FINAL INTEGRATED FEASIBILITY REPORT AND ENVIRONMENTAL IMPACT STATEMENT / ENVIRONMENTAL IMPACT REPORT (EIS/EIR)

APPENDIX O: COMMENTS AND RESPONSES TO COMMENTS

PORT OF LONG BEACH
DEEP DRAFT NAVIGATION STUDY
Los Angeles County, California

October 2021

US Army Corps of Engineers ®

Port of LONG BEACH
THE PORT OF CHOICE

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The U.S. Army Corps of Engineers (USACE) and the Port of Long Beach (POLB) thank the public for their comments on the Draft Integrated Feasibility Report and Environmental Impact Statement / Environmental Impact Report (IFR) during the October – December 2019 comment period. Our agencies have considered all comments in the preparation of the Final IFR. This appendix provides responses to all comments received by mail or email during the public comment period, as well as to verbal comments provided during the November 13, 2019, public hearings held at the POLB Administration Building in the City of Long Beach, California.

The following tables are organized to display USACE and POLB responses as follows:

- First Column – numbers corresponding to comments highlighted in the comment letters, as shown in Attachment 2 of this appendix
- Second Column – USACE and POLB responses (Attachment 1)
- Third Column – Location in the Final IFR to find revisions/updates made in response to each comment, as applicable

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Attachment 1

Responses to Comments

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General Comments and Responses		
Response Number	**General Theme**	**Response**
1	Growth Inducement and Scope of the Project	Growth inducement is discussed in Section 12.8 of the Draft IFR. Growth inducement is defined by ways in which a project could foster economic or population growth, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to growth. The proposed activities associated with the proposed Project are not considered to be growth inducing. The main purpose of the proposed Project is to increase operational efficiencies and improve conditions for existing and future vessel operations and safety. Transportation inefficiencies occur when channels and maneuvering areas do not fully accommodate the vessels using them. Existing channel depths, and in some areas, channel widths, do not meet the draft requirements of the current and predicted future fleet of larger container and liquid bulk vessels that call on the Port of Long Beach (POLB). Tide restrictions, light loading, lightering, and other operational inefficiencies result in increased transportation costs for the shipment of commodities at the POLB. Light loading is the process of not loading a vessel to its maximum capacity at the initial port to reduce the draft, and lightering is the process of moving cargo from one vessel to another, often to reduce the draft of a larger vessel. By improving these inefficiencies through deep draft dredging, the POLB would be able to handle fully loaded larger vessels that call at the POLB. While the proposed Project would not result in larger vessels calling at the POLB beyond current forecasts, the efficiencies afforded by accommodating these larger vessels fully loaded with no operational restrictions would in turn reduce the total number of vessels calling at the POLB over time. The Draft IFR analysis does not evaluate the number, types, or distribution of vessels generated by the proposed Project as this would be extremely complex and speculative. The objective of the proposed Project is to improve conditions for vessel operations and safety, and to accommodate larger vessels with fewer restrictions. The primary factor related to throughput is the backland storage and liquid bulk storage areas of the POLB, which are well developed, constrained, and at capacity. The proposed

General Comments and Responses		
Response Number	**General Theme**	**Response**
		Project will not, in and of itself, increase throughput because of POLB terminal backlands and storage constraints (among other factors). Throughput dynamics are addressed in the POLB's Integrated Land Use Tool (ILUT), which provides data to show that most POLB container terminals are backland constrained and that larger vessels do not themselves induce growth (they actually inhibit throughput). The ILUT was developed to analyze the capacity and operating impacts of the marine terminals at the POLB, specifically, container terminals, auto terminals, dry-bulk terminals, break bulk terminals, and liquid bulk terminals. The ILUT models the POLB terminals and transportation components considering all relevant aspects of POLB operations, including ship and cargo profiles for each terminal, dwell times, work shifts, operating hours, on-dock/off-dock activity, as well as transportation and navigational networks. The model produces key performance indicators associated with various POLB terminal designs, including terminal throughput capacity, inland transport modal splits, ship and train traffic, emissions, revenue, jobs, and "big ship" capability (WSP 2017). In addition, POLB terminals would need to be updated and modernized to accommodate any increases in throughput. This would require project-specific environmental review, during which time the potential environmental impacts associated with increases in throughput would be evaluated accordingly. The primary decision criteria for identifying the National Economic Development (NED) Plan for the proposed Project includes reasonably maximizing net benefits while remaining consistent with the federal objective of protecting the Nation's environment. For the proposed Project, benefits were derived mainly from transportation cost savings (e.g., increased loads for existing vessels, switching to larger vessels, enhanced maneuverability, and delay reduction), or higher net income to commodity users or producers (as a result of lower transportation costs) during the economic period of analysis.
2	Beneficial Reuse	The USACE and the POLB are committed to beneficially reusing dredge material to the maximum extent practicable. The possibility of using sediments from the proposed Project for the East San Pedro Bay Ecosystem Restoration Project, if authorized, and funded, would be evaluated during PED and a

General Comments and Responses		
Response Number	**General Theme**	**Response**
		decision made based on sediment quality and the timing of construction for both projects. Another possibility is in-harbor fill associated with future POLB developments. Maximum use of such an in-harbor fill would be to the benefit of the POLB and the USACE and would be considered, if available. No specific projects have been identified that match construction timing. If beneficial use sites become available, the USACE would be required to conduct additional analysis under NEPA and the POLB would be required to perform additional analysis under CEQA.
3	POLB-wide Programs	The POLB is committed to its zero-emissions goals and policies. In 2006, the POLB and Port of Los Angeles adopted the Clean Air Action Plan (CAAP), a plan aimed at significantly reducing the health risks posed by air pollution from port-related mobile sources, specifically ships, trains, trucks, terminal equipment, and harbor craft, such as tugboats. The CAAP describes the relationship between air emissions and health impacts. The 2017 CAAP Update includes targets and baselines for emissions reduction and proposes strategies to reach those targets. The POLB's Strategic Plan, as approved by the Board of Harbor Commissioners (BHC), reflects the POLB's commitment to the CAAP goals and policies. As a component under the CAAP, the POLB and Port of Los Angeles fund the development and demonstration of promising emission-reduction technologies under the guidance of the Technology Advancement Program (TAP). The CAAP TAP webpage includes annual reports that document the demonstration and performance of 45 zero-emissions and clean technology projects dating back to 2007 (http://www.cleanairactionplan.org/technology-advancement-program/). In 2018, the POLB and Port of Los Angeles developed a conceptual scope to demonstrate a Large-Scale Zero-Emissions Pilot Truck Deployment, which will pave the way for the deployment of 50 to 100 zero-emissions drayage trucks in the near future. In addition, the POLB is using grant funding from the California Energy Commission and the California Air Resources Board to demonstrate zero emissions equipment and advanced energy systems in POLB operations, such as zero-emissions terminal

General Comments and Responses		
Response Number	**General Theme**	**Response**
		equipment, zero-emission cargo handling equipment, clean container ships, electric trucks, electrical charging infrastructure to support battery-electric cargo handling, among others. Information on these programs can be found at: https://www.polb.com/environment/our-zero-emissions-future#program-details. The POLB and Port of Los Angeles also support a number of other technology development efforts that are outside of the TAP. These projects include direct POLB and Port of Los Angeles investment, as well as grants from partner agencies such as the South Coast Air Quality Management District (SCAQMD) to support demonstration projects implemented by POLB tenants and technology manufacturers. The 2017 CAAP Update webpage includes quarterly progress reports on these efforts (http://www.cleanairactionplan.org/2017-clean-air-action-plan-update/). In total, the Port of Long Beach and Port of Los Angeles are actively pursuing efforts to achieve the goals in the 2017 CAAP Update. However, some of the challenges discussed in the CAAP remain. For example, commercially available zero-emissions technology related to the operation of all cargo handling equipment and drayage trucks at the POLB and Port of Los Angeles is currently at the demonstration stage rather than the implementation stage. While some emerging technologies have been "acknowledged" by regulatory agencies or "validated" by (unspecified) third parties as implementable, this does not necessarily ensure that such technologies will be feasible, which means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors" (CEQA Guidelines Section 15364). In addition, the POLB's Energy Initiative Roadmap outlines the energy initiative priorities to implement the POLB's Energy Policy adopted in 2013 and provides the link between CAAP strategies to lower air emissions and the engineering and infrastructure necessary to ensure these strategies are successful.

1. State Water Resources Control Board		
Commenter: Dmitriy Ginzburg, Hollywood District Engineer		
Comment Number	**Response**	**Location in IFR**
1-1	Comment noted. Contractor will comply as needed.	NA

2. California Coastal Commission		
Commenter: Dani Ziff, Coastal Program Analyst		
Comment Number	**Response**	**Location in IFR**
2-1	POLB and California Coastal Commission (CCC) staff agreed that the proposed Project would be included and analyzed in the 2020 Port Master Plan Update (PMPU), thus giving the CCC approval oversight. However, the proposed Project is listed as a non-appealable project in the PMPU. The POLB carefully reviewed the Draft IFR and Section 30715(a)(1) of the California Coastal Act and determined that the proposed Project is not an appealable project because it is not a development for the storage, transmission, or processing of liquefied natural gas and crude oil in such quantities as would have a significant impact upon the oil and gas supply of the state or nation or both. The POLB defines a development with a significant impact as a development that would (1) substantially increase or decrease the oil and gas supply of the nation, or both; or (2) substantially increase or decrease the value of the oil and gas facilities of the state or nation, or both. The proposed Project is not a significant development under this standard. The proposed Project will facilitate the safe and efficient transportation of all types of cargo into and out of the POLB because larger vessels are calling at the POLB that need deeper and wider channels to safely operate. Currently, these vessels must engage in lightering, where some of the petroleum material is transferred to a second ship offshore so both ships need less depth when they enter the POLB, or light loading, where larger ships are not fully loaded to ensure they can safely navigate, which resulting in more trips (and significantly higher transportation costs) to transport the same amount of product. The quantity of oil and gas deliveries will not	Section 12 Environmental Impact Report (CEQA)-12.2.9 Land Use/Planning, Impact LU-1: Impact Determination, p267

2. California Coastal Commission		
Commenter: Dani Ziff, Coastal Program Analyst		
Comment Number	**Response**	**Location in IFR**
	materially change due to this project; it will simply be handled in a safer and more cost-effective manner. This dynamic is fully explained in the Draft IFR, wherein the USACE identifies the proposed Project as having national significance because it will improve transportation efficiencies, decrease costs, and improve conditions for vessel operations and safety, not because it will significantly increase the oil and gas supply of California or the nation (Draft IFR, p. 3, Section 1.4 Purpose and Need.) As such, this proposed Project would have little to no impact on the oil and gas supply of the state or nation and is not an appealable project under Section 30715(a)(1).	

3. State of California Department of Transportation District 7		
Commenter: Mya Edmonson, IGR/CEQA Branch Chief		
Comment Number	**Response**	**Location in IFR**
3-1	The work would be done primarily by sea. Construction-related truck traffic is not anticipated to require any detours or street closures requiring the preparation of a Traffic Management Plan.	NA
3-2	Comment noted. This type of truck traffic is not expected to be generated by the proposed Project.	NA
3-2	Comment noted. The work will involve dredging by marine equipment. Significant earthmoving is not expected during the proposed Project.	NA

4. US Environmental Protection Agency, Region IX		
Commenter: Bridget Coyle, Deputy Director, Tribal, Intergovernmental and Policy Division		
Comment Number	**Response**	**Location in IFR**
4-1	Should the sediment testing program identify sediments that are unsuitable either for nearshore placement or ocean disposal, alternative disposal options would have to be identified. It is not possible to identify specific alternative disposal at this time as none of them would be in-harbor fill associated with future POLB developments, which are not currently planned. Maximum use of such an in-harbor fill would be to the benefit of the POLB and the USACE and would be	Section 10.1.1, Clean Water Act and Section 103 of the Marine Protection, Research and Sanctuaries Act

4. US Environmental Protection Agency, Region IX		
Commenter: Bridget Coyle, Deputy Director, Tribal, Intergovernmental and Policy Division		
Comment Number	**Response**	**Location in IFR**
	considered, if available. It is also not feasible at this point to discuss placement/disposal alternatives lacking the necessary volumes of sediments requiring alternative sites. A supplemental NEPA document would be required to address potential impacts.	
4-2	See General Response #1. The proposed Project, in and of itself is not growth inducing nor would it affect the volume or capacity of POLB operations because of terminal and backlands storage constraints, among other factors. While an objective of the proposed Project is to create efficiencies by allowing larger vessels to call at the POLB and thereby reducing the number of calls made by smaller vessels, the Draft IFR only evaluates the potential environmental impacts associated with construction activities and dredging of the various areas within the geographic scope of the project. It would be extremely complex and speculative to analyze the potential operation of the number, types, or distribution of vessels and other types of equipment and vehicles potentially generated by proposed Project. Any terminal improvements that will accommodate increases in throughput would require and undergo project-specific environmental analyses in accordance with CEQA and/or NEPA. Though not specific to the proposed Project, as committed to in the San Pedro Bay Ports Clean Air Action Plan (CAAP), the POLB conducts activity-based annual inventories of air emissions from port-related operational sources (i.e., vessels, harbor craft, heavy-duty trucks, trains, and cargo-handling equipment) to track the POLB's progress towards emission reduction goals identified in the CAAP. The annual air emissions inventories have been prepared for each calendar year since 2005 and are available on the POLB's website at: http://www.polb.com/environment/air#emissions-inventory (accessed March 30, 2020).	NA
4-3	See response above to comment 4-1. In addition, measures to be implemented during dredging would be identified based on sediment test results to ensure that contaminated sediments are properly handled and transported. Additional text has been added to the Final IFR to address this issue.	Same as Comment 4-1
4-4	Additional information on the Surfside Borrow Site Nearshore Placement Area, including its historical use, current bathymetry, and proposed bathymetry after placement will be	Sections 4.4; 5.1.3; 5.1.4; and 5.1.6

4. US Environmental Protection Agency, Region IX		
Commenter: Bridget Coyle, Deputy Director, Tribal, Intergovernmental and Policy Division		
Comment Number	**Response**	**Location in IFR**
	added to the Final IFR. There are no other known projects planning to use the site for sediment placement, including the Seal Beach Naval Weapons Station Redevelopment Project. A portion of the site would be used as a borrow source for Surfside-Sunset Beach Nourishment Project, Stage 13 prior to construction of the proposed Project in the POLB.	
4-5	Other beneficial reuse sites are not currently available. The USACE would maximize beneficial reuse if future sites are identified. The possibility of using sediments from the proposed Project for the East San Pedro Bay Ecosystem Restoration Project, if authorized, would be evaluated during PED and a decision made based on sediment quality and the timing of construction for both projects. It is in the USACE's interest to maximize beneficial reuse and it is a policy of the Los Angeles District to do so as part of the Southern California Dredged Materials Management Team (SC-DMMT). Shallow water habitat (SWH) placement sites were also evaluated to beneficially use dredge material and create additional mitigation credits. A SWH was developed as part of the Port of Los Angeles (POLA) channel deepening project. The POLA SWH is located at the west end of the breakwater on the inner harbor site. It has successfully enhanced marine mammal, fish, and bird habitat development. Potential development sites in the POLB include along the Navy Mole and along the Pier 400 Transportation Corridor adjacent to the existing shallow water habitat site. Depths at these sites are -25 to -30 ft, and as such a mitigation site would convert subtidal habitat to shallow water habitat, and this would at best provide acreage credit. The SWH can also be designed to accommodate chemically impacted material. Other options can include developing underwater material storage sites at strategic locations in the POLB to store dredge material for beneficial use at a later date. Development of a Confined Aquatic Disposal (CAD) Site would require considerable additional studies to demonstrate that such sites would be stable and provide physical isolation to any contaminated sediments placed within them. Development of	NA

4. US Environmental Protection Agency, Region IX		
Commenter: Bridget Coyle, Deputy Director, Tribal, Intergovernmental and Policy Division		
Comment Number	**Response**	**Location in IFR**
	a CAD site would only be beneficial if sediments unsuitable for ocean disposal were identified during PED.	
4-6	Prior deepening of the Approach Channel identified the formation material as fine sand. The preliminary determination that this material is suitable for nearshore placement is based on that information. This would be confirmed during PED by the performance of a Sediment Sampling and Analysis Program. Final design for placement would be done during PED using bathymetric surveys of the placement area with the goal of filling in the current borrow site, confirmed by pre- and post-construction surveys.	Clarifying text has been added in Section 10.1.1.
4-7	The only known large dredging project with ocean disposal is located in Lower Newport Bay with disposal at the LA-3 ODMDS. That project is expected to be completed prior to construction of the proposed Project and would not interfere or interact cumulatively with the proposed Project.	NA
4-8	The Final IFR has been revised to clarify that ocean disposal would require written concurrence from the USEPA.	Clarifying text has been added in Section 10.1.1.
4-9	The USACE will be coordinating a disposal plan with the USEPA for ocean disposal when requesting formal concurrence with any suitability determination made by the USACE for ocean disposal. The USACE would ensure disposal events comply with site conditions provided by the USEPA for the two ocean disposal sites to be used (LA-2 and LA-3) with reports provided to USEPA. No surveys of the disposal sites would be conducted as part of the proposed Project. Surveys are conducted by the USEPA as part of their site monitoring program for the two sites.	NA
4-10	A discussion of the MPRSA has been added to the Final IFR as recommended.	Section 10.1.1
4-11	A reference to the USEPA Southern California Disposal Site Management and Monitoring Plan is included in Appendix B	Appendix B, Section 3.7.2
4-12	See General Response #1. The proposed Project would not trigger any expansion projects at Pier J and Pier T, nor would it lead to any additional berth-deepening and terminal expansion projects at the POLB. Any terminal expansion projects at the POLB would require and undergo the appropriate level of	NA

4. US Environmental Protection Agency, Region IX		
Commenter: Bridget Coyle, Deputy Director, Tribal, Intergovernmental and Policy Division		
Comment Number	**Response**	**Location in IFR**
	project-specific environmental review under CEQA and/or NEPA.	
4-13	The proposed Project includes maximized use of electric dredges. The areas planned for dredging by hopper dredges are not suitable, or accessible, for dredging by electric dredge.	NA
4-14	All air quality measures identified in the Draft IFR will be carried into the Final IFR and would be implemented in full during construction.	NA
4-15	The South Coast Air Quality Management District (SCAQMD) did not comment on the Draft IFR or its air quality section. Revisions will be made in response to public comments. The Port of Long Beach and USACE worked with the SCAQMD to find offsets for emissions within the SCAQMD emissions budget that supports the USACE's conformity determination. The final conformity determination is included in the Final IFR.	Section 10.1.1 Clean Air Act
4-16	The proposed Project is not growth inducing and would not affect the operation of highway vehicles such as drayage trucks at POLB terminals. Therefore, no additional action or mitigation on the part of the proposed Project is necessary. See General Responses #1 and #3.	NA
4-17	The proposed Project is not growth inducing and would not affect the operation of marine vessels associated with POLB activities. Therefore, no additional action or mitigation on the part of the proposed Project is necessary. See General Responses #1 and #3.	NA
4-18	The proposed Project is not growth inducing and would not affect the operation of line-haul or switcher locomotives associated with POLB activities. Therefore, no additional action or mitigation on the part of the proposed Project is necessary. See General Responses #1 and #3.	NA
4-19	The proposed Project is not growth inducing and would not affect the operation of cargo handling equipment associated with POLB activities. Therefore, no additional action or mitigation on the part of the proposed Project is necessary. See General Response #1 and #3.	NA
4-20	Comment noted, revision has been made.	Section 10.1.1 MPRSA
4-21	The proposed Project is not growth inducing and would not affect the volume or capacity of POLB operations due to terminal and backlands storage constraints. See General	NA

4. US Environmental Protection Agency, Region IX		
Commenter: Bridget Coyle, Deputy Director, Tribal, Intergovernmental and Policy Division		
Comment Number	**Response**	**Location in IFR**
	Response #1. A cumulative analysis was included in Section 6 of the Draft IFR, wherein related projects in San Pedro Bay as the Region of Influence (ROI) are considered. Related projects include projects that are proposed (i.e., with pending applications), recently approved, under construction, or reasonably foreseeable that could produce a cumulative impact on the local environment when considered in combination with the proposed Project. Table 6-1 includes a listing of those projects considered to be reasonably foreseeable during the construction period. As such, the analysis includes future growth related to accelerating development with the construction period of 2025-2027. The Draft IFR evaluated the proposed Project's contribution to cumulative impacts on air quality; and has included all feasible environmental control measures to reduce the proposed Project's contribution. The USACE and POLB acknowledge that the proposed Project would result in a cumulatively considerable contribution to air quality and GHG emissions, and have included measures to that will help to reduce air quality impacts within the vicinity of the POLB and reduce GHG emissions that contribute to global climate change. No additional analysis or updates to the impact determination are warranted.	
4-22	For purposes of the EJ analysis, the affected area is a one-mile radius around the project area, and the city of Long Beach is the community of comparison. The one-mile radius is the standard for assessing environmental justice impacts for the project area. It focused on areas of impact from an air quality perspective, which is the primary impact to residents due to the isolated nature of project activities. Maps showing the affected communities in the project area are included in Appendix K.	NA
4-23	Comment noted. Changes recommended would be made to the Final IFR, if needed. Such changes are not currently expected. Also refer to General Response #1.	NA
4-24	California Assembly Bill (AB) 617 was signed into state law in 2017, and the California Air Resources Board (CARB) Community Air Protection Project which implements AB 617,	NA

4. US Environmental Protection Agency, Region IX		
Commenter: Bridget Coyle, Deputy Director, Tribal, Intergovernmental and Policy Division		
Comment Number	**Response**	**Location in IFR**
	the South Coast AQMD has developed a Community Emissions Reduction Plan (CERP) for Wilmington, Carson, and West Long Beach aims to reduce air pollution in these communities through actions that include measurements and observations; enforcement of existing rules and regulations; development of new rules and regulations; incentives for cleaner equipment; collaboration with agencies, organizations, businesses, and stakeholders; awareness programs and air filtration at schools; and educational outreach programs for equipment operators. POLB staff regularly attend SCAQMD's community meetings and participated in South Coast AQMD's development of the CERP. The CERP incorporates CAAP initiatives such as incentives for cleaner ships and harbor craft, and implementation of at-berth regulations for ocean-going vessels. While the CERP would be implemented by the Community Steering Committee, SCAQMD, and CARB, the exact timing of implementation and details of the CERP actions are currently unknown. The POLB continues to monitor the efforts of the CERP, and in the meantime, will continue to implement its own initiatives and measures under the CAAP. Further, the POLB provided formal comment on the Assembly Bill (AB) 617 Community Air Protection Program Draft Blueprint on July 23, 2018, expressing support for the strategies outlined in the document and future collaboration to reduce emissions from POLB-related operations. While the CERP would be implemented by the Community Steering Committee, SCAQMD, and California Air Resources Board, the exact timing of implementation and details of the CERP actions are currently unknown. The POLB continues to monitor the efforts of the CERP, and in the meantime, will continue to implement its own initiatives and measures under the CAAP. The Draft IFR proposes all feasible measures to mitigate potentially significant air quality impacts from construction of the project and its alternatives. In addition, the POLB has established its Community Grants Program to fund programs in community health, facility improvements, and community infrastructure to alleviate or reduce impacts from POLB-related activities. As discussed in Section 12.4.3 of the Draft IFR, the	

4. US Environmental Protection Agency, Region IX		
Commenter: Bridget Coyle, Deputy Director, Tribal, Intergovernmental and Policy Division		
Comment Number	**Response**	**Location in IFR**
	proposed Project's contribution to the Community Grants Program was considered for pollutants that would exceed the South Coast AQMD peak day significance thresholds, after the implementation of mitigation measures. The proposed project is expected to contribute $146,753 to the POLB's Community Grants Program.	

