below)
- Tribal Cultural Resources

The Initial Study included in the NOP concluded that the Proposed Project would not result in significant impacts to the following resources: Agriculture and Forest Resources, Aesthetics, Cultural Resources, Hazards and Hazardous Materials, Mineral Resources, Hydrology and Water Quality, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire. Therefore, these resources do not need to be evaluated in this Draft EIR. However, although no longer required by CEQA, an analysis of the effects of the Proposed Project’s truck traffic on local and regional roadways is included, for informational purposes, in Section 3.8, Ground Transportation of this Draft EIR.

This Draft EIR has been prepared by Ramboll US Consulting, Inc. under contract to Orcem and has been reviewed independently by LAHD staff. The scope of the document, methods of analysis and conclusions represent the independent judgment of LAHD. Staff members from LAHD and Ramboll who helped prepare this Draft EIR are identified in Chapter 10, List of Preparers and Contributors.

1.5.2 Intended Uses of This Draft EIR

This Draft EIR has been prepared in accordance with applicable federal and state environmental regulations, policy, and law to inform state and local decision-makers about the potential environmental impacts of the Proposed Project and alternatives. As an informational document, an EIR does not recommend approval or denial of a Project. The Draft EIR is being provided to the public for review, comment, and participation in the planning process. After public review and comment, a Final EIR will be prepared, including responses to comments on the Draft EIR received from agencies, organizations,

1 and individuals. The Final EIR will be distributed to provide the basis for decision-
 2 making by the CEQA lead agency (LAHD) and other concerned agencies.

3 LAHD has jurisdictional authority over the Proposed Project primarily pursuant to the
 4 Tidelands Trust, California Coastal Act, and the Los Angeles City Charter. This Draft
 5 EIR will be used by LAHD, as the lead agency under CEQA, in making a decision
 6 regarding the construction and operation of the Proposed Project or alternative and in
 7 informing agencies considering permit applications and other actions required to
 8 construct and operate the Proposed Project or alternative. LAHD’s certification of the
 9 EIR, Notice of Completion, Findings of Fact, and Statement of Overriding
 10 Considerations (if necessary) would document their decision as to the adequacy of the
 11 EIR and inform subsequent decisions by LAHD whether to approve and construct the
 12 Proposed Project or alternative.

13 Other agencies that may have jurisdiction over some part of the Proposed Project or a
 14 resource area affected by the Proposed Project are expected to use this EIR as part of
 15 their approval or permit processes as set forth in Table 1-1. Specific approvals that could
 16 be required for this Proposed Project include, but are not limited to: building and safety
 17 permits from several City of Los Angeles departments, water quality permits from the
 18 Los Angeles Regional Water Quality Control Board (CWA Section 401 Water Quality
 19 Certification/Waste Discharge Requirements pursuant to the Porter-Cologne Water
 20 Quality Control Act, CWA Section 402 NPDES permits), a USACE permit under the
 21 Rivers and Harbors Act Section 10 and the Clean Water Act Section 404 for construction
 22 in waters of the U.S., a Port Master Plan Amendment by the Board of Harbor
 23 Commissioners with certification by the California Coastal Commission, a Coastal
 24 Development Permit by the Board of Harbor Commissioners, permits to operate from the
 25 South Coast Air Quality Management District could be required, and approval of
 26 construction contracts by LAHD and Los Angeles City Council.

27 Actions that could be undertaken by LAHD following preparation of the Final EIR
 28 include: certification of the EIR, approval of the Proposed Project, completion of final
 29 design for wharf repairs at Berth 191, completion of a PMP amendment for Coastal
 30 Commission approval, issuance of a Coastal Development Permit, approval of
 31 engineering permits, obtaining other agency permits and approvals (e.g., Section 10 and
 32 Section 401), and approval of construction contracts.