5. California State Clearinghouse		
Commenter: Scott Morgan, Director		
Comment Number	**Response**	**Location in IFR**
5-1	Comment noted. Thank you for acknowledging compliance with the State Clearinghouse review requirements for draft environmental documents pursuant to CEQA.	NA

6. National Marine Fisheries Service, West Coast Region		
Commenter: Chris Yates, Assistant Regional Administrator for Protected Resources		
Comment Number	**Response**	**Location in IFR**
6-1	See General Response #2.	NA
6-2	The U.S. Navy's Ammunition Pier and Turning Basin project at Naval Weapons Station Seal Beach is not planning to use the Surfside Borrow Site Nearshore Placement Area for sediment disposal. Permits issued for the project by USACE's Regulatory Division does not currently authorize use of the Surfside Borrow Site Nearshore Placement Area for sediment disposal. Any change would require a permit modification.	NA
6-3	The Surfside Borrow Site Nearshore Placement Area is a non-dispersive site, which is why the borrow site has not naturally filled. Placement at the Surfside Borrow Site Nearshore Placement Area is not expected to have any impacts downcoast to the Bolsa Chica inlet.	NA
6-4	Comment noted. Pre-construction surveys of the Surfside Borrow Site Nearshore Placement Area deleted from the commitments in the Final IFR.	S.5; Section 5.4.3; Section 10.2, Item 13; and Section 12.2.4

6. National Marine Fisheries Service, West Coast Region		
Commenter: Chris Yates, Assistant Regional Administrator for Protected Resources		
Comment Number	**Response**	**Location in IFR**
6-5	Concur, Local Service Facilities will require separate permitting by the Regulatory Division of the USACE. NMFS will be re-consulted on EFH prior to issuing any permit to the POLB pursuant to section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act related to Local Service Facilities, including structural improvements to the Pier J breakwater.	NA
6-6	See General Response #2.	NA
6-7	Refer to responses to comments 6-2 and 6-3.	NA
6-8	Local Service Facilities will require separate permitting by the Regulatory Division of the USACE. NMFS will be re-consulted on EFH prior to issuing any permit to the POLB pursuant to section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act related to Local Service Facilities, including structural improvements to the Pier J breakwater. Three concepts were reviewed for improving/stabilizing the Pier J rock slopes to allow dredging to take place. The concepts encompassed the following: -Rock dike installed on the dredged slope -Steel sheet pile bulkhead wall -Ground improvement such as jet grouting. Of the three concepts the bulkhead wall was the most cost effective. During final design it may be determined that another concept or a combination of one or all three concepts would be the most practical alternative. Temporary impacts to EFH may occur during construction, however Permanent EFH loss is not anticipated, therefore, mitigation is not anticipated.	NA
6-9	Permanent EFH loss is not anticipated. Options studied allow for conversion of habitat from soft bottom to rock by use of rock dike or rock toe protection to structures.	NA
6-10	Comment noted. The USACE is aware of its obligations to re-consult, if needed. The USACE will be reinitiating EFH consultation with NMFS for the structural improvements to the Pier J breakwater. See response to comment 6-5.	NA

6. National Marine Fisheries Service, West Coast Region		
Commenter: Chris Yates, Assistant Regional Administrator for Protected Resources		
Comment Number	**Response**	**Location in IFR**
6-11	With the implementation of avoidance and minimization measures listed in Section 5.4 of the IFR, the USACE determined the project may affect not likely to adversely affect green sea turtles. The USACE initiated informal consultation with the NMFS on August 9, 2021. On August 30, 2021, NMFS concurred with USACE determination.	Section 3.4; 5.4; 10.2; and Executive Summary
6-12	Due to the nature, location, and duration of construction, impacts to marine mammals are not expected, as discussed in the Draft IFR. Additional text has been added to Section 5.4 to address marine mammals under the MPRSA, text that was inadvertently left out of the Draft IFR.	Section 5.4
6-13	The USACE has revised Section 10 as recommended.	Section 10.1.1, FWCA

7. FuturePorts		
Commenter: Marnie O. Primmer, Executive Director		
Comment Number	**Response**	**Location in IFR**
7-1	Comment noted, the support is greatly appreciated.	NA

8. Andrea Hricko		
Commenter: Andrea Hricko		
Comment Number	**Response**	**Location in IFR**
8-1	Emissions associated with dredging activities were analyzed. The proposed Project is not growth inducing and would not result in an increase in POLB throughput, trucks, marine vessels, rail or cargo handling activities. See General Response #1. Please also see response to comments 4-2, 4-16, 4-17, 4-18, and 4-19.	NA
8-2	Tugboats: The Draft IFR includes mitigation measure AQ-2 which requires construction-related harbor craft with Category 1 or 2 marine engines shall meet USEPA Tier 3 emission standards for marine engines. All air quality measures identified in the Draft IFR will be carried into the Final IFR and would be implemented in full during construction. The commenter asserts that the EIR must require that the POLB purchase the needed Tier 3 tugboats for the proposed Project. While quantities are limited, Tier 3	NA

8. Andrea Hricko		
Commenter: Andrea Hricko		
Comment Number	**Response**	**Location in IFR**
	tugboats used in construction activities are available. Neither the USACE nor the POLB operate, own, control, or purchase construction equipment for specific projects (i.e. equipment is owned and operated by private companies). The Corps and POLB enter into contracts with qualified construction contractors through a process that follows regulations for public works construction projects, including detailed bid specifications that outline all the requirements for a project, including equipment specifications and requirements. The bid specification will include the mitigation measure and requirement for the use of an electric clamshell dredge for the proposed Project, where applicable. In addition, all construction-related mitigation measures will be included in the Harbor Development Permit issued for the proposed Project. Electric Dredge: The commenter asserts that the Draft IFR must require that the POLB buy an electric clamshell dredge or dredges. Clamshell dredges are available from contractors in configurations that can be electrified and have been used on previous POLB projects. As indicated previously, neither the USACE nor the POLB operate, own, control, or purchase construction equipment for specific projects (i.e., equipment is owned and operated by private companies). The USACE and POLB enter into contracts with qualified construction contractors through a process that follows regulations for public works construction projects, including detailed bid specifications that outline all the requirements for a project, including equipment specifications and requirements. The bid specification will include the mitigation measure and requirement for the use of an electric clamshell dredge for the proposed Project, where applicable. In addition, all construction-related mitigation measures will be included in the Harbor Development Permit issued for the proposed Project. The proposed Project proposes to construct an electrical substation specifically to accommodate the use of an electric clamshell dredge by the construction contractor. Hopper Dredge: Hopper dredgers are powered by self-propelled Category 2 marine engines and as such differ from	

8. Andrea Hricko		
Commenter: Andrea Hricko		
Comment Number	**Response**	**Location in IFR**
	clamshell dredge engines, which are considered off-road engines. Electric hopper dredges are not available, and it would be speculative to assume otherwise.	
8-3	A detailed Sediment Sampling and Analysis Program (SAP) would be conducted during PED to test all sediments proposed for dredging in accordance with current regulations. This SAP would be coordinated with the SC-DMMT, as discussed in the IFR. The results would also be coordinated with the SC-DMMT and written concurrence for ocean disposal sought from the USEPA.	NA

9. Consortium Comments Submitted by EarthJustice		
Commenter: Refer to Letter		
Comment Number	**Response**	**Location in IFR**
9-1	42 U.S.C. 4332(2)(C) Section 102 of NEPA requires Federal agencies to prepare a detailed statement on the environmental impact of the proposed action; avoidance measures for any adverse effects that cannot be addressed; alternatives to the proposed action; and any irreversible and irretrievable commitments of resources that would be involved in the proposed action. CEQA's statutory framework sets forth a series of analytical steps intended to promote the fundamental goals and purposes of environmental review – information, participation, mitigation, and accountability. The purpose of an EIR is to provide public agencies and the public in general with detailed information about the effect which a project is likely to have on the physical environment, to list ways in which any significant adverse effects might be minimized, and to indicate alternatives that reduce any identified adverse impacts (Public Resources Code Section 21061). Consistent with CEQ Regulations and CEQA Guidelines Section 15124(b), the Draft IFR includes a discussion of the project purpose and need and objectives that are used to explain the underlying reasons why the USACE and the POLB are proposing the Project. As stated in Draft IFR Sections 1.3 and 1.4, the overall purpose of the proposed Project is to	NA

9. Consortium Comments Submitted by EarthJustice		
Commenter: Refer to Letter		
Comment Number	**Response**	**Location in IFR**
	identify and evaluate alternatives to increase transportation efficiencies for container and liquid bulk vessels operating in the POLB, for both the current and future fleet, and to improve conditions for vessel operations and safety in the event of vessel malfunction or weather-related events. In addition, all potentially significant impacts have been analyzed using widely accepted methodologies and have been thoroughly discussed and documented in the Draft IFR. Moreover, for all potentially significant impacts, all feasible mitigation measures and alternatives that would avoid or substantially lessen significant environmental impacts have been imposed on the Project to reduce the significant effects to the extent possible, while attaining most of the objectives of the proposed Project. This approach fully satisfies the requirements of CEQA and NEPA.	
9-2	The purpose of the proposed Project is complete and accurately stated in a manner compliant with applicable federal and state regulations. Compliance with the Clean Water Act is a matter of a legal duty and is not considered to be a project objective as it applies to all USACE projects.	NA
9-3	The project description is complete, detailed, and meets all requirements of NEPA and its implementing regulations. Some details would be worked out in PED, but this is not considered to be non-compliant. Per CEQA Guidelines Section 15124, Project Description, the description of the project shall contain the information on the location of the proposed Project, the project objectives, description of the project's technical, economic, and environmental characteristics and the intended uses of the EIR but should not provide extensive detail beyond that needed for evaluation and review of the environmental impact. Therefore, the project description in the Draft IFR describes the proposed Project to the appropriate level of detail required by CEQA. See General Response #1 for additional information regarding the growth inducing effects.	NA
9-4	The range of alternatives considered was broad and diverse and complies with NEPA and its implementing regulations.	NA

9. Consortium Comments Submitted by EarthJustice		
Commenter: Refer to Letter		
Comment Number	**Response**	**Location in IFR**
	Mitigation measures have been incorporated for all significant impacts in an attempt to reduce them to a level of insignificance.	
9-5	The comment states that the EIR fails to provide a range of alternatives that account for "meaningful" discussion and allow for informed decision making suggesting that the alternatives are similar. As discussed, Section 12.5 Alternative Analysis of the Draft IFR, CEQA Guidelines Section 15126.6 requires that: *An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.* The EIR need not account for every conceivable alternative to the proposed Project including alternatives that do not meet the primary or secondary objectives of the proposed Project. This CEQA evaluation presents a reasonable range of alternatives that are consistent with the POLB's legal mandates under the California Coastal Act of 1976, which identifies the POLB and its facilities as a primary economic/coastal resource of the state and an essential element of the national maritime industry for promotion of commerce, navigation, fisheries, environmental preservation, and public recreation. To comply with CEQA requirements, all alternatives considered in the EIR have been evaluated in accordance with the following: - Does the alternative accomplish all or most of the basic objectives of the proposed Project? - Is the alternative potentially feasible (from economic, environmental, legal, social, and technological standpoints)? - Does the alternative avoid or substantially lessen any significant effects of the proposed Project, including consideration of whether the alternative itself could create	NA

9. Consortium Comments Submitted by EarthJustice		
Commenter: Refer to Letter		
Comment Number	**Response**	**Location in IFR**
	significant effects greater than those of the proposed Project? Three action alternatives, in addition to the proposed Project, were carried forward to meet the Project's needs and objectives. Numerous scenarios were explored to determine the most prudent and practicable designs, which are described in more detail in Section 4. Section 5 provides a detailed co-equal analysis of the alternatives. For the purposes of CEQA, a qualitative comparison of the impacts associated with each alternative are compared to the respective impacts associated with the proposed Project. As noted in Section 12, both the No Project Alternative and Alternative 2 were found to reduce impacts associated with the proposed Project. All four action alternatives include widening the Main Channel, deepening the added width to the authorized depth of -76 feet MLLW, and constructing reinforcement of the Pier J breakwaters. These activities are needed to fully implement the General Navigation Features discussed and to allow the POLB to fully realize all the economic benefits of the project and contribute to the national economic development (NED) while protecting the environment. Additionally, only impacts related to air quality and health risk were found to be significant, even with the incorporation of feasible mitigation measures. No additional alternatives that would meet the project objectives would be able to reduce air quality and health risk impacts below significance levels. As discussed in Section 4 and Section 12.5 of the Draft IFR, these represent a range of reasonable alternatives to the project, which would feasibly attain most of the basic objectives of the project and are consistent with the POLB's legal mandates under the CCA.	
9-6	The range of alternatives considered was broad and diverse and complies with NEPA and its implementing regulations, and the CEQA Guidelines. No specific alternatives are suggested that would help to achieve the project objectives.	NA

9. Consortium Comments Submitted by EarthJustice		
Commenter: Refer to Letter		
Comment Number	**Response**	**Location in IFR**
9-7	The purpose of the Study is to identify and evaluate alternatives to increase transportation efficiencies for the current and future fleet of container and liquid bulk vessels operating in the POLB, and to improve overall conditions for vessel operations and safety in the event of vessel malfunction or weather-related events. It is beyond the scope of this Draft IFR to evaluate or establish a mechanism for the vessels to operate at certain speeds on approach or transit in the Santa Barbara Channel, nor are there specific objectives or purpose and need related to the reduction of marine mammal deaths. The commenter provides no substantial evidence of marine mammal deaths. The proposed Project would not introduce any uses or activities that are incompatible with existing POLB operations. Dredging activities are common within POLB environments for channel deepening and maintenance of existing channels. The Draft IFR did not find any significant impacts related to the increase in marine mammal deaths. Thus, an alternative to address such effects is not warranted. Furthermore, vessel operations are not part of the scope of analysis as there will be no increase in vessel capacity or increase throughput for cargo or liquid bulk as a result of project implementation. See General Response #1.	NA
9-8	See General Response #1.	NA
9-9	The proposed Project would accommodate larger vessels forecasted to call at the POLB; the efficiencies afforded by accommodating these larger vessels would in turn reduce the total number of vessels calling at the POLB over time. While these larger vessels could accommodate larger cargo and liquid bulk loads, the overall throughput at the POLB would not be affected by the proposed Project. Furthermore, the fleet and commodity forecast in the POLB Master Plan Update does not consider the completion of the proposed Project. Therefore, as documented in the Draft IFR the efficiencies would not increase throughput for cargo or liquid bulk with project implementation.	NA
9-10	The commenter states that the analysis does not address direct impacts and reasonably foreseeable indirect impacts	NA

9. Consortium Comments Submitted by EarthJustice		
Commenter: Refer to Letter		
Comment Number	**Response**	**Location in IFR**
	and cumulative impacts from the proposed Project. Section 6, Section 12.4 and Section 12.8 includes a cumulative analysis of potential impacts and growth inducing impacts of the proposed Project. Table 6-1 includes a listing of those projects considered to be reasonably foreseeable during the construction period. See General Response #1 for additional information regarding growth inducement.	
9-11	The commenter states that the Draft report unlawfully overlooked the significant environmental effects of the proposed Project on air quality, marine ecosystems, cultural resources and environmental justice communities. Section 3.8 provides an overview of the cultural resources that may be present within the area of potential effect (APE). Sections 5.8 Cultural Resources and 12.2.5 Historic and Tribal Cultural Resources of the Draft IFR discuss the NEPA and CEQA impacts respectively. Additionally, a search of the Native American Heritage Commission (NAHC) Sacred Lands File indicated there are no known sacred resources within the project area. Due to the nature, location, and duration of construction, impacts to marine ecosystems are not expected, as discussed in the Draft IFR. The proposed Project would not introduce any uses or activities that are incompatible with existing POLB operations. Dredging activities are common within POLB environments for channel deepening and maintenance of existing channels. The Draft IFR did not find any significant impacts related to marine ecosystems. Air quality impacts and mitigation measures associated with dredging and construction activities are addressed in Section 12.2.3. The proposed Project is not growth inducing and would not impact POLB operations. See General Response #1. For environmental justice impacts, the project area does constitute an EJ community and a health risk assessment conducted by the POLB concluded that there would be no increase in health risks to disadvantaged communities as a result of the proposed Project. Therefore, there would not be disproportionately high and adverse human health or environmental impacts on minority populations because of the proposed Project.	NA

9. Consortium Comments Submitted by EarthJustice		
Commenter: Refer to Letter		
Comment Number	**Response**	**Location in IFR**
	Please refer to previous responses and General Response #1 regarding impacts from growth inducement.	
9-12	The proposed Project is not growth inducing and as such would not increase throughput. See General Response #1.	NA
9-13	The proposed Project is not growth inducing and as such would not lead to an increase in freight transport or health impacts associated with freight transport. See General Response #1.	NA
9-14	The proposed Project is not growth inducing and as such would not lead to air quality impacts associated with operational activities. See General Response #1.	NA
9-15	The proposed Project is not growth inducing and as such would not lead to an increase in cargo transport. See General Response #1.	NA
9-16	Of all criteria pollutants, ozone (O_3) is unique because it would not be directly emitted from proposed Project-related sources. Rather, O_3 is a secondary pollutant, formed from precursor pollutants volatile organic compounds (VOC) and nitrogen oxides (NOx) which react to form O_3 in the presence of sunlight, through a complex series of photochemical reactions. As a result, unlike inert pollutants, O_3 levels usually peak several hours after the precursors are emitted and many miles downwind of the source. In addition, ozone formation is non-linear (i.e., in that one pound of VOC does not necessarily produce one pound of ozone) and is reversible (i.e., ozone tends to convert back to VOC and NOx during the night). Because of the complexity and uncertainty in predicting photochemical pollutant concentrations, it is industry practice and SCAQMD guidance to assess O_3 impacts indirectly by comparing proposed Project-generated emissions of VOC and NOx to daily emission thresholds set by SCAQMD. Similarly, USEPA's general conformity guidance also assesses O_3 impacts by comparing annual Project emissions of VOC and NOx to annual de minimis levels. General conformity is discussed in Section 5.5 of the document. An exceedance of an emission threshold means the proposed Project would make a significant contribution to regional air pollutant emissions in the SCAB. However, an	NA

9. Consortium Comments Submitted by EarthJustice		
Commenter: Refer to Letter		
Comment Number	**Response**	**Location in IFR**
	emission threshold exceedance does not necessarily mean that the proposed Project would contribute to a violation of the state ambient air quality standards. Regional dispersion modeling would be necessary to determine the downwind ambient concentrations of O_3 in the atmosphere where the general population would be exposed. However, regional modeling tools are designed to be used at the national, state, regional, and/or city levels. The SCAQMD holds that currently available regional modeling tools are not well suited to analyze relatively small changes in pollutant concentrations associated with individual projects. Please refer to Section 5.5 and Section 12 of the Draft IFR for a discussion of VOC and NOx emissions and associated impacts. Please refer to Appendix H3 of the Draft IFR for a detailed discussion of regional modeling and SCAQMD's position. In addition, the proposed Project is a dredging and construction project that would not induce growth inducement or increase throughput. Therefore, all impacts would be transient and temporary. In regard to the 2015 ozone NAAQS, the SCAQMD is working on addressing the 2015 ozone standard as part of the 2022 AQMP. The USEPA had not made a designation at the time of the 2016 AQMP and designated the area as Extreme Nonattainment in 2018. The 2016 AQMP does provide a preliminary evaluation of the 2015 ozone 8-hour standard (SCAQMD 2016). The 2016 AQMP also identifies feasible measures toward achievement of CAAQS; this strategy and underlying technical analyses are integrated into the AQMP. Finally, attainment of ambient air standards depends on performance of the region as a whole and a significant increase in an individual project's emissions does not necessarily translate into a delay in reaching attainment, especially given that the proposed Project's emissions are temporary.	
9-17	See General Response #1. See response to comment 4-2.	NA
9-18	See General Response #1; No mitigation measures are needed because there will be no operational impacts due to the project.	NA

9. Consortium Comments Submitted by EarthJustice		
Commenter: Refer to Letter		
Comment Number	**Response**	**Location in IFR**
9-19	The proposed Project is not growth inducing and would not affect cargo throughput or the operation of trucks, marine vessels or cargo handling equipment associated with POLB activities. Therefore, no additional action on the part of the proposed Project is necessary. See General Response #1.	NA
9-20	The proposed Project is not growth inducing and would not affect cargo throughput or the operation of trucks, marine vessels, rail or cargo handling equipment associated with POLB activities. Therefore, no additional action on the part of the proposed Project is necessary. See General Response #1.	NA
9-21	The proposed Project is not growth inducing and would not affect cargo throughput or the operation of trucks, marine vessels, rail or cargo handling equipment associated with POLB activities. Therefore, no additional action on the part of the proposed Project is necessary. See General Response #1.	NA
9-22	The proposed Project is not growth inducing and would not affect cargo throughput or the operation of trucks, marine vessels, rail or cargo handling equipment associated with POLB activities. Therefore, no additional action on the part of the proposed Project is necessary. See General Response #1.	NA
9-23	The proposed Project is not growth inducing and would not facilitate an increase in oil production of refinement. See General Response #1.	NA
9-24	See General Response #1. Assumptions regarding vessel traffic are based on the throughput limitations imposed by terminal backland storage and liquid bulk storage areas, which are constrained and at capacity and based on experience with commercial port operations.	NA
9-25	Channel restrictions limit a vessels capacity by limiting its draft. Deepening the channel reduces this constraint and the vessel's maximum practicable capacity increases towards its design capacity. This increase in vessel capacity results in fewer vessel trips required to transport the forecasted cargo. Increasing the water depth encourages the deployment of larger vessels to the POLB. Furthermore, the increase in larger Post-Panamax vessels displaces the less economically efficient smaller Post-Panamax vessels and Panamax class vessels. This would decrease the number of vessel trips, overall, at the POLB.	NA

9. Consortium Comments Submitted by EarthJustice		
Commenter: Refer to Letter		
Comment Number	**Response**	**Location in IFR**
	The proposed Project would facilitate the safe and efficient transportation of all types of cargo into and out of the POLB because larger vessels are calling at the POLB that need deeper and wider channels in order to safely operate. That said, the Draft IFR analysis does not evaluate the number, types, or distribution of vessels generated by the proposed Project as this would be extremely complex and speculative. The objective of the proposed Project is to increase vessel efficiencies/safety and accommodate larger vessels with fewer calls. The proposed Project in and of itself will not increase throughput because of POLB terminal backlands and storage constraints (among other factors). In addition, in order to optimize overall operational efficiencies, the POLB terminals would need to be updated and modernized to accommodate any increases in throughput. Future berths would need to be designed to accommodate larger ships. This would require project-specific environmental review, during which time the potential environmental impacts associated with vessels would be evaluated—including air, noise, and impacts to marine mammals. See also General Response #1.	
9-26	The USACE has adequately characterized the noise impacts from construction using the best available information.	NA
9-27	See response to comment 9-7.	NA
9-28	The USACE has extensive experience dredging sediments in southern California, including the navigation channels in the POLB. Monitoring during those events supports the conclusions reached in the Daft IFR concerning potential water quality impacts from dredging, including the potential for hazardous materials in the sediments. Potential impacts are conservatively estimated in the Draft IFR based on those prior events.	NA
9-29	The commenters assert that the proposed Project does not analyze the heightened risks of oil spills as a result of the proposed Project. The scope of the environmental analysis of the proposed project evaluates the construction activity associated with dredging to increase channel depths to facilitate the safe and efficient transportation of all types of cargo into and out of the POLB because larger vessels are	NA

9. Consortium Comments Submitted by EarthJustice		
Commenter: Refer to Letter		
Comment Number	**Response**	**Location in IFR**
	calling at the POLB that need deeper and wider channels in order to safely operate, among other objectives. Currently, liquid bulk vessels must engage in lightering, where some of the petroleum material is transferred to a second ship offshore so both ships need less depth when they enter the POLB. Reducing the number of lightering events, inherently, will reduce the risk of oil spills from the transfer of liquid bulk cargo from one vessel to another. As discussed in General Response #1, while larger vessels could accommodate larger liquid bulk loads, the overall volumes of liquid bulk would not be affected by the proposed Project. The Draft IFR only evaluates the potential environmental impacts associated with construction activities and dredging of the various areas within the scope of the proposed Project. The Draft IFR does not evaluate the number, types, and distribution of vessels or types of cargo potentially generated by the proposed Project, as this would be complex and speculative. Because of constraints on liquid bulk storage areas, amongst other factors, improvements to facilities that handle liquid bulk would require project-specific environmental review, during which time, the potential for any heightened risk of oil spills would be evaluated accordingly. Furthermore, marine oil terminals in California are required to comply with Marine Oil Terminal Engineering Maintenance Standards (MOTEMS) that apply to all marine oil terminals in California. MOTEMS establish minimum engineering, inspection, maintenance criteria for marine oil terminals to protect public health, safety and the environmental, and govern the upgrade and design of terminals to ensure better resistance to earthquakes and reduce the potential of oil spills.	
9-30	The USACE consulted with the SHPO regarding the potential for historic properties to exist within the APE. On December 9, 2020, the USACE received comment from the SHPO agreeing there would be no historic properties affected. Documentation of consultation is included in Appendix N. Because no effects are anticipated as a result of Alternative 2, impacts would be less than significant.	Sections 5.8; 10.1.7; 13.1.3 NA

9. Consortium Comments Submitted by EarthJustice		
Commenter: Refer to Letter		
Comment Number	**Response**	**Location in IFR**
	For environmental justice the project area does constitute an EJ community. However, dredging activities are common within POLB environments for channel deepening and maintenance of existing channels. Construction impacts are located in the outer harbor and two terminals both of which are located remotely from any potential environmental justice communities. Negligible new construction jobs would be created as the Project would mainly draw from construction workers who already reside in the larger region, there would not be a large influx of construction workers to the area. The proposed Project would not induce a substantial decrease in area employment. Project impacts would be restricted to temporary construction impacts. The minority population would not be directly affected by the proposed Project. Furthermore, a health risk assessment conducted by the POLB concluded that there would be no increase in health risks to disadvantaged communities as a result of the proposed Project. Therefore, there would not be disproportionately high and adverse human health or environmental impacts on minority populations due to the proposed Project.	
9-31	See response to comment 9-9.	NA
9-32	The Area of Potential Effect (APE) for the proposed Project has been determined, in consultation with the SHPO, and is described in the Draft IFR. Areas, such as the Santa Barbara Channel, are well outside the APE and would not be affected by the proposed Project.	NA
9-33	The Port of Los Angeles currently has no plans to widen or deepen its navigation channels. The remaining ports listed are all well outside any area of influence from the proposed Project.	NA
9-34	POLB Operations are outside the scope of this proposed Project. See General Response #1.	NA
9-35	The USACE has determined that the proposed Project would not affect any listed species or their designated critical habitat. That determination was provided to the USFWS and NMFS for their review and comment. Nothing in that coordination has resulted in any change to the initial no effect determinations. Consultation, therefore, is not required under section 7 of the Endangered Species Act.	NA

9. Consortium Comments Submitted by EarthJustice		
Commenter: Refer to Letter		
Comment Number	**Response**	**Location in IFR**
9-36	The USACE has determined that the proposed Project would not affect marine mammals. That determination was provided to NMFS staff for their review and comment. Nothing in that coordination has resulted in any change to the initial no effect determinations. A marine mammal take authorization under the Marine Mammal Protection Act, therefore, is not required.	NA
9-37	The project does not affect shipping in a meaningful way; therefore, the impacts from shipping in general are not addressed in this analysis. See General Response #1.	NA
9-38	See General Response #1.	NA

10. USC Keck School of Medicine		
Commenters: Andrea Hricko, Verbal Comments at Public Meeting		
Comment Number	**Response**	**Location in IFR**
Transcript p 36, lines 20-25	The proposed Project is not growth inducing and would not affect cargo throughput. The proposed Project would create efficiencies by allowing larger vessels to call at the POLB, thereby reducing the number of smaller vessels. See General Response #1. Emissions associated with larger vessels are expected to be offset by this reduction in the number of smaller vessels. Please see response to Comment 4-2.	NA
Transcript p 37, lines 1-8	See response to Comment 8-1.	NA
Transcript p 37, lines 15-25	See response to Comment 8-2.	NA
Transcript p 38, lines 2-10	The proposed Project includes maximized use of electric dredges. The areas planned for dredging by hopper dredges are not suitable, or accessible, for dredging by electric dredge.	NA
Transcript p 38, lines 11-23	A detailed Sediment Sampling and Analysis Program (SAP) would be conducted during PED to test all sediments proposed for dredging in accordance with current regulations. This SAP would be coordinated with the SC-DMMT, as discussed in the Draft IFR. The results would also	NA

10. USC Keck School of Medicine		
Commenters: Andrea Hricko, Verbal Comments at Public Meeting		
Comment Number	**Response**	**Location in IFR**
	be coordinated with the SC-DMMT and written concurrence for ocean disposal sought from the USEPA.	

11. Natural Resources Defense Council		
Commenter: Heather Kryczka, Verbal Comments at Public Meeting		
Comment Number	**Response**	**Location in IFR**
Transcript p 34, lines 9-15	See General Response #1.	NA
Transcript p 35, lines 4-9	See General Response #1.	NA
Transcript p 35, lines 10-15	See General Response #1.	NA
Transcript p 35, lines 16-23	The proposed Project is not growth inducing and would not affect cargo throughput. The proposed Project would create efficiencies by allowing larger vessels to call at the POLB, thereby reducing the number of smaller vessels. See General Response #1. Emissions associated with larger vessels are expected to be offset by this reduction in the number of smaller vessels. Please see response to Comment 4-2.	NA
Transcript p 35-36, lines 24-9	See General Response #1.	NA

12. William Johns		
Commenter: Utility Coordinating, Inc., Written Comments at Public Meeting		
Comment Number	**Response**	**Location in IFR**
12-1	This issue was addressed in the section on Public Utilities: "There are no public utilities, including pipelines, electrical lines, or telecommunications lines, in the project area . . .".	3.15
12-2	Comment noted. However, as noted in comment response 12-1, there are no public utilities, including pipelines, electrical lines, or telecommunications lines, in the project area.	NA

13. William Johns		
Commenter: Verbal Comments at Public Meeting		
Comment Number	**Response**	**Location in IFR**
Transcript p 40, lines 2-15	The issue of underground utilities was addressed in the section on Public Utilities: "There are no public utilities, including pipelines, electrical lines, or telecommunications lines, in the project area . . .".	NA

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Attachment 2

Annotated Comment Letters

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Comment Letter 1

California Water Boards

Gavin Newsom
Governor

Jared Blumenfeld
Secretary for
Environmental Protection

State Water Resources Control Board
Division of Drinking Water

November 25, 2019

VIA E-MAIL AND USPS MAIL

Ms. Allyson Teramoto
Environmental Planning Manager
Port of Long Beach
415 West Ocean Boulevard
Long Beach, CA 90802

Dear Ms. Teramoto:

SCH# 2016111014: PORT OF LONG BEACH DEEP DRAFT NAVIGATION FEASIBILITY STUDY AND CHANNEL DEEPENING PROJECT

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report/Draft Environmental Impact Study (EIR/EIS) prepared for the subject project. The State Water Resources Control Board, Division of Drinking Water (DDW) is providing the following comments:

1. Whenever and wherever potable water will be used before, during, and after implementation of the subject project, project proponents shall comply with the State Safe Drinking Water Act and its implementing regulations and requirements. Examples of potential use of potable water supply are the potential staging areas within Port boundaries as stated in the EIR/EIS document. Please contact the City of Long Beach Water Department (LBWD) for statutory and regulatory requirements that may apply. 1-1

2. Subject project shall properly install and use the appropriate backflow prevention devices wherever applicable.

3. Subject project shall comply with the cross-connection requirements whenever

and wherever applicable. Please contact the LBWD for any applicable cross-connection requirements.

If you have any questions, please contact Mr. Ric M. Roda, P.E., at (818) 551-2009 or me at (818) 551-2022.

Sincerely,

Dmitriy Ginzburg, P.E.
Hollywood District Engineer
Division of Drinking Water

cc: Mr. Tai Tseng
Assistant General Manager, Operations
Long Beach Water Department
1800 E. Wardlow Rd.
Long Beach, CA 90807

Yan Zhang, Ph.D., P.E.
Senior Program Manager
Long Beach Water Department
2950 Redondo Avenue
Long Beach, CA 90806

Mr. Scott Morgan
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

Mr. Dan Bacani
Cross-Connection and Water Pollution Control Program
County of Los Angeles Department of Public Health
5050 Commerce Drive
Baldwin Park, CA 91706

Comment Letter 2

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
301 E Ocean Blvd, Suite 300
Long Beach, CA 90802
(562) 590-5071

December 9, 2019

U.S. Army Corps of Engineers
Attn: Mr. Larry Smith
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017-3849

RE: Port of Long Beach Deep Draft Navigation Study, Draft Integrated Feasibility Report
Coastal Commission Staff Comments on Notice of Availability

Mr. Larry Smith:

Thank you for the invitation to comment on the Notice of Availability of the Draft Integrated Feasibility Report (Integrated Feasibility Study/Environmental Impact Statement/Environmental Impact Report; CEQA SCH# 2016111014) for the Port of Long Beach Deep Draft Navigation Feasibility Study. The Draft Integrated Feasibility Study identifies the Channel Deepening Project as a non-appealable project under Section 30715 of the Coastal Act. However, as stated in comments provided by Commission staff to Port of Long Beach staff on the Amended NOP Feasibility Study and Channel Deepening Project (March 1, 2019), as well as guidance provided by phone on September 26, 2019, and by email on October 3, 2019, the proposed development is appealable to the Coastal Commission under Section 30715 because it provides for the transmission, which the Commission has interpreted to include transportation by boat, of increased capacities of liquefied natural gas and crude oil. 2-1

Feel free to contact me at (562) 590-5071 with any questions.

Sincerely,

Dani Ziff
Coastal Program Analyst

cc: Baron Barrera, Port of Long Beach

Comment Letter 3

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.

December 9, 2019

Mr. Larry Smith
Environmental Coordinator
915 Wilshire Blvd., Suite 930
Los Angeles, CA 90017-3401

RE: Port of Long Beach Deep Draft Navigation Feasibility Study – Draft Environmental Impact Report (DEIR)
SCH# 2016111014
GTS # 07-LA-2016-02885
Vic. LA-710/PM: 3.565

Dear Mr. Larry Smith:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project's Draft Environmental Impact Report (DEIR). The Port of Long Beach Deep Draft Navigation Feasibility Study and Channel Deepening Project will evaluate dredging to deepen several channels, basins, and standby areas within the Port to improve waterborne transportation efficiencies and navigational safety for current and future container and liquid bulk vessel operations. Project areas include the approach channel extending seaward from the Queen's Gate opening of the Long Beach Breakwater; the approach channel to Pier J, the Pier J Breakwaters and berths J266-J270; and the Pier T/West Basin and berth T140. A new electrical substation will be constructed landside, on Pier J, to provide electricity to the dredge equipment.

After reviewing the DEIR, Caltrans has the following comments:

1. The proposed project's DEIR traffic study indicates that peak project trip volumes are projected to be potentially higher during some months as opposed to others (e.g. January & February 2026). When larger truck traffic volumes are anticipated Caltrans suggests implementing a Traffic Management Plan (TMP) to alleviate some congestion. 3-1

2. Whenever possible Caltrans recommends truck trips be limited to off-peak commute periods. Additionally, 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. 3-2

3. If significant earth-moving activities will take place during construction Caltrans recommends vehicles are covered when hauling dirt/sediment. Please be cautious of lost 3-3

sediment spilling onto roads and state facilities during this process as this can adversely impact state facilitates.

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-2016-02885.

Sincerely,

MIYA EDMONSON
IGR/CEQA Branch Chief
cc: Scott Morgan, State Clearinghouse

Comment Letter 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

December 9, 2019

Eduardo T. De Mesa
Chief, Planning Division
U.S. Army Corps of Engineers, Los Angeles District
ATTN: Mr. Larry Smith, CESPL-PDR-Q
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017-3849

Subject: EPA Comments on the Draft Environmental Impact Statement for the Port of Long Beach Deep Draft Navigation Feasibility Study, Los Angeles County, California (EIS #20190260)

Dear Mr. De Mesa:

The U.S. Environmental Protection Agency has reviewed the above-referenced document. Our review is pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. We submitted comments on this project's Notice of Intent on February 25, 2016.

The U.S. Army Corps of Engineers is proposing to deepen the federal navigation channels at the Port of Long Beach in order to enable larger container and liquid bulk vessels to more efficiently enter the Port. The project would entail deepening the Approach Channel to -80 feet mean lower low water, deepening the West Basin to -55 ft MLLW, constructing an approach channel to Pier J South at -55 ft MLLW, and creating a turning basin near Pier J South. The POLB would also deepen the Pier J Basin (berths J266-J270) and Pier T (berth T140).

The project would generate roughly 7.4 million cubic yards of dredged sediment during construction. The USACE intends to place 2.5 mcy of sediment at a nearshore placement site and dispose of the remaining 4.9 mcy at the LA-2 and LA-3 Ocean Disposal Sites. The EPA appreciates the USACE identifying a nearshore placement site that could potentially accommodate a portion of the project's dredged material. We have some concerns, however, regarding the assumptions that were made about dredged sediment characteristics and the available capacities at both the nearshore placement and ocean disposal sites. We recommend that the USACE identify placement options for any contaminated sediment encountered during construction and more thoroughly assess placement and disposal site available capacities. We also recommend that the USACE commit to maximizing beneficial reuse of dredged material to the fullest extent feasible. 4-1

The USACE anticipates that the project would generate transportation efficiencies by enabling larger ships to transport the same quantity of goods in fewer trips. According to the Draft EIS, the proposed project would not affect the volume or capacity of port operations. Given the poor air quality in the 4-2

project area, and the presence of vulnerable populations near the project area, we recommend that the USACE more rigorously evaluate the project's potential to affect port operations and associated air quality impacts. These comments and others are discussed in the enclosed detailed comments.

Please note that effective October 22, 2018, the EPA no longer includes ratings in our comment letters. Information about this change and the EPA's continued roles and responsibilities in the review of federal actions can be found on our website at: https://www.epa.gov/nepa/epa-review-process-under-section-309-clean-air-act

We appreciate the opportunity to provide feedback on the Draft EIS. Please send a copy of the Final EIS when it becomes available to the address above (mail code TIP-2). If you have any questions, please contact me at 415-947-4286, or Morgan Capilla, the lead reviewer for this project, at 415-972-3504 or capilla.morgan@epa.gov.

Sincerely,

Bridget Coyle, Deputy Director
Tribal, Intergovernmental and Policy Division

Enclosures: EPA Detailed Comments

cc: Mr. Stanley Armstrong, California Air Resources Board
Ms. Lijin Sun, South Coast Air Quality Management District
Mr. Bryant Chesney, National Marine Fisheries Service
Mr. Jon Avery, U.S. Fish and Wildlife Service
Ms. Heather Tomley, Port of Long Beach

Dredged Material Management

Contaminated Sediment

The Draft Environmental Impact Statement assumes that all dredged material from the project would be clean and suitable for either nearshore placement or ocean disposal. Since the project is located in an active port, it should be assumed that some contaminated material will be encountered. In particular, the document states Pier J has not been dredged since construction. It is, therefore, likely that, at minimum, the surface sediment in Pier J may have some contaminants present.

Recommendations for the Final EIS: Identify potential placement sites for any contaminated material dredged during construction. Describe the best management practices that the U.S. Army Corps of Engineers would implement to ensure that contaminated sediment is properly handled and transported to a suitable placement location. 4-3

Beneficial Reuse

The U.S. Environmental Protection Agency supports the USACE's commitment to contribute a portion of the project's dredged sediment to the Surfside Borrow Site Nearshore Placement Area. We note, however, that the Draft EIS only generally describes this proposed nearshore placement site and does not provide an assessment of the volume the site can accept. The Draft EIS appears to assume that the site would be able to accommodate up to 2.5 million cubic yards of dredged sediment generated by the project. The EPA is aware that the Navy Ammunition Pier Project is also proposing nearshore placement in this area. It is unclear whether the Navy plans to use the same site that is proposed for the Port of Long Beach deepening project.

It is also unclear whether other potential beneficial reuse opportunities were considered. The East San Pedro Bay Ecosystem Restoration Feasibility Study, for example, is investigating nearby restoration sites, some of which may need clean sediment.

In addition, highly consolidated formation materials may be physically unsuitable for placement in the nearshore environment. Nearshore placement of large quantities of cobble or larger size material would likely alter the seabed of the littoral zone and deeper areas. These impacts would need to be analyzed if highly consolidated material is proposed for nearshore placement.

Recommendations for the Final EIS:

- Provide additional information on the Surfside Borrow Site Nearshore Placement Area, including its historical use, current bathymetry, and proposed bathymetry after placement. Discuss cumulative impacts to the nearshore placement site, including what other projects have used, or are proposing to use, this site. If other projects plan to use the site, discuss the total volume capacity for the site and the portion of that capacity that may be available for the proposed deepening project. 4-4
- Discuss other potential beneficial reuse opportunities for this project, including whether any nearby restoration sites, such as the East San Pedro Bay Ecosystem Restoration Project, may be available to accept sediment from the project. Include a commitment to beneficially reusing sediment from this project to the maximum extent practicable. 4-5
- Evaluate whether consolidated formation material is physically suitable for nearshore placement. This evaluation should include an assessment of potential alterations of the seabed of the littoral zone or deeper areas with concurrence by the Federal and State 4-6

resources agencies. Placement operations may need to be modified to avoid any significant mounding in the shallow littoral zone or deeper areas. Pre- and post multi-beam surveys may also be required to assess potential impacts to the seabed.

Ocean Disposal

The Draft EIS assumes the project would be able to place up to 900,000 cy of sediment at the LA-2 ocean disposal site and up to 2.2 mcy at the LA-3 disposal site over multiple years. This may be feasible if there are no other large dredging projects in LA or Orange Counties that would overlap with the proposed project. The document, however, does not discuss other planned use of the disposal sites during the project's construction period. It is therefore not possible to determine whether the disposal proposed in the Draft EIS is likely to result in exceedance of the annual disposal limits at LA-2 (1 mcy) or LA-3 (2.5 mcy).

Please note that highly consolidated (cobble or larger size) sediment would not be physically compatible with a predominantly fine-grained muddy seabed at these deep ocean disposal sites. Placement of physically incompatible sediment may significantly alter the seafloor habitat over large areas or cause mounding. The EPA would need to work with the USACE on the disposal plan to ensure that there are no adverse impacts at the ocean disposal sites. Depending on the volume of consolidated material disposed of at the sites, the EPA may require a modified surface disposal zone as well as pre- and post-project multi-beam echo sounder surveys of the ocean disposal sites to establish baseline conditions, and then assess any changes to the seafloor environment after completion of the project.