33 1.5.3 Draft EIR Organization

34 Table 1-3 contains a list of sections required under CEQA and references the specific
 35 chapter in this document where the specific information is located.
 36

Table 1-3: Organization and Contents of the Draft EIR

Draft EIR Section	Description
Executive Summary	Summarizes the Proposed Project and alternatives, potential significant impacts and mitigation measures, the environmentally superior alternative, and unresolved issues and areas of controversy.
Chapter 1, Introduction	Summarizes the key Proposed Project features and elements, the intended uses of the document and authorizing actions, the purpose of CEQA, the Proposed Project’s relationship to existing plans and policies, the scope and

Table 1-3: Organization and Contents of the Draft EIR

Draft EIR Section	Description
	content of the document, and the organization of the document. Describes Port of Los Angeles environmental programs and initiatives relevant to the Proposed Project.
Chapter 2, Project Description	Describes the Proposed Project, the purpose and need and the objectives of the Proposed Project, alternatives initially considered but not carried forward for detailed review, and alternatives evaluated in the document at a detailed level.
Chapter 3, Environmental Analysis	Describes the existing conditions for each environmental resource area, criteria for judging significance of an impact, impact assessment methodology, impacts that would result from the Proposed Project and each alternative, mitigation measures that would eliminate or reduce significant impacts, and the mitigation monitoring program.
Chapter 4, Cumulative Analysis	Summarizes significant cumulative impacts and whether the Proposed Project or any of the alternatives makes a cumulatively considerable contribution to those significant impacts.
Chapter 5, Comparison of Alternatives	Compares the environmental impacts of the Proposed Project and alternatives and identifies the Environmentally Superior Alternative.
Chapter 6, Significant Irreversible Changes	Describes the significant irreversible changes to the environment associated with the Proposed Project.
Chapter 7, Growth-Inducing Impacts	Discusses the extent to which the Proposed Project would result in growth-inducing impacts.
Chapter 8, Socioeconomics	Describes the Proposed Project's effects on local and regional housing and employment.
Chapter 9, References	Identifies the materials and documents consulted in preparing this Draft EIR.
Chapter 10 Acronyms and Abbreviations	Provides the full names for acronyms and abbreviations used throughout this document.
Chapter 11, List of Preparers and Contributors	Lists the individuals involved in preparing this Draft EIR.
Appendices	Present additional information, data, and technical detail for several of the resource areas.

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2 **1.6 Key Principles Guiding Preparation of** 3 **this Draft EIR**

4 **1.6.1 Emphasis on Significant Environmental Effects**

5 This Draft EIR focuses on the significant environmental effects of the Proposed Project
6 and alternatives, and their relevance to the decision-making process. The following
7 sections describe the general framework for analysis under CEQA. These summaries are
8 not meant to capture the legal nuances that have developed through the passage and
9 amendment of various statutes and regulations, and from corresponding judicial

1 decisions; rather, the summaries are meant to communicate a general understanding of
2 these two acts.

3 “Environmental impacts,” as defined by CEQA, include physical effects on the
4 environment. The State CEQA Guidelines §15360 define the environment as follows:

5 “The physical conditions which exist within the area which will be affected by a proposed
6 project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic
7 or aesthetic significance.”

8 This definition does not include strictly economic impacts (e.g., changes in property
9 values) or social impacts (e.g., a particular group of persons moving into an area). The
10 State CEQA Guidelines §15131(a) state that “economic or social effects of a project shall
11 not be treated as significant effects on the environment.” However, economic or social
12 effects are relevant to physical effects in two situations. In the first, according to State
13 CEQA Guidelines §15131(a), “An EIR may trace a chain of cause and effect from a
14 proposed decision on a project through anticipated economic or social changes...to
15 physical changes caused in turn by the economic or social changes.” In other words, if an
16 economic or social impact leads to a physical impact, this ultimate physical impact would
17 be evaluated in the EIR. In the second instance, “Economic or social effects of a project
18 may be used to determine the significance of physical changes caused by the project,”
19 (State CEQA Guidelines §15131[b]).

20 As with economic or social impacts, psychological impacts are outside the definition of
21 the term “environmental.” While not specifically discussed in the State CEQA
22 Guidelines, the exclusion of psychological impacts was specifically affirmed in the 1999
23 court decision *National Parks and Conservation Association v. County of Riverside* 71
24 *Cal. App. 4th 1341 and 1364 (1999)*.

25 In view of these legal precedents, LAHD is not required to treat economic, social, or
26 psychological impacts as significant environmental impacts absent a related physical
27 effect on the environment. Therefore, such impacts are discussed only to the extent
28 necessary to determine the significance of the physical impacts of the Proposed Project
29 and alternatives.