Recommendations for the Final EIS:

- Identify other large projects from the POLB, Port of LA, Newport Harbor, and other areas with in LA and Orange Counties that may coincide with the proposed deepening project. Discuss whether the cumulative disposal from the identified projects would likely exceed the capacity of any disposal sites. If capacities would potentially be exceeded, describe measures to reduce impacts. These measures could include identifying other disposal locations, conducting additional monitoring at the ocean disposal sites, or extending the project timeline, among others. If the USACE determines that it would be necessary to extend the project's timeline, update the impact assessment in the Final EIS to reflect the prolonged construction period. 4-7
- Clarify that the EPA must provide written concurrence for use of the ocean disposal sites before any sediment can be placed at these sites. As part of our evaluation, we will assess the need for ocean disposal, including whether there are alternative disposal sites. Please note that clean sand would likely not be appropriate for ocean disposal and should, instead, be considered for beneficial reuse. 4-8
- Confirm that the USACE would need to coordinate with the EPA on a disposal plan to ensure that no adverse impacts result from any potential placement of consolidated materials at the ocean disposal sites. Disclose the potential need for multi-beam echo sounder monitoring surveys. 4-9

Discussion of the Marine Protection, Research, and Sanctuaries Act

While the Draft EIS includes information pertaining to the MPRSA, such as a brief description of coordination that has taken place with the Southern California Dredged Material Management Team (p. 323) and references to the EPA's Final EIS for the Designation of the LA-3 Ocean Dredged Material Disposal Site, it does not explicitly mention the MPRSA or the requirements for ocean disposal of dredged material.

Recommendations for the Final EIS:

- Discuss the MPRSA in the Environmental Compliance and Commitments Section (Section 10.1.1), including MPRSA requirements for ocean disposal. 4-10
- Include a reference to the EPA Southern California Disposal Site Management and Monitoring Plan.[1] 4-11

Induced Growth

Section 12.8 of the Draft EIS includes a brief analysis to determine whether enabling larger vessels to enter the POLB would increase the port's throughput and operations. Under "Direct Growth-Inducing Impacts," the documents states that, although larger ships associated with the project would be able to more fully load, the project would not affect throughput because "the primary factor related to throughput is the backland storage areas, which are constrained and at capacity" (p. 319). The analysis does not appear to consider whether the project could result in any indirect growth-related impacts by facilitating capacity expansion projects at port storage facilities and terminals.

Recommendations for the Final EIS: Include a more detailed growth-inducement analysis. Discuss whether the proposed project would trigger any expansion projects at Pier J and Pier T and whether the project would lead to any additional berth-deepening and terminal expansion projects at the POLB. Identify mitigation measures for any adverse impacts. Confirm that an appropriate level of environmental review will be undertaken for each potential project identified. 4-12

Air Quality

The project area is located within the South Coast Air Basin, which faces some of the worst air quality in the country. The SCAB is designated as a federal nonattainment area for ozone (extreme) and $PM_{2.5}$ (serious). It is also a maintenance area for PM_{10} and carbon monoxide. The Draft EIS includes general conformity applicability analyses both with and without mitigation measures (Tables 5-19 and 5-8, respectively). Without mitigation measures, the project is anticipated to exceed *de minimis* thresholds for NOx, NO_2, CO, and VOC in 2025, and NOx in 2026 and 2027. We appreciate that the USACE has incorporated robust mitigation for the project's construction phase, including the use of an electric dredge for a large portion of the proposed dredging; however, even with mitigation measures applied, the project would exceed *de minimis* levels for NOx and NO_2 in 2025, and NOx in 2026 and 2027. The largest NOx exceedance would occur in 2025, when the project would produce 145.5 tons per year, compared to the 10 tpy threshold.

Recommendations for the Final EIS:

- Maximize the use of the electric dredge to the fullest extent feasible. 4-13
- Commit to implementing all air quality mitigation measures. 4-14
- Include a Draft General Conformity Determination. If this document is not included in the Final EIS, the USACE will need to make arrangements to fulfill the public notice requirements for conformity determinations at 40 CFR 93.156. Please note that the applicability analysis should incorporate only the mitigation measures that the USACE is committing to fully implement. 4-15

Operational Emissions

We understand that the project may have the ability to generate air quality benefits by using more fully-laden ships; however, if increased transportation efficiencies associated with the project result in an

[1] Available at: https://www.epa.gov/sites/production/files/2015-10/documents/r9_la_235_smmp_01-11.pdf

increase in Port operations, the area could experience additional adverse impacts. We encourage the USACE to work with the POLB to examine operational mitigation measures for the terminals that would benefit from the project.

Recommendations for the Final EIS:
Consider incorporating the following mitigation measures at Pier J, Pier T, and other relevant POLB terminals:

- *On-Highway Vehicles:* Incentivize the deployment of near-zero and zero-emissions trucks. 4-16
- *Marine Vessels*: Require marine vessels to meet, or exceed, the latest EPA exhaust emissions standards for marine compression-ignition engines (i.e., Tier 4 for Category 1 & 2 vessels, and Tier 3 for Category 3 vessels).[1] 4-17
- *Locomotives*: Require locomotives to meet, or exceed, EPA Tier 4 exhaust emissions standards for line-haul and switcher locomotive engines.[2] 4-18
- *Cargo-Handling Equipment:* Require all cargo-handling equipment to be zero-emissions, subject to equipment availability, by 2030, as described in the 2017 Clean Air Action Plan Update. 4-19

Disclosure of Attainment Status
Section 5.5 of the Draft EIS states that the project area is in moderate nonattainment for $PM_{2.5}$, and that the corresponding *de minimis* threshold is 100 tpy. The South Coast Air Basin, however, is in serious nonattainment for the 2006 $PM_{2.5}$ NAAQS. The *de minimis* threshold for serious nonattainment areas for $PM_{2.5}$ is 70 tpy.

Recommendation for the Final EIS:

- Revise Section 5.5 to reflect the SCAB's serious nonattainment status for the $PM_{2.5}$ NAAQS. Update the corresponding *de minimis* threshold to 70 tpy. 4-20

Cumulative Impacts
A brief cumulative impact analysis is included in Section 6 of the Draft EIS. The geographic scope of analysis is defined as "the Inner Harbor Channels of the Ports of Los Angeles and Long Beach in the north to the outer breakwater in the south" (p. 177), and the temporal scope is defined as the project's construction phase (2025-2027). Table 6-1 lists six projects that were determined to fall within the scope of analysis.

Recommendations for the Final EIS: Given the magnitude of Port operations, ongoing development at and near the Port, and the poor air quality in the project area, we recommend that the USACE expand the geographic and temporal scope of analysis for the cumulative air quality impact analysis to capture the effects of all relevant past, present, and reasonably foreseeable projects.[3] Update the impact determination based on the revised scope of analysis. 4-21

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[1] See EPA's Exhaust Emission Standards for Federal Marine Compression-Ignition (CI) Engines. Available at: https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100OA0B.pdf
[2] See EPA's Exhaust Emission Standards for Locomotives. Available at: https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100OA09.pdf
[3] In its 2017 Draft EIS, the Everport Container Terminal Expansion Project, Port of Los Angeles, determined that 70 projects were relevant for its cumulative effects analysis. This document may serve as a resource in identifying other relevant projects. Available at: https://cdxnodengn.epa.gov/cdx-enepa-II/public/action/eis/details/downloadEisDocuments?eisId=231026

Environmental Justice

A brief Environmental Justice analysis is included in Section 10.1.1 of the Draft EIS. The affected population is defined as those living within a one-mile radius of dredging activities, and the reference population is defined as the City of Long Beach. According to the analysis, 63% of the affected community is considered minority, and 0% of the affected community is considered low-income. It concludes that, while a minority population is present, no EJ impacts would result from the project due to the project's remote location. EJScreen reports included in Appendix K indicate that the approximate population of the affected community is 3.

Recommendations for the Final EIS:

- In Section 10.1.1, include maps that illustrate the presence of low-income and minority communities near the project area. Ensure that the boundary for the affected population effectively captures the proposed project's impacts on any low-income and minority communities near the project area and explain the rationale for the selected boundary. Provide a more detailed summary of the affected and reference communities, including estimated population sizes. 4-22
- If any revisions are made to the Final EIS that would affect the project's environmental justice assessment (e.g., air quality, water quality, induced growth), we recommend that USACE update the environmental justice analysis accordingly and identify appropriate mitigation measures for any adverse impacts. If the project is determined to have the potential to increase operations at the Port, we recommend that the boundaries for the affected population be expanded accordingly. 4-23

California Assembly Bill 617

The project area is located near the communities of Wilmington, West Long Beach, and Carson. These communities face a high cumulative exposure burden to criteria pollutants and toxic air contaminants, and were selected by the California Air Resources Board to participate in the first year of the state's Community Air Protection Program under California Assembly Bill 617.[2] SCAQMD is working closely with these communities to devise and implement air quality monitoring and emissions reductions programs to address disproportionate air pollution impacts.

Recommendations for the Final EIS: Include a discussion of AB 617. Describe any outreach that has been undertaken in AB 617 communities, including whether any project mitigation measures were informed by community input. 4-24

[2] See http://www.aqmd.gov/nav/about/initiatives/community-efforts/environmental-justice/ab617-134/wilm

Comment Letter 5

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Gavin Newsom
Governor

Kate Gordon
Director

December 10, 2019

Baron Barrera
Long Beach, Port of
415 West Ocean Boulevard
Long Beach, CA 90802

Subject: Port of Long Beach Deep Draft Navigation Feasibility Study and Channel Deepening Project
SCH#: 2016111014

Dear Baron Barrera:

The State Clearinghouse submitted the above named EIR to selected state agencies for review. The review period closed on 12/9/2019, and the comments from the responding agency (ies) is (are) available on the CEQA database for your retrieval and use. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

Check the CEQA database for submitted comments for use in preparing your final environmental document: https://ceqanet.opr.ca.gov/2016111014/3 . Should you need more information or clarification of the comments, **we recommend that you contact the commenting agency directly**.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. 5-1

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Resources Agency

Comment Letter 6

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

December 23, 2019

Mr. Eduardo T. De Mesa
Chief, Planning Division
U.S. Army Corps of Engineers
Los Angeles District
ATTN: Mr. Larry Smith, CESPL-PDR-Q
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017-3849

Dear Mr. De Mesa:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the U.S. Army Corps of Engineers' (USACE) Port of Long Beach (POLB) Deep Draft Navigation Study Integrated Feasibility Report (IFR) and Environmental Impact Statement / Environmental Impact Report. NMFS offers the following comments pursuant to our responsibilities under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), Fish and Wildlife Coordination Act (FWCA), Endangered Species Act (ESA), and Marine Mammal Protection Act (MMPA).

Consultation Background

The USACE requested an ESA species list request on July 31, 2014, and NMFS responded on August 29, 2014 that a number of listed species may occur in the project area. NMFS staff received your transmittal letter on October 21, 2019, regarding the public release of the Deep Draft Study with requested comment response by December 9, 2019. NMFS received notice of the release of the Draft Integrated Feasibility Report, including an Environmental Impact Statement/Environmental Impact Report for the East San Pedro Bay Ecosystem Restoration Study (Restoration Study) on November 27, 2019, which contained new information that affected the basis of our essential fish habitat (EFH) review. Therefore, on December 4, 2019, we requested the use of the expanded EFH consultation timeline (60 days) for our response to the Deep Draft Study. Also, we requested clarification of the dredging area and proposed changes in seafloor depth. The USACE accepted the revised timeline and addressed our information request on December 10, 2019, via electronic mail.

Proposed Project

The proposed project would deepen the entrance to the Main Channel (the Approach Channel through Queens Gate) to a depth of -80 feet (ft) mean lower low water (MLLW), widen portions of the Main Channel (bend easing) to a depth of -76 ft MLLW, construct a new approach channel and turning basin to Pier J South to a depth of -55ft MLLW, and deepen portions of the West Basin and West Basin Approach to a depth of -55 ft MLLW. The POLB would also deepen two additional locations within the harbor to a depth of -55 ft MLLW: the Pier J Slip, including

berths J266-270, and berth T140 on Pier T. Structural improvements would also be implemented on the Pier J breakwaters at the entrance of the Pier J Slip to accommodate deepening of the Pier J Slip and Approach Channel to -55 ft MLLW. The total proposed dredging volume is approximately 7.4 million cubic yards (mcy) and total dredge area is approximately 880 acres. The project would expand the size of existing navigation channels and turning basin areas by approximately 345 acres.

According to the IFR, sediment in the proposed Pier J approach channel has not previously been dredged. This area was naturally deep enough to accommodate container vessels going to Pier J without dredging. Dredging in this area would be through sediments that have not historically been dredged, and are expected to be suitable for open ocean disposal. Based upon clarifying information provided by USACE, this new area of dredging would be approximately 241 acres.

Dredged material will be disposed of in a nearshore placement site (Surfside Borrow Site) and ocean-dredged material disposal sites (ODMDS) (LA-2 and LA-3). The nearshore placement site, approximately 5 miles from the project, can accommodate about 2.5 mcy of dredged material. LA-2 and LA-3, approximately 9 miles and 22 miles, respectively, from the project site, have an annual disposal volume limit of 1.0 and 2.5 mcy, respectively, from all sources. It is assumed that 0.9 mcy for LA-2 and 2.2 mcy for LA-3 is available for use by this project each year.

The IFR assumes that dredging will be performed using a hopper dredge as well as an electric clamshell dredge. In order to minimize transit time, disposal of material from the hopper dredge will maximize use of the nearshore site, while a clamshell dredge will be evaluated for disposal at ODMDS. Project construction is expected to last two and a half years. The Approach Channel will be completed in year one, utilizing the nearshore placement site and LA-2. The rest of the project areas, completed by the clamshell dredge, will take the full 2.5 years. One limiting factor on production is the disposal sites LA-2 and LA-3, due to their yearly disposal capacity. Another is the production rate that the clamshell dredge can achieve.

The IFR indicates that the POLB would implement structural improvements to the Pier J breakwaters to account for the deepened channels and need for increased structural stability. The types of improvements could consist of placing additional rock at the base of the existing structure, placing rock on the dredge slope and stepping it, or in extreme cases using ground improvement methods, or submerged bulkhead walls of steel sheet pile structures. The most likely ground improvement method would be injection grouting of cement grout at the base of the existing structure. However, the IFR does not specify the location, amount, and/or type of fill associated with these improvements.

Magnuson-Stevens Fishery Conservation and Management Act

Essential Fish Habitat Affected by the Project

The proposed project occurs within EFH for various federally managed fish species within the Pacific Coast Groundfish, Coastal Pelagic Species, and Highly Migratory Species Fishery Management Plans (FMP). In addition, the project occurs within the vicinity of estuarine and canopy kelp habitat, which are all considered habitat areas of particular concern (HAPC) for various federally managed fish species within the Pacific Coast Groundfish FMP. HAPC are described in the regulations as subsets of EFH which are rare, particularly susceptible to human-induced degradation, especially ecologically important, or located in an environmentally stressed area. Designated HAPC are not afforded any additional regulatory protection under MSA; however, federally permitted projects with potential adverse impacts to HAPC will be more carefully scrutinized during the consultation process.

The project area primarily consists of relatively deepwater soft bottom habitat. In addition, MBC (2016) observed kelp on the breakwaters protecting the harbors, riprap along the piers and wharves facing the open waters of the Outer Harbor, riprap along some piers and wharves not directly exposed to the Outer Harbor, and submerged rock dikes. Specific to the project area, they found kelp on both faces of the Long Beach and Middle breakwaters, both faces of Pier F and the Navy Mole, and the west-, south-, and east-facing outer faces of Pier J and both faces of the breakwaters protecting the Pier J slip.

Effects of the Action

The USACE indicated that the proposed activities related to deepening of the channel within the area of the proposed action would directly affect the identified FMP species in the following ways: 1) temporary disturbance and displacement of fish species; 2) increased sediment loads and turbidity in the water column; 3) temporary loss of food items to fisheries (vis-a-vis temporary loss of soft bottom habitat and associated benthic invertebrates); 4) limited sediment transport and re-deposition; and 4) temporary degradation of the water quality due to dredging and construction activities. Ultimately, the USACE determined that the project would not have a substantial, adverse impact to EFH.

The Pacific Fishery Management Council (PFMC) (2019, 1998) has identified broad types of potential adverse effects and recommendations to consider when evaluating dredging and disposal projects. In general, the potential adverse effects on EFH from dredging and disposal include: 1) loss and alteration of habitat; 2) altered hydrology and geomorphology; 3) sedimentation, siltation, and turbidity; 4) release of contaminants; 5) direct impact to organisms; and 6) noise. Of particular concern to NMFS are benthic impacts associated with new dredging, cumulative impacts associated with disposal at the Surfside Borrow Site, and potential fill impacts associated with structural repairs.

Many fishery species forage on infaunal and bottom-dwelling organisms, such as polychaete worms, crustacean, and other prey types. Dredging may adversely affect these prey species at the site by directly removing or burying these organisms. Recolonization studies suggest that recovery (generally meaning the later phase of benthic community development after disturbance when species that inhabited the area prior to disturbance begin to re-establish) may not be

straightforward, and can be regulated by physical factors including particle size distribution, currents, and compaction/stabilization processes following disturbance. Rates of recovery listed in the literature range from several months to several years for estuarine muds to up to 2 to 3 years for sands and gravels. Recolonization can also take up to 1 to 3 years in areas of strong current but up to 5 to 10 years in areas of low current. Given the large dredging footprint (i.e. 880 acres) and expansion into previously undredged areas (i.e. 241 acres), NMFS believes the adverse effects to benthic foraging habitat are more than temporary and minimal.

As a result of southern California's large population and intense economic and recreational activity, very little coastal space exists that has not been subject to construction, mineral extraction, or other form of habitat alteration. Dredge and fill activities, shoreline armoring, and overwater structures are the primary causes of habitat alteration within southern California coastal habitats. At the Ports of Long Beach and Los Angeles, increasing global economic trade have resulted in the need for larger, deeper draft ships to transport cargo. This has led to a demand for new construction dredging to widen and deepen channels, turning basins, and slips to accommodate these larger vessels. The USACE's Restoration Study specifically identified habitat loss and declines in abundance and biodiversity of marine populations as the primary problems in the study area, which includes the majority of the area comprised by the Deep Draft Study. Consistent with the general recommendations provided by PFMC (2019), NMFS believes the USACE should, to the extent feasible, mitigate all adverse effects to EFH from new dredging. Specifically, the dredged material may provide a beneficial re-use opportunity to restore aquatic ecosystem structure and function in East San Pedro Bay. Therefore, NMFS believes the USACE should evaluate the feasibility of re-using the dredged material provided to support various restoration measures (e.g., shallow water habitat, wetlands, sandy island) requiring fill material described in the USACE's Restoration Study. 6-1

The disposal of dredged material may adversely affect EFH by 1) impacting or destroying benthic communities; 2) affecting adjacent habitats; 3) creating turbidity plumes and introducing contaminants and/or nutrients. Sediment disposal at the ODMDS sites has previously undergone significant environmental review during their designation as offshore disposal sites. In addition, dredged material proposed for these areas are evaluated through the Southern California Dredged Material Management Team approval process. NMFS believes these environmental review processes adequately address anticipated adverse impacts to EFH for the ODMDS sites.

The IFR indicates that the USACE still needs to investigate the potential to utilize the Surfside-Sunset Borrow Sites for sediment disposal, but assumes that 2.5 million cubic yards of sediment may be placed here. Placement of 2.5 mcy at the Surfside Borrow Site would fill in an underwater pit resulting in a flatter, more natural topography. However, the USACE did not consider the cumulative effects of sediment disposal at the Surfside Borrow Site associated with the U.S. Navy's Ammunition Pier and Turning Basin project at Naval Weapons Station Seal Beach. In addition, as the name implies, the Surfside Borrow Site provides source material for future USACE beach nourishment efforts at Surfside/Sunset Beach. Therefore, the benefit of restoring a natural topography in this area may be temporary depending upon future shoreline protection needs. 6-2

The Bolsa Chica Lowlands Restoration Project lies to the south of the Surfside Borrow Site and relies upon an open tidal inlet connection with the ocean. The USACE's existing beach nourishment program at Surfside/Sunset Beach may periodically increase sedimentation rates at the tidal inlet. If gross sediment transport increases due to a cumulative increase in sand nourishment at Surfside/Sunset Beach, sedimentation of the tidal inlet at Bolsa Chica may also increase. Increased sedimentation within the tidal inlet may increase tidal muting and/or risk of inlet closure, which may adversely affect the ecological condition of the Bolsa Chica project. In our EFH consultation response to the Navy's Seal Beach project, we recommended that the Navy should collaborate with USACE Civil Works program responsible for periodic beach nourishment at Surfside/Sunset to ensure there is not a net cumulative increase in sedimentation down coast that may impact sedimentation patterns within the tidal inlet channel connecting the Pacific Ocean to the full tidal basin within the Bolsa Chica Lowlands Restoration Project. Similarly, NMFS recommends that the USACE consider the cumulative disposal impacts at the Surfside Borrow Site on the Bolsa Chica project. 6-3

Another potential project concern is the spread of the invasive alga *Caulerpa taxifolia* from project activities. This invasive alga had been introduced to our coastline. Evidence of harm that can ensue as a result of an uncontrolled spread of the alga has already been seen in the Mediterranean Sea where it has destroyed local ecosystems, impacted commercial fishing areas, and affected coastal navigation and recreational opportunities. Although it is not known to be present within the project area, it had been detected in two other locations in Southern California. If the invasive alga is present within the project area, the dredging activities would adversely affect EFH by promoting its spread and increasing its negative ecosystem impacts. The IFR indicates that pre-construction surveys for *Caulerpa taxifolia* would be conducted in the Main Channel, proposed Pier J Channel and Turning Basin, and the Surfside Borrow Site. In addition, construction would not begin should *Caulerpa taxifolia* be identified until cleared to do so by NMFS. The proposed environmental commitment to survey appropriate locations for *Caulerpa taxifolia* adequately addresses our concern. According to the IFR, the Approach Channel is considered to be too deep and too rough for *Caulerpa taxifolia*, however, the Main Channel, proposed Pier J Channel and Turning Basin, and the Surfside Borrow Site are considered to be suitable habitat. NMFS generally agrees with this conclusion, and believes that the Surfside Borrow Site is also unlikely to be suitable habitat for *Caulerpa taxifolia*. 6-4

The IFR does not fully describe or analyze the structural improvements to the Pier J breakwater. It does indicate that the placement of a submerged sheet pile structure with associated rock protection to stabilize the Pier J breakwaters would have localized effects on marine biota, including marine mammals. Sheet pile installation would be by either a hammer or vibratory method, to be determined during design based on sediment characteristics. Likewise, other motile organisms are expected to leave during construction. Rock placement would bury soft bottom habitat, replacing it over time with a rocky reef type of habitat after colonization of the placed stone. As described in MBC Applied Environmental Sciences (2016), riprap supports a unique biological community associated with the rock substrate in the Port Complex. In addition, it supports canopy kelp HAPC and associated biogenic habitat. If present in the areas proposed 6-5

for structural improvements, NMFS believes the use of concrete grouting in such locations would adversely affect canopy kelp HAPC via direct disturbances to the macroalgal and associated biogenic community, and may ultimately reduce habitat complexity, which is important as settlement substrate, foraging, and refuge, for various living marine resources. Given the limited information provided regarding the type, location, and effects of the Pier J structural improvements, NMFS believes additional consultation will be necessary to fully assess the effects of these structural improvements, and identify appropriate conservation recommendations. However, we offer preliminary conservation recommendations on these structural improvements below.

EFH Conservation Recommendations

Based upon the above effects analysis, NMFS has determined that the proposed project would adversely affect EFH for various federally managed fish species under the Coastal Pelagic Species, Pacific Coast Groundfish Species, and Highly Migratory Species FMPs. Therefore, pursuant to section 305(b)(4)(A) of the MSA, NMFS offers the following EFH conservation recommendations to avoid, minimize, mitigate, or otherwise offset the adverse effects to EFH.

1. The USACE should evaluate the feasibility of beneficially re-using suitable dredged material for ecosystem restoration purposes within East San Pedro Bay. Specifically, the USACE should evaluate the feasibility of utilizing dredged material to support restoration measures identified in the USACE's East San Pedro Bay Ecosystem Restoration Feasibility Study. Beneficial re-use for ecosystem restoration purposes would offset adverse effects associated with the extensive dredge footprint and disturbance of new areas not previously dredged within San Pedro Bay. 6-6
2. The USACE should evaluate the cumulative effects of sediment disposal at the Surfside Borrow Site and ensure there is not a net cumulative increase in sedimentation down coast that may impact sedimentation patterns within the tidal inlet channel connecting the Pacific Ocean to the full tidal basin within the Bolsa Chica Lowlands Restoration Project. 6-7
3. If the use of grouting is necessary for Pier J structural improvements to rock slope areas that currently support or have previously supported canopy kelp HAPC, the USACE should conduct pre- and post-construction surveys to document impacts to these communities. In addition, a contingency mitigation plan to offset any potential impacts to canopy kelp HAPC should be developed prior to conducting any repairs to rock slopes. Both the monitoring and mitigation plans should be developed in consultation with NMFS. Compensatory mitigation should be conducted, in consultation with NMFS, for any adverse impacts to canopy kelp HAPC. 6-8
4. Compensatory mitigation should be developed and implemented for any permanent loss of EFH due to fill associated with Pier J structural improvements. Mitigation may be provided at the POLB's existing Bolsa Chica Mitigation Bank and/or other USACE-approved sites. 6-9

Statutory Response Requirement

Please be advised that regulations at section 305(b)(4)(B) of the MSA and 50 CFR 600.920(k) of the MSA require your office to provide a written response to this letter within 30 days of its receipt and at least 10 days prior to final approval of the action. A preliminary response is acceptable if final action cannot be completed within 30 days. Your final response must include a description of measures to be required to avoid, mitigate, or offset the adverse impacts of the activity. If your response is inconsistent with our EFH conservation recommendations, you must provide an explanation of the reasons for not implementing those recommendations. The reasons must include the scientific justification for any disagreements over the anticipated effects of the proposed action and the measures needed to avoid, minimize, mitigate, or offset such effects.

Supplemental Consultation

Pursuant to 50 CFR 600.920(l), the USACE must reinitiate EFH consultation with NMFS if the proposed action is substantially revised in a way that may adversely affect EFH, or if new information becomes available that affects the basis for NMFS' EFH conservation recommendations. As previously stated, NMFS believes additional consultation will be necessary to fully assess the effects of Pier J structural improvements given the lack of information on these project components in the IFR. 6-10

Endangered Species Act Comments

As a federal agency and pursuant to section 7 of the ESA of 1973, as amended (16 U.S.C. § 1531 et. seq.), the USACE shall, in consultation with and with the assistance of NMFS, insure that any action it authorizes, funds, or carries out, does not jeopardize the continued existence of any species listed as threatened or endangered, or result in the destruction or adverse modification of designated critical habitat designated. In our 2014 letter to the USACE identifying the threatened or endangered species that may be found in the project area, we indicated that green sea turtles are known to reside and forage year-round in the Long Beach area, including areas within the vicinity of POLB, through observations of free-swimming and stranded animals, as well as through directed scientific research. In contrast, the USACE determined that federally-listed marine turtles do not occur in the study area, but are occasionally sighted in warm-water areas of estuaries and bays in the regions.

Consistent with our 2014 letter, NMFS believes the federally-listed endangered green sea turtle (*Chelonia mydas*) has the potential to occur within the project area. Various sightings and strandings have been documented in the POLB area (NMFS, unpublished data), and preliminary green sea turtle tagging results also indicate they are present (Bredvik *et al.*, 2019). NMFS recommends that the USACE consider the risks of potential injury, disturbance, and impacts to foraging habitats of green sea turtles in their determination of whether this species may be adversely affected by activities described in the IFR. In particular, NMFS recommends that the USACE consider the risks of injury associated with hopper dredge activities. In 2012, a dead 6-11

green sea turtle was found near Encinitas with injuries consistent with contact from a hydraulic hopper dredge (Harris, 2014). NMFS understands that dredging activities permitted by the USACE were occurring in the vicinity of Encinitas during that time period. Hopper dredge encounters with sea turtles known to occur in the Southeastern U.S. have been formally consulted upon numerous times by Corps and NMFS. NMFS recommends that the USACE engage in consultation with NMFS Protected Resources Division in Long Beach, California, for assistance with ESA compliance. Upon request, NMFS staff may be able to help in the determination of how green sea turtles or any other ESA-listed species may be directly or indirectly affected by the Project. NMFS staff may also be able to assist in the development of protective measures that can help minimize the potential for adverse effects to ESA-listed species.

Marine Mammal Protection Act Comments

Harbor seal (*Phoca vitulina*) and California sea lion (*Zalophus californianus californianus*) are commonly observed within the Port complex. Cetaceans known to occur within the Port complex include bottlenose dolphin (*Tursiops* spp) and common dolphin (*Delphinus* spp). Both pinnipeds and cetaceans utilize the waters of the Port complex primarily to rest and forage (MBC 2016). Marine mammals are protected under the Marine Mammal Protection Act (MMPA; 16 U.S.C. § 1361 et. seq.). Under the MMPA, it is generally illegal to "take" a marine mammal without prior authorization from NMFS. "Take" is defined as harassing, hunting, capturing, or killing, or attempting to harass, hunt, capture, or kill any marine mammal. Except with respect to military readiness activities and certain scientific research conducted by, or on behalf of, the Federal Government, "harassment" is defined as any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal in the wild, or has the potential to disturb a marine mammal in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

NMFS recommends that the USACE assess the potential for harassment or injury to marine mammals as a result of any activities that could occur under the proposed project. For example, the IFR indicates that structural improvements to Pier J may have localized effects on marine mammals. If the incidental take of marine mammals may be expected to occur as a result of the project, the USACE should apply for an Incidental Harassment Authorization (IHA) or Letter of Authorization (LOA) from NMFS well in advance of any work. NMFS staff is available to assist with this assessment and compliance with the MMPA, including any IHA or LOA applications, upon request from the USACE. If it becomes apparent to the USACE that impacts to marine mammals in the form of “take” that hasn’t been authorized by NMFS may be occurring as a result of any project activities, the USACE should cease operations and contact NMFS immediately to discuss appropriate steps going forward. In the unlikely event of an injury or mortality of a marine mammal due to project activities, please immediately contact our regional stranding coordinator, Justin Viezbicke, at (562) 980-3230. 6-12

Fish and Wildlife Coordination Act

The purpose of the FWCA is to ensure that wildlife conservation receives equal consideration, and is coordinated with other aspects of water resources development (16 U.S.C. 661). The FWCA establishes a consultation requirement for Federal departments and agencies that undertake any action that proposes to modify any stream or other body of water for any purpose, including navigation and drainage (16 U.S.C. 662(a)). Consistent with this consultation requirement, NMFS provides recommendations and comments to Federal action agencies for the purpose of conserving fish and wildlife resources. The FWCA allows the opportunity to offer recommendations for the conservation of species and habitats beyond those currently managed under the ESA and MSA.

In Section 10 of the IFR describing environmental compliance and commitments, the USACE describes extensive coordination with NMFS regarding the development of the proposed alternatives, environmental commitments, and potential mitigation measures. However, NMFS has no substantive record of coordination on these issues since the request for an ESA-species list in 2014. Therefore, NMFS recommends that the USACE remove references to extensive FWCA coordination with NMFS in the final IFR. 6-13

NMFS has determined that various benthic habitats within San Pedro Bay may be negatively impacted by proposed project activities. In addition, sediment disposal has the potential to negatively affect sedimentation patterns within the tidal inlet channel connecting the Pacific Ocean to the full tidal basin within the Bolsa Chica Lowlands Restoration Project. As such, EFH Conservation Recommendations provided above also serve as FWCA recommendations to address these negative impacts.

Thank you for considering our comments. Please contact Mr. Bryant Chesney at (562) 980-4037, or via email at Bryant.Chesney@noaa.gov if you have any questions concerning our EFH comments. Please contact Dan Lawson at (206) 526-4740, Dan.Lawson@noaa.gov, if you have any questions pursuant to ESA, and Laura McCue at (562) 980-3232, Laura.McCue@noaa.gov, for MMPA questions.

Sincerely,

for

Chris Yates
Assistant Regional Administrator
for Protected Resources

cc: Administrative File: 150316WCR2019PR00241

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Comment Letter 7

FUTUREPORTS

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November 7, 2019

Eduardo De Mesa, Chief of the Planning Division
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Re: Port of Long Beach Deep Draft Harbor Deepening Project

Dear Eduardo,

On behalf of FuturePorts, I write in support of the Port of Long Beach Deep Draft Harbor Deepening Project. FuturePorts has long been a supporter of sustainable growth at the Port, and we remain committed to partnership with regional stakeholders in ensuring the sustainability of our region's supply chain for generations to come. This project is consistent with FuturePorts mission of green growth and sustainability, as deepening the ship channels will allow larger ships to call in the Port. Larger ships are also cleaner as they burn less fuel per ton on cargo delivered. Also the large ships are powered by the newest and cleanest engines. 7-1

This project is significant for development at the Port, which will continue to ensure our region's ability to retain market share, supporting thousands of good paying jobs throughout Southern California. As ships continue to be engineered larger, they will bypass the Port if the shipping channels aren't deepened and widened. Larger ships mean more business, more cargo, more revenue, more tax dollars, and more employment. Widening and deepening the channels provides important improvements which allow ship masters and pilots to safely handle the larger vessels with adequate room to maneuver.

Founded in 2005, FuturePorts is a 501(c)6 nonprofit advocacy coalition dedicated to help coalesce the Southern California supply chain around the need to both grow the ports and to address the environmental, air quality, and quality of life issues that come with that growth. FuturePorts represents a diverse membership that includes industry, energy, labor, and goods movement business entities as well as environmental consultants, attorneys, engineering consultants, and public agencies. Our mission is to support the Ports and industrial users and our comments are aligned with ensuring that growth is done in a sustainable, responsible manner. Based on the review of the EIR, FuturePorts finds the Harbor Deepening Project to be comprehensive, and consistent with our guidelines and policies.

Thank you for your consideration,

Marnie O. Primmer
Executive Director
FuturePorts

Comment Letter 8

Comments to the Port of Long Beach and Army Corps of Engineers
Hearing on the draft EIR/EIS for the Port of Long Beach Harbor Deepening Project
November 13, 2019

Andrea Hricko, Professor Emerita, USC Keck School of Medicine
ahricko@usc.edu

Thank you for the opportunity to present comments on this proposal. I have the same key concern that many others have voiced: namely, lack of an evaluation of air pollution and health effects resulting from bringing in larger oil tankers and container ships in future years. In February, comments from U.S. EPA stated:

> **Analysis and Disclosure of Air Quality Impacts**
> The proposed project has the potential to result in increased air pollutants from dredg larger cargo vessels, and the rail and truck transport of the increased freight that a dee allow. EPA recommends that emissions from all of these sources be analyzed, disclos to the extent feasible.

8-1

I raise two concerns about the dredging itself:

1. The use of Tier III tug boats and electric dredges as Mitigation Measures, and
2. The cursory and flawed description of the contaminant levels in the sediment – and where dredge materials would be disposed.

8-2 First, the Air Quality Mitigation Measures for tug boats and dredges. The draft EIR says that tug boats should use Tier III engines. In the City of Long Beach Mitigated Negative Declaration for the Long Beach Cruise Terminal Improvement Project, it is clear that small Tier III engine tug boats are not readily available. If the type of tug boats needed for this harbor deepening project are not readily available to dedicate to the project, then the EIR must require that the Port of Long Beach purchase the needed Tier III engine tug boats for this major project. The EIR also describes a clamshell electric dredge. Again, the EIR must require that the Port buy such a dredge or dredges. The Port cannot just assume it will have access to an electric dredge for a Mitigation Measure. Also, is there no way to electrify the hopper dredges?

8-3 Another major concern in the EIR is that there appears to have not yet been chemical contamination testing of the sediment that will be dredged, other than some sampling done in 2018 of the Approach Channel. More robust sampling with results publicly available. This must be done before the dredging begins as part of the EIR (and then on an ongoing basis during the many months of dredging in different areas of the Port). Based on the cruise terminal project Dredging Soils Report, there is likely to be moderate contamination. The EIR states that there is likely to be moderate contamination and states that it likely will be okay for ocean disposal.

BUT we need to see the results of the actual testing for contamination. The phrase "moderate contamination" of POLB harbor sediments has been interpreted in divergent ways.

One of my concerns is that sediment sampling done at the Port of LB in 2009 near the Cruise Terminal showed "moderate contamination" (levels shown below) and the material was deemed unsuitable for ocean disposal. On the other hand, sediment sampling done in 2018 near the Cruise Terminal showed "moderate contamination," yet the City of LB concluded that disposal in the ocean was acceptable. Lead levels in Cruise Terminal sediment in 2018 were actually 4x higher than in 2009! We must be able to evaluate the actual levels of metals and pesticides in the sediment in the final EIR/EIS.

Thank you.

APPENDIX:

This is what MND for the cruise terminal project says:

> 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, and there was no observed water column toxicity. Additionally, among others, bioaccumulation testing was conducted to determine whether the dredged materials had an accumulation of chemicals and/or heavy metals in exceedance of permissible concentrations. Based on the analysis, the proposed dredging sediments would not exceed permissible concentrations related to bioaccumulation. Overall, the Dredging Soils Report concluded that the proposed dredging sediments from the Long Beach cruise terminal would be environmentally suitable for placement at the LA-2 ODMDS. As such, impacts concerning the routine transport, use, or disposal of hazardous materials during project construction would be less than significant.

Below is a chart from Appendix E of the MMD, showing levels of some metals found in the sediment testing that were many times higher levels than in the LA-2 reference levels. Also below is a chart showing the lower levels of metals in 2009 sampling.

Table 9. 2018 Long Beach Cruise Terminal Bulk Sediment Chemistry Results.

Valid Analyte Name	Units	Composite Samples		C1-*b*	LA2 Reference	NOAA Screening	
		a	*b*			Salt ERL[1]	Salt ERM[1]
SEDIMENT CONVENTIONALS							
Total Solids	%	51.1	58	55.7	56.5		
Total Ammonia	mg/kg dry	1.4	2.4	1.3	2.5		
Oil and Grease	mg/kg dry	700	560	800	83		
TRPH	mg/kg dry	330	410	590	24		
Dissolved Sulfides	mg/kg	<0.017	<0.017	<0.017	<0.017		
Total Sulfides	mg/kg dry	300	190	220	0.53		
Total Organic Carbon	%	2.2	1.5	1.4	0.36		
Total Volatile Solids	%	3.7	3.4	3.8	1.7		
METALS							
Arsenic	mg/kg dry	9.51	12.1	9.26	2.3	8.2	70
Cadmium	mg/kg dry	1.17	1.15	1.24	0.112J	1.2	9.6
Chromium	mg/kg dry	34.1	38.6	39.3	20.3	81	370
Copper	mg/kg dry	85.4	61.5	57	9.16	34	270
Lead	mg/kg dry	80.4	72.3	75.7	5.16	46.7	218
Mercury	mg/kg dry	0.14	0.168	0.168	0.0159J	0.15	0.71
Nickel	mg/kg dry	23.8	30	25.5	10.6	20.9	51.6
Selenium	mg/kg dry	4.3	2.8	3.06	0.744		
Silver	mg/kg dry	0.561	0.566	0.631	0.0855J	1	3.7
Zinc	mg/kg dry	211	174	189	44.4	150	410

Testing that was done in 2009 at the Long Beach Cruise Terminal site had LOWER levels of contaminants and a decision was made to not dispose of the dredged material in the ocean disposal site. See text and chart below:

2.0 SITE HISTORY AND HISTORICAL DATA REVIEW

This section provides a brief history of dredging activities at the Long Beach Cruise Terminal site.

2.1 January 2009 (Weston, 2009)

Sediments from the Long Beach Cruise Terminal berth area were collected and tested in 2009 by Weston for CH2MHill and Carnival Corporation. This project was associated with the maintenance dredging of the berth to its design depth of -30 ft MLLW, with a total dredging volume of approximately 2,000 cy. Cores were collected from three (3) stations and tested for physical and chemical characteristics. The test results were reported by Weston (2009) and summary results are provided in Appendix A.

The material was found to be predominantly fine-grained sediments consisting of 77-95% silt and clay across the sampling area. Moderate contaminant levels were present in the samples. Four metals (arsenic, copper, lead, and nickel) were found to exceed the NOAA Effects Range Low (ERL) benchmark value for marine sediment but did not exceed the Effects Range Median (ERM) for marine sediment (Long et al., 1995). Total DDTs exceeded the ERM threshold in the site-wide composite sample.

Additional tests of individual cores from the berth proper showed elevated PCBs and chlordane compared with the site-wide composite sample. PCBs and chlordane were found to exceed ERL and ERM values, respectively.

The elevated sediment levels of certain constituents were determined to be significant enough to preclude open-water disposal at the offshore ocean disposal site LA-2. As a result, biological testing was not conducted. Based on available information, the dredged material was temporarily stockpiled at Pier S in POLB (Manson, person. comm.) before being transported to a thermal treatment recycling Class II landfill facility operated by TPST Soil Recyclers of California in Adelanto, CA, for disposal as non-hazardous petroleum contaminated soil (BESI, 2009).

Comment Letter 9

SAN PEDRO PENNISULA
HOMEOWNERS' COALITION

December 9, 2019

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Re: Comments on Draft Integrated Feasibility Report (Integrated Feasibility Study/Environmental Impact Statement/Environmental Impact Report), Port of Long Beach Deep Draft Navigation Feasibility Study

We submit these comments on behalf of the undersigned organizations and individuals on the United States Army Corps of Engineers ("Corps") and Port of Long Beach's ("Port") Draft Integrated Feasibility Report and Environmental Impact Statement/Environmental Impact Report ("Draft Report"). We request that the agencies address the significant flaws with the Draft Report, including its failure to adequately analyze the proposed project's air pollution, growth promotion, and shipping traffic impacts.

I. The Draft Report Fails to Comply with NEPA and CEQA

Pursuant to the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), an environmental impact statement or report must contain the necessary analysis to enable the decision makers and the general public to properly consider the 9-1

environmental consequences of the Project.[1] An Environmental Impact Report is the only tool that can "effectively disclose to the public the analytic route the agency traveled from evidence to action."[2] Likewise, under NEPA, the agency must "consider and disclose the actual environmental effects in a manner that will ensure that the overall process . . . brings those effects to bear on decisions to take particular actions that significantly affect the environment."[3]

The Draft Report is limited in its scope and analysis, and does not comport with the requirements of NEPA and CEQA for the reasons provided below.

A. Purpose and Need, Scope and Project Are Too Narrowly Defined

The Draft Report's discussion of the project need fails to comply with NEPA. NEPA's implementing regulations provide that an EIS "shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action."[4] This need inquiry is crucial for a sufficient environmental analysis because "[t]he stated goal of a project necessarily dictates the range of 'reasonable' alternatives."[5] Thus, "an agency cannot define its objectives in unreasonably narrow terms" without violating NEPA.[6] Here, the Draft Report has defined the purpose of the project as "increas[ing] transportation efficiencies for container and liquid bulk vessels operating in the Port of Long Beach." But, this stated purpose completely ignores the Corps' duty under the Clean Water Act to protect water quality. By narrowly defining the purpose and needs, the alternatives and mitigation are too narrowly constrained. 9-2

Furthermore, the Draft Report is misleading in its definition and scope of project. For an environmental document to adequately evaluate the environmental impacts of a project, it must first provide a comprehensive description of the project itself. "An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR."[7] Courts have held that, even if an EIR is adequate in all other respects, the use of a "truncated project concept" violates CEQA.[8] Further, "[a]n accurate project description is necessary for an 9-3

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[1] *See Idaho Conservation League v. Mumma*, 956 F.2d 1508, 1519 (9th Cir. 1992) (an EIS should "contain[] a reasonably thorough discussion of the significant aspects of the probable environmental consequences); *Citizens for a Sustainable Treasure Island v. City & Cty. Of San Francisco*, 227 Cal. App. 4th 1036, 1052 (2014) (finding that an EIR should provide decision makers "with sufficient analysis to intelligently consider the environmental consequences" of a project). *See also Silva v. Lynn*, 482 F.2d 1282, 1285 (1st Cir. 1973) (stating that Congress intended that the EIS provide information to the public of a project's environmental costs); *Sierra Club v. U.S. Army Corps of Eng'rs*, 701 F.2d 1011, 1029 (2d Cir. 1983) ("the EIS must set forth sufficient information for the general public to make an informed evaluation and for the decisionmaker to consider fully the environmental factors involved . . .").