30 **1.6.2 Forecasting**

31 In this Draft EIR, LAHD and the consultants have made their best efforts to predict and
32 evaluate the reasonable, foreseeable, direct, indirect, and cumulative environmental
33 impacts of the Proposed Project and alternatives. CEQA does not require LAHD to
34 engage in speculation about impacts that are not reasonably foreseeable (State CEQA
35 Guideline §§15144 and 15145) or to conduct a worst-case analysis.

36 **1.6.3 Reliance on Environmental Thresholds and 37 Substantial Evidence**

38 The identification of impacts as “significant” or “less than significant” is one of the
39 important functions of an EIR. While impacts determined to be “less than significant”
40 need only be acknowledged as such, an EIR must identify mitigation measures for any
41 impact identified as “significant.” In preparing this document, LAHD has based its

1 conclusions about the significance of environmental impacts on identifiable thresholds
2 and has supported these conclusions with substantial scientific evidence.

3 The criteria for determining the significance of environmental impacts in this analysis are
4 described in each resource section in Chapter 3, Environmental Analysis. The “threshold
5 of significance” under CEQA for a given environmental effect is the level at which
6 LAHD finds a potential effect of the Proposed Project or alternative to be significant.
7 “Threshold of significance” can be defined as a “quantitative or qualitative standard or
8 set of criteria, pursuant to which significance of a given environmental effect may be
9 determined” (State CEQA Guidelines §15064.7(a)).

10 **1.6.4 Disagreement Among Experts**

11 During preparation of the Draft EIR, it is possible that evidence that might raise
12 disagreements will be presented during the public review of the Draft EIR. Such
13 disagreements will be noted and will be considered by the decision-makers during the
14 public hearing process. However, to be adequate under CEQA, the Draft EIR need not
15 resolve all such disagreements.

16 In accordance with the provisions of the State CEQA Guidelines, conflict of evidence and
17 expert opinions on an issue concerning the environmental impacts of the Proposed
18 Project—when LAHD is aware of these controversies—has been identified in this Draft
19 EIR. The Draft EIR has summarized the conflicting opinions and has included sufficient
20 information to allow the public and decision-makers to take intelligent account of the
21 environmental consequences of their actions.

22 In rendering a decision on a project where there is a disagreement among experts, the
23 decision-makers are not obligated to select the most conservative, environmentally
24 protective, or liberal viewpoint. Decision-makers might give more weight to the views of
25 one expert than to those of another and need not resolve a dispute among experts. The
26 decision-makers must consider the comments received and address any objections, but
27 need not follow said comments or objections so long as the decision-makers state the
28 basis for their decision and that decision is supported by substantial evidence.

29 **1.6.5 CEQA Baseline**

30 Section 15125 of the State CEQA Guidelines requires EIRs to include a description of the
31 physical environmental conditions in the vicinity of the Proposed Project that exists at the
32 time of the NOP. For the purposes of this Draft EIR, the NOP was released in March
33 2022. Therefore, the appropriate CEQA baseline has been determined to be the
34 environmental setting and existing conditions occurring at the Project site during the
35 calendar year of 2021, i.e., January 2021 to December 2021.

36 The CEQA baseline represents the setting at a fixed point in time, with no projected
37 growth over time, and differs from the No Project Alternative (Alternative 1, discussed in
38 Section 2.9) in that the No Project Alternative addresses what is likely to happen at the
39 site over time, starting from the existing conditions, even if the Proposed Project is not
40 approved. The No Project Alternative allows for natural growth at the project site that
41 would occur without approval of the Proposed Project. Like the CEQA Baseline, the
42 activities under the No Project Alternative are considered negligible in the foreseeable
43 future as no future development has been permitted or approved.

1.6.6 Duty to Mitigate

According to State CEQA Guidelines §15126.4(a), each significant impact identified in an EIR must include a discussion of feasible mitigation measures that would avoid or substantially reduce the significant environmental effect. To reduce significant effects, mitigation measures must avoid, minimize, rectify, reduce, eliminate, or compensate for a given impact of the Proposed Project. Mitigation measures must satisfy certain requirements to be considered adequate. Mitigation should be specific and enforceable, define feasible actions that would demonstrably improve significant environmental conditions, and allow monitoring of their implementation. Mitigation measures that merely require further studies or consultation with regulatory agencies and are not tied to a specific action that would directly reduce impacts, or that defer mitigation until some future time, are not adequate.