[2] *Citizens of Goleta Valley v. Bd. of Supervisors*, 52 Cal.3d 553, 568-69 (1990) (internal quotation marks omitted).

[3] *Baltimore Gas & Elec. Co. v. Natural Resources Defense Council*, 462 U.S. 87, 96 (1983).

[4] 40 C.F.R. § 1502.13.

[5] *Carmel-by-the-Sea v. U.S. Dep't of Transp.*, 123 F.3d 1142, 1155 (9th Cir. 1997).

[6] *Id.*

[7] *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus*, 27 Cal. App. 4th 713, 730 (1994) (quoting *County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 185, 193(1977)).

[8] *Id.*

intelligent evaluation of the potential environmental effects of a proposed activity."[9] Thus, an inaccurate or incomplete project description renders the analysis of significant environmental impacts inherently unreliable. In other words, the law mandates that EIRs describe proposed projects with sufficient detail and accuracy to permit informed decisionmaking.[10] NEPA likewise requires that an EIS provide a complete and accurate description of the proposed federal action.[11] Here, the Corps and the Port have limited the project to the dredging activities itself and ignored the important impacts of the operation of the project. The expansion project will not only dredge the channel to deeper depths but it will also enable growth of cargo into the Port of Long Beach, result in larger vessels calling on the Port of Long Beach, and a concomitant increase in the impacts of marine traffic and other environmental effects.

B. The Agencies Failed to Consider a Reasonable Range of Alternatives

The Draft Report must consider a reasonable range of alternatives. NEPA requires that an EIS "rigorously explore and objectively evaluate all reasonable alternatives" to a proposed plan of action that has significant environmental effects.[12] The alternatives analysis "is 'the heart' of an EIS."[13] The purpose of this requirement is to ensure agencies do not undertake projects "without intense consideration of other more ecologically sound courses of action, including shelving the entire project, or of accomplishing the same result by entirely different means."[14] Importantly, this evaluation extends to considering more environmentally protective alternatives and mitigation measures.[15] NEPA regulations require that alternatives "include appropriate mitigations measures."[16] Additionally, the regulations require that the analysis of environmental consequences discuss "means to mitigate adverse environmental impacts."[17] 9-4

Likewise, the alternatives analysis in the Draft Report fails to meet the requirements of CEQA. Alternatives are central to an EIR, and their assessment is a major function of the EIR.[18] The purpose of the requirement to contemplate alternatives is to identify ways to mitigate or avoid the significant effects of a project.[19] "[A]n agency may not approve a proposed project if feasible 9-5

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[9] *Id.*
[10] *See* 14 Cal. Code Regs. § 15124 (requirements of an EIR).
[11] *See Aberdeen & Rockfish R. Co. v. SCRAP*, 422 U.S. 289, 322 (1975) ("In order to decide what kind of an environmental impact statement need be prepared, it is necessary first to describe accurately the 'federal action' being taken").
[12] 40 C.F.R. § 1502.14(a).
[13] *Natural Resources Defense Council v. U.S. Forest Service*, 421 F.3d 797, 813 (9th Cir. 2005).
[14] *Envt'l Defense Fund., Inc. v. U.S. Army Corps of Eng'rs*, 492 F.2d 1123, 1135 (5th Cir. 1974). *See also City of New York v. Dept. of Transp.*, 715 F.2d 732, 743 (2nd Cir. 1983) (NEPA's requirement for consideration of a range of alternatives is intended to prevent the EIS from becoming "a foreordained formality."); *Utahns for Better Transportation v. U.S. Dept. of Transp.*, 305 F.3d 1152 (10th Cir. 2002).
[15] *See, e.g., Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1122-1123 (9th Cir. 2002) (and cases cited therein).
[16] 40 C.F.R. § 1502.14(f).
[17] 40 C.F.R. § 1502.16(h).
[18] *Id.*; *Laurel Heights Improvement Ass'n v. Regents of the Univ. of California*, 47 Cal.3d 376, 400 (1988).
[19] Cal. Pub. Res. Code § 21002.1.

alternatives exist that would substantially lessen its significant environmental effects."[20] The alternatives discussion must be "meaningful" and must "contain analysis sufficient to allow informed decision making."[21]

All of the Corps' alternatives are virtually the same, save the no action alternative, because each basically considers a different dredging depth:

Alternative 1: no action alternative.
Alternative 2: container terminal channels deepened to -53 ft MLLW; Approach Channel deepened to 15 -78 ft MLLW.
Alternative 3: container terminal channels deepened to -55 ft MLLW; Approach Channel deepened to 17 -80 ft MLLW.
Alternative 4: container terminal channels deepened to -57 ft MLLW; Approach Channel deepened to 19 -83 ft MLLW.
Alternative 5: container terminal channels deepened to -55 ft MLLW; Approach Channel deepened to 21 -80 ft MLLW, and construction of Standby Area adjacent to the Main Channel dredged to -67 ft MLLW, 22 with a 300-foot diameter center anchor placement evaluated to a depth of -73 ft MLLW.

The document fails to examine other alternatives that could achieve the project objectives. 9-6

Moreover, the agencies should consider an alternative that also addresses inefficiencies resulting in marine mammal deaths. For example, the agencies should examine an alternative that includes requiring marine vessels using the Port of Long Beach to limit ship speeds to 10-knots on their approach to the Port of Long Beach, including during transit in the Santa Barbara Channel. Cooperation between the Corps, the Port of Long Beach and the National Marine Fisheries Service to accomplish this mitigation would reduce air pollution, ship collisions with wildlife, and ship noise. 9-7

C. The Agencies Failed to Properly Analyze Numerous Significant Impacts of the Project

The agencies have failed to look at many direct, indirect, and cumulative impacts of the proposed action to expand the Port of Long Beach shipping channel.

The Corps and the Port are legally required to disclose the impacts that will result from accommodating more growth and larger ships, in order to allow for an honest and informed decisionmaking process.[22] Pursuant to NEPA, an EIS must also evaluate indirect effects that are "caused by the action and are later in time or farther removed in distance, but are still reasonably 9-8

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[20] *Save Panoche Valley v. San Benito Cnty.*, 217 Cal. App. 4th 503, 520 (2013) (citations omitted). *See also* Cal. Pub. Res. Code § 21081(a); 14 Cal. Code Regs. § 15091(a)(3); *California Native Plant Soc. v. City of Santa Cruz*, 177 Cal. App. 4th 957, 1002 (2009)

[21] *Laurel Heights*, 47 Cal.3d at 403-4.

[22] *See Citizens of Goleta Valley*, 52 Cal.3d at 564 (finding that the purpose of an EIR is "to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made"); *Baltimore Gas & Elec. Co. v. NRDC*, 462 U.S. at 96 (NEPA requires agencies "to consider every significant aspect of the environmental impact of a proposed action").

foreseeable."[23] This may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, commercial growth, and related effects on air and water and other natural systems, including ecosystems. Similarly, under CEQA, agencies are required to consider growth-inducing impacts,[24] and must consider "[a]ll phases of project planning, implementation, and operation."[25] An EIR must "reasonably set[] forth sufficient information to foster informed public participation and to enable the decision makers to consider the environmental factors necessary to make a reasoned decision."[26]

The Draft Report concludes that the project will not directly induce growth in part because "the proposed Project would not significantly affect the economy of the region in ways that would generate significant direct growth inducing impacts."[27] According to the agencies, the overall throughput at the Port will not be affected by the harbor deepening, despite the fact that the project's purpose is to accommodate larger vessels. This rationale rests on a faulty premise and contradicts the Port of Long Beach's Draft Port Master Plan Update, which states that harbor deepening among other projects will aid the projected growth of the Port over the next 20 years.[28] 9-9

Both the Corps and the Port treat forecasted growth in cargo throughput as a given in its analysis, but in reality, this project will directly impact the level of growth that will occur in the future. By deepening the harbor, the Port intends to increase efficiency and capacity, and indeed, will expand its capacity to bring in bigger ships and process more cargo than it currently handles. In failing to analyze the project's role in facilitating larger ships and cargo growth, the agencies have failed to properly address direct impacts from the project, as well as reasonably foreseeable indirect impacts and cumulative impacts. 9-10

In failing to account for these impacts, the Draft Report unlawfully overlooks the significant environmental effects that the Project will have on air quality, marine ecosystems, cultural resources, and environmental justice communities. 9-11

1. The Air Quality Impact Analysis Is Inadequate

In its air quality analysis, the Corps and the Port only assess impacts of construction activities because of the underlying assumption that the project will not increase overall throughput.[29] As with the entire Draft Report, this assumption renders the analysis inadequate. 9-12

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[23] 40 C.F.R. § 1508.8(b).
[24] The CEQA Guidelines specify that the EIR should "[d]iscuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." 14 Cal. Code Regs. § 15126.2(e).
[25] 14 Cal. Code. Regs. § 15063(a)(1).
[26] *Berkeley Keep Jets Over the Bay Comm. v. Bd. of Port Comm'rs*, 91 Cal. App. 4th 1344, 1356 (2001).
[27] Port of Long Beach Deep Draft Navigation Feasibility Study, at 319 [hereinafter DEIS/DEIR].
[28] "The 2016 forecast indicates that combined cargo volumes through the San Pedro Bay Ports are likely to grow at an average annual rate of 3.9 percent and exceed 41.1 million twenty-foot equivalent units (TEUs) by 2040. The Port of Long Beach and Port of Los Angeles had a throughput of 15.3 million TEUs in 2015." Port of Long Beach Draft Port Master Plan Update, 2-12.
[29] "While the action alternatives may accommodate changes in the vessel fleet calling at the Port, they would not increase cargo or liquid bulk throughput." DEIS/DEIR, 115.

According to the Draft Report, the "primary problem" addressed by this project is that existing channel depths and widths "create limitations ... resulting in the inefficient operation of deep draft vessels" in the Port of Long Beach complex.[30] The Draft Report states that the existing conditions have historically impacted 5 to 10 percent of crude oil imports (1-3 million tons per year), or 15 percent of these imports more recently.[31] Future fleet changes are expected to further exacerbate the transportation inefficiencies for container and liquid bulk vessels.[32]

The planning objectives contradict the assumption that the channel deepening will not facilitate the Port's growth. The agencies admit that the channel deepening "would induce changes in the operations and composition of the future fleet mix at the Port of Long Beach." These changes include: (1) an increase in a vessel's maximum practicable loading capacity; (2) an increase in the reliability of water depth, encouraging the deployment of larger vessels to the Port; and (3) an increase in larger vessels, which will displace less economically efficient smaller vessels.[33]

While the Draft Report claims that these operational changes will decrease the overall number of vessel trips at the Port, the agencies do not provide any support for this assertion. In improving operational efficiency, this project will facilitate growth and increased cargo and vessel throughput at the Port. Even if the project does somehow decrease the overall number of vessel trips, the larger ships that will be accommodated by this project carry more cargo and will take longer to unload, spending more time in the harbor. They will also require more cargo handling equipment, rail, and truck visits at any given time to handle the influx of larger cargo loads, resulting in higher localized concentrations of pollution.

The South Coast Air Basin is in extreme nonattainment of all national ozone standards, and in nonattainment for particulate matter. The movement of goods to and from the Port is a significant source of criteria pollutant emissions affecting the region's nonattainment status, and this project will lead to increased freight transportation. This growth promotion will exacerbate the already heightened health risks that communities who live along the freight corridor face every day. Studies show that residents living near the Ports are exposed to greater cancer risk, compared to the regional average.[34] 9-13

Despite the anticipated growth of the Port, the Draft Report fails to consider the operational impacts or provide a quantitative assessment of potential health risks.[35] Instead, the Draft Report states that the Project would not result in substantial elevated cancer risks to exposed persons, since "construction activities in any single location would be transitory and short-term."[36] For one threshold (AQ-1), the Corps considers the emissions from dredging equipment, construction- 9-14

[30] *Id.* at 64.
[31] *Id.*
[32] *Id.*
[33] *Id.* at 65.
[34] South Coast Air Quality Management District, *Multiple Air Toxics Exposure Study in the South Coast Air Basin, MATES IV* (2012), at 4-16, *available at* https://www.aqmd.gov/docs/default-source/air-quality/air-toxic-studies/mates-iv/mates-iv-final-draft-report-4-1-15.pdf?sfvrsn=7.
[35] DEIS/DEIR, 117.
[36] *Id.* at 119, 247.

related harbor craft, off-road construction equipment, on-road construction vehicles, and construction worker vehicles, as well as fugitive dust emissions from land-side construction.[37] Likewise, in its CEQA analysis, the Port examines only the short-term emissions during construction that would result from the use of construction equipment.[38] The Draft Report utterly disregards the potential air quality impacts from future operations at the Port, and is misleading.

The Draft Report also wrongly concludes that the impacts on air quality would be less than significant for Impact AQ-5 ("The proposed Project would not conflict with or obstruct implementation of an applicable AQMP or would not conform to the most recently adopted SIP"). The Port reasons that the impacts will be less than significant because the Port "operates well within the cargo forecasts provided for the AQMP."[39] However, as stated above, the DEIR's assumption that cargo throughput will not be impacted by the Project is inaccurate. 9-15

Furthermore, the analysis fails to examine emissions from the project in accordance with the most recent federal air quality standards. The agencies have a duty to consider whether the proposed action "threatens a violation of Federal . . . law or requirement[] imposed for the protection of the environment."[40] While the Draft Report addresses the 2016 AQMP, it fails to come to terms with the fact that this project and its associated impacts will affect attainment of federal air quality standards, such as the 2015 0.70 ppm 8-hour ozone standard, and the state 8-hour ozone standard. 9-16

The agencies must address the project's impacts on growth at the Port and the effects of increased cargo throughput on Clean Air Act attainment in the South Coast Air Basin. NEPA and CEQA require that the Draft Report account for the levels of growth anticipated at the Port, and consider operational emissions from the current and future fleet in its analysis. 9-17

In addition, the agencies must propose mitigation measures for the operational impacts of the project. In 2016, Port of Long Beach had the highest emissions of PM and NOx per day from ocean-going vessels compared to any other port statewide.[41] Yet, in 2017, the Port had a low utilization rate of shoreside power and the Advanced Maritime Emission Control System (AMECS).[42] 9-18

The agencies should require that future growth be consistent with the Port's commitments to achieve 100% zero emission cargo handling equipment by 2030, and 100% zero emission trucks by 2035, as outlined in the 2017 San Pedro Bay Ports Clean Air Action Plan and directed by the 9-19

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[37] *Id.* at 115.
[38] *Id.* at 240.
[39] *Id.* at 248.
[40] 40 C.F.R. § 1508.27(b)(10).
[41] CARB, Updates to At Berth Emissions Inventory for Ocean-Going Vessels (OGV) (2019), at 36, *available at* https://ww3.arb.ca.gov/msei/ordiesel/feb19ogvinv.pdf.
[42] "The at-berth OGV emissions reflect that in 2017, an average of 39 percent of all vessel calls (72 percent of container vessels, 95 percent of cruise vessels, 4 percent of tankers, 100 percent of Ro/Ro off vessels, and 0 percent of all other vessels) used shore power; and 1 percent used the Advanced Maritime Emission Control System (AMECS)." Draft Port Master Plan Update Program Environmental Impact Report at 3.2-9, *available at* http://www.polb.com/civica/filebank/blobdload.asp?BlobID=15228.

Mayors of LA and Long Beach in their 2017 Executive Directive. To achieve this, the Port should mandate usage of shoreside power for all vessels, not only construction-related harbor craft, and consider AMECS and other mitigation measures to reduce emissions at-berth. The Draft Report must also consider readily available zero-emission technologies. In 2018, the Ports of LA and Long Beach published feasibility assessments for zero emission trucks and cargo handling equipment. These studies recognized that several types of zero-emission technologies are available to deploy today.[43] The Port and Army Corps should incorporate zero-emission technologies where applicable in its mitigation measures.

2. The Greenhouse Gas and Global Climate Change Impacts Analysis Is Insufficient

Like the air quality analysis, the global climate change analysis is legally deficient because of its narrow focus on greenhouse gas (GHG) emissions solely from construction activities. 9-20

While the Draft Report acknowledges the effects of global climate change and sea level rise, the analysis conveniently omits any discussion of how this channel deepening may facilitate more GHG emissions. Port operations – ocean-going vessels, tugboats, cargo handling equipment, trucks, and locomotives – constitute major sources of GHG and other air pollutant emissions, approximately 10 percent of the region's pollutants.[44] The primary purpose of the project is to reduce transportation costs and increase deep draft navigation efficiency at the Port. This project would allow larger vessels with greater capacity to operate at the Port, thereby increasing freight transport in the area. Yet, the Draft Report does not account for operational GHG emissions, and thus wrongly concludes that the global climate change impacts will be less than significant and mitigation measures are not required. 9-21

The GHG analysis also fails to consider the impacts of increased crude oil imports and exports of petroleum products. The Draft Report recognizes the benefits that the project will have on crude oil imports. In its discussion of the project purpose and need, the Draft Report states that transportation costs and inefficiencies at the Port have thus far affected up to 15 percent of crude oil imports.[45] It is clear from the Draft Report that the harbor deepening will expand the capacity of the Port and facilitate more cargo throughput.[46] This will in turn lead to more oil production, refinement, coal exports, and freight transportation, and increased emissions of criteria pollutants. The activities facilitated by the Project will accelerate climate change and impede state and local goals for GHG reduction. 9-22

In 2006, Governor Schwarzenegger signed AB 32, a landmark law to control and reduce the emission of global warming gases in California along with the companion statute SB 1368,

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[43] San Pedro Bay Ports, Clean Air Action Plan, 2018 Feasibility Assessment for Cargo-Handling Equipment (Sept. 2019), at 29, *available at* http://www.cleanairactionplan.org/documents/final-cargo-handling-equipment-che-feasibility-assessment.pdf/.

[44] Port of Long Beach, Port Emissions, http://www.polb.com/environment/air/port_emissions.asp (last visited Dec. 2, 2019).

[45] DEIS/DEIR, 64.

[46] According to the DEIS/DEIR, top imports at the Port of Long Beach are crude oil, electronics, plastics, and furniture. Top exports are petroleum products, chemicals, and agriculture. *Id.* at 8.

which prohibits California utilities from making long term investments in coal-based electricity generation. AB 32 requires both reporting of GHG emissions and their reduction on an ambitious timeline, including a reduction of CO2 emissions to 1990 levels by 2020. Looking beyond 2020, Executive Order S-3-05 sets an emissions reduction target of 80 percent below 1990 levels by 2050. Under Executive Order B-55-18, California's goal is to achieve carbon neutrality by no later than 2045. Executive Order B-32-15, taking into account the state's GHG reduction targets, directed state agencies to establish an action plan and set clear targets to ensure progress towards the sustainable movement of goods.

In 2017, the Port of Long Beach, in conjunction with the Port of Los Angeles, issued the Clean Air Action Plan Update (CAAP), further committing to the zero-emission goals, setting new GHG reduction targets, and reaffirming previous emissions goals:

- Reduce GHGs from port-related sources to 40 percent below 1990 levels by 2030
- Reduce GHGs from port-related sources to 80 percent below 1990 levels by 2050
- By 2014, reduce port-related emissions by 22 percent for NOx, 93 percent for SOx and 72 percent for DPM.
- By 2023, reduce port-related emissions by 59 percent for NOx, 93 percent for SOx and 77 percent for DPM.
- By 2020, reduce residential cancer risk from port-related DPM emissions by 85 percent.[47]

In addition to accommodating greater volumes of petroleum imports and exports, this project would facilitate increased oil production and refinement, and does not align at all with state and local efforts to mitigate the effects of climate change and reduce GHG emissions. The Draft Report is silent on these issues, which means its fails to take the requisite "hard look" required by NEPA. 9-23

3. Significant Threats to Endangered Species from Shipping Remain Undisclosed and Unmitigated

The threats to marine ecosystems from shipping are well-known: oil spills and other water pollution, air pollution, anchor scouring, biological invasions, container loss, chronic noise and collisions with large whales and sea turtles.[48] Deepening Port of Long Beach will worsen these serious, prevalent problems.

The Corps must quantify and evaluate the impacts of the increased volume and intensity of shipping traffic. Port of Long Beach has about 2000 vessel calls per year. Not only is the volume of traffic likely to increase with the project, but also the intensity of traffic will increase because of the larger vessels that the project is designed to accommodate.

In the Draft Report, the Corps assumes that deepening the channel will lead to reduced overall vessel traffic. The Draft Report's assumption is not based on any evidence nor is there a legally 9-24

[47] San Pedro Bay Ports, Clean Air Action Plan 2017, http://www.cleanairactionplan.org/documents/final-2017-clean-air-action-plan-update.pdf/.
[48] T.J. Moore et al, Exploring ship traffic variability off California, 163 Ocean & Coastal Management 515-527 (2018).

binding limit that would restrict the number of vessels. There is a greater likelihood of increased vessel traffic and growth. Any number of factors could lead to an increase in the number of vessels transiting beyond what is forecast and analyzed in the Draft Report, with a concomitant increase in vessel impacts on fish and wildlife species.

Even assuming the overall reduction in vessel traffic holds, the Draft Report nonetheless forecasts an "increase in larger Post-Panamax vessels."[49] The increased presence of these larger vessels—in addition to a potential increase in size or number of accompanying tending vessels—may introduce significantly more noise into the marine environment, particularly if they have larger positioning thrusters and propulsion units.[50] The threat to marine mammals of ship strike also would increase with any increase in large vessel traffic enabled by the proposed dredging project. Effects of ship strike and noise are discussed in more detail below. Vessel traffic and noise caused by the project has the potential to cause serious harm to marine mammals, including the blue whale population. Additionally, the Draft Report fails to consider that the large ships will call on other ports under the no action alternative, which could decrease vessel traffic to the Port of Long Beach. 9-25

a) Vessel Noise from the Project Harms Marine Mammals

The Corps also must conduct a more searching analysis on the effects of project-associated noise on regional wildlife. The noise associated with the dredging project itself must be better analyzed—including behavioral disturbances of fish and marine mammals such as reduced foraging, reduced ability to avoid predators, and increased flight/avoidance behavior, as well as neurological stress and hearing threshold shifts.

Noise associated with the project also will come from the ships utilizing the navigation channel—both while the vessels are transiting the channel and during their approach. The Corps never discusses the noise generated by shipping, and it neglects to adequately analyze how shipping noise associated with use of a deepened channel will affect regional wildlife.

Kaplan and Solomon (2016) estimate that commercial shipping noise could increase by 87-102% by 2030 due to the combined effects of an increase in the volume of goods shipped, an increase in larger and noisier ships, and an increase in distance goods are shipped.[51] Oil tankers noise specifically is projected to increase by 11%.[52] Because much of the increased noise pollution will be concentrated near harbors and shipping lanes including those in and around the Santa Barbara Channel and Port of Long Beach, it is particularly important that this proposed dredging project address the issue of noise pollution from commercial shipping in more depth.

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[49] DEIS/DEIR, 66.
[50] M.B. Kaplan & S. Solomon, A coming boom in commercial shipping? The potential for rapid growth of noise from commercial ships by 2030, 73 Marine Policy 119, 120 (2016).
[51] *Id.*
[52] *Id.*

Anthropogenic noise pollution can mask marine mammal communications at almost all frequencies these mammals use.[53] "Masking" is a "reduction in an animal's ability to detect relevant sounds in the presence of other sounds."[54] Ambient ship noise can cover important frequencies these animals use for more complex communications.[55] Some species, such as the highly endangered right whale, are especially vulnerable to masking.[56] Ship noise can completely and continuously mask right whale sounds at all frequencies.[57] Masking may affect marine mammal survival and reproduction by decreasing these animals' ability to "[a]ttract mates, [d]efend territories or resources, [e]stablish social relationships, [c]oordinate feeding, [i]nteract with parents, or offspring, [and] [a]void predators or threats."[58]

In addition to masking effects, marine mammals have displayed a suite of stress-related responses from increased ambient and localized noise levels. These include "rapid swimming away from [] ship[s] for distances up to 80 km; changes in surfacing, breathing, and diving patterns; changes in group composition; and changes in vocalizations."[59] For example, researchers documented chronic stress in North Atlantic right whales associated with exposure to low frequency noise from ship traffic, which can cause long-term reductions in fertility and decreased reproductive behavior, increased vulnerability to diseases, and permanent cognitive impairment.[60] Some avoidance responses to localized marine sounds may even lead to individual

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[53] *See, e.g.*, John Hildebrand, Impacts of Anthropogenic Sound on Cetaceans, in Marine Mammal Research: Conservation Beyond Crisis (Reynolds, J.E. III et al. eds., 2006); L. S. Weilgart., The Impacts of Anthropogenic Ocean Noise on Cetaceans and Implications for Management, 85 Canadian J. Zoology 1091-1116 (2007).

[54] Ocean Noise and Marine Mammals, Nat'l Res. Council 96 (2003), available at http://www.nap.edu/openbook.php?record_id=10564&page=R1.

[55] *Id.* at 42, 100 ("An even higher level, an understanding threshold" may be necessary for an animal to glean all information from complex signals.")

[56] C.W. Clark et al., Acoustic Masking in Marine Ecosystems: Intuitions, Analysis, and Implication, 395 Marine Ecology Progress Series 201, 218-19 (2009), *available at* http://www.int-res.com/articles/theme/m395p201.pdf; C.W. Clark et al., Acoustic Masking in Marine Ecosystems as a Function of Anthropogenic Sound Sources, at *17, fig. 8, *available at* https://www.academia.edu/5100506/Acoustic_Masking_in_Marine_Ecosystems_as_a_Function_of_Anthropogenic_Sound_Sources (last visited Oct. 29, 2014) [hereinafter Acoustic Masking & Anthropogenic Sound Sources].

[57] *See* Acoustic Masking & Function of Anthropogenic Sound Sources, *supra* note 56 (showing anthropogenic noise masking 100 percent of the frequencies right whales used over the majority of a six-hour study).

[58] Jason Gedamke, Ocean Sound & Ocean Noise: Increasing Knowledge Through Research Partnerships, NOAA 2 (2014), *available at* http://cetsound.noaa.gov/Assets/cetsound/documents/MMC%20Annual%20Meeting%20Intro.pdf; Acoustic Masking & Anthropogenic Sound Sources, *supra* note 56, at *3.

[59] Ocean Noise and Marine Mammals, *supra* note 54, at 94.

[60] R.M. Rolland et al., Evidence that ship noise increases stress in right whales, Proceedings of the Royal Society B. (2012); R.M. Rolland et al., The inner whale: hormones, biotoxins and parasites, in The Urban Whale: North Atlantic Right Whales at the Crossroads (Kraus S.D. & R.M. Rolland eds., 2007).

or mass strandings.[61] Louder anthropogenic sounds may also lead to permanent hearing loss in marine mammals.[62]

The greatest source of human-caused marine noise by far is ship propeller cavitation—the sound poorly designed propellers make as they spin through the water.[63] Cavitation accounts for as much as 85 percent of human caused noise in the world's oceans.[64] Cavitation may also increase due to hull designs that create non-homogenous wake fields behind ships.[65] And even well-designed propellers and hulls may begin to cavitate if they are not regularly cleaned and smoothed.[66] Another significant source of anthropogenic marine noise is on-board machinery, especially diesel engines.[67] Other onboard machines may also cause vibrations that migrate underwater.[68] Finally, ship noise increases at higher speeds, as this increases the degree and volume of cavitation and onboard machine sounds.[69]

The Corps has underestimated the impacts of the project's noise from construction, and it has completely failed to analyze the impacts from both the larger ships and the likely increase in vessel traffic that will result from the project. 9-26

b) Increased ship size and traffic will increase the risk of ship strikes.

The Corps entirely failed to analyze the threat that shipping traffic associated with this navigation channel poses to marine mammals. Ship strikes serve as a primary cause of mortality for large whales. Large vessels (i.e., those ≥ 80 m, which includes Panamax, Aframax, and Suezmax) are responsible for most of the collisions leading to whale death or severe injury.[70] For

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[61] Ocean Noise and Marine Mammals, *supra* note 54, at 132; Brandon L. Southall et al., Final Report of the Independent Scientific Review Panel Investigating Potential Contributing Factors to a 2008 Mass Stranding of Melon-Headed Whales 3 (Peponocephala electra) in Antsohihy, Madagascar, Int'l Whaling Comm'n 4 (2013), *available at* https://iwc.int/private/downloads/SLvy5e15tG6X7lECFfK0aQ/Madagascar%20ISRP%20FINAL%20REPORT.pdf.

[62] D. Kastak et al., Noise-Induced Permanent Threshold Shift in a Harbor Seal, 123 J. Acoustical Soc'y of Am. 2986 (2008); S.G. Kujawa & M.C. Liberman, Adding Insult to Injury: Cochlear Nerve Degeneration After "Temporary" Noise-Induced Hearing Loss, 29 J. Neuroscience 14077.

[63] Joseph J. Cox, Evolving Noise Reduction Requirements in the Marine Environment, Marine Mammal Comm'n: Congressional Briefing on Ocean Noise at 12 (2014), *available at* https://www.mmc.gov/wp-content/uploads/cox_capitalhill_briefing_0914.pdf; International Maritime Organization, Guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life (2014), http://www.imo.org/en/MediaCentre/HotTopics/Documents/833%20Guidance%20on%20reducing%20underwater%20noise%20from%20commercial%20shipping%2C.pdf [hereinafter IMO Underwater Noise Reduction Guidelines].

[64] Cox, *supra* note 63.

[65] IMO Underwater Noise Reduction Guidelines, *supra* note 63.

[66] *Id.* at 5.

[67] *Id. at 4.*

[68] *Id.*

[69] *Id.at 5.*

[70] Caitlin M. Jensen et al., Spatial and Temporal Variability in Shipping Traffic Off San Francisco, California, 43 Coastal Mgmt. 575 (2015).

imperiled populations, "death from vessel collisions may be a significant impediment to population growth and recovery."[71]

The Santa Barbara channel hosts the world's largest aggregation of blue whales that are put in peril as a result of the proposed project. There are fewer than 2,000 blue whales in the population, and a recent report cites that ship strikes are a reason that blue whales have not recovered.[72] Blue whales have a limited ability to avoid collisions with ships.[73] The blue whale recovery plan recommends actions to reduce the threat of ship strikes and it concludes that "implementation of appropriate measures designed to reduce or eliminate such problems are essential to recovery" and that such actions "must be taken to prevent a significant decline in population numbers."[74] In its most recent stock assessment reports for marine mammals in the Pacific, National Marine Fisheries Service has also documented numerous vessel-related mortalities and serious injuries for humpback whales, fin whales, killer whales, and other species on the West Coast, including some off of Oregon and Washington.[75] In 2016, NOAA determined that humpback whales off California consist of two separate distinct populations – Central America and Mexico. The Central America humpback population consists of fewer than 800 individuals. The combined serious injury and mortality from vessel collisions and other anthropogenic threats is already in excess of potential biological removal for blue and humpback whales.

Ship strikes are known to be a huge problem in the Santa Barbara Channel and voluntary efforts to reduce the risk have be ineffective. The primary initiative to cut air pollution and protect endangered whales in the Santa Barbara Channel region is a voluntary and incentive-based vessel speed reduction program, known as Protecting Blue Whales and Blue Skies.[76] Because the program is not mandatory, only a small fraction of vessels participate (125 transits participated in 2017 compared to 2,500 container ships that travel through Santa Barbara Channel each year).[77]

Vessel collisions are a severe threat to the conservation and recovery of large whales.[78] Between 1986 and 2018, the National Marine Fisheries Service documented 143 vessel collisions with

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[71] R.C. Rockwood, J. Calambokidis,& J. Jahncke, High mortality of blue, humpback and fin whales from modeling of vessel collisions on the U.S. West Coast suggests population impacts and insufficient protection, 12 PLoS ONE e0183052 (2017).

[72] Virginia Morrell, Blue whales being struck by ships, Science Magazine, Jul. 23, 2014, *available at* http://www.sciencemag.org/news/2014/07/blue-whales-being-struck-ships.

[73] M.F. McKenna et al., Simultaneous tracking of blue whales and large ships demonstrates limited behavioral responses for avoiding collision, 27 Endangered Species Research 219-232 (2015)

[74] National Marine Fisheries Service, Recovery Plan for the Blue Whale (1998); National Marine Fisheries Service, Draft Recovery Plan for the Blue Whale (Balaenoptera musculus) Revision (2018).

[75] J.V. Caretta et al., U.S. Pacific Marine Mammal Stock Assessments: 2018 (2019), *available at* https://repository.library.noaa.gov/view/noaa/20266.

[76] *Twelve global shipping companies slowed transits in 2018 program off California coast to protect blue whales and blue skies,* March 14, 2019, https://www.ourair.org/wp-content/uploads/031419-VSR.pdf.

[77] Jesse Ryan, Whales are facing a big, deadly threat along West Coast: Massive ships, Washington Post, Mar. 18, 2019, *available at* https://www.washingtonpost.com/national/health-science/whales-are-facing-a-big-deadly-threat-along-west-coast-massive-container-ships/2019/03/15/cebee6c8-3eb0-11e9-a0d3-1210e58a94cf_story.html (last visited Apr. 1, 2019).

[78] Caretta et al., *supra* note 74.

large whales off the California Coast.[79] Most of them resulted in mortality. California had at least ten whale deaths attributed to ship strikes in 2018; this is the highest on record since tracking began in 1982.[80]

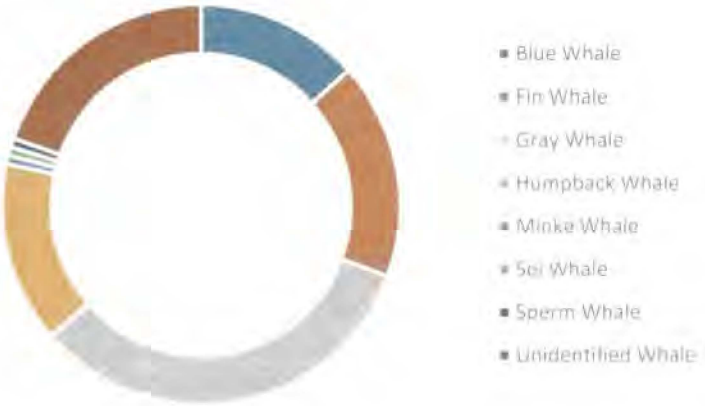

Figure 1. Ship Strikes Off the California Coast. National Marine Fisheries Service Large Whale Ship Strike Data 1986-2018

Scientists estimate that 80 whales each year die from ship strikes off the West Coast.[81] Rockwood et al. 2017 reports a best conservative estimate of 18 blue and 22 humpback whale deaths from ship strikes per 6-month season.[82] Based on these predictions and the average annual strike reports from 2006-2016 (1.0 for blue and 1.4 for humpback whale), they calculated that 95 percent of blue whale and 94 percent of humpback whale strike deaths go undocumented.[83] Given the uncertainty in accounting for whale collision avoidance, they also calculated strike mortality in the case of no avoidance, producing estimates of 40 blue and 48 humpback whale deaths.[84]

Higher traffic volumes of larger ships calling on the Port of Long Beach will increase the risk of collisions with large whales and sea turtles. Larger vessels account for a disproportionate number of ship strikes—especially fatal ship strikes.[85] Partly due to their greater weight and partly

[79] National Marine Fisheries Service, Large Whale Ship Strike Data 1986-2018.
[80] Ryan, *supra* note 77.
[81] Rockwood et al., *supra* note 71.
[82] *Id.*
[83] *Id.*
[84] *Id.*
[85] Laist et al., Collisions Between Ships and Whales, 17 Marine Mammal Sci. 35, 54 (2001); Silber et al., Hydrodynamics of a Ship/Whale Collision, 391 J. Experimental Marine Biology & Ecology 11, 18-19 (2010) (ship size correlated to risk and severity of ship strike).

because of their decreased maneuverability, "most, if not all, lethal collisions are caused by large ships rather than small vessels."[86] Most ship strikes to large whales result in death.[87]

Figure 2 below shows the impacts of shipping on protected species off the West Coast. (Maxwell et al. 2013.) The map shows that despite the proximity of national marine sanctuaries and other protections, the impact of shipping on southern California ecosystems is high.

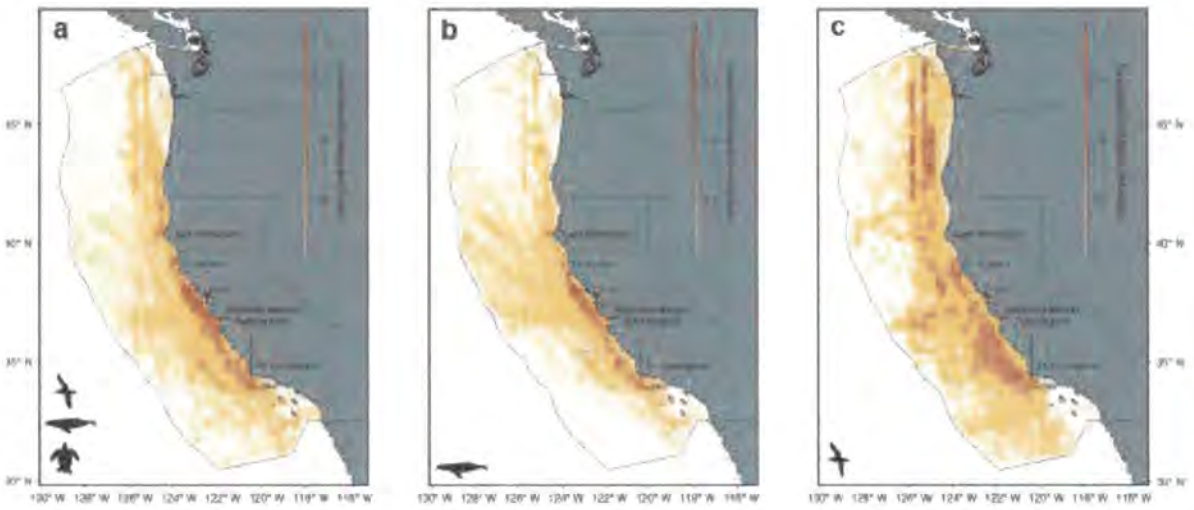

Figure 2. Shipping cumulative utilization and impact for (a) all species combined, (b) marine mammals and (c) seabirds. Solid outer line represents U.S. EEZ, solid inner lines represent National Marine Sanctuaries and dashed lines represent 200 m isobaths. (Source: Maxwell et al. 2013 Supp. fig. S4.)

Requiring ships to limit their speed to 10-knots would reduce threats from ships traveling to the Port of Long Beach. Scientific research has shown that there is a direct correlation between vessel speed and ship strikes resulting in whale mortality.[88] Ship speed affects the likelihood of whale mortality in two ways. First, slower ship speeds provide whales with a greater opportunity to detect the approaching ship and avoid being hit by it. Second, whales that are hit by slower moving ships are less likely to suffer serious injury or death. Finally, scientists recommend reducing ship speeds to 10-knots to mitigate the harmful impacts of ship noise.[89] The Corps should evaluate a 10-knot speed limit for vessels as an alternative, or mitigation. 9-27

4. The Report Underestimates the Impacts of Dredging

[86] *Id.*
[87] A.S. Jansen & G.K. Silber, Large Whale Ship Strike Database, NOAA Technical Memorandum, NMFS-OPR-25 9, fig. 4 (2004).
[88] Silber et al., *supra* note 85.
[89] R.L. Putland et al., Vessel noise cuts down communication space for vocalizing fish and marine mammals, 24(4) Global change biology 1708-21 (2018).

While the Draft Report addresses some of the water quality impacts of the project, it must conduct a more comprehensive evaluation of the water quality impacts of dredging, dumping and transit of dredged material.

The analysis in the Draft Report minimizes the water quality impacts of the project. The Corps anticipates 4.9 to 11.9 million cubic yards of dredged material. Dredging resuspends sediment and associated organic material, including any contamination within the sediments. This can lead to temporary increases in turbidity and nutrients, reductions in dissolved oxygen, and/or changes in temperature and pH. These water quality impacts can harm fish, benthic animals, and marine mammal foraging. The transit of dredged material can have spills and the disposal can also resuspend dredged materials. Additionally, resuspension of contaminated sediments accompanying the proposed dredging project poses a substantial risk to marine life in the project vicinity.

Notably, the Corps underestimates the plume that the dredging, transport and dumping of dredged material will create. In a similar harbor expansion for Port of Miami, the Army Corps severely underestimated impacts and area of damage from dredging that killed a half-million corals. The Army Corps settled litigation over the issue with coral mitigation and other restoration. Multiple studies from the Miami Harbor dredging project, such as Ross 2019,[90] show conclusively that sediment from dredging travels further than 1,000 feet from the site of dredging – and caused permanent impacts at distances more than 10 times that far. The Corps has also failed to consider how runoff from the Los Angeles River during rain events will impact the travel of sediment from dredging.

Additionally, the Corps has underestimated the hazardous materials that may affect water quality and marine wildlife due to dredging the contaminated Port of Long Beach channel. Because the Draft Report has underestimated the resuspension and impact zone of the dredged material, it has also underestimated the significance of the impacts from hazardous materials that contaminate the approach channel for the Port of Long Beach. 9-28

5. The Analysis of the Risk of Spills Is Inadequate

The proposed project threatens to increase the risk, severity and the magnitude of oil spills. There is a steady stream of oil tanker traffic. The Draft Report states that in 2016, there were 17 million tons of oil calling on the Port of Long Beach, and that this is predicted to remain steady. The Draft Report fails to analyze the heightened risk of larger oil spills as a result of the proposed project. 9-29

6. The Report Fails to Consider Important Cultural Resources and Environmental Justice Impacts

The Draft Report's conclusion that there are no significant impacts for cultural resources, socioeconomic and environmental justice is arbitrary. In failing to properly analyze the numerous environmental impacts of this Project, the Draft Report also inadequately considers the 9-30

[90] R. Cunning et al., Extensive coral mortality and critical habitat loss following dredging and their association with remotely-sensed sediment plumes, Marine Pollution Bulletin (2019).

impacts on the environmental justice communities that live within the study area, and on cultural resources important to Native American tribes of California.

Contrary to the assumptions underlying this Report, the proposed project is directly linked to future growth at the Port. The Port of Long Beach's Draft Port Master Plan Update acknowledges that certain planned actions will aid the Port's projected growth target of more than doubling cargo throughput over the next 20 years.[91] The Port's own master planning document identifies channel deepening as necessary "to accommodate larger ships and crucial cargo."[92] In fact, part of this Project includes channel deepening to allow larger ships at Pier T, which includes "the only very large crude carriers berth on the West Coast."[93] The Port Master Plan update concedes "liquid bulk vessel movements along the main channel are constrained by current conditions."[94] Projects that encourage this growth in liquid bulk and containers, including this channel deepening, will have adverse consequences on the daily lives of residents living near the Ports, railyards, warehouses, the I-710 corridor, and the inland port communities in the Inland Valley. 9-31

In its 2016 letter to the Corps, the United States Environmental Protection Agency recommended that the Draft Environmental Impact Statement identify communities with potential environmental justice concerns that could be affected by the proposed project and assess potential health impacts and impact avoidance measures:

> "The increased volume of freight traffic that will likely occur in conjunction with the navigation improvements may result in additional conventional truck traffic along the freight corridor, which would contribute to increases in roadway-related MSAT and criteria pollutant emissions impacting already heavily burdened, low income and minority communities along the I-710 Corridor and other freight corridors."[95]

It is evident that the permanent expansion of the Port achieved through this project and others will facilitate increased cargo and liquid bulk growth in the future. However, this Draft Report only considers construction impacts, while completely ignoring the significant air pollution that will result from increased throughput of containers and liquid bulk. The harbor deepening will allow the Port to accommodate additional cargo, and lead to greater truck, rail, and vessel traffic. This increase in goods movement will affect freight-impacted environmental justice communities, who continue to suffer from increased health risks associated with the goods movement.