Effective mitigation measures clearly explain objectives and indicate how a given measure should be implemented, who is responsible for its implementation, and where and when the mitigation would occur. Mitigation measures must be enforceable, meaning that the lead agency must ensure that the measures would be imposed through appropriate permit conditions, agreements, or other legally binding instruments.

State CEQA Guidelines §15041 grants public agencies the authority to require feasible changes (mitigation) that would substantially lessen or avoid a significant effect on the environment associated with activities involved in a project. Public agencies, however, do not have unlimited authority to impose mitigation. A public agency might exercise only those express or implied powers provided by law, aside from those provided by CEQA. However, where another law grants discretionary powers to a public agency, CEQA authorizes use of discretionary powers (State CEQA Guidelines Section 15040).

In addition to limitations imposed by CEQA, the U.S. Constitution limits the authority of regulatory agencies. The Constitution limits the authority of a public agency to impose conditions to those situations where a clear and direct connection (“nexus,” in legal terms) exists between a project impact and the mitigation measure. Finally, a proportional balance must exist between the impact caused by the project and the mitigation measure imposed upon the project applicant. A project applicant cannot be forced to pay more than its fair share of the mitigation, which should be roughly proportional to the impact(s) caused by the project.

1.6.7 Requirements to Evaluate Alternatives

According to CEQA regulations, the alternatives section of an EIR is required to:

- Rigorously explore and objectively evaluate a range of reasonable alternatives;
- Include reasonable alternatives not within the jurisdiction or congressional mandate of the lead agency, if applicable;
- Include the No Project Alternative;
- Develop substantial treatment of each alternative, including the proposed action, so that reviewers could evaluate their comparative merits;
- Identify the preferred alternative of the lead agency;
- Include appropriate mitigation measures (when not already part of the proposed action or alternatives); and

- Present the alternatives that were eliminated from detailed study and briefly discuss the reason(s) for elimination.

State CEQA Guidelines (§15126.6) require that an EIR describe a reasonable range of feasible alternatives to a proposed project, or to the location of a proposed project that could feasibly attain most of the basic objectives of the proposed project but would avoid or substantially lessen any significant environmental impacts. According to State CEQA Guidelines, the EIR should compare merits of the alternatives and determine an environmentally superior alternative. Section 2.7 in Chapter 2, Project Description, of this Draft EIR sets forth potential alternatives to the Proposed Project and Section 5.4 in Chapter 5, Comparison of Alternatives, evaluates their suitability, as required by the State CEQA Guidelines (§15126.6).

Alternatives for an EIR usually take the form of No Project Alternative, reduced project size, different project design, or suitable alternative project sites. The range of alternatives discussed in an EIR is governed by the “rule of reason” that requires the identification of only those alternatives necessary to permit a reasoned choice between the alternatives and a proposed project. An EIR need not consider an alternative that would be infeasible. State CEQA Guidelines §15126.6 explains that the evaluation of project alternative feasibility can consider “site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.” The EIR is not required to evaluate an alternative whose effects could not be reasonably identified, or whose implementation is remote, speculative, or would not achieve the basic purposes of the Proposed Project.

1.7 Availability of the Draft EIR

The Draft EIR for the Proposed Project and alternatives is being distributed directly to agencies, organizations, and interested groups and persons for comment during the formal review period in accordance with State CEQA Guidelines §15087. A 45-day comment period has been established, which begins on October 12th, 2023, and ends on November 27th, 2023. A print document is available for review to interested parties at the Port of Los Angeles Environmental Management Division located at 425 South Palos Verdes Street, San Pedro, California 90731. Please contact Celia Sanchez Zelaya at csanchezzelaya@portla.org or (310) 732-3097 to schedule an appointment for document review.

In addition to printed copies of the Draft EIR, electronic versions are available. Due to the size of the document, the electronic versions have been prepared as a series of PDF files to facilitate downloading and printing. The Draft EIR is available in its entirety on the Port of Los Angeles website at:

<http://www.portoflosangeles.org/ceqa>.

Interested parties may provide written comments on the Draft EIR, which must be postmarked by November 27th, 2023. Please address comments to:

Lisa Wunder, Interim Director of Environmental Management
Environmental Management Division
Los Angeles Harbor Department

1 425 S. Palos Verdes Street
2 San Pedro, CA 90731.

3 Written comments may also be sent via e-mail to ceqacomment@portla.org. Comments
4 sent via e-mail should include the project title in the subject line of the email.