Additionally, the larger vessels calling on the Port of Long Beach have a potential to affect cultural resources beyond the dredging area, such as in the Santa Barbara Channel. For example, the Corps should consult with the Chumash because the Santa Barbara Channel contains a number of underwater Chumash cultural and historic resources and traditional fishing grounds. 9-32

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[91] Port of Long Beach, Draft Port Master Plan Update, 2-12.
[92] *Id.*, at 5-13.
[93] *Id.*, at 6-28.
[94] *Id.*, at 6-29.
[95] DEIS/DEIR, Appendix A, Attachment 2.

Under CEQA, agencies must, when feasible, avoid damaging tribal cultural resources, which include sites, features, places, cultural landscapes, sacred places, and objects with cultural value to California's Native American tribes.[96] Among other cultural resources impacts, the proposal may threaten sacred waters and wildlife that sustain Chumash culture, religious practices, and lifeways.

D. The Agencies Failed to Evaluate the Cumulative Effects and Connected Actions

The cumulative effects and connected actions[97] of several related efforts to widen and deepen shipping channels must be evaluated – for this project (as cumulative impacts), as well as in a programmatic environmental review. The agencies' evaluation and approval of widening and deepening ports throughout the coastal U.S. are connected actions that should be evaluated in a programmatic environmental review. Cumulative environmental effects can be defined as effects on the environment which are caused by the combined results of past, current and future activities.[98] There are numerous feasibility studies occurring at ports and harbors throughout the United States to widen and deepen navigation channels to allow larger vessels. These actions are all related and foreseeable. Additionally, many will have impacts in multiple locations for species that migrate. Specifically, with more of these larger vessels being able to go into numerous ports, this will increase vessel traffic in the ocean that will be louder and more likely to collide with marine mammals.

Along the West Coast, in addition to the Port of Long Beach, there are several proposals pending to deepen and widen navigation channels to accommodate larger ships, including at the Port of Seattle, Port of San Francisco, Port of Los Angeles, Port of Tacoma, Coos Bay, and probably others. These projects are within the same region, impacting the same waterbody, the Pacific Ocean, along the migratory path of blue whales, humpback whales, killer whales and other protected species. Many of the marine species affected by the Port of Long Beach project will therefore be affected by the vessel traffic and other navigation channel deepening and widening projects along the entire west coast because of the migratory nature of these animals. 9-33

E. The Draft Report's Conclusion on Significant Effects and Failure to Mitigate Them Is Flawed

The Draft Report concludes that there will be no significant effects on geology and topography, oceanographic and coastal processes, water and sediment quality, greenhouse gases, aesthetics, cultural resources, noise, socioeconomics, transportation, land use, recreation, public safety, and public utilities. It only found air quality significant effects from toxic emissions from construction equipment needing mitigation.

As discussed above, there are several shortcomings and remaining concerns about the impacts of the proposed project. A meaningful evaluation would demonstrate that there are significant 9-34

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[96] Cal. Pub. Res. Code § 21084.3.
[97] *See* 40 C.F.R. § 1508.25 (defining connected actions as those that are "closely related and therefore should be discussed in the same impact statement").
[98] 40 C.F.R. §1508.7; 14 Cal. Code Regs. § 15355.

impacts needing mitigation, such as reducing ship speeds to address ship strikes, noise, and air pollution. Additional mitigation is also needed to address the impacts of cargo growth on freight-impacted communities, such as ensuring goods are handled and transported using zero emission technologies.

2) The Corps must complete consultation under section 7 of the ESA because its action may affect listed species, and it must obtain a permit under the MMPA.

Section 7(a)(2) of the ESA requires federal agencies to "insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the adverse modification of habitat of such species . . .determined . . . to be critical . . . ."[99] To accomplish this goal, agencies must consult with the delegated agency of the Secretary of Commerce or Interior whenever their actions "may affect" a listed species.[100]

The ESA's consultation requirement applies to Federal agencies taking *any action*.[101] "Action means all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas" including "the granting of licenses, contracts, leases, easements, rights-of-way, permits, or grants-in-aid."[102] The Supreme Court noted that ESA's section 7 command to Federal agencies "admits of no exception."[103] Moreover, the use of the word "shall" in a statute indicates Congress' intent to impose a mandatory duty.[104]

The project may affect listed species such as blue whales, humpback whales, and several species of imperiled salmon, among other listed species, and therefore the Corps must engage in consultation with the National Marine Fisheries Service and Fish and Wildlife Service. Moreover, the Corps should undertake programmatic consultation on the impacts of the numerous channel deepening and widening projects that are occurring throughout the US. 9-35

Additionally, the Corps needs an authorization under the Marine Mammal Protection Act (MMPA). The MMPA prohibits the taking of marine mammals, unless the take falls within certain statutory exceptions.[105] The statute defines "take" is as "to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect or kill, any marine mammal."[106] Here, the project will harass and harm marine mammals and such authorization is required before the project can proceed. 9-36

II. Conclusion

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[99] 16 U.S.C. § 1536(a)(2); 50 C.F.R. § 402.14(a).
[100] *Id.*
[101] 16 U.S.C. § 1536(a)(2).
[102] 50 C.F.R. § 402.02 (emphasis added).
[103] *Tenn. Valley Auth. v. Hill*, 437 U.S. 153, 173 (1978). *See also Pacific Rivers Council v. Thomas*, 30 F.3d 1050, 1054-55 (9th Cir. 1994) (recognizing that Congress intended "agency action" to be interpreted broadly, admitting of no limitations.)
[104] *Bennett v. Spear*, 520 U.S. 154, 172 (1997) (use of "shall" creates a "categorical requirement").
[105] 16 U.S.C. § 1371(a)(3).
[106] 50 C.F.R. § 216.3; 16 U.S.C. § 1362(13).

Because the Draft Report for the Project fails to consider the impacts of shipping on marine ecosystems, it does not comply with either CEQA or NEPA. The Corps and the Port must revise the Draft Report to include missing scientific studies, specific management actions that address the needs of the listed species and develop alternatives that provide a meaningful assessment. 9-37

The Draft Report must also be revised to fully address and disclose the significant environmental effects of the project, including the operational impacts of the channel deepening. The agencies must fulfill their duties under CEQA and NEPA to provide a meaningful environmental impact analysis that informs the public, especially communities most impacted by the project, of the associated impacts. 9-38

Thank you for your consideration of these comments, and please do not hesitate to reach out if you have any questions.

Sincerely,

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INDEX OF ATTACHMENTS IN SUPPORT OF COMMENTS

Attachments viewable at https://earthjustice.sharefile.com/d-sfc35156b12e41978.

A – San Pedro Bay Ports Documents

A1 – Port of Long Beach, Draft Port Master Plan Update 2020 (Jul. 2019), available at http://www.polb.com/civica/filebank/blobdload.asp?BlobID=15173

A2 – Port of Long Beach, Port Master Plan Update Draft Program Environmental Impact Report (Aug. 2019), available at http://www.polb.com/civica/filebank/blobdload.asp?BlobID=15228

A3 – San Pedro Bay Ports, Clean Air Action Plan 2017, available at http://www.cleanairactionplan.org/documents/final-2017-clean-air-action-plan-update.pdf/

A4 – San Pedro Bay Ports, Clean Air Action Plan, 2018 Feasibility Assessment for Cargo-Handling Equipment (Sept. 2019), available at http://www.cleanairactionplan.org/documents/final-cargo-handling-equipment-che-feasibility-assessment.pdf/

B – State, Federal, and Intergovernmental Documents

B1 – South Coast Air Quality Management District, *Multiple Air Toxics Exposure Study in the South Coast Air Basin, MATES IV* (2012), at 4-16, *available at* https://www.aqmd.gov/docs/default-source/air-quality/air-toxic-studies/mates-iv/mates-iv-final-draft-report-4-1-15.pdf?sfvrsn=7

B2 – CARB, Updates to At Berth Emissions Inventory for Ocean-Going Vessels (OGV) (2019), at 36, available at https://ww3.arb.ca.gov/msei/ordiesel/feb19ogvinv.pdf

B3 – Jason Gedamke, Ocean Sound & Ocean Noise: Increasing Knowledge Through Research Partnerships, NOAA 2 (2014), available at http://cetsound.noaa.gov/Assets/cetsound/documents/MMC%20Annual%20Meeting%20Intro.pdf

B4 – International Maritime Organization, Guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life (2014), http://www.imo.org/en/MediaCentre/HotTopics/Documents/833%20Guidance%20on%20reducing%20underwater%20noise%20from%20commercial%20shipping%2C.pdf

B5 – National Marine Fisheries Service, Recovery Plan for the Blue Whale (1998)

B6 – National Marine Fisheries Service, Draft Recovery Plan for the Blue Whale (Balaenoptera musculus) Revision (2018)

B7 – J.V. Caretta et al, U.S. Pacific Marine Mammal Stock Assessments: 2018 (2019), available at https://repository.library.noaa.gov/view/noaa/20266

B8 – National Marine Fisheries Service, Large Whale Ship Strike Data 1986-2018

B9 – A.S. Jansen & G.K. Silber, Large Whale Ship Strike Database, NOAA Technical Memorandum, NMFS-OPR-25 (2004).

C – Academic and other independent studies

C1 – T.J. Moore et al, Exploring ship traffic variability off California, 163 Ocean & Coastal Management 515-527 (2018)

C2 – M.B. Kaplan & S. Solomon, A coming boom in commercial shipping? The potential for rapid growth of noise from commercial ships by 2030, 73 Marine Policy 119, 120 (2016)

C3 – John Hildebrand, Impacts of Anthropogenic Sound on Cetaceans, in Marine Mammal Research: Conservation Beyond Crisis (Reynolds, J.E. III et al. eds., 2006)

C4 – L. S. Weilgart, The Impacts of Anthropogenic Ocean Noise on Cetaceans and Implications for Management, 85 Canadian J. Zoology 1091-1116 (2007)

C5 – Ocean Noise and Marine Mammals, Nat'l Res. Council 96 (2003), available at http://www.nap.edu/openbook.php?record_id=10564&page=R1

C6 – C.W. Clark et al., Acoustic Masking in Marine Ecosystems: Intuitions, Analysis, and Implication, 395 Marine Ecology Progress Series 201 (2009), available at http://www.int-res.com/articles/theme/m395p201.pdf

C7 – C.W. Clark et al., Acoustic Masking in Marine Ecosystems as a Function of Anthropogenic Sound Sources, available at https://www.academia.edu/5100506/Acoustic_Masking_in_Marine_Ecosystems_as_a_Function_of_Anthropogenic_Sound_Sources

C8 – Brandon L. Southall et al., Final Report of the Independent Scientific Review Panel Investigating Potential Contributing Factors to a 2008 Mass Stranding of Melon-Headed Whales 3 (Peponocephala electra) in Antsohihy, Madagascar, Int'l Whaling Comm'n 4 (2013), available at https://iwc.int/private/downloads/SLvy5e15tG6X7IECFfK0aQ/Madagascar%20ISRP%20FINAL%20REPORT.pdf

C9 – D. Kastak et al., Noise-Induced Permanent Threshold Shift in a Harbor Seal, 123 J. Acoustical Soc'y of Am. 2986 (2008)

C10 – S.G. Kujawa & M.C. Liberman, Adding Insult to Injury: Cochlear Nerve Degeneration After "Temporary" Noise-Induced Hearing Loss, 29 J. Neuroscience 14077

C11 – Joseph J. Cox, Evolving Noise Reduction Requirements in the Marine Environment, Marine Mammal Comm'n: Congressional Briefing on Ocean Noise at 12 (2014), available at https://www.mmc.gov/wp-content/uploads/cox_capitalhill_briefing_0914.pdf

C12 – Caitlin M. Jensen et al., Spatial and Temporal Variability in Shipping Traffic Off San Francisco, California, 43 Coastal Mgmt. 575 (2015)

C13 – R.C. Rockwood, J. Calambokidis,& J. Jahncke, High mortality of blue, humpback and fin whales from modeling of vessel collisions on the U.S. West Coast suggests population impacts and insufficient protection, 12 PLoS ONE e0183052 (2017)

C14 – Virginia Morrell, Blue whales being struck by ships, Science Magazine, Jul. 23, 2014, available at http://www.sciencemag.org/news/2014/07/blue-whales-being-struck-ships

C15 – M.F. McKenna et al., Simultaneous tracking of blue whales and large ships demonstrates limited behavioral responses for avoiding collision, 27 Endangered Species Research 219-232 (2015)

C16 – *Twelve global shipping companies slowed transits in 2018 program off California coast to protect blue whales and blue skies*, March 14, 2019, https://www.ourair.org/wp-content/uploads/031419-VSR.pdf

C17 – Jesse Ryan, Whales are facing a big, deadly threat along West Coast: Massive ships, Washington Post, Mar. 18, 2019, available at https://www.washingtonpost.com/national/health-science/whales-are-facing-a-big-deadly-threat-along-west-coast-massive-container-ships/2019/03/15/cebee6e8-3eb0-11e9-a0d3-1210e58a94cf_story.html

C18 – Laist et al., Collisions Between Ships and Whales, 17 Marine Mammal Sci. 35, 54 (2001)

C19 – Silber et al., Hydrodynamics of a Ship/Whale Collision, 391 J. Experimental Marine Biology & Ecology 11, 18-19 (2010)

C20 – R.L. Putland et al., Vessel noise cuts down communication space for vocalizing fish and marine mammals, 24(4) Global change biology 1708-21 (2018)

C21 – R. Cunning et al., Extensive coral mortality and critical habitat loss following dredging and their association with remotely-sensed sediment plumes, Marine Pollution Bulletin (2019)

But growth is not a force of nature. Actions taken by the Port and the Army Corps impact the level of growth that will occur in the future. This deepening project is one of the actions that will majorly influence the Port's future capacity. The agencies are legally required to disclose the impacts that will result from accommodating more growth and larger ships in order to allow for an honest and informed decision-making process on this issue.

Thank you.

COL. BARTA: Thank you for your comments. For the future speakers, there is a light next to the speaker, and it's set for three minutes. When 30 seconds remains, it will turn yellow and turn red after three minutes.

MR. De MESA: We have Ms. Andrea Hricko.

MS. HRICKO: Hi. My name is Andrea Hricko, and I'm a professor emeritus from the USC Keck School of Medicine. Thank you for the opportunity to present comments on this proposal. I have the same key concerns that many others have raised in comment letters; namely, lack of an evaluation of air pollution and health effects resulting from brining in larger oil tankers and containerships in future years.

In February comments from USEPA stated that the proposed project has the potential to result in increased air pollutants from dredging, from larger cargo vessels and the rail and truck-transported increased freight that a deepening allows. EPA recommends that emissions from all of these sources be analyzed, disclosed and mitigated to the extent feasible.

I have two other concerns about the dredging itself. One is the use of Tier III tugboats and electric dredges as mitigation measures. And the second is the cursory and, I believe, flawed description of the contaminant levels in the sediment and where dredging materials would be disposed.

First the air quality mitigation measures call for tugboats and dredges. The draft EIR says tugboats should use Tier III engines. The City of Long Beach mitigated negative declaration for the Long Beach cruise terminal improvement project, and it is clear that small Tier III engine tugboats are not readily available in southern California. If the type of tugboats that are needed for this harbor deepening are actually not readily available, then the EIR must require that the Port of Long Beach purchase the needed Tier III engine tugboats for this

major project.

The EIR also describes a clamshell electric dredge. Again, the EIR must require that the Port buy such a dredge or dredges. The Port cannot assume it will have access to an electric dredge. I have a question about whether there is any way to electrify the hopper dredges that will be dredging sediment material to the nearshore disposal site. And if there is a way to electrify them, then they should be required to be electrified.

Another major concern in the EIR is there appears to have not yet been any chemical contamination testing of the sediment that will be dredged other than some sampling done in 2018 of the Approach Channel. Obviously, more robust sampling with results must be made publicly available, and it must be done as part of this EIR.

Based on the cruise terminal project dredging soils report, there is likely to be moderate contamination. The EIR, however, states there is likely to be moderate contamination, and it states that will be okay for ocean disposal with no data backing that up. We need to see the actual results.

And the phrase "moderate contamination" of Port of Long Beach Harbor sediments had been

COL. BARTA: Do you mind stepping to the microphone?

MS. KRYCZKA: I'm Heather Kryczka. I'm an attorney with the National Resources Defense Council. So thanks so much to the staff for the presentation today, and I'd also like to thank the Long Beach Environmental staff for giving us some information about this project and meeting with us about this.

The draft CEQA and NEPA documents here take the position that the dredging project will not facilitate future growth at the Port. This position is flawed and the documents are inadequate because they fail to disclose or mitigate the impacts of growth that will be accommodated by the dredging project.

The stated purpose of the project gives away the fact that this project is inextricably linked to the Port's growth. The draft EIR and EIS states that the project is needed to reduce current inefficiencies in ship unloading and to expand the Port's capacity to bring in the larger ships of the future. Increasing the harbor's efficiency and capacity means that the Port will be able to bring in bigger ships carrying more cargo than it currently brings in. And indeed, deepening the harbor to

accommodate mega ships that the Port expects to see in future years is an important component of its plan to grow and maintain its market share.

CEQA and NEPA require the Port and the Army Corps to analyze and mitigate the foreseeable environmental impacts of the project including the growth-inducing effects of the project. The agencies must analyze how the project will impact the Port's capacity for increasing its cargo throughput.

The agencies must also analyze how increased cargo throughput will result in overall higher levels of emissions, health impacts, truck traffic, noise, greenhouse gas emissions and other impacts on the community. Mitigation measures must be proposed for those operational impacts.

The EIR and EIS also failed to look at the direct impacts of bringing larger vessels into the harbor. Ultra large ships carry more cargo and will take longer to unload spending more time in the harbor. They also require more cargo handling equipment, rail and truck visits at any given time to handle the influx of the larger cargo loads resulting in higher concentrations of pollution.

The agencies treat forecasted growth and cargo throughput as a given in this draft EIR/EIS.

But growth is not a force of nature. Actions taken by the Port and the Army Corps impact the level of growth that will occur in the future. This deepening project is one of the actions that will majorly influence the Port's future capacity. The agencies are legally required to disclose the impacts that will result from accommodating more growth and larger ships in order to allow for an honest and informed decision-making process on this issue.

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Comment Letter 10

2

US Army Corps of Engineers
Los Angeles District

PORT OF LONG BEACH DEEP DRAFT NAVIGATION STUDY
PUBLIC MEETING COMMENT CARD
13 NOVEMBER 2019

Port of LONG BEACH

SPEAKER NAME *(please print)*: Andrea HRICKO

ORGANIZATION *(if applicable)*:

WOULD YOU LIKE TO PROVIDE VERBAL COMMENTS AT THIS MEETING? ☑ YES ☐ NO

WOULD YOU LIKE TO BE ADDED TO OUR MAILING LIST? ☑ YES ☐ NO

ADDRESS:

EMAIL: ahricko@usc.edu

Regardless of whether you provide verbal comments today, if you would like to provide written comments on this study, you may respond on the back of the card and submit this card to a Corps representative or write the Corps by December 9, 2019 at:

Mr. Larry Smith, CESPL-PDR-Q
U.S. Army Corps of Engineers
Project Environmental Coordinator
915 Wilshire Boulevard, Suite 930
Los Angeles, CA 90017-3849
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Comment Letter 11

1

US Army Corps of Engineers
Los Angeles District

PORT OF LONG BEACH DEEP DRAFT NAVIGATION STUDY
PUBLIC MEETING COMMENT CARD
13 NOVEMBER 2019

Port of LONG BEACH

SPEAKER NAME *(please print)*: Heather Krycka Natural Resources Defense Council

ORGANIZATION *(if applicable)*: NRDC (Natural Resource Defense Council)

WOULD YOU LIKE TO PROVIDE VERBAL COMMENTS AT THIS MEETING? ☑ YES ☐ NO

WOULD YOU LIKE TO BE ADDED TO OUR MAILING LIST? ☐ YES ☐ NO

ADDRESS: [redacted]

EMAIL: hkrycka@nrdc.org

Regardless of whether you provide verbal comments today, if you would like to provide written comments on this study, you may respond on the back of the card and submit this card to a Corps representative or write the Corps by December 9, 2019 at:

Mr. Larry Smith, CESPL-PDR-Q
U.S. Army Corps of Engineers
Project Environmental Coordinator
915 Wilshire Boulevard, Suite 930
Los Angeles, CA 90017-3849
Email: POLB@usace.army.mil

Comment Letter 12

US Army Corps of Engineers
Los Angeles District

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Port of LONG BEACH

SPEAKER NAME *(please print)*: WILLIAM JOHNS

ORGANIZATION *(if applicable)*: UTILITY COORDINATING, INC.

WOULD YOU LIKE TO PROVIDE VERBAL COMMENTS AT THIS MEETING? ☒ YES ☐ NO

WOULD YOU LIKE TO BE ADDED TO OUR MAILING LIST? ☒ YES ☐ NO

ADDRESS: [redacted]

EMAIL: bjohns@utilcoor.com

Regardless of whether you provide verbal comments today, if you would like to provide written comments on this study, you may respond on the back of the card and submit this card to a Corps representative or write the Corps by December 9, 2019 at:

Mr. Larry Smith, CESPL-PDR-Q
U.S. Army Corps of Engineers
Project Environmental Coordinator
915 Wilshire Boulevard, Suite 930
Los Angeles, CA 90017-3849
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presentation.

I did have one question on how far into the main channel the depth -- I think it was 57 feet. If it goes 70 feet all the way to that Berth 121, which is the deep water oil facility -- but my comment is for the planning, taking care of, including permitting and then footprint for impacted utilities.

So if you find underground former dredge HDDs, things like that, that allows for in the permitting process -- it could take a mile away on each side of the project to impact a large petroleum line and crossing. So taking that into account is the permitting development and also the footprint for temporary construction easements and things like that.

On my statement -- I didn't write it down. I'm just winging it up here. So thank you.

COL. BARTA: Thank you. Those are all the registered comments. There's opportunity for anybody who had oral comments. No.

So with that, we will go ahead and end the formal portion. All the project management teams for Corps of Engineers and the Port will stick around to answer informal questions that you have to get more input and feedback from the public. So thank you